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**Re: Comments on Draft EIR for proposed McKinley Village (P08-086)**

Dear Ms Allen:

Friends of the Swainson’s Hawk (FOSH) is a local, grassroots, volunteer organization incorporated in 1994 to advocate for preservation of the wildlife and agricultural landscape of Central California that supports the survival of Swainson’s Hawk in the wild in California. We are familiar with the activity of Swainson’s Hawks in and near the Sutter Landing Park (SLP), and always see Swainson’s Hawks at the Park at our annual “Return of the Swainson’s Hawk Celebration” held at the SLP each second Saturday morning in April.

The DEIR is inadequate and should be corrected and recirculated for public comment. The following problems in the DEIR need to be corrected.

**Value of Foraging Habitat on Site**

The Biological Resources section of the DEIR for McKinley Village appears to give a fair representation of what is known about the nesting activity near the project area. It also identifies the use of the project area as foraging habitat for Swainson’s Hawk and other raptors. However the speculative comments about the value and use of the project area by raptors are not supported by evidence. The Biological Assessment is based on a field survey conducted by Dudek’s Senior Biologist Kevin Derby on June 13, 2013. A follow-up visit was conducted by Dudek’s Senior Biologist Keith Babcock on July 11 to investigate and confirm reports of an active Swainson’s hawk (*Buteo swainsoni*) nest in an adjacent neighborhood and to evaluate overall site habitat values with respect to Swainson’s hawk and other special-status raptor species potentially occurring on the site. The DEIR describes the site as: “The majority of the site consists of ruderal/disturbed habitat (non-native annual grass species and non-native forbs and/or bare dirt) that is annually mowed and disked in the late spring to early summer months (Figure 5, Vegetation Communities).” (Dudek, Biological Technical Analysis, page 14).

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The DEIR’s Biological Assessment (Appendix D, page 26) (and DEIR 4.2-32) states the following regarding the quality of the foraging habitat:

“The disturbed/ruderal habitat on the site can provide foraging opportunities for Swainson’s hawks, especially during and after annual mowing and disking of the site, which occurs in the late spring to early summer when Swainson’s hawks are actively nesting and foraging in the area. However, after mowing/disking occurs, the relative value of this habitat for Swainson’s hawk and other raptors likely declines over time as the prey base decreases in numbers due to lack of vegetative cover. Conversely, once the non-native grasses and ruderal vegetation grows back later in the year, the site likely becomes overgrown such that foraging quality again declines until the site is mowed. Consequently, while the site does provide some foraging habitat value to Swainson’s hawks, the cyclical nature of management activities on the site likely results in a range of habitat values during the time that Swainson’s hawks are in the region (generally April through September), with the highest values expected to occur during and immediately after mowing and disking of the site.”

To the contrary, James Estep, in a well-researched study performed by him for the Yolo County NCCP/HCP Joint Powers Agency, *The Influence of Vegetation Structure on Swainson’s Hawk Foraging Habitat Suitability in Yolo County*, Estep Environmental Consulting, 2009, found that idle fields are among the best foraging habitats for Swainson’s Hawk:

“Idle fields are agricultural fields that have not been planted with a crop. . . . a rather consistent vegetative structure with cover and height changing seasonally but not substantially. Cover remained relatively low throughout the spring and summer (as indicated by the high Lux Quotient values) and the average vegetation height varied from 12 to 27 inches. Seasonal vegetation changes in the study field occurred primarily as a result of changing weed species composition (Plates 51 through 55). Overall, the vegetation structure was much more diverse and variable in this field compared with a more uniform agricultural crop, grasslands, or pastures.”

“The pattern in Figure 19 also suggests that prey accessibility was relatively and consistently high during the Swainson’s hawk breeding season. Estep (1989) found relatively high rodent abundance in idle fields and habitat use studies have indicated significant use of idle fields by foraging Swainson’s hawks (Estep 1989, Babcock 1992, Swolgaard 2008).” (p. 34)

Mr. Estep’s study is ATTACHED to our comments. On page 40, idle fields are rated equivalent to irrigated pasture, and annual grasslands (and only slightly lower than alfalfa fields, the top rated foraging habitat). On page 38, Estep acknowledges that height of annual grasslands affects accessibility of prey, but also states that grazing can increase the foraging value. Estep notes as quoted above that idle fields have more complex vegetative structure and typically do not exceed the height of vegetation that would obscure prey. Also in an earlier study, Estep (*Biology, Movements and Habitat Relationships of the Swainson’s Hawk in the Central Valley of California, 1986-87*, 1989, p. 41), ATTACHED, noted that “frequently, male Swainson’s Hawks would hunt for insects in disced fields first thing in the morning, before hunting larger prey that would be brought back to the nest as provision for the female or as food for the young. In this

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instance disced fields seemed to provide a quick and easy source of energy for foraging male Swainson’s Hawks during the incubation and nestling periods.”

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The DEIR also understates the value of the project area as foraging habitat for nearby nesting Swainson’s Hawks by asserting that all potential Swainson’s Hawk foraging habitat within ten miles is of equal value to SWH nesting near the Project site. The DEIR at 4.2-12 states:

“In an effort to assess this site’s relative value to Swainson’s hawks in the area, all potential foraging habitats (e.g., agricultural land, open space, open fields) within 10 miles of the known Swainson’s hawk nest near the proposed project site were mapped (see Figure 4.2-4). Ten miles is the radius from an active Swainson’s hawk nest within which the CDFW recommends considering whether a proposed project will adversely affect suitable foraging habitat and is the approximate maximum flight distance that Swainson’s hawk adults will fly from an active nest in search of prey (CDFG 1994). . . . In essence, very little suitable Swainson’s hawk foraging habitat occurs within 5 miles of the project site (Figure 4.2-4). The project site represents 0.09% of the total amount of available foraging habitat within the 10-mile assessment area.”

The DEIR fails to recognize that urban nesting sites are significantly different than rural nesting sites and that the analysis of available foraging habitat should have focused within 3 to five miles. DEIR fails to acknowledge that the availability of foraging habitat which is close to the nest is far more useful to nesting SWH than foraging habitat that require the parent SWH to travel up to ten miles one-way. As acknowledged in the DEIR, very little suitable Swainson’s Hawk foraging habitat occurs within 5 miles of the project site, but the DEIR fails to quantify the proportion of available foraging within five miles that is represented on the project site. It also does not require that the mitigation land be provided within the present area of foraging habitat within five miles.

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This is important because “Swainson’s hawks have not been found in apparently suitable urban areas in the Central Valley where foraging habitat is unavailable for 5-8 km. . . thus requiring long-distance transport of prey throughout the entire nesting cycle.” (“Nest-Site Selection and Reproductive Performance of Urban-Nesting Swainson’s Hawks in the Central Valley of California”, A. England, J. Estep, W. Holt, *J. Raptor Research* 29 (3): 179-186, 1995, The Raptor Research Foundation, Inc.) This study of urban nest productivity demonstrates that fewer young are fledged from nests in urban settings. (p. 184) It is ATTACHED. Hence the importance of maintaining foraging habitat near the SWH nests affected by the Project-related loss of foraging habitat that will sustain reproduction to maintain the range of the species in the City of Sacramento near the American River Parkway, a wildlife corridor. Mitigation preserving foraging habitat beyond five miles from the project area can not mitigate for the loss of foraging habitat within a mile or two of several urban and American River Parkway nest sites. Mitigation located within ten miles of the project site could reduce the amount of habitat remaining for those nests near the project site to a level which would make one or more nest sites infeasible.

The DEIR’s understatement of the value of the foraging habitat on the Project site undermines the DEIR’s finding that Project impacts upon Swainson’s Hawk foraging would less than significant with mitigation. The DEIR itself states:

“In essence, very little suitable Swainson’s hawk foraging habitat occurs within 5 miles of the project site (Figure 4.2-4).

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The potential impact to nesting Swainson’s hawks, should active Swainson’s hawk nests occur within trees on or immediately adjacent to the site or off-site improvement areas prior to development, as well as the loss of approximately 50 acres of foraging habitat (includes both on and off site) potentially used by nearby active nests known to occur in the project vicinity, is considered a significant impact. " (DEIR p. 4.2-33.)

In fact the proposed mitigation would NOT reduce the impact to less than significant because the loss of 50 acres of foraging habitat in combination with other losses that can be anticipated (cumulative impacts) are likely to lead to loss of nesting sites in the American River Parkway corridor due to lack of foraging opportunities within five miles, and therefore a loss of the range of the state listed Swainson's Hawk, unless the mitigation land is located in that corridor (see Figure 4.2-4) which has very limited available forage.

If the Swainson’s hawk nesting activity on the lower American River Parkway is eliminated, a very important element of the American River Parkway ecology will have been eliminated. **We note that City Policy ER 2.1.9 Wildlife Corridors requires the City to preserve, protect, and avoid impacts to wildlife corridors. If corridors are adversely affected, damaged habitat shall be replaced with habitat of equivalent value. (DEIR page 4.2-28)**

We ask that Mitigation Measure 4.2-1 be amended to:

- 1) identify total impact to foraging habitat from the project (direct and indirect), that is including foraging opportunity lost in Sutter Landing Park due to construction of the A Street access road, including fencing along the A Street access road, and other project impacts;
- 2) require foraging habitat mitigation at a ratio of 1:1 within two miles to ensure preservation of foraging habitat within the American River Parkway corridor within two miles of the project site;
- 3) any conservation easements to be approved by the CDFW and be compliant with Civil Code §§815-816 and other laws and regulations;
- 4) maintenance and enforcement of mitigation values to be funded through endowment and agreement with third party non-profit conservation entity approved by CDFW and City and qualified under Civil Code §815.3;
- 5) the location of the mitigation land shall not have the potential to be surrounded by urban development and shall be part of a larger landscape of lands suitable for wildlife use and expected by the City to be permanently retained as open space.

Suggested changes in Mitigation Measure 4.2-1(b) are provided below.

4.2-1(b)

*Prior to the issuance of grading permits, the project applicant shall provide the City with evidence that the applicant has compensated for the loss of Swainson’s hawk foraging habitat. Compensation shall provide suitable foraging habitat and shall be consistent with guidance provided in the 1994 Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks in the Central Valley of California (CDFG 1994). Suitable foraging habitat includes fallow land, alfalfa or other low growing crops, as defined in CDFG 1994 and Estep ~~1989~~2007.*

*Consistent with the CDFG staff report, habitat shall be provided at the ratio of 1:1 (mitigation:impact). The habitat provided shall be of equal or greater quality than that lost as a result of the proposed project and access road. A detailed description of the location and boundaries and a copy of the proposed*

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*easements to be maintained and managed as Swainson's hawk foraging habitat shall be provided by the project applicant. The project applicant shall coordinate with the City's Environmental Services Department to ensure the land meets the City's requirements as well as current California Department of Fish and Wildlife (CDFW) criteria.*

*The project applicant shall record one or more conservation easements consistent with the above standards. The conservation easement(s) shall be executed by the project applicant and a conservation operator and shall satisfy the requirements of applicable state law. The conservation easement(s) shall be reviewed by CDFW prior to the recordation. The conservation easements shall prohibit planting or maintenance of vineyards or orchards corn, rice, safflower. And other crops inconsistent with the foraging value of the project area. Easements shall be located adjacent to permanently protected open space within the American River Parkway corridor and within two miles of the project area*

*The project applicant shall also ~~prepare~~ obtain approval of the City and CDFW for its ~~a~~ Swainson's hawk habitat management and monitoring plan for submittal to the ~~City for approval~~ prior to the issuance of grading permits. The plan shall address, at a minimum, the following: contract with a non-profit conservancy responsible for monitoring and enforcement of the easement; crops and/or habitat types that will be planted and managed on the parcel; rotation and harvest schedule if crops are planted; and monitoring that will occur to ensure that the parcel is managed as Swainson's hawk habitat and to report on the extent to which Swainson's hawks are utilizing the parcel as foraging habitat;*

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**Impacts of Project Traffic on A Street on Wildlife and Open Space at Sutter Landing Park.**

The access road (A Street) traffic will diminish the foraging value of the grassy mound landfill by increasing public disturbance of the wildlife area. The grassy mound has been amply documented in past environmental review to be a source of prey for nesting raptors in the American River Parkway. That impact should be identified and mitigated by the EIR.

The DEIR page 2-1 states:

*"The McKinley Village Project (proposed project) consists of the construction and operation of a 328-unit residential development, a neighborhood recreation center, parks, and associated infrastructure on an approximately 48.75-acre site within the East Sacramento Community Plan Area located in the City of Sacramento, California (City). . . . [and]*

*Existing access to the site is from an unimproved roadway and an existing overpass that spans the Capital City Freeway. The Assessor's Parcel Number (APN) for the project site is 001-0170-028. Other properties that would be used for ingress and egress include the following APNs: extension of 40th Street 001- 0170-025, 001-0170-009, 004-0010-031, 004-0010-002; A Street east of freeway 001-0170- 013, 003-0061-011; Alhambra undercrossing 003-0010-003; and A Street west of freeway 003- 0050-016, 003-0050-014, and 003-0050-012."*

11-8

**The DEIR fails to analyze or mitigate for the environmental impacts of the conversion of the A Street from a non-public gated dirt maintenance road to a paved public thoroughfare with pedestrian and bicycle access and landscaping.**

A street is presently a rough dirt roadway running from 28<sup>th</sup> Street across the edge of the City's 28<sup>th</sup> Street Sanitary Landfill to the A Street overpass and onto the project site, where it ends. It is within the fence of the landfill, gated, and closed to the public. Its only apparent use is to provide access for maintenance activities on the landfill, and exclusive access for the Applicant

and its agents to the project site. There is no sign indicating that it is a public road. It may be regulated as part of the landfill closure. No information about this area is disclosed in the DEIR.

The DEIR correctly identifies the A Street upgrade as part of the project. It is improvement of off-site facilities that are necessary for the project. The only reason for grading, paving, and improving A Street is to provide public access to the project site on a paved road. There is no other reason to improve that right of way other than to provide vehicle and pedestrian access to the project site. A Street serves nowhere else other than the City Landfill site.

CEQA therefore requires that all impacts related to the upgrade and public use of A Street to access the project site must be fully disclosed and analyzed by this EIR, and mitigation measures required as a part of this project. The A Street upgrade, and opening of A Street to traffic and to the public, cannot be treated as a separate project.

Neither the Biological Resources Section nor the Transportation and Circulation Section of the EIR address the impacts of changes to be made to A Street or the impact project traffic and the public entering and exiting the Project via A Street in Sutter Landing Park, other than analysis of changes in local off-site traffic impacts. Impacts on park users and on the wildlife values, and specifically raptor foraging on the adjacent grassy landfill mound, should be identified and mitigated.

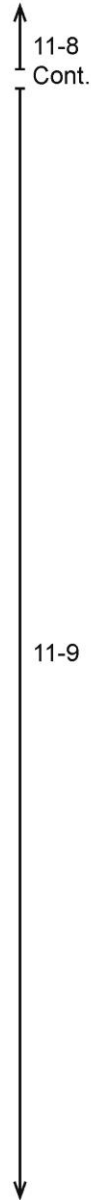
Figures 4.7-8 and 4.7-9 show that over half the inbound and outbound project traffic are expected to use this access corridor. At page 4.9-51, the increase in traffic on 28th exiting the project area is estimated at 1100 trips. This appears to be the estimate for vehicle use of the A Street access which is now closed to the public.

A Street is presently behind a fence, a locked gate, and a sign that says “no trespassing.” What will be the impacts of more than 1100 vehicles per day and unidentified number of pedestrians and bicyclists, using this corridor within a City park, and next to a wildlife foraging area that is also a closed and capped old landfill containing who-knows-what?

The County of Sacramento Solid Waste Department commented on the A Street access in its NOP Comment letter dated June 25, 2013, quoted below:

3) According to the NOP, access to the project site would be provided from A Street and 28<sup>th</sup> Street, as well as from 40<sup>th</sup> Street. Apparently the A/28<sup>th</sup> Street access would be routed through the 28<sup>th</sup> Street Landfill. Currently, the road through the landfill that connects 28<sup>th</sup> Street to the A Street Bridge has locked gates at both ends for site security purposes. Site security for landfills is required by 27CCR, sections 20530 and 21135. As such:

- The applicant should demonstrate how access to the project site through the landfill would be accomplished without compromising landfill site security or impeding landfill maintenance and operations.
- The applicant should also demonstrate how traffic would be routed through the landfill in a manner that ensures the safety of the drivers and their occupants. If pedestrian traffic is also intended, pedestrian safety should also be demonstrated.



We could not find any response to County’s concerns in the DEIR, which completely ignored this issue. We suggest that there be a mitigation measure that would require the project Applicant to install fencing along both sides of the A Street access road adequate to prevent members of the public from entering the landfill site, and with gates appropriately placed to allow access to the landfill for maintenance and inspection.

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The only documentation provided in the DEIR regarding the A Street access is a report (Appendix F) stating that the bridge is not a significant historic structure. Though the project depends upon the A Street access, no description of the A Street improvements to be constructed is included in the project description and impacts of construction are not disclosed nor mitigated.

**Does the City intend to segment environmental analysis of the A Street access road from the project itself? The separation of environmental review of the impacts of the A Street improvements from the McKinley project would be contrary to CEQA because the A Street access is integral to the project.**

11-10

Various NOP comments raised questions about the A Street extension that remain unaddressed; impacts are not identified and mitigated. For example Kate Stryker submitted the following comment letter which we share and raise again as a question and comment on the DEIR (which is quoted below):

**Issues of concern for A Street access plan.**

- **There needs to be complete disclosure of what lies beneath the surface of the proposed A Street access and adjacent land.** Is it even feasible to construct the expected roadway (how many lanes including vehicles, bike and pedestrian) in this location? What will be the impact of landfill settling over time on the proposed transportation facility?
- It appears that the access via A Street would be on land zoned and in the General Plan as Park land. It is on land under regulation by the State as a closed landfill. What landfill closure regulations apply to the A Street access? Is such access consistent with the City's permit for the landfill closure?

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Other commenters also raised issues about the A Street access road and its environmental impacts that were not addressed in the DEIR. For example, Ellen Threscot, made the following NOP comment quoted below (with which we agree and incorporate as a DEIR comment):

The proposed access point at A Street will create adverse impacts to Swainson’s Hawk and potentially other species of concern. These hawks regularly forage on the former landfill adjacent to A Street, and they nest nearby. The streetlights, headlights, car and truck noise, and exhaust will degrade the adjacent habitat and deter the hawks from using this area. These impacts must be considered when analyzing the potential alternatives for project access routes.

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**We note that City Policy ER 2.1.9 Wildlife Corridors requires the City to preserve, protect, and avoid impacts to wildlife corridors. If corridors are adversely affected, damaged habitat shall be replaced with habitat of equivalent value. (DEIR page 4.2-28)** The DEIR however does not identify adverse effects to wildlife in Sutter Landing Park due to the project and its A Street access and therefore is inconsistent with this policy. This inconsistency is not identified in the DEIR. Save the American River Association, in its letter commenting on the NOP raised a number of similar questions about impact of the project on the Sutter Landing Park and the American River Parkway which were not addressed in the DEIR.

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Public Resources Code §21092.1 and CEQA Guideline §15088.5 require that the deficiencies pointed out above and in letters submitted by others be corrected and a revised DEIR be recirculated for public review and comment.

11-14

What entity will pay for the cost of constructing the A Street access road and associated infrastructure: the Project? Or the City? If these costs are paid by the City, will the Project reimburse City for its costs of constructing the A Street access road? What is the mechanism which assures that the City is reimbursed for all of its costs of constructing the A Street access road?

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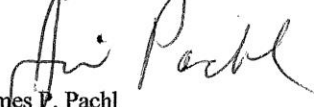
**Conclusion**

Thank you for the opportunity to comment on this project.

Sincerely



Judith Lamare,  
President, Friends of the Swainson's Hawk



James P. Pachl  
Legal Counsel, Friends of the Swainson's hawk



**Letter 11: Judith Lamare, President, Friends of the Swainson's Hawk, January 10, 2014**

11-1: The comment suggests that the Draft EIR statements about potential raptor use of the project site are “speculative and not supported by evidence.”

As discussed in the Draft EIR, the information on the value of on-site habitats for raptors is based on the best available historical information on the project site, several site visits, the relatively fragmented and isolated nature of the project site (i.e., it is bounded on three sides by development and by the Union Pacific Railroad (UPRR) tracks on the south and by the Capital City Freeway to the north), and on the fact that the site is actively managed (disked and mowed) on an annual basis. (DEIR, pp 4.2-1, 4.2-2, 4.2-29, and 4.2-30 4.2-8 to 4.2-18)

11-2: The comment is an accurate statement from the Draft EIR that “[t]he majority of this site consists of ruderal/disturbed habitat (non-native annual grass species and non-native forbs and/or bare dirt) that is annually mowed and disked in the late spring to early summer months.” The comment also accurately summarizes the methods and characterization of the project site as described in the Draft EIR (DEIR p. 4.2-2).

11-3: The comment states that the Estep Environmental Consulting (2009) report “found idle fields to be among the best foraging habitats for Swainson’s hawks” in agricultural areas of Yolo County (Estep Report pp. 38-40). It also references an earlier study (Estep 1989) that reported “...male Swainson’s hawks would frequently forage for insects in disked fields early in the morning...” (p. 41).

While it is acknowledged that the Estep report (2009) referenced by the commenter does, indeed, support the value of idle agricultural fields as foraging habitat for Swainson’s hawks, it is important to note that the project site is not an idle agricultural field. It is, rather, a ruderal field (see photos of the project site on pages B1-B3 of the Biological Technical Report) that is heavily managed (disked and mowed) on an ongoing basis that significantly reduces the value of the site as compared to idle agricultural fields. Thus, the suggestion that the project site is comparable to an idle agricultural field is not accurate. The Draft EIR also states that the project area may be too overgrown with weeds and forbs from infrequent maintenance to provide consistently high quality foraging habitat for Swainson’s hawks and White-tailed Kites. Further, it has low potential to support other special-status raptors such as Cooper’s hawk, Ferruginous hawk, Merlin, or Burrowing Owl due to ongoing land uses (i.e., mowing and disking) and isolation. Nevertheless, the Draft EIR acknowledges that the project site does provide “suitable” Swainson’s

hawk foraging habitat on a short-term basis, especially immediately after mowing and disking. (DEIR, p. 4.2-12)

- 11-4: The comment cites a study from England et al. 1995 and based on that study suggests that the Draft EIR understates the value of the project area as foraging habitat for Swainson's hawks, and that it incorrectly assumes that all foraging habitat within 10 miles of the project site is of equal value.

Contrary to the comment, the Draft EIR does not make such an assertion or assumption. As stated in the Draft EIR, the intent of the exercise to map all potential foraging habitat within 10 miles of the known Swainson's hawk nest near the project site was to assess the project site's *relative* value with respect to Swainson's hawk habitat in the region (DEIR p. 4.2-12). As noted in the Draft EIR, a radius of up to 10 miles was used in the analysis as that distance is recommended in the 1994 guidelines published by California Department of Fish and Wildlife (<http://www.dfg.ca.gov/wildlife/nongame/docs/DFG-1994SWHASTaffReportMitigation.pdf>) when assessing potential impacts on active Swainson's hawks nests and the analysis is in compliance with these guidelines. In response to the commenter's suggestion to quantify the proportion of available foraging habitat on the project site, this response clarifies that approximately 2,315 acres of suitable foraging habitat occur within 5 miles of the project site and approximately 1,315 acres of foraging habitat within 3 miles of the project site, which primarily includes lands within the American River Parkway, the undeveloped railyards, and other lands within the City. Therefore, the foraging habitat on the project site represents 3.59% of the total habitat within 3 miles, and 2.04% of the total foraging habitat within 5 miles of the project site.

While it is acknowledged that foraging requirements and distances may differ between urban and more rural Swainson's hawk nest sites, this is not a given. A wide variety of factors can contribute to habitat use and foraging behavior including habitat availability, suitability, crop type/rotation (when agricultural fields are present), prey availability, and human disturbance levels. While it is beneficial to Swainson's hawks and most other raptor species to be able to forage closer to active nests for obvious energy expenditure reasons, Swainson's hawks are known to forage over large areas, including distances greater than 10 miles from the nest site, in search of food, even in rural areas with habitat seemingly more available than in urban areas (Estep 1989, Babcock 1992). As discussed in the Draft EIR, because of the disturbed, fragmented, and heavily managed nature of the project site, it is unlikely to be used as a primary source of prey items by the Swainson's hawks nesting near the project site. Nevertheless, the Draft EIR identified the loss of approximately 50 acres

of on-site foraging habitat as a result of development of the project site as a significant impact (see updated information in Chapter 2 of this Final EIR, DEIR p. 4.2-33). With respect to mitigation, because the site itself is expected to be minimally important as foraging habitat due to its degraded, fragmented, and heavily managed nature, the mitigation proposed in the Draft EIR is considered adequate to offset the loss of the site as Swainson's hawk foraging habitat (DEIR p. 4.2-32). In addition, the City and the project applicant met with California Department of Fish and Wildlife (CDFW) staff regarding potential impacts to Swainson's hawks, and CDFW has indicated they have no comments on the Draft EIR and appear comfortable that the mitigation identified in the Draft EIR is adequate to offset these impacts. (Email from A. Kennedy to D. Allen, 1/15/14.)

- 11-5: The comment states that the alleged understatement of the value of foraging habitat on the project site undermines the significance finding and mitigation.

Please see Response to Comment 11-3 with respect to the value of the project as foraging habitat for Swainson's hawks. Regarding mitigation, as noted in Response to Comment 11-4, because of the disturbed, fragmented, and heavily managed nature of the project site, it is unlikely used as a primary source of prey items by the Swainson's Hawks nesting near the project site. Page 4.2-34 of the Draft EIR notes that the City requires that the "loss of Swainson's hawk foraging habitat be mitigated through acquisition and/or preservation of similar or better habitat." Furthermore, as stated in the Draft EIR, Mitigation Measure 4.2-1(b), would provide compensation for the loss of foraging habitat for the Swainson's hawk to ensure adequate foraging land is preserved within 10 miles of the project site. The land proposed as a mitigation site for Swainson's hawk foraging habitat that would be lost through implementation of the proposed project is the "Notch" property, located in the Yolo Bypass just west of the City of West Sacramento (APN 033-300-021-000). This land comprises more than 100 acres, of which the applicant will provide 51.5 acres of mitigation: 50 acres to mitigate for the loss of potential foraging habitat associated with on the project site and 1.5 acres to mitigate for the loss of foraging habitat due to the extension of A Street and construction of off-site detention basins. This land consists of habitat considered by the CDFW as suitable for Swainson's hawk, will be located within a 10-mile radius of the project site (per CDFW guidance), and will be managed as Swainson's hawk foraging habitat in perpetuity. Consequently, the selected mitigation land, which will require approval by CDFW, is expected to be substantially higher in value than what the project site currently provides and, therefore, would adequately reduce the impact associated with the loss of the project site as foraging habitat to less than significant. With respect to the commenter's statement regarding the project's potential to adversely affect the function of the

American River Parkway as a wildlife movement corridor, the project site is located well south and west of the American River Parkway, with the Capital City Freeway and an established neighborhood (River Park) serving to substantially fragment the project site from the Parkway, such that the project site is not considered as a component, geographically or ecologically, of the Parkway. Therefore, the loss of the project site would not adversely affect wildlife movement along the Parkway.

11-6: The comment is requesting that Mitigation Measure 4.2-1 be amended. The following response addresses each comment raised.

(1) The project's effect on habitat at Sutter Landing Park due to a 1,200-foot extension of A Street (that will be fenced on both sides and the closed Landfill is currently fenced and not open to the public) was addressed in the Draft EIR and the loss of this acreage for foraging habitat has been accounted for in mitigation that requires the replacement of 51.5 acres of land.

(2) This comment suggests that Mitigation Measure 4.2-1 be changed to require a mitigation ratio of 1:1 within 2 miles of the project site. However, this measure would be very difficult to implement since virtually all the lands within 5-miles of the project area are urban or already included in the protected American River Parkway (see Figure 6 of the Biological Technical Report). The current mitigation lands are proposed in the Yolo Bypass (see Response to Comment 11-5) where Swainson's hawks are far more abundant than in the vicinity of the project site. For this reason, CDFW has concluded that providing Swainson's hawk foraging habitat in perpetuity within 10 miles of the project site is adequate mitigation to compensate for the loss of on-site foraging habitat.

(3) Conservation easements approved by the City and CDFW for the habitat mitigation land would comply with applicable state and federal laws and regulations.

(4) The request is for the maintenance and enforcement of mitigation to be funded through an endowment and agreement with a third party non-profit conservation entity approved by CDFW and the City per Civil Code section 815.3. The City will require that the plan operator prepare and submit a report to the Director, Community Development Department, City of Sacramento, regarding habitat and operations of the mitigation site on an annual basis.

(5) As noted in Mitigation Measure 4.2-1(b), the selected mitigation land will be determined to be suitable as Swainson's hawk foraging habitat and will be required to meet the approval of both the City and the CDFW. As noted in Response to

Comment 11-5 above, these mitigation lands will be managed in perpetuity as Swainson's hawk foraging habitat.

Mitigation Measure 4.2-1(b) on page 4.2-36 is revised to read as follows:

4.2-1(b) Prior to the issuance of grading permits, the project applicant shall provide the City with evidence that the applicant has compensated for the loss of Swainson's hawk foraging habitat. Compensation shall provide suitable foraging habitat and shall be consistent with guidance provided in the 1994 *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* (CDFG 1994). Suitable foraging habitat includes fallow land, alfalfa or other low growing crops, as defined in CDFG 1994 and Estep 1989 2007.

Consistent with the 1994 CDFG staff report, habitat shall be provided at the ratio of 1:1 (mitigation: impact). The habitat provided shall be of equal or greater quality than that lost as a result of the proposed project which includes the extension of A Street and 40th Street. A detailed description of the location and boundaries and a copy of the proposed easements to be maintained and managed as Swainson's hawk foraging habitat shall be provided by the project applicant. The project applicant shall coordinate with the City's Environmental Services Department to ensure the land meets the City's requirements as well as current California Department of Fish and Wildlife (CDFW) criteria.

The project applicant shall record one or more conservation easements consistent with the above standards. The conservation easement(s) shall be executed by the project applicant and a conservation operator and shall satisfy the requirements of applicable state law. The conservation easement(s) shall be reviewed by CDFW prior to the recordation. The conservation easements shall prohibit planting or maintenance of vineyards or orchards, corn, rice, or safflower and other crops inconsistent with the foraging value of the project area.

The project applicant shall comply with and complete the above requirements, including City review and approval of ~~also obtain approval by the City and CDFW for its~~ and prepare a Swainson's hawk habitat management and monitoring plan in consultation with the California Department of Fish and Wildlife for submittal to the City for approval prior to the issuance of grading permits. The plan shall address, at a minimum, the following: crops and/or habitat types that will be planted and managed on the parcel; rotation and harvest schedule if crops are planted; and monitoring that will occur to ensure that the parcel is managed as Swainson's hawk habitat. ~~and to report on the extent to which Swainson's hawks are utilizing~~

the parcel as foraging habitat. The plan operator shall prepare and submit a report to the Director, Community Development Department, City of Sacramento regarding habitat and operations of the mitigation site on an annual basis.

- 11-7: The commenter makes several suggested revisions to Mitigation Measure 4.2-1(b) on page 4.2-36 in the Draft EIR. However, as noted in Response to Comment 11-6, since virtually all the land within 2 to 5 miles of the project area is urbanized, planned for future development, or already included in the protected American River Parkway, it is unlikely it is feasible that additional lands suitable for foraging habitat can be found within that radius that can serve as mitigation for this project. In addition, the CDFW does not have a requirement or include a policy that mitigation lands be located within 2 to 5 miles of where foraging habitat will be replaced.
- 11-8: The comment states that extending A Street from 28th Street to the A Street Bridge will diminish the foraging habitat value of the entire closed 28th Street Landfill (landfill) by introducing more people to the area and that residents driving on A Street and living across the freeway south of the landfill will generate noise and activity in this area resulting in impacts to wildlife.

Residents driving along A Street and living across the freeway south of the landfill will generate noise and activity in this area. As noted on page 4.2-7 of the Draft EIR, most of the animal species that use this area have adapted to the urban environment because of the proximity to the Capital City Freeway and ongoing activities at the closed landfill. This is also true for the special-status bird species that use this area for nesting and foraging. These birds have adapted to the noise and activities present in an urban, developed environment and are even selecting nest sites in trees located in residential neighborhoods. The introduction of cars, noise and lights in this area would not be distinguishable from the ambient noise of the freeway and would not introduce any activities that are not already present in the larger, surrounding area. See also Response to Comment 11-6 regarding the applicant's commitment to provide 51.5 acres of mitigation land to reduce impacts to Swainson's hawks to less than significant. With mitigation, project-related impacts to Swainson's hawk were determined to be less than significant (DEIR, p. 4.2-35); no additional mitigation is required. In addition, the landfill or "mound" portion is currently fenced and public access is prohibited. When A Street is extended to connect to the project site it will be fenced on both sides to prevent access into the closed portion of the landfill. When the restrictions are lifted the "mound" portion of the landfill will be redeveloped as a passive park with no active uses.

- 11-9: The comment states that the Draft EIR does not adequately address changes to A Street or the potential impacts to users of Sutter's Landing Park or the raptor foraging habitat value of the adjacent closed 28th Street Landfill associated with an increase in people and traffic along the portion of A Street that bisects the Park.

The off-site improvements required for the project are listed and described in Chapter 2, Project Description on page 2-14 of the Draft EIR. Please see also revisions to the project included in Chapter 2 of this Final EIR.

The portion of A Street that crosses through the closed landfill will be fenced on both sides and landscaped. The fencing has been designed to meet current landfill fencing requirements and the City of Sacramento requirements. The landfill or 'mound' area is also fenced with no public access permitted. Therefore, there is no expectation that project residents will have access to this area while the landfill is still closed (10+ years). Furthermore, the loss of 1.5 acres of potential raptor foraging habitat as a result of improvement to A Street has been accounted for in mitigation that requires the replacement of 50 acres of lost foraging land on site, as well as 1.50 acres associated with A Street and the off-site portion of the detention basins, for a total of 51.5 acres. See also Response to Comments 11-5 and 11-6.

The number of vehicles estimated to use the A Street access, as discussed in Section 4.9 of the Draft EIR, is approximately 1,800 daily trips at the western access to the project site located on A Street, east of 28th Street. As shown in the trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 4.9-41, 4.9-43), 52% of trips generated by the proposed project are projected to use this access point. As documented on page 4.9-39, the total daily estimate of project-generated vehicle trips is 3,507. Therefore, approximately 1,800 trips will utilize the A Street access on a daily basis (52% of 3,507). The effect of the project on habitat at Sutter Landing Park due to the extension of A Street was addressed in the Draft EIR and the loss of this acreage for foraging habitat has been accounted for in mitigation that requires the replacement of 51.5 acres of lost foraging land.

- 11-10: The comment asks if the City intends to segment analyzing the extension of A Street from the project.

The environmental effects of extending A Street to the project site were addressed in the Draft EIR as an off-site improvement required for the project, as noted in Chapter 2 of the Draft EIR. The loss of this land for potential foraging habitat has been accounted for in the calculation of replacement habitat (e.g., 51.5 acres in the Yolo

Bypass) and the presence of species in this area were noted in Section 4.2, Biological Resources. Please see also Responses to Comments 11-6 and 11-8.

- 11-11: The comment requests information on what lies beneath the proposed expansion of A Street.

As noted in Chapter 2 of the Draft EIR, as part of the improvements to A Street through the Landfill site, geotechnical and environmental sampling will be conducted under the jurisdiction of the City and the Sacramento County Environmental Management Department (SCEMD) in its capacity as the Local Enforcement Agency (LEA). Since release of the Draft EIR ten test pits were advance within and approximately 50 to 100 feet from the proposed A Street improvement. All of the material encountered in the roadway alignment either consisted of sand fill or construction rubble fill (concrete with limited construction debris) which is suitable for supporting the planned roadway. The existing fill does not present any construction limitations for the proposed roadway improvement (letter from M. Smith Wood Rodgers, to S. Harriman, City of Sacramento, 1/28/14).

- 11-12: This comment suggests that the proposed access at A Street would adversely affect Swainson's hawks and other special-status raptors.

Please see Response to Comment 11-8 above.

- 11-13: The comment notes that City Policy ER 2.1.9 Wildlife Corridors requires the City to preserve, protect, and avoid wildlife corridors.

As discussed in Response to Comment 11-5 above, the project site is located well south and west of the American River Parkway, with the Capital City Freeway and an established neighborhood (River Park) serving to substantially fragment the project site from the Parkway, such that the project site is not considered as a component, geographically or ecologically of the Parkway. Therefore, the loss of the project site would not adversely affect wildlife movement along the Parkway. See also Master Response 8 regarding consistency with General Plan Policies, and Responses to Comment letter 14 (Save the American River).

- 11-14: The comment states that deficiencies in a Draft EIR are required to be corrected and a revised EIR should be circulated for public review.

Where changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute substantial new information, recirculation of the Draft EIR is not required. (CEQA Guidelines, Section 15088.5.)



Under Section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

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

(CEQA Guidelines, Section 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (Laurel Heights Improvement Assn. v. Regents of the University of California (1993) 6 Cal. 4th 1112, 1132.) “Recirculation was intended to be an exception, rather than the general rule.” (Ibid.)

The changes described in the Final EIR clarify the existing language. Thus, none of these changes involves “significant new information” triggering recirculation because the changes did not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects, or otherwise trigger recirculation. Instead, the modifications were either environmentally benign or environmentally neutral, and thus represent the kinds of changes that commonly occur

as the environmental review process works towards its conclusion. Under such circumstances, recirculation of the Draft EIR is not required.

11-15: The comment asks who will be responsible for constructing the extension of A Street.

The project applicant will bear all the costs to construct this roadway extension.

Comment Letter 12

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Kori Titus, CEO

*Breathe California of Sacramento-Emigrant Trails is dedicated to healthy air and preventing lung and other air-pollution related diseases by partnering with youth, advocating public policy, supporting air pollution research, and educating the public*



January 10, 2014

Breathe California of Sacramento-Emigrant Trails  
909 12<sup>th</sup> Street Suite 100  
Sacramento, CA 95814

Dana Allen, Associate Planner, City of Sacramento  
Community Development Department  
300 Richards Blvd, 3rd Floor  
Sacramento, CA 95811

RE: Draft Environmental Impact Report (DEIR) for the McKinley Village project

Dear Ms. Allen,

I am writing on behalf of Breathe California of Sacramento-Emigrant Trails regarding the Draft Environmental Impact Report (DEIR) for the McKinley Village Project. The proposal includes development of a 328-unit residential project along with parks and a neighborhood recreation center on a roughly 48-acre vacant site in the City.

Breathe California of Sacramento-Emigrant Trails has been active in the greater Sacramento area for close to 100 years. We are dedicated to healthy air and preventing lung and other air-pollution related diseases by partnering with youth, advocating for public policy, supporting air pollution research, and educating the public. With the 6th worst ozone pollution in the nation, 70% of the Sacramento region's air pollution comes from mobile sources. Premature deaths linked to particulate matter are now at levels comparable to deaths from traffic accidents and second-hand smoke. We encourage infill development within existing neighborhoods with access to transit in order to keep vehicle miles traveled, and resulting pollution, low.

12-1

Having reviewed the Draft EIR, further air quality mitigation steps such as installing vegetation barriers and high efficiency filters should be taken for buildings adjacent to highway, since proximity to highways is associated with adverse health impacts. We support the addition of trees on the alleys, since they will cool and beautify the alleys for pedestrians and bicyclists, in addition to providing air quality and energy-use benefits. Tree selection should consider allergens since we have such a high rate of seasonal asthma triggered by allergies.

12-2

Pedestrian and bicycle access within the project area, at the neighborhood entrances, and at the bicycle-pedestrian tunnel at Alhambra Blvd. is a high priority to us so that this does not become a car-centric community. We therefore fully support the recommendations made by WALK Sacramento and Sacramento Area Bicycle Advocates (SABA).

12-3

Thank you for your time and consideration. If you have questions or need additional information, please contact me at (916) 444-5900 or ktitus@sacbreathe.org.

Sincerely,

Kori Titus, CEO

**Letter 12: Kori Titus, CEO, Breathe California of Sacramento-Emigrant Trails,  
January 10, 2014**

12-1: The comment expresses support of infill development and the mission of Breathe California of Sacramento-Emigrant Trails. The commenter's support of infill development is noted, but does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

12-2: The comment requests that vegetative barriers and high efficiency filters should be included as part of the project. The project includes over 2,000 trees, including street trees along all project roadways and alleys. A mix of evergreen, and coniferous trees (e.g., redwood, pine, cedar and cypress) are proposed in the landscaped buffer areas adjacent to the freeway and Union Pacific Railroad ROW.

Please see Responses to Comments 10-5 and 10-6 regarding filters and trees.

12-3: The comment indicates that pedestrian and bicycle access within the project area is a high priority and supports recommendations put forth in comment letters from WALK Sacramento (Letter 15) and the Sacramento Area Bicycle Advocates (SABA Letter 16). The commenter's support of pedestrian and bicycle access is noted, but does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required. Please see responses to Letter 15, Walk Sacramento, and Letter 16, SABA.

**Friends of the River Banks (FORB)**  
 PO Box 162644, Sacramento, CA 95816



January 10, 2014

Ms. Dana Allen, Associate Planner  
 Community Development Department  
 City of Sacramento  
 300 Richards Blvd., 3<sup>rd</sup> Floor  
 Sacramento, CA 95811

Re: Comments on the DEIR for McKinley Village

Dear Ms. Allen:

Friends of the River Banks (FORB) has been leading walks at Sutter’s Landing Park (Park) for 7 years, since 2007. During that time we have documented the rich diversity of wildlife and the great beauty of that stretch of the American River and helped develop a vision of what it could become (see our website at <http://www.friendsoftheriverbanks.org> for a complete species list, vision, and other information). Also during that time, the American River and its wildlife have experienced numerous threats, including increased degradation from illegal uses, fires, and development.

The wildlife that call the American River home and those that use it for migration and other stopovers have specific habitat requirements. Some need one type of habitat for nesting and another for foraging. Many need large expanses of undisturbed habitat. Others need corridors of undisturbed habitat to move from one area to another. Many species are shy of humans, dogs, and noise. Sutter’s Landing Park provides a variety of habitats and is an important corridor to other parts of the American River Parkway.

The Sutter’s Landing area is one of the few remaining large tracts of river parkway in an urban area. It is a treasure for our community. Although the area avoided development due to its past use as a landfill, there is an opportunity now to restore its natural resource values and create a nature oasis in the midst of our city. **We are concerned that the proposed McKinley Village development will impact Sutter’s Landing Park in numerous ways, limiting the options for Park recovery and restoration in the future.**

The Draft Environmental Impact Report (DEIR) for McKinley Village downplays the impacts on Sutter’s Landing Park from the proposed development, but there are many, both direct and indirect. **The DEIR should include a section on Sutter’s Landing Park, documenting the cumulative impacts of the proposed development on the Park and the onsite mitigation that would be undertaken for those impacts.**

Many of the species that use Sutter’s Landing Park also use the proposed McKinley Village site, which is adjacent to Sutter’s Landing. Wildlife don’t recognize human property boundaries so this larger area can be considered one from a wildlife perspective. Swainson’s Hawks and other raptors forage on the project site. The loss of this site for wildlife is a loss to the wildlife at Sutter’s Landing Park. Mitigation for this loss must occur on or adjacent to the Park and benefit the natural resource values at the Park.

13-1

13-2

The increased use of the Park by McKinley Village residents is another direct impact from the proposed development. In addition, the pets that residents of the proposed development bring to the area will directly threaten the wildlife as cats and dogs are natural predators and also carry diseases that can infect wild populations.

13-3

The DEIR estimates that 1800 additional vehicles will go through Sutter’s Landing Park each day from the proposed development. This is a severe impact to the Park and to the safety of people who walk or bike to Sutter’s Landing. The access on 28<sup>th</sup> Street is already inadequate and unsafe; the additional vehicle use will compound this problem.

13-4

The logical solution is to **create an access point at Alhambra Blvd**. The A Street access should be a bike/pedestrian road only. We do not accept the developer’s argument that an Alhambra access is unfeasible. If it is not possible to create safe, appropriate access to the development then the development shouldn’t be approved.

13-5

**All mitigation must occur on-site or directly adjacent to the Park**, not “within 10 miles of the project site” as is currently proposed in the DEIR. There are opportunities to mitigate the direct and indirect losses to Sutter’s Landing Park in ways that would enhance the remaining natural values of the Park. Some actions that could be taken: purchase and restore adjacent private parcels, remove the skateboard park and corp yard to another area, restore more of the Park to its natural state.

13-6

The DEIR goes to some length to justify the proposed project over other alternatives. However, it leaves out one very important alternative, that of restoring the property to its natural values as part of Sutter’s Landing Park. According to Councilman Steve Cohn, the city was interested in purchasing and annexing the proposed project site to the Park quite recently. The site could be restored for wildlife with space for active recreation, reserving most lands in the current Park area for restoration to their natural resource values. The DEIR needs to **consider the alternative of annexing the proposed McKinley Village site to Sutter’s Landing**. This use of the proposed site is clearly the superior environmental alternative.

13-7

Finally, we ask that the **DEIR be revised and recirculated** because it does not address the comments that were made (through Friends of Sutter’s Landing) on the NOP dated July 8, 2013, specifically requesting the EIR include ALL the cumulative impacts to Sutter’s Landing Park (listed clearly in the letter). This is a serious omission that needs to be addressed and rectified.

13-8

Sincerely,



Laurie Litman  
for Friends of the Riverbanks

**Letter 13: Laurie Litman, Friends of the River Banks (FORB), January 10, 2014**

- 13-1: The commenter states that the Draft EIR should include a section on Sutter's Landing Park documenting the cumulative impacts of the project on the Park and identify mitigation to reduce the alleged impacts.

Sutter's Landing Park is designated by the City as a regional park and is not within or immediately adjacent to the proposed project development site. There is no evidence to suggest that Sutter's Landing Park or the portion of the American River Parkway (Parkway) adjacent to the Park will receive a substantial increase in visitation as a result of build-out of the project site. In addition, the Parkway is a regional park and receives visitors throughout the greater Sacramento area and it is unlikely that any disturbances to wildlife and other natural resources along the Parkway nearest the project site could be attributed to residents living at the project site.

Potential impacts of extending A Street through a small portion of the closed landfill from 28th Street to the A Street Bridge on special-status raptors and other species (e.g., Swainson's hawk, Cooper's hawk, white-tailed kite, and purple martin) were discussed in individual species accounts in Section 4.2 of the Draft EIR. These impacts were included as project impacts in the recommended mitigation measures 4.2-1(a) (b) of the Draft EIR. (Please see Chapter 2 of this Final EIR for updated acreage information pertaining to loss of foraging habitat.) While it is acknowledged that the American River Parkway serves as an important wildlife corridor, the project site is located south and west of the Parkway and Sutter's Landing Park, separated by Capital City Freeway and existing development. The project site is essentially surrounded to the east, west, and south by development and, consequently, is not directly adjacent to any open space areas in either the American River Parkway or Sutter's Landing Park. Please see Responses to Comments 33-8, 33-18, 33-19, 33-21, 33-23 through 33-25, and Response to Comment 11-5, with respect to potential impacts on Sutter's Landing Park and the American River Parkway.

- 13-2: The commenter indicates that species or wildlife that use Sutter's Landing Park also use the project site, which the commenter indicates is adjacent to the Park. The commenter also adds that the loss of this site is also considered a wildlife loss for the Park and that mitigation must occur on or adjacent to the Park.

Wildlife species present on the project site and in the general area of the project site are documented in Section 4.2 in the Draft EIR on pages 4.2-7 through 4.2-23. Please refer to Responses to Comments 33-23 and 33-24, and Responses to

Comments 11-5, 11-8 and 11-9 with respect to potential impacts on Sutter's Landing Park as a result of development of the project site.

- 13-3: The comment notes that the increased use of Sutter's Landing Park by project residents as well as pets from future homeowners will threaten wildlife in the area and bring diseases.

Sutter's Landing Park is designed to be a regional park to support residents of the City as well as people throughout the region. Currently, the western portion of the park is developed with a dog park, basketball court, skateboard park, bocce ball area, and parking lot. The eastern portion of the park, which contains the closed landfill, is fenced and closed to the public for the next 10+ years until the landfill closure restrictions are lifted. However, once the restrictions are lifted this portion of the park has not been designated for active park uses, but rather passive open space, per the Sutter's Landing Master Plan. The increase in demand on park uses was evaluated in the Draft EIR in Section 4.7, Parks and Recreation. Impacts on existing parks and recreation were determined to be less than significant. The project will pay the City required park fees to offset the shortfall in on-site parks.

Existing neighborhoods include River Park, East Sacramento, New Era Park, and Marshall School to the south, west and east of Sutter's Landing Park. All of these neighborhoods have residents that have pets, including all the neighborhoods that surround City parks including the neighborhoods of Land Park, Curtis Park, and McKinley Park. The project is no different than other residential uses in the City that are adjacent to developed City parks or near open space areas like the River Park neighborhood. It is not anticipated that homeowners' pets will create a nuisance in the park, once it is open to the public, such that existing wildlife will be adversely affected.

- 13-4: The comment notes that the increase in vehicles accessing A Street, which also provides access to Sutter's Landing Park, will impact the safety of people walking or biking to the park; and that 28th Street is currently unsafe and inadequate.

Please see Master Response 4 and 9 which address the increase in traffic and safety concerns on A and 28th Streets associated with the project.

- 13-5: The comment expresses support for providing a vehicle access connecting to Alhambra Boulevard. Please see Master Response 1 that addresses the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard.



13-6: The comment requests that replacement of foraging habitat should occur within Sutter's Landing Park and not 10 miles from the project site. Please see Responses to Comments 11-6 and 11-7 that address this concern.

13-7: The comment requests that an alternative that considers annexing the project site to Sutter's Landing Park be considered.

Please see Response to Comment 26-9 that addresses the requirement to analyze a reasonable range of alternatives to a project.

13-8: The comment requests that the Draft EIR be revised and recirculated to address cumulative impacts specific to Sutter's Landing Park.

The Draft EIR evaluates cumulative impacts associated with future development proposed within the particular cumulative context being analyzed for a respective resource (e.g., buildout of the City's General Plan, development within the Sacramento Valley Air Basin). For example, the geographic context for the analysis of cumulative biological impacts includes the areas contained within the Sacramento Valley and adjacent foothills (identified as the region), but is primarily focused on the area within the City limits. Present and probable future projects within the region (which include, but not limited to, development in the City of Sacramento, County of Sacramento, cities of Roseville, Rocklin, Elk Grove, Galt, Woodland, counties of Yuba, Sutter, Placer and Yolo) are anticipated to permanently remove plant and wildlife resources, which could affect both common and special-status species and their habitat. The analysis of cumulative impacts does not evaluate potential impacts to a specific geographic area, but rather impacts to protected biological resources. Therefore, under CEQA specific cumulative impacts to Sutter's Landing Park would not be called out in the analysis unless the project's contribution to a potential cumulative effect specific to the Sutter's Landing Park was identified as being significant. As discussed in the Draft EIR, the project would not result in a cumulatively considerable contribution to any identified cumulative impacts.



## Save the American River Association

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January 8, 2014

Dana Allen, Associate Planner  
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**Subject: Draft Environmental Impact Report for the McKinley Village Project (P08-086)**

Dear Ms. Allen,

Save the American River Association (SARA) is submitting the following comments for your consideration on the above subject dated 12 November 2013. SARA was founded in 1961 to establish the American River Parkway and we remain, since that time, as lead advocate for the protection and preservation of the lower American River and Parkway.

**Staff**

Sara Stephens, *Office Mgr.*

We are requesting that the Draft Environmental Impact Report be recirculated to address the issues we raised during the NOP process in our letter dated July 9, 2013. In summary, the DEIR failed to analyze the potentially significant cumulative impacts from adjacent/nearby current and future developments already approved and contemplated by the City of Sacramento on the American River and Parkway in regards to, but not limited to, public safety and the ability of the Parkway's natural and recreational resources to withstand potentially significant increases in use. The DEIR also failed to address the already significant impacts on the River and Parkway's natural and recreational resources and public safety from increased use at Sutter's Landing Park in light of the proposed project. Just one example of the increased use that is having negative effects on Sutter's Landing Park/American River Parkway is the City's permitting of large special events such as the Moustache Run and the Zombie Run. These events often require closure of some part of the park and/or bike trail, and bring hundreds of people, often in cars, to Sutter's Landing Park/American River Parkway. Congestion, noise, trash, damage to resources, etc. are side effects of these special events and the City, in partnership with the County, has not addressed the issue of providing adequate resources to insure public safety and protection of the natural and recreational resources. The increase in park facilities, such as the dog park, have also increased the public's awareness of the American River and Parkway adjacent to Sutter's Landing. This part of the River and Parkway have become major attractions, drawing more and more people. The City, to date, in partnership with the County, has not identified financial and human resources for handling the problems created by people and their often

14-1

14-2

**Advisory Council**

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*Guardians of the American River and Parkway since 1961*

Page 1 of 6

illegal activities, such as off leash dogs. As the City grows, the pressures on parks and nature areas in the urban core will only escalate. The proposed project is a part of the extensive development planned for this part of the City. The EIR plainly states that “The project site is located in the East Sacramento Community Plan Area, which is one of the City’s most park-deficient Community Plan areas.”

14-2  
Cont.

By example, the following is the woefully inadequate analysis provided in the DEIR addressing “The proposed project’s potential to accelerate the physical deterioration of existing parks or recreational facilities or create a need for construction or expansion of recreational facilities beyond what was anticipated in the General and/or Community Plans...” (DEIR, 4.7-4, Page 29)

The DEIR identifies the closest City parks to the project site as River Park, McKinley Park, and Bertha Henschel Park. It fails to include Sutter’s Landing Park, coincidentally the only city park that will be directly linked to the proposed project. It also fails to mention the American River Parkway, while not a Sacramento City Park, a regional amenity serving city residents, and counted in the City’s parkland inventory. The Parkway will be linked to this project through Sutter’s Landing Park. Without considering these already heavily used parks and their substantial natural and recreational resources the DEIR cannot conclude that the proposed project will have a less than significant impact, requiring no mitigation, on existing parks and/or recreational facilities.

14-3

We further agree with the comment submitted by ECOS regarding noise. ECOS stated that “Due to noise levels, we believe outdoor use within this community will be severely limited.” These impacts call into question the value of the project’s three parks totaling approximately 2.4 acres, and an approximately 1-acre neighborhood recreation center and pool. A real potential exists that the future residents of McKinley Village will be leaving the project site for the convenience and appeal of Sutter’s Landing Park and the American River and Parkway, each, in their own way, providing an oasis, or as is often said of the American River Parkway, a slice of the wild, in the middle of a highly urbanized area.

14-4

Furthermore, the DEIR states that the project does not meet the 4.43 acres of parkland currently required by the City of Sacramento Code (the proposed project includes the dedication of 2.4 acres of parkland). There is no substantiation in the DEIR for the statement that “an in-lieu fee to the City to meet the remaining parkland requirement would ensure the impacts to parks would be less than significant.” (DEIR, 4-7-4, Page 30) Sutter’s Landing Park and the American River Parkway, as previously stated, were not listed in the parks closest to, never mind linked to, the proposed project, and therefore were not analyzed for “The proposed project’s potential to accelerate the physical deterioration of existing parks or recreational facilities...”

14-5

**4.2 BIOLOGICAL RESOURCES**

Others, in particular, Friends of the Swainson’s Hawk, have submitted comments on the wildlife values that will be significantly impacted by the proposed project. SARA strongly agrees with these comments. In particular, we feel that the DEIR’s conclusion that the project site is not part of a regional wildlife corridor is inaccurate. (DEIR, 4.2, Page 22) The connection between the American River Parkway, the 100 acres of wildlife foraging habitat at Sutter’s Landing Park, and the 48 acre proposed project site constitute a highly productive corridor supporting a vibrant community of birds, in particular raptors, some of which include the threatened Swainson’s

14-6

Hawk, the Fully Protected White-Tailed Kite and the Northern Harrier, a Species of Special Concern. The loss of any one of these habitats creates a potentially significant impact on the continued viability of these and other birds. As the DEIR points out, there is already limited habitat for breeding, foraging and shelter. Taken alone, the project site may appear too small to have wildlife value, but added to the 100 acres at Sutter’s Landing Park, and the several hundred acres of adjacent Parkway lands and the River, the project site takes on exponential value, especially because open grasslands for foraging are at a premium.

14-6  
Cont.

The City of Sacramento General Plan 2030, adopted March 3, 2009, states that “The City shall develop the Sutter’s Landing Park as a regional park in accordance with an adopted Park Master Plan for the area.” (CC.ERC1.3-CC-10) The proposed project’s development of A/28<sup>th</sup> Streets through the park, adjacent to the 100 acres of the wildlife foraging habitat (the Mound), is not consistent with the current Sutter’s Landing Park Master Plan. Such a thoroughfare is not contemplated or planned.

Furthermore the City of Sacramento’s General Plan provides for the following:

The City shall develop the Sacramento River Parkway and Sutter’s Landing Park facilities in conjunction with American River Parkway and trail linkages.” (CC.ERC.1.5, Page 3-CC-11)

14-7

“The City shall promote the preservation and restoration of contiguous areas of natural habitat throughout the city and support their integration with existing and future regional preserves.” (ER2.1.3, Pages 2-307)

“The City shall retain plant and wildlife habitat areas where there are known sensitive resources (e.g. sensitive habitats, special status, threatened, endangered, candidate species, and species of concern). Particular attention shall be focused on retaining habitat areas that are contiguous with other existing natural areas and/or wildlife movement corridors.” (ER2.1.4, Pages 2-307)

**AMERICAN RIVER PARKWAY**

The American River Parkway is a valuable environmental, recreational, aesthetic and economic resource for the Sacramento region. The Parkway spans approximately 32 miles from the confluence of the American and Sacramento Rivers to Folsom Dam providing a vital wildlife corridor and scenic lands hosting more than 8 million visitor days per year.

14-8

The American River Parkway is protected under federal law through designation as a National Wild and Scenic River; through state law as a State Wild and Scenic River, and through the Urban American River Parkway Preservation Act (Public Resources Code Section 5840, et al); through the City of Sacramento’s General Plan, and other laws. The Parkway uses are governed by the American River Parkway Plan which was adopted by the County of Sacramento in 2008 and subsequently approved by the City of Sacramento. The Parkway Plan recognizes that “...the American River Parkway is often referred to as “the jewel” of the Sacramento Region.” (American River Parkway Plan 2008, Chapter 1, Page 9)

The State of California’s Urban American River Parkway Preservation Act provides for the following:

“The Legislature hereby adopts the American River Parkway Plan so as to provide coordination with local agencies in the protection and management of the diverse and valuable natural land, water, native wildlife, and vegetation of the American River Parkway.”

“Actions of state and local agencies with regard to land use decisions shall be consistent with the American River Parkway Plan...”  
(Public Resources Code 5840, et al)

The American River Parkway Plan serves as the management plan for the lower American River and Parkway under both the federal and state Wild and Scenic River Acts’ designations. (American River Parkway Plan 2008, Chapter 4, Pages 89-92)

The American River Parkway Plan establishes important goals including:

“To provide appropriate access and facilities so that present and future generations can enjoy the amenities and resources of the Parkway which enhance the enjoyment of leisure activities.”

“To preserve, protect, interpret and improve the natural, archaeological, historical and recreational resources of the Parkway, including an adequate flow of high quality water, anadromous and resident fishes, migratory and resident wildlife, and diverse natural vegetation.”

“To mitigate adverse effects of activities and facilities adjacent to the Parkway.”

“To provide public safety and protection within and adjacent to the Parkway.”  
(American River Parkway Plan 2008, Chapter 1, Page 10)

The American River Parkway Plan specifically provides the following policies:

**“1.3 Resource Protection**  
Limitation on the use of the Parkway through design and management tools to prevent overuse of the Parkway and preserve the environmental quality, thereby ensuring the integrity of the Parkway for future users.” (American River Parkway Plan 2008, Chapter 1, Page 11)

“Jurisdictions shall use their authority to reduce, eliminate and/or mitigate potential adverse impacts upon the Parkway caused by adjacent land uses and activities.” (American River Parkway Plan 2008, Policy 7.19, Chapter 2, Page 30)

“Structures shall be located so that neither they, nor activities associated with them, cause damage to Parkway plants or wildlife.” (American River Parkway Plan 2008, Policy 7.19.1, Chapter 2, Page 30)



14-8  
Cont.

**4.5 HYDROLOGY, WATER QUALITY AND DRAINAGE**

After reading this section of the DEIR, SARA is still unclear if the two required detention basins on site sit on city land or developer land?

14-9

The DEIR cannot assert that a separate Combined Sewer Detention Project planned, potentially, at the southwestern edge of the project site within City-owned property, can undergo a separate environmental review process. This project may be absolutely necessary to mitigating combined sewer surcharging in the CSS within East Sacramento by providing extra storage during peak wet weather flows, given the well documented condition of Sacramento’s 100+ year old sewer pipes.

14-10

The DEIR should be recirculated to reflect the current state of water reliability in the Sacramento region. The DEIR needs to confirm the water supply for this project. It needs to analyze the projected water demand, available water supply to the City and the region in light of today’s drought conditions and to the extent possible, future water availability if the drought extends beyond 2014/15. See The Sacramento BEE articles, Thursday, January 9, 2011, “City may order water cuts, Meter monitoring, Patrols, Fines Likely”, and “Curb on fishing urged, As the American River declines due to drought, a group asks state officials to halt fishing.” Both articles are in the Our Region section of the newspaper.

14-11

The City is also a signatory to the Water Forum and should be reviewing water usage and conservation measures in conjunction with other signatories.

On the topic of water conservation, the proposed project is relying heavily on extensive landscaping to mitigate for its less than ideal location. The project should relook at the proposed landscaping design to incorporate more drought tolerant trees and vegetation. What percentage of native plants are being used? Look to the existing project site for clues as to the native plants and trees that want to naturally grow on this site (biological resources, 4.2, Table 4.2-1, Pages 5-6). For starters, the use of redwoods along the project edge that borders the freeway should be eliminated. Not only are redwoods out of context and place, look across the freeway at the recently completed tree mitigation site for an example of appropriate plantings for our region, they are not adapted to dry and polluted conditions. Their health and life span are questionable in this location. Even using all native plants and trees, the newly planted landscape would have to be watered for 3 years to insure a good survival rate. If Fall and Winter rains are absent, the supplemental water will be year around, not just in the dry months. Balancing human needs and the needs of the American and Sacramento Rivers’ fisheries, is this a necessary water “expenditure” during severe drought times?

14-12

In closing, the proposed project appears to be half-baked, judging by all of the comments received regarding Air Quality, Transportation, Sustainable Communities Design, and wildlife, parks’ and wildlands’ issues. It appears that a large part of these problems could be mitigated by moving the A/28<sup>th</sup> Streets access to Alhambra Boulevard. Lack of funding is no excuse for building a project the community and region will have to live with for the next 100 years. Before this project moves forward, the City and the developer should put the horse back before the cart. Work together on finding the ways and means to fund and permit the Alhambra Street access. What grants and other pots of money can be applied for and received? The City leadership should facilitate discussions with UP to design a cut-through that would meet their criteria and

14-13

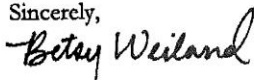
standards. It can be done – look over at the 40<sup>th</sup> street access. SARA proposed other mitigations in our original letter commenting on the NOP. It is attached for your convenience.

↑  
14-13  
Cont.

We urge the City to recirculate the DEIR to include an accurate analysis of potentially significant cumulative impacts to Sutter’s Landing Park and the American River Parkway from current and proposed City core developments, including this project. It appears this project, if contemplated at all, needs a major redesign to be compatible with all of the City’s planning goals for walkable, bikeable communities with access to services including well maintained, safe parks, and nature.

↑  
14-14

Sincerely,



Betsy Weiland  
Land Use Chairperson  
Save the American River Association

- cc: SARA Board of Directors
- Phil Serna, County Supervisor, District 1
- Jeffrey R. Leatherman, Sacramento County Regional Parks Director
- Jude Lamare, Friends of the Swainson’ Hawk
- Ron Maertz, Environmental Council of Sacramento



## Save the American River Association

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July 9, 2013

Dana Allen, Associate Planner  
 Community Development Department  
 300 Richards Boulevard, Third Floor  
 Sacramento, California 95811

**Subject: Notice of Preparation of an Environmental Impact Report for the MCKINLEY VILLAGE PROJECT (P08-086)**

Dear Ms. Allen,

Save the American River Association (SARA) is submitting the following comments for your consideration while reviewing the subject project.

The American River Parkway, a regional treasure receiving 8 million visits annually, is located 0.5 miles east of the proposed 48 acre, 328 residential units, McKinley Village development. Your project analysis for potentially significant impacts to the American River Parkway should include:

- Analyzing and evaluating the carrying capacity on the south side of the American River Parkway from Discovery Park to California State University at Sacramento. Current and future developments, such as the completion of Two Rivers Trail, the Railyards, and the River District contribute to cumulative impacts, besides the impacts from the subject project itself, on the natural and recreation resources of the Parkway and River. Refer to the American River Parkway Plan 2008.  
**Potential mitigation:** Purchase additional land from willing sellers at Sutter's Landing Park for nature study and passive recreation. Fund an updated Master Plan for Sutter's Landing Park.
- Evaluating the already significant impacts to the Parkway and River's natural resources and public safety from increased use at Sutter's Landing Park in light of the proposed project.  
**Potential mitigation:** Work with the County of Sacramento, City of Sacramento and the project applicant, Encore McKinley Village, to develop and implement an agreement of shared management and operations responsibilities in the part of the American River Parkway bordering Sutter's Landing Park.
- Evaluating increased impacts from light pollution on the wildlife living and hunting in the Parkway and Sutter's Landing Park.

14-15

14-16

14-17


Page 1 of 2

*Guardians of the American River and Parkway since 1961*



- Evaluating increased impacts from noise, both short term and long term, on the wildlife living and hunting in the Parkway and Sutter's Landing Park. | 14-18
- The NOP states that two groundwater monitoring wells and six soil gas probes will be moved. Who is paying for their relocation and where are they going? | 14-19
- The NOP states that the project will require the construction of a stormwater detention basin on 1.33 acres of city-owned property in the southwestern portion of the site. Is the project applicant purchasing this land from the City? At what price? | 14-20

SARA sincerely appreciates the opportunity to provide scoping comments for the Environmental Impact Report. We look forward to continued participation as the project moves through the review and planning process.

Sincerely,  
  
Betsy Weiland  
Land Use Chairperson  
Save the American River Association  
[flweiland@yahoo.com](mailto:flweiland@yahoo.com)

Cc: SARA Board  
Phil Serna, Sacramento County Supervisor, District 1  
Jeffrey R. Leatherman, Director, Sacramento County Parks Department

**Letter 14: Betsy Weiland, Land Use Chairperson, Save the American River Association, January 8, 2014**

- 14-1: The comment states that issues raised in comments submitted in response to the Notice of Preparation were not addressed in the Draft EIR and requests that the Draft EIR be recirculated. Please see Responses to Comments 14-14 through 14-19 that specifically respond to comments received on the NOP.
- 14-2: The comment states that the Draft EIR failed to address existing conditions at Sutter's Landing Park and the American River associated with one-day events and the overall increase in use of the park.

In accordance with the CEQA Guidelines and Public Resource Code Section 21000, the Draft EIR for the proposed McKinley Village project is required to evaluate impacts associated with the project and not potential impacts associated with existing conditions at Sutter's Landing Park. The concerns raised in the comment regarding current events and activities at the park and potential violations are within the responsibility of the City's various departments and are not relevant to the adequacy of the Draft EIR.

The potential increase in demand for park amenities at Sutter's Landing Park and the American River Parkway associated with the increase in project residents would not result in a substantial physical deterioration of park facilities necessitating the need to construct new facilities. Sutter's Landing Park is planned as a regional amenity, once the landfill closure restrictions are lifted, designed to accommodate large numbers of people drawn from throughout the City and the region. As noted in the Draft EIR, the project includes on-site passive and active recreation amenities to serve future project residents. In addition, based on the change in residential units from 328 single family residences to 312 single family and 24 multi-family units, the park dedication has changed from 4.43 acres to 4.464 acres, based on the City's current parkland dedication requirements. Based on the parks and recreation facilities (e.g., pool, recreation center, community garden) the City has determined that the project qualifies for 2.5 acres in parks and 0.6606 acre in private facilities credit for a total of 3.1696 acres in park credits. The project applicant would be required to pay park fees for the remaining 1.294 acres based upon the current factors. To address this change the Draft EIR is revised to read:

The last sentence in the paragraph under the header Parks and Recreation on page 4.7-25 is revised as follows:

For single-family residential units, the factor of .0135 is used as a constant which, when multiplied by the number of dwelling units proposed, produces 5 acres of parkland per 1,000 population. For multi-family units a factor of 0.0105 is used. Thus, for the proposed project with ~~328~~ 312 single family units and 24 multifamily units, the required parkland dedication would be 4.4364 acres.

The first full paragraph on page 4.7-30 is revised as follows:

As previously discussed in this section, the City of Sacramento Code, Chapter 16, currently requires 5 acres of neighborhood and community park facilities per 1,000 residents. The City's DPR [Department of Parks and Recreation] has indicated that the total dedication obligation for the project would be 4.4364 acres (based on the DPR's assumption of 2.7 persons per single family household and 2.1 persons per multifamily household). As also previously discussed in this section, changes to the City's parkland dedication service level goal are proposed in the General Plan 2035 Update that is currently underway. If adopted, the service level goal for neighborhood/ community serving parks may drop from 5 acres to 3.5 acres per 1,000 residents. If the service level goal is dropped to 3.5 acres per 1,000 residents and using a single family persons per household assumption of 2.7 and a multi-family persons per household assumption of 2.1, the project's parkland dedication obligation would be recalculated to be 3.14 acres.

14-3: The comment states that the analysis of the project's demand on parks in the area is inadequate and that park demand on the American River Parkway and Sutter's Landing Park were not evaluated.

The project is located in the City of Sacramento and the provision of adequate parkland to serve the increase in project residents is under the City's jurisdiction. The project would include the dedication of parkland and would receive additional credit for providing a recreation center, community pool, and community garden. Ultimately the project would pay an in-lieu fee to meet the City's remaining parkland requirement, as noted in Response to Comment 14-2.

As discussed in Section 4.7, Public Services and Recreation, the potential increase in demand for park amenities at Sutter's Landing Park and the American River Parkway associated with the increase in project residents would not result in a substantial physical deterioration of park facilities necessitating the need to construct new facilities. Both of these parks are regional amenities that have been designed to serve

a large population. The project's increase in demand for these facilities is anticipated to be small and would not place such a substantial burden as to necessitate the construction of new amenities or equipment. The Draft EIR concluded impacts to recreational facilities including parks would be less than significant.

14-4: The comment indicates support for issues associated with noise raised in the comment letter received from ECOS (Letter 17).

The commenter's statement that "A real potential exists that the future residents of McKinley Village will be leaving the project site for the convenience and appeal of Sutter's landing Park and the American River and Parkway" because the noise environment at the park sites proposed within McKinley Village would be too loud, is not supported by substantial evidence. Appendix I (Noise Report) in the Draft EIR, specifically evaluates both traffic and railroad noise levels at the proposed park sites (pp. 34 and 44), concluding that existing and future noise exposure at those locations would be approximately 10 dB below the City's noise standard applicable to park uses. Due to setbacks from Capital City Freeway and the UPRR railroad tracks, and shielding of those sources by intervening residential structures, the predicted noise environment within the proposed park areas is 60 dB  $L_{dn}$ . The City's noise standard applied to park uses is 70 dB  $L_{dn}$ . As a result, the noise study prepared for the project and the Draft EIR correctly concluded that noise impacts at the proposed parks within the project site would be less than significant and no additional response to this comment is required. Please see also responses to Letter 17.

14-5: The commenter states that the project does not meet the City's parkland requirement and there is no substantiation that payment of an in-lieu fee would ensure impacts to parks would be less than significant.

Payment of a mitigation fee is adequate mitigation under CEQA. CEQA Guidelines, Section 15370, defines mitigation as:

- Avoiding the impact altogether by not taking a certain action or parts of an action;
- Minimizing impacts by limiting the degree of magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- Compensating for the impact by replacing or providing substitute resources or environments.

In addition, provided there is a “reasonable plan for mitigation” and contributions are “sufficiently tied to the actual mitigation” of the project’s impacts, a commitment to contribute a fair share to such a program discharges an agency’s mitigation duty under CEQA (*Save Our Peninsula Com. v. Monterey County Bd. of Supervisors* 2001) 87 Cal.App.4th 99, 141); see also CEQA Guidelines, Section 15130, subd. (a)(3) ([recognizing that a project’s contribution to a cumulative impact may be less than cumulatively considerable where “the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact”] see also *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173). Please see also Responses to Comments 14-2 and 28-19 that addresses this comment.

- 14-6: The commenter indicates support for comments submitted by the Friends of the Swainson’s Hawk (see Letter 11) and states its opinion that the project site is part of a highly productive regional wildlife corridor.

While it is acknowledged that the American River Parkway serves as an important wildlife corridor, the project site is located south and west of the Parkway and Sutter’s Landing Park, separated by Capital City Freeway and existing development. The project site is essentially surrounded to the east, west, and south by development and, consequently, is not directly adjacent to any open space areas in either the American River Parkway or Sutter’s Landing Park. Please see Responses to Comments 11-5 and 11-13 that addresses the issue of wildlife corridors.

- 14-7: The commenter indicates that extending A Street to connect to the A Street Bridge through a portion of the closed landfill is not consistent with the City’s 2030 General Plan or the Sutter’s Landing Park Master Plan.

The extension of A Street would not affect Sutter’s Landing Park, as discussed in responses prepared for Letter 11, Letter 13, and Letter 23. The commenter is referred to these letters and corresponding responses for more information. In addition, the City has contemplated the construction of Sutter’s Landing Parkway a new east-west roadway extending between 28th Street and Richards Boulevard and a new interchange between Sutter’s Landing Parkway and the Capital City Freeway. This roadway and interchange was contemplated in the City’s 2030 General Plan and was determined it would not conflict with the Sutter’s Landing Master Plan. See also Master Response 8 regarding consistency with applicable General Plan policies.

- 14-8: The comment provides an overview of the American River Parkway Plan and cites specific policies.

The comment provides information regarding the American River Parkway Plan. The comment does not raise issues or questions regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

- 14-9: The commenter requests clarification about the land ownership of the planned detention basins.

The commenter is referred to Response to Comment 31-61 for text edits to the Draft EIR addressing this question. In brief, the detention basins are partially on City-owned land, and partially on land owned by the project applicant. However, the project applicant is currently working with the City to acquire the City-owned land and deed such land back to the City upon completion of the detention facilities.

- 14-10: The commenter asserts that the City's Combined Sewer Detention Project is necessary to mitigate combined sewer surcharging in the CSS within East Sacramento.

The City has considered construction and operation of a sewer surge tank to provide additional off-line storage for the City's combined sewer and storm drainage collection system to serve existing neighborhoods. This need is independent of the project, and the project has been designed so that it will provide its own on-site stormwater storage during peak events, so that it will not contribute to the existing problem. The commenter is referred to Response to Comment 31-61 for text edits to the Draft EIR addressing this question. In addition, the commenter is referred to Draft EIR Impact 4.5-3 (DEIR, pp. 4.5-40, 4.5-41), which indicates that the on-site sewer system has been designed to retain project sewage during peak wet-weather periods, so that it does not contribute to surcharging of the CSS, per City standards.

- 14-11: The commenter expresses concern regarding the current drought conditions in California.

The commenter is referred to Impact 4.8-1 (DEIR, p. 4.8-28), which indicates that the City's water supply entitlements currently exceed demand during the multiple-dry year scenarios through 2035. The setting section in Section 4.8, Public Utilities also discusses the City's water management plan in a multiple year drought scenario (DEIR, pp. 4.8-6 through 4.8-10).

- 14-12: The commenter expresses an opinion that the project is "relying heavily on extensive landscaping to mitigate for its less than ideal location" and recommends that more native and drought tolerant trees and landscaping be considered. The commenter

also raises concerns regarding the use of redwood trees because these trees are not adapted to dry conditions in Sacramento.

The project applicant's landscape design team will meet with City staff and the City's arborist to review proposed landscaping plans and the proposed plant selections to ensure they meet City standards as well as any proposed changes in irrigation requirements. Regarding the redwood trees, the Sacramento Metropolitan Air Quality Management District (SMAQMD) has expressly requested the project applicant plant redwood trees to reduce potential exposure to Toxic Air Contaminants from the freeway. The commenter is encouraged to contact SMAQMD to discuss its preference for redwood trees.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 14-13: The commenter is expressing her opinion that she does not support the project and believes that constructing a vehicle underpass at Alhambra Boulevard will address many of the issues with the project.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Please see Master Response 1 that addresses the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard.

- 14-14: Commenter requests the Draft EIR be recirculated to address cumulative impacts to Sutter's Landing Park and the American River Parkway.

Where changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute substantial new information, recirculation of the Draft EIR is not required. (CEQA Guidelines, Section 15088.5.) See Responses to Comments 14-1 to 11-13, above, demonstrating the Draft EIR is not deficient and any changes to the analysis represent minor clarifications or amplifications. As explained in Response to Comment 11-14, recirculation of the Draft EIR is not required.

**NOP Comment Letter from Save the American River, July 9, 2013**

- 14-15: The comment requests the EIR evaluate the “carrying capacity” on the south side of the American River from Discovery Park to California State University, Sacramento campus and suggests potential mitigation be included.

The EIR evaluated impacts of the project on future demand for park facilities and determined that the increase in demand would not require the construction or expansion of any park facilities. In addition, the project site does not border the American River Parkway and project residents would be further from the Parkway than residents living in the River Park, Campus Commons and College Town neighborhoods and other neighborhoods that essentially border the Parkway.

The Draft EIR evaluates cumulative impacts associated with future development proposed within the particular cumulative context being analyzed for a respective section (e.g., buildout of the City’s General Plan, development within the Sacramento Valley Air Basin). For example, the geographic context for the analysis of cumulative biological impacts includes the areas contained within the Sacramento Valley and adjacent foothills (identified as the region), but primarily focused on the area within the City limits. Present and probable future projects within the region (which include, but not limited to, development in the City of Sacramento, County of Sacramento, cities of Roseville, Rocklin, Elk Grove, Galt, Woodland, counties of Yuba, Sutter, Placer and Yolo) are anticipated to permanently remove plant and wildlife resources, which could affect both common and special-status species and their habitat. The analysis of cumulative impacts does not evaluate potential impacts to a specific geographic area (i.e., American River Parkway), but rather impacts to protected biological resources, for example. Therefore, under CEQA specific cumulative impacts to the American River Parkway would not be called out in the analysis unless the project’s contribution to a potential cumulative effect specific to the Parkway was identified as being significant. As discussed in the Draft EIR, the project would not result in a cumulatively considerable contribution to any identified cumulative impacts. No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].)

Please see also Response to Comment 14-2.

- 14-16: The comment states that there are existing significant impacts to the Parkway and the river and public safety due to increased use.

Please see Responses to Comments 13-8 and 14-2.



- 14-17: The comment states that impacts on wildlife living in Sutter's Landing Park and along the American River Parkway from project lights needs to be evaluated.

The project is located to the south of Sutter's Landing Park, across a six-lane freeway and approximately .25 of a mile from the easternmost edge of the project site to the American River Parkway (with the River Park neighborhood in between). There are numerous existing sources of light throughout the area from residential and commercial buildings, vehicles on Capital City Freeway, and lighted billboards on the project site. As noted in Response to Comment 11-5, the project site is located well south and west of the American River Parkway, with the Capital City Freeway and an established neighborhood (River Park) serving to substantially fragment the project site from the Parkway, such that the project site is not considered as a component, geographically or ecologically, of the Parkway. In addition, as noted in Response to Comment 11-8, page 4.2-7 of the Draft EIR states that many of the animal species that use this area have adapted to the urban environment given the proximity to the Capital City Freeway and ongoing activities at the closed landfill. This is also true for the special-status bird species that use this area for nesting and foraging. These birds have adapted to the noise and activities present in an urban, developed environment and are even selecting nest sites in trees located in residential neighborhoods. The introduction of cars, noise and lights in this area would not be distinguishable from the ambient noise of the freeway and would not introduce any activities that are not already present in the larger, surrounding area.

- 14-18: The comment requests that impacts on wildlife in Sutter's Landing Park and the American River Parkway associated with an increase in noise be evaluated.

Please see Responses to Comments 14-17, and 11-8.

- 14-19: The comment asks where the groundwater monitoring wells and soil gas probes will be moved to and who is paying for their relocation.

The project applicant is paying to relocate the groundwater monitoring wells and soil gas probes on the project site. The location will be determined in consultation with the regulatory agencies that oversee the monitoring. Please see Response to Comment 9-6.

- 14-20: The comment references land slated for construction of a detention basin and asks if the applicant is purchasing this land from the City.

The project is proposing to construct two detention basins to temporarily detain water during storm events. Both basins are located partially on site and on adjacent land owned by the City. (DEIR, p. 2-55.). Although, these detention basins will be public drainage facilities, the project applicant is proposing to acquire City land and then dedicate it back to the City, along with the applicant's land used by the detention basins.

Comment Letter 15



1/10/2014

VIA EMAIL

Dana Allen, Associate Planner  
 City of Sacramento, Community Development Department  
 Environmental Planning Services  
 300 Richards Boulevard, Third Floor  
 Sacramento, CA 95811

**RE: Draft Environmental Impact Report for the McKinley Village Project (P08-086)**

Dear Ms. Allen:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the McKinley Village Project (P08-086). WALKSacramento offers the following comment based on our review of section 4.9 Transportation and Circulation.

**Figure 4.9-12 Project Access**

The figure on the right depicting the C Street/Project Access intersection doesn't show a crosswalk on the east leg. The omission of the crosswalk contradicts the mitigation text on page 4.9-93, which indicates that crosswalks will be installed on all approaches. We recommend that the figure be revised to conform to the mitigation text and to the City of Sacramento Pedestrian Safety Guidelines which calls for marked crosswalks at stop signs. Further, C Street is a collector with a traffic volume of about 5,000 vehicles per day and the intersection will be the primary route, and effectively the only route, for children between McKinley Village and Theodore Judah Elementary School. The marked crosswalk on the east leg will be critical to remind drivers that crossings are likely to occur there.

15-1  
 15-2

WALKSacramento is working to support increased physical activity such as walking and bicycling in local neighborhoods as well as helping to create community environments that support walking and bicycling. The benefits include improved physical fitness, less motor vehicle traffic congestion, better air quality, and a stronger sense of cohesion and safety in local neighborhoods.

Thank you for your consideration of these comments and recommendations. If you have questions or need additional information, please contact me.

Sincerely,  
 Chris Holm  
 Project Analyst

**Letter 15: Chris Holm, Project Analyst, Walk Sacramento, January 10, 2014**

- 15-1: The commenter asserts that Figure 4.9-12, Project Access, which shows the intersection of C Street with the 40th Street entrance does not show the east leg of the crosswalk, which the commenter asserts is in conflict with the “mitigation” text on page 4.9-93 of the Draft EIR. The commenter also recommends that the figure be revised to conform to the mitigation text and to the City of Sacramento Pedestrian Safety Guidelines.

Figure 4.9-12 (page 4.9-95) does not reflect a crosswalk on the east leg of the intersection, as described on page 4.9-93. The figure and the text are not mitigation measures, but rather site access recommendations for consideration. The Draft EIR traffic study analyzed potential traffic impacts and determined that the impacts would be less than significant after mitigation. (DEIR, pp. 4.9-60 – 4.9-92.) However, to address commenter’s concern Figure 4.9-12 has been modified to show a marked crosswalk on the east leg of the C Street/Project Access intersection and is included in Chapter 2, Text Changes to the Draft EIR.

Please see also Response to Comment 15-2, below.

- 15-2: The commenter correctly states that C Street is a collector with a traffic volume of about 5,000 vehicles per day and that it will effectively be the only route between the project site and Theodore Judah Elementary School. The commenter recommends that a marked crosswalk on the east leg of the intersection of C Street with the segment of 40th Street exiting from the project site will be critical to remind drivers that pedestrian and bicycle crossings are likely to occur there.

The Draft EIR traffic section (see Section 4.9) analyzed potential traffic impacts and determined that the impacts would be less than significant after mitigation. (DEIR, pp. 4.9-60 -4.9-92.) No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].)

The ultimate design of this intersection, including the placement of crosswalks, will be determined by the City of Sacramento Department of Public Works taking into account the traffic analysis and considerations for pedestrian and bicycle safety.

The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 16



SACRAMENTO AREA BICYCLE ADVOCATES

909 12th St, Ste. 116 Sacramento, CA 95814

sacbike.org saba@sacbike.org 916 444-6600

January, 10, 2014

Dana Allen, Associate Planner City of Sacramento, Community Development Department 300 Richards Boulevard, 3rd Floor Sacramento, CA 95811-0218 dallen@cityofsacramento.org

Subject: Draft Environmental Impact Report (DEIR) for the McKinley Village Project (File No. P08-086)

Dear Ms. Allen:

Thank you for the opportunity to comment on the subject DEIR. For the impact analysis, the proposed project will have a significant adverse impact on bicycling if it "fails to adequately provide for access by bicycle." Traffic stress induced by high speed and high volume vehicle traffic is the primary impediment to large numbers of people being willing to use bicycling for everyday transportation (Mekuria et al. 2012; Geller n.d.). Therefore, if the project does not protect bicyclists from high speed and high volume traffic, it will cause a significant adverse impact by failing to provide adequate access by bicycle. Particularly critical is providing safe routes to school for the proposed project's children (and their parents) who attend neighborhood schools like T. Judah Elementary School and Sutter Middle School.

16-1

The project developers have met with us several times and committed to a number of design features and measures that will minimize traffic stress for bicyclists both within the project site and in accessing external destinations. Unfortunately, some of those features and measures are not specified in the DEIR. Without those measures, we conclude that the proposed project may cause high traffic stress for bicyclists and therefore that it will have a significant adverse impact. The following paragraphs specify the design features to which the project developers have committed. We request that these project features be adopted as conditions of approval of the project.

16-2

Bicycle Facilities within the Project Site

Within the project site, bicyclists will share streets with vehicles. Such roadway sharing is acceptable because traffic volumes are predicted to be less than 3,000 vehicles of average daily traffic (ADT) and traffic speeds are expected to be less than 25 miles per hour (mph)(see Figure 4.9-13). Under such conditions of traffic volume and flow, traffic stress for bicyclists will be low and bicycling will be generally comfortable for all ages and abilities of bicyclists (Mekuria et al. 2012). The project developers have committed to a number of traffic calming measures that will further ensure that vehicles are operated slowly and carefully within the project: traffic circles at the intersections of A Street with Street 2 and Street 6 west and east of the central park, respectively; bulb outs at 8 intersections, split medians at 2 intersections, and chokers along most of the project's streets (see traffic calming exhibit provided by Fong, pers. comm.).

16-3

Under the cumulative analysis of traffic impacts, traffic volumes at the entrances/exits to/from the project at A Street to the west and 40th Street to the east are predicted to reach 3,500-3,600 ADT because of cut-thru traffic between East Sacramento and Sutter's Landing Parkway. If these traffic flows are experienced, the traffic calming measures may need to be enhanced to ensure vehicle speeds on A Street through the project remain below 25 mph.

16-4

In some places, the DEIR states that the project will include a separated multi-use Class 1 trail for bicyclists and pedestrian extending through the project along the south-side of A Street (e.g. page 4.9-93). We requested that this feature be deleted from the project because of conflicts at the many side streets along A Street and because the low traffic volumes and speeds on project streets do not justify it. Figure 3-6. Bicycle Circulation does not show such a Class 1 trail through the project which we support.

16-5

**Bicycle Access to External Destinations**

A Street to the west. The DEIR does not provide street cross-sections for the external access streets as we requested in our comment letter on the Notice of Preparation for this DEIR. The project developers, however, provided the Tentative Subdivision Map (TSM, dated 9-25-13) for the project which shows street cross-sections (Fong, pers. comm.) A Street between the bridge over the Business 80 Freeway and 28<sup>th</sup> Street is shown to have 6 ft wide bike lanes on each side along 11 ft wide vehicle travel lanes. These bike lanes are necessitated by the long distance, about ¼ mile, along A Street between its intersection with Street 1 and 28<sup>th</sup> Street. Because vehicles tend to accelerate between stopping points along a street, bike lanes will provide separation of bicyclists from potentially speeding vehicles and restrict the vehicle lane widths to help moderate vehicle speeds.

16-6

Intersection of A Street and 28<sup>th</sup> Street. Figure 4.9-12 shows that predicted traffic volumes during peak hours along 28<sup>th</sup> Street under the Cumulative + Project condition will exceed 750 vehicles northbound and 400 vehicles southbound. These traffic volumes (less than 5 seconds between vehicles on 28<sup>th</sup> St) will make it difficult for bicyclists to exit A Street onto 28<sup>th</sup> Street southbound without assistance from traffic controls. This difficult traffic stress will constitute a significant adverse impact on bicyclists and the DEIR must be revised to specify a mitigation measure for this adverse impact.

16-7

28<sup>th</sup> Street south across UPRR from A Street intersection. South from its intersection with A Street, 28<sup>th</sup> Street will provide project access to Midtown Sacramento. The TSM shows that this section of 28<sup>th</sup> Street which crosses the UPRR tracks will be provided with 6 ft wide bike lanes next to 11 ft wide travel lanes. These bike lanes are critical because of high traffic volumes along 28<sup>th</sup> Street into Sutter’s Landing Park and the steep incline from Midtown up to the UPRR crossing.

16-8

We are concerned about freight train blockages of the 28<sup>th</sup> Street rail crossing. DEIR pages 4.6-14 and 4.6-17 present estimates of railroad operations consisting of up to 22 freight trains per day currently and up to 32 freight trains per day under future conditions. Page 4.9-60 estimates that RR crossing gate closures for freight trains would average 89 seconds. In contrast, we roughly estimate that an 80 car freight train at a speed of 10 mph would require more than 5 minutes to clear the RR crossing. We request that the DEIR be revised to more thoroughly document average freight train lengths, speeds, and therefore crossing blockages because long crossing closures by trains passing several times per hour may frustrate bike access to the project by this route. For example, how do predicted RR crossing closures at 28<sup>th</sup> Street compare to those at the Midtown rail crossings?

16-9

40<sup>th</sup> Street underpass to the east. The TSM provided by the project developers shows that the underpass of 40<sup>th</sup> St below the UPRR tracks will have 6 ft wide bike lanes on each side of 11 ft travel lanes. The long distance between the intersection of 40<sup>th</sup> and A Street on the project site and 40<sup>th</sup> and C Street necessitates these bike lanes be provided to protect bicyclists from traffic that will tend to accelerate between stopping points. The bike lane stripes narrow the travel lanes to calm traffic flows. It is important that vehicle parking not be allowed along 40<sup>th</sup> St next to the Cannery Business Park towards the C St intersection to protect bicyclists from the hazard of doors opening on parked cars along the bike lanes.

16-10

Intersection of 40<sup>th</sup> Street and C Street. Page 4.9-93 of the DEIR presents recommendations for traffic controls at the intersection of the 40<sup>th</sup> Street project access and C Street. We think these recommendations for all-way stop control and a raised pedestrian island are appropriate for pedestrians but fail to adequately protect bicyclists, particularly children and parents trying to travel to T. Judah Elementary School. Project residents bicycling to the elementary school will turn right on C Street and then immediately left on 40<sup>th</sup> Street southbound. Because of the heavy through traffic on C Street during commute hours (see Figure 4.9-12), we request that the pedestrian island be extended westward on C Street and that a median left-turn island be provided for bicyclists to make the left-turn south into 40<sup>th</sup> Street (see attached photo). Likewise, project residents returning from the elementary school will make a right turn onto C Street and then an immediate left-turn onto 40<sup>th</sup> Street northbound. We recommend that a painted bike box in front of the vehicle stop line

16-11

16-12

be provided for left turning bicyclists at the C Street stop sign (see attached photo). To assist children and parents bicycling to and from the elementary school, we support the recommendations on page 4.9-94 for 36<sup>th</sup> Way traffic controls at the San Antonio Way and 40<sup>th</sup> Street intersections because of their traffic-calming benefits.

↑  
16-12  
Cont.

Bicyclist – Pedestrian Tunnel to Alhambra Boulevard. We believe this tunnel beneath the UPRR tracks at the west end of the proposed project is a critical feature of the project because it greatly enhances access for project residents to the shopping and other facilities along Alhambra Boulevard corridor (e.g. Sutter Middle School, McKinley Park). We request that this tunnel be constructed early in the project’s construction so that the initial residents of the project can adopt non-vehicular travel patterns immediately. We appreciate that the project developers are exploring options to prevent unauthorized vehicle use of the tunnel (e.g. landscape features) that avoid use of bollards which are dangerous to bicyclists because of their lack of visibility (Fong, pers. comm.).

16-13

Throughout the DEIR, the project’s commitment to construct the bicyclist – pedestrian tunnel is conditioned by the phrase “if approved by UPRR.” We are concerned that if such approval is never obtained, the tunnel might never be built which would be a critical loss for non-vehicular access to the proposed project. Therefore, we request that the project be conditioned such that if the tunnel is not built the project developers will be required to finance substitute facilities of comparable value for bicyclists and pedestrians to be able to access the Alhambra corridor (e.g. facilities from 28<sup>th</sup> Street and 40<sup>th</sup> Street to the Alhambra corridor that are more protective than current conditions).

16-14

Mitigation measures for Alhambra Boulevard intersections at E Street and H Street. As part of the “Cumulative Plus Project” analysis, the DEIR identifies Impact 4.9-6 whereby the project would worsen functioning of the intersections of Alhambra Boulevard with E and H Streets. To mitigate these impacts, the DEIR recommends restriping and other lane modifications at these intersections. We are concerned that such lane modifications may worsen the already hazardous conditions for bicyclists through these intersections. Therefore, we request that the bicycle community be fully engaged when any such traffic mitigation measures are being designed.

16-15

SABA works to ensure that bicycling is safe, convenient, and desirable for everyday transportation. Bicycling is the healthiest, cleanest, cheapest, quietest, most energy efficient, and least congesting form of transportation.

Thank you for considering our comments.

Sincerely,



Jordan Lang  
Project Analyst

CCs: Joseph Hurley, SMAQMD ([jhurley@airquality.org](mailto:jhurley@airquality.org))  
Ed Cox, City of Sacramento Alternative Modes Coordinator ([ecox@cityofsacramento.org](mailto:ecox@cityofsacramento.org))  
Megan Norris, Riverview Capital Investments ([Megan@riverviewci.com](mailto:Megan@riverviewci.com))  
Ryan Fong, River Rock Development Company ([ryan@riverrockdevelopmentco.com](mailto:ryan@riverrockdevelopmentco.com))

Citations:

Fong, Ryan. Personal Communication: E-mail to SABA and WalkSacramento, dated October 4, 2013

Geller, Roger. *Four Types of Cyclists*. Portland, OR: City of Portland Office of Transportation, undated, circa 2007, <http://www.portlandonline.com/transportation/index.cfm?a=237507&c=44597>

Mekuria, Maaza, Peter Furth, and Hilary Nixon. *Low-Stress Bicycling and Network Connectivity*. Mineta Transportation Institute, San Jose State University. May 2012. Report 11-19.







**Letter 16: Jordan Lang, Project Analyst, Sacramento Area Bicycle Advocates (SABA), January 10, 2014**

16-1: The comment includes introductory comments on behalf of Sacramento Area Bicycle Advocates (SABA) and asserts that the proposed project will have a significant adverse impact to bicycling if it “fails to adequately provide for access by bicycle.” The commenter alleges that the project needs to protect cyclists from high speed and high volume vehicle traffic or it will fail to provide adequate access by bicycle. The commenter also provides its opinion that providing safe routes to neighborhood schools is particularly critical.

The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

16-2: The commenter acknowledges the project applicant met with SABA a number of times and committed to design features that will minimize traffic stress for bicyclists. The commenter claims that some of these features are not specified in the Draft EIR, and states that without these features the project will call stress for bicyclists. The comment requests that project features addressed in Responses to Comments 16-3 through 16-15 be adopted as conditions of project approval.

The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required. See Responses to Comments 16-3 through 16-15 addressing commenter’s specific issues.

16-3: Commenter notes that bicyclists will share streets with vehicles within the project site and that this is acceptable because traffic volumes and speeds are predicted to be low. The comment references a traffic calming exhibit and alleges that project developers have committed to traffic calming measures that will ensure that vehicles will be operated slowly and carefully and lists the various traffic calming measures, as well as quantities and locations in many instances.

The project application includes a traffic calming exhibit that accompanies the tentative subdivision map (see Figure 4.9-3 in the DEIR and a revised figure in Chapter 2 of this Final EIR). The quantity and location of the various traffic calming measures and features has changed from those identified by the commenter. The Draft EIR found the impact to bicycle facilities less than significant and the location of traffic calming measures will not change the impact (DEIR, p. 4.9-61). The City will ultimately decide upon which traffic calming measures to utilize and where to utilize them as part of its tentative subdivision map approval process.

- 16-4: The commenter states that under the cumulative analysis of traffic impacts, the average daily trips (ADT) is predicted to reach 3,500 – 3,600 for the project entrances/exits, because of cut-through traffic between East Sacramento and Sutter’s Landing Parkway, and that traffic calming measures may need to be enhanced to keep speeds below 25 mph.

The Draft EIR traffic study analyzed potential cumulative traffic impacts and determined that the impacts would be less than significant after mitigation. (DEIR, pp. 4.9-69 – 4.9-92.) No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].)

The commenter does not raise issues regarding the physical effects on the environment and no further response is required. The City will ultimately decide upon which traffic calming measures to utilize and where to utilize them as part of its tentative subdivision map approval process. The comment is forwarded to the decision makers for their consideration.

- 16-5: Commenter states that there are references in some places within the Draft EIR to a separated multi-use Class 1 trail, that commenter requested be removed because traffic volumes do not justify it and there are conflicts at side street crossings.

The project applicant has removed the separate multi-use Class 1 trail from the project consistent with SABA’s request. The changes to the project are included in Chapter 2 of this Final EIR.

- 16-6: Commenter notes that the Draft EIR does not provide street cross-sections for the external access streets, as requested in their comment letter on the NOP, but that a Tentative Subdivision Map (TSM) dated 9/25/13 provided by the project developers, does include those street cross-sections. (Note: the latest Tentative Map submittal is 2/14/14.) The commenter describes the street section shown on the TSM for A Street between the A Street Bridge and 28th Street as having 6 foot wide bike lanes and 11 foot wide vehicle travel lanes and provides justifications for their appropriateness.

While not required for purposes of CEQA, the project applicant has agreed to the described street section or if required by the City subject to consultation with Caltrans, a residential street (28 feet face of curb to face of curb) section.

- 16-7: The commenter notes that Figure 4.9-12 on page 4.9-95 shows predicted traffic volumes during peak hours along 28th Street at A Street under Cumulative Plus Project conditions will exceed 750 vehicles northbound and 400 vehicles

southbound, and alleges that these traffic volumes will make it difficult for bicyclists to exit A Street onto southbound 28th Street without traffic controls. The commenter asserts that this situation will create a significant adverse impact on bicyclists, and that the Draft EIR must be revised to specify mitigation.

The Draft EIR considers traffic-related impacts of the proposed project, including impacts related to pedestrians and bicyclists. (DEIR, p. 4.9-87.) According to Figure 4.9-12 (DEIR, p. 4.9-95), 28th Street at its intersection with A Street is projected to carry 530 northbound trips during the AM peak hour and 750 trips during the PM peak hour under Cumulative Plus Project conditions. In the southbound direction of travel at the same location, 28th Street is projected to carry 425 trips during the AM peak hour and 350 trips during the PM peak hour. The through traffic volumes on this roadway segment under Cumulative Plus Project conditions are largely the result of planned roadway infrastructure projects located to the north of A Street (i.e., Sutter's Landing Parkway and its interchange with the Capital City Freeway).

According to page 4.9-92 of the Draft EIR, the projected volumes discussed above will result in levels of vehicle delay that correspond to an intersection average of LOS A conditions during both peak hours under and a "worst case movement" of LOS D during the PM peak hour under Cumulative Plus Project conditions. Under these conditions, gaps exist for motor vehicles and bicyclists to make left turns from the project access at A Street onto 28th Street. Additionally, under the City's impact significance criteria for bicycle facilities (DEIR, p. 4.9-46), this does not constitute a significant impact. As stated on page 4.9-61 of the Draft EIR, implementation of the proposed project would not remove any existing bicycle facility or interfere with any facility that is planned in the 2010 City of Sacramento Bikeway Master Plan. The project applicant will construct bicycle facilities per City standards. Therefore, impacts to bicycle facilities are less than significant.

- 16-8: The comment notes that 28th Street across the UPRR tracks will provide project access to Midtown Sacramento, and that the tentative subdivision map shows this section of street will include 6 foot bike lanes and 11 foot vehicle travel lanes, and that the bike lanes are critical due to high volume traffic into Sutter's Landing Park and the steep incline on 28th Street up to the UPRR crossing.

While not required for purposes of CEQA, the project applicant has agreed to construct a street section of sufficient width to allow 6 foot bike lanes and 11 foot vehicle lanes on 28th Street across the UPRR tracks, subject to approval by the City of Sacramento Department of Public Works. Please see also Master Responses 4 and 9 that address 28th Street.

- 16-9: Commenter notes its concern regarding freight train blockages of the 28th Street at-grade rail crossing and notes that the estimates of average crossing gate closures described in the Draft EIR differ from its own estimates and assumptions, and requests that the Draft EIR be revised to more thoroughly document average freight train lengths, speeds, and therefore crossing blockages, as long crossing closures several times per hour may frustrate bike access to the project by this route. The commenter also asks how predicted railroad crossing closures at 28th Street compare to those at Midtown rail crossings. This information is provided in Master Response 9, 28th Street At-Grade Train Crossing.

Section 4.9, Transportation and Circulation in the Draft EIR includes a thorough analysis of the number of freight trains, the length of gate closures, and queuing at the 28th Street railroad crossing under both Existing Plus Project as well as Cumulative Plus Project conditions. Additionally, as documented on page 4.9-3 of the Draft EIR, the project is proposing to include the construction of a bicycle/pedestrian underpass of the Union Pacific (UP) railroad tracks which may allow for north/south bicycle access during gate closures, if approved by UP and the appropriate government agencies. This underpass would be located approximately 1,200 feet west of the 28th Street crossing at Alhambra Boulevard, and may provide an alternate north/south route for bicyclists. Please see also Master Response 9 that provides more information on the at-grade railroad crossing at 28th Street.

- 16-10: Commenter notes that the tentative subdivision map provided by the project developers shows the 40th Street underpass will have 6-foot-wide bike lanes on either side of 11 foot wide travel lanes, and provides justifications for why such dedicated bike lanes are required. Commenter also provides its opinion that it is important that parking not be allowed along 40th Street next to the Cannery Business Park to protect bicyclists from the hazard of doors being opened.

While not required for purposes of CEQA, the project applicant has agreed to a street section that is 34 feet from face of curb to face of curb. This section would allow for 6 foot wide bike lanes, 11 foot wide travel lanes, and no on-street parking along the 40th Street extension from the UPRR underpass to C Street, adjacent to the Cannery Business Park, subject to approval by the City Department of Public Works.

- 16-11: Commenter notes that page 4.9-93 of the Draft EIR presents recommendations for traffic controls at the intersection of the 40th Street project access and C Street, and notes that the recommended all-way stop control and raised pedestrian island are appropriate for pedestrians, but fail to adequately protect bicyclists, particularly those traveling between the project site and Theodore Judah Elementary School. Because

of heavy traffic on C Street during commute hours, commenter requests that the pedestrian island be extended westward and that a median left-turn island be provided for bicyclists to make the left turn south into 40th Street, per a photo that was attached to the comment letter, and for bicyclists returning to make the left turn north onto 40th Street from C Street.

The Draft EIR considers traffic-related impacts of the proposed project, including impacts related to pedestrians and bicyclists. (DEIR, Section 4.9 [Transportation and Circulation].) The Draft EIR concludes traffic-related impacts on pedestrians and bicyclists are less than significant without mitigation. (See DEIR, pp. 4.9-58 – 4.9-59, 4.9-61, 4.9-87, 4.9-91.) Finally, the Draft EIR also considers a variety of construction-related impacts that could affect pedestrians and bicyclists including, for example, construction-related traffic impacts (DEIR, pp. 4.9-62, 4.9-92), air quality impacts (DEIR, pp. 4.1-36 – 4.1-42), contaminated soil impacts (DEIR, pp. 4.4-36 – 4.4-42), and noise impacts (DEIR, p. 4.6-38). The Draft EIR concludes such construction-related impacts can be reduced to a less than significant level. No additional mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].)

The above notwithstanding, the City's Department of Public Works will make the final decisions regarding traffic controls, raised pedestrian islands and median islands, taking into consideration traffic flow, as well as safety for all modes of transportation. Additionally, the photo provided by the commenter provides a dedicated median left-turn island designed for bicycles, but only at a mid-block location, not at a vehicular street intersection, such as at 40th Street and C Street.

- 16-12: The comment recommends a painted bike box in front of the vehicle stop line be provided for left turning bicyclists at the C Street stop sign. The comment also notes support of the recommendations on Draft EIR page 4.9-94 for that 36th Way traffic controls at the San Antonio Way and 40th Street intersections.

The City's Department of Transportation will make the final decisions regarding traffic controls, including the recommended painted bike box. The project applicant has indicated it has no objection to the use of a painted bike box at this location.

- 16-13: The commenter states its belief that the bicycle/pedestrian underpass (tunnel) to Alhambra Boulevard is a critical feature of the project, because it greatly enhances access for project residents to shopping and other facilities along the Alhambra corridor. Commenter requests that the tunnel be constructed early in the project so that initial residents can adopt non-vehicular travel patterns "immediately".

Commenter also notes that it supports the project developer's efforts to explore options other than bollards to discourage unauthorized vehicular access, because they can be dangerous to cyclists.

Please see Master Response 1 that addresses the timing of the bicycle/pedestrian underpass.

- 16-14: Commenter expresses concern that the proposed bicycle/pedestrian tunnel is conditioned upon UPRR approval. Commenter provides its opinion that the loss of the bicycle/pedestrian tunnel would be a critical loss for non-vehicular access to the proposed project and requests that if the proposed tunnel is not constructed, that the project developer be required to finance substitute facilities of comparable value for bicyclists and pedestrians to access the Alhambra corridor that are more protective than current conditions.

The proposed Alhambra pedestrian/bicycle tunnel, while preferred by the project applicant, is not required from either a traffic or a circulation standpoint. The traffic analysis in the Draft EIR does not include a reduction to the vehicular trip generation estimates based upon a shift in mode split to bicycle trips (beyond the quantity already built into the ITE trip generation rates), therefore the estimated number of vehicle trips on study roadway facilities would not change if the proposed Alhambra bicycle/pedestrian tunnel was not constructed. Thus, the potential loss of the bike and pedestrian tunnel would not create any significant impacts triggering CEQA mitigation requirements. See revised discussions in Impacts 4.9-3 and 4.9-8 in Chapter 2 of this Final EIR. Please see also Master Response 1 that addresses the timing of the bicycle/pedestrian tunnel.

Commenter's support for the bicycle/pedestrian tunnel is noted and will be forwarded to the decision makers for their consideration.

- 16-15: The commenter asserts that as part of the Cumulative Plus Project analysis, the mitigation measures proposed for Alhambra Boulevard intersections at E Street and H Street recommending restriping and other lane modifications due to Impact 4.9-6 would worsen already hazardous conditions for bicyclists, and therefore requests that the bicycle community be fully engaged in the design of any such traffic mitigation measures.

While not required for the purposes of CEQA, the project applicant has indicated it has no objection to the City providing the opportunity for SABA to provide its input and review any proposed designs of any intersection improvements for Alhambra Boulevard at E Street and H Street.

Comment Letter 17



Post Office Box 1526 • Sacramento, CA • 95812 • (916) 444-0022

January 8, 2014

Dana Allen, Associate Planner  
City of Sacramento, Community Development Department  
300 Richards Blvd., 3rd Floor  
Sacramento, California 95811

Dear Ms Allen,

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS) on the Draft **Environmental Impact Report for the McKinley Village Project (P08-086)**, dated 12 November 2013. ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. Our mission is to achieve regional and community sustainability and a healthy environment for existing and future residents.

While ECOS supports infill development and would generally wholeheartedly support a project at a location so close in to the urban area, we have concerns regarding the sustainability of the project and the livability of the project site for future residents. We recognize that the project site has significant constraints (access, noise, vibration and toxic air contaminants). While we support development of this valuable infill site, we do not believe these constraints have been adequately addressed in the design of the project. Additionally, the project design proposed is far removed from what could be considered a "smart growth" project and is not affordable by design. The current plan leaves out an important segment of our population: low-income workers and their families. These constraints and their impact will be addressed in the following sections.

17-1

**Land Use Planning and Population**

The analysis of consistency with General Plan policies contained in the DEIR is superficial and biased at best and misleading at worst, with only those sections of policies with which the project is consistent even mentioned. Examples include:

**Policy LU 2.1.3 Complete and Well-Structured Neighborhoods.** The City shall promote the design of complete and well-structured neighborhoods whose physical layout and **land use mix promote walking to services, biking, and transit use**; foster community pride; enhance neighborhood identity; ensure public safety; are family friendly and address the needs of all ages and abilities.

**Analysis** - The proposed project incorporates four different housing types, 15 house plans, and 45 base elevations (with further material and color variations beyond the base elevations that will meet the needs of a range of ages and abilities).

17-2

The analysis indicates a mix of housing types and not a land use mix that would promote

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walking to services, biking and transit use. The project must be considered inconsistent with this General Plan policy.

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17-2  
Cont.

**Policy 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.**

**Analysis** - Goal LU 2.6 and Policies LU 2.6.1 and LU 2.6.3 promote development that is more compact with a higher density that uses land more efficiently to help reduce the demand for energy and fossil fuels.

17-3

Again, there is no mention of the lack of mixed use and the lack of transit. Transit service is currently far removed from the project site with hourly service. It will not be utilized by the residents of this project unless the route is reconfigured and more timely service is provided. This project is a fairly typical suburban auto-oriented bedroom community. This infill site deserves better planning. Unless provisions are made for mixed use and transit, the project must be considered inconsistent with General Plan policy LU 2.6.1.

**LU 2.8.4 Housing Type Distribution.** The City shall promote an equitable distribution of housing types for all income groups throughout the city and **promote mixed-income developments** rather than creating concentrations of below-market-rate housing in certain areas.

17-4

**Analysis** — No analysis of this policy included.  
This General Plan policy was conspicuously omitted from any analysis.

**Policy LU 4.1.1 Mixed-Use Neighborhoods.** The City shall **require neighborhood design that incorporates a compatible and complementary mix of residential and nonresidential** (e.g., retail, parks, schools) uses that address the basic daily needs of residents and employees.

**Analysis** - Policy LU 4.1.1 requires new neighborhoods provide a complementary mix of uses that address the basic needs of the residents. The project includes three parks and a neighborhood recreation center. Retail uses beyond those included within the recreation center were not included as part of the project because it was determined the project does not include enough residences or density to support additional retail, especially since neighborhood-serving retail uses are located within close proximity to the project site.

17-5

The analysis implies that the recreational uses associated with the development are adequate to find consistency with this policy. Parks and recreational uses are far from what is necessary to address the basic daily needs of the residents. The residents will be forced into their autos and drive for most of their daily needs. The analysis goes on to say that neighborhood-serving retail is located within close proximity to the project site. This is true only if automobile use is again envisioned. The adjacent existing residential community would appreciate more neighborhood-serving retail and would likely frequent that retail if it was located at this site.

**Policy LU 4.5.6 Connections to Transit.** The City shall require new neighborhoods to include transit stops that connect to and support a citywide transit system and are within a ½-mile walking distance of all dwellings.

**Analysis** – No analysis of this policy included.

This above critical smart growth policy is completely ignored in the consistency analysis.

**Policy H-1.3.4 Balanced Communities.** The City shall encourage a **range of housing opportunities for all segments of the community as part of the community planning and implementation process** for newly annexed, newly developing, re-use and intensification areas.

**Analysis** — No analysis of this policy included.

This important policy was again not even recognized in the consistency analysis. These single family residential units will not be affordable to all segments of the community. Somewhere in the document reference is made to the potential granny flats over the garages providing affordable housing. These are expensive options which are unlikely to be selected by most buyers. There will be no affordable housing in this development.

For us to truly realize the goals of the SACOG Sustainable Communities Strategy in Sacramento, the McKinley Village plan must include affordable units that actually house low-income residents. The "Optional Carriage Units" that are incorporated into the 83 Cottage Green models are only 418 square feet. These are too small to house families. In addition, because there are no rental limits being imposed on these accessory units, their size alone will not guarantee affordability even for lower-income individuals.

The inclusion of accessory units increases the value and sales price of homes in new subdivisions, but provides little to no value to low income families and low wage workers—the very people affordable housing should support.

Additionally, on Page 2-11 the General Plan includes an "Opportunity Area" map on which the project site is classified as "Neighborhoods" with a definition of:

These development opportunity areas contain vacant or underutilized lands that provide opportunities for future growth. Categories include: **Neighborhoods. These areas are expected to contain a diversity of housing types, as well as complementary community supportive uses.**

This development includes only single family residential units and no complementary community supportive uses.

On Page 2-16 the General Plan gives a detailed definition of what "Complete Neighborhoods" entail:

**Complete Neighborhoods**

Complete neighborhoods promote livability and safety for residents of all ages, incomes, and cultural backgrounds. Characteristics of complete neighborhoods include the following:

- *A mix of housing types and housing affordability*
- *One or more nodes or districts of vibrant commercial or civic activity that provide identity for the neighborhood (e.g., shopping district, collection of public buildings)*

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- *Neighborhood services and facilities including schools, parks, retail (e.g., grocery store, drug store), restaurants and cafes, and community centers or other public meeting hall*
- *Employment opportunities accessible by transit*
- *Sustainable designs and green infrastructure that respond to climatic demands and conserves scarce resources*
- *Extensive tree canopy and attractive landscaping*
- *A sense of personal safety (e.g., low crime rate, short police and emergency response times)*
- *An interconnected street network with short blocks and few cul-de-sacs*
- *Convenient access to public transportation (e.g., light rail and bus)*
- *A complete network of pedestrian, bicycle, transit, and roadway facilities that are connected to adjacent neighborhoods, centers, corridors, and employment*
- *Well-maintained housing and public facilities*

17-11  
Cont.

McKinley Village is not a complete neighborhood and is inconsistent with numerous General Plan policies. One must conclude that the General Plan policy analysis was biased in favor of the project, in that the analysis only included policies, or portions of policies, which the project can meet. CEQA's major intent of disclosure has not been achieved. Therefore, the environmental document must be considered inadequate and incomplete.

17-12

The DEIR indicates that the project will have 328 units with 656 residents. With the recent increase in units, one would assume that the numbers are now 336 units and 672 residents. For some unknown reason 2.0 persons per household was used to come up with the number of residents. We can find no justification for utilizing this low number for persons per household. The Sutter Park Project, for which the DEIR was also recently released, utilized 2.54 persons per household. Other references use other persons per household numbers, none as low as 2.0 persons per household.

17-13

While persons per household may not have been used in the analysis to determine impacts, this unbelievably low person per household number can only be seen as another part of the biased environmental review of the project. Obviously, when this number is corrected, more residents will be exposed to high noise levels, high vibration impacts and exposure to carcinogenic diesel particulates.

17-14

**Air Quality / Toxic Air Contaminants**

ECOS's comments on the Notice of Preparation for this project included a recommendation for on-site monitoring of Particulate Matter (PM 2.5) including carcinogenic diesel particulates. Because of multiple sources of these emissions, the highly congested freeway and the heavily used railroad right-of-way, typical modeling associated with a Health Risk Assessments (HRA) may not accurately reflect the true impacts. This recommendation was not considered.

17-15

The California Air Resources Board's *Land Use and Air Quality handbook: A Community Perspective* basically recommended against locating sensitive receptors, including residential development, within 500 feet of significant sources of diesel particulate matter (DPM), a known carcinogen. The Sacramento Metropolitan Air Quality Management District (District) developed the *Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* (Protocol) as a screening tool to assist local jurisdictions in assessing potential cancer risk of locating sensitive land uses adjacent to major roadways. The Protocol does not establish an acceptable DPM cancer risk or a threshold of significance, which is left to the local jurisdictions.

17-16

First, the DEIR states that the *Impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of required CEQA*

17-17

*review. "[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." (Ballona Wetlands Land Trust v. City of Los Angeles (2011) 201Cal.App.4th 455, 473.) The impacts discussed in this section related to Toxic Air Contaminants associated with the existing Capital City Freeway and UPRR operations are effects on users of the project and structures in the project of preexisting environmental hazards, as explicitly found by the court in the Ballona decision, and therefore "do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the project must be analyzed in an EIR." (Id. at p. 475.) Nonetheless, an analysis of these impacts is provided for informational purposes. The California Supreme Court has elected to review this issue (Supreme Court Case S213478); therefore it would not be advisable to use the Bollona Wetlands decision as a reason not to review the full impact of toxic air contaminants on future residents of the project.*

17-17  
Cont.

Secondly, the Air Quality Section of the DEIR uses the 276-in-one million Protocol screening criteria as a threshold of significance. The District purposely stated that it should not be used as a threshold of significance or an indication of acceptable risk. Nevertheless, it is used here to determine that the project would result in a less than significant impact on future residents from toxic air contaminants with an exposure level of 200-in-one million from the freeway and 120-in-one million from railroad operations. The HRA itself states that residents would be exposed to a level of 80 in one million for the majority of the project. While the 276-in-one million is not a significance threshold and not a safe level of exposure, a significance threshold of 10-in-one million has been established.

17-18

This same type of analysis was used for the recent Delta Shores environmental document and was challenged in court: STONE LAKES NATIONAL WILDLIFE REFUGE ASSOCIATION, et al., Petitioners and Plaintiffs, vs. CITY OF SACRAMENTO, a municipal corporation, et al. As a result of this action, a settlement was reached wherein the City was required to conduct a new Health Risk Assessment with a significance threshold of ten-in-one million.

17-19

One must conclude that the ten-in-one million threshold should have been used in this analysis as well and that the impacts associated with this project are therefore significant. ECOS maintains that on-site monitoring is the only means of obtaining reliable data for a comprehensive Health Risk assessment. The analysis contain in this document is inadequate and incomplete.

17-20

Recent, well publicized, studies have indicated the living near freeways exposes residents to significant non-cancer health risks. The DEIR did not address non-cancer health risks associated with living near major roadways or other fine particulate generators. The DEIR fails to include any evaluation of the potential non-cancer health risks from constructing residences within 500 feet of the Capital City Freeway and the Union Pacific Railroad right-of-way. Again, this is further evidence that the DEIR is inadequate and incomplete. The DEIR comment letter (attached) from Physicians for Social Responsibility/Sacramento, an ECOS member organization, addresses this issue in detail and is referenced here.

17-21

**Noise and Vibration**

The DEIR appears to indicate the noise and vibration levels meet City standards, but it does propose certain mitigation measures nonetheless. While noise and vibration levels are high, ECOS will not argue they do not meet City standards. However, we must ask the question, do these noise and vibration levels yield a livable and sustainable community? Due to noise levels, we believe outdoor use within this community will be severely limited, further exacerbating health issues associated with obesity. Interior noise and vibration levels will be annoying at best and may be unacceptable to many who choose to locate here. We believe the City should

17-22

review its noise and vibration standards to better determine what levels are detrimental to the human psyche. That would be a better standard for determining livability and sustainability of a community.

17-22  
Cont.

Mitigation Measure 4.6-6 indicates that:

*Disclosure statements shall be provided to prospective homebuyers for homes located adjacent to the UPRR right-of-way, informing them of the presence of the UPRR tracks and that vibration may be periodically perceptible during train pass bys.*

17-23

We recommend that the mitigation measure be revised to read:

*Disclosure statements shall be provided to all prospective homebuyers informing them of the presence of the Capital City Freeway and the UPRR tracks and that noise, vibration, toxic air contaminants and non-cancer causing health risks may be associated with these sources.*

**Transportation and Circulation**

The fact that C Street between 30<sup>th</sup> and 33<sup>rd</sup> is not classified as a Major Collector has been pointed out many times to City staff, yet here again, this section is erroneously classified. This section of C Street is a Local Street. The traffic analysis must be revised to reflect the correct classification.

17-24

Development projects that lead to more walking and active travel are critical to our community's future. Human beings need moderate exercise, such as walking, for about 30 minutes a day in order to prevent the development of chronic disease and overweight. Only 38% of the population in the Sacramento region is active at this minimal level, often due to limitations placed by a built environment not suited to walking and other types of physically active travel. A 30-minute walk is about one and a half miles. If more people could obtain regular exercise by walking and bicycling to their regular destinations, in lieu of driving, it could yield significant health improvements to the resident population of this area.

17-25

Reduced driving would also decrease vehicle emissions and the prevalence of asthma, cardiovascular disease, and other air pollution-related conditions. More trips by walking and bicycling could help reduce the current expensive burden on the health care system of providing medical care to more and more people with chronic conditions due to inactivity and poor air quality.

Infill development can contribute to an increase in walking and physical activity when more people live or work close to a variety of destinations. The lack of connectivity to the surrounding area and few nearby destinations to the north suggest that McKinley Village has a mix of infill and edge-of-city qualities. Therefore, it's very important to enhance the limited connectivity proposed for the project. Providing all-mode access at the Alhambra Boulevard undercrossing would greatly improve connectivity and should be considered.

17-26

The bridge over the Capital City Freeway at A Street should include sidewalks on both sides of the bridge with at least five feet clear width after subtracting shy distances in each direction, and bicycle lanes on both sides that will accommodate most skill levels.

17-27

It is important to provide clear lines of sight to destinations at each end of the railroad track undercrossing at Alhambra Boulevard and at 40th Street. Pedestrians will feel more comfortable

17-28

using an undercrossing if they can clearly see the other end. Curves in the street or trail approaches, as shown on the site plans, diminish the line of sight and may discourage use of the undercrossing. 17-28

Consider using a roundabout at the intersection of A Street and Street 1. Not only would a roundabout provide better traffic calming than a side-street or all-way stop controlled intersection, but it may also provide improved pedestrian and bicycle mobility. A roundabout should permit removal of the curve in bike/ped trail on the north side of the Alhambra undercrossing. A roundabout should also allow for a safer transition to A Street and Street 1 for bicyclists. ECOS and WALKSacramento will be happy to provide a sketch illustrating how this intersection might be configured. 17-29

As the last of our concerns, we're not sure there will be much benefit from the 10-foot wide multi-use trail along A Street. It might be better to construct 7.5 foot sidewalks on both sides of A Street, or increase the planter width on each side by 2.5 feet. 17-30

We wish to recognize one important change that was made since the 2008 proposal. The conceptual site plan shows many street trees, and the greatest improvement is the addition of trees on the alleys. These trees will cool and beautify the alleys for pedestrians, in addition to providing air quality and energy-use benefits. 17-31

Transit service is basically not available for future residents of this project. The walking distance to transit is too far and the transit service is too infrequent. Since there are significant traffic impacts associated with this project, appropriate mitigation would be to provide transit service. ECOS recommends that a mitigation measure be added to either work with Regional Transit to reroute and expand Route 34, including increasing its frequency, or to provide shuttle service for residents of the community. 17-32

**Housing**

The project proponent has indicated that "granny flats" on top of garages could be considered low income housing. We disagree. Accessory dwelling units (ADUs) such as "granny flats" can contribute to a better mix of land uses in new subdivisions and increase the value and sales price of homes, but should not be considered low-income or affordable housing. 17-33

ADUs would not necessarily be built; in the project proponent's previous development, Laguna West, "granny flats" on top of garages were an extra cost option which was seldom chosen. When built, ADUs would not be required to be rented; many ADUs are used instead as home offices or for other non-residential purposes. Even when rented, ADUs cannot be assumed to be de facto affordable; accessory units often carry high rents and are used as housing for higher-income young professionals rather than low income households. Even if ADUs are built, rented, and rented at affordable rates, they are still not subject to a recorded affordability restriction, and there is no guarantee they will remain rented and de facto affordable to low income households. 17-34

In order to potentially increase the supply and mix of housing stock, a certain percentage of the units which can accommodate garage "granny flats" should be required to have them. Furthermore, as ADUs become more common components of project proposals, city staff should track their construction and whether they are made available for low- and very-low-income households. 17-35

**Conclusion**

As stated in our introduction to these comments, ECOS supports infill development and would generally wholeheartedly support a project at a location so close in to the urban area. However, we have concerns regarding the livability of the project site for future residents and the sustainability of the project itself. These concerns regarding noise, vibration, toxic cancer causing air contaminants and other health impairing emissions, as well as a lack of affordable housing by design, have not been adequately addressed in this environmental document. We find the document to be biased, inadequate, incomplete and unacceptable under the California Environmental Quality Act.

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17-36  
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Respectfully Submitted,



Richard Guerrero, President  
Board of Directors

Attachments: Physicians for Social Responsibility/Sacramento Letter

c: Steve Cohn, Council Member, District 3

**Letter 17: Richard Guerrero, President Board of Directors, Environmental Council of Sacramento (ECOS), January 8, 2014**

- 17-1: The comment relates to issues that are relevant to the planning process for the project please refer to the staff report. No further response is required.
- 17-2: The commenter alleges that the Draft EIR's discussion of the 2030 General Plan consistency is inadequate.

CEQA does not include a requirement that EIRs examine whether the project would be consistent with existing zoning, plans and other applicable land use controls. In *North Coast Rivers Alliance v. Marin Mun. Water Dist. Bd. of Dirs.* (2013) 216 Cal.App.4th 614, ("*North Coast Rivers*") the court determined that while CEQA requires an EIR to discuss inconsistencies between a project and applicable plans, it does not require an EIR to provide a detailed discussion of a project's consistency with such plans. (*Id.* at p. 633, citing CEQA Guidelines, § 15125, subd. (d).) Furthermore, inconsistency with a land-use policy does not require a finding that an impact is significant under CEQA; rather, a policy inconsistency is "merely a factor to be considered in determining whether a particular project may cause a significant environmental effect." (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207.) See also Master Response 8 regarding general plan consistency.

The commenter claims the project is inconsistent with General Plan Policy LU 2.1.3, related to "Complete and Well-Structured Neighborhoods." General Plan Goal LU 2.1, Policies LU 2.1.1 through LU 2.1.3, and Policy LU 2.1.6 encourage new neighborhoods to be diverse and distinct; and to promote walking, biking, and public safety; to be family friendly; and to address the needs of residents of all ages and abilities, in addition to supporting infill development that positively contributes to existing neighborhoods. Policy LU 2.1.2 encourages the City to protect and enhance existing neighborhoods by requiring new development to respect the characteristics of existing, established neighborhoods. The proposed project is designed to reflect the characteristics of the older neighborhoods in Sacramento. Further, the proposed project provides sidewalks on all the roads to encourage walking and bike access on all the roads to encourage biking. The housing styles are designed to complement the existing, established neighborhoods and to be an extension of the existing neighborhoods to the south, west, and east of the site. The proposed project incorporates four different housing types, 18 house plans, and 62 base elevations (with further material and color variations beyond the base elevations that will meet the needs of a range of ages and abilities). (See Chapter 2 of this Final EIR for



updated information on housing plans, DEIR, p. 3-27.) The Draft EIR concluded the project would be consistent with the 2030 General Plan Land Use goals and policies for new residential development. (DEIR, p. 3-35.) The City Council will decide whether the proposed project is consistent with the General Plan as a whole. The comment is forwarded to the decision makers for their consideration.

17-3: The commenter claims the project is inconsistent with General Plan Policy LU 2.6.1, related to “Sustainable Development Patterns,” specifically its references to mixed use development and transit use. General Plan Goal LU 2.6 and Policies LU 2.6.1 and LU 2.6.3 promote development that is more compact with a higher density that uses land more efficiently to help reduce the demand for energy and fossil fuels. The average density of the project is 11.2 du/ac, which is higher than the 7 du/ac average density in the East Sacramento neighborhoods (see Chapter 2 of this Final EIR for revisions to the project since release of the Draft EIR). The increase in density enables the project to develop a broader mix of unit types and creates a neighborhood that is more compact. (DEIR, p. 3-29.) See Response to Comment 17-6 below regarding the project’s proximity to transit.

17-4: The commenter asks whether the project is consistent with General Plan Policy LU 2.8.4. That policy is labeled “Housing Type Distribution,” and states: “[t]he City shall promote an equitable distribution of housing types for all income groups throughout the city and promote mixed-income developments rather than creating concentrations of below-market-rate housing in certain areas.”

The comment refers to a City-wide policy related to housing distribution, and not directly applicable on a project-by-project basis. The project provides five different housing types, 18 house plans, and 62 base elevations and would not interfere with implementation of this City-wide policy. Further, the project does not create a concentration of below-market-rate housing. No further analysis is required.

17-5: The commenter claims the project is inconsistent with General Plan Policy LU 4.1.1, related to “Mixed-Use Neighborhoods,” specifically the project’s proposed recreational components are inadequate, neighborhood-serving retail is not nearby the site, and the existing community would like more neighborhood-serving retail on the project site.

General Plan Goal LU 4.1 and Policies LU 4.1.1 through LU 4.1.6 address neighborhood design and mix of uses. Policy LU 4.1.1 requires new neighborhoods provide a complementary mix of uses that address the basic needs of the residents. The project includes parks and a neighborhood recreation center that are easily

accessible and within walking distance of all residences. The project also includes payment of an in-lieu park fee to the City for the remaining parkland requirement, resulting in a less- than-significant impact under CEQA related to parks and recreation. (DEIR, pp. 3-30; 4.7-29 to 4.7-30.)

Retail uses beyond those included within the recreation center were not included as part of the project because it was determined the project does not include enough residences or density to support additional retail, especially since neighborhood-serving retail uses are located within close proximity to the project site. (DEIR, p. 3-30.) The project is approximately one half mile from a nearby grocery store and restaurant via the 40th Street access. See new Figures 1 and 2 (Bike/Walking Distance from 40<sup>th</sup> and A Streets and Proximity to Adjacent Services) in Chapter 2 of this Final EIR. See also Response to Comment 18-53 that addresses retail and commercial uses.

- 17-6: The commenter asks whether the proposed project is consistent with General Plan Policy LU 4.5.6, which promotes development of residences within ½ mile of transit.

The project's 40th Street access connects residents to an approximately one half mile walk to the nearest transit route (Bus Line 34). (DEIR, p. 2-46; p. 4.9-19, Figure 4.9-5; see also new Figure 1, Bike/Walking Distance from 40th and A Streets in Chapter 2 of this Final EIR.) The bicycle/pedestrian underpass at Alhambra Boulevard would provide a direct route of just over one quarter mile to the existing stop at Alhambra and McKinley Boulevards, if approved by Union Pacific and the appropriate government agencies. (See generally DEIR, p. 4.9-58.) Given the infill nature and location of the project, it is understandable that some residences may be farther than one half mile from the nearest transit stop. The EIR concluded that transit-related effects are less than significant. (DEIR, p. 4.9-61.) Ultimately, the City Council will determine whether the project is consistent with the General Plan as a whole. The comment is forwarded to the decision makers for their consideration. See also Master Response 8 regarding general plan consistency.

- 17-7: Commenter asks whether the proposed project is consistent with General Plan Policy H-1.3.4.

As set forth in the latest version of the Housing Element, adopted December 17, 2013, Policy H-1.3.4, "A Range of Housing Opportunities," states: "The City shall encourage a range of housing opportunities for all segments of the community." This is a City-wide policy related to housing distribution, and not directly applicable on a project-by-project basis. Nonetheless, the project provides four different housing

types, 18 house plans, and 62 base elevations and would not interfere with implementation of this City-wide policy. No further analysis is required.

- 17-8: Commenter states the project must include affordable housing units, and proposed “Optional Carriage Units” do not satisfy this requirement.

Based on the City’s Zoning Code, the project is not required to provide affordable housing units. Section 17.190 of the City of Sacramento Zoning Code (“Mixed Income Housing”) is intended to ensure that residential projects in new growth areas contain a defined percentage of housing affordable to low income and very low income households, to provide for a program of incentives and local public subsidy to assist in this effort, and to implement the mixed income policies of the Housing Element of the City General Plan. First adopted in 2000, the Mixed Income Housing Ordinance requires the building of a mix of housing by income levels in all new growth areas, which includes the downtown and Curtis Park railyards sites, and future City annexation areas. In these new growth areas, ten percent of new housing is required to be affordable to very low-income households, and five percent affordable to low-income households. By applying the Mixed Income Housing Ordinance only to new growth areas, the City recognized the unique and sometimes limiting development environments that are present in building in existing neighborhoods. Such challenges include site availability and site specific infrastructure needs, as well as housing needs and overall cost burden on the feasibility of certain geographically situated infill development projects. The proposed project site is not identified as a “new growth area” in the Mixed Income Housing Code and is therefore not required to include affordable housing.

- 17-9: The comment states the proposed accessory units would provide little to no value to low income families and low wage workers.

As discussed above in Response to Comment 17-8, the project is not required to provide affordable housing units. The project has made accessory units available as an option to future homebuyers, and those units could potentially be rented in the future, but they are not designed to satisfy any affordable housing requirement because no such requirement exists for this project. The commenter’s opinion is forwarded to the decision makers for their consideration.

- 17-10: Commenter states the project site is classified as “Neighborhood” on the City’s 2030 General Plan “Opportunity Area” map, and as such, should include complementary community supportive uses and not only single family residential units.

Page 2-11 of the 2030 General Plan, cited by the commenter, refers the reader to Chapter 3 for more discussion of opportunity areas. Page 3-ES-7 of the General Plan lists the project site among opportunity areas in the East Sacramento Community Plan Area, and explains “[a]dditional urban form concepts and recommendations will continue to be developed and refined for each opportunity area as needs are assessed and development focus shifts throughout the East Sacramento Community Plan Area.” Thus, the General Plan did not dictate a specific urban form for the project site. In addition, even under the Traditional Neighborhood urban form guidelines, projects are not required to include a mix of housing types. Rather, a variety of residential land use types, including single family and multi-family units, are permitted in the Traditional Neighborhood land use designation. (2030 General Plan, p. 2-46.)

Furthermore, consistent with the Traditional Neighborhood urban form guidelines, the proposed project is designed to be a well-connected neighborhood. The project is proposing to construct a bicycle/pedestrian connection under the UPRR embankment to connect to Alhambra Boulevard and B Street (if approved by Union Pacific and the appropriate government agencies), and a roadway/bicycle/pedestrian underpass and extension of 40th Street to connect the project to the neighborhoods to the south. These connections will enable residents to access the adjoining neighborhood and will promote walking and biking to nearby stores, schools and other amenities.

17-11: The comment provides a list of characteristics of Complete Neighborhoods. This list can be found in its entirety on page 2-16 of the 2030 General Plan.

The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

17-12: The commenter claims the project is not a “complete neighborhood” and is inconsistent with numerous general plan policies.

As discussed above in Responses to Comments 17-2 through 17-11, the Draft EIR concluded the project would be consistent with the 2030 General Plan Land Use goals and policies for new residential development. (DEIR, p. 3-35.) Ultimately, the City Council will decide whether the project is consistent with the General Plan as a whole. See Master Response 8 (general plan consistency). The comment is forwarded to the decision makers for their consideration.

- 17-13: Commenter claims a factor of 2.0 persons per household was used “for some unknown reason.”

See Master Response 6 that addresses this issue.

- 17-14: The commenter asserts that if a higher person per household factor had been used, more residents would be exposed to high noise levels, vibration impacts, and exposure to carcinogenic diesel particulates.

The Draft EIR concluded that noise, vibration, and air quality impacts, including cancer risks, would be less than significant following mitigation. (See DEIR Sections 4.1 and 4.6.) Thus, regardless of the factor used, and the number of persons who ultimately occupy each residence, the impacts of the project are not significant. Please see also Master Response 6 explaining that the persons per household factor does not affect the environmental analysis.

- 17-15: The commenter reiterates ECOS’ previous comment on the Notice of Preparation that on-site monitoring of particulate matter (PM<sub>2.5</sub>), including diesel particulates, should be conducted because typical modeling associated with health risk assessments may not accurately reflect the true impacts.

Monitoring of PM<sub>2.5</sub> at the project site may not indicate whether the PM<sub>2.5</sub> is associated with vehicles on the Capital City Freeway or simply indicative of PM<sub>2.5</sub> present in the larger Sacramento region. PM<sub>2.5</sub> is a regional air pollutant that reflects the influence of many sources of emissions besides directly emitted PM<sub>2.5</sub>. Additional monitoring for a diesel particulate matter surrogate, such as elemental carbon, would be required to further characterize the PM<sub>2.5</sub>. As indicated in the Master Response 7, the health risk assessment was conducted in a manner consistent with industry standards and the Sacramento Metropolitan Air Quality Management District’s (SMAQMD’s) *Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* (Roadway Protocol). Health risk assessments of the type conducted for the proposed project have been conducted for stationary source permitting and CEQA documentation for more than 25 years. The methodologies are well established by air districts and the Office of Environmental Health Hazard Assessment. The air quality dispersion model, AERMOD, has been rigorously evaluated to ensure that it predicts ambient concentrations of air pollutants as accurately as possible. The SMAQMD, which is the local agency responsible for air quality, has not recommended in either its Roadway Protocol or its *CEQA Guide to Air Quality Assessment in Sacramento County* that pre-project on-site monitoring of criteria air pollutants or toxic air contaminants be performed.

- 17-16: Commenter cites CARB's *Land Use and Air Quality Handbook: A Community Perspective* and the SMAQMD's *Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* related to development within 500 feet of significant sources of diesel particulate matter (DPM).

These documents are summarized on pages 4.1-23 to 4.1-24 and 4.1-28 to 4.1-29 of the Draft EIR. Health risk assessments of the type conducted for the proposed project have been conducted for stationary source permitting and CEQA documentation for more than 25 years. The methodologies are well established by air districts and the Office of Environmental Health Hazard Assessment. The air quality dispersion model, AERMOD, has been rigorously evaluated to ensure that it predicts ambient concentrations of air pollutants as accurately as possible. The SMAQMD, which is the local agency responsible for air quality, has not recommended in either its Roadway Protocol or its *CEQA Guide to Air Quality Assessment in Sacramento County* that pre-project on-site monitoring of criteria air pollutants or toxic air contaminants be performed. See also Master Response 7. The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required

- 17-17: Commenter alleges the EIR should not rely on *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455 (*Ballona*) for the proposition that the City has no obligation to consider the impacts to future project residents from exposure to existing toxic air contaminant emissions.

As explained in the Draft EIR, impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of required CEQA review. "[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." (*Ballona, supra*, 201 Cal.App.4th at p. 473.) *Ballona* remains good law. (See *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2013) 218 Cal.App.4th 1171, 1195 [161 Cal. Rptr. 3d 128], review granted Nov. 26, 2013, S213478 [declining to "decide whether Baird, Long Beach, SOCWA, and Ballona were correctly decided or whether, as a general rule, an EIR may be required solely because the existing environment may adversely affect future occupants of a project"].)

Nevertheless, for purposes of full disclosure, the Draft EIR does provide complete analyses of the impacts of toxic air contaminants associated with the existing Capital City Freeway and UPRR operations, and concludes those potential impacts are less than significant. (DEIR, pp. 4.1-46 to 4.1-51.) See Responses to Comments 31-7 and 31-8.

- 17-18: The commenter asserts that the Draft EIR improperly uses the SMAQMD evaluation criterion (cancer risk of 276 in 1 million) as a threshold of significance.

Please see Master Response 7 that addresses this issue. See also Responses to Comments 10-1 and 10-2.

- 17-19: The commenter alleges the EIR's analysis is similar to that used for the Delta Shores EIR that was challenged in court.

The commenter may be mistaken regarding the approach presented in the project Draft EIR. As discussed in Responses to Comments 10-1 and 10-2, the Draft EIR did not use the SMAQMD's evaluation criterion as a significance threshold. The commenter's opinions regarding the Delta Shores project are not supported by any evidence, and do not raise issues regarding the physical effects on the environment and no further response is required. See also Response to Comment 18-63.

- 17-20: Commenter asserts the Draft EIR should have utilized a threshold of 10 in one million to evaluate effects of TACs from the nearby freeway and railway operations. Agencies have discretion to choose applicable thresholds of significance for a particular project. For example, in *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335-337, the court rejected petitioner's argument that the lead agency erred by failing to apply petitioner's suggested threshold. (See also *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068 [CEQA mandates that agencies have the power to devise their own thresholds].) Here, the City's selected threshold is supported by substantial evidence. (See also Response to Comment 10-3.)

Commenter reiterates its comment that the HRA must include on-site monitoring to obtain "reliable data." Health risk assessments of the type conducted for the proposed project have been conducted for stationary source permitting and CEQA documentation for more than 25 years. The methodologies are well established by air districts and the Office of Environmental Health Hazard Assessment. The air quality dispersion model, AERMOD, has been rigorously evaluated to ensure that it predicts ambient concentrations of air pollutants as accurately as possible. The SMAQMD, which is the local agency responsible for air quality, has not recommended in either its Roadway Protocol or its *CEQA Guide to Air Quality Assessment in Sacramento County* that pre-project on-site monitoring of criteria air pollutants or toxic air contaminants be performed. See also Master Response 7.

- 17-21: Commenter claims the Draft EIR did not address non-cancer health risk associated with living near major roadways and the UPRR. The comment also references the comment letter submitted by Physicians for Social Responsibility (see Letter 27).

The Health Risk Assessment prepared for the project (Appendix C of the DEIR) did evaluate non-cancer risks health effects of diesel particulate matter and evaluated PM<sub>2.5</sub> concentrations relative to a significance threshold recommended by the Bay Area Air Quality Management District. These assessments found the impacts would be less than significant. (HRA, pp. 31-33.) The HRA thus concludes “the residents of the proposed project are not anticipated to be exposed to significant noncancer health effects from DPM or PM<sub>2.5</sub>.” (HRA, p. 33.) See also Master Response 7 for an additional discussion of the health effects to sensitive receptors living near freeways and other high-traffic roadways and Response to Comment Letter 27 for more information.

- 17-22: The comment asks whether noise and vibration levels at the project site will result in a livable and sustainable community. The commenter alleges outdoor noise levels will limit outdoor use and exacerbate health issues associated with obesity, and suggests the City review its noise and vibration standards to determine what levels are detrimental to the human psyche.

“Livability” is not a CEQA term. The City Council, in considering the proposed project, will evaluate the EIR and also make policy determinations such as whether the proposed project is consistent with livability standards included in the General Plan. For the purposes of CEQA, the question is whether proximity to these other uses and features will result in any potentially significant environmental impacts. Potential noise and vibration impacts are evaluated in Section 4.6 of the Draft EIR, and were deemed to be less than significant. Health issues associated with obesity are beyond the scope of CEQA. The City’s noise and vibration standards are properly focused on evaluating potential impacts to the physical environment. Please see also Master Response 10 that addresses livability in regards to traffic.

- 17-23: Commenter requests revisions to Mitigation Measure 4.6-6, regarding disclosures to prospective homebuyers due to proximity to the freeway.

The commenter overlooks the fact that most of its requested disclosures are required mitigation for the project. In addition to Mitigation Measure 4.6-6 related to vibration, the following measures are included in the Draft EIR:

Mitigation Measure 4.6-4 (f) Disclosure statements shall be provided to all prospective residences, as well as recorded against the land, notifying of the



presence of the UPRR tracks and the accompanying elevated noise environment associated with existing and projected increased future rail activity.

Mitigation Measure 4.6-5 (e) Disclosure statements shall be provided to all prospective residences, as well as recorded with the deed, notifying of the presence of the highway and the accompanying elevated noise environment associated with existing and projected increased traffic on Capital City Freeway.

These measures are consistent with the revisions requested by commenter. The commenter also requests disclosures regarding toxic air contaminants and non-cancer causing health risks. Such disclosures are not necessary because, as for noise and vibration impacts, air quality impacts including those associated with TACs and health risks, were found to be less than significant. (DEIR, pp. 4.1-46 to 51; HRA, p. 33.)

- 17-24: The comment states C Street is classified as a Local Street rather than a Major Collector between 30th and 33rd Streets.

The commenter is correct. (2030 General Plan, p. 2-191, Figure M 2B.) The Draft EIR accurately describes the condition of C Street between 30th and 33rd Streets; however, in response to the comment the language contained in the Draft EIR is revised to provide additional clarification.

The text of the fourth bullet on page 4.9-9 of the Draft EIR is revised as follows:

**C Street/Elvas Avenue** is depicted in the City of Sacramento's 2030 General Plan as a local roadway between 30th Street and 33rd Street and a collector roadway that extends from 33rd ~~30th~~ Street at its west end to 65th Street to the east. Between 30th and 33rd Streets, C Street is a relatively narrow two-lane roadway classified as a Local Street in the City of Sacramento's 2030 General Plan, with on-street parking, fronting residences with driveways, and a posted speed limit of 25 miles per hour (mph).

In addition, Tables 4.9-4, 4.9-9, 4.9-14, and 4.9-18 have been updated to reflect that the roadway segment of C Street from Alhambra Boulevard to 33rd Street is a local street and shown in Chapter 2 of this Final EIR.

- 17-25: The comment is expressing its opinions regarding the need for exercise to “prevent the development of chronic disease and overweight.”

The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 17-26: Commenter states that all-mode access at the Alhambra Boulevard underpass should be considered to improve connectivity for the site.

The project proposes a pedestrian/bicycle underpass of the UPRR tracks at the terminus of Alhambra Boulevard assuming such an underpass is approved by UPRR and the appropriate government agencies. (DEIR, pp. 2-45, 4.9-58.) The Draft EIR explains that an all-mode access at this point was considered but rejected as infeasible because of logistics associated with temporarily moving the operational railroad tracks in order to construct the underpass, likely changes to access for existing residences nearby and other factors. (DEIR, p. 2-46.) Thus, commenter’s suggestion was already considered in the Draft EIR. See also Response to Comment 17-10 regarding connectivity and Master Response 1 that addresses the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard.

- 17-27: Commenter requests sidewalks and bicycle lanes to “accommodate most skill levels” on both sides of the A Street Bridge over the Capital City Freeway.

The project proposes improvements to the existing A Street Bridge. The A Street Bridge would be improved to provide vehicular, bicycle and pedestrian access to the site. Improvements to the bridge would include new paving, striping and upgrading the guardrails. Caltrans may consider other bridge designs, including a cantilever to provide additional pedestrian access on the north side, but any such approaches would require additional design and discussions with Caltrans. These improvements would provide adequate access via the A Street Bridge. On-street bicycle access would be provided across the bridge. It would not be feasible to widen the bridge to accommodate striped bike lanes.

- 17-28: The comment requests clear lines of sight at each end of the two proposed railroad underpasses (tunnels); bicycle/pedestrian at Alhambra Boulevard and vehicle at 40th Street.

The Draft EIR explains that both underpasses would include lighting, pursuant to City standards for pedestrians, bicycles, and safety. (DEIR, p. 2-45.) The 40th Street underpass would be approximately 107 feet wide, 16 feet high, and 148 feet long,

and would accommodate two lanes of traffic along with access for bikes and sidewalks on both sides of the road along with LED lighting. (*Ibid.*) The width of this underpass would allow for line of sight from most if not all of its length. The Alhambra bicycle/pedestrian underpass would be 125.5 feet long, but the exact dimensions of the underpass are in the process of being designed. The project applicant has committed to the following measures and project features relating to tunnel safety, provided the tunnel is approved by UP and the appropriate government agencies:

1. The underpass or tunnel has been redesigned from the original plans to add additional width.
2. The project applicant has proposed to landscape the Alhambra side of the tunnel in such a way that will prevent cars from driving through, but allowing access for maintenance and emergency vehicles and keeping the landscaping directly in front of the tunnel low enough that the tunnel is visible down Alhambra.
3. On the project side of the tunnel, the project applicant is limiting the landscaping at A Street so the tunnel is open and visible from the street.
4. The homes near the tunnel opening on the project side have been reoriented to bring more “eyes” on the area. The project applicant is also proposing to include irrigated turf in the basin area adjacent to the opening on the project side so it is a more actively used area again to bring more eyes on the tunnel.
5. The tunnel will have LED lighting both inside and at both openings.
6. The project applicant has proposed to install cameras at both ends of the tunnel.

17-29: Commenter suggests using a roundabout at A and Street 1 (internal to the project site), and states that this intersection treatment would assist with traffic calming and may also provide for improved bicycle and pedestrian mobility.

The A Street approach to Street 1 slopes downward after clearing the overcrossing of the Capital City Freeway (Business 80). This downward sloping approach also enters a horizontal curve prior to reaching Street 1. The installation of a roundabout at this location may create a potential hazard due to the combination of vertical and horizontal curvature on the eastbound approach.

The commenter states that a roundabout may provide for improved bicycle and pedestrian safety and mobility, particularly given the proximity of the proposed Class 1 bicycle/pedestrian path included as part of the proposed project. For this reason, the Draft EIR includes a recommendation for appropriate intersection crossing treatments

where the path enters controlled intersections, such as A Street/Street 1. As documented on page 4.9-93 of the Draft EIR, these treatments include high visibility crosswalk markings, and ensuring that appropriate sight distance is provided for both drivers on the intersecting roadways as well as bicyclists using the Class 1 facility.

- 17-30: Commenter suggests sidewalks and/or an increased planter width along A Street rather than the proposed 10-foot a multi-use trail through the project site.

The project applicant has removed this element from the project after receiving input from various community groups. Please see Chapter 2 of this Final EIR for a summary of changes to the project.

- 17-31: Commenter compliments the project's addition of street and alley trees compared to earlier proposals for the site.

The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

- 17-32: The commenter suggests mitigation that would provide transit service to the site, specifically working with Regional Transit to expand Route 34, or providing shuttle service.

Please see Response to Comment 17-6 regarding the project site's proximity to existing transit facilities. The Draft EIR concluded that potential impacts related to access to transit under Existing Plus Project or Cumulative Plus Project are less than significant. (DEIR, p. 4.9-61.) Mitigation is not required for less than significant impacts. (CEQA Guidelines, Section 15126.4, subd. (a)(3).) Thus, the commenter's suggested mitigation is not required to be further analyzed for the project. The comment is forwarded to the decision makers for their consideration.

Transit services in the vicinity of the proposed project are documented on pages 4.9-15, 4.9-16 of the Draft EIR. As stated in the Draft EIR, the closest stop to the project site is located just over a quarter mile south of the proposed bicycle/pedestrian underpass at the intersection of E Street/Alhambra Boulevard. The proposed access points to the project site would result in relatively direct connections to existing bus stops (i.e., bicycle/pedestrian access at Alhambra Boulevard would provide for a direct route to the nearest bus stop to project located at the Alhambra Boulevard/E Street intersection (if approved by Union Pacific and the appropriate government agencies); C Street access roadway would provide for direct route to the stop located west of 40th Street/McKinley Boulevard intersection) (DEIR, pp. 4.9-58, 4.9-59).

Per the City's impact significance criteria, no significant impacts to public transit operations were identified under Existing Plus Project or Cumulative Plus Project conditions as the project provides access to transit and does not adversely affect public transit operations.

- 17-33: The comment includes an opinion that "granny flats" are not affordable housing.

As discussed above in Response to Comment 17-8, the project has no affordable housing requirement. Therefore, as discussed in Response 17-9, any second units that may be constructed are not intended to serve as affordable housing. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 17-34: The commenter's opinion is that there is no guarantee granny flats will be used for affordable housing.

Please see Response to Comment 17-8. There is no affordable housing requirement for the project; therefore there is no need to guarantee construction of granny flats. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 17-35: The commenter's opinion is that a percentage of units should be required to have granny flats, and City staff should track construction of such units, as well as their availability to low and very low income households.

There is no affordable housing requirement for the project. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Please see Response to Comment 17-8.

- 17-36: The comment summarizes the comments discussed in Responses to Comments 17-1 through 17-35 above. No further response is required.



09 JANUARY 2014

Dana Allen, Associate Planner  
City of Sacramento, Community Development Department  
300 Richards Blvd., 3rd Floor  
Sacramento, California 95811

Dear Ms Allen,

These comments are submitted on behalf of East Sacramento Preservation, Inc., an East Sacramento neighborhood association of over 300 members, on the **Draft Environmental Impact Report for the McKinley Village Project (P08-086)**, dated 12 November 2013.

While we appreciate the opportunity to comment on the Draft Environmental Impact Report for the McKinley Village project, it is quite clear that this planning process is inherently flawed and broken with regard to citizen involvement in the ability to shape the future direction of our city. Our neighborhood association was granted one printed copy of the DEIR. If we had had to review only the electronic version available on the City's website or had to go to the library to get access to a hard copy, we would never have bothered making these comments. This delivery system has the effect of eliminating input from residents that have no access to the internet versions of the documents, particularly senior citizens, or whose only electronic access is by phone or tablet. Timing the release of the DEIR so that the comment period coincided with three major holidays further reduced the opportunity for meaningful document review.

18-1

The hard copy appears to be well over 1,000 pages long. The appendices check in at another 4,000-plus pages. On top of that a reviewer will have to read hundreds of pages of the General Plan to put this project in context. To expect that residents, between their work, family and personal lives, will realistically have the time to read and comment on the volumes of data, assumptions, figures, tables, etc. that supposedly construct an argument that the proposed project will have no significant impacts on the environment is, frankly, ludicrous.

18-1

There are numerous citations within the DEIR of personal correspondence, by phone, letters and internal e-mails which are not available to the citizen reviewer of the DEIR. Disturbingly, some of this correspondence occurs between government agencies and the project’s representatives and paid consultants. This correspondence is then referenced in each section’s Sources page as if these are now facts. Was this information independently analyzed and peer-reviewed? Phone conversations are often misremembered and e-mails can easily be distorted or taken out of context to provide desired outcomes. These lapses in providing all EIR information and correspondence to the public make “a process of full disclosure” (1-1) impossible because it is not a matter of public record or generally available to the public. All of this correspondence, if the City is truly interested in a good faith effort at full disclosure, should be put in letter form, on agency letterhead where applicable, and included in the appendices.

18-3

It seems that a document such as this should have no identifiable bias yet the DEIR plainly has a pro-project bent. There are many examples where the text of the document editorializes or minimizes in descriptions of potential impacts. For example, the DEIR constantly measures distances from the edge of the project at the UPRR under-crossings to minimize distances traveled to neighborhood amenities such as schools, parks and shopping. Unless the DEIR assumes that there are people living in these tunnels (which does sometimes occur in similar downtown tunnels) these measurements should be from the center of the project thereby averaging the distances traveled from the actual residential lots. Another example is where the DEIR claims that “there are no major roadways that children would be required to cross to safely access school.” This editorializing is completely inappropriate in a document of this nature.

18-4

The developers want their project; SACOG, the city and its politicians want their “infill” growth; labor and commerce want the business. As a result, residents throw up their hands in frustration. Most feel that “the fix” is in and there is no benefit in devoting precious hours reading this Thing that they don’t fully understand anyway. Since neighborhood input and/or opposition is treated by the process as an obstacle to be overcome on the road to project construction, the only remaining effective neighborhood tool is, unfortunately, to seek expensive legal remedies.

18-5

There is rarely any follow-up by the City and its planning staff to this tainted process to see if things actually work out in the real world the way that this data and these documents portray them. For example, has the City ever done a follow-up traffic study to test the assumptions that it continues to make on these large projects?

18-6

East Sacramento Preservation, Inc. has concerns regarding the sustainability and livability of the project for current neighborhoods and future residents. We recognize that the project site has serious and difficult constraints; however, we believe that these constraints have not been adequately addressed in either this DEIR or in the design of the project. Based on the tenets of smart growth as espoused by SACOG, the American Planning Association, and the US EPA, the proposed project design fails to meet many of the basic concepts of what is considered a smart growth project.

18-7

There are serious problems and environmental issues with this project that have been glossed over in this document by reliance on pro-growth policies, cherry-picking of General Plan goals, contested court decisions, and rosy assumptions. In the following pages we will expound on these issues.

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18-8  
|

**PLEASE CONSIDER THIS OUR FORMAL REQUEST TO RESPOND TO ALL QUESTIONS, REQUESTS FOR DOCUMENTATION, AND REQUESTS FOR SOURCES IN THE BODY OF THIS COMMENT LETTER BY NO LATER THAN FEBRUARY 21, 2014. THANK YOU.**

|  
18-9  
|

s/Ellen Cochrane  
President  
East Sacramento Preservation, Inc.

s/David Edwards  
Vice-President and Land Use Chair  
East Sacramento Preservation, Inc.

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**EXECUTIVE SUMMARY**

Issues will be addressed in the technical sections.

**1 - INTRODUCTION AND SCOPE OF THE EIR**

Issues will be addressed in the technical sections.

**2 - PROJECT DESCRIPTION (pg. no.)**

It appears that all discussion within the DEIR only assumes impacts from railroad operations on the south side of the project and ignores impacts from train operations on the Roseville to Stockton line on the east side of the project. This line has a similar level of train traffic to the line on the south side and is only 200 yards from the project site. Provide documentation and impacts for both lines. (2-2)

18-10

Describe, provide information, and demonstrate the claim of how the proposed development, per the overarching goal, is both “integrated” and “sustainable.” (2-8)

18-11

How does just “adequate access points for vehicular traffic;” i.e., just two access points satisfy the GP requirement for improved connectivity? (2-9)

18-12

The contention (2-9) that the “project is anticipated to generate a total population of approximately 656 residents at build-out” is clearly fallacious whether or not the City has decided to assign a 2.0 persons-per-household (PPH). This number appears to be a MEIR General Plan (GP) dictate but it is not backed up by any other EIR done in this City nor in any of the published PPH figures found from various sources. While the use of the 2.0 PPH figure may be massaged in the various technical sections so that there are not gross errors in impacts, it seems silly to use this number to declare what the population will be for a development of 3, 4 and 5-bedroom houses, with granny flats for potentially 25% of them. How is a 3,150 sf house with two people living it a sustainable project or future? Does the use of this doctored PPH figure reduce any mitigation fees for the developer?

18-13

Provide a reference source for the claim that “the City does not consider granny flats to be separate units.” (2-9) The very name implies additional occupants and impacts and, indeed, the General Plan refers to them as “accessory second units.”

18-14

Are fossil-fuel burning, greenhouse gas generating fireplaces a “sustainable” feature? Is their use calculated into utility natural gas demands? (2-10) The most sustainable fireplace currently available is electric from a green source and is 100% efficient compared to the 70% efficiency of gas fireplaces. Was this appliance considered?

18-15

The document claims that “none of the residences include garages that are the main focal point of the home.” (2-10) This is an example of the editorializing within the document because that supposed statement of fact is just a matter of opinion. We would contend that the front house elevations shown in Figures 2-7, 2-9 and 2-11 have two-car garage doors that dominate those suburban, car-centric elevations and do not reflect the appearance of most houses in East Sac or Midtown.

18-16

There are well over 20 references in the EIR that describe the proposed pedestrian/bicycle connection (2-45) from the project to Alhambra Boulevard while immediately adding the qualifier “if approved by UPRR.” Given that so much of this project’s supposed environmental benefits are contingent on that connection, will denial of this tunnel by UPRR be grounds for denying the project? Why is the tunnel not being built in Phase 1?

18-17

It is noted that the 150-foot long vehicular underpass (2-45) planned at 40<sup>th</sup> Street will not accommodate the potential width required for High Speed Rail (2-64,) which is currently planned for this route. Have the State and HSR Authority been notified that this project has unilaterally decided to preclude this HSR route option from future consideration?

18-18

How will the slope of the railroad berm be modified to accommodate 3 to 4 new rail lines plus maintenance roads without significant retaining walls looming over the backs of the Courtyard units? Who will be responsible for paying for this major engineering project? Will the disruption from this future major project be disclosed to all homeowners? How will construction access be provided to the berm expansion project?

18-19

The arguments against the Alhambra Boulevard vehicular connection focus on negative issues while ignoring the benefits. If this is used as a 2<sup>nd</sup> connection while also connecting as planned at 40<sup>th</sup> Street, then the emergency access issue is solved. The A Street bridge could still be maintained as a bike/ped connection. The surge tank could be built in many other locations within the project site. The CS Detention Project is being considered in several possible locations, not just his one. (4.5-29) The arguments against the Alhambra vehicular connection seem to come down to cost, which does not make the connection “infeasible.” Has the City investigated partnering with CalTrans to make the Alhambra vehicular connection into a Business-80 northbound on-ramp to replace the on-ramp at E Street which has been proposed for closure?

18-20

18-21

How many on-street parking spaces will be available for non-resident users of the community center and park? If the HOA becomes responsible for park maintenance can the City ensure that the parks will still be available for use by the public at large?

18-22

“The project may reserve land within the project site” for a surge tank project? (2-55) The technical section on wastewater assumes that this is a given. If not here, where?

18-23

For a truly sustainable project, why are proposed homes only pre-wired and not fully solar from the beginning? (2-56) Will the homebuilder make solar panels an option?

18-24

Where the DEIR refers to “a goal to exceed state’s current Title 24 requirements” are those the 2013 requirements or the requirements in place when the houses are constructed? This “goal” should be a requirement if the project is to be sustainable. Title 24 residential energy efficiency and requirements changed on January 1, 2014.

18-25

Construction staging at the Cannery will create significant traffic impacts as trips are made from there to the A Street overcrossing, a distance of over 1.5 miles through busy residential streets. Staging should occur nearer to A Street until the 40<sup>th</sup> Street undercrossing is completed. (2-58) No construction worker parking should occur in existing neighborhoods and this prohibition needs enforcement.

18-26

Verify that it is the project developer, not City/taxpayers, that is responsible for off-site improvements including A Street from 28<sup>th</sup> Street, railroad crossing improvements and 28<sup>th</sup> Street bike/ped access. (2-58)

18-27

Who will track the Mitigation Monitoring Plan? (2-65) City Planning is too understaffed to take on this task. Will reports be provided to resident stakeholders? East Sac has recent experience with Mercy Hospital/SHPS that demonstrates that mitigation monitoring is typically abandoned soon after approvals.

18-28

**3 - LAND USE, PLANNING AND POPULATION**

This project is deficient in several of SACOG’s seven interlocking principles of the Blueprint. (3-12)

- It does not meet the needs of seniors, empty-nesters, young couples, single-person households and single-parent households due to the two-story product with 3-5 bedrooms at a cost above the City’s median home price and affordability.
- It is not a mixed-use development with nearby shopping. It does not offer non-auto transportation modes if the bike/ped Alhambra under-crossing is not approved. Its WalkScore is in the mid-40’s (car dependent.) Its TransitScore is an abysmal 18. The #34 bus, which is over ½ mile from the project’s center (if the Alhambra tunnel is approved by UPRR,) only runs once per hour and stops running at 5 PM, therefore it is not a viable means of commuting or visiting downtown in the evening.
- It does not reduce growth of demand for water.

18-29

This project is deficient in meeting many 2030 City General Plan goals and policies. (3-13)

- It does not reduce auto-dependency nor increase use of other modes of transit.
- It does not create diverse neighborhoods that promote alternative modes of transportation especially public transit.
- It certainly does not integrate mixed uses and housing types for all socioeconomic levels.

18-30

I will note that the DEIR has decreed that “it is within the City’s decision makers’ purview to decide if the proposed project is consistent or inconsistent with any applicable City goals or policies.” (3-21) That statement calls into question the entire planning and EIR process not to mention the whole exercise of producing a General Plan if that plan can just be ignored where its policies are inconvenient. However, in the very same paragraph, the DEIR states that “the proposed project could not proceed if determined by the City Council to be inconsistent with the General Plan.” Then the DEIR, based on the evaluations within, grants a lukewarm “generally consistent” with the General Plan to

18-31

<p>this project. However, to get to that position, the DEIR must skip over many goals and policies of the General Plan that are not supportive of this project in this location. I will note those sections in the following discussion.</p>	<p>↑ 18-31 Cont.</p>
<p>GP Goal LU1.1 states that development should provide for the needs of <u>existing</u> residents. This project provides no benefits to existing residents as any benefits that it does provide, such as reduction in VMTs, are strictly regional in nature. (pers. comm. Megan Norris)</p>	<p>18-32</p>
<p>GP Policy 1.1.1 (skipped): Demonstrate how the project protects habitat, supports transit and diversifies the housing stock. GP page 2-12 clearly shows that, according to SACOG and its Metropolitan Transportation Plan, the project site is not within ½ mile of a major transit stop or high quality transit corridor which is an essential component of smart, sustainable growth.</p>	<p>18-33</p>
<p>GP Policies LU 2.1.2 and 2.1.3: Explain how this project preserves, protects and enhances the existing adjacent residential neighborhoods. Describe how the project falls short of being a “Complete Neighborhood” per GP pg. 2-16. How does the project enhance and contribute positively to the existing neighborhoods?</p>	<p>18-34</p>
<p>GP Policy LU 2.5.1: Has this new development project “maximized connections and minimized barriers” between neighborhoods with just one connection to Midtown and one connection to East Sac? Is it as well-connected as possible? Has the project minimized the effect of manmade barriers to accessibility between neighborhoods?</p>	<p>18-35</p>
<p>GP Policy LU 2.6.3: Given the proximity of the project to two major sources of noise and pollution, how will the houses “facilitate natural ventilation” and will these be “healthy, safe and comfortable” residential properties? Do they only meet those criteria through the extensive use of warnings and disclosure statements to future homebuyers?</p>	<p>18-36</p>
<p>GP Policy LU 2.7.5: Is residential development less than 150 feet from the region’s busiest freeway appropriate? The illustration on GP pg. 2-24 indicates that “appropriate uses” along freeways are “employment buildings and parking structures,” definitely not sensitive uses such as parks and residences. What is the justification for this deviation from policy?</p>	<p>18-37</p>
<p>GP Policy LU 4.1.1: The City <u>requires</u> that neighborhood design incorporates a mix of residential and non-residential uses, including retail, that address the basic daily needs of residents. Will the City require retail for this project that meets basic daily needs?</p>	<p>18-38</p>
<p>GP Policy LU 4.1.5: How does this project promote better connections by all travel modes, including transit, between itself and key destinations?</p>	<p>18-39</p>
<p>GP Policy LU 4.1.10: The City <u>requires</u> that “new major residential development provide a balanced housing mix that includes a range of housing types and densities.” How does this project satisfy that policy with only detached, single-family residences?</p>	<p>18-40</p>

<p>GP Policy LU 4.1.11 (skipped): Is the lack of senior housing in this project due to the fact that it is <u>not</u> accessible to public transit, commercial services, and health and community services?</p>	<p>18-41</p>
<p>GP Goal LU 4.5, New Neighborhoods: Ensure that new neighborhoods are Complete, maintain a mix of residential types and densities, are accessible by transit, are certified as green neighborhoods, and have a neighborhood core that includes shopping areas with access to public transit. How does this project satisfy these policies?</p>	<p>18-42</p>
<p>GP Policy LU 4.5.6: “The City shall <u>require</u> new neighborhoods to include transit stops that connect to and support a city wide transit system and are within a ½-mile distance of <u>all</u> dwellings.” This project simply does not meet this requirement.</p>	<p>18-43</p>
<p>GP Goal LU 10 addresses Special Study Areas and Planned Development. McKinley Village is expressly called out in the GP and Zoning Code as one of these planned developments. GP Policy LU 10.1.3 (skipped): The City <u>requires</u> that community benefits are achieved as the result of development approvals in any Planned Development Area such as this project. Provide examples of what those benefits are for the community from this project. This project is not a Complete Neighborhood, provides no jobs other than during construction, does not have a range of housing types, does not expand or improve public transit, and does not conserve a potential open space buffer for public use. Demonstrate what the community benefits of this project are per this policy.</p>	<p>18-44</p>
<p>The City’s Housing Element calls for new growth to be in Complete Neighborhoods, close to public transit and other urban amenities. This project does not satisfy those goals.</p>	<p>18-45</p>
<p>GP Policy H-1.2.1: Encourages a variety of housing tenure, size and shapes such as second units. Does this project satisfy this policy since it is virtually all multi-bedroom, two-story, single-family detached housing? Don’t the granny flats constitute second units? If so, why is the population of these second units typically ignored in determining environmental impacts?</p>	<p>18-46</p>
<p>City of Sacramento Mixed-Income Housing Ordinance (3-20) is referenced and then a declaration is made that this “project site is not identified as a “new growth area” in the Mixed Income Housing Code and is therefore not required to include affordable housing.” How was it determined that a completely new, 48-acre greenfield, project of 328 housing units does not constitute a new growth area? Why is the Curtis Park development considered a “new growth area” and this project is not?</p>	<p>18-47</p>
<p>Infill Strategy: Infill development is defined in the GP as “development of underused buildings and vacant lots in areas <u>served by existing infrastructure</u>.” This project site is not currently served by existing infrastructure, it is all a considerable distance away; there are no improvements, roads, utilities, lighting, or public transit. Furthermore, the City’s Infill Strategy (Resolution 2007-277) defines infill as occurring on five (5) acres or less, except where designated in the General Plan as an “infill target area.” The Infill Strategy</p>	<p>18-48</p>

definitely does not designate the project site as an “infill target area,” does the GP? Given these definitions, on any criteria other than location, is this even an infill project?

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Cont.

Does the density of the proposed project include the second units in the dwelling units per acre figure of 10.9? Provide documentation and methodology for determining the densities of the East Sac and Midtown neighborhoods near the proposed project. (3-22)

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Where in City policy is it stated that residential uses adjacent to freeways are considered compatible uses? (3-22) See illustration on GP pg. 2-24 which indicates that “appropriate uses” along freeways are “employment buildings and parking structures” not residences.

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Again, how is this project providing “a diversity of housing choices” when all of the houses are relatively expensive, detached, two-story, single-family residences? (3-24)

18-51

Explain how “further material and color variations beyond the base elevations” will meet the needs of a range of ages and abilities. (3-24) What does this mean? The home designs are all two-story so it is difficult to see how this meets the needs of seniors and the disabled.

18-52

There is not a complementary mix of uses that address the basic needs of the projects’ residents. Provide documentation for the statement that the project does not include enough residences to support additional retail. (3-30) If the project is truly as “well-connected” to adjacent neighborhoods as the document claims, won’t the adjacent residents in existing neighborhoods be potential retail customers? Has the City encouraged the developer to provide retail uses along the proposed 40<sup>th</sup> Street connection on the south side of the railroad berm? This would help make this a Complete Neighborhood. Most of the neighborhood-serving retail in adjacent neighborhoods is beyond what planners consider a walkable distance, particularly from the center of the proposed project. Again, the WalkScore for this project is in the car-dependent range.

18-53

As previously discussed, GP Goal LU 4.5 and Policies are generally not adhered to as this is not a smart growth project due to the single residential type, a lack of mixed uses, and the lack of viable public transit. Policy LU 4.5.6, with its required ½ mile walking distance from every dwelling to public transit, is ignored.

18-54

The East Sacramento Community Plan (3-31) is just a placeholder and has had no input from the residents who live there nor has a community process been undertaken or scheduled. Therefore it is speculative to state that this project is consistent with that plan.

18-55

The project is not consistent with the Sacramento Housing Element as it does not include different housing types. (3-33) In order to claim consistency with Policy H-1.2.1, the DEIR talks of the granny flats as second units. However, much of the rest of the DEIR claims that the granny flats are “optional space” and ignores any future residents of these units and their environmental impacts. The population of this project at build-out will be considerably more than 656 residents even ignoring the second unit/granny flats. The 2.0 PPH rate may be a GP planning tool but it does not reflect the population reality for this

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type of suburban sub-division development. The Housing Element (H3-8) of the GP states that the average household size for owner-occupied houses in Sacramento is 2.67. I am sure that 4- and 5-bedroom houses will exceed that figure. Producing houses which average over 1,000 sf per occupant is not a sustainable path for growth. Provide a more realistic anticipated population for the project which also includes the second units.

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Cont.

**4 – TECHNICAL SECTIONS 4.1 THROUGH 4.10 (4.9 FOLLOWS SEPARATE)**

The DEIR seems to place a *caveat emptor* burden on the future residents of this project. A partial list of disclosures to homebuyers that are required recommended by the mitigation sections of this document include the proximity to the landfill and its gases and odors, the proximity to the railroad and its noise and vibration, and the flood risks of the site. It seems that the risks of health problems due to proximity to the toxic emissions from the busiest highway in the region and the DPM of the railroad should be disclosed as well as the risk of a rail car crashing through the wall of your house. Should the future rail expansion/retaining wall project be disclosed? Will future residents also receive these disclosures or just the initial homebuyers? Is there any liability for the City and/or County for knowingly placing residents in these health hazardous locations?

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In the Project Description (4.0-2) the granny flats are no longer described as second units and are assumed to have no occupants. In an apparent nod to reality, however, the traffic analysis then assumes that this non-occupied space does create “a small number” of vehicle trips somehow. This lack of consistency is consistent throughout the DEIR. A very conservative approach would be to assume that all eighty of the granny flats are built instead of the arbitrary forty of the analysis. How would this more conservative approach effect traffic counts and LOS?

18-60

Why are the “additional 40 units” considered to be extensions of the main house (4.0-2) when elsewhere in the DEIR they are called “second units?” What is the basis for this assumption? Despite the claim that they will not have separate utility connections, could they not be rented to, for example, college students with the homeowner paying the utility bills and adjusting the rent accordingly? Would not these students create impacts that the DEIR is ignoring?

18-61

The DEIR erroneously claims that the delta sea breeze arrives around noon in the summer. (4.1-2) (We could only wish that this was so!) Does the use of a more realistic time for this phenomenon, say 6 PM, increase the likelihood of violating federal and state standards for air quality due to the “Schultz Eddy?” Does the air quality analysis account for the bowl-like nature of the project site?

18-62

The Health Risk Assessment only looks at potential cancer outcomes and concludes that the impacts on residents are insignificant. It dismisses or ignores other health risks, in particular, increased respiratory diseases and heart disease. Will the City require the developer to provide disclosure statements to homebuyers informing them that there are increased risks of respiratory, heart and other health issues due to the proximity of their new homes to toxic air contaminant generators? Is the Sacramento County Department of

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Health aware that residential uses are knowingly being located in a site that is at risk of producing significant health issues, particularly for pregnant women and infants? Does this City’s reliance on controversial air-quality health thresholds expose it to another possible lawsuit similar to the one filed regarding toxic exposures at Delta Shores?

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Cont.

The DEIR cites the Ballona Wetlands decision (4.1-33) in several locations as a rationale for only analyzing impacts on the new residents by the environment as an informational courtesy. This court decision is currently being appealed and there are bills in the state legislature that seek to overturn the ruling. Would not the most conservative course of DEIR analysis be to assume that the decision will not stand these tests and proceed accordingly? I assume that requirements and policies of the GP should trump any reliance by this DEIR on the Ballona decision to avoid mitigating for negative impacts of the environment on the future residents of this project. Is that assumption correct?

18-64

The model shows that McKinley Village’s reactive organic gas emissions are just 2% below the regulatory limits in winter. (4.1-43) There is no mention of the need for possible mitigation of this problem if things don’t go perfectly as modeled. Would not the prudent approach be to incorporate at least some additional emission features in accordance with GP Policy ER 6.1.3? Does the model take into account the gas-burning fireplaces in each of the units? Does it factor in the daily influx of about 50 “gardeners” with their emission-spewing, two-stroke blowers which this air-quality challenged City does nothing to mitigate or manage? This activity will ensure that toxic contaminants from other sources will be blown back into the air every day of the year for ingestion by sensitive receptors whose respiratory issues have been glossed over by this report.

18-65

The HRA states that the nominal cancer risk is calculated by using the bogus population figure of 656 persons. (4.1-48) It would not surprise me if the true population was actually close to twice that number. Does a near doubling of the cancer burden for future residents make a difference to the analysis (or to the authors of this report?) Figure 4.1-1 clearly shows that the contributions of DPMS to cancer risk from the Stockton-to-Roseville rail traffic were not modeled in this study. Does the study use future levels of both freeway and railway traffic for its analysis; i.e., will not a fourth freeway lane and at least three additional rail lines create much more DPMS?

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18-67

Will the 10% better Title 24 energy efficiency requirements for the project be written into the PUD guidelines? (4.1-53) How will this be enforced and monitored? Mitigated emissions show a 10% improvement in annual GHG emissions yet the CAP goal is a 55% reduction by 2030 and a 90% reduction by 2050. The City will never meet these ambitious goals if projects such as this are repeatedly given a pass with minor mitigations.

18-68

Again it must be emphasized that this project does not create a Complete Neighborhood and, without the ped/bike tunnel at Alhambra (if approved by UPRR,) it is not within walking distance to commercial land uses, and most residents will be much more than ¼ mile from transit stops with some houses over 0.6 miles from the #34 bus. The #34 bus is not a viable option for commuting or going anywhere in the evening due to its one hour

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headways and suspension of service at 5 PM. Reliance on this bus to get to light rail is totally unrealistic. (4.1-54)

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| Cont.

How did the initial 17 clusters of elderberry shrubs, potential VELB habitat, get reduced to just 4 since May, 2008? (4.2-33) Do City and state and federal wildlife agencies want to look the other way and reward landowners and developers who take matters into their own hands by reducing annoying habitat issues pre-project? Should not the landowner mitigate for the loss of these 13 VELB clusters off-site in a suitable location?

| 18-70

There were only ten surface samples analyzed along Business 80 to measure aerially deposited lead. These samples revealed a mean concentration and a median concentration of lead that are 7 time and 4.5 times more, respectively, than the maximum concentration for residential CHHSLs. (4.4-10) Yet, there was only one sample taken proximate to Business 80 for the 2007 ESA to measure lead concentrations and only 4 metals samples were taken over the entire 48.75 acre site. Is this a sufficient amount of sampling to conclude that there is no indication of lead impacts from the freeway when there are ten previous lead samples with very high concentrations?

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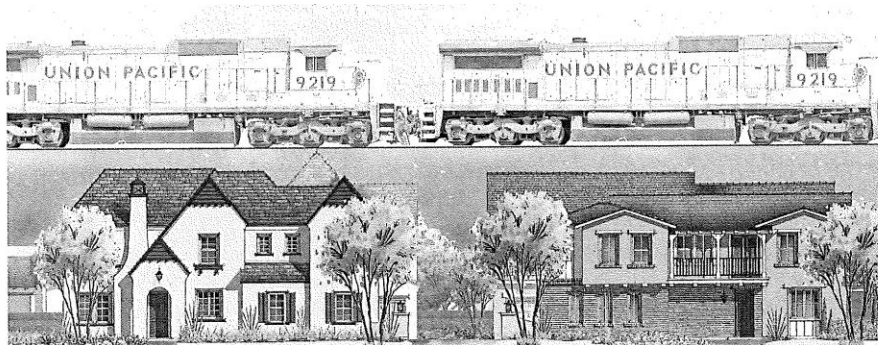
Why did GeoSyntec not conduct an interview with the previous property owner, Angelo K. Tsakopoulos? This is a data gap which should be addressed and rectified.

| 18-72

There is potential for a release of hazardous materials from the east of the site as well as just the south. The DEIR states that “derailed rail cars can travel as much as 100-feet from the tracks.” (4.4-44) How far can rail cars travel when more than ½ of that 100-feet is a slope of 2.3/1? In addition, the distances of the residences nearest to the railroad tracks will decrease from 90-feet to 45-feet if all the proposed tracks (even minus HSR) are built as planned. That will necessitate retaining walls. (pers. comm., Ryan Fong) The risks from derailment here are not primarily from hazardous material spills as much as they are from rail car impact, both from freight and passenger trains, on house structures. An extra layer of gypsum board will not mitigate that risk. Will this risk be disclosed to future residents within 100’ of the toe of the railroad berm? Will the future rail expansion projects be disclosed? See the graphic below for a more accurate depiction of the Courtyard street scene and the elevation relationship between railroad and houses.

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| 18-74



The accident rate discussion (4.4-45) is not conservative in its assumptions under the derailment impact scenario. If the tracks are expanded as planned and train traffic significantly increases as expected, then there could be as many as 60 train pass-bys per day. This could potentially increase the derailment accident rate to 1 in 61 years, likely within the expected lifespan of these homes. What are the mitigation measures in this case? The DEIR does not consider the impact scenario and future residents should be informed.

18-75

According to Appendix H, arsenic was detected in 15 sample locations on the project site ranging from 8.2 to 11.0 mg/kg. CHHSL maximum level is 0.007 mg/kg, up to 1,570 times less than the sampling. How is this toxic issue mitigated?

18-76

How will the City monitor the requirements of Mitigation Measure 4.4-1(a) to verify compliance with the measure regarding discovery of on-site soil contamination? Will there be daily and/or weekly reports? Will there be a public record of the monitoring? (4.4-36)

18-77

Have the construction, soil bearing and settling concerns of WKA, soils engineers, in their report of September 2006, which resulted in a recommendation for soil densification by removal and replacement as engineered fill been anticipated with regard to generation of fugitive dust? (App. L)

18-78

The fact that there are “numerous at-grade railroad crossings throughout the Midtown and Downtown areas of the City” is another example of editorializing that has no place in a DEIR document. (4.4-47) That fact is irrelevant to the proposed project unless it is the City’s policy to justify a less-than-ideal situation by pointing to a different less-than-ideal situation *aka* “two wrongs make a right.”

18-79

Describe how Low Impact Development applications to reduce runoff work in a 6-foot wide planter as illustrated in Appendix K-3 figure. (4.4-38) Will there be concrete walls in the sidewalk stormwater planters? How will this measure be integrated with street trees without putting their roots in constantly wet environments? Since the design is not finalized and these measures will create a much different street appearance than East Sac or Midtown, it will be very tempting for the developer to abandon these measures as impractical.

18-80

The HOA will be responsible for the maintenance of stormwater and infrastructure not located within a public ROW or public easement. (4.5-40) How will that be enforced and monitored by the City? Will the City train the HOA? What if the HOA votes to stop maintaining these essential components to the runoff reduction system?

18-81

Confirm that the sewage detention tank and pumps will be designed, installed and paid for by the developer. (4.5-41) Will the City maintain it or will that also be another HOA responsibility?

18-82

This project should be financially responsible for an electrical upgrade of Sump 99. (4.5-47)

18-83

UPRR requested that the City require disclosure to future homeowners of the noise and vibration associated with the adjacent UPRR tracks yet the Mitigation Measure only recommends this disclosure. (4.6-1) Why is the weaker “recommends” being used instead of making it a requirement?

18-84

The DEIR claims that wildlife living in the City has adapted to the urban noise environment. Is there a source for this contention or did the City take a survey? What about transient wildlife that is passing through Sacramento on, for example, the Pacific Flyway? Have they been excluded from historical habitat due to noise problems?

18-85

Vegetative noise barriers (4.6-4) are virtually useless to attenuate freeway noise (pers. comm., Joe Benassini, City of Sacramento)

18-86

If an average of 41 total trains pass through the 28<sup>th</sup> Street crossing, according to the FRA website, why does Table 4.6-6 only use 23 and 27 for the total trains passing the project? The train counts also ignore the Roseville to Stockton rail line which has a similar amount of traffic as the rail line on the south side of the project. From personal observation, it is apparent that it is not unusual for there currently to be 60 trains if both lines are included in the train count. This S-E rail line is just as noisy and is as little as 300 feet from the nearest proposed residences. The noise contours of Figure 4.6.4 show that this rail line was ignored.

18-87

Table 4.6-7 uses 90-feet as the representative distance from the nearest rail lines. When the future rail lines are constructed, this distance will shrink to 45-feet. However, Table 4.6-8 for Vibration Measurement Results uses the more conservative and appropriate 45-foot distance. Why are two different modeling methods utilized? Table 4.6-8 only provides 11 trains as the basis for determining Peak Vibration, three of which are the quieter passenger trains. Why would the vibration be the same for a freight train at 45, 65 and 90 feet? How many of these trains had multiple locomotives? Was the data cherry-picked? There should be a lot more data collected before any determination is made as to peak vibration.

18-88

The GP identifies the acceptable exterior noise environment for residential land uses as 60 to 70 dB. (4.6-22) For this project, 60 dB is the highest level of noise that is acceptable according to Table 4.6-9.

18-89

GP Policy EC 3.1.4 should take precedence over Ballona. (4.6-24)

18-90

GP Policy EC 3.1.6 (**skipped**): Vibration Screening Distances. “The City shall require new residential projects located adjacent to major freeways and hard rail lines to follow the Federal Transit Administration (FTA) screening distance criteria.” FTA vibration screening distance criteria states that 200 feet is the appropriate setback distance for residences adjacent to conventional commuter railroad traffic. It follows that it should be

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considerably more for louder freight trains. The FTA criteria also states that for “freight tracks close to sensitive sites... vibration impact will be very difficult if not impossible to mitigate.” How will this GP Policy be followed and why was this Policy skipped in this DEIR?

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Cont.

Have the noise impacts and vibration from Business-80 been adequately adjusted to account for the future fourth lane of highway traffic? (4.6-31) More lanes will equal more vehicles will equal more noise and the DEIR assumes that the traffic noise will only increase by 0.3 dB. (4.6-62) Provide a reference for this measurement. Without the fourth lane, the analysis shows that the exterior, mitigated, post-sound-wall noise level will be right at the maximum permitted by the city of 60 dB which, the DEIR states (4.6-37), will interfere with “outdoor communication unless the distance between the persons conversing is relatively small.” The cumulative number, while alleged to be imperceptible, will exceed the 60 dB threshold.

18-92

Total future railroad noise exposure at the nearest residences would be 73 dB. (4.6-32) This greatly exceeds the allowed exterior noise level of 60 dB per Table 4.6-9.

18-93

Any resident of East Sac can tell you that there is no quiet zone being followed or enforced with regard to warning horn usage. (4.6-33) Warning horns appear to be blown every time a train approaches the Elvas Wye. In one recent 24-hour period, 270 warning horn blasts were counted at the site. There can be no assumption that this noise source has been or ever will be mitigated. Ask Steve Cohn or Stacia Cosgrove whether East Sac is currently enjoying the benefits of a warning horn quiet zone. Has this noise study ignored that fact?

18-94

The entire argument (4.6-36) that this project can construct an effective noise barrier between the development and the railroad is ludicrous due to the fact that the rails, the rail cars, the horn and the locomotive are all near or above the tops of the houses. Refer again to the graphic on page 12. Given the 18’ to 26’ height of the railroad berm and the 16’ height of a locomotive, it would require at least a 30’ high wall to start to create a noise barrier. It is comparable to building a wall to mitigate overhead airplane noise. Describe how “an accepted noise barrier insertion loss prediction methodology” takes this difference in elevation into account. Provide the modeling method and data for confirmation through independent peer review that exterior sound levels are reduced to 60 dB (or the level of a conversation at 5-10 feet.) Will the entire private yard be at 60 dB or just up close against the wall? Has the DEIR studied the possibility that the proposed 16’ walls will have the effect of reflecting railroad noise back into East Sac?

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18-97

Provide a source for the Threshold of Significance of 0.5 inches per second of vibration peak particle velocities. (4.6-37) Table 4.6-3 shows that that level is between Threshold of Human Annoyance and Architectural Damage to Structures. Is that a reasonable standard?

18-98

Discussion of railroad noise generated and mitigation measures (4.6-41) is based on Table 4.6-7 which sets the distance to the rail tracks at 90 feet. However, the DEIR

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acknowledges that future rail lines will be as close as 45 feet. Will the mitigation at that distance still be adequate to reduce interior levels to the 45 dB City requirement?

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Cont.

Figures 4.6-6 through 4.6-8 call-out a 10-foot wall between residences. This wall is not drawn to scale and distorts the impact of the wall on mitigating railroad sound from the tracks above. If this wall is made of wood it will be less than effective and just become a big bass drum.

18-100

Disclosure statements should be required, not just recommended, for all future residents of the project to warn them of the potential for sleep-impairing, conversation-stopping and health-impacting railroad and highway noise and vibration, not just those directly adjacent. (4.6-42) (4.6-4(f))

18-101

For the relative increase in cost, why shouldn't all windows for the first row of lots adjacent to the UPRR tracks have an STC Rating of 35 instead of STC 30, especially every bedroom window? (4.6-51) The type of insulation should be specified for the south-facing walls, a blown-in foam would be best. (4.6-4(c)) Concrete roof tile should be required. (4.6-4(e))

18-102

Provide the data source, wall construction details, project name and distances from the highway for the Dixon, California project used to claim the 25 dB noise reduction. (4.6-52) How was it determined that that particular project is applicable to this one?

18-103

Again, given the relative increase in cost, why shouldn't all windows near the highway have an STC Rating of 30 instead of the typical STC 27? Mitigation measures which are only "recommendations" are simply meaningless and are often not followed. (4.6-52)

18-104

Provide the source of the City's 0.5-inch per second vibration threshold. According to Table 4.6-3, this level is many times above the threshold of human annoyance. (4.6-59) The vibration will be perceptible to residents according to the DEIR but then it is declared to be less than significant because annoyance is too "subjective." (4.6-60) This entire paragraph is a pro-project exercise in rationalization that does a disservice to future residents.

18-105

Wouldn't Root Mean Square Velocity (RMS) be more suitable for evaluating human response to ground-borne vibration? Would raised floor construction in lieu of slab-on-grade be better for vibration dampening?

18-106

Mitigation Measure 4.6-6 is confusing in its use of the word "recommended" followed by the use of the word "shall." Is this a recommendation or a requirement? (4.6-60)

18-107

It is clear that the residence (4.6-62) referred to in Mitigation Measure 4.6-9 is much closer than 200 feet (probably about 130 feet) from the centerline of Business 80 based on Figures 4.6-5 and 4.6-12. Since this is incorrect, the claim that this worst-case scenario means that the combined noise levels from highway and railroad will be lower

18-108

throughout the rest of the site is also incorrect. This residence will have the highest cancer risk however.

18-109

The statement (4.7-5) that “there are no major roadways that children would be required to cross to safely access either school” (Theodore Judah or Sutter Middle School) is another example of pro-project editorializing. Ask any parent or second-grader if McKinley Blvd., C Street or H Street are not major roadways. McKinley Blvd. is a Minor Collector with lots of rush hour traffic (plus very occasional buses) that currently sees 4,540 VDTs. C Street is a Major Collector with close to 5,000 VDTs, much of it driving at 40 to 50 mph or more. H Street is an Arterial with over 18,000 VDTs, very busy rush hour traffic, and a significant speeding problem. Future VDTs for C Street and McKinley will be 50% to 60% higher with the project plus cumulative traffic conditions. Provide justification for the statement that there are no major roadways that children will cross to get to school.

18-110

Would the increased capacities for the schools per Table 4.7-2 meet CA school design and playground standards within the existing facilities? There is close to zero capacity without school renovations and loss of support and playground space to meet these projections since TJ and SMS are currently operating at capacity. Ask a parent if there is space at TJ for 278 (+47%) more students. Do these schools currently have vacant, idle classrooms? Note that TJ is still using “temporary” portable classrooms that were installed in the 1980s. Has the DEIR accounted for the cumulative school impacts of new students generated by this project and the Sutter Place residential project in East Sac?

18-111

The statement that both TJ and SMS are 0.5 driving miles from the project is obviously false. (4.7-11) (4.7-28) TJ is 0.75 driving miles from the project center. SMS is approximately 1.25 driving miles from the project. Again, these measurements should be made not from the edge but from the center of the project which is a much more accurate depiction of the driving distances.

18-112

Will residential fire sprinklers be required for the project per GP Policy PHS 2.2.3?

18-113

While I have been told that the 2.0 PPH figure is only a planning tool, the analysis of the project’s increase in demand for police services should require that a more realistic figure be used. (4.7-26) That number is likely to be closer to 1,000 new residents (especially since this same document claims that there will be over 230 school age children alone.) This more realistic figure would require the addition of 2 sworn officers and 1 support staff. Would this make the impact to police services more than less-than-significant?

18-114

What is the Fire Department’s estimated response time to the farthest residential lot within the project, not just the edge of the development, taking into account the tight, sub-standard turns and street sections of this project? (4.7-27)

18-115

The word-salad footnote on page 4.7-30 is a poor justification for blatantly underestimating the future population of this project. In fact almost every section of the DEIR has to rely on more accurate PPH figures from other agencies and departments

18-116

(schools, parks, traffic, etc.) to calculate impacts. The City should admit that the population for this project will be significantly more than 656 and provide a better number. What is the City’s motivation for not doing so? There are no other recent DEIRs, including the comparable, active Sutter Park project, that use this 2.0 PPH figure.

↑  
18-116  
Cont.

GP Policy U6.1.7 states that the City shall ensure “that sites, subdivisions, and buildings are configured and designed to maximize solar access.” Were the buildings, houses and lots laid out on the site for maximum solar access? Will the proposed 2,000 trees when fully grown, especially those on the southern buffer of the site, compromise the ability of homeowners to use solar panels?

18-117

How will this project assist in meeting GP Policy U5.1.1 that states that the City shall achieve zero waste to landfills by 2040? How will the City monitor and enforce the requirement for recycling and reuse of construction waste from this project per Policy U5.1.16?

18-118

GP Policy LU 2.7.5, Development Along Freeways, states that “the City shall... protect the public from the adverse effects of vehicle-generating air emissions, noise and vibration.” (4.10-13) Trees do very little for noise attenuation, even less when they are freshly planted and for the first several years. How are any exterior functions, including those of the parks/community center (such as the swimming pool,) compatible with this GP policy?

18-119

Require that the project provide acorn-style lighting that is consistent in height, scale and light intensity with the historic acorn lights of East Sacramento, not the much larger, taller, brighter and glare-inducing fixtures that have recently been installed adjacent to Mercy hospital.

18-120

**4.9 – TRANSPORTATION AND CIRCULATION (TRAFFIC)**

The project will generate approximately 1.25 million vehicular trips yearly accounting for over 8 million vehicular miles traveled. Granted that the “infill” nature of the project means that commuter miles traveled should be less than what they would be if these houses were to be built in the eastern portion of the county. However, the fact that these 328 dwelling units are being built on this “infill” site does not mean that there will be 328 fewer houses built in more suburban locations. Therefore any supposed air-quality mitigations produced by this project should be measured against the impacts of literally tens of thousands of homes planned in outer portions of the region in just the next ten years. Growth is growth and this project is no panacea. Excuse me for questioning the will of this region’s political bodies to manage this growth in a way that does not negatively and permanently impact the environment and its residents. After all, this is a County that approves projects such as Cordova Hills and a City that doesn’t seem to mind the air quality impacts of hauling all of its solid waste by truck over the Sierra Nevada to a landfill in Nevada for the next 20 years.

18-121  
18-122

While the project is envisioned within the DEIR as one that will reduce commuting miles traveled due to its proximity to downtown and its supposed “infill” characteristics, the fact remains that many residents of East Sac and Midtown enjoy reverse commutes because they work in suburban locations. Several of my neighbors work at Intel in Folsom or at employment centers in Roseville or Rancho Cordova. Many other Sacramento area residents and presumably some future residents of this project work as far away as the Bay Area. If this was not the case then there would be no need for Amtrak’s Capitol Corridor service. There has been a long tradition of Bay Area workers buying homes in the Central Valley due to affordability. This project will house many employees that work in and drive to far-flung workplaces thereby offsetting a not-significant percentage of the supposed benefits of this project’s location next to a major highway and proximity to downtown Sacramento workplaces. The complete lack of viable transit simply exacerbates the air-quality problem. In addition, the majority of VMTs in the region are non-commute miles for shopping and other trips that this “infill” project really does not address.

18-123

The footnote on page 4.9-3 again is inconsistent in that it envisions an arbitrary half of the potential “granny flats” as secondary units with occupants separate from those of the main household. Other sections of the DEIR declare that the “granny flats” are auxiliary spaces to the main house and that they will generate no additional population or impacts on services or the environment. The rest of the document should be consistent with this footnote.

18-124

Why was the intersection of McKinley Blvd. and 39<sup>th</sup> Street excluded from the study per Figure 4.9-1? This is an important local intersection as it is adjacent to Theodore Judah school and is at the start of the only major north-south roadway in East Sac, one that connects all of the way to Stockton Blvd. and Oak Park beyond. This route also leads to Sacred Heart Parish School and the central J Street business district. This intersection should be studied for impacts.

18-125

C Street from 30<sup>th</sup> to 33<sup>rd</sup> Streets is not a collector according to 2030 GP Figures M-2A and M-2B. As the DEIR acknowledges, it is a “narrow two-lane roadway with on-street parking, fronting residences with driveways and a posted speed limit of 25 mph.” (4.9-9) With those characteristics, this Local residential street and its occupants should not be subjected to the traffic volumes and truck traffic that the City has permitted nor should additional traffic be sent that route from this project. Please correct this false statement (and Table 4.9-4) and revise the analysis to reflect the correct “Local” classification according to the 2030 GP.

18-126

The DEIR again uses the deceptive distances to transit stops as measured from the entrances to the project not the actual lots within the project. (4.9-15) Distances should be measured from the center of the project, not the edges. The “quarter mile south of the proposed bicycle/pedestrian access point” only starts to work if this tunnel is approved by UPRR as the DEIR makes clear in over twenty instances within the report. Furthermore this tunnel is not planned until later phases of the project when vehicle-driving habits have been well established by the new residents.

18-127



As required by GP Policy LU 4.5.6, transit stops must be within ½ mile of all dwellings in the development. This is far from the case for this project. (4.9-15) In addition, the #34 bus has one-hour headways and stops running at 5 PM, making it worthless for commuting and nighttime activities. Weekend and holiday service is non-existent. The #67 and #68 buses are only useful for trips to Florin and Arden Fair Malls and will be ignored by the car-dependent homeowners of this project especially since they are over ¼-mile farther from the project than the #34; i.e., not within walking distance.

18-128

Impacted existing neighborhoods are worried about traffic volumes and speeds plus livability and safety concerns, rarely, if ever, LOS grades, which, as the document concedes, only “represent the perspective of drivers and are an indication of the comfort and convenience associated with driving.” (4.9-25) How does this document measure livability concerns for existing residents?

18-129

A 48-acre, 328 residence development that only has two vehicular means of access is almost by definition not “well-connected” as required by GP Policy M 1.3.1. (4.9-36) Policy 1.4.3 (skipped) encourages residential developments “to participate in or create Transportation Management Associations.” Why was mention of this policy skipped and will the City require a TMA for this development?

18-130

The most conservative approach to the “granny flat” trip calculations would be to assume that all of these secondary units get built instead of the arbitrary 40 that the report uses. (4.9-39) Should not this more conservative number be used (around 80) for impacts?

18-131

Figure 4.9-9 for the Peak Hour Traffic Volumes for Existing Plus Project Conditions shows virtually no increase from existing turns for Theodore Judah school traffic on the streets that connect from the 40<sup>th</sup> Street under-crossing to the school site. How is that possible if there are at least 95 elementary school kids going to TJ not to mention others going to Sacred Heart? Peak AM traffic shows turns increase by only two at 39<sup>th</sup> Street and C Street, only one at San Miguel/C Street, only two at San Antonio/C Street and only one at 40<sup>th</sup> Street/C Street. According to 4.9-55, all 95 kids are arriving by car individually at TJ during peak hours so how or by what route are these kids getting to school in the morning? What about the kids that are going to other schools such as David Lubin, Sacred Heart and Sutter Middle? Where are their traffic impacts addressed?

18-132

18-133

The project will fail to adequately provide access to transit, by bicycle and by pedestrians due to the distances that must be traversed of over ¼ mile particularly if the Alhambra tunnel is not approved by UPRR and constructed in a timely manner. (4.9-46) It is generally accepted that ¼ mile is the furthest that people will walk for transit and shopping. Virtually all of the lots will be further than that to local amenities and transit. A condition of approval for this project must be that the Alhambra bike/ped undercrossing be built (and be built in the first phase of the project.)

18-134

Will the new pedestrian sidewalk at the 28<sup>th</sup> Street railroad crossing have enough right-of-way available to meet ADA standards for ramping? (4.9-58)

18-135

Mitigation measures for construction traffic impacts should include parking locations and numbers of vehicles anticipated for construction workers. (4.9-62)	18-136
Why is it assumed that a Capital City/Sutter’s Landing Parkway interchange can not provide access to the project site? (4.9-63) The existing neighborhood streets are being burdened with up to 100% increases in traffic from current conditions with the cumulative plus project conditions. Wouldn’t our new neighbors within this project want to share that burden? What is the anticipated volume of the SLP at 28 <sup>th</sup> Street?	18-137
Justify the statement that all roadways within the study area are “low-volume, low-speed streets conducive to bicycle and pedestrian travel.” (4.9-87) What are the thresholds for this editorial comment? Speeds on Elvas Blvd. and much of C Street in particular are not safe for bicycle traffic.	18-138
What is the mitigation for the project plus cumulative impacts due to queuing of PM northbound traffic at the 28 <sup>th</sup> Street rail crossing? (4.9-89) This queuing is based on the <u>average</u> freight train which implies that half of the freight trains will cause a back-up beyond C Street.	18-139
Why is it appropriate to unilaterally remove a NTMP measure that was voted on and approved by local residents, the bulb-out at the NW corner of E Street and Alhambra Blvd., for the benefit of this project? (4.9-90) This bulb-out was one of the most critical installed NTMP measures as it decreases the speed of drivers racing to make the stop light at that corner. Removing rush-hour, on-street parking will only exacerbate that problem. The paltry increase in peak-hour south-bound traffic in existing plus project conditions at this intersection does not warrant the removal of this traffic calming device. This bulb-out should remain.	18-140
What will trigger the installation of a traffic signal at the McKinley 33 <sup>rd</sup> Street intersection? (4.9-91) What is the developer’s fair share contribution for this and all other mitigation measures?	18-141
This neighborhood knows that when a DEIR “recommends” mitigation measures the developer will frequently ignore them. Strengthen all “recommended”s on 4.9-93 to “required”s. Similarly, change “the City should monitor” to “the City will monitor” on pg. 4.9-94. Change the “recommended” on pg. 4.9-47, first paragraph, to “ <b>required</b> that the project applicant coordinate...”	18-142
Describe the source for the “cut-through traffic within the project site.” Why is it a conservative assumption that this traffic not be analyzed for impacts to the south of the project site? (4.9-97) Would not the conservative analysis include this traffic? Note that this additional traffic would not be there if not for this project.	18-143

5 – PROJECT ALTERNATIVES

Why has the No Project/Existing Zoning alternative chosen to analyze a heavy industrial use as a rail maintenance yard, possibly the most noxious option available? (5-6) This proposal was only briefly considered by CalTrans and the difference in elevation between the project site and the adjacent rail lines make it a very unlikely candidate for such a use. Standard grade for rail lines is 1.5% maximum therefore it would take about 1,600 feet of rail to descend from the top of the berm to the project site.

18-144

What other uses were considered using the existing Heavy Industrial zoning? This zone permits the manufacture or treatment of goods from raw materials. Other possible permitted uses include a community market, a plant nursery, a museum, a vocational school, a vet hospital, a commercial solar energy system, or other much less noxious uses than a railyard maintenance facility.

18-145

While the Existing Zoning alternative would not put new residential uses near existing jobs it would put new jobs near existing residences which would make East Sac and Midtown more sustainable communities. Either should have the same impact on VMT. This alternative could also incorporate a park or, more likely, open space into the project design at the east end of the site. Neither this alternative nor the proposed project develops any new bicycle access to downtown as more direct routes already exist in East Sac and Midtown. Trip generation would be considerably less with the Existing Zoning alternative as will wastewater, solid waste and ROG and NO emissions. (5-12)

18-146

Explain how the Lower Density Alternative, with 200 fewer residents, generates more water demand yet 30% less wastewater than the proposed project? (Table 5-4)

18-147

Residences adjacent to the rail lines cannot provide an effective sound barrier when the track and trains are higher than the tops of the households. (5-16) Why is it assumed that a bike/ped access at Alhambra, if approved by UPRR, can not be done under the Lower Density Alternative?

18-148

Why is it assumed that the housing footprint for the Lower Density Alternative would be the same as the proposed project? (5-19) If the houses are built at the same density as the proposed project (a smaller housing footprint) then there would be acreage left over for open space and/or parks or other uses. In addition, the alleged sound barrier effect would still be in place. Why is it assumed that this alternative “would reduce the range of single family homes and lot types? (5-21)

18-149

Why is it assumed that there will be 20,000 sf of commercial use under the Higher Density Alternative? (5-21) Was just the higher density only considered? The commercial use is not found on Figure 5-3.

18-150

Does the analysis consider that the addition of commercial and retail uses should encourage more walking, biking and internal driving that stays on-site, reducing VMT? (5-22)	18-151
Why does the Higher Density project reduce the range of single family home types (just as the Lower Density project did) and also not incorporate the design qualities of McKinley Park and East Sac neighborhoods? It should be noted that there are many, many multi-family properties (“attached units”) in both East Sac and Midtown. (5-26)	18-152
With regard to the High Density alternative, possible additional mitigation for air quality impacts is the only impact shown in this analysis which justifies the proposed project’s alleged environmental superiority. Is this impact not offset by the supposed regional benefits of increased density? (5-28)	18-153
Is the Economic Study by EPS available for review by the public? Its claims and the magnitude of the economic benefits of the project were not verifiable. This study was done for the developer’s benefit only.	18-154
Is this a complete list of the HOA responsibilities for this project?: <ul style="list-style-type: none"><li>• Maintain landscaping in buffer zones.</li><li>• Maintain access to groundwater monitoring wells and soil gas probes.</li><li>• Maintain stormwater utilities not located within public right-of-ways.</li><li>• Review emergency evacuation routes and communicate to residents every 3 years.</li><li>• Maintain project parks. (to be determined)</li></ul> If the HOA becomes responsible for park maintenance, will the City require that general public access is retained? Why does the City assume that this new HOA and/or their agents will have the requisite skills to manage these tasks in perpetuity? Who will train them? What liabilities will the HOA and the City be exposed to once the developer and builders have moved on to other projects?	18-155

**Letter 18: Ellen Cochrane, President, East Sacramento Preservation (ESP),  
January 9, 2014**

18-1: Commenter asserts that it should have been provided with additional hard copies of the Draft EIR, and that the release of the Draft EIR during the holidays reduced the opportunity for meaningful document review.

The comment period for the Draft EIR was extended by two weeks to close on January 10, 2014 in response to requests for such an extension. Hard copies of the Draft EIR were made available to the public at the City's Community Development Department and at the Central Library. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

18-2: Commenter provides its opinion that the Draft EIR and referenced documents was too long for residents to review and provide comments.

The City extended the comment period to accommodate the concern that the review period was over the holidays. Moreover, it is noted that 129 comment letters were submitted on the Draft EIR, indicating that residents were able to provide their respective comments.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

18-3: Commenter questions the accuracy of citations within the Draft EIR to personal correspondence.

Information gained from personal communication with local agency staff, City staff, and other sources during preparation of a Draft EIR is required in order to verify written documentation and to obtain the most current information. Personal communication is preserved as evidence to support the findings provided in the Draft EIR and is documented in the references provided at the end of each chapter or technical section of the Draft EIR. This information, which is often quite voluminous, is provided to City staff at the end of the environmental review process. It is not provided during the public review period because there is no requirement that this correspondence material be available to the public (CEQA Guidelines Section 15148). The appendices contain the majority of technical reports and documents relied upon to prepare the analysis. In addition, comments received from the public

- indicate that the Draft EIR and appendices are too lengthy and contain too much information for the lay person to review.
- 18-4: Commenter provides its opinion that the Draft EIR is “pro-project” and states that disclosures regarding distances between the project and neighborhood amenities are improper and that the discussion of safe routes to school engages in inappropriate editorializing.
- The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.
- 18-5: Commenter provides its opinion that “the fix is in” because the City politicians want the project approved.
- The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.
- 18-6: Commenter states the City rarely follows up with projects after approval and wonders if follow up traffic studies are ever completed to verify accuracy of traffic studies on previously approved projects.
- In general, for City of Sacramento projects information is gathered about changes in traffic patterns and operation associated with implementation of a project. The data the City normally collects is: number of average daily trips (ADT), speed, number of accidents, etc. The commenter’s opinions and questions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.
- 18-7: Commenter provides its opinion that the project fails to meet many concepts of smart growth.
- The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.
- 18-8: Commenter asserts “serious problems” with the project and EIR, to be described in subsequent pages of its letter.
- See Responses to Comments 18-10 through 18-155, addressing the comments raised in subsequent pages of commenter’s letter.

- 18-9: Commenter requests the City respond to all questions and requests for documentation or reference sources no later than February 21, 2014.

Pursuant to CEQA, the commenter's comments will be responded to in the Final EIR, along with responses to all other comments submitted on the Draft EIR. The Final EIR will be completed in advance of the City Council's consideration of the project. The City is not legally required to provide responses to individual comments in advance of producing the Final EIR.

- 18-10: Commenter states the Draft EIR improperly assumes that impacts associated with trains on the Union Pacific railroad tracks are related only to railroad operations on the south side of the project and ignores impacts from train operations on the Roseville to Stockton line on the east side of the project site.

The Noise Study and Section 4.6, Noise and Vibration accounted for noise generated by railroad activity on all three (3) sets of tracks upon which railroad pass bys adjacent to the project site occur. The commenter is referred to Draft EIR Figure 4.6-3, which specifically identifies the three routes. Because the noise meters used in the long-term railroad noise measurement surveys collected all railroad noise level data associated with train pass bys, regardless of which track the trains were utilizing, all three routes were surveyed and accounted for in Section 4.6 of the Draft EIR, including the Roseville-Stockton Line.

- 18-11: Commenter questions how the project is "integrated" and "sustainable".

Consistency with applicable 2030 General Plan goals and policies that address planning is included in the Draft EIR in Chapter 3, Land Use, Planning and Population. Goal LU 2.6 and Policies LU 2.6.1 and LU 2.6.3 promote development that is more compact with a higher density that uses land more efficiently to help reduce the demand for energy and fossil fuels. In addition, Policy LU 2.6.3 encourages new development to be more energy efficient and sustainable. The average density of the project is 11.2 du/ac (see Chapter 2, Text Changes to the Draft EIR, for more information on changes to the project), which is higher than the 7 du/ac average density in the nearby McKinley Park neighborhood. The increase in density enables the project to develop a broader mix of unit types and creates a neighborhood that is more compact. The project includes energy conservation features with a goal to exceed the state's Title 24 requirements by meeting current Tier 2 Energy Efficiency Standards. Homes would be pre-wired for solar and electric vehicle chargers and would incorporate sustainable materials such as low or zero volatile organic compound (VOC) paint and carpet. Energy required for the

recreation center would be offset with on-site solar panels or other energy efficiency technology. The project has been designed with a higher density which is considered more appropriate near the more urbanized core of the City.

The above notwithstanding, pursuant to CEQA, “[d]etermining whether a project is consistent with general plan policies is left to the lead agency; ‘[i]t is emphatically, not the role of the courts to micromanage...’ such decisions.” (*North Coast Rivers, supra*, 216 Cal.App.4th at pp. 632-633, quoting *Sequoyah Hills, supra*, 23 Cal.App.4th at p. 719 (emphasis in *Sequoyah Hills*.) Thus, the final determination regarding the project’s actual consistency with such plans, including determinations regarding sustainability, will be made by the City Council as the CEQA lead agency. See Master Response 8 regarding general plan consistency.

- 18-12: Commenter questions how two access points are adequate to satisfy the General Plan requirement for improved connectivity.

See Response to Comment 18-11 and Master Response 8 explaining that the City Council will make the final determination regarding the project’s consistency with the General Plan.

- 18-13: Commenter states its opinion that it is “silly” to use a person-per-household rate of 2.0 and questions whether the analysis or mitigation requirements are flawed as a result of using this rate rather than a higher rate.

Please see Master Response 6 that addresses this issue.

- 18-14: Commenter requests a reference source to support the claim that the City does not consider granny flats to be separate units.

Government Code Section 65852.2 states in part that a “second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.”

City staff has concluded that the proposed second units, notwithstanding the Government Code exemption above, will be consistent with the proposed General Plan designation of Traditional Neighborhood Medium Density which allows between 8 – 21 dwelling units per net acre and the proposed Single-Unit or Duplex Dwelling (R-1A PUD) zoning which allows two dwelling units per lot.



- 18-15: Commenter questions whether the gas fireplaces proposed for the project were calculated in natural gas demands for the project and asks whether electric fireplaces were considered instead.

Approximately 50% of the residences are anticipated to include natural gas fireplaces. No wood burning fireplaces would be allowed (DEIR, p. 2-6). The air quality analysis factored in 50% of the units would include natural gas fireplaces in the modeling that was done to evaluate operational emissions. As shown in Table 4.1-9 of the Draft EIR, operational emissions would not exceed the air district's thresholds. No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].)

- 18-16: Commenter asserts the Draft EIR improperly "editorializes" regarding the appearances of garages on the front house elevations and further states its opinion that the project does not reflect the appearances of most houses in East Sacramento or Midtown.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration

- 18-17: Commenter questions whether a possible UPRR denial of the Alhambra pedestrian/bicycle tunnel would be grounds for denying the project, and asks why the tunnel is not being built in Phase 1.

Please see Master Response 1 that addresses the bicycle/pedestrian underpass.

- 18-18: Commenter questions whether the State and High Speed Rail Authority have been notified about the project, including the planned vehicular underpass at 40th Street.

The Draft EIR, which includes a description of the planned 40th Street vehicular underpass, was provided to numerous state agencies, including the High Speed Rail Authority and Caltrans, both of which provided comments on the document. See Letter 1, Caltrans, and Letter 6, California High Speed Rail Authority.

- 18-19: Commenter requests information regarding modification to the slope of the railroad berm to accommodate new rail lines without significant retaining walls, and questions who will pay for this engineering project.

The railroad berm lies within the UPRR right-of-way. Any modifications to the slope of the railroad berm to accommodate new rail lines would be determined by Union Pacific and others as a part of the design and, if applicable, environmental review process, for those projects/lines. Depending upon the proposed design and the number and nature of the new rail lines, retaining walls could be needed adjacent to some portions of the Project. The party responsible for paying for the “engineering project” is unknown, but the project would not be responsible for this cost.

- 18-20: Commenter expresses its preference for a vehicular connection to the project at Alhambra Boulevard and provides its opinion that the high cost of such connection does not render it infeasible.

Please see Master Response 1 regarding the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard. Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).

The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-21: Commenter questions whether the City has considered partnering with Caltrans to make the Alhambra connection into a Capital City Freeway/Business 80 northbound on-ramp to replace the E Street onramp.

The idea of connecting Alhambra Boulevard to Capital City Freeway as an on ramp was discussed with Caltrans since it was requested by several commenters. The response received from Caltrans staff (email from Nieves Castro, Chief Planning and Modal Programs), stated that the purpose of extending the transition lane on NB SR-51(Capital City Freeway) is to relieve congestion. The Alhambra on ramp proposed would add significant traffic to that section of freeway which Caltrans is trying to relieve from ongoing traffic congestion. It would negate most of the benefits of extending the transition lane. This is the same position Caltrans took for the Sutter Interchange project, proposed years ago, when they stated that a northbound on ramp would not be permitted, because it would add a large amount of traffic to northbound Capital City Freeway.

- 18-22: Commenter questions how many on-street parking spaces will be available for non-resident users of the community center and park and asks whether the parks will be available for use by the public at large.

All on-street parking spaces within the project are currently expected to be unrestricted and available for all users of the recreation center and park, regardless of whether they are residents or not. The number of on-street parking spaces will be dependent upon the final design of streets by the City, as well as the final location of driveways and access ramps. The City has the ability to restrict on-street parking by means of permits and other signage and markings. All public parks will be available for use by the public at large.

- 18-23: Commenter notes the project may reserve land within the project site for a surge tank project, and asks where this tank would be built if not on the project site.

The City's long-range planning for the Combined Sewer System (CSS) includes consideration of a sewer surge tank to provide additional off-line storage for the City to serve existing neighborhoods in East Sacramento. This need is independent of the project, and the project has been designed so that it will provide its own on-site stormwater storage during peak events, so that it will not contribute to the existing problem. The Applicant has offered to reserve a location for this surge tank under the project's planned detention basins.

- 18-24: Commenter questions why the homes are pre-wired for solar rather than constructed as "fully solar" and asks whether the homebuilder will make solar panels an option.

The homes are pre-wired for solar, rather than constructed as "fully solar" to provide the homebuyer with the choice of whether to have solar installed, the type of system or technology, method of financing, and timing of capital expenditure for installation. The homebuilder intends to make solar panels an option.

- 18-25: Commenter asks whether the project's commitment to exceed current Title 24 requirements is a commitment to exceed the 2013 requirements or the requirements in place at the time the home is constructed.

As stated in the Draft EIR, the project would exceed Title 24 energy efficiency requirements that will be in effect as of January 2014 by 10%. (DEIR, p. 4.1-54.)

- 18-26: Commenter states its opinion that construction staging at the Cannery will create significant traffic impacts and suggests that staging should occur nearer to A Street and construction worker parking should be prohibited in neighborhoods.

The Draft EIR and traffic study analyzed potential traffic impacts associated with construction traffic and determined that the impacts would be less than significant after mitigation. (DEIR, p. 4.9-62.) No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].)

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-27: Commenter asks whether the project developer is responsible for off-site improvements including A Street from 28th Street, railroad crossing improvements and the 28th Street bicycle/pedestrian access.

As described in the Draft EIR, the project developer will be responsible for the A Street improvements from 28th Street to the project boundary, and at grade railroad crossing improvements at 28th Street between A Street and B Street, as a condition of approval to its tentative subdivision map for the project (DEIR, p. 2-58). There are bicycle lanes and a sidewalk proposed on 28th Street between A Street and B Street for which the project developer will be responsible as a condition to its tentative subdivision map for the project. See also Master Response 9.

- 18-28: Commenter asks who will implement the Mitigation Monitoring Plan and provides its opinion that the City's planning department is too understaffed to take on the task.

A Mitigation Monitoring and Reporting Program (MMRP) will be prepared for the project, and will be provided to the City Council for approval by Resolution. The MMRP will identify the mitigation measure, the party responsible for implementation, and the timing for implementation. The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-29: Commenter provides its opinion that the project does not meet some of the SACOG Blueprint goals.

See Response to Comment 19-2 regarding SACOG's determination of consistency with its Sustainable Communities Strategy. See Master Response to Comment 8

regarding consistency with General Plan policies and other planning documents including the Blueprint.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-30: Commenter provides its opinion that the project fails to meet many of the City's 2030 General Plan policies.

Please see Master Response 8 regarding consistency with general plan policies.

- 18-31: Commenter expresses skepticism regarding the City Council's discretion to determine whether a project is consistent with its 2030 General Plan.

Please see Master Response 8 regarding consistency with general plan policies.

- 18-32: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Goal LU1.1.

Chapter 3, Land Use, Planning and Population addresses consistency with Goal LU 1.1 and Policies LU 1.1.5 and LU 1.1.9, which support infill development and growth in existing urbanized areas where City services are in place to support new uses (DEIR, p. 3-24). In addition, development within the City also increases housing diversity, promotes pedestrian and bicycle friendly neighborhoods, and enhances community character. The project is located in a developed area of the City where City services are available, provides a variety of housing options, and is close to downtown Sacramento and Midtown and other employment nodes such the Cannery Business Park and local hospitals, enabling a wider variety of transportation choices for future residents.

See Master Response 8 regarding consistency with general plan policies.

- 18-33: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policy LU 1.1.1.

Chapter 3, Land Use, Planning and Population addresses consistency with 2030 General Plan Policy LU 1.1.1, which includes a general goal for the City to be "the regional leader in sustainable development and encourage compact, higher-density development that conserves land resources, protects habitat, supports transit, reduces vehicle trips, improves air quality, conserves energy and water, and diversifies Sacramento's housing stock." (General Plan, p. 2-7 and DEIR, p. 3-24.)

Commenter does not explain why it believes 2030 General Plan Policy LU 1.1.1 does not support developing the proposed project at its proposed location.

The proposed project is consistent with 2030 General Plan Policy LU 1.1.1. As stated in the Draft EIR, the project objectives include an “overarching goal of the proposed project is the orderly and systematic development of an integrated and sustainable residential community that is consistent with the goals and policies of the City of Sacramento 2030 General Plan, Sacramento Area Council of Governments (SACOG) Blueprint Plan, and SACOG Sustainable Communities Strategy (SCS), and is compatible with the aesthetic character of the McKinley Park and East Sacramento neighborhoods.” (DEIR, p. 2-8.) The proposed project includes features designed to conserve energy and water, per state requirements. (See, e.g., DEIR, pp. 2-56, 6-2.) While the proposed project is denser than surrounding residential areas, the project has also been designed to be compact and to create a neighborhood that is pedestrian and bicycle friendly with a density that is between the older nearby neighborhoods of McKinley Park and Midtown as well as density related goals and policies included in the 2030 General Plan. (DEIR, p. 3-30.) Furthermore, as demonstrated in Chapter 4 of the Draft EIR all potential impacts of the proposed project can be reduced to a less than significant level with feasible mitigation.

See Master Response 8 regarding consistency with general plan policies.

18-34: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policies LU 2.1.2 and 2.1.3, related to “Complete and Well-Structured Neighborhoods.”

Chapter 3, Land Use, Planning and Population addresses consistency with 2030 General Plan Goal LU 2.1, Policies LU 2.1.1 through LU 2.1.3, and Policy LU 2.1.6 encourage new neighborhoods to be diverse and distinct; and to promote walking, biking, and public safety; to be family friendly; and to address the needs of residents of all ages and abilities (DEIR p. 3-24), in addition to supporting infill development that positively contributes to existing neighborhoods. Policy LU 2.1.2 encourages the City to protect and enhance existing neighborhoods by requiring new development to respect the characteristics of existing, established neighborhoods. The proposed project is designed to reflect the characteristics of the older neighborhoods in Sacramento. Further, the proposed project provides sidewalks on all the roads to encourage walking and bike access on all the roads to encourage biking. The housing styles are designed to complement the existing, established neighborhoods and to be an extension of the existing neighborhoods to the south, west, and east of the site. The proposed project incorporates four different housing types, 18 house

plans, and 62 base elevations (with further material and color variations beyond the base elevations that will meet the needs of a range of ages and abilities). (DEIR, p. 3-27.) The Draft EIR concluded the project would be consistent with the 2030 General Plan Land Use goals and policies for new residential development. (DEIR, p. 3-35.) Ultimately, the City Council will decide whether the project is consistent with the General Plan as a whole.

See Master Response 8 regarding consistency with general plan policies.

- 18-35: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policy LU 2.5.1.

Chapter 3, Land Use, Planning and Population addresses consistency with Goal LU 2.5 and Policies LU 2.5.1 and 2.5.2 which promote development that is well-connected and maximizes connections between neighborhoods and minimizes barriers. To address this policy, the project proposes to construct a bicycle/pedestrian connection under the UPRR embankment (if approved by UPRR and the appropriate government agencies) to connect to Alhambra Boulevard and B Street, and a roadway, bicycle/pedestrian underpass and an extension of 40th Street to connect the project to the neighborhoods to the south. These connections will enable residents to easily access the adjoining neighborhood and will promote walking and biking to nearby stores, schools and other amenities. Please see Figures 1 and 2 in Chapter 2 of this Final EIR for more information on walking distances to nearby amenities and services.

See Master Response 8 regarding consistency with general plan policies.

- 18-36: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policy LU 2.6.3.

Chapter 3, Land Use, Planning and Population addresses consistency with Goal LU 2.6 and Policies LU 2.6.1 and LU 2.6.3, which promote development that is more compact with a higher density that uses land more efficiently to help reduce the demand for energy and fossil fuels. In addition, Policy LU 2.6.3 encourages new development to be more energy efficient and sustainable. The average density of the project is 11.2 du/ac (see Chapter 2, Text Changes to the Draft EIR for more information on changes to the project), which is higher than the 7 du/ac average density in the nearby McKinley Park neighborhood. The increase in density enables the project to develop a broader mix of unit types and creates a neighborhood that is more compact. The project includes energy conservation features with a goal to exceed the state's Title 24 requirements by meeting current Tier 2 Energy Efficiency

Standards. Homes would be pre-wired for solar and electric vehicle chargers and would incorporate sustainable materials such as low or zero volatile organic compound (VOC) paint and carpet. Energy required for the recreation center would be offset with on-site solar panels or other energy efficiency technology. The project has been designed with a higher density which is considered more appropriate near the more urbanized core of the City.

See Master Response 8 regarding consistency with general plan policies.

- 18-37: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policy 2.7.5.

Chapter 3, Land Use, Planning and Population addresses consistency with Goal LU 2.7 and Policies LU 2.7.4 and LU 2.7.5, which encourage new development to enhance public safety and discourage crime, and encourage new development along freeways to protect the public from an increase in air pollutants, noise, and vibration. To address public safety, the project plans were reviewed by the City's Police Department and changes made to address their concerns. As indicated in Chapter 2, Project Description, the project includes various design measures to address noise and air emissions from the freeway and from the UPRR tracks. The environmental effects and efficacy of these measures is evaluated in the technical sections contained in Chapter 4.

See Master Response 8 regarding consistency with general plan policies.

- 18-38: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policy LU 4.1.1.

Chapter 3, Land Use, Planning and Population addresses consistency with Goal LU 4.1 and Policies LU 4.1.1 through LU 4.1.6, which address neighborhood design and mix of uses. Policy LU 4.1.1 requires new neighborhoods provide a complementary mix of uses that address the basic needs of the residents. The project includes three parks and a neighborhood recreation center. Retail uses beyond those included within the recreation center were not included as part of the project because it was determined the project does not include enough residences or density to support additional retail, especially since neighborhood-serving retail uses are located within close proximity to the project site. In response to Policy LU 4.1.2, the project includes parks and a neighborhood recreation center. Policy LU 4.1.3 encourages neighborhoods to be pedestrian friendly with sidewalks, street trees, and alleys. Policy LU 4.1.4 encourages alleys to limit the number of driveway curb cuts. As described in Chapter 2, Project Description, the project includes sidewalks along all



new roads, including the A Street Bridge and the roadway underpass, and includes a landscaping plan with street trees to provide shade for pedestrians. Alleys are provided for a portion of the residences.

See Master Response 8 regarding consistency with general plan policies.

- 18-39: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policy LU 4.1.5.

See Master Response 8 regarding consistency with 2030 General Plan policies. Chapter 3, Land Use, Planning and Population addresses consistency with 2030 General Plan Policy LU 4.1.5, which requires the City to “promote better connections by all travel modes between residential neighborhoods and key commercial, cultural, recreational, and other community-supportive destinations for all travel modes.” Commenter does not explain why it believes 2030 General Plan Policy LU 4.1.5 does not support developing the proposed project at its proposed location.

The proposed project is consistent with the general City policy to promote better connections. The 40th Street access provides a proximate and direct access, particularly for walking and bicycling, to the nearest school (Theodore Judah) (less than one half mile), transit route (Bus Line 34) (approximately one half mile), employment center (Cannery Business Park) (less than one quarter mile), park (McKinley Park) (less than three quarters of a mile) and other local commercial uses (approximately one half mile to nearby grocery and restaurant locations). See new Figure 1 (Bike/Walking Distance from 40th and A Streets) in Chapter 2, Text Changes to the Draft EIR and Response to Comment 18-43.

- 18-40: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policy LU 4.1.10.

See Master Response 8 regarding consistency with General Plan policies. Chapter 3, Land Use, Planning and Population addresses consistency with 2030 General Plan Policy LU 4.1.10, which requires that “new major residential development to provide a balanced housing mix that includes a range of housing types and densities.” Commenter does not explain why it believes 2030 General Plan Policy LU 4.1.10 does not support developing the proposed project at its proposed location.

The proposed project is consistent with the City policy to promote diverse residential housing projects. The average density of the project is 11.2 du/ac (see Chapter 2, Text Changes to the Draft EIR for more information on changes to the project), which is higher than the 7 du/ac average density in the nearby McKinley Park

neighborhood. The increase in density enables the project to develop a broader mix of unit types and creates a neighborhood that is more compact. Specifically, the proposed project incorporates four different housing types, 18 house plans, and 62 base elevations (with further material and color variations beyond the base elevations that will meet the needs of a range of ages and abilities). (DEIR, p. 3-27.)

- 18-41: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policy LU 4.1.11.

General Plan Policy LU 4.1.11 states that the City will “encourage the development of senior housing in neighborhoods that are accessible to public transit, commercial services, and health and community facilities.” Commenter does not explain why it believes 2030 General Plan Policy LU 4.1.11 does not support developing the proposed Project at its proposed location.

See Response to Comment 18-39 regarding the proximity of the project site to public transit and commercial services. In addition, the project site is also located in close proximity to health facilities such as the Sutter General Hospital and Mercy General Hospital both of which are approximately one mile from the project site. See also Response to Comment 18-40 regarding the range of housing options included in the proposed project. The diverse housing stock offered by the project ensures the project will meet the needs of a range of ages and abilities.

See Master Response 8 regarding consistency with general plan policies.

- 18-42: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Goal LU 4.5.

Goal LU 4.5 and Policies LU 4.5.1 through LU 4.5.6 encourage new neighborhoods to incorporate the concepts of smart growth and sustainable development. Policy LU 3.4.1 is similar to other policies in that it encourages neighborhoods to include a mix of residential types and densities and integrate with adjacent neighborhoods. The project includes a mix of housing types and has been designed to tie into the characteristics of the older residential neighborhoods in the City. As noted above, the project includes a recreation center that will function as the neighborhood core, consistent with Policy LU 4.5.4. The project has also been designed to be compact and to create a neighborhood that is pedestrian and bicycle friendly with a density that is consistent with the older neighborhoods in East Sacramento and Midtown, consistent with Policy LU 4.5.2.

The application of the PUD designation allows for a mixture of reduced and increased densities within an overall project area. The average project density is consistent with the goals and policies of the 2030 General Plan. Overall, the project would be consistent with the 2030 General Plan Land Use goals and policies for new residential development.

See Master Response 8 regarding consistency with general plan policies.

- 18-43: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policy LU 4.5.6, which promotes development of residences within ½ mile of transit.

The project's 40th Street access connects residents to an approximately one half mile walk to the nearest transit route (Bus Line 34). (DEIR, p. 2-46; See new Figure 1 (Bike/Walking Distance from 40th and A Streets) in Chapter 2 of this Final EIR.) The bicycle/pedestrian underpass at Alhambra Boulevard would provide a direct route of just over one quarter mile to the existing stop at Alhambra and McKinley Boulevards, if approved by Union Pacific and the appropriate government agencies. (See generally DEIR, p. 4.9-58.) Given the infill nature and location of the project, it is understandable that some residences may be farther than one half mile from the nearest transit stop. Ultimately, the City Council will determine whether the project is consistent with the 2030 General Plan as a whole. See also Responses to Comments 17-6 and 19-2. The comment is forwarded to the decision makers for their consideration.

See Master Response 8 regarding consistency with general plan policies.

- 18-44: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Goal LU 10 and Policy LU 10.1.3.

Goal LU 10 and Policy LU 10.1.4 encourage the City to plan comprehensively for growth and change in Special Study Areas consistent with the Regional Blueprint principles and the City's Vision and Guiding Principles. Policy LU 10.1.4 requires those areas designated Planned Development to be developed consistent with the General Plan and to obtain a general plan amendment (GPA) to designate the area consistent with the proposed project using the appropriate designations contained in the Land Use and Urban Design Element. The project is requesting a GPA to ensure the land use designation is consistent with City's vision to develop this site with residential uses.

See Master Response 8 regarding consistency with general plan policies.

- 18-45: Commenter provides its opinion that the project does not satisfy the goal of the City's Housing Element to provide new growth in Complete Neighborhoods.

As discussed in Responses 17-2 through 17-11, the Draft EIR concluded the project would be consistent with the 2030 General Plan Land Use goals and policies for new residential development. (DEIR, p. 3-35.) Ultimately, the City Council will decide whether the project is consistent with the General Plan as a whole. The comment is forwarded to the decision makers for their consideration.

See Master Response 8 regarding consistency with general plan policies.

- 18-46: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Policy H-1.2.1.

2030 General Plan Policy H-1.2.1 provides that the City should "encourage the development and redevelopment of neighborhoods that include a variety of housing tenure, size and types, such as second units, carriage homes, lofts, live-work spaces, cottages, and manufactured/modular housing." Commenter does not explain why it believes 2030 General Plan Policy H-1.2.1 does not support developing the proposed Project at its proposed location.

See Response to Comment 18-40 regarding the diverse housing stock included in the proposed project. In addition, some of the home plans included in the project provide the option to add second units or "granny flats." (DEIR, p. 3-33.)

See Master Response 8 regarding consistency with general plan policies.

- 18-47: Commenter questions why the project is not identified as a "new growth area" and is thus not required to provide affordable housing.

Section 17.190 of the City of Sacramento Zoning Code ("Mixed Income Housing") is intended to ensure that residential projects in new growth areas contain a defined percentage of housing affordable to low income and very low income households, to provide for a program of incentives and local public subsidy to assist in this effort, and to implement the mixed income policies of the Housing Element of the City General Plan. First adopted in 2000, the Mixed Income Housing Ordinance requires the building of a mix of housing by income levels in all new growth areas, which includes the downtown and Curtis Park rail yard sites, and future City annexation areas. In these new growth areas, ten percent of new housing is required to be affordable to very low-income households, and five percent affordable to low-income households. By applying the Mixed Income Housing Ordinance only to new growth

areas, the City recognized the unique and sometimes limiting development environments that are present in building in existing neighborhoods. Such challenges include site availability and site specific infrastructure needs, as well as housing needs and overall cost burden on the feasibility of certain geographically situated infill development projects. The proposed project site is not identified as a “new growth area” in the Mixed Income Housing Code and is therefore not required to include affordable housing.

Please see also Master Response 8 that addresses this issue.

18-48: Commenter questions whether the project site is an infill site, and provides its opinion that it is not infill.

The City's Planning & Development Code (Title 17, Section 17.108.100) defines infill as follows:

“Infill” means development on, or reuse of, a site that has been previously developed, or development on a vacant site, where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with existing uses.

The project site is separated from properties to the south by the Union Pacific railroad right-of-way and embankment. Properties to the south include developed residential parcels and the Cannery Business Park. The northern boundary of the site abuts the Capital City Freeway; the closed 28th Street Landfill, now identified as Sutter's Landing Regional Park, lies to the north of the freeway.

The 2030 General Plan Glossary defines Infill as follows:

Development and redevelopment of underused buildings and vacant lots in areas served by existing infrastructure. Development that channels economic growth into existing urban and suburban areas and conserves open space and agriculture at the periphery of the city.

The policy of the City, as set forth in various goals and policies of the 2030 General Plan, is supportive of infill development as one strategy for avoiding sprawl. Development within the City urban boundary is seen as a strategy for reducing vehicle miles traveled, one of the leading causes of greenhouse gas emissions. The project site qualifies as an infill site, and the project is considered an infill project.

- 18-49: Commenter questions whether the granny units were figured into the overall project density.

For the purposes of the EIR analysis, because the granny unit does not change the overall footprint of the project and the area of disturbance, the optional space was not factored into the analysis and the EIR evaluates development and operation of 336 residential units (see Chapter 2 of this Final EIR for information on changes to the project). However, for the purposes of the traffic analysis it was determined that this optional space may generate a small number of vehicle trips. Thus, for the purposes of traffic planning the City factored in an additional 40 units in determining the project's overall trip generation rate. This assumes a very conservative approach to calculate potential traffic impacts, but given the community's concern regarding traffic the City wanted to ensure all potential project traffic was captured in the analysis.

For those technical issues areas where impacts are generated based on population, number of housing units, or overall project operation (e.g., air quality, public services and public utilities) the additional 40 units were not included as part of the project because this space is essentially considered an extension of the home and would not have separate electrical, water or wastewater connections. Therefore, for the purposes of the EIR development of 336 residential units was evaluated (with the exception of traffic). (DEIR, p. 4.0-2.)

Government Code Section 65852.2 states in part that a "second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth."

Staff finds that the proposed second units, notwithstanding the Government Code exemption above, will be consistent with the proposed General Plan designation of Traditional Neighborhood Medium Density which allows between 8 – 21 dwelling units per net acre and the proposed Single-Unit or Duplex Dwelling (R-1A PUD) zoning which allows two dwelling units per lot.

- 18-50: Commenter questions what city policy supports residential development adjacent to freeways.

The City's 2030 General Plan includes numerous policies encouraging development within the City's urbanized areas, many of which are traversed by freeways, inevitably

resulting in residential development in proximity to such freeways. The analysis in the Draft EIR demonstrates that proximity to freeways can be accommodated.

Goal LU 2.7 and Policies LU 2.7.4 and LU 2.7.5 encourage new development to enhance public safety and discourage crime, and encourage new development along freeways to protect the public from an increase in air pollutants, noise, and vibration. To address public safety, the project plans were reviewed by the City's Police Department and changes made to address their concerns. As indicated in Chapter 2, Project Description, the project includes various design measures to address noise and air emissions from the freeway and from the UPRR tracks. The environmental effects and efficacy of these measures is evaluated in the technical sections contained in Chapter 4.

See Master Response 8 regarding consistency with general plan policies.

- 18-51: Commenter questions how the project provides a diversity of housing choices consistent with 2030 General Plan policies.

As discussed in the Draft EIR, the proposed project is designed to reflect the characteristics of the older neighborhoods in Sacramento. The housing styles are designed to complement the existing, established neighborhoods and to be an extension of the existing neighborhoods to the south, west, and east of the site. The proposed project incorporates four different housing types, 18 house plans, and 62 base elevations (see Chapter 2 of this Final EIR).

Goal LU 2.4 and Policies LU 2.4.1 and LU 2.4.2 promote high-quality design and architectural and landscape design for projects that incorporate qualities and characteristics that make Sacramento unique and respect the local context. The proposed project would use high-quality building materials to create homes that last, reflective of the older homes built in the adjacent neighborhoods. The project also includes an extensive landscaping plan with trees planted along all roadways to create shade and an environment conducive to pedestrians. Over 2,000 trees would be planted throughout the site.

See Master Response 8 regarding consistency with general plan policies.

- 18-52: Commenter provides its opinion that two-story construction will not meet the needs of seniors and the disabled. Please see Chapter 2 of this Final EIR for information on additional housing options provided that included two-story, elevator served attached units with single story living plans.

The commenter's questions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-53: Commenter requests documentation to support the statement that the project does not include enough residences to support additional retail, and provides its opinion that retail in adjacent neighborhoods is not proximate to the project.

The number of units and projected traffic counts through the project are too low to support retail uses beyond the space set aside for such uses in the recreation center. The project developers have evaluated the feasibility of retail uses on the site and have been unable to justify additional retail on the project site. From a planning perspective, the project developers determined that it was preferable to support existing nearby retail uses such as Compton's Market and restaurants and shops in the adjacent neighborhood. Please see Response to Comment 17-6 regarding the project's proximity to nearby amenities as well as Figures 1 and 2 in Chapter 2 of this Final EIR.

- 18-54: Commenter expresses its opinion that the project is not consistent with 2030 General Plan Goal LU 4.5 and Policy LU 4.5.6.

Please see Responses to Comments 18-42 and 17-6 and Master Response 8 regarding consistency with general plan policies.

- 18-55: Commenter states its opinion that determining consistency with the East Sacramento Community Plan is too speculative.

Community plans, including the East Sacramento Community Plan, were revised during the 2030 General Plan process. As a result, the East Sacramento Community Plan includes those General Plan provisions that relate to the Community Plan area, but policies that apply specifically to the Community Plan area will be developed in the future. The Community Plan does not include any goals or policies. The project site is identified as an Opportunity Area for future neighborhood uses in the General Plan and Community Plan. Development of the project site as proposed would, therefore, be consistent with the East Sacramento Community Plan.

Please see Master Response 8 regarding consistency with general plan policies.

- 18-56: Commenter provides its opinion that the project is not consistent with the Sacramento Housing Element, a component of the 2030 General Plan.

Please see Master Response 8 regarding consistency with general plan policies.



- 18-57: Commenter speculates that the population of the project will be more than 656 residents and asserts the 2.0 PPH rate does not reflect the actual population for the project site.

Please see Master Response 6 that addresses this issue.

- 18-58: Commenter provides its opinion that the EIR places a caveat emptor burden on the future residents of the project due to proximity to the landfill, railroad and highway, and suggests additional disclosures should be required to address the risk of rail cars crashing through the wall of residences.

The project's location proximate to a freeway, rail lines and closed landfill is readily apparent to potential home buyers and the potential impacts associated therewith are fully evaluated in the Draft EIR. See Response to Comment 31-73 regarding the EIR's requirements for various disclosures. Please see Responses to Comments 18-73 and 18-74 that address rail safety concerns.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-59: Commenter provides its opinion that the EIR places a caveat emptor burden on the future residents of the project due to proximity to the landfill, railroad and highway, and suggests additional disclosures should be required to address the risk of a potential future rail expansion/retaining wall project.

The project's location proximate to a freeway, rail lines and closed landfill is readily apparent to potential home buyers and the potential impacts associated therewith are fully evaluated in the Draft EIR. The potential expansion of the rail lines is addressed on page 2-64 of the Draft EIR and the project has been designed to accommodate the proposed Capitol Corridor Joint Powers Authority Project. See Response to Comment 31-73 regarding the EIR's requirements for various disclosures.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-60: Commenter provides its opinion that the traffic study should have assumed that all 80 "granny flats" were developed, rather than 40 as assumed in the EIR.

For the purposes of the traffic analysis it was determined that the granny flats may generate a small number of vehicle trips. Thus, for the purposes of traffic planning the City factored in an additional 40 units in determining the project's overall trip generation rate. This assumes a conservative approach to calculate potential traffic impacts since these units are optional, but the City wanted to ensure all potential project traffic was captured in the analysis. (DEIR, p. 4.0-2.) Section 4.9, Transportation and Circulation also notes the assumptions used to calculate trip rate assumptions for the granny flat options. Please see Response to Comment 18-49 regarding the EIR's analysis of granny units.

- 18-61: Commenter speculates that renting granny flats to college students could create additional impacts not addressed in the EIR.

Commenter's assertions are based solely upon speculation are not supported by substantial evidence. Substantial evidence includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." (Pub. Resources Code, Section 21080, subd. (e)(1).) Substantial evidence does not include mere "[a]rgument, speculation, unsubstantiated opinion or narrative," or evidence that is "clearly inaccurate or erroneous." (Guidelines, Section 15384, subd. (a).)

See Response to Comment 18-49 regarding the EIR's analysis of granny units.

- 18-62: Commenter expresses its wish that the delta sea breeze would arrive around noon in the summer and questions whether the air quality analysis accounts for the "bowl-like" nature of the project site.

The comment is correct that delta breezes may not always pick up at noon; there are many factors that influence the occurrence and timing of the delta breezes. The health risk assessment prepared for the project (Appendix C) utilized historical meteorological data for the Sacramento region. That data includes whatever effect the delta breezes would have on wind speed and direction. The health risk assessment does take into account the topography of the project site. In the air quality dispersion modeling, Digital Elevation Model (DEM) terrain data were input into AERMOD. The DEM data did reflect local topography such as the elevated railroad tracks. The HRA is revised to indicate more clearly that this terrain data was used, shown below. Please see also Chapter 2 of this Final EIR.

Page 21 of the HRA is revised to read as follows:

A wind rose illustrating prevailing wind speeds and directions for the period from 2004 to 2008 is shown in Figure 4, Wind Rose of Sacramento

International Airport Station – 2004 to 2008 Meteorological Data. Terrain data for the project site and surrounding area were obtained from Lakes Environmental, available online (<http://www.webgis.com/terraindata.html>). The Digital Elevation Model (DEM) data file, produced by the U.S. Geological Survey, was then processed using the AERMAP terrain preprocessor for use with AERMOD.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-63: Commenter asserts the Health Risk Assessment (HRA) and Draft EIR ignore non-cancer health risks associated with toxic air contaminants (TACs) and asks if the City will require disclosure statements to homebuyers regarding other health concerns due to proximity of TACs. The commenter also asks if reliance on "controversial" air quality thresholds used in the Draft EIR would expose the project to a lawsuit similar to the Delta Shores project.

See Master Response 7 regarding the focus of the health risk assessment.

The significance thresholds used in the Draft EIR are not "controversial" and the TAC threshold is different from the TAC threshold in the Delta Shores litigation referenced by commenter. In the Delta Shores case, the City's EIR used the SMAQMD's evaluation criterion as the CEQA significance threshold. This evaluation criterion is not used as a significance threshold in the McKinley Village Draft EIR. The Draft EIR states: "[t]he SMAQMD makes it clear their guidance is not a CEQA threshold, for the purposes of determining cancer risk of placing residences in proximity to DPM sources. The City's selected threshold for the purposes of determining cancer risk of placing residences in proximity to DPM sources is whether lifetime cancer risks are substantially increased as a result of exposure to TACs from mobile sources. The HRA indicates that future residents would not be subject to a substantial increase in lifetime cancer risk as a result of exposure to TACs from mobile sources based on the SMAQMD guidance." (DEIR, p. 4.1-51-52.)

In addition, the City's TAC threshold is presented on page 4.1-35 of the Draft EIR, as follows: "Ambient air quality standards have not been established for TACs. The City has determined TAC exposure is deemed to be significant if:

TAC exposures create a lifetime cancer risk exceeding 10 in 1 million for stationary sources, or substantially increase the lifetime cancer risk as a result of increased exposure to TACs from mobile sources."

The Draft EIR clearly establishes that the City's threshold for TACs is not based upon the SMAQMD evaluation criterion.

Under CEQA, the lead agency has considerable discretion to decide which significance threshold to apply to a given impact. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal. App. 4th 1059, 1067-1068.) So long as the selected threshold is supported by substantial evidence, that threshold will be deemed adequate, regardless of whether the petitioning party proposes an alternative measure of significance. (See *CREED, supra*, 197 Cal.App.4th at pp. 335-336 [rejecting petitioner's argument that the City erred by failing to apply a different significance threshold]; *California Oak Foundation, supra*, 188 Cal.App.4th at p. 282 [rejecting petitioner's argument that a lead agency used the incorrect significance threshold in evaluating the biological significance of tree impacts]; *National Parks & Conservation Assn. v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1356-1357 [upholding a biological significance threshold used by Riverside County as supported by substantial evidence].) Here, the City's threshold is supported by substantial evidence.

- 18-64: Commenter incorrectly suggests that the EIR's discussion of the *Ballona* decision is used to "avoid mitigation" for the project.

Please see Responses to Comments 31-7 and 31-8 addressing this issue.

- 18-65: The comment notes that the project's winter ROG emissions are close to the threshold of significance of 65 pounds per day and questions why a potential need for mitigation was not identified, suggesting that emission features as required under General Plan Policy ER 6.1.3 may be appropriate. The comment requests specific details regarding the modeling, such as whether it includes emissions from natural gas fireplaces and from gardeners/landscapers and their equipment. The comment also notes that emissions from landscape maintenance would expose nearby sensitive receptors to pollutants.

The comment is correct that the project's winter ROG emissions approach the 65 pounds per day threshold. As shown in Table 4.1-9, the project is estimated to result in wintertime ROG emissions 61.42 pounds per day. This is about 5.5% below the threshold, as opposed to the 2% suggested in the comment. The modeling includes the use of natural gas fireplaces in approximately 164 dwelling units (or 50% of the units). The modeling also includes use of landscaping equipment. Please see Chapter 2 of this Final EIR for information that reflects the increase of 8 dwelling units.

To address the increase in 8 dwelling units, operational air emissions were remodeled to see if the increase would exceed the City's threshold. Assuming all units within the project generate traffic based on the trip-generation rate of a single-family detached residence (which is conservative), the additional 8 dwelling units would result in slight increases in ROG and NO<sub>x</sub> emissions during project operation. The revisions to values presented in Table 4.1-9 are shown below for winter emissions only (which has higher emissions than summertime). As shown in the revised Table 4.1-9, ROG emissions would continue to remain below the threshold of 65 pounds per day.

Note that this analysis is conservative because attached condominium units typically generate fewer vehicle trips than detached single-family units. Therefore this analysis assumes slightly more vehicle trips than the proposed project is expected to generate.

**Table 4.1-9  
Operational ROG and NO<sub>x</sub> Emissions (pounds per day)**

Source	ROG Emissions		NO <sub>x</sub> Emissions	
	Unmitigated	Mitigated	Unmitigated	Mitigated
<i>Summer</i>				
Area – excluding consumer products	10.99	10.99	0.36	0.36
Consumer Products	13.03	13.03	-	-
Energy	0.31	0.19	2.66	1.63
Mobile	36.19	34.23	33.56	31.74
<b>Total Summer</b>	<b>60.52</b>	<b>58.44</b>	<b>36.58</b>	<b>33.73</b>
<i>Winter</i>				
Area – excluding consumer products	10.99 [no change]	10.99 [no change]	0.36	0.36
Consumer Products	<del>13.03</del> <u>13.30</u>	<del>13.03</del> <u>13.30</u>	-	-
Energy	<del>0.31</del> <u>0.32</u>	<del>0.23</del> [appears to be a typo, should have been 0.19] <u>0.20</u>	2.66	1.96
Mobile	<del>39.46</del> <u>39.82</u>	<del>37.21</del> <u>37.53</u>	37.69	35.62
<b>Total</b>	<b><del>63.79</del> <u>64.43</u></b>	<b><del>61.42</del> <u>62.02</u></b>	<b>40.71</b>	<b>37.61</b>

Source: Dudek 2013.

As noted on page 4.1-43 of the Draft EIR, the project would comply with the City's Climate Action Plan by including design features to increase energy efficiency. The project also includes measures to support pedestrian and bicycle activity; and by its location, the project supports use of alternative transportation. These features all contribute to reducing ROG emissions from the proposed project.

2030 General Plan Policy 6.1.3 requires that emission reduction features be incorporated only when modeling indicates a project would exceed the emission standards of 65 pounds per day, and specifically requires that the emissions reduction features be capable of reducing emissions by 15%. CEQA Guidelines Section 15126.4(4)(B) states that mitigation measures must be roughly proportional to the impacts of the proposed project. CEQA does not require the EIR to identify mitigation where there are no impacts. Because the project emissions are not expected to exceed 65 pounds per day, 2030 General Plan Policy 6.1.3 does not apply and a mitigation measure that requires a 15% reduction in emissions would not be roughly proportional to the project's impacts.

- 18-66: Commenter speculates that the project's population is likely double that disclosed in the Draft EIR and questions whether the results of the Health Risk Assessment would change if the population were doubled.

The estimated cancer burden is not particularly sensitive to the persons per household (PPH) value. If a higher PPH of 2.7 were used with the maximum cancer risk of 120 in 1 million, the cancer burden would be 0.11, which is still well below a cancer burden of 1. Please see also Master Response 7 for more information regarding the cancer burden calculation and Master Response 6 that addresses the PPH comment.

The commenter's assertions are based solely upon speculation are not supported by substantial evidence. Substantial evidence includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." (Pub. Resources Code, Section 21080, subd. (e)(1).) Substantial evidence does not include mere "[a]rgument, speculation, unsubstantiated opinion or narrative," or evidence that is "clearly inaccurate or erroneous." (Guidelines, Section 15384, subd. (a).)

- 18-67: Commenter questions whether the Health Risk Assessment uses future levels of freeway and railway traffic in its analysis.

Please see Master Response 7 and Response to Comment 31-41.

- 18-68: Commenter questions how the project's commitment to exceed Title 24 energy efficiency requirements will be enforced and speculates the City will never meet its Climate Action Plan goals.

The City of Sacramento Building Department will review building plans for the proposed project. As part of that review, the Building Department will ensure that appropriate measures are included in each structure to exceed Title 24 energy efficiency requirements by a minimum of 10%.

As stated on page 4.1-31 of the Draft EIR, the greenhouse gas (GHG) emission reduction targets set by the City's Climate Action Plan (CAP) are: 15% below 2005 levels by the year 2020, 38% below 2005 levels by the year 2030, and 83% below 2005 levels by the year 2050. The CAP identifies several mechanisms by which GHG emissions will be reduced across the city as a whole; it does not require that each individual project attain the same reduction targets. In addition to exceeding Title 24 energy efficiency requirements, the proposed project meets several other CAP strategies, as discussed on page 4.1-54. Lastly, the City requires all projects to demonstrate compliance with the City's CAP through preparation of a CAP Checklist (see Appendix G) that indicates how the project is reducing GHG emissions in compliance with the City's CAP.

- 18-69: Commenter provides its opinion that the project does not create a Complete Neighborhood and asserts the project is not within walking distance to commercial land uses.

Please see Response to Comment 17-6 regarding proximity to amenities and Response to Comment 17-11 regarding "Complete Neighborhoods".

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-70: The commenter incorrectly suggests that the project applicant "took matters into their own hands" by improperly removing elderberry shrubs from the project site.

As explained in the Draft EIR, the project site was the subject of a Biological Opinion (BO) dated June 25, 2008 (copy attached as Exhibit A), which details the effects of the Project on valley elderberry longhorn beetle ("VELB"), and includes an Incidental Take Statement ("ITS").

Seventeen elderberry shrubs or clusters (identified as Shrubs 1-17, see map attached as Exhibit B) were observed during site visits conducted prior to issuance of the BO. Union Pacific Railroad (UP), not the project applicant, removed many of those shrubs in May 2008. Therefore, the United States Fish and Wildlife Service (USFWS) considered only the four remaining elderberry shrubs in its BO for the project site (identified as Shrubs 2, 3, 4 and 6 on the attached map). These shrubs had a total of 87 stems measuring greater than one inch in diameter.

A survey of the project site conducted in February 2013, confirmed the presence of the four shrubs covered by the BO (Shrubs 2, 3, 4, and 6), and also identified regrowth at or near the prior location of Shrub 1 and new growth near the prior location of Shrub 11. The re-occurrence was identified at Shrub 1, but was not quantified because it would be avoided by the project. Project construction would also avoid the location of Shrub 2. (DEIR, pp. 4.2-24, 4.2-37 to 4.2-38.) Using the mitigation ratios indicated in the BO, 57 habitat bank credits would be required to adequately mitigate the project's impact to VELB to less than significant. (DEIR, p. 4.2-44; FEIR, p. 2-15.) The required VELB habitat credits were purchased from a USFWS approved conservation bank (the Sacramento River Ranch Conservation Bank) on January 29, 2014 and the affected elderberry bushes were transplanted to a conservation bank on February 13, 2014 in accordance with mitigation measure 4.2-1(c). See also updated information in Chapter 2 of this Final EIR.

18-71: Commenter questions whether the amount of lead sampling conducted along Capital City Freeway is sufficient to conclude that there is not an indication of lead impacts from the Freeway in light of a previous lead study undertaken at the freeway.

The lead samples for the freeway study (DEIR Appendix L) were taken on the freeway median, immediately proximate to the point of generation (i.e., tail pipe emissions or tire wear). These locations are not analogous to the project site. As described in the Draft EIR, given airborne dispersion associated with gasoline combustion engine exhaust, the low concentrations of lead detected on the project site, combined with the typical soil management practices associated with prior agricultural use at the project site, there is substantial evidence to conclude that there is no significant impact from potential aerial deposition of lead.

18-72: Commenter believes GeoSyntec should have conducted an interview with Angelo K. Tsakopoulos.



The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-73: Commenter questions how far rail cars travel when more than half of the 100-foot is a slope of 2.3/1 and speculates that additional risks from derailment exist as a result of trains hitting residences and questions whether the project's proximity to the railroad tracks and associated hazards will be disclosed to potential homebuyers. The commenter also states that if all proposed tracks are built, the distance to the nearest residence would decrease to 45 feet, which would require a retaining wall.

The 100-foot distance identified in the Draft EIR on page 4.4-44, is not intended as either an average or a maximum, but an area of potential danger in the event of a train derailment. The distance from the UP tracks to the nearest residence varies from 90 feet to 160 feet. Most derailments do not result in rail cars traveling a great distance from the track. The Draft EIR concludes that the risk to future residents resulting from a derailment is less than significant. As noted in the Draft EIR, derailments occur at a rate of one per one million miles travelled. On mainline track of major railways, this probability is substantially reduced (Anderson and Barkan, 2004). Of these derailments, most do not result in significant property damage or injuries to non-passengers or rail employees. A review of National Transportation Safety Report Board (NTSB) accident reports shows the last significant train accident (one requiring investigation by NTSB) in Sacramento occurred in 1967 (at an at-grade crossing on Fruitridge Road)(NTSB, 2014). The NTSB also indicates that since 1980 there have only been nine train derailments in the State, which primarily were the result of cars crossing at an at-grade crossing. It should also be noted that in the event of a derailment, based on the curve of the track, a derailment is as likely (or more likely, given the centrifugal force) to occur on the southerly side of the track (in the existing light industrial area).

- 18-74: Commenter speculates that additional risks from derailment exist as a result of trains hitting residences and questions whether the project's proximity to the railroad tracks and associated hazards will be disclosed to potential homebuyers.

As discussed in Response to Comment 18-73, no NTSB records were found regarding fatalities resulting from a derailment in Sacramento. In addition, a review of Federal Rail Administration records for Sacramento County (2004-2013), shows no incidences of derailment and no incidences of hazardous material spills.

Regarding notification, Mitigation Measure 4.6-4(f) requires “Disclosure statements shall be provided to all prospective residences, as well as recorded against the land, notifying of the presence of the UPRR tracks and the accompanying elevated noise environment associated with existing and projected increased future rail activity.” Measure 4.6-6 includes a similar disclosure regarding rail vibration.

The project’s location proximate to a freeway, rail lines and closed landfill and the potential impacts associated therewith are fully evaluated in the Draft EIR. Please see Response to Comment 31-73 regarding the EIR’s requirements for various disclosures and Response to Comment 31-8 regarding the Draft EIR’s analysis of potential impacts of the environment on the project.

18-75: Commenter speculates that the derailment accident rate could increase in the future to 1 in 61 years.

The Draft EIR expressly addresses future cumulative conditions and evaluates the potential cumulative impacts associated with derailment. As explained in the Draft EIR, future conditions could see an increase in train traffic on the adjacent UPRR tracks associated with expansion of the Capitol Corridor (passenger trains) as well as freight train trips. The Capitol Corridor Joint Powers Authority has indicated potential plans to construct an additional track in the UPRR right-of-way adjacent to the southern boundary of the site, which would be a minimum of 45 feet from proposed residences. The timeline for this project anticipates completion sometime in the next 15 to 30 years, subject to approval of a plan and the availability of funding. This would enable Amtrak to increase train trips between Sacramento and Roseville up to 10 round trips per day. UPRR is unable to estimate the increase in number and frequency of future freight train trips adjacent to the project site due to homeland security concerns. However, conservatively assuming a 25% to 33% future increase in train traffic, there would be a theoretical rate of approximately 1 hazardous materials accident or derailment in 900 to 1,000 years. While the theoretical accident rate increases with increased train traffic, the rate is still approximately a 1,000-year event. Therefore, the potential increase in train frequency at project buildout and beyond is not anticipated to significantly increase the risks associated with accidents or train derailments to project residents. (DEIR, p. 4.4-53.)

Commenter’s assertions are based solely upon speculation are not supported by substantial evidence. Substantial evidence includes “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Pub. Resources Code, Section 21080, subd. (e)(1).) Substantial evidence does not include mere

“[a]rgument, speculation, unsubstantiated opinion or narrative,” or evidence that is “clearly inaccurate or erroneous.” (Guidelines, Section 15384, subd. (a).) The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

18-76: Commenter questions how the arsenic levels at the project site are mitigated.

The range of arsenic concentrations present on the site (i.e., 8.2 to 11 milligrams per kilogram (mg/kg)) is consistent with background concentrations. The Phase I Environmental Site Assessment for the project site (see Appendix H, September 2007) states the arsenic concentrations would be at 4, 35-36, below harmful levels. Therefore, the concentrations of arsenic that workers and residents at the project would be likely to encounter are comparable concentrations of arsenic within the region and throughout the State, and no mitigation is required

18-77: Commenter questions how the applicant’s compliance with Mitigation Measure 4.4-1(a) will be monitored.

A Mitigation Monitoring and Reporting Program (MMRP) will be prepared for the project, and will be provided to the City Council for approval by Resolution. The MMRP will identify the mitigation measure, the party responsible for implementation, and the timing for implementation. The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

18-78: Commenter asks whether the concerns expressed by WKA in their September 2006 report, recommending replacement of on-site soils with engineered fill, has been anticipated with regard to generation of fugitive dust.

The project applicant’s engineer has reviewed the WKA report and is aware of the prior recommendations. As noted on page ES-8 of the Draft EIR, the project does not propose to export or import fill during project construction. Excavated soils of the proposed underpass(es) would be used on site as well.

The generation of fugitive dust will occur associated with site clearing and grading and construction equipment moving around the site. As discussed on page 4.1-36 of the Draft EIR, all construction activities within the Sacramento Metropolitan Air Quality Management District’s (SMAQMD) jurisdiction are required to implement SMAQMD’s Basic Construction Emission Control Practices, which include watering the construction site twice daily, limiting vehicle speeds on unpaved roadways to 15 miles

per hour, covering haul trucks transporting soil, and cleaning paved roads. All of these measures will reduce the amount of dust generated by construction activities. Dust and particulate matter associated with construction activities have been addressed in Section 4.1 of the Draft EIR.

- 18-79: The commenter opines that the EIR authors are “editorializing” regarding the fact that numerous at-grade crossings exist in Sacramento.

The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-80: Commenter asks for more information to explain how low impact design (LID) features would reduce runoff in 6-foot-wide planters, and speculates that the developer will be tempted to abandon these measures as impractical.

The separated 6-foot-wide planters function as a LID facility by providing disconnected pavement, interceptor trees, and disconnected roof drain and alternative driveway design providing landscape area for storm water to infiltrate and landscape planter to improve water quality.

The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-81: The commenter wonders how the project’s homeowners’ association (HOA) will be held responsible for maintenance of stormwater and infrastructure not located within a public right-of-way (ROW) or public easement.

As stated in the Draft EIR, stormwater utilities and infrastructure not located within a public ROW or public easement would be private facilities maintained by a homeowners association or privately-funded maintenance district. These stormwater facilities are typically LID facilities that require landscape maintenance to perform the stormwater quality function. The City will condition the project to require the HOA to maintain the stormwater facilities and infrastructure on site. If the HOA fails to maintain the stormwater facilities and infrastructure, the City could utilize its typical legal remedies for property owners in breach of tentative subdivision map conditions of approval.

- 18-82: Commenter asks for clarification that the sewage detention tank and pumps will be designed, installed and paid for by the developer and questions who will maintain these facilities.

The sewage detention tanks and pumps will be installed and paid for by the developer and operated and maintained by the City of Sacramento.

- 18-83: Commenter provides its opinion that the project should be financially responsible for an electrical upgrade of Sump 99.

The City of Sacramento Department of Utilities (DOU) has identified a Sump 99 Electrical Upgrade Project that will provide backup power generation and control upgrades to improve reliability of the Sump 99 Pump Station. The project is in the design stage and the City's DOU is researching funding options. This is a separate city project and is not part of this project.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-84: Commenter questions why the Mitigation Measure implementing UPRR's requested disclosures statement is only a recommendation.

Disclosures are required mitigation for the project, as follows:

4.6-4 (f) Disclosure statements shall be provided to all prospective residences, as well as recorded against the land, notifying of the presence of the UPRR tracks and the accompanying elevated noise environment associated with existing and projected increased future rail activity. (DEIR, p. 4.6-51.)

4.6-5 (e) Disclosure statements shall be provided to all prospective residences, as well as recorded with the deed, notifying of the presence of the highway and the accompanying elevated noise environment associated with existing and projected increased traffic on Capital City Freeway. (DEIR, p. 4.6-59.)

In addition, although railway and roadway vibration levels at future proposed residences were found to be less than significant, the following measure is recommended, pursuant to the request by UPRR.

- 4.6-6 Disclosure statements shall be provided to prospective homebuyers for homes located adjacent to the UPRR right-of-way, informing them of the presence of the UPRR tracks and that vibration may be periodically perceptible during train pass by. (DEIR, p. 4.6-60.)

Consistent with CEQA, the noise study and Draft EIR analyzed the potential railroad noise impacts caused by Existing plus Project and Cumulative plus Project scenarios, and determined that all impacts were less than significant with mitigation. (DEIR, pp. 4.6-41 and 4.6-61.) No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd.(a)(3)[under CEQA, no mitigation measures are required for impacts that are less than significant].)

- 18-85: Commenter questions whether the City took a survey to determine whether wildlife living in the City have adapted to the urban noise environment.

There is no biological survey protocol to assess wildlife and noise. Please see Responses to Comments 11-8 and 33-24.

- 18-86: Commenter cites to a page in the Draft EIR, but does not make any comment. No response is required.

- 18-87: Commenter questions why the Draft EIR references 23 and 27 trains passing the project site when the Federal Railroad Authority has said 40 trains pass by the site, asserts that up to 60 trains have been observed by commenter, and states the southeast rail line was ignored.

Please see Response to Comment 31-55 explaining the methodology for performing the train counts, and explaining the impact remains less than significant even if the number of trains is increased as the commenter suggests.

Regarding the assertion that the southeast rail line was ignored, the Health Risk Assessment (HRA) and the Draft EIR explain that “all trains were modeled as if they were running on the tracks adjacent to the site.” As noted in the HRA, this approach is “more conservative because the emissions from trains on the other tracks would contribute somewhat less to the exposure to the project’s residents because they are farther away.” (HRA, p. 22; see also DEIR, p. 4.1-48.) Having employed the most conservative analysis, no additional modeling is required to assess the potential impacts. Please also refer to Response to Comment 18-10.

The railroad noise contours on Draft EIR Figure 4.6-4 are intended to generally and visually represent the extent by which the project is exposed to existing railroad noise

exposure. The Draft EIR recognizes that railroad noise exposure at the project site is the result of operations on all three routes identified on Draft EIR Figure 4.6-3, but that due to the geometry of the railroad “Y” to the east of the project site, it is most heavily influenced by rail traffic on the Roseville - Downtown Sacramento Route. Due to the additional distance from the project site to the Roseville – Stockton Route, those operations had a lesser effect on the overall project site noise environment.

- 18-88: Commenter questions why Table 4.6-7 (in Section 4.6 Noise and Vibration) uses 90 feet as the representative distance from the nearest rail lines and Table 4.6-8 uses 90-feet, and suggests the data were “cherry picked”.

The commenter is referred to Draft EIR page 4.6-32, where the analysis of railroad noise impacts for the new passenger railroad tracks located as close as 45 feet from the project site are analyzed. Because the expansion of the Capital Corridor service, which would include the construction of the new railroad track, is speculative at this time, the project Noise Study (DEIR, Appendix I) evaluated both noise and vibration impacts at the existing distance of 90 feet to the nearest proposed residence, as well as the closer distance of 45 feet. In both cases, the project includes design features which would mitigate noise and vibration impacts to a less-than-significant level.

The commenter also inquires why vibration levels would be the same for a freight train at distances ranging from 45 to 90 feet, and how many of the freight trains had multiple locomotives. All freight trains had multiple engines, with the westbound trains typically utilizing 2 engines and eastbound trains utilizing 3 engines. The very low vibration levels measured at the project site were due to the slow train speeds and may have also been due to the soft intervening ground type (dirt embankment versus bedrock, for example). Figure 10-1 of the FTA Noise and Vibration Manual (FTA-VA-90-1003-06) indicates that, at distances ranging from 50 to 100 feet from locomotive powered passenger or freight trains at 50 mph, the upper end of generalized RMS velocity levels which can be expected are 78-85 VdB, with typical levels approximately 5 Vdb lower (73-80 VdB). When corrected for the 25 mph train speeds measured at the project site using the formula provided in Page 10-9 of the FTA manual, the resulting typical vibration levels would be reduced by 6 dB to 67 to 74 Vdb.

Vibration levels of 67-74 Vdb satisfy the recommended FTA annoyance criteria of 75 VdB for residential land uses affected by occasional railroad events (between 30 and 70 daily trains). Vibration levels of 67-74 VdB (rms) equate to particle velocities of 0.002 to 0.005 inches/second (rms). Although the project Noise Study and Draft EIR report peak particle velocities, rather than root-mean-square particle velocities (rms),

rms values were also collected for each train pass by. Those measured values, which ranged from 0.001 to 0.004 inches/second (rms), indicate that actual vibration levels at the project site were slightly lower than levels which would be predicted using the FTA manual. This likely indicates that the intervening ground at the project site is not a strong conduit for the propagation of ground-borne vibration. That being said, the measured vibration levels are generally consistent with the levels predicted using the FTA manual, and are below thresholds for both annoyance and damage to structures. As a result, no further measurement or analysis of railroad vibration levels is warranted for this project.

18-89: Commenter cites to pages in the Draft EIR but does not make any comment. No response is required.

18-90: Commenter provides its opinion that General Plan Policy EC 3.1.4 should “take precedence over *Ballona*.”

It is unclear what commenter means by this remark. Please see Responses to Comments 31-7 and 31-8 regarding the *Ballona* decision.

18-91: Commenter asks how the EIR’s analysis of train vibration takes into account the FTA vibration screening distance criteria, per General Plan Policy EC 3.1.6.

The commenter is correct in that the City of Sacramento General Plan Policy EC 3.1.6 language was not included in the project Noise Study or Draft EIR. That specific policy language is as follows:

EC 3.1.6 The City shall require new residential and commercial projects located adjacent to major freeways, hard rail lines, or light rail lines to follow the FTA screening distance criteria.

Although the specific policy language was not included in the project Noise Study, the FTA Screening distance criteria were applied to this project. According to the FTA Transit Noise and Vibration Impact Assessment Guidelines (FTA-VA-1003-06, page 9-1), the vibration screening procedure is designed to identify projects that have the possibility of creating significant adverse impacts. The screening distances are not required building setbacks. Rather, they are used to determine if more detailed study of potential vibration impacts are required. Table 9-2 of the FTA guidelines provides screening distances for a variety of rail types and land use categories. Residential developments are included within Category 2. The rail type adjacent to the project site would normally be considered “Conventional Commuter Railroad”, which includes commuter rail lines with shared freight train operations.



However, due to the slow speeds of the trains at the project site, the use of this designation in the screening process is conservative. The screening distances for Category 2 land uses affected by conventional commuter railroad activity is identified in the FTA Guideline Table 9-2 as being 200 feet.

Because the project proposes residential land uses at a distance of 90 feet from the closest existing railroad tracks, and because that 90 foot distance is located within the 200 foot FTA screening distance, the FTA Guidelines state that a detailed vibration impact assessment should be conducted for the project. Such an analysis was prepared, with a series of vibration measurements conducted at distances ranging from 45 to 100 feet from the nearest railroad tracks and the results are presented in the Draft EIR (Table 4.6-8). Due to the low speeds of the trains as they pass the project site, vibration levels were measured to be very low, even at the closest monitoring location. Because the measured vibration levels were below thresholds for both annoyance and damage to new residential structures, no adverse vibration impacts were identified for this project.

- 18-92: The commenter questions whether the noise analysis accounted for the possible future fourth lane of highway traffic and alleges, without providing any evidence, that cumulative traffic noise will exceed the City's exterior noise standards.

Impact 4.6-8 on page 4.6-61 of the Draft EIR specifically addresses cumulative traffic impacts, assuming the additional eastbound travel lane. The Draft EIR provides as follows: "to determine future traffic volumes, data from the FHWA Traffic Noise Prediction Model along with information provided by the transportation consultants were used to predict the cumulative increase in traffic noise levels in the project vicinity. The only source of traffic noise which appreciably affects the project site is Capital City Freeway, which borders the entire northern boundary of the project site. Because the City of Sacramento General Plan Noise Policies apply to future noise forecasts, the assessment of noise impacts on the project is conducted using an estimated future daily traffic volume for Capital City Freeway."

As discussed above under the Methods of Analysis, Caltrans is considering constructing a fourth lane eastbound on Capital City Freeway from the UPRR overcrossing to the bridge over the American River, adjacent to the project site. This would result in the effective noise center of the eastbound travel lanes being 4 feet closer to the proposed residences. This would result in a traffic noise level increase of 0.3 dB  $L_{dn}$ . Because an increase of less than 1 dB  $L_{dn}$  is considered imperceptible, the proposed eastbound lane addition is not predicted to noticeably affect existing or future traffic noise exposure at the project site. Therefore, the project, plus the

reasonably foreseeable cumulative development, would result in a less-than-significant cumulative impact. The project's contribution to an increase in traffic noise on Capital City Freeway would be 0 dB.

Because future traffic noise levels in exterior areas adjacent to Capital City Freeway would meet the City's noise standards applicable to new residential developments, the cumulative impact is less than significant. (DEIR, pp. 4.6-71, 4.6-72; see also p. 4.6-45 explaining the methodology.)

- 18-93: Commenter states the railroad noise at the nearest residence would be 73 dB and would exceed the City's noise standards.

The 73 dB railroad noise level referenced by the commenter is for the pre-mitigated *condition*; prior to consideration of shielding provided by project design features and noise barriers. After consideration of those features and mitigation, the future railroad noise environment would be reduced to meet the City's 60 dB L<sub>dn</sub> exterior noise level standard. Specific project design features which would reduce railroad noise exposure are described on page 4.6-36 of the Draft EIR, and Impacts 4.6-4 and 4.6-7 specifically address the post-mitigation railroad noise environment.

- 18-94: Commenter provides its opinion that the "quiet zone" is not enforced and asked members of the City Council and staff whether they enjoy the benefits of a quiet zone.

Effective September 6, 2013, the City implemented a Quiet Zone at the 28th Street and Lanatt Street crossings. That Quiet Zone significantly reduces the frequency of warning horn usage at those crossings even though horn usage can still be used for safety as deemed necessary by the engineer. This decrease in warning horn usage will result in a decrease in single-event and 24-hour railroad noise exposure at the project site. (DEIR, p. 4.6-36.) It should be noted that the Quiet Zone implementation took effect *after* the railroad noise monitoring was completed at the project site. As a result, actual railroad noise exposure at the project site will be lower than levels reported in the Draft EIR which included some warning horn usage.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers, including Steve Cohn, for their consideration.

- 18-95: Commenter provides its opinion that the noise barrier cannot be effective to reduce noise and requests modeling methods and data to confirm exterior sound levels are reduced to 60 dB.

The Draft EIR fully discloses that the railroad tracks are substantially elevated relative to the project site. Figures 4.6-6 through 4.6-8 on pages 4.6-43 through 4.6-45 clearly illustrate that the railroad tracks will be approximately 22 to 26 feet above the building pad elevations of the residences proposed nearest to the railroad tracks. Noise barrier effectiveness is dependent on the intervening barrier intercepting line of sight between the noise source and the receiver. Appendix E of the project Noise Study (DEIR, Appendix I) contains the relative elevations of the railroad noise source and receiver, including the distances from the railroad tracks to the barrier, and barrier to the sensitive receiver. Due to the shielding of the outdoor spaces by the proposed 25-foot tall residences and 16-foot tall barriers connecting the residences, line of sight between the elevated railroad noise source and outdoor spaces would, in fact, be intercepted. Resulting railroad noise exposure at the project site is predicted to be satisfactory relative to City of Sacramento noise standards and noise impacts associated with railroad noise are predicted to be less than significant.

- 18-96: Commenter asks whether the entire private yard adjacent to the UPRR embankment will be at 60 dB or just up against the wall.

The level of shielding provided by the Courtyard residences and proposed noise barriers will vary depending on the location of the receptor within the outdoor yard areas. As noted on page 29 of the Noise Study (DEIR, Appendix I), the Courtyard residences would be constructed with either an outdoor room or 16-foot tall noise barrier connecting the residences. The residences themselves would be approximately 25 feet in height at their apex, with widths ranging from 48 to 53 feet at that height. The 25-foot tall residences account for approximately 75% of the shielding provided to the outdoor yard areas, with the 16-foot tall outdoor room or noise barrier accounting for the remaining 25% of the railroad noise shielding. When factored together, the combined barriers are predicted to be adequate to reduce railroad noise exposure at the outdoor areas of both the northern and southern Courtyard residences to a state of compliance with City of Sacramento General Plan noise standards. As a result, this impact was considered to be less than significant (DEIR Impact 4.6-7, p. 4.6-61).

- 18-97: Commenter questions whether the EIR studied the possibility that the sound walls will have the effect of reflecting railroad noise back into the East Sacramento neighborhood.

Because elevation of the railroad embankment is higher than either the tops of the proposed residences or a 13 to 18.5-foot tall noise barrier proposed adjacent to the Capital City Freeway, the proposed residences and noise barriers will not be visible from existing residences located on the south side of the railroad embankment. In

addition, because the angle of sound reflection off a smooth barrier is equal to the angle of incidence, and because the railroad tracks are elevated above those residences and barriers, any railroad noise reflected off of the proposed residences or noise barriers will be directed downward into the railroad embankment. As a result, no impact is identified for reflected railroad noise into the existing community to the south.

18-98: Commenter asks for a source for the vibration threshold.

The vibration thresholds of 0.5 inches/second for new residential uses and 0.2 inches per second for historic structures are recommended by the FTA and are regularly utilized by the City of Sacramento for assessment of vibration impacts. As examples, these exact thresholds have recently been utilized in the Sutter Park Neighborhood Project Draft EIR (SCH# 2012112036), the City of Sacramento Master EIR for the Sacramento 2030 General Plan (SCH# 2007072024), the Greenbriar Development DEIR (SCH # 2005062144), the Entertainment and Sports Center DEIR (SCH # 2013042031), the City of Sacramento Housing Element Initial Study, The Aspen 1 – New Brighton Project DEIR (SCH# 2010072058), and the 65th Street Station Area Plan DEIR (City Project #T15068100(th16)), to name a few.

In addition, the City has discretion under CEQA to set thresholds of significance for a project. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal. App. 4th 1059, 1067-1068.)

18-99: Commenter questions whether the mitigation measures will be adequate to reduce noise impacts once the future rail lines are as close as 45 feet to the closest residences.

The noise analysis did assume the future rail line. As discussed in Impact 4.6-7 on page 4.6-61, “future train operations were assumed to include 10 additional daily freight trains and, if the Capitol Corridor expansion project is completed, 18 additional Capitol Corridor (passenger) trains per day. In addition, the Capitol Corridor expansion would add a new track on the rail lines adjacent to the southern boundary of the site. This new track would be up to 45 feet closer to the project site. The increase in the number of train operations and decrease in distance to the Capitol Corridor trains would cause an overall increase in railroad noise exposure at the project site of approximately 3 dB. The increase in railroad noise exposure from the increased passenger and freight trips of 3 dB in the proposed private yards of the residences located closest to the railroad tracks would still be expected to be 60 dB  $L_{dn}$  or less. Thus, future noise levels in the proposed exterior areas would continue to be in compliance with the City’s noise element exterior noise exposure guideline with

respect to rail operations, and the cumulative impact is less than significant.” (DEIR, p. 4.6-61.)

- 18-100: Commenter questions the effectiveness of the 10 foot walls between residences.

The 10-foot walls located between the residences at the motor court areas are not required to achieve satisfaction with the City’s 60 dB L<sub>dn</sub> exterior noise level standard in the outdoor activity areas. This is because the motor court (driveways) of the residences are not considered to be a noise-sensitive outdoor activity area.

- 18-101: Commenter provides its opinion that disclosure statements should be required to warn of potential for “sleep-impairing, conversation-stopping and health-impacting railroad and highway noise and vibration.”

Please see Response to Comment 31-73 regarding the EIR’s requirements for various disclosures as well as Response to Comment 18-84.

The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-102: Commenter questions why all windows in the first row of lots adjacent to UPRR track are not required to have an STC Rating of 35 instead of 30 and provides its opinion that blown-in foam insulation and concrete tiled roofs should be required.

Windows from which the railroad trains would not be visible would clearly have a lower noise exposure than windows from which trains are visible. This is because incident sound from the train pass by would directly impact windows from which the trains are visible, but would not directly impact windows from which the trains are not. As a result, the windows with the lower railroad noise exposure (i.e., windows facing away from the railroad tracks) would not have the same noise reduction requirements as windows directly facing the noise source.

- 18-103: Commenter requests additional information regarding the highway project in Dixon, California and asks how the Dixon project is applicable to the McKinley analysis.

The referenced project in the City of Dixon, California, was the California Northpointe single family residential development, where five (5) residences were tested. The testing was conducted to determine the effectiveness of a 9-foot property line masonry barrier as well as to quantify the exterior to interior noise reduction in second floor bedrooms which were not shielded by the barrier and which had a direct

view of Interstate 80 (I-80). The building construction was similar to that envisioned for the McKinley Village project, with stucco siding and upgraded window assemblies in unshielded bedrooms. The residences tested were approximately 250 feet from the I-80 centerline. Although the distance to the highway is not identical to this project, the exterior to interior noise reduction of the residences was determined by simultaneously measuring exterior and interior noise levels, with the difference being the building façade noise reduction. The test results for these residences were similar to results of exterior to interior testing of other single-family residential dwellings in recent years, and the assumption of 25 dB of building façade noise reduction for new residential construction in accordance with building code requirements is consistent with industry practice.

- 18-104: Commenter questions why all windows near the highway are not required to have an STC Rating of 30 instead of STC 27.

Mitigation Measure 4.6-5(a), Draft EIR page 4.6-59, specifically requires STC 35 windows for all windows from which the Capital City Freeway (Business 80) would be visible, not just bedroom windows. That measure also requires STC 30 windows for all other windows of residences located adjacent to the freeway. The commenter's assertion that the project is recommending STC 27 rated windows for residences located adjacent to the freeway is incorrect.

- 18-105: Commenter requests the source for the City's 0.5-inch per second vibration threshold and provides its opinion that the EIR is a "pro-project exercise."

The commenter is referred to Response to Comment 18-98 for an explanation of why the 0.5 inch per second vibration threshold is used as a standard of significance. The threshold of human annoyance to vibration levels is lower than the thresholds for damage to structures. Although the 0.1 inch per second peak particle velocity threshold identified in Table 4.6-3 in the Draft EIR was not included as a project threshold of significance, the railroad vibration test results provided in Table 4.6-8 indicate that measured vibration levels during multiple train passages of the project site at distances ranging from 45 to 100 feet were all below that 0.1 inch per second threshold. As a result, no adverse noise impacts were identified relative to the vibration thresholds utilized by the City of Sacramento, nor would significant impacts have been identified relative to a more restrictive threshold of 0.1 inches per second.

In addition, the City has discretion under CEQA to set thresholds of significance for a project. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal. App. 4th 1059, 1067-1068.)

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-106: Commenter questions whether Root Mean Square Velocity would be more suitable for evaluating human response to ground-borne vibration and asks if raised floor construction would be better for vibration dampening.

The Draft EIR's evaluation of potential vibration impacts in terms of damage to structures uses the 0.2 to 0.5 inches per second threshold applied by the City of Sacramento, which is recommended by the Federal Transportation Authority (FTA Transit Noise and Vibration Impact Assessment Manual, FTA-VA-90-1003-06, p. 7-3). For assessment of human annoyance to vibration levels, the FTA Manual recommends utilizing root-mean-square (rms) particle velocity rather than peak velocity. According to the FTA Manual, it takes some time for the human body to respond to vibration signals. In a sense, the human body responds to an average vibration amplitude. Because the net average of a vibration signal is zero, the rms amplitude is used to describe the "smoothed" vibration amplitude. The root mean square of a signal is the square root of the average of the squared amplitude of the signal.

The FTA Manual utilizes the VdB metric to evaluate vibration-related annoyance, rather than peak particle velocities expressed in inches per second. Figure 10-1 of the FTA Manual indicates that, at distances ranging from 50 to 100 feet from locomotive powered passenger or freight trains at 50 mph, the upper end of generalized RMS velocity levels which can be expected are 78-85 VdB, with typical levels approximately 5 Vdb lower (73-80 VdB). When corrected for the 25 mph train speeds measured at the project site using the formula provided in Page 10-9 of the FTA manual, the resulting typical vibration levels would be reduced by 6 dB to 67 to 74 Vdb.

Vibration levels of 67-74 Vdb satisfy the recommended FTA annoyance criteria of 75 VdB for residential land uses affected by occasional railroad events (between 30 and 70 daily trains). Vibration levels of 67-74 VdB (rms) equate to particle velocities of 0.002 to 0.005 inches/second (rms). Although the project Noise Study and DEIR report peak particle velocities, rather than root-mean-square particle velocities (rms), rms values were also collected for each train pass by. Those measured values, which ranged from 0.001 to 0.004 inches/second (rms), indicate that actual vibration levels at the project site were slightly lower than levels which would be predicted using the FTA manual. However, the measured vibration levels are generally consistent with the levels predicted using the FTA manual, and are below thresholds

for both annoyance and damage to structures. As a result, no further measurement or analysis of railroad vibration levels is warranted for this project.

Regarding concrete flooring versus raised floor construction, the FTA Manual states that reinforced concrete slab floors in modern buildings will have fundamental resonance frequencies in a slightly higher range than a typical wood-frame residential structure. The degree by which the floor construction would affect interior vibration levels depends on the frequency content of the vibration source. However, given the very low levels of vibration measured at the project site during railroad passages (DEIR Table 4.6-8), vibration impacts would not be anticipated with either type of construction.

18-107: Commenter asks whether Mitigation Measure 4.6-6 is recommended or required.

Mitigation Measure 4.6-6 (DEIR, p. 4.6-60) is not required to mitigate noise impacts to less than significant. Thus, it is included as a recommendation, but is not required by CEQA. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].)

18-108: Commenter speculates that the residence referred to in Mitigation Measure 4.6-9 is closer than 200 feet to the centerline of Capital City Freeway/Business 80 and thus asserts the noise analysis is skewed.

The distance to the residence in question was scaled from project site plans provided by the project engineer. As indicated in Figure 2 of the project Noise Study (DEIR Appendix I), the northeast corner of the project site shows a green area between the easternmost residence and the freeway. This green area provides an additional setback from the freeway.

The commenter's assertions are based solely upon speculation are not supported by substantial evidence. Substantial evidence includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." (Pub. Resources Code, Section 21080, subd. (e)(1).) Substantial evidence does not include mere "[a]rgument, speculation, unsubstantiated opinion or narrative," or evidence that is "clearly inaccurate or erroneous." (Guidelines, Section 15384, subd. (a).)

18-109: Commenter speculates that the residence referred to in Mitigation Measure 4.6-9 is closer than 200 feet to the centerline of Capital City Freeway/Business 80 and thus asserts the Health Risk Assessment (HRA) analysis is skewed.



Please see Response to Comment 18-108 regarding the location of the referenced residence and Master Response 7 that addresses the HRA.

- 18-110: Commenter alleges the Draft EIR “editorializes” regarding safe access to schools and suggests the EIR drafters ask some parents whether McKinley, C Street or H Street is a major roadway, and asks for “justification” that there are no major roadways children will cross to attend local schools.

The commenter’s reference to page 4.7-5 of the Draft EIR in regards to ‘major roadways’. The City of Sacramento 2030 General Plan defines major arterial roadways as four to six lane streets that serve longer distance trips as the primary route for moving traffic through the City. Major arterials have high access control and right-of-way widths of 80 to 150 feet. Streets in the study area are mostly collector or local streets especially those associated with potential student crossings from the project site. McKinley Boulevard, C Street and H Street are all designated as collector streets in the City’s 2030 General Plan

The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-111: Commenter suggests the EIR drafters ask some parents whether Theodore Judah and Sutter Middle School are operating at capacity and questions whether the Draft EIR accounted for cumulative school impacts of new students generated by the project.

Please see Master Response to Comment 2 regarding school capacity.

The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-112: Commenter states that the driving distances to Theodore Judah and Sutter Middle Schools are false.

The driving distances provided on page 4.7-11 represent approximate driving distances to Theodore Judah Elementary School and Sutter Middle School from the boundary of the project site. The commenter’s request that the driving distance should be measured from the center of the site is an opinion and is not required in order to represent an approximate sense of distance. Please see Response to Comment 31-23 and associated Figure 2 in Chapter 2 of this Final EIR showing proximity to schools.

- 18-113: Commenter asks whether residential fire sprinklers will be required per General Plan policies.

The City's 2030 General Plan includes the following policies that require projects be designed to address fire safety. Specifically, Policies PHS 2.2.3 and PHS 2.2.4, which require that the project design be subject to review and approval by the Sacramento Fire Department (SFD) to ensure that all proposed project buildings include adequate fire protection equipment and infrastructure, such as fire sprinkler systems, as required by the California Fire Code. The SFD has reviewed the project plans to ensure that there is adequate turning radii for trucks and access throughout the site. SFD would provide any additions and/or modifications to be incorporated into the proposed fire systems necessary to ensure that the proposed project adequately addresses safe design and on-site fire protection in compliance with applicable fire and building codes, including the California Fire Code. Revenues and taxes generated from the new development would contribute to funding for facilities and services that have been identified by the SFD as needed for services in the future. Because the proposed project would comply with the various fire-related goals and policies of the City's 2030 General Plan, impacts related to fire protection services would be considered less than significant. (DEIR, pp. 4.7-16, 4.7-26.)

Please see also Master Response 8 regarding consistency with general plan policies.

- 18-114: Commenter states that the EIR should use a "more realistic" figure than the 2.0 Persons Per Household assumed in the Draft EIR.

Please see Master Response 6 that addresses this issue.

- 18-115 Commenter asks for the Fire Department's estimated response time to the farthest residential lot within the project.

The City's Fire Department (SFD) indicates there are two major factors that are considered when defining response times for fire and medical services (EMS). The critical time frame that responders have to successfully assist victims of cardiac arrest and the critical time frame that responders have to gain control of a fire to minimize the damage to the structure and other structures nearby. Based on these critical issues, the fire department's goal is to have its first responding company, which provides fire suppression and paramedic services, arrive within a 4 minute response time 90 percent of the time and medic units within 8minutes, 90 percent of the time. Locating our stations within a 1.5 mile radius service area, typically allows first responders the ability to meet time frame goals (email to D. Allen from K. Tunson, 1/30/14).

As indicated in the Draft EIR, Station 4, located less than 1 mile from the project site at 3145 Granada Way, is the closest responding SFD company to the project site. The SFD's estimated response time to the project site is 4 minutes, 49 seconds (Basurto, pers. comm. 2013) (DEIR, p. 4.7-4). This response time to the project site is outside of the department's response *goal* of 4 minutes; however, the project site is located less than a mile from the closest station so it is not an issue of distance. In addition, the City does not evaluate response times in CEQA documents.

- 18-116: Commenter again question the 2.0 PPH rate and alleges the EIR should use the PPH applied in the Sutter Park project.

Please see Master Response 6.

- 18-117: Commenter cites 2030 General Plan Policy U6.1.7 and asks whether buildings were laid out for maximum solar access and whether the proposed 2,000 trees will compromise solar access.

The project site plan and buildings are configured and designed to maximize solar access, to the extent feasible, taking into account the physical limitations and orientation of the project site and the goal of creating tree-lined streets in a grid pattern consistent and compatible with the design and character of nearby existing neighborhoods.

Please see also Master Response 8 regarding consistency with general plan policies.

- 18-118: Commenter asks how the project will assist in meeting 2030 General Plan Policy U5.1.1 and U5.1.16 regarding zero waste to landfills and recycling construction waste.

The City's Construction and Demolition (C&D) Ordinance regulates building permits with valuation greater than \$100,000, and all down-to-the-ground demolitions. Passed in January 2009, the C&D Ordinance requires permit holders to recycle certain material from debris generated on a project site. This debris must be hauled by the permit holder, waste generator, or franchised hauler to an SWA-certified mixed C&D facility. Fines will be given to those that do not comply with the ordinance. The project applicant is required to comply with this ordinance.

Please see also Master Response 8 regarding consistency with general plan policies.

- 18-119: Commenter asks how the project is compatible with 2030 General Plan Policy LU 2.7.5

Goal LU 2.7 and Policies LU 2.7.4 and LU 2.7.5 encourage new development to enhance public safety and discourage crime, and encourage new development along freeways to protect the public from an increase in air pollutants, noise, and vibration. To address public safety, the project plans were reviewed by the City's Police Department and changes made to address their concerns. As indicated in Chapter 2, Project Description, the project includes various design measures to address noise and air emissions from the freeway and from the UPRR tracks. The environmental effects and efficacy of these measures is evaluated in the technical sections contained in Chapter 4.

- 18-120: Commenter suggests that the project provide acorn-style lighting consistent with the lights of East Sacramento.

As stated in the Draft EIR, streetlights that meet the City's standard for residential neighborhoods (acorn-style lights) would be provided along all roadways within the project site including the extension of A Street, northwest of the freeway, and the extension of 40th Street. (DEIR, p. 4.10-24.)

- 18-121: The commenter estimates the annual vehicle trips and vehicle miles of travel (VMT) for the project and questions the benefits of infill development on air quality emissions reductions.

Evidence to support the commenter's estimates of vehicle trips and VMT is not provided, but the estimates do not appear accurate. For example, the project is projected to generate 3,507 weekday vehicle trips. Multiplying this number by the number of days in the year equates to approximately 1.28 million annual trips and not 1.25 million cited in the comment. The additional information provided in the comment does not identify any deficiencies in the Draft EIR analysis or required modifications.

- 18-122: The commenter questions the benefits of infill development on air quality emissions reductions and states that construction of 328 units on this site does not mean there will be 328 fewer houses built in suburban locations.

The commenter does not equate the development of 328 residential dwelling units on the project site with any corresponding decrease in units developed elsewhere such as suburban locations. The entitlement of the project site would increase the land supply for residential development within the Sacramento region, but it would not change the projected demand for housing caused by regional population and employment growth

over the next 20 years. If the 328 (or 336, see Chapter 2 of this Final EIR) dwelling units are fully developed and occupied on the project site, then the population occupying them would not generate demand for the same units elsewhere. Further, evidence is clear that people living closer to urban centers generate fewer vehicle miles of travel (VMT), which generates less VMT. Please see Responses to Comments 31-151 and 31-168 for more information.

- 18-123: The commenter questions the benefits of infill development on VMT and air quality emissions reductions.

Please see Responses to Comments 18-122, 31-151, and 31-168.

- 18-124: The commenter questions the inclusion of 'granny flats' as separate trip generating land uses.

Granny flats are often treated as auxiliary spaces to the main house. To minimize the potential to underestimate traffic impacts, some of these units were assumed to operate as secondary units that would generate their own traffic even though they are part of the primary residence. Please see Response to Comment 18-60.

- 18-125: The commenter questions why the McKinley Boulevard/39th Street intersection was not included in the analysis.

As shown in Figures 4.9-7 and 4.9-8 in the Draft EIR, one percent or less of project trips are projected to use the McKinley Boulevard/39th Street intersection, which equates to less than 40 daily trips and about 3 or 4 peak hour trips. This level of volume would not change traffic operations at the intersection or be noticeable by drivers. Therefore, inclusion of the intersection in the study area was not justified.

- 18-126: The commenter questions the designation of C Street as a collector.

Please see Response to Comment 32-1.

- 18-127: The commenter questions the measurement of distances between the proposed project and transit stops.

The commenter is correct that the actual travel distance for a resident will depend on their specific home location within the project site and that travel distance for pedestrians and bicyclists is dependent on the ability to access the proposed bicycle/pedestrian underpass. The additional information provided in the comment does not identify any deficiencies in the Draft EIR analysis or required modifications.

- 18-128: The commenter questions whether the project complies with 2030 General Plan Policy LU 4.5.6 that requires new neighborhoods to include transit stops that connect to and support a citywide transit system and are within a ½-mile walking distance of all dwellings.

The project's 40th Street access connects residents to an approximately one half mile walk to the nearest transit route (Bus Line 34). (DEIR, pp. 2-46, 4.9-19, Figure 4.9-5; see also new Figure 1, Bike/Walking Distance from 40th and A Streets in Chapter 2 of this Final EIR). The proposed bicycle/pedestrian underpass at Alhambra Boulevard would provide a direct route of slightly more than one quarter mile to the existing stop at Alhambra and McKinley Boulevards, if approved by Union Pacific and the appropriate government agencies. (See generally DEIR, p. 4.9-58.) Given the infill nature and location of the project, it is understandable that some residences may be farther than one half mile from the nearest transit stop. The EIR concluded that transit-related effects are less than significant. (DEIR, p. 4.9-61.) Ultimately, the City Council will determine whether the project is consistent with the 2030 General Plan as a whole. The comment is forwarded to the decision makers for their consideration. See also Master Response 8 regarding general plan consistency.

- 18-129: The commenter questions how the Draft EIR addresses livability concerns of existing residents related to traffic.

Please see Master Response 10 that addresses quality of life/livability in regards to traffic.

- 18-130: The commenter questions whether the project complies with 2030 General Plan Policies M1.3.1 and M1.4.3.

2030 General Plan Policy M 1.3.1 requires new residential development that is required to construct or extend streets to develop a well-connected, walkable community preferably in a grid or modified grid. As shown in Figure 2-3, Conceptual Site Plan, the project's roadways have been designed in a modified grid to maximize connectivity throughout the project site in compliance with this policy. Policy M 1.4.3 encourages projects to participate in or create Transportation Management Associations (TMA). However, a TMA only applies to commercial projects therefore it does *not* apply to this project. (City code Section 17.700.030 regarding the applicability of Transportation Management Programs.)

- 18-131: The commenter questions the number of granny flats used in the Draft EIR traffic analysis.

As stated in the footnote on page 4.9-3 of the Draft EIR, the number of home buyers that would elect the granny flat option is unknown. The estimate of 40 units used in

the traffic analysis was reviewed and approved by the City of Sacramento. The City has the option to condition the project to cap the number of units based on the assumption used in the Draft EIR analysis. The comment is forwarded to the decision makers for their consideration.

- 18-132: The commenter questions the increase in AM peak hour traffic volumes for intersections near Theodore Judah Elementary School.

Figure 4.9-9 in the Draft EIR contains peak hour traffic volumes for Existing Plus Project conditions. This scenario does not include the 'sensitivity test' scenario described on page 4.9-55 of the Draft EIR. As stated on this page, the traffic volumes and detailed calculations for this scenario are included in Appendix O, including another figure that shows more details about traffic around Theodore Judah Elementary school.

- 18-133: The commenter asks how the Draft EIR addresses traffic impacts associated with trips to David Lubin, Sacred Heart, and Sutter Middle Schools.

Figure 4.9-9 in the Draft EIR contains traffic volumes representing the Existing Plus Project scenario. This scenario includes AM peak hour trips destined for the school locations listed in the comment. The associated traffic operations analysis captures the effect of these added trips on intersections in the study area.

- 18-134: The commenter questions the willingness of project residents to walk beyond ¼ mile to transit and as a result contends that the project must build the Alhambra bicycle/pedestrian tunnel in the first phase of the project.

While the ¼ mile walk distance is generally accepted in transportation planning practice as desirable, it is not a definitive standard. Many research studies on the topic acknowledge that one-half mile is generally deemed as the effective walk shed for transit stations. For example, "*The Half-Mile Circle: Does It Best Represent Transit Station Catchments?*" published by Erick Guerra, Robert Cervero, and Daniel Tischler of the University of California, Berkeley make the following findings:

- One-half mile has become the accepted distance for gauging a transit station's catchment area in the U.S. It is the de facto standard for the planning of TODs (transit oriented developments) in America.
- The half-mile radius is the default and a partner organization, Reconnecting America, has even named its blog Half-Mile Circles.

- This radius is loosely based on the distance that people are willing to walk to transit, but this same reasoning has been used to justify other transit catchment areas.
- One-half mile corresponds to the distance over which someone from the edge of the circle can reach a station within 10 minutes walking at 3 mph.

Please see Master Response 1 regarding the timing of the Alhambra bicycle/pedestrian tunnel.

18-135: The commenter asks whether the new pedestrian sidewalk at the 28th Street railroad crossing will have enough right-of-way available to meet ADA standards for ramping.

Improvements to 28th Street are considered off-site improvements, as discussed in Chapter 2 of the Draft EIR. The final design of these improvements shall conform to City of Sacramento standards. The project applicant will be required to construct ADA-compliant sidewalks where appropriate; on 28th Street between A Street and B Street the City of Sacramento has indicated that an exemption to ADA may be appropriate where existing conditions warrant.

18-136: The commenter states that mitigation measures for construction traffic impacts should include parking locations and number of vehicles anticipated for construction workers.

Mitigation Measure 4.9-5 in the Draft EIR provides a general outline for construction mitigation, which would allow for the City to also specify parking locations as noted in the comment. The comment is forwarded to the decision makers for their consideration.

18-137: The commenter questions the proposed design of the Sutter's Landing Parkway interchange.

The Draft EIR traffic analysis did not assume that the Sutter's Landing Parkway interchange would provide access to the project site. The proposed configuration is based on information contained about the interchange in the City of Sacramento 2030 General Plan and the SACOG Metropolitan Transportation Plan/Sustainable Communities Strategy, which does not show the interchange connecting to the project site.



- 18-138: The commenter questions the accuracy of statements in the Draft EIR regarding bicycle and pedestrian access.

The statement on page 4.9-58 of the Draft EIR that states, “[a]ll roadways within the study area would be low-volume, low speed streets conducive to bicycle and pedestrian travel”, is in reference to the project site only. Evidence of the low volumes within the project site is provided in Figure 4.9-13 of the Draft EIR.

- 18-139: The commenter questions the severity of queuing impacts associated with the 28th Street rail crossing.

The rail crossing queuing analysis on pages 4.9-88 and 4.9-89 of the Draft EIR does suggest that freight trains requiring gate closures in excess of 1.5 minutes could result in queuing beyond C Street. These queues would occur on other approaches of the C Street/28th Street intersection. If this condition occurs with any regular frequency, the City has a variety of intersection design treatments related to signing, striping, and physical modification that can be used to minimize adverse effects on traffic operations. Evidence of these treatments is found throughout the downtown area at freight and light rail transit (LRT) crossings. Please see also Master Response 9 that addresses traffic at this at-grade rail crossing.

- 18-140: The commenter questions the feasibility of removing the intersection bulb out recommended in Mitigation Measure 4.9-6(b).

This mitigation would improve the intersection delay and has been deemed feasible for engineering purposes by the City of Sacramento. This mitigation measure is identified for cumulative impacts, therefore, the applicant for this project will not physically implement this mitigation measure but will be required to pay a fair share contribution to the City to implement this mitigation measure in the future, when needed based upon intersection delay.

- 18-141: The commenter asks about traffic signal installation triggers and fair share contribution towards project mitigation.

The decision to install a traffic signal is based on traffic signal warrants contained in the California Manual on Uniform Traffic Control Devices (CA MUTCD), 2012 Edition. These warrants consider factors such as traffic volumes, pedestrian volumes, safety, etc.

The project’s fair share contribution towards the cost to install a signal (or other mitigation) will be determined by the City of Sacramento based on information such as the project’s proportion of the total cumulative volume.

18-142: The commenter recommends changes to mitigation related language.

Page 4.9-93 of the Draft EIR includes recommendations regarding traffic controls at C Street/Project Access, A Street Overcrossing of Capital City Freeway Pedestrian Facilities, and Multi-Use Trail within the project site. These are design recommendations and not considered mitigation measures because an impact was not defined at those locations. These recommendations will be reviewed for considerations by the Department of Public Works and could be part of the conditions of approval for the project. Please note, the multi-use trail has been removed from the project as indicated in Chapter 2 of this Final EIR.

18-143: The commenter requests more information about cut-through traffic described in the Draft EIR.

As discussed on page 4.9-97 of the Draft EIR, under On-Site Circulation, demand for cut through traffic is projected to be minimal in the near term due to the numerous traffic calming devices proposed as part of the project which would assist with limiting cut-through traffic within the project site. Some traffic is expected to utilize the project site under Cumulative conditions to travel between East Sacramento and the planned Sutter's Landing Parkway.

Cut-through traffic that would be drawn through the project site under cumulative conditions, largely as a result of planned infrastructure projects located to the west of the project. These improvements include the construction of Sutter's Landing Parkway, a planned east-west roadway extending between Richards Boulevard and 28th Street, and a new interchange between Sutter's Landing Parkway and the Capital City Freeway (both located to the west of the proposed project site). The Draft EIR includes an evaluation of potential cut-through traffic within the project site. A comparison of the daily roadway volumes within the project site shown in Figure 4.9-13, reveals a difference of approximately 1,800 daily trips between Existing Plus Project conditions and Cumulative Plus Project conditions. As documented on page 4.9-63 of the Draft EIR, the cumulative (year 2035) traffic volumes account for planned transportation improvements in the vicinity of the proposed project. The construction of these two major pieces of transportation infrastructure would result in changes to travel patterns within the area, including cut-through traffic within the proposed project site traveling between Sutter's Landing Parkway and East Sacramento. This cut-through traffic accounts for the additional 1,800 trips relative to Existing Plus Project conditions.

- 18-144: Commenter questions why the Draft EIR analyzes the heavy industrial use/rail maintenance yard as the No Project/Existing Zoning Alternative.

CEQA requires the evaluation of the comparative impacts of the “No Project” alternative (CEQA Guidelines, Section 15126.6(e)(1)). The No Project Alternative “shall discuss the existing conditions at the time the [NOP] is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (CEQA Guidelines, Section 15126.6(e)(2)). “The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project” (CEQA Guidelines, Section 15126.6(e)(1)).

The project site was specifically identified by Caltrans Division of Rail as a potential site for its “Sacramento Maintenance Facility – East Alternative.” In fact, when the Notice of Preparation was circulated for public review and comment, Councilmember Steve Cohn specifically requested that the EIR analyze the Caltrans rail maintenance facility alternative. The Draft EIR responded to this request.

- 18-145: Commenter questions what other uses were considered for the No Project/Existing Zoning alternative and suggests other possible uses could have been studied such as a vet hospital or plant nursery, among others.

CEQA does not require that all possible alternatives be evaluated, only that “a range of feasible alternatives” be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, Section 15126.6, subd. (a).) The commenter’s suggestions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-146: Commenter appears to propose a new Existing Zoning/Industrial Development alternative, which was not articulated or studied in the Draft EIR.

CEQA does not require that all possible alternatives be evaluated, only that “a range of feasible alternatives” be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, Section 15126.6, subd. (a).) “The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. ‘Crystal ball’ inquiry is not required.”

(*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines, Section 15126.6, subd. (f)(3).) Indeed, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028, although there may be “literally thousands of ‘reasonable alternatives’ to the proposed project . . . ‘the statutory requirements for consideration of alternatives must be judged against a rule of reason.’” (*Ibid.*, quoting *Foundation for San Francisco’s Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 910.) “‘Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.’” (*Id.*, at p. 1029.) The requirement has been fulfilled here; the Draft EIR examined a range of project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the project.

- 18-147: Commenter asks how the Lower Density Alternative generates more water demand and produces less wastewater than the project.

The City estimates residential water usage based on acreage of residential development. The Low Density Alternative has fewer residential units (226 units compared to 328 units, not including potential “granny flat” second units), but the area of residential development is larger (32 acres compared to 30 acres). The low density alternative would be characterized by larger lots, with associated increases in landscaping. Wastewater flow is based on the number of residential units (DEIR, p. 4.8-26). Therefore with fewer houses on larger lots, the City anticipates that wastewater flows will decrease commensurate with the reduction in housing units (and, by extension, the number of residents), while water usage would not change significantly.

- 18-148: Commenter asks why the Alhambra bicycle/pedestrian underpass cannot be constructed under the Lower Density Alternative.

The Lower Density alternative would skew the overall lot size to be bigger and would by its very nature constrain the amount and extent of higher density housing product. Although this alternative would result in lower unit counts, the project’s infrastructure costs do not go down in a linear fashion because the major site work needed to develop the site - grading, the 40th Street underpass, major backbone infrastructure - still must be built. The greatly diminished revenues means the project would not be able to fund the recreation center, bicycle/pedestrian tunnel (if approved by Union Pacific and the appropriate government agencies) and other amenities. As a specific example, reducing the number of units by 1/3 doesn't mean the project can build a 40th Street underpass that is 1/3 smaller.

- 18-149: Commenter asks why the housing footprint for the Lower Density Alternative would be the same as the proposed project and suggests that under this alternative there should be additional open space for parks. Commenter also questions why this alternative would reduce the range of single family homes and lot types.

The lower density alternative will skew the overall lot size to be bigger and will by its very nature constrain the amount and extent of higher density housing product. With fewer units, park dedication requirements would be less. In addition, lower density would likely result in larger private lot sizes.

- 18-150: Commenter questions the assumption that 20,000 square feet of commercial use would occur under the Higher Density Alternative.

An increase in the overall project density is more conducive to supporting on-site commercial uses. Therefore, the Higher Density Alternative includes 20,000 square feet of commercial use. Please see Response to Comment 18-146 regarding the range of alternatives required by CEQA. The EIR need not analyze an additional alternative with a different assumption for commercial square footage.

- 18-151: Regarding the Higher Density Alternative, the commenter asks whether the addition of commercial and retail uses would encourage more walking and thus reduce overall vehicle miles traveled (VMT).

The Higher Density/Mixed Use Alternative has the potential to increase transit use and reduce regional VMT (by placing more residents close to job centers), but may also increase local congestion. The addition of commercial and/or retail uses may also encourage more vehicle trips driving through the project site for adjacent neighborhoods (DEIR, p. 5-22). Because the project site is relatively compact and the types of commercial uses that could be supported by this level of development is limited to very local neighborhood-serving uses the traffic analysis did not assume a reduction in VMT. However, under this alternative there is definitely the potential for a slight reduction in overall VMT from project residents who chose to walk or bike to on-site neighborhood-serving commercial uses.

- 18-152: Commenter questions why the Higher Density alternative would reduce the range of single family home types.

The higher density alternative will skew the overall lot size to be smaller and will by its very nature constrain the amount and extent of lower density housing product.

- 18-153: Commenter questions whether the High Density Alternative's additional air quality impacts might be offset by benefits of increased density.

The Higher Density/Mixed Use Alternative evaluated in Chapter 5 of the Draft EIR includes a more dense project that would generate more vehicle trips compared to the proposed project. This increase in vehicle trips would generate an increase in operational emissions, compared to the project. The increase in vehicle trips associated with a higher density project could potentially be offset by an increase in demand for more transit frequency which could result in a reduction in vehicle trips. However, for the purposes of the alternatives evaluation it is difficult to predict if the increase in transit use would increase and by what percentage. Therefore, the analysis assumes a more conservative approach, consistent with what was assumed for the project.

- 18-154: Commenter asks whether the EPS study is available for public review and provides its opinion that the report was prepared only to benefit the developer.

Commenter may request a copy of the EPS study from the City or review a copy on line at <http://mckinleyvillage.com/economic-impact.html>. The commenter's questions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 18-155: Commenter questions whether the following represents a complete list of the Homeowners Association (HOA) responsibilities for the project and asks how the HOA will have skills to manage these tasks:

- Maintain landscaping in buffer zones.
- Maintain access to groundwater monitoring wells and soil gas probes.
- Maintain stormwater utilities not located within public right of ways.
- Review emergency evacuation routes and communicate to residents every 3 years
- Maintain project parks (TBD).

In addition to the above, and with the correction that stormwater "utilities" should be stormwater "facilities," the HOA will have the responsibility for maintaining all property owned by the HOA, which would also include the recreation center, alleys and green space areas within the project site. The HOA will also have responsibility for maintaining front yard landscaping, alley landscaping and "T-Courts". The HOA will hire a professional HOA management company that will hire those with the skills necessary to

manage all of the HOA's responsibilities. It is anticipated that the HOA will enter into an agreement with the City to administer the maintenance of the public parks.

**MARSHALL SCHOOL/NEW ERA PARK  
NEIGHBORHOOD ASSOCIATION**

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January 10, 2014

VIA EMAIL

Dana L. Allen, Associate Planner  
Environmental Planning Services  
City of Sacramento  
Community Development Department  
300 Richards Boulevard, 3rd Floor  
Sacramento, CA 95811

RE: McKinley Village – Comments to Draft Environmental Impact Report (“Draft EIR”)

Dear Ms. Allen:

The attached comments are offered to the McKinley Village Draft Environmental Impact Report by the Marshall School/New Era Park Neighborhood Association (“MSNE”). This is the residential neighborhood located in the northeastern corner of Midtown Sacramento and the neighborhood whose livability will decrease because of its proximity to the A Street vehicle access to the McKinley Village project.

Much has been said by Phil Angelides and the development team for McKinley Village that the project is “smart growth” and “good infill development.” We look to the General Plan to tell us what we can expect for new developments. As an example, Policy LU 2.1.3 Complete and Well-Structured Neighborhoods states:

“The City shall promote the design of complete and well-structured neighborhoods whose physical layout and land use promotes walking to services, biking and transit use and foster community pride; enhance neighborhood identify; ensure public safety; are family friendly and address the needs of all ages and abilities.”

How does McKinley Village fit this standard? There are only two vehicle access points, not remotely near commercial development, and its location will not promote walkability. This project will bring at least 1,800 vehicle trips per day into Midtown without a thorough and comprehensive analysis of how this increased traffic will actually impact our neighborhood. As the attached comments will reflect, important sections of Midtown were forgotten in the traffic analysis for this project.

19-1



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In addition, a subdivision like McKinley Village may not actually help to reduce greenhouse gas production. A study was released this week from UC-Berkeley's Energy and Resources Group and the Sacramento Bee article summarizing the study states the following:

Increasing the population density of California's urban areas is a key component of the state's plans to reduce greenhouse gas emissions to 1990 levels by 2020 - but it may not be the most effective strategy, new research at the University of California, Berkeley, indicates.

...

What Jones and his co-researcher, Dr. Daniel Kammen, suggest is that one-size-fits all strategies to reduce greenhouse gases give way to locally designed plans based on local circumstances.

"Cities are not islands," Kammen said. "They exist in a complex landscape that we need to understand better both theoretically and empirically."

<http://blogs.sacbee.com/capitolalert/latest/2014/01/increasing-density-may-not-work-in-cutting-greenhouse-gases.html##storylink=cpy>

The conclusions expressed in the article echo the comments residents have made about this project from the outset. How does the environment benefit by creating a subdivision with no meaningful public transit access and no commercial infill development? This subdivision is as car-dependent as any subdivision in Elk Grove.

Urban infill development works when the development uses existing services, such as the R Street development corridor. Those projects run along a transit line or within walking distance of job centers. McKinley Village share neither of those traits. If the City of Sacramento is committed to creating sustainable infill communities, it must hold developers like Phil Angelides accountable for creating transit opportunities and creating truly walkable communities. Without that level of accountability, we are doing nothing to improve our environment and everything to degrade the livability of existing neighborhoods.

In addition, the community, in its comments to the Notice of Preparation ("NOP") of the environmental document, called for a thorough analysis of the benefits of including vehicle access at Alhambra Blvd. On its face, this project is destined to be very auto-centric. Including vehicle access at Alhambra Blvd. would, at least, lighten the traffic load that Midtown and East Sacramento will suffer. The Draft EIR simply dismissed the idea of vehicle access at Alhambra Blvd. Mr. Angelides and his team have represented that Union Pacific Railroad has required them to change the design from "a box design that was 12 feet high by 12 feet wide to an arch design that is 12.5 feet high and 25 feet wide." This



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design modification should allow for one-way vehicle access and this alternative should be studied and seriously considered. This is a vital element of this project and the Draft EIR should be revised to include a comprehensive, unbiased analysis of the feasibility of any type of vehicle access at Alhambra Blvd. Not providing any type of comprehensive analysis of this option signals to the voting public that the project applicant does not care about preserving the livability of the heritage neighborhoods of Midtown and East Sacramento and the City of Sacramento is not interested in holding Mr. Angelides accountable for decreasing the livability of our neighborhoods.

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19-4  
Cont.


An issue raised in the NOP notice, by the City of Sacramento, related to increasing the diversity of housing options at various price points for the community. The City is moving away from requiring developers to build affordable housing and moving towards paying fees for the development of affordable housing. Mr. Angelides' group has indicated that "affordable housing" could be built if buyers select the option to build an optional unit over the house. Considering the lot size, how will this be accomplished? Also, even if the unit is built there is no assurance from the builder that the community will receive the benefit of affordable housing for those in need. How does the City plan to hold Mr. Angelides accountable for providing affordable housing options at McKinley Village?

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19-5

Our greatest disappointment in this process is that the Draft EIR the community was given to review is not an unbiased, scientific document. The tone, findings, and contents of the Draft EIR are very developer-centric. Please carefully review the comments of the community and revise this Draft EIR to address the concerns expressed by the community. Ultimately, we are the ones who will live with the outcome of this project. This sliver of land was created due to bad planning over 50 years ago. Please do not compound bad planning by not considering how McKinley Village will influence the livability of our community.

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19-6

Very truly yours



Julie Murphy  
Co-Chair

jam  
Attachments: Comments to Draft Environmental Impact Report  
33125

Marshall School/New Era Park N.A. ("MSNE")  
 McKinley Village - Comments to Draft Environmental Impact Report

Page	Section	Comment	
		The findings in the Draft EIR are not presented in language that is easy for the lay person to understand. The Draft EIR is considered an opportunity for the public to offer its concerns regarding a project that could have significant environmental impacts our on community. The Draft EIR, as written requires extensive scientific knowledge and the tables are not written in a manner that someone without extensive expertise would be able to understand.	19-7
2-1	<b>PROJECT DESCRIPTION</b>  Project Location	APN 001-0170-13 and 003-0061-011  Please clarify the ownership of the land at the western portion of the project.  According to Sutter's Landing Area Master Plan Background Report dated 10/1/08, pg.19), the land is owned by the City of Sacramento and identified as a part of Sutter's Landing Park. How will the Sutter's Landing Park be compensated for this loss of land?	19-8
2-10	2.5 Project Components - Access & Circulation	This section does not provide specific information as to the improvements to be made on A Street bridge.  Will there be come type of fencing or barrier be erected to ensure pedestrian safety? Also, what measures will be taken to ensure the safety of drivers on the Capital City Freeway?	19-9
2-45	2.5 Project Components - Access & Circulation	The applicant has not done a sufficient job to describe the efforts to secure permission from Union Pacific to construct the bicycle/pedestrian access at Alhambra Blvd.  The applicant provides a detailed description of efforts to obtain data regarding the daily train count (pg 4.6-14) but provides the community with no information regarding efforts to secure permission to construct the bike/pedestrian tunnel that is lauded as the alternative access for residents of McKinley Village.  The applicant states that "[L]ighting would be provided and would adhere to the City's minimum lighting intensity for pedestrians, bicycles and safety." The application, however, does not provide a detailed description as to what that means. There is a bike tunnel at 14 <sup>th</sup> and C Streets that was closed over a decade ago because of safety issues for pedestrians and bicyclists. It is important the developer not be allowed to create an unsafe tunnel which would be harmful to our community. If this tunnel allowed vehicle access then safety concerns would be addressed.	19-10  19-11

Marshall School/New Era Park N.A. ("MSNE")  
 McKinley Village - Comments to Draft Environmental Impact Report

Page	Section	Comment	
		At a minimum, a plan to ensure the safety of tunnel users should be more thoughtfully articulated.	19-12
2-45	Recreation & Landscaping	The applicant states that the plan includes the planting of 2000 trees throughout the project and "adjacent residential neighborhoods." Has the city arborist endorsed this plan? Considering the density of the site, will the trees have enough room to thrive and survive?  Also, this section does not provide any specific information regarding the location of the plantings for the "adjacent residential neighborhoods."	19-13
2-57	Project Phasing	In order to encourage residents of McKinley Village to actually use the proposed bicycle/pedestrian tunnel, it must be constructed in the first phase of the project. If there is any hope of reducing the trips generated from this project, the bicycle/pedestrian tunnel must be constructed in the first phase.  Again, this section provides no information as to the efforts the applicant has made to secure the permission of UPRR to even construct the tunnel. The community is left no certainty of the applicant's intention to construct the tunnel, as proposed.	19-14
2-58	Grading and Construction	This section details the impacts the construction workers will have on the surrounding community.  "Daily construction round trips would range from approximately 38 to 66 vehicle trips, including construction employees and deliveries. The majority of this traffic would use the 28th Street and the A Street Bridge access until the 40th Street underpass is complete."  During Phase 1 of the project, 28 <sup>th</sup> Street will be unduly burdened by the increase of truck traffic related to the Grading and Construction at the site. The proposed "traffic management plan" should require the trucks leaving the project from 28 <sup>th</sup> Street use 29 <sup>th</sup> Street to access the freeway and 30 <sup>th</sup> Street to access the project.  Further, the applicant should institute a ride share for employees to lessen the impact on the neighborhoods surrounding both access points. The applicant should secure off-site parking for the construction workers and shuttle them to and from the work site.  The applicant does not specify if this job site will be operating seven days a week or five days during the week. Truck traffic seven days a week will have a greater impact the air quality for the surrounding communities.	19-15  19-16

Marshall School/New Era Park N.A. ("MSNE")  
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Page	Section	Comment
2-63	Off-Site Improvements	<p>Again, this section does not provide specific information as to the improvements to be made on A Street bridge.</p> <p>Will there be some type of fencing or barrier be erected to ensure pedestrian safety? Also, what measures will be taken to ensure the safety of drivers on the Capital City Freeway?</p> <p>In addition, the applicant does not provide specific details as to the proposed improvements in the area immediately adjacent to the at-grade crossing.</p> <p>Currently, there is no sidewalk and the area is not ADA compliant. It is currently a dangerous area for pedestrians and bicyclists using Sutter's Landing Park. Adding the proposed 1800 cars per day from McKinley Village will decrease the overall safety of someone with disabilities trying to negotiate that area.</p> <p>The applicant needs to provide a more detailed explanation as to the plans to improve 28<sup>th</sup> and B Streets.</p> <p>In addition, there is a monument sign for Sutter's Landing Park immediately adjacent to the A Street access. There is a concern that this sign will block the view of drivers leaving the McKinley Village at A Street. There is no description of the monument sign and its potential impact of vehicle, pedestrian and bicycle safety.</p> <p>Further, 28th Street, going over the train tracks, is about a 12% grade has a poor sight line and is not safe for bicyclists or pedestrians in its current state.</p> <p>With this poor sight line, the project applicant should widen 28th Street enough to create separate bike lanes and pedestrian access. The introduction of 1800 cars to a poorly developed area will compromise the safety of the current and future park users.</p> <p>The project applicant and the City of Sacramento have not addressed this issue in a manner that the lay person can understand how this issue would be addressed.</p> <p>In addition, the applicant fails to address issues related to Stanford Park at 28<sup>th</sup> and C Street. The park's sidewalks are not currently ADA</p>

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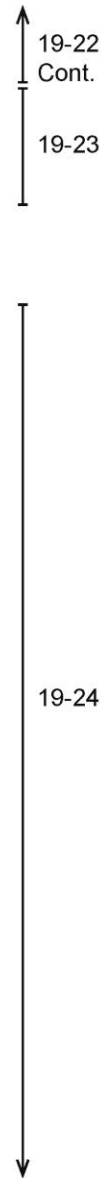
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Marshall School/New Era Park N.A. ("MSNE")  
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		<p>compliant. The increase of automobile traffic from McKinley Village, and future park users, will further compromise pedestrian safety.</p> <p>Also, B Street is currently unimproved and lacks ADA compliant sidewalks. Please estimate how much auto traffic will use B Street. In addition, ADA compliant sidewalks to be installed to improve pedestrian safety.</p>
3-4	<p><b>LAND USE PLANNING &amp; POPULATION</b></p> <p>Population</p>	<p>The Draft EIR notes the following regarding the proposed population for the project:</p> <p>"The project is anticipated to generate a total population of 656 new residents at build out, based on the City's rate of 2.0 persons per household."</p> <p>Since the release of the Draft EIR, the design of the project has changed to 328 units to 336 units. This will increase the number of residents at the project. The designation of 2.0 persons per household is not consistent with other projects and City documents regarding population projects. As an example,</p> <p>The Curtis Park Village project EIR states: "the 2008-2013 Housing Element Update indicates the average household size in the City of Sacramento as 2.54 persons per household." ("PPH")</p> <p>The City's Climate Action Plan states in Chapter 2, GHG Inventories, Forecasts and Targets: "Compared to 2005, when it is estimated that there were about 2.56 people per housing unit, by 2020 that ratio is expected to drop to about 2.37 and hold steady through 2030 at about 2.32 persons per housing unit."</p> <p>In addition, according to SACOG, the PPH projection data that applies to the McKinley Village site are as follows: 2008 - 2.20 PPH; 2020 - 2.14 PPH; 2035 - 2.23 PPH.</p> <p>The California Department of Finance, the City of Sacramento, has 2.66 persons per unit (1/1/2013)</p> <p>The US Census Bureau, for Sacramento County, states that there was an average of 2.70 PPH for the years 2007-2011.</p> <p>Another East Sacramento project, The Sutter Park project, is using 2.54 for their environmental review.</p>



Marshall School/New Era Park N.A. ("MSNE")  
 McKinley Village - Comments to Draft Environmental Impact Report

Page	Section	Comment
		<p>The population estimates for McKinley Village are wildly inconsistent with other projects and City policies. Why is the McKinley Village PPH lower than the Sutter Park PPH? These projects are within one mile of each other.</p> <p>At minimum, the McKinley Village PPH should be using the same number as Sutter Park.</p> <p>This underestimation of the population of McKinley Village project will greatly impact the trip generation numbers in the traffic study. Inaccurate trip generation numbers in turn compromise the analysis of the traffic impacts as a whole.</p> <p>The "per person household" number should be changed to reflect a higher number and be more consistent with public policy.</p> <p>Also, the traffic study analysis should be redone to accommodate a higher population at McKinley Village</p>
3-22	3.3 Physical Division of an Established Community	<p>The applicant fails to describe the current status of the area formerly known as the "28<sup>th</sup> Street Landfill."</p> <p>This area is currently known in the community as "Sutter's Landing Park." Sutter's Landing Park is a community park that someday may become a regional park. Sutter's Landing Park includes many amenities such as a very popular dog park, basketball courts, bocce ball courts, a skateboard park, and finally access to the American River. To call it a landfill inadequately describes the role of this property in the Community.</p> <p>In addition, the City of Sacramento has received a \$1.5 million grant from the California Natural Resources Agency for future improvements to Sutter's Landing Park.</p> <p>The following improvements will be made at Sutter's Landing Park:</p> <ul style="list-style-type: none"> <li>- Extend the Two Rivers trail three-quarters of a mile from the park east of the Union Pacific mainline tracks next to the Business 80 highway, according to the release. Currently the city's Two Rivers trail starts at Tiscornia Park and ends at State Route 160, totaling two miles.</li> </ul>

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33094

Marshall School/New Era Park N.A. ("MSNE")  
 McKinley Village - Comments to Draft Environmental Impact Report

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		<p>– Construct a turnaround loop with interpretive panels and seating at the end of the Two Rivers trail. The city expects a future phase will connect the trail from the railroad tracks to CSU-Sacramento.</p> <p>– Restore more than three acres on the banks of the American River with native plants.</p> <p>– Make entry enhancements to define the site as a recreation destination "by making the entry to the river trail welcoming and by emphasizing the river connection.</p> <p>This section of the Draft EIR does not adequately describe the current status of the surrounding area. Please revise this section to accurately describe Sutter's Landing Park.</p> <p>In addition, by failing to correctly describe the surrounding area, the community questions whether the impacts of McKinley Village on the surrounding areas have actually been correctly studied.</p> <p>Please study the impacts of 1800 cars per day at A Street and the increased park user-ship on Sutter's Landing Park and the wildlife.</p>
		19-26
		19-27
4.1	<b>Air Quality and Climate Change</b>	Please see attached comments.
4.2	<b>BIOLOGICAL RESOURCES</b>	<p>The construction of the McKinley Village project will cause the loss of 48 acres of Swainson's Hawk foraging area.</p> <p>"Policy ER 2.1.9 Wildlife Corridors. The City shall preserve, protect, and avoid impacts to wildlife corridors. If corridors are adversely affected, damaged habitat shall be replaced with habitat of equivalent value."</p> <p>The developer needs to provide habitat closer to the project site than 10 miles away.</p>
		19-28
	Mitigation Measure 4.2-1	<p>We concur with comments provided by the Friends of Swainsons Hawk and ask that Mitigation Measure 4.2-1 be amended to:</p> <p>1) require foraging habitat mitigation land within <b>two miles</b> to ensure preservation of 50 acres within the American River Parkway corridor;</p> <p>2) any easements to be approved by the CDFW;</p>
		19-29



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		<p>3) maintenance and enforcement of mitigation values to be funded through endowment and agreement with third party conservation non-profit approved by CDFW and City; and</p> <p>4) location shall not have the potential to be surrounded by urban development and shall be part of a larger landscape of lands suitable for wildlife use and expected by the City to be permanently retained as open space.</p>	<p>↑</p> <p>19-29 Cont.</p> <p>↓</p>
4.6-1	Noise & Vibrations  Introduction 4.6.1	<p>The introductory remarks describe community concern regarding impact of noise and vibration from the project on the wildlife at Sutter's Landing Park and specifically at "the Mound." The Draft EIR states the following:</p> <p>"A few comments requested that the increase in noise associated with the project be evaluated to determine its potential effect on wildlife living along the American River Parkway and in Sutter's Landing Regional Park. Most of the wildlife living in these areas of the City have adapted to an urban environment that includes noise from traffic, airplanes, and trains. Common wildlife living along the American River and Sutter's Landing Regional Park have adapted to urban noise, and noise associated with project operation would not be any different than the existing ambient environment. Therefore, this issue is not further evaluated in this section."</p> <p>It is very disappointing the community's concerns regarding impacts of Sutter's Landing Park are summarily dismissed by the applicant without providing a scientific basis for the lack of impact.</p> <p>Telling the reader that wildlife adapts without providing any supporting evidence is insulting and demeaning to the community members that experienced their concerns.</p> <p>This section must be revised to include scientific data supporting the conclusion that the wildlife will adapt.</p>	<p>↑</p> <p>19-30</p> <p>↓</p>
4.9-1	4.9.1  Introduction Project Description	<p>Again, the applicant has not done a sufficient job to describe the efforts to secure permission from Union Pacific to construct the bicycle/pedestrian access at Alhambra Blvd.</p> <p>The applicant provides a detailed description of efforts to obtain data regarding the daily train count (pg 4.6-14) but provides the community with no information regarding efforts to secure permission to construct the bike/pedestrian tunnel that is lauded as the alternative access for residents of McKinley Village.</p>	<p>↑</p> <p>19-31</p> <p>↓</p>

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		All references to the construction of the bike/pedestrian tunnel should be revised to document the efforts made by the applicant to secure permission to build this tunnel.
4.9-4	Section 4.9  Study Area - Study Intersections	<p>The draft EIR fails to include traffic data for F Street and G Streets, along 28<sup>th</sup> Street. The half- street closures at D and E Street prohibit westbound travel. The first western point of access is F Street and the half street closure is located at 25<sup>th</sup> Street. This allows for three blocks of westbound travel until the auto is diverted north or south.</p> <p>The second westbound access from 28<sup>th</sup> Street is at G Street. Since the half-street closure is located at 29<sup>th</sup> Street, G Street provided the project occupants unencumbered westbound access.</p> <p>Failing to include F and G Streets in the study intersections does not provide the community a clear understanding of the potential traffic impacts for residents.</p> <p>The Downtown Business District of Sacramento is a major employment center with both private businesses and the State of California, one of the largest employers in the region. Specifically, "the 151,282 jobs in the downtown [Sacramento] circle represent nearly 20% of all employment in Sacramento County, in 1% of the land area, with 5% of its population. Sacramento also has a very high job density, with 53 jobs per acre in the central city grid, 25 per acre within a half-mile, and 18 per acre within a mile."  <a href="http://sacramentopress.com/2013/12/29/redefining-downtown-sacramento/">http://sacramentopress.com/2013/12/29/redefining-downtown-sacramento/</a></p> <p>Without a clear study of the additional intersections proposed above, the community will not be provided a clear understanding of the potential traffic impacts.</p> <p>Please revise the study to include intersection counts for F and G Streets and revise the traffic study to describe the impacts and possible mitigation.</p> <p>Please recirculate the traffic study for comment.</p>
4.9-4	Study Area - Study Roadway Segments	<p>The study does not provide any specific explanation regarding data collection for C Street other than studying "west of 28<sup>th</sup> Street."</p> <p>The study failed to study any intersections on the western side of the Midtown Traffic Calming project area. With one of the largest</p>

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		<p>employment centers to the west of Midtown, it is likely that McKinley Village will employ Midtown streets to access the project. Specifically, "the 151,282 jobs in the downtown [Sacramento] circle represent nearly 20% of all employment in Sacramento County, in 1% of the land area, with 5% of its population. Sacramento also has a very high job density, with 53 jobs per acre in the central city grid, 25 per acre within a half-mile, and 18 per acre within a mile."  <a href="http://sacramentoexpress.com/2013/12/29/redefining-downtown-sacramento/">http://sacramentoexpress.com/2013/12/29/redefining-downtown-sacramento/</a></p> <p>As an example, residents could access Midtown from 21<sup>st</sup> Street northbound to enter the Midtown and then take E, F, G or H Streets to make their way to 28<sup>th</sup> Street, the only western access to the project.</p> <p>Please revise the traffic study to include the above-described conditions and revise the traffic study to describe the impacts and possible mitigation.</p> <p>Also, please recirculate the traffic study for comment.</p>
	Alhambra Blvd. as a vehicle access.	<p>MSNE is very disappointed that the applicant did not provide any data as to how the traffic impacts could be lessened for Midtown or East Sacramento. Instead, the proposition was summarily dismissed. There is great support for a vehicle access point at Alhambra and the applicant should be made to provide the community with scenarios so that we can evaluate the proposal.</p>
	4.9-5 - Project build out could cause potentially significant impacts due to construction related activities	<p>As the onset of the project, A Street will provide the only vehicle access to the project and 28<sup>th</sup> Street will be used by the construction workers to access the project.</p> <p>The Draft EIR does not explain how these impacts will be mitigated by the applicant. By not provided a Construction Traffic and Parking Management Plan during the draft EIR process, the community has no information regarding the burden 28<sup>th</sup> Street will bear.</p> <p>The proposed "traffic management plan" should require the trucks leaving the project from 28<sup>th</sup> Street use 29<sup>th</sup> Street to access the freeway and 30<sup>th</sup> Street to access the project.</p> <p>Further, the applicant should institute a ride share for employees to lessen the impact on the neighborhoods surrounding both access points. The applicant should secure off-site parking for the</p>



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		<p>construction workers and shuttle them to and from the work site.</p> <p>The applicant does not specify if this job site will be operating seven days a week or just five days during the week. Truck traffic seven days a week will have a greater impact the air quality for the surrounding communities.</p>	<p>↑</p> <p>19-38 Cont.</p>
4.9-15	Transit	<p>The Draft EIR fails to address the NOP comments submitted by Regional Transit.</p> <p>Specifically, the Draft EIR fails to address the comment relating to offering a shuttle to the 29<sup>th</sup> Street Lite Rail Station and how that would reduce daily trip generation numbers from McKinley Village.</p> <p>With "151,282 jobs in the downtown [Sacramento] circle represent nearly 20% of all employment in Sacramento County, in 1% of the land area, with 5% of its population. Sacramento also has a very high job density, with 53 jobs per acre in the central city grid, 25 per acre within a half-mile, and 18 per acre within a mile."  <a href="http://sacramentopress.com/2013/12/29/redefining-downtown-sacramento/">http://sacramentopress.com/2013/12/29/redefining-downtown-sacramento/</a></p> <p>Please include the comments from Regional Transit regarding the shuttle and study how this amenity would reduce daily car trips to the nearby work centers.</p> <p>It is baffling why the applicant has not offered transit options for this project.</p> <p>Merely reducing "miles traveled" is striving for the lowest rung on the ladder. This alleged "infill project" should, at minimum, include some type of transit plan to help connect McKinley Village residents with transit opportunities.</p>	<p>↑</p> <p>19-39</p> <p>↑</p> <p>19-40</p> <p>↑</p> <p>19-41</p>
Figure 4.9-7	Inbound Trip Distribution	<p>The figure does not provide a percentage for the amount of traffic 28<sup>th</sup> Street will experience from C Street to H Street.</p> <p>At A Street, the number 52% and then the number 4% is noted at I Street. The Figure leaves the reader to make assumptions regarding the percentage of inbound traffic on 28<sup>th</sup> Street.</p> <p>In addition, this table does not provide an actual car count. Instead it provides a percentage and requires the reader to calculate the actual daily car trips.</p>	<p>↑</p> <p>19-42</p> <p>↑</p> <p>19-43</p> <p>↓</p>

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		Please re-do this table to accurately reflect the number of daily car trips 28 <sup>th</sup> Street will experience.	19-43
Figure 4.9-7	Inbound Trip Distribution	The figure does not provide any data for westbound traffic into from the project from F and G Streets.  In addition, this table does not provide an actual car count. Instead it provides a percentage and requires the reader to calculate the actual daily car trips.  Please revise this table to accurately reflect the number of daily car trips 28 <sup>th</sup> Street will experience.	Cont. 19-44 19-45
Figure 4.9-8	Outbound Trip Distribution	This figure references a "3%" increase at 28 <sup>th</sup> and G Street but provides no additional information regarding how that number was arrived at in the study.  No "intersection study" was noted for this intersection. The figure does not provide any data for westbound traffic from the project from F Street.  Please revise this table to accurately reflect the number of daily car trips 28 <sup>th</sup> Street will experience.	19-46
Figure 4.9-8	Outbound Trip Distribution	This figure references a "3%" increase at 28 <sup>th</sup> and F Street but provides no additional information regarding how that number was arrived at in the study.  No "intersection study" was noted for this intersection. The figure does not provide any data for westbound traffic from the project from F Street. Please include the actual vehicle count data for this intersection and not a percentage.	19-47
Figure 4.9-8	Outbound Trip Distribution	This figure references a "3%" increase at 28 <sup>th</sup> and G Street but provides no additional information regarding how that number was arrived at in the study.  No "intersection study" was noted for this intersection. The figure does not provide any data for westbound traffic into from the project from G Street.  Please include the actual vehicle count data for this intersection and not a percentage.	19-48
4.9-39	Table 4.9-8 Roadway	The introductory paragraph for this table states 28 <sup>th</sup> Street (north of E Street) will experience "approximately 1,100 [car trips]." This number	19-49

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	Segment Capacity Utilization - Existing Plus Project Conditions	<p>is confusing and misleading to the community.</p> <p>According to the Trip Generation Chart at Table 4.9-8, 3,507 trips will be generated by McKinley Village residents and 52% of those trips will utilize 28<sup>th</sup> Street for access. Therefore, approximately 1,823 car trips will originate from the 28<sup>th</sup> Street access, not 1,100.</p> <p>By reporting a lower number, this information creates confusion as to the nature of the impact for members of the community trying to understand the true impacts of this project.</p> <p>Please add the correct information to this paragraph.</p>
Table 4.9-6	Table 4.9-6	<p>This figure does not list the existing traffic volumes for the intersection of F and 28<sup>th</sup> Street.</p> <p>In addition, the figure is written in such a way that the lay person cannot easily understand the data being presented. Without a thorough and thoughtful study of all of intersections along 28<sup>th</sup> Street, the community will not have a clear understanding of the impacts.</p>
4.9-16	Truck Route	<p>C Street is incorrectly designated as a truck route. C Street was de-designated as a truck route by City Council on 3/16/99 (Attached). Attached is a letter submitted by Duane J. Wray from the Department of Public Works. It was recently discovered that the City never revised the truck route map to reflect this change.</p> <p>Please revise the Draft EIR to reflect this correction and revise any data that was generated using this information.</p>
4.9-40	Trip Distribution/Assignment	<p>The applicant's analysis fails to account for the fact that the Central Business District for Sacramento is located in Downtown Sacramento, [w]ith "151,282 jobs in the downtown [Sacramento] circle represent nearly 20% of all employment in Sacramento County, in 1% of the land area, with 5% of its population. Sacramento also has a very high job density, with 53 jobs per acre in the central city grid, 25 per acre within a half-mile, and 18 per acre within a mile."  <a href="http://sacramentoexpress.com/2013/12/29/redefining-downtown-sacramento/">http://sacramentoexpress.com/2013/12/29/redefining-downtown-sacramento/</a></p> <p>Midtown Sacramento is located between McKinley Village and Downtown Sacramento. Due to the half-street closures, access to Midtown streets in the northeastern corner of Midtown is very limited.</p> <p>The only westbound access to Downtown Sacramento is available at C</p>



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		<p>Street, F Street and G Street.</p> <p>The Draft EIR fails to include data regarding employment centers in this analysis and that will impact the trip generation analysis for this project.</p> <p>Please revise this section to accurately describe the impacts of westbound traffic from McKinley Village.</p>	19-52 Cont.
Table 4.9-6	Table 4.9-6	<p>This figure does not list the existing traffic volumes for the intersection of G and 28<sup>th</sup> Street.</p> <p>In addition, the figure is written in such a way that the lay person cannot easily understand the data being presented.</p> <p>Without a thorough and thoughtful study of all of intersections along 28<sup>th</sup> Street, the community will not have a clear understanding of the impacts.</p> <p>Please revise the traffic study to include the existing traffic volumes at this intersection.</p>	19-53
4.9-40	Trip Distribution/Assignment	<p>The applicant’s rationale regarding the trip distribution is flawed. The Draft EIR states the following:</p> <p>“As shown in Figures 4.9-7 and 4.9-8, local streets in Midtown located west of 28th Street are expected to carry between 1% and 5% of project trips depending upon the street. The number of project trips on east-west local streets between C Street and I Street is somewhat limited due, in part, to the previously discussed half street closures in place on these roadways, with the exception of C Street, which does not have a half street closure. Other factors that contribute to limiting through travel on east-west streets in the northern portion of Midtown include the lack of one-way streets, presence of multiple stop controlled intersections, and the presence of traffic circles; all of these factors assist with maintaining relatively low travel speeds on these roadways. One-way streets located south of the study area provide for faster east-west travel times due in part to the provision of multiple lanes in one direction and coordinated traffic signal timing plans to facilitate the progression of traffic.”</p> <p>The half-street closures do not prohibit westbound traffic entering Midtown but sends the traffic down alternate routes. By not studying adjacent streets, the potential traffic impacts have not been adequately studied. The inbound traffic distribution only includes 28<sup>th</sup> Street. With “151,282 jobs in the downtown [Sacramento] circle represent nearly 20% of all employment in Sacramento County, in 1% of the land area, with 5% of its population. Sacramento also has a very</p>	19-54

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		<p>high job density, with 53 jobs per acre in the central city grid, 25 per acre within a half-mile, and 18 per acre within a mile."  <a href="http://sacramentoexpress.com/2013/12/29/redefining-downtown-sacramento/">http://sacramentoexpress.com/2013/12/29/redefining-downtown-sacramento/</a></p> <p>A percentage of McKinley Village residents will work downtown and will use Midtown streets to travel to their jobs.</p> <p>Please revise the study to include the streets adjacent to the half-street closures along 20<sup>th</sup> Street.</p> <p>Also, the study of 28<sup>th</sup> Street intersections is incomplete cause of the failure to include data for F Street (westbound) and G Street (westbound).</p>	19-54 Cont.
4.9-51	Figure 4.9-9	<p>The introduction to this figure estimates approximately 1100 daily trips from the 28<sup>th</sup> Street access for McKinley Village. This is inconsistent with Figure 4.9-13 called "On-Site Circulation." That figure estimates daily traffic volume from the A Street access as 1,800. The "Rail Crossing" paragraph also referenced 1800 car trips generated by the project. Why is 1100 cars reported? This is inconsistent with the balance of the section.</p> <p>Also, according to the Tentative Subdivision Map dated 12/3/13, A Street has been designated a "Minor Collector" street instead of a "Local Residential Street." 28<sup>th</sup> Street is a "Local Residential Street." How does this change in designation impact traffic on 28<sup>th</sup> Street?</p> <p>Why has the street designation changed and how does that impact the traffic analysis?</p> <p>Will the project generate additional traffic that has not been reported in the Draft EIR?</p> <p>Please revise and recirculate the traffic analysis for comments.</p>	19-55  19-56  19-57
4.9-64	Traffic Forecasts	<p>The analysis of the construction of the Sutter's Landing Parkway will have a devastating impact upon the northeastern corner of Midtown. The Draft EIR states:</p> <p>"A large increase in traffic on 28th Street as a result of the construction of Sutter's Landing Parkway and the Capital City Freeway/Sutter's Landing Parkway interchange."</p>	19-58



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		<p>A projected increase of 6500 cars per day at 28<sup>th</sup> and C Street will devastate and forever change the residential character of this neighborhood. In addition, the City has designated C Street west of 27<sup>th</sup> Street as future residential development.</p> <p>Approximately 8000 cars per day are projected for C Street. These are local residential streets and must be protected and preserved.</p>
4.9-94	28th Street Traffic Volumes	<p>The addition of 1,800 cars per day traveling to and from the McKinley Village project will greatly impact the general livability of 28<sup>th</sup> Street which is designated as a local street.</p> <p>The Draft EIR makes the following observation:</p> <p>"[T]his roadway is categorized as a local street within the 2030 General Plan and is fronted by residential land uses. Given these findings, the City should monitor 28th Street traffic volumes after construction of the project to determine if a half street closure is necessary at the C Street/28th Street intersection to prevent traffic from continuing southbound on 28th Street at this location. Installation of a half street closure would result in lower traffic southbound traffic volumes on 28th Street by diverting traffic onto C Street (eastbound), where drivers would then continue southbound on 29th Street (which is designated as an arterial roadway in the 2030 General Plan).</p> <p>It should also be noted that B Street provides a connection between 28th Street and 29th Street 400 feet to the north of C Street. However, the proximity of B Street to the 28th Street at-grade railroad crossing (approximately 135 feet) and the vertical curvature of the B Street approach to 28th Street makes this location less suitable for a half street closure. Additionally, B Street currently lacks standard improvements including curb, gutter, and sidewalks."</p> <p>In order to preserve the livability of residents on 28<sup>th</sup> Street, a half-street closure should be included in the first phase of the construction of McKinley Village project. The truck traffic generated by the construction of the project will negatively impact the livability of our community. Constructing a half-street closure at 28<sup>th</sup> and B Street is preferred because B Street is a business street and there will be little impact to residents. Safety concerns could be addressed by using a stop sign to restrict northbound traffic on 28<sup>th</sup> Street and allow southbound traffic an unimpeded turn on to B Street. Improved signage and visual cues regarding the half-street closure would also need to be employed to further address safety concerns.</p> <p>Improvements to curbs and sidewalks at B Street need to occur as well.</p>

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		A half-street closure at C Street will have a greater impact upon residents living on C Street. Installation of a closure at this intersection would need to include additional traffic calming devices on C Street to slow traffic.

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Reviewer: Tom Leffingwell

General: The great majority of this chapter is devoted to the construction of the project, rather than the on-going effects of air pollution on McKinley Village residents, once it has been built out. Nonetheless, it is appropriate for the air pollution consequences of the construction phase to be assessed; however, I believe that it is not the major concern for our neighborhood association, mainly because it will be a relatively short-term facet of the McKinley Village development.

A second observation I have to offer is that this document is, as are all EIRs, put together by consultants whose purpose it is to please the person/organization that is paying for their services. Therefore, this document consists of a series of sections examining individual parts of the air pollution or climate change issues associated with the McKinley Village development, that strive to come to the conclusion: No Problem. I characterize it as "hand waving." In fact, I commented to a friend that the hand waving here is so vigorous that, at times, I expected the document to fly out of my hands.

The issue of air pollution control is complicate by the fact that there many regulatory entities involved, from the federal (EPA), state (Air Resources Board), regional (Sacramento Metropolitan Air Quality Management District), the county, to the city. Each entity has its particular issues of concern and a corresponding set of laws, executive orders, regulations, rules, and guidelines. This creates both a problem for the developer in terms of compliance and an opportunity for the EIR author to find a path to No Problem.

In regard to the major air pollutants of concern in relation to this project, the authors have emphasized particulate matter (especially diesel exhaust particulates) and ozone precursors (known as reactive organic gasses, or ROGs) in their analysis. This pertained to the construction phase and the ongoing residency, as well. Oxides of nitrogen (NO<sub>x</sub>) and carbon monoxide are additional transportation-related air pollutants of concern. Of course, the conclusions were in all cases, No Problem or No Mitigation Needed.

Project Siting: In both the Air Quality and Climate Change chapter and the Health Risk Assessment appendix, it was pointed out that the Air Resources Board's "Air Quality and Land Use Handbook: A Community Health Perspective" recommends that residential uses be sited no closer than 500 feet from freeways or other high-traffic roadways. This project will have extensive portions of its residences placed about 50 feet from the Capital City Freeway (SR-51), not to mention the Union Pacific railroad tracks. In both documents, the consultant dismisses this discrepancy as No Problem, because this part of the Air Board's recommendations is "strictly advisory" and can be ignored by the City and the developer.

Again, no mention was made of the fact that the project site consists of a bowl formed by the surrounding area, namely, the railroad track berms to the south and east, the

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Business 80 (SR-51) roadway and the former dump to the west and north. During low wind or stagnant air conditions, this “bowl” will trap locally generated air pollutants, thus increasing their concentrations above those modeled by the software simulations (California Emissions Estimator Model) used to divine the potential health risks to McKinley Village residents. (More on this topic in the Health Risk Assessment segment)

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Attached is a copy of the STIPULATION FOR ORDER DISMISSING ACTION BASED ON SETTLEMENT AGREEMENT AND ORDER THEREON for Stone Lakes National Wildlife Refuge Association v. City of Sacramento, Sacramento Co. Superior Court Case No. 34-2009-80000166. This court case challenged the environmental document for the Delta Shores project in South Sacramento. Specifically, there was a challenge of the Delta Shores EIR’s Toxic Air Contaminants analysis. This case settled in 2010 and the City should be using the “ten-in-one million” analysis to be consistent with this settlement. Considering this project site is located between one of the busiest sections of freeway in the region and an extremely active rail line, it is imperative the environmental review be consistent with the lawsuit settlement the City entered into in 2010. Why is this analysis not being used?

19-65

Construction Phase: Particulate matter will be generated both in the form of fugitive dust (grading and excavation) and diesel exhaust from equipment used to prepare and construct the project. The pertinent regulations and guidelines only require that a construction site be watered twice daily, drive equipment below 15 mph, minimizing vehicle idling, covering haul trucks transporting soil, and cleaning paved roads; that is all it takes to mitigate fugitive dust.

19-66

The diesel exhaust particulate problem with the construction equipment is waved away by two approaches to its mitigation: 1) They use a complicated mix of suppositions about how the many regulations and rules regarding construction projects apply and 2) they made a bland statement that proper exhaust controls on the projects construction equipment will be used (following the SMAQMD Basic Construction Emission Control Practices as well as Enhanced Exhaust Control Practices).

19-67

Using those same proper exhaust controls on the construction equipment, oxides of nitrogen are projected to exceed regulatory limits only during the construction of the tunnel under the railroad tracks at 40<sup>th</sup> Street. The developer plans to pay a “mitigate fee” to the Air Quality Management District’s off-site mitigation program. See, No Problem. Of course, a like tunnel at Alhambra was not considered in this document, since the developer has declined to excavate one there.

19-68

Carbon monoxide levels were below regulatory limits in the modeling exercises used to assess the projects air quality impacts, so no mitigation is foreseen.

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Operational Phase: That means McKinley Village as a residential neighborhood. Generation of air pollutants from stationary sources within the neighborhood are expected to be fairly small compared to regulatory limits. This includes such sources as energy generation, heating and cooling, and use of consumer products. However, the model shows that McKinley Village’s reactive organic gas emissions might come very close to the regulatory limit. No mention of the need for possible mitigation of this problem was made.

19-69

Falsehood: The EIR states the following: “Further, the project includes measures to support pedestrian and bicycle activity; and by its location, the project supports use of alternative transportation.” (p. 43) This statement is proffered as some of the features that would reduce the emissions of reactive organic gasses and oxides of nitrogen expected to emanate from the project. As has been discussed within our association, as well as comments by East Sacramento groups, this project is unusually automobile-dependent by virtue of it’s being isolated from the surrounding city with only two vehicle access points and a single pedestrian and bicycle access point at the far north end of Alhambra Boulevard, eight to ten blocks from the nearest retail businesses on Alhambra or J Street. There is a smattering of specialty retail businesses at Alhambra and H Street and a deli and a restaurant on C Street at 34<sup>th</sup> and 35<sup>th</sup> Streets, respectively. The developer specifically plans for no retail operations within the McKinley Village complex.

19-70

Oxides of nitrogen and carbon monoxide are associated with mobile sources, mainly automobiles and trucks and diesel-powered vehicles. The authors of the EIR see no problem with the increased traffic emanating from within the McKinley Village project, because the consequent emissions will be dispersed over a large area and few “hot spots” are expected. Thus, a “no significant impact” conclusion was rendered in the EIR for these vehicle-generated pollutants.

19-71

Outcomes: The Health Risk Assessment only looks at potential cancer outcomes. It dismisses or ignores other health risks, in particular, increased respiratory diseases and heart disease. Thus, the only toxicant to be examined in this document is diesel particulate matter (DPM). The Air Quality and Climate Change chapter of the EIR discusses such air contaminants as ozone, oxides of nitrogen, and carbon monoxide, however almost exclusively in the context of the construction phase of the project. The consultants dismissed these air contaminants as insignificant, due to ready dispersion and a largely "offsite" source, in that vehicle trips originating and ending in the McKinley

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Village project will mostly be away. In addition, the modeling used in this exercise does not indicate that any Toxic Air Contaminant “Hot Spots” will develop within the project. Thus, non-carcinogenic toxic air contaminants associated with the project will not affect the McKinley Village residents so much as their neighbors outside the project – No Problem.

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Topography – In neither the site description nor the inputs to the computer model used to characterize exposure did the authors take into account the fact that the project site sits in a bowl formed by the railroad berms to the south and east, the SR 51 highway to the west, and the former city dump to the north. This feature of the site's topography is of little consequence under wind conditions that can move air out of this relatively shallow basin; however, the report reveals that about 18% of the time, winds are calm, and for an additional, undisclosed amount of the time, winds are very low. (The wind-speed information provided was in the form of a "wind rose" depicting air speeds logged at Sacramento International Airport, and the lowest, non-zero wind speed range was 0.5 to 2.1 meters per second.) It seems to me that treating the project site as though it were flat, unobstructed plane like the region around the airport, without wind-calming features, such as trees and structures, erroneously underestimates the accumulation of TACs, be they DPM or any other toxicants.

19-73

Six Lanes: In the description of the inputs to the model, the authors broke the contribution of DPM from heavy-heavy-duty trucks and medium-heavy-duty trucks along SR 51 into six linear inputs, corresponding to the six individual lanes that make up the highway. Intuitively, this seems to be an unnecessary step, since the total of the six is the same as the aggregate number the modelers started with. However, it is possible that by dividing the DPM input from trucks into smaller subunits, the model could discard values that fall below some *de minimis* value, thereby allowing the model to ignore quantities that would otherwise be included if the aggregate input were used. The authors need to justify breaking the DPM inputs into individual lanes, since doing so appears to add no improvement to the modeling process.

19-74

Six Lanes: Another problem with breaking the highway-related DPM input for the model into six individual lanes is that heavy-duty trucks are required to use only the two right-most lanes on a multi-lane highway; thus, if dividing the DPM inputs into individual lanes somehow has a significant impact on the model's results, four lanes should have been used, rather than six. Again, the consultant for the Health Risk Assessment, Dudek, needs to justify not using a single line source for SR 51 past the project site, rather than subdividing the truck emissions into six individual sources.

19-75

Twenty Freight Trains per Day: Although, according to the Health Risk Assessment, a Federal Railroad Administration database lists the grade crossing at 28th Street as having 20 freight trains a day (by inference, 20 freight trains a day go past the project site) Other, higher freight train counts are cited in the Health Risk Assessment, but

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ignored in the modeling process. For one, the contractor for the noise impacts assessment, in a brief, non-scientific sampling over six days in August 2013, counted up to 22 freight trains a day. Another number cited in the Health Risk Assessment is "an estimated daily average of 41 total trains pass[ing] through the 28th Street crossing." That number, by the way, was also taken from the Federal Railroad Administration Web site, and presumably includes the 8 daily passenger trains (leaving 37 freight trains a day). I have heard numbers as high as 44 freight trains a day, but that, to the best of my knowledge, is only anecdotal information. Nonetheless, it appears the modelers/risk assessors chose to use the smallest number of freight trains they could cite, namely 20. This impact minimization is unacceptable for the purposes of a Health Risk Assessment that is purportedly "conservative" in its approach and assumptions.

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Cont.

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 3 Sacramento, CA 95814  
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 CITY OF SACRAMENTO and  
 6 CITY COUNCIL OF SACRAMENTO

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 STONE LAKES NATIONAL WILDLIFE REFUGE  
 12 ASSOCIATION, et al.

13 Stephen L. Kostka (SBN 57514)  
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 14 BINGHAM MCCUTCHEM LLP  
 Three Embarcadero Center  
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 Telephone: (415) 393-2000  
 16 Facsimile: (415) 393-2286

17 Attorneys for Real Party in Interest  
 M&H Realty Partners, VI, L.P.

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 19 COUNTY OF SACRAMENTO

21 STONE LAKES NATIONAL WILDLIFE  
 REFUGE ASSOCIATION, et al.,

22 Petitioners and Plaintiffs,

23 v.

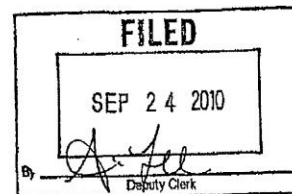
24 CITY OF SACRAMENTO, a municipal  
 25 corporation, et al.,

26 Respondents and Defendants.

27 M & H REALTY PARTNERS, L.P.,

28 Real Parties in Interest

A/73507320 2



No. 34-2009-80000166

**STIPULATION FOR ORDER  
 DISMISSING ACTION BASED ON  
 SETTLEMENT AGREEMENT AND  
~~PROPOSED~~ ORDER THEREON**

Assigned to Hon. Michael P. Kenny  
 Department 31

Action filed: February 13, 2009  
 Judgment entered April 22, 2010

**STIPULATION FOR ORDER DISMISSING ACTION**



1           A.     Background

2           1.     This proceeding, filed on February 13, 2009, involves a challenge to the  
3 Environmental Impact Report certified by the City of Sacramento for the Delta Shores project  
4 In its ruling on the merits, the court found the EIR deficient in one respect: the standard used to  
5 assess the significance of potential impacts to project residents due to toxic air contaminants  
6 generated by traffic on I-5. The court rejected all of the other claims raised by Petitioners  
7 regarding the adequacy of the EIR.

8           2.     On April 22, 2010, the court entered judgment ordering that a peremptory  
9 writ of mandate issue requiring Respondents to take certain actions to correct the deficiency  
10 relating to the analysis of Toxic Air Contaminants identified in the judgment. Petitioners  
11 subsequently filed an appeal from the judgment and Respondents and Real Party in Interest then  
12 filed a cross-appeal from the judgment.

13           3.     The parties have since entered into a Settlement Agreement which fully  
14 resolves all claims in this proceeding. The Settlement both cures the deficiencies in the EIR's  
15 Toxic Air Contaminants analysis that were identified in the Court's Judgment and includes  
16 additional measures to protect the environment above and beyond what was required in the  
17 Judgment. Pursuant to the terms of the Settlement Agreement, all parties have dismissed their  
18 appeals. The Settlement Agreement further provides for the parties to submit a joint application  
19 to the court for issuance of an appropriate order disposing of the case in accordance with the  
20 terms of the Settlement Agreement.

21           B.     Summary Of Substantive Provisions Of Settlement Agreement

22           4     Toxic air contaminants. To correct the deficiency in the EIR's treatment  
23 of the impacts of toxic air contaminants the judgment requires that the city conduct further  
24 analysis to determine whether freeway mobile source TACs would substantially increase the  
25 health risks to future project residents and whether any identified significant impacts can be  
26 avoided or minimized through adoption of feasible mitigation measures. Under the terms of the  
27 settlement agreement, the following steps will be taken with respect to TAC impacts:

28           A/73507320.2

2

STIPULATION AND ORDER DISMISSING ACTION

- 1 a. A new health risk assessment (“HRA”) will be
- 2 prepared for the Project by a qualified expert to
- 3 evaluate the cancer risk from future Project
- 4 residents’ exposure to the mobile-source TACs
- 5 specified in the court’s ruling.
- 6 b. With respect to any residential units where the HRA
- 7 determines that the potential additional cancer risk
- 8 above background levels to residents from TACs is
- 9 more than ten-in-one million over a 70-year
- 10 exposure period, the following mitigation measures
- 11 will be implemented:
- 12 (1) Trees will be planted along Interstate 5 on
- 13 those parcels zones for residential
- 14 development adjacent to Interstate 5. The
- 15 trees will be of a type that is considered to
- 16 be effective in reducing particulates;
- 17 (2) All multi-family residential buildings
- 18 located within 500 feet of Interstate 5 will
- 19 have building air intakes located as far away
- 20 from Interstate 5 as feasible;
- 21 (3) All residential development on parcels
- 22 located within 500 feet of Interstate 5 shall
- 23 include air filtering systems designed and to
- 24 filter particulates; and
- 25 (4) Any windows with a view facing Interstate 5
- 26 in residences located within 500 feet of
- 27 Interstate 5 shall be non-operable.
- 28 c. The requirements relating to TACs described above
- will be enforceable as conditions of project
- approval through amendment of the Development
- Agreement for the project to incorporate them as
- landowner obligations under the special conditions
- in Exhibit C of the Development Agreement.

5 The Settlement Agreement also contains provisions that address several other issues raised by Petitioners in the litigation. These include an agreement about interpretation of the term “fallow fields” in the definition of suitable foraging habitat in the mitigation measure relating to Swainson’s hawk foraging habitat; a commitment to construction of the wetland biofiltration drainage system if it is approved by the Army Corps of Engineers; and funding for restoration of the Victory Trees Memorial in Freeport. The agreement also resolves Petitioners’ pending motion for an award of attorneys’ fees.

A/73507320 2

3

STIPULATION AND ORDER DISMISSING ACTION

1 C. Order Sought By The Parties

2 6. The Settlement Agreement provides that within ten days after the appeal  
3 and cross-appeals are dismissed, counsel will submit a joint application to this court for an order  
4 dismissing the case with prejudice based upon the Settlement Agreement. Accordingly, the  
5 parties to this proceeding stipulate and jointly request that the court enter the order of dismissal  
6 accompanying this stipulation.

7 DATED: September 20, 2010 CITY OF SACRAMENTO  
8  
9 By: [Signature]  
10 SHERYL N. PATTERSON  
11 Attorneys for Respondents/Defendants  
CITY OF SACRAMENTO and  
CITY COUNCIL OF SACRAMENTO

12 DATED: September 22, 2010 ADAMS BROADWELL JOSEPH & CARDOZO  
13  
14 By: [Signature]  
15 THOMAS A ENSLOW  
16 Attorneys for Petitioners/Plaintiffs  
STONE LAKES NATIONAL WILDLIFE  
REFUGE ASSOCIATION, et al.


17  
18 DATED: September 22, 2010 BINGHAM McCUTCHEEN LLP  
19  
20 By: [Signature]  
21 STEPHEN L. KOSTKA  
22 Attorneys for Real Party in Interest  
M&H REALTY PARTNERS, VI, L.P.

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ORDER

The parties having jointly stipulated to an order dismissing this case with prejudice based upon the terms of a settlement agreement entered into by the parties, and good cause appearing therefore, it is hereby ordered that this case be dismissed with prejudice.

Dated: 9/24/10

  
\_\_\_\_\_  
Hon. Michael P. Kenny

A/73507320.2

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STIPULATION AND ORDER DISMISSING ACTION

*Stone Lakes National Wildlife Assn., et al. v. City of Sacramento, et al.*  
Sacramento County Superior Court No.: 34-2009-80000166

**PROOF OF SERVICE**

I am employed in the County of Sacramento, California. I am over the age of 18 and not a party to this action. My business address is 520 Capitol Mall, Suite 350, Sacramento, CA 95814.

On September 23, 2010 I served the foregoing document described as

**STIPULATION FOR ORDER DISMISSING ACTION BASED ON  
SETTLEMENT AGREEMENT AND [PROPOSED] ORDER THEREON**

on the parties listed below by placing a true and correct copy thereof in a sealed envelope and by causing the envelope to be sent by U.S. Mail addressed to:

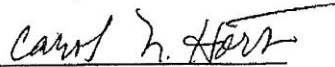
EILEEN M. TEICHERT  
SHERYL N. PATTERSON  
Office of the City Attorney  
City of Sacramento  
P.O. Box 1948  
Sacramento, CA 95812

*Attorney for Respondents  
and Defendants*

STEPHEN L. KOSTKA  
Bingham McCutchen  
3 Embarcadero Center  
San Francisco, CA 94111-4507

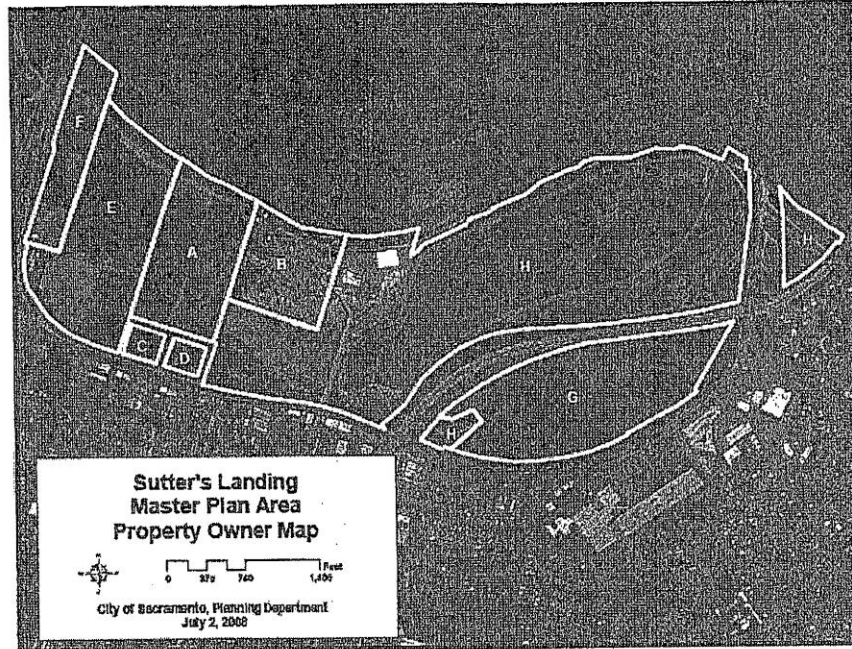
*Attorney for Real Party in Interest*

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and that this was executed on September 23, 2010 in Sacramento, California.



Carol N. Horton

Exhibit 4 - Sutter's Landing Area Land Ownership Map



Map	Property Name	Acreage
A	Dellar Family Trust	25 acres
B	Harbor Sand & Gravel (Bell)	16 acres
C	Cannon Family Trust	2 acres
D	Scollan Family Trust	2 acres
E	Blue Diamond / Almond Growers Exchange	38 acres
F	SMUD	11 acres
G	McKinley Village	47 acres
H	Sutter Regional Park	172 acres



APPROVED  
BY THE CITY COUNCIL

11.2

AUG 24 1999

OFFICE OF THE  
CITY CLERK

DEPARTMENT OF  
PUBLIC WORKS

CITY OF SACRAMENTO  
CALIFORNIA

927 10th STREET  
SUITE 300  
SACRAMENTO, CA  
95814-2702

TECHNICAL SERVICES  
DIVISION

PH 916-264-8300  
FAX 916-264-7903

August 9, 1999

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: MIDTOWN NEIGHBORHOOD PRESERVATION TRANSPORTATION PLAN  
(PN: TG86) – FOLLOW-UP ISSUES FROM MARCH 16, 1999 COUNCIL  
HEARING**

**LOCATION/COUNCIL DISTRICT:**

Area bounded by 16<sup>th</sup> Street, Alhambra Boulevard, C and L Streets. Council District 3.

**RECOMMENDATION:**

This report recommends that the City Council adopt the attached resolution approving:

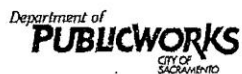
- Additional traffic calming measures for I Street, 28<sup>th</sup> Street, and C Street;
- Maintaining, at its present location the half-street closure on 16<sup>th</sup>/H Streets; and
- Removal of truck route designation on C Street and re-affirm that D Street is not a truck route.

**CONTACT PERSON:** Ken Grehm, Supervising Engineer 264-7531

**FOR COUNCIL MEETING OF:** August 24, 1999

**SUMMARY:**

On March 16<sup>th</sup>, 1999, City Council adopted the Neighborhood Preservation Transportation Plan (NPTP) EIR Addendum and approved the final NPTP configuration. The City Council also directed staff to work with the community to recommend additional traffic calming measures on 28<sup>th</sup>, C, D and I Streets and evaluate options to move the H Street eastbound half-street



City Council  
 Midtown Neighborhood Preservation Transportation Plan (PN: TG86) -  
 Follow-up Issues from March 16, 1999 Council Hearing  
 August 9, 1999

closure from 16<sup>th</sup> to 21 Street. After several community workshops, staff is recommending installation of additional calming measures, removal of the truck route designation on C Street, and maintaining the half-street closure on 16<sup>th</sup>/H Street at its present location.

**COMMITTEE/COMMISSION:**

None.

**BACKGROUND:**

The Midtown Neighborhood Preservation Transportation Plan (NPTP) was approved by the City Council in June 1996 with the goals of reducing traffic speeds, enhancing safety, maintaining good access, and dispersing traffic over the downtown street grid. The project included construction of five new traffic signals, the conversion of G and H Streets from one-way to two-way traffic, and installation of over 100 new traffic-calming features, including, half-street closures, traffic circles, intersection portals, pedestrian islands, and high visibility crosswalks.

On March 16<sup>th</sup>, 1999, City Council adopted the NPTP EIR Addendum and approved the final NPTP configuration. The City Council also directed staff to work with the community to recommend additional traffic calming measures on 28<sup>th</sup>, C, D and I Streets and evaluate options to move the H Street eastbound half-street closure from 16<sup>th</sup> to 21<sup>st</sup> Street.

Since Council approval, staff has conducted workshops with interested stakeholders discussing possible refinements. A comprehensive list of recommendations (including a map) developed by workshop participants and staff, is attached as Exhibit A. A summary of these recommendations are as follows:

**C and D Streets**

- Approve abandonment of C Street (17<sup>th</sup> to 19<sup>th</sup> Streets) at Blue Diamond Growers, including installation of half-street closures on D Street (Council approved 7/20/99);
- Remove truck route designation from C Street;
- Install additional pedestrian islands and hi-visibility crosswalks at various intersections;
- Convert the intersection of 28<sup>th</sup> and C Streets to a 4-way stop; and
- Reaffirm that D Street is not a truck route.

**28<sup>th</sup> Street**

- Install intersection portal at the southwest corner of 28<sup>th</sup>/C Streets;
- Add signage encouraging southbound truck traffic to use 29<sup>th</sup> Street;
- Install additional pedestrian islands and hi-visibility crosswalks at various intersections; and
- Reconstruct handicap ramp at 28<sup>th</sup>/E.
- Nominate 28<sup>th</sup> Street for inclusion in a fire department compatible speed hump pilot program if test program is successful.



City Council  
 Midtown Neighborhood Preservation Transportation Plan (PN:TG86) -  
 Follow-up Issues from March 16, 1999 Council Hearing  
 August 9, 1999

#### I Street

- Remove portal on south side of street (keep portal on north side of street) at 29<sup>th</sup>/I Streets;
- Install angled parking on the south side of I Street from 27<sup>th</sup> to 28<sup>th</sup> Streets;
- Place additional speed limit signs and markings at several locations;
- Install additional pedestrian islands and high visibility crosswalks;
- Place additional directional downtown guide signs on 29<sup>th</sup> Street discouraging use of I Street;
- Trim shrubbery at 27<sup>th</sup> and I Streets;
- Install bike lanes on I Street between 21<sup>st</sup> and 27<sup>th</sup> Streets;
- Request temporary focused traffic enforcement on I Street; and
- Nominate I Street for inclusion in a fire department compatible speed hump pilot program if test program is successful.

#### Relocation of half-street closure at 16<sup>th</sup>/H Streets

When the NPTP was approved on March 16, 1999, staff recommended that the half-street closures remain in their existing locations. Upon Council direction, staff explored the possibility of relocating the half-street closure at 16<sup>th</sup>/H Streets to 21<sup>st</sup>/H Streets. The intent was to provide easier access to businesses located on H Street, particularly, those located between 19<sup>th</sup> and 21<sup>st</sup> Streets. Staff analyzed five alternatives, including no change. Exhibit B provides graphical representations and expected traffic flow changes due to each alternative. Alternatives were developed at a community meeting and the attached information was shared at a subsequent community meeting. This proposed change will lead to increased traffic volumes on portions of G, H and 21<sup>st</sup> Streets. Staff recommends that the half-street closure at 16<sup>th</sup>/H not be relocated, but that the City install directional signage for the businesses in the H Street corridor. This recommendation is based on:

- Project is meeting its original objectives.
- Lack of consensus within community (residents and businesses).

#### FINANCIAL CONSIDERATIONS:

The current budget for the NPTP project is \$2,414,536. The estimated cost to construct the recommended improvements is approximately \$81,000. As of July 29, 1999, \$65,149 remains unencumbered. Additional funds, if required, will be identified at the time a contract is awarded.

#### ENVIRONMENTAL CONSIDERATIONS:

The Neighborhoods, Planning and Development Services Department, Environmental City Section, has reviewed this report and has determined that the proposed additions to the NPTP are exempt from the California Environmental Quality Act (CEQA) under Section 15301. The project is expected to result in slower traffic speeds and will not significantly affect traffic volumes.

City Council  
Midtown Neighborhood Preservation Transportation Plan (PN: TG88) -  
Follow-up Issues from March 16, 1999 Council Hearing  
August 9, 1999

**POLICY CONSIDERATIONS:**

The recommended actions are consistent with City Council priorities of Neighborhood Revitalization and Public Safety.

**ESBD CONSIDERATIONS:**

Any construction contracts related to this action will include measures to encourage ESBD participation.

Respectfully submitted,

*Ren Drahm*  
for Duane J. Wray, Manager  
Technical Services Division

RECOMMENDATION APPROVED:

*Robert P. Thomas*  
ROBERT P. THOMAS  
City Manager

P/CIP/TG88/Council/follow-up

APPROVED:

*Michael Kashiwagi*  
for Michael Kashiwagi  
Director of Public Works

**Exhibit A**  
**Staff Recommended Refinements to Midtown Traffic Calming Project**

**C & D Streets**

- Closures: On July 20, City Council approved the abandonment of C Street (17<sup>th</sup> to 19<sup>th</sup> Street) and half-street closures on D Street (eastbound at 20<sup>th</sup> and westbound at 28<sup>th</sup>). These improvements will be installed by Blue Diamond Growers.
- Truck Route: Remove truck route designation on C Street and re-affirm that D Street is not a truck route.
- 22<sup>nd</sup>/C: Install a pedestrian island on C Street (west side of 22<sup>nd</sup>).
- 23<sup>rd</sup>/C: Remove pedestrian islands and replace with high-visibility crosswalks.
- 24<sup>th</sup>/C and 25<sup>th</sup>/C: Install pedestrian islands on both sides of C Street.
- 26<sup>th</sup>/C: Install high visibility crosswalk on C Street (east side of 26<sup>th</sup>).
- 28<sup>th</sup>/C: Add stop signs to create 4-way stop.

**28<sup>th</sup> Street**

- 28<sup>th</sup>/C: Add an intersection portal at the southwest corner (southbound on 28<sup>th</sup> Street) to discourage eastbound C Street trucks from turning south on to 28<sup>th</sup>. Also add signage at 28<sup>th</sup>/C to encourage eastbound C Street and southbound 28<sup>th</sup> Street truck traffic to use 29<sup>th</sup> Street.
- 28<sup>th</sup>/D: Add pedestrian islands on 28<sup>th</sup> Street and high-visibility crosswalk on D Street (west side of 28<sup>th</sup>).
- 28<sup>th</sup>/E: Reconstruct curb ramps at northeast corner (to discourage trucks from cutting corner). Add a pedestrian island on E Street on east side of 28<sup>th</sup>. Add high-visibility crosswalks on 28<sup>th</sup>.
- 28<sup>th</sup>/F: Add high-visibility crosswalks on 28<sup>th</sup>.
- 28<sup>th</sup>/H: Add pedestrian island on 28<sup>th</sup> (north side of H Street).
- 28<sup>th</sup>/I: Add pedestrian island on 28<sup>th</sup> (north side of I Street) and high-visibility crosswalks on 28<sup>th</sup> Street.
- Speed Humps: Provide residents with information from test program of "fire equipment-compatible" speed humps. Depending upon success of test and resident reaction to results, staff will nominate 28<sup>th</sup> Street as one of the locations for pilot program.

**I Street**

- 29<sup>th</sup>/I Street Portals: Remove the portal on the south side of the intersection to allow eastbound vehicles to move closer to the curb to allow fire equipment to more easily pass when turning from southbound 29<sup>th</sup> to westbound I Street.
- Speed Humps: Provide residents with information from test program of "fire equipment-compatible" speed humps. Depending upon success of test and resident reaction to results, staff will nominate I Street as one of the locations for pilot program.
- Angled Parking: Install angled parking on south side of I Street between 27<sup>th</sup> & 28<sup>th</sup> Streets to provide additional parking for Hart Senior Center.
- Pedestrian Islands with Zebra Crosswalks: Install for westbound and eastbound approaches on I Street at 23<sup>rd</sup> and 25<sup>th</sup>.
- Speed Limit Signs: Install speed limit signs and pavement markings at the ends of I Street residential corridor (21<sup>st</sup> and 29<sup>th</sup>).
- Downtown Directional Signs: Install additional "downtown" directional signage on 29<sup>th</sup> to discourage use of I Street.
- Bike Lanes: Install bike lanes on I Street between 21<sup>st</sup> and 27<sup>th</sup> (reducing the effective width of travel lanes).
- Visibility at 27<sup>th</sup>/H: Check the visibility and trim bushes as necessary at 27<sup>th</sup>/H.
- Focussed Police Enforcement: Request increased temporary traffic enforcement and provide information to residents on number of citations.

EXHIBIT A

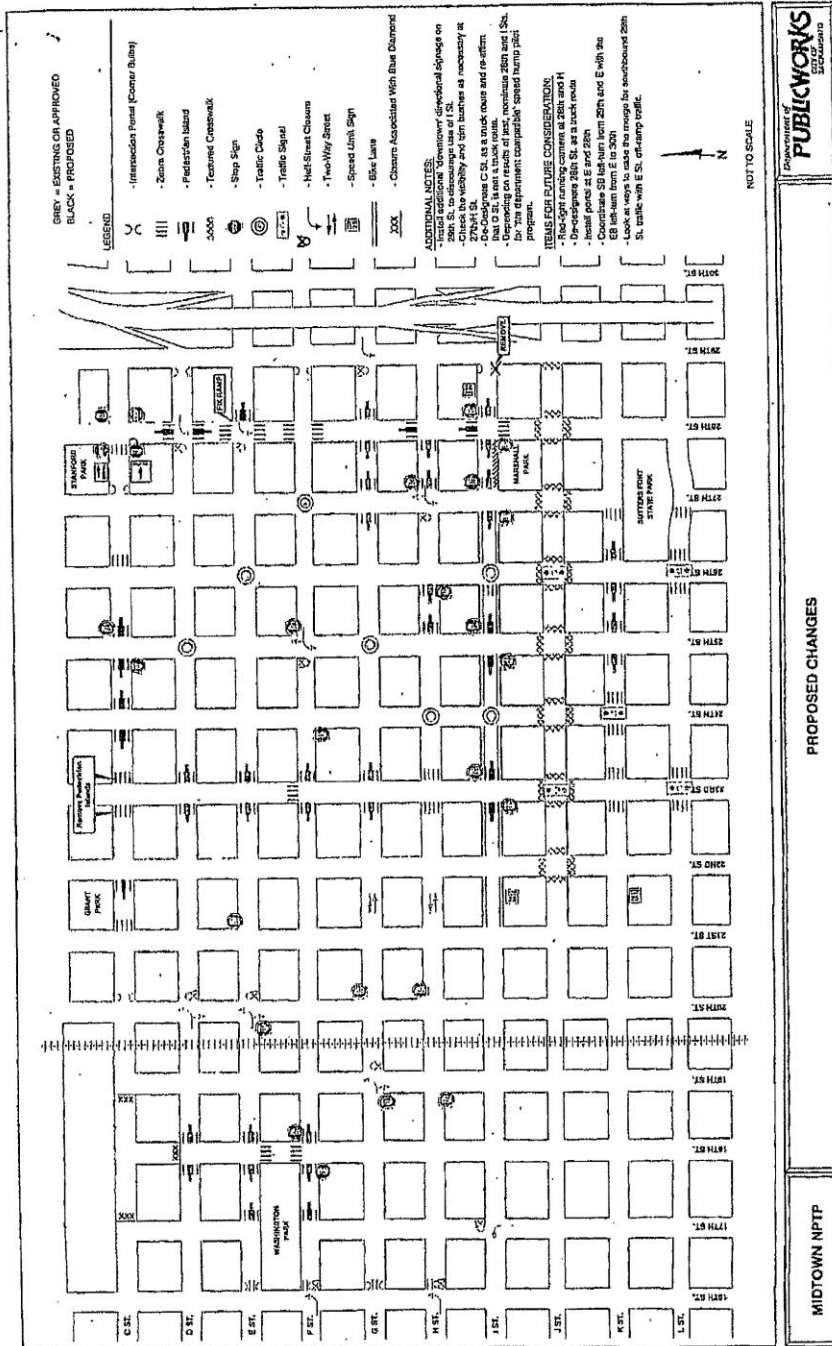
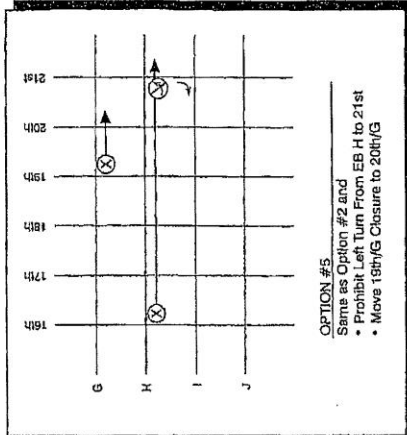
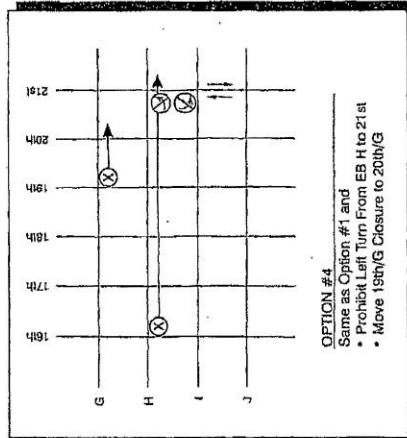
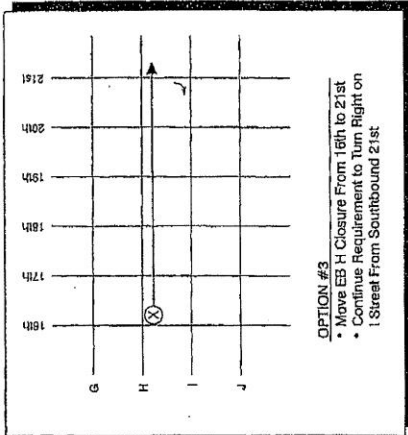
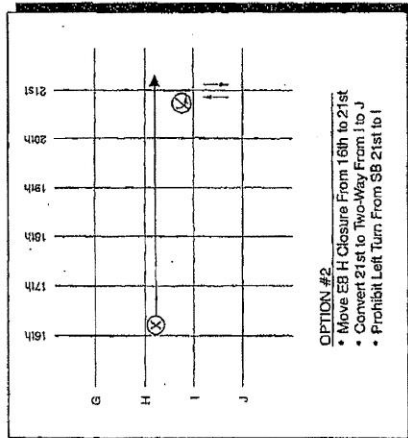


EXHIBIT B

OPTIONS FOR H ST. CLOSURE  
 Option #1 (Not Pictured) is No Change



Other Options Mentioned by Community:  
 Move H Street Closure to 20th, 22nd, or 25th as Alternative to 21st

EXHIBIT B

Probable Outcomes of Potential H Street Closure Relocation

Options*	provides 2-way access on H Street (16 <sup>th</sup> to 21 <sup>st</sup> )	traffic volume on H Street (16 <sup>th</sup> to 21 <sup>st</sup> )	traffic volume on 21 <sup>st</sup> Street (north of H)	increases traffic volume on G Street (east of 20 <sup>th</sup> )	increases traffic volume on 21 <sup>st</sup> Street (H to I)	increases traffic volume on 21 <sup>st</sup> Street (I to J)	increases traffic volume on J Street (east of 21 <sup>st</sup> )	Estimated Construction Cost
Option #1	No	1,900**	3,500***	3,400***	4,200	7,700	15,300***	\$0
Option #2	Yes	5,400-6,900	6,000-7,000	5,400-5,900	5,200-6,200	8,700-9,700	16,300-17,300	\$38,000
Option #3	Yes	4,900-6,400	6,500-7,500	5,900-6,400	4,200-4,700	7,700	15,300-15,800	\$10,000
Option #4	Yes	3,400-4,900	3,500	3,400	5,200-6,700	8,700-9,700	16,300-17,300	\$42,000
Option #5	Yes	2,900-3,900	3,500	3,400	4,200-4,700	7,700	15,800-16,300	\$12,000
Move Closure to 20 <sup>a</sup>	No							
Move Closure to 22 <sup>nd</sup> or 25 <sup>th</sup>	Yes							

\* see attached diagram for description of Options  
 \*\* average of two counts (east of 16<sup>th</sup> and east of 19<sup>th</sup>)  
 \*\*\* estimate based upon counts on adjacent segments

Similar to #2-5 above except that volume increase would shift from 21<sup>st</sup> to 20<sup>th</sup>. G Street closure would not need to be relocated in Options #4 & 5  
 Similar to #2-5 above except that volume increase would shift from 21<sup>st</sup> to 22<sup>nd</sup> or 25<sup>th</sup>. Residential portions of H Street (east of 21<sup>st</sup> to closure) would realize volume increase.

<b>APPROVED</b>
AUG 24 1999
OFFICE OF THE CITY CLERK

RESOLUTION NO. 99-484

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**RESOLUTION REMOVING TRUCK ROUTE DESIGNATION ON C STREET BETWEEN 16<sup>TH</sup> STREET AND 29<sup>TH</sup> STREET AND APPROVING ADDITIONAL TRAFFIC CALMING DEVICES.**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

1. That additional traffic calming mitigation measures for I Street, 28<sup>th</sup> Street, and C Street are approved
2. That removing the truck route designation on C Street and re-affirming that D Street is not a truck route is approved.

\_\_\_\_\_  
MAYOR

ATTEST:

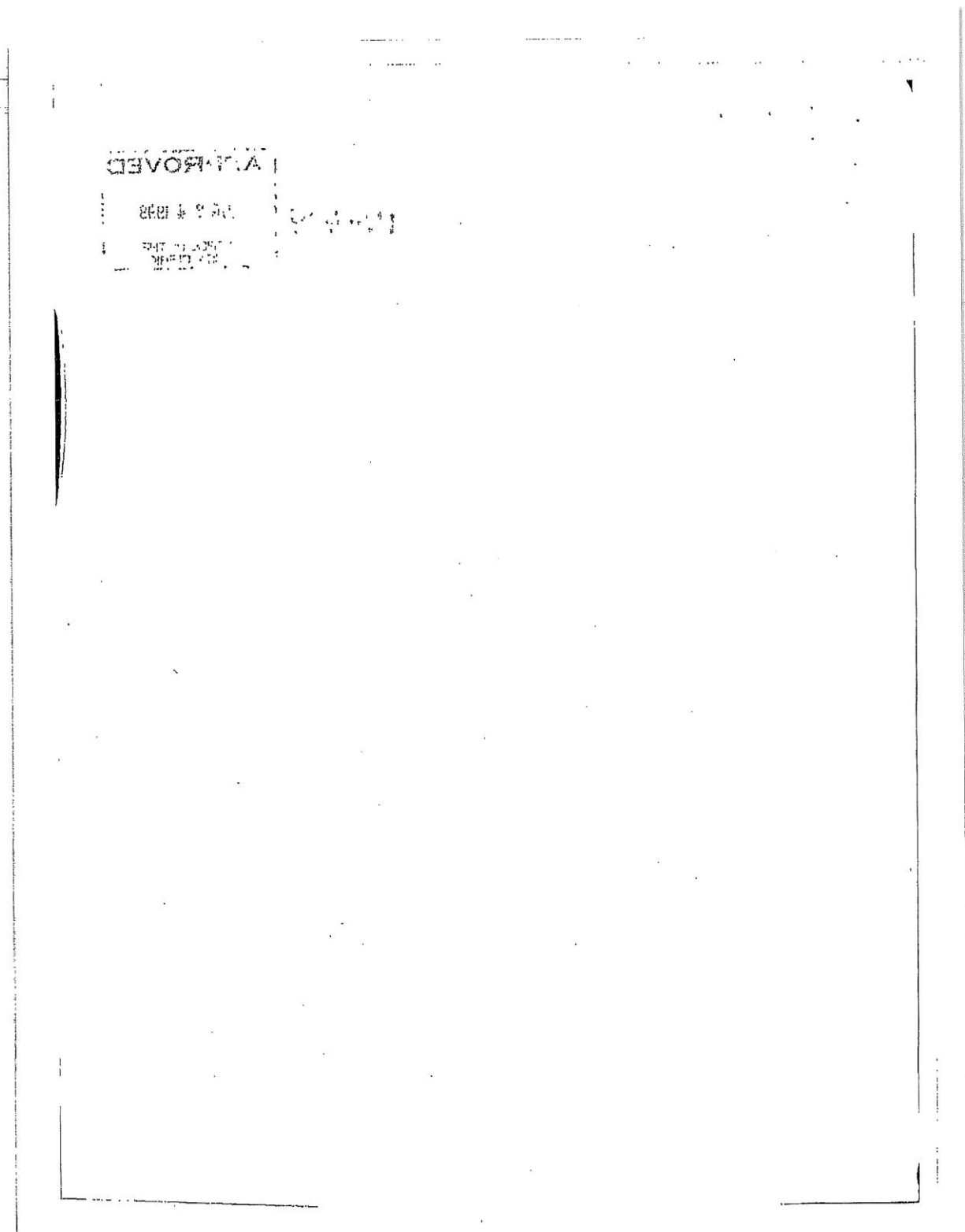
\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

9





~~Amended~~

**RESOLUTION NO. 99-184**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**RESOLUTION REMOVING TRUCK ROUTE DESIGNATION  
ON C STREET BETWEEN 16<sup>TH</sup> STREET AND 29<sup>TH</sup> STREET AND APPROVING  
ADDITIONAL TRAFFIC CALMING DEVICES.**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

1. That additional traffic calming mitigation measures for I Street, 28<sup>th</sup> Street, and C Street are approved
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\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

9

judith waegell

916-423-1771

8/24/99

1:08 PM

1/2

Judith Waegell  
7700 Eagles Nest Road  
Sacramento, CA 95830  
(916) 423-1771 phone & fax  
judy@waegell.org

11.2

August 24, 1999

Council Members  
Sacramento City Council  
915 I Street, Rm 205  
Sacramento, CA 95814

Dear Council Members,

Re: Agenda item 11.2 8/24/99 Midtown Neighborhood Preservation  
Transportation Plan (PN:TG86), located in area bounded by 16th Street,  
Alhambra Boulevard, C and L Streets -  
Follow up issues from March 16, 1999, Council Hearing [Item 11.1] (D-  
3)

The half-street closures are ill-conceived and should be removed.

I represent the small commercial building on the south-west corner of  
20th and H Streets. This building was built by my father and his  
business partner in the late 1950's to accommodate part of their  
business. It is now owned by their widows.

This building currently is leased to CFG Photo and until recently Ray's  
Tacos, a victim of this project. These are retail uses. The effect of this  
project has been to impact these retail uses severely and negatively.

I support the preservation and enhancement of these neighborhoods  
with their wonderful old houses. However the commercial aspect is also  
a part of these neighborhoods with a long history.

There has never been any notice sent to us as property owners on this  
project. Thus we were effectively denied any input into the planning  
process where we would have had the best chance of influencing the  
direction of this project.

On the City's website I found "...the copy from the City of Sacramento's  
Neighborhood Preservation Transportation Plan (NPTP) brochure." In it  
I found the following:

judith waegell

916-423-1771

3/24/99

1:08 PM

D2/2

"The Neighborhood Preservation Transportation Plan will accomplish three important goals:

- to slow the speed of traffic on midtown residential streets.
- to maintain good access to midtown merchants and downtown commerce.
- to improve pedestrian, bicycle and vehicular safety."

I support these goals. No where do I see a goal of 60% reduction in traffic volume which has been the effect of the project at 20th & H.

Again I quote from this website brochure.

"How will this affect traffic?

"Residents of midtown should experience, on average, about a 10 percent reduction in traffic volume on their streets. ..."

"Business owners in midtown will see about a 10 percent increase in traffic volume on major streets such as J, K and L,..."

I assume that the above goals and projected effect on traffic could have been and probably were achieved by implementing the project without the half-street closures. Where are the traffic counts and other data prior to the half-street closures but after implementation of the other elements? Working with those elements would undoubtedly bring you closer to your stated goals than has been achieved with the addition of these half street closures. At best they are annoying and awkward; not an enhancement to the neighborhoods.

I understand that there are businesses that do not want the half-street closure at 16th and H Streets changed. How much of this is because they do not want these half-street closures and their negative effects closer to their businesses? How would they respond if the choice was to eliminate them all together?

Get rid of these half-street closures.

Sincerely,

Judith Waegell

**Letter 19: Julie Murphy, Co-Chair, Marshall School/New ERA Park Neighborhood Association, January 10, 2014**

19-1: Commenter questions whether the project represents “smart growth” and “good infill development” and questions whether the project is consistent with 2030 General Plan Policy LU 2.1.3 Complete and Well-Structured Neighborhoods.

The Draft EIR considers whether the proposed project is consistent with General Plan Policy 2.1.3, which encourages new neighborhoods to promote walking, biking, and public safety; to enhance neighborhood identify; to be family friendly; and to address the needs of residents of all ages and abilities. (DEIR, p. 3-27.) The Draft EIR concludes that the proposed project is designed to promote walking by providing sidewalks on all the roads and encouraging biking by providing bike access on all the roads. In addition, the housing styles are designed to complement the existing, established neighborhoods and to be an extension of the existing neighborhoods to the south, west, and east of the site. (DEIR, p. 3-27.) The proposed project has also been designed at a density that is generally consistent with the older neighborhoods in East Sacramento and Midtown, and proposes a small retail component within the recreation center, which will be available to all residents of East Sacramento thereby connecting existing residents with the proposed project. Nothing more is required by CEQA. See Master Response 8 regarding the proposed project’s consistency with general plan policies and Response to Comment 18-48 regarding the City’s definition of infill.

19-2: The commenter questions whether the project will benefit the environment by reducing greenhouse gas emissions and asserts that the project is vehicle-dependent and does not provide access to transit or walkability.

The article cited by the commenter states that a “one-size-fits all” strategy of increasing density in urban areas may not be the most effective way to reduce greenhouse gas (GHG) emissions and notes that cities are not islands and need to be considered in a larger context. California law recognizes that GHG emissions can be addressed more effectively at a regional level through the provisions of Senate Bill (SB) 375. Under SB 375, regional metropolitan planning organizations are responsible for preparing a Sustainable Communities Strategy (SCS). The goal of the SCS is to establish a development plan for the region, which, after considering transportation measures and policies, will achieve GHG reduction targets. The SCS for the Sacramento region was prepared by the Sacramento Area Council of Governments (SACOG) in 2013 and it demonstrates a 9% per capita GHG reduction in passenger vehicle emissions by 2020 and a 16% reduction by 2035, consistent with State-established targets. The SCS does not rely on increasing density in urban

areas alone, but incorporates the following smart growth principals: (1) transportation choices; (2) mixed-use developments; (3) compact development; (4) housing choice and diversity; (5) use of existing assets; (6) quality design, and (7) natural resources conservation. SACOG has provided a letter stating that the proposed project is consistent with the assumptions for this site contained in the MTP/SCS. The SACOG letter is included in the Draft EIR as Appendix N. (DEIR, p. 5-4.)

In addition, as discussed in the Draft EIR the project is consistent with the City's Climate Action Plan (CAP), which establishes requirements for projects to reduce a portion of their estimated GHG and to assist the City in meeting state requirements to reduce GHG emissions. The project is consistent with the City's CAP and meets the City's requirements to reduce its contribution to GHG emissions through a variety of measures, which include reduced vehicle miles travelled, but also include traffic calming measures, inclusion of sidewalks, street lighting and bicycle facilities to encourage walking and biking, and exceedance of Title 24 energy efficiency requirements. (DEIR, pp. 4.1-53, 4.1-54.)

The proposed project would be consistent with other CAP Strategies, including promoting sustainable growth patterns and infill development and creating complete neighborhoods. The proposed project is near residential land uses to the south, southwest and southeast, and proximate to commercial land uses to the south along Alhambra Avenue and C Street, and office uses to the south along C Street. Adding additional residential land uses could allow more opportunities for non-motorized shopping trips (i.e., walking or biking) and/or reduce VMT for shopping trips in the immediate area. In addition, proximate to the project site are three bus routes: Route 34, Route 67, and Route 68. All three of these routes have stops located to the south of the project site. The closest stop to the project site serves Route 34, and is located just over a quarter mile south of the proposed bicycle/pedestrian underpass (if approved by Union Pacific and the appropriate government agencies) and just over one-half mile south of 40th and A Streets. This bus line connects to light rail in Downtown at the St. Rose of Lima Park light rail station (7th/K), 8th/O light rail station, and the 8th/K light rail station. Therefore, residents have an option of using public transit to access the larger Sacramento region (i.e., light rail) from the project site. The proposed project is also consistent with CAP strategies aimed at increasing bicycle and transit mode share with its proximity to commercial land uses and transit stops, and the construction of pedestrian and bicycle facilities on site and connections from the on-site facilities to existing off-site facilities. These features would allow future residents to utilize alternative modes of transportation for work and shopping. (DEIR, pp. 4.1-54, 4.1-55.)

Based on the above, the Draft EIR concludes that the proposed project would not have a significant impact related to attainment of State goals for GHG reduction, and this conclusion is supported by substantial evidence. (DEIR, p. 4.1-56.)

- 19-3: The comment asserts the project is not infill because it is not located in proximity to a transit line or within walking distance of a job center and further alleges that the project will not promote “livability” of existing neighborhoods.

The project’s 40th Street access connects residents to an approximately one half mile walk to the nearest transit route (Bus Line 34). (DEIR, p. 2-46; p. 4.9-19, Figure 4.9-5; see also new Figure 1, Bike/Walking Distance from 40th and A Streets, and Figure 3, Proximity to Adjacent Services in Chapter 2 of this Final EIR.) The pedestrian underpass at Alhambra Boulevard, if approved by UPRR and appropriate government agencies, would provide a direct route of slightly more than one quarter mile to the existing stop at Alhambra and McKinley Boulevards. (See generally DEIR, p. 4.9-58.) Given the infill nature and location of the project, it is understandable that some residences may be farther than one half mile from the nearest transit stop. The EIR concluded that transit-related effects are less than significant. (DEIR, p. 4.9-61.) Ultimately, the City Council will determine whether the project is consistent with the General Plan as a whole. The comment is forwarded to the decision makers for their consideration. See also Master Response 8 regarding general plan consistency and Response to Comment 18-48 regarding the City’s definition of infill.

“Livability” is not a CEQA term. The City Council, in considering the proposed project, will evaluate the EIR and also make policy determinations such as whether the proposed Project is consistent with livability standards included in the 2030 General Plan. See Master Response 10 regarding livability in regards to traffic. See also Response to Comment 19-2 above regarding the proposed project’s proximity to transit and commercial centers.

- 19-4: The commenter states that the Draft EIR should be revised to include a “comprehensive, unbiased analysis” of the feasibility of providing vehicle access to the proposed project site at Alhambra Boulevard.

Please see Master Response 1 regarding the infeasibility of providing a bridge/roadway underpass at Alhambra Boulevard.

- 19-5: The commenter questions whether the proposed project will provide a diversity of housing options to include affordable housing choices. The commenter also questions whether the lot sizes are adequate to allow the option of building a second

unit and questions how the applicant will be held accountable for providing affordable housing options.

Since release of the Draft EIR the mix of residential units has been revised to include 24 attached one and two story units. The addition of these units provide more housing diversity for the project, as described in Chapter 2, Text Changes to the Draft EIR. In addition, the proposed project is not required to provide affordable housing units. Section 17.190 of the City of Sacramento Zoning Code (“Mixed Income Housing”) is intended to ensure that residential projects in new growth areas contain a defined percentage of housing affordable to low income and very low income households, to provide for a program of incentives and local public subsidies to assist in this effort, and to implement the mixed income policies of the Housing Element of the City’s 2030 General Plan. By applying the Mixed Income Housing Ordinance only to new growth areas, the City recognized the unique and sometimes limiting development environments that are present in building in existing neighborhoods. Such challenges include site availability and site specific infrastructure needs, as well as housing needs and overall cost burden on the feasibility of certain geographically situated infill development projects. The proposed project site is not identified as a “new growth area” in the Mixed Income Housing Code and is therefore not required to include affordable housing. Please see Master Response 11 that also addresses this issue.

Nonetheless, the “Optional Carriage Units” have been made available as an option to future homebuyers, and those units could potentially be rented in the future. These units would be built as a second story and therefore would not change the overall footprint of the housing or require additional lot size. These units are not designed to satisfy any affordable housing requirement because no such requirement exists for this project. Therefore there is no need to guarantee construction of these units.

19-6: The commenter alleges that the Draft EIR is not an unbiased, scientific document and opines that the “tone, findings, and contents” of the Draft EIR are “developer-centric.”

The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

19-7: The commenter expresses an opinion that the Draft EIR requires extensive scientific knowledge to understand and is not accessible for a lay person.

Under CEQA, an EIR is “a detailed statement . . . describing and analyzing the significant effects of a project and discussing ways to mitigate or avoid the effects.

(CEQA Guidelines, Section 15362.) The analysis required to address all impact areas required under CEQA is necessarily scientific and technical. The EIR is required to include “summarized technical data, maps, plot plans, diagrams, and similar relevant information.” However, “highly technical and specialized analysis should be attached in appendices, rather than in the body of the document.” (CEQA Guidelines, Section 15147.) Consistent with these requirements, the Draft EIR includes references to supporting analyses and technical reports, but does not include all technical data within the body of the Draft EIR. Moreover, it is noted that 129 comment letters were submitted on the Draft EIR, many of them from neighboring residents, providing their respective comments on the analysis contained in the Draft EIR.

The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 19-8: The comment requests clarification regarding ownership of the land at the western portion of the project site (APN 001-0170-013 and 001-0061-011). The commenter states that, according to the *Sutter’s Landing Area Master Plan Background Report* (p.19), the land is owned by the City of Sacramento and is identified as a part of Sutter’s Landing Park. The commenter also questions how Sutter’s Landing Park will be compensated for this loss of land.

The two parcels of land noted in the comment are owned by the City of Sacramento, but are not a part of the Sutter’s Landing Regional Park. The exhibit in the Sutter’s Landing Area Master Plan Background Report is incorrect. There will be no loss of land to Sutter’s Landing Regional Park associated with the project. Please see Response to Comment 23-5.

- 19-9: Commenter alleges that Section 2.5 of the Draft EIR does not provide specific information as to improvements to be made on A Street Bridge and asks whether fencing or a barrier will be erected to ensure pedestrian safety. Commenter also asks what measures will be taken to ensure driver safety on the Capital City Freeway.

As noted in Chapter 2 of the Draft EIR, the project applicant will improve the A Street Bridge through new paving, striping and upgrading the guardrails. Caltrans may consider other bridge designs, including a cantilever to provide additional pedestrian access on the north side, but any such approaches would require additional design and discussions with Caltrans (please see Chapter 2 of this Final EIR for more specifics).



- 19-10: The commenter asserts that the Draft EIR has not included enough information regarding securing permission from Union Pacific to construct the bicycle/pedestrian tunnel at Alhambra Boulevard.

The proposed Alhambra pedestrian/bicycle underpass, while preferred by the project applicant, is not required from either a traffic or a circulation standpoint. The traffic study in the Draft EIR does not assume any project generated trip mode share to bicycles and hence no project trips were assumed to use the proposed Alhambra bicycle/pedestrian underpass. Thus, if Union Pacific (as well as the appropriate government agencies) does not grant permission to construct the underpass, the environmental analysis in the Draft EIR will not be affected. Please see Chapter 2 of this Final EIR for changes to Section 4.9 of the Draft EIR to clarify there would be no environmental effects if the underpass were not approved). Please see also Master Response 1 which provides more detail on the timing of this project component.

- 19-11: The commenter asserts that the Draft EIR has not included enough information regarding safety in the bicycle/pedestrian underpass and suggests that allowing vehicle access would address safety concerns.

The Draft EIR evaluates potential impacts of the proposed project, including the two underpasses of the UPRR tracks in Sections 4.4, Hazards and Public Safety, and 4.9, Transportation and Circulation. No potentially significant impacts are associated with the proposed bicycle and pedestrian improvements included in the proposed project.

Moreover, the applicant has committed to the following measures and project features relating to safety associated with these project components provided the tunnel is approved by UP and the appropriate government agencies:

- The underpass (tunnel) has been redesigned from the original plans to add additional width.
- The project applicant has proposed to landscape the Alhambra side of the tunnel in such a way that will prevent cars from driving through but allows maintenance and emergency vehicles and keeps the landscaping directly in front of the tunnel low enough that the tunnel is visible down Alhambra.
- On the project side of the tunnel, the project applicant is limiting the landscaping at A Street so the tunnel is open and visible from the street.
- The homes near the tunnel opening on the project side have been reoriented to bring more eyes on the area. The project applicant is also proposing to

include irrigated turf in the basin area adjacent to the opening on the project side so it is a more actively used area again to bring more eyes on the tunnel.

- The tunnel will have lighting both inside and at both openings.
- The project applicant has proposed to install cameras at both ends of the tunnel.

19-12: The comment requests that a plan to ensure safety of tunnel users be articulated. Please see Response to Comment 19-11 above.

19-13: The commenter questions whether the City arborist has approved plans to plant 2,000 trees throughout the project site and adjacent residential neighborhoods and requests additional information regarding the location of trees to be planted in the adjacent neighborhoods.

The proposed landscaping plan is currently conceptual in nature and includes planting street trees in the parkways between the curb and sidewalk along roadways in the project, on A Street between 28th Street and the A Street Bridge, and on 40th Street between C and A Streets, as well as in parks, common areas, open space areas, the entrance to the Alhambra bicycle/pedestrian tunnel, and along alleys and the Capital City Freeway corridor. Specific locations and species would be determined at the time final landscaping plans are prepared, and would be approved by the City. Adjacent residential neighborhoods refers to street trees that may be installed along roads being constructed within or adjacent to residential neighborhoods, such as 40th Street, A Street west of the A Street Bridge, as well as at the southerly entrance to the proposed Alhambra bicycle/pedestrian tunnel. There is expected to be ample room to plant the proposed number of trees. All project landscaping plans would be prepared by a licensed landscape architect and be subject to review and approval by the City.

The commenter's questions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

19-14: The commenter asserts that the proposed bicycle/pedestrian tunnel should be constructed in the first phase of the project and reiterates its concern that information has not been made available regarding securing permission from Union Pacific to construct the tunnel.

Please see Master Response 1 that addresses the timing of the bicycle/pedestrian tunnel and Response to Comment 19-10 regarding securing permission from Union Pacific as well as the appropriate government agencies for construction of the tunnel.

- 19-15: The commenter expresses an opinion that 28th Street will be unduly burdened by construction traffic and suggests that the traffic management plan require trucks leaving the project from 28th Street use 29th Street to access the freeway and 30th Street to access the project site.

As explained in the Draft EIR Project Description, Chapter 2: “[p]er City requirements, the project applicant is required to prepare a traffic management plan for construction vehicles and equipment that would be reviewed and approved by the City’s Department of Public Works prior to beginning any construction activities. Daily construction round trips would range from approximately 38 to 66 vehicle trips, including construction employees and deliveries. The majority of this traffic would use the 28th Street and the A Street Bridge access until the 40th Street underpass is complete. Once the underpass is complete, approximately half of the trips would access the site from 40th Street. Most of this traffic would be construction workers arriving between 7:00 a.m. and 8:00 a.m., and leaving the site between 4:00 p.m. and 5:00 p.m. Roads used by construction workers accessing the site from A Street would use 28th Street to A Street. The construction traffic accessing the site from 40th Street could access the site from Elvas Avenue and Highway 50 or from C Street and the Capital City Freeway. The specific roads used for construction of the project would be included in the traffic management plan to be reviewed and approved by the City.” (DEIR, p. 2-58.)

The Draft EIR and traffic study analyzed potential traffic impacts associated with construction traffic and determined that the impacts would be less than significant after mitigation. (DEIR, p. 4.9-62.) No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].)

- 19-16: The commenter suggests instituting a ride share for construction employees, and requiring the applicant to secure off-site parking for workers and provide shuttle service to the construction site. The commenter also questions whether construction will take place seven or five days per week.

The Draft EIR and Section 4.9 of the Draft EIR analyzed potential traffic impacts associated with construction traffic and determined that the impacts would be less than significant after mitigation. (DEIR, p. 4.9-62.) Construction will take place as determined by the contractors to meet schedules and as permitted by the City and weather.

- No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].)
- 19-17: Commenter asks again whether there will be some type of fencing or barrier erected to ensure pedestrian safety, and what measures will be taken to ensure driver safety on the Capital City Freeway. See prior Response to Comment 19-9.
- 19-18: The commenter requests additional information regarding proposed improvements adjacent to the at-grade crossing at 28th Street.
- As noted on page 2-63 of the Draft EIR, “[p]otential improvements to the at-grade railroad crossing at 28th Street and B Street includes constructing a sidewalk and a barrier curb at the crossing..” A typical cross-section of the segment of 28th Street between A Street and B Street is shown on the proposed Tentative Subdivision Map for the project. A final design of 28th Street in the vicinity of the at-grade crossing has not yet been prepared. Please see also Master Response 9 that addresses traffic concerns and safety on 28th Street.
- 19-19: Commenter requests additional information regarding plans to improve 28th and B Streets. Please see Response to Comment 19-18, above.
- 19-20: The commenter requests information regarding a monument sign for Sutter’s Landing Park adjacent to the A Street access and its potential to impact vehicle, pedestrian, and bicycle safety.
- As a part of the design and preparation of improvement plans for 28th Street and A Street, the project’s designers and engineers will review and evaluate the location of existing signage and will include provisions for removal and/or relocation to the extent that the City believes that there are any significant safety concerns.
- 19-21: Commenter states that the project applicant should widen 28th Street from A Street to B Street to create separate bike lanes and pedestrian access to address safety concerns.
- The project applicant is proposing to improve 28th Street from A Street to B Street to allow for separated bike lanes and pedestrian access.
- 19-22: The comment requests information relating to safety at Stanford Park at 28th and C Streets and asserts that the fact that sidewalks are not ADA-compliant will further impact pedestrian safety.

The commenter's requests do not raise issues regarding the physical effects on the environment associated with the project and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 19-23: The commenter requests an estimate of the amount of traffic on B Street and asserts that ADA-compliant sidewalks be installed to improve pedestrian safety.

Based on the trip distribution shown in Figures 4-9-7 and 4.9-8 contained in the Draft EIR, the project would add approximately 100 daily trips to B Street. Improvements along B Street have not been identified as part of the project and because the project does not result in any impacts to B Street no mitigation is required.

The project applicant will be required to construct ADA-compliant sidewalks where appropriate, on 28th Street between A Street and B Street. The City of Sacramento has identified that an exemption to ADA may be appropriate where existing conditions warrant.

- 19-24: The commenter questions the "persons per household" estimate of 2.0 for purposes of determining the number of residents in the project.

Please see Master Response 6 regarding the population rate used in the Draft EIR.

- 19-25: Commenter alleges that the Draft EIR fails to describe the current status of the area formerly known as the "28th Street Landfill". The commenter also alleges that Sutter's Landing Park is a community park that someday may become a regional park. Commenter also lists current amenities.

Sutter's Landing Park is currently a regional park and not a community park. The City's website and other City documents refer to it as a regional park, and not a community park (see e.g., [http://www.cityofsacramento.org/parksandrecreation/parks/sites/sutters-landing\\_plan.htm](http://www.cityofsacramento.org/parksandrecreation/parks/sites/sutters-landing_plan.htm)). In the future the 'mound' portion of the landfill is proposed as a passive park with no active amenities. The western portion of the park has been developed with a few active uses, as noted in the comment, including a dog park and skateboard park. The omission of these park amenities in the Draft EIR does not change the significance findings of parks and recreation, which are less than significant.

- 19-26: The commenter alleges that the Draft EIR does not adequately describe the area surrounding the proposed project site and requests that an accurate description of Sutter's Landing Park be included.

As described in the Draft EIR, land uses surrounding the project site include the closed City of Sacramento 28th Street Landfill to the north across Capital City Freeway (the closed landfill site has been designated as a regional park) and Sutter's Landing Regional Park and the River Park neighborhood to the east. Land uses to the south and west include the Cannery Business Park and residential neighborhoods in McKinley Park, East Sacramento, and Midtown. Parcels surrounding the project site are zoned Light Industrial (M-1) and Standard Single Family (R-1) to the south, Community/Neighborhood Commercial and Offices (CNCO) and R-1 to the west, R-1 to the east, and Agriculture-Open Space (A-OS) to the north. Surrounding General Plan land use designations are Parks and Recreation, Employment Center low-rise, Traditional Neighborhood – low, and Urban Corridor Low. (DEIR, pp. 2-1, 2-22.) The omission of details specific to future uses of Sutter's Landing Park do not change the significance findings of the Draft EIR on parks and recreation.

Commenter is referred to the Sutter's Landing Park Master Plan for additional information regarding that project. Please see also Response to Comment 19-25.

19-27: Commenter states the Draft EIR must consider impacts to Sutter's Landing Park.

The Draft EIR considers potential impacts of the proposed project on Sutter's Landing Park and wildlife within the park. (DEIR, pp. 4.2-31 – 4.2-43.) Please see Responses to Comments included in Comment Letter 13, Friends of the River Bank and Comment Letter 23, Friends of Sutter's Landing Park.

19-28: Commenter asserts that the proposed project will cause the loss of 48 acres of Swainson's Hawk foraging habitat and the required mitigation should include provision of habitat closer to the proposed project site than 10 miles away.

Please see Responses to Comments 11-4, 11-6 and 11-7.

19-29: Commenter requests that Mitigation Measure 4.2-1 be revised to require foraging habitat mitigation land within two miles of the proposed project site, require any easements be approved by CDFW, require an endowment and agreement approved by CDFW, and require that mitigation land be located in an area not likely to be surrounded by urban development.

Please see Response to Comment 11-7.

19-30: Commenter requests additional analysis of the impact of noise and vibration from the proposed project on the wildlife at Sutter's Landing Park.

Please see Responses to Comments 11-8 and 11-9 as well as responses to Letter 13 and Letter 23.

- 19-31: The comment requests additional information regarding the applicant's efforts to secure permission from Union Pacific to construct the bicycle/pedestrian access tunnel at Alhambra Boulevard.

Please see Response to Comment 19-10.

- 19-32: Commenter asserts the traffic study should be revised to include data for F and G Streets and the Draft EIR revised to describe the impacts at these intersections and include mitigation.

Please see Master Response 5 that addresses the scope of the traffic analysis.

- 19-33: Commenter asserts that the traffic study should be revised to include intersections west of the Midtown Traffic Calming project area and the Draft EIR revised to include a discussion of impacts and mitigation measures.

Please see Master Response 3 that addresses the scope of the traffic analysis and Master Response 4 that addresses proposed mitigation measures.

- 19-34: The commenter asserts that additional information regarding a vehicle access point at Alhambra Boulevard should have been included to address traffic impacts in Midtown and East Sacramento.

Please see Master Response 1 that addresses the infeasibility of constructing a bridge/roadway underpass at Alhambra.

- 19-35: Commenter states that A Street will provide the only vehicle access to the proposed project and 28th Street will be used by construction workers to access the site.

As stated in Chapter 2 of the Draft EIR, construction traffic would initially use 28th Street and the A Street Bridge to access the project site until the 40th Street underpass is complete (which is slated for the first phase of project construction). Once the underpass is complete, approximately half of the trips would access the site from 40th Street (DEIR, p. 2-58).

- 19-36: Commenter asserts that the Draft EIR should have included a Construction Traffic and Parking Management Plan to allow the public to assess the impacts to 28th Street during construction.

As explained in Chapter 2 of the Draft EIR: “[p]er City requirements, the project applicant is required to prepare a traffic management plan for construction vehicles and equipment that would be reviewed and approved by the City’s Department of Public Works prior to beginning any construction activities. Daily construction round trips would range from approximately 38 to 66 vehicle trips, including construction employees and deliveries. The majority of this traffic would use the 28th Street and the A Street Bridge access until the 40th Street underpass is complete. Once the underpass is complete, approximately half of the trips would access the site from 40th Street. Most of this traffic would be construction workers arriving between 7:00 a.m. and 8:00 a.m., and leaving the site between 4:00 p.m. and 5:00 p.m. Roads used by construction workers accessing the site from A Street would use 28th Street to A Street. The construction traffic accessing the site from 40th Street could access the site from Elvas Avenue and Highway 50 or from C Street and the Capital City Freeway. The specific roads used for construction of the project would be included in the traffic management plan to be reviewed and approved by the City.” (DEIR, p. 2-58.) Mitigation Measure 4.9-5 on page 4.9-62 also requires preparation of a construction traffic and parking management plan to the satisfaction of City Traffic Engineer and subject to review by all affected agencies.

In *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 910, the court found that compliance with the California Building Code standards and other regulatory provisions provided substantial evidence that impacts would be reduced to less than significance. The court held that “when a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, and has committed to mitigating those impacts, the agency may defer precisely how mitigation will be achieved under the identified measures pending further study”. Therefore, published decisions addressing mitigation measures demonstrate that compliance with the City’s requirements, specifically, Section 12.20.020 “Closure of Streets for work – Traffic control plan” in the City’s Municipal Code, complies with CEQA.

- 19-37: Commenter suggests that the traffic management plan should require construction trucks leaving the proposed project site from 28th Street use 29th Street to access the freeway and 30th Street to access the site.

The Draft EIR and traffic study analyzed potential traffic impacts associated with construction traffic and determined that the impacts would be less than significant after mitigation. (DEIR, p. 4.9-62.) Mitigation Measure 4.9-5 on page 4.9-62 also requires preparation of a construction traffic and parking management plan to the satisfaction of City Traffic Engineer and subject to review by all affected agencies.



No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].) The commenter's suggestion is forwarded to the decision makers for their consideration.

- 19-38: Commenter suggests that the applicant should institute a ride share for construction workers to lessen the traffic impacts on neighborhoods and secure off-site parking and a shuttle service to the work site.

Please see Responses to Comments 19-39 and 17-32.

- 19-39: Commenter asserts that the Draft EIR fails to address comments relating to requiring shuttle service to the 29th Street Light Rail Station.

Please see Responses to Comments 19-2 and 19-3 regarding the project site's proximity to existing transit facilities. The Draft EIR concluded that potential impacts related to access to transit are less than significant. (DEIR, p. 4.9-61.) Mitigation is not required for less than significant impacts. (CEQA Guidelines, Section 15126.4, subd. (a)(3).) Thus, the commenter's suggested mitigation is not required to be further analyzed for the project. The comment is forwarded to the decision makers for their consideration. Please see also Letter 8 from Regional Transit.

- 19-40: Commenter asserts that the Draft EIR should include discussion of a shuttle to the 29th Street Light Rail Station and how this might reduce daily car trips to nearby work centers.

Please see Responses to Comments 19-39 and 17-32.

- 19-41: Commenter asserts that the project should be required to include a transit plan to help project residents connect with transit opportunities.

Please see Response to Comment 19-39 above.

- 19-42: Commenter states that Figure 4.9-7 in Section 4.9, Transportation and Circulation, should be revised to make clear the percentage of traffic 28th Street will experience from C Street to H Street.

Based on the trip distribution shown in Figure 4-9-7 contained in the Draft EIR, the proportion of project trips inbound on 28th Street just north of C Street is 52%. Moving south the percentage decreases as trips are entering from adjacent and connecting streets including C, D, and E Streets. As such, there is not a single distribution percentage for the entire length of 28th Street between C and H Street.

Estimates of the daily traffic volumes on individual segments of 28th Street are available in Table 4.9-9. This table shows that the project adds 421 trips to 28th Street between E and H Street and 1,122 trips to 28th Street between C and E Street.

- 19-43: Commenter states that Figure 4.9-7 in Section 4.9, Transportation and Circulation should include a daily car trip count rather than percentages.

Please see Response to Comment 19-42, above.

- 19-44: Commenter states that Figure 4.9-7 in Section 4.9, Transportation and Circulation, does not include any data for westbound traffic into the proposed project site from F and G Streets.

Please see Master Response 5 that addresses the request for additional study locations in Midtown.

- 19-45: Commenter states that Figure 4.9-7 in Section 4.9, Transportation and Circulation, should be revised to include a daily car count, rather than a percentage.

Please see Response to Comment 19-42.

- 19-46: Commenter states that Figure 4.9-8 in Section 4.9, Transportation and Circulation, refers to a 3% increase at 28th and G Streets, but provides no additional information on how that number was calculated, asserting that no intersection study was provided for this intersection. Commenter requests that the figure be revised to include a car count for the number of daily trips at 28th Street.

As stated in Master Response 5, the 3% of project trips that would travel on G Street, shown on Figure 4.9-8, are peak hour trips which will equate to 6 trips in the AM and 4 trips in the PM peak hour. Please see Master Response 5 that addresses the request for additional study locations in Midtown and Response to Comment 19-42.

- 19-47: Commenter states that Figure 4.9-8 refers to a 3% increase at 28th and F Streets but provides no additional information on how that number was calculated, asserting that no intersection study was provided for this intersection. Commenter requests that the figure be revised to include a car count for the number of daily trips at 28th and F Streets.

Please see Master Response 5 that addresses the request for additional study locations in Midtown and Response to Comment 19-42.

- 19-48: Commenter states that Figure 4.9-8 refers to a 3% increase at 28th and G Streets but provides no additional information on how that number was calculated, asserting that

no intersection study was provided for this intersection. Commenter requests that the figure be revised to include a car count for the number of daily trips at this intersection.

Please see Response to Comment 19-46.

- 19-49: Commenter questions the accuracy of the information contained in Table 4.9-8 and the statement that approximately 1,100 cars will use 28th Street (north of E Street). The comment claims this table is confusing.

The introduction to Table 4.9-9 in the Draft EIR (DEIR, p.4.9-51) states that the project will add approximately 1,100 daily trips to 28th Street north of E Street. This value is also reflected in Table 4.9-9, where the project is shown to add 1,122 vehicle trips to 28th Street between C and E Street. The difference in the two values is due to rounding.

The commenter is correct that 52% of project traffic, which equates to 1,824 trips, will utilize 28th Street through the A Street access. As documented on page 4.9-39 of the Draft EIR, the total daily estimate of project-generated vehicle trips is 3,507. Therefore, approximately 1,800 trips will utilize the A Street access on a daily basis (52% of 3,507), and continue south into Midtown. This volume estimate applies to 28th Street north of the at-grade rail crossing. South of the rail crossing, some project traffic uses B Street and a substantial portion of outbound traffic uses C Street to access 29th Street. Further, the reported daily volume of 1,100 for 28th Street between C and E Street is also influenced by project trips using D Street in this section.

- 19-50: Commenter states that Table 4.9-6 does not list existing traffic volumes for the intersection of F and 28th Streets and expresses an opinion that the data in the figure is not easily understood.

This comment likely refers to Figure 4.9-6 and not Table 4.9-6. Please see Master Response 5 for additional study locations in Midtown regarding the F Street/28th Street intersection.

Figure 4.9-6 shows the existing AM and PM peak hour volume of traffic making each turn at five intersections along 28th Street including the cross Streets of I Street, H Street, E Street, D Street, and C Street. Figure 4.9-9 shows how the project increases traffic volumes at the same five intersections. Table 4.9-4 shows the existing daily traffic volume on 28th Street at two locations and Table 4.9-9 shows how the project increases traffic volumes at these same two locations.

- 19-51: Commenter states that the Draft EIR incorrectly designates C Street as a truck route.
- Commenter is correct in noting that C Street from 16th Street to Alhambra Boulevard was de-designated as a truck route by the City in 1999. Page 4.9-16 of the Draft EIR has been edited to reflect this change (see Chapter 2 of this Final EIR). For further discussion regarding truck routes, please see Response to Comment 32-17.
- 19-52: Commenter asserts that the Draft EIR fails to include data regarding employment centers in Midtown and Downtown Sacramento and requests that the analysis be revised to include impacts of westbound traffic from the proposed project site.
- Please see Master Response 5 regarding additional study locations in Midtown.
- 19-53: Commenter requests that Figure 4.9-6 be revised to include existing traffic volumes for the intersection of G and 28th Streets.
- Please see Master Response 5 (Request for Additional Study Locations in Midtown and East Sacramento) regarding the G Street/28th Street intersection and Response to Comment 19-50.
- 19-54: Commenter asserts that the Draft EIR discussion of trip distribution is flawed and the analysis should be revised to include streets adjacent to the half-street closures along 20th Street, as well as the intersections of 28th Street with F and G Streets.
- Please see Master Response 5 regarding additional study locations in Midtown and East Sacramento.
- 19-55: Commenter states that Figure 4.9-9 is inconsistent with Figure 4.9-13 because it reports 1,100 daily trips, rather than 1,800 daily trips referenced elsewhere in the analysis.
- Please see Response to Comment 19-49.
- 19-56: Commenter states that the Tentative Subdivision Map has designated A Street as a “Minor Collector Street” rather than “Local Residential Street”, which is the designation for 28th Street. Commenter requests information on how this change in designation will impact traffic on 28th Street.
- The Draft EIR traffic analysis used ‘local’ as the general plan designation for 28th Street (see Tables 4.9-4 and 4.9-9). No change to the Draft EIR is required.
- 19-57: Commenter questions whether the project will generate additional traffic that has not been reported in the Draft EIR.

The project is not likely to generate traffic volumes that are higher than those reported in the Draft EIR for the following reasons.

- No reduction was taken for potential internal project trips. These would be trips from homes to other homes, the recreation area, or to the retail area that would not travel external to the site.
- Up to 40 granny flats were assumed to generate independent trips. These units may or may not develop as they are only an option available to home buyers and are designed to be used for a variety of other uses.
- The trip rates used in the Draft EIR are based on isolated land uses from other parts of the U.S. and do not reflect higher propensities to use other modes in an urban environment.

19-58: Commenter opines that construction of the Sutter's Landing Parkway will "have a devastating impact" on the northeast corner of Midtown.

The Sutter's Landing Parkway interchange is not a component of the proposed project, but was considered in the cumulative setting. The Draft EIR and traffic study analyzed potential cumulative traffic impacts and determined that the impacts would be less than significant after mitigation. (DEIR, p. 4.9-76.) No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].)

19-59: Commenter opines that the addition of 1,800 cars per day will greatly impact the general "livability" of 28th Street.

"Livability" is not a CEQA term. To the extent livability relates to the potential for the proposed Project to cause significant environmental impacts affecting residents on 28<sup>th</sup> Street and the surrounding Midtown Sacramento area, Chapter 4 of the Draft EIR addresses potential environmental impacts of the proposed project. To the extent "livability" encompasses social or economic considerations separate from these environmental issues, those considerations fall outside the scope of CEQA. (CEQA Guidelines, Section 15131.) Please see Master Response 10 that addresses livability in regards to traffic.

19-60: Commenter suggests that a half-street closure should be constructed at 28th and B Streets, as well as a stop sign to restrict northbound traffic on 28th Street, and improvements to curbs and sidewalks at B Street.

As mitigated the proposed project's transportation and circulation related impacts are less than significant. (DEIR, Section 4.9, Transportation and Circulation.) Therefore, CEQA does not require consideration of additional transportation and circulation mitigation measures or alternative to be included within the Draft EIR. Please see also Master Response 4 that addresses the half street closure at 28th and B Streets and Master Response 10 that addresses livability concerns.

The commenter's questions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 19-61: Commenter opines that a half-street closure at C Street will have an impact on residents of that street and would require additional traffic calming devices.

As mitigated the proposed project's transportation and circulation related impacts are less than significant. (DEIR, Section 4.9, Transportation and Circulation.) Therefore, CEQA does not require consideration of additional transportation and circulation mitigation measures or alternative to be included within the Draft EIR. Please see also Master Response 4 that addresses the half street closure at 28th and B Streets.

The commenter's questions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 19-62: Commenter provides its opinion that generally the neighborhood is more concerned with long term air pollution rather than construction; provides its opinion that the EIR is prepared by pro-project consultants; notes there are many regulatory agencies governing air quality; and notes nitrogen and carbon monoxide are transportation related air pollutants.

The air quality analysis was prepared in accordance with the SMAQMD's *CEQA Guide to Air Quality Assessment in Sacramento County*, including numeric, emissions-based significance thresholds and screening thresholds based on activity levels. The air quality analysis did evaluate carbon monoxide as a transportation-related pollutant by use of a SMAQMD screening threshold. This comment, however, does not raise specific issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

- 19-63: Commenter notes the CARB Air Quality Handbook is advisory and not binding on local land use jurisdictions.

Please see Master Response 7 regarding application of the CARB recommendation for setback from high-traffic roadways. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 19-64: Commenter states the EIR failed to mention the project site is a "bowl" surrounded by the railroad track, freeway and former (closed) landfill; commenter provides its opinion that the "bowl" will trap air pollutants and these topographic features would result in higher levels of pollutants than those modeled in the HRA.

The project's location was properly described in Chapter 2, Project Description of the Draft EIR. The health risk assessment does take into account the topography of the project site. In the air quality dispersion modeling, Digital Elevation Model (DEM) terrain data were input into AERMOD. The DEM data did reflect local topography such as the elevated railroad tracks, which was verified by the air quality analyst. AERMOD accounts for changes in topography and makes the appropriate corrections to wind conditions. Thus, the local topographic features are considered, and higher concentrations than those modeled are not expected.

- 19-65: Commenter cites to the Delta Shores decision (Stone Lakes National Wildlife Refuge Association et al. v. City of Sacramento) regarding the significance threshold for Toxic Air Contaminants, and provides its opinion that the threshold to evaluate the cancer risk to residents of the proposed project should be 10 in one million.

As discussed in Response to Comment 17-18, the Draft EIR did not use the SMAQMD's evaluation criterion as a significance threshold. Please see also Master Response 7 that addresses this concern and Response to Comment 17-20 regarding the suggested 10 in 1 million threshold. The commenter's opinions regarding the Delta Shores project are not supported by any evidence, and do not raise issues regarding the physical effects on the environment and no further response is required.

- 19-66: The commenter notes the construction air quality measures enforced by SMAQMD to minimize dust associated with construction activities.

The mitigation measures to reduce construction dust emissions are based on the guidance and recommendations in SMAQMD's *CEQA Guide to Air Quality Assessment in Sacramento County*. SMAQMD is the local agency responsible for air quality and provides its expertise for assessing air quality impacts. The comment provides no evidence indicating that the identified mitigation measures are not effective.

19-67: Commenter notes the air quality mitigation fee managed by the SMAQMD and appears to speculate that such a fee is inadequate; the commenter also notes the project does not include an Alhambra Boulevard vehicle access.

The construction period mitigation measures included in the Draft EIR reflect the guidance and protocol identified in SMAQMD's *CEQA Guide to Air Quality Assessment in Sacramento County*. SMAQMD is the local agency responsible for air quality and provides its expertise for assessing air quality impacts.

It is noted that the construction period emissions of NO<sub>x</sub> only exceeded the threshold for one month. As discussed on page 4.1-37 of the Draft EIR, during the month of July 2014, without implementation of mitigation measures construction activities would generate 150.04 pounds per day of NO<sub>x</sub>. With implementation of mitigation measures, the NO<sub>x</sub> emissions are reduced to 120.20 pounds per day for this month. This exceeds the construction period NO<sub>x</sub> emission threshold of 85 pounds per day. To compensate for impacts due to NO<sub>x</sub> emissions in excess of this threshold for the month of July 2014, the project would pay a construction period mitigation fee. The mitigation fee is submitted to SMAQMD. As stated on page 4.1-40 of the Draft EIR, "SMAQMD uses the mitigation program fees to purchase emission reductions in the Sacramento region. As described by the SMAQMD (2005), 'the mitigation fee is calculated based on the amount of the emissions over the construction threshold and the cost of reducing equivalent off-site emissions. Mitigation fees are used by SMAQMD to fund cost-effective and quantifiable emission reduction projects, such as replacing older construction equipment engines with newer, lower emission engines.'"

Payment of a mitigation fee is adequate mitigation under CEQA. CEQA Guidelines, Section 15370, defines mitigation as:

- Avoiding the impact altogether by not taking a certain action or parts of an action;
- Minimizing impacts by limiting the degree of magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- Compensating for the impact by replacing or providing substitute resources or environments.



In addition, provided there is a “reasonable plan for mitigation” and contributions are “sufficiently tied to the actual mitigation” of the project’s impacts, a commitment to contribute a fair share to such a program discharges an agency’s mitigation duty under CEQA (*Save Our Peninsula Com. v. Monterey County Bd. of Supervisors* 2001) 87 Cal.App.4th 99, 141); see also CEQA Guidelines, Section 15130, subd. (a)(3) ([recognizing that a project’s contribution to a cumulative impact may be less than cumulatively considerable where “the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact”]) see also *Anderson First Coalition v. City of Anderson*(2005) 130 Cal.App.4th 1173).

See Master Response 1 regarding the infeasibility of constructing a bridge/roadway underpass at Alhambra.

- 19-68: Commenter notes that no mitigation was required for carbon monoxide levels that were found to be below the regulatory limits.

The comment restates information and does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

- 19-69: Commenter notes that the air quality model shows the project’s ROG emissions attributed to project operation “might come very close to the limit” and notes the absence of mitigation.

CEQA Guidelines Section 15126.4(4)(B) states that mitigation measures must be roughly proportional to the impacts of the proposed project. CEQA does not require the EIR to identify mitigation where there are no impacts. Because the project emissions are not expected to exceed 65 pounds per day, no mitigation is required; and mitigation to require a reduction in emissions would not be roughly proportional to the project’s impacts. However, since release of the Draft EIR the project applicant has further refined the project and added 24 multi-family units and slightly reduced the number of single-family residences resulting in an increase of 8 units (please see Chapter 2 of this Final EIR for more project specific information regarding changes to the project). Construction emissions associated with the increase in 8 units would not change the analysis contained in the Draft EIR. However, operational emissions associated with the increase in 8 residential units was remodeled and found to remain below the threshold, as discussed in Response to Comment 18-65.

- 19-70: The commenter disagrees that the project includes measures to support bicycle and pedestrian activity and provides its opinion that the project is automobile-dependent and isolated from retail.

The air quality CalEEMod modeling program, user guide, and other supporting materials provide specific details for considering potential mitigation measures to reduce transportation related air pollutant emissions. With respect to the project's measures to support pedestrian and bicycle activity and use of alternative transportation, the following CalEEMod mitigation measures were applied to the project based on the characteristic described below:

Improve Destination Accessibility – this measure is appropriate when the project site is proximate to a downtown area or other substantial job center. The CalEEMod modeling uses the mileage between the project site and downtown to calculate the effectiveness of this measure. For this project, the site is approximately 3 miles from downtown, which corresponds to a 0.15% reduction in air pollutant emissions associated with vehicle use.

Increase Transit Accessibility – this measure is appropriate when the project site is proximate to a “transit station”. For this project, the site is approximately 1.6 miles from a transit station, which corresponds to a 0.05% reduction in air pollutant emissions associated with vehicle use.

Improve Pedestrian Network – this measure was applied to the project to reflect that the project would construct pedestrian facilities on site and would construct connections between the proposed on-site pedestrian and bicycle facilities and existing off-site pedestrian and bicycle facilities, which corresponds to a 2% reduction in air pollutant emissions associated with vehicle use.

In addition, as noted on page 4.9-58 of the Draft EIR, the project would also provide “a pedestrian/bicycle link across the Capital City Freeway between established East Sacramento neighborhoods and Sutter’s Landing Regional Park via the proposed bicycle/pedestrian undercrossing of the UPRR tracks, if approved by UP and the appropriate government agencies, and the extension of A Street.” This would expand pedestrian and bicycle infrastructure in the project vicinity available to existing residents of East Sacramento neighborhoods.

Please see Response to Comment 18-53 regarding why retail is not feasible for the project given the number of residential units and proximity to nearby neighborhood-serving retail uses and Figures 1 and 2 in Chapter 2 of this Final EIR that illustrate distances to surrounding services and amenities..

19-71: The commenter asserts that the EIR conclusion of less than significant air quality impacts from NO<sub>x</sub> and CO emissions associated with mobile sources is based on the

fact that emissions would disperse over a wide area and that there would be “few” hot spots.

To assess the short-term increase in pollutants associated with project construction activities as well as the long-term increase in pollutants associated with project operation, the authors of the EIR used an industry model (CalEEMod) to model both construction and operation air emissions. The commenter is not correct in its characterization of the reason for which a less than significant conclusion was reached. With respect to NO<sub>x</sub> emissions, as shown in Table 4.1-9 in the Draft EIR, the NO<sub>x</sub> emissions from project operation, including all sources of NO<sub>x</sub>, would remain well below the operational threshold of 65 pounds per day. With respect to hot spots, the analysis on pages 4.1-44 and 4.1-45 demonstrates that the project would not result in any (rather than “few”) hot spots because it “would meet all of the SMAQMD’s CO hotspot second tier screening criteria.” Thus the conclusions that the project’s NO<sub>x</sub> and CO emissions would not result in significant impacts were based on comparing the project’s emissions estimates to established thresholds for each pollutant.

- 19-72: Commenter asserts the Health Risk Assessment (HRA) looks only at cancer risk and does not consider other health risks.

Pease see Master Response 7 regarding noncancer health effects, Letter 27 from Physicians for Social Responsibility, and Response to Comment 19-62 regarding the analysis of criteria air pollutants.

- 19-73: The commenter states that the dispersion modeling did not consider the topographical features in the vicinity of the project site and questions the use of meteorological data from the Sacramento International Airport.

The project’s location was properly described in Chapter 2, Project Description of the Draft EIR as well as in Section 4.1, Air Quality and Climate Change. In addition, the draft health risk assessment was reviewed by the SMAQMD. The staff found no fault with the dispersion modeling, including the use of the meteorological data from the Sacramento International Airport. See also Responses to Comments 18-62 and Comment 19-64.

- 19-74: The commenter raises questions about the decision to model the freeway emission sources as a group of six line sources with each one representing a lane on the Capital City Freeway.

The setup of the modeled line sources on the Capital City Freeway was suggested by Leland Villalvazo, Supervising Planner, of the San Joaquin Valley Air Pollution

Control District. Mr. Villalvazo is often called upon to provide dispersion modeling advice to other air districts and air quality consultants. He serves on the California Air Pollution Control Officers Association (CAPCOA) Planning Managers HRA Subcommittee, which authored CAPCOA's *Health Risk Assessments for Proposed Land Use Projects*. In addition, the draft HRA was reviewed by the SMAQMD. The staff found no fault with the dispersion modeling, including the arrangement of the emission sources.

- 19-75: Commenter asks for justification for “not using a single line source for SR 51 (Capital City Freeway) past the project site.”

The emissions estimates were for all types of diesel trucks, not just heavy-duty trucks that would tend to operate in the two right-most lanes. Thus, an equal distribution of the truck emissions would be reasonable. Also, it should be noted that if this approach were followed, more emissions would be assigned to the two right-most lanes on the westbound side of the freeway, which are farther away from the project site. Lastly, the line sources consist of a series of volume sources. Generally, a more realistic result will occur if many smaller volume sources are used rather than fewer larger volume sources.

- 19-76: Commenter questions the EIR's methodology for determining the number of trains crossing the UPRR tracks near the project site.

As stated in the health risk assessment (HRA, Appendix C and Noise Report, Appendix I) careful consideration was given to the number of trains that should be used in the analysis. Because some of the so-called data sources, such as the Federal Railroad Administration website, use anecdotal data rather than actual counts, the consultants relied on the site-specific data collected by the noise consultant. Rather than using “non-scientific” sampling, the noise consultant collected noise and vibration data from throughout the vicinity of the project site. The collected data was augmented by the train schedules for passenger trains. It should be noted that the HRA was not based on the minimum number of trains identified in the noise report. The HRA was based on 22 freight trains and 8 passenger trains passing the project site on an average day. Furthermore, because the HRA evaluate long-term health effects (e.g., cancer risk due to a 70-year lifetime exposure), daily peaks in train traffic are not relevant to this analysis. See also Responses to Comments 57-1 and 31-55 explaining the methodology for performing the train counts, and explaining the impact remains less than significant even if the number of trains is increased as the commenter suggests.

**Comment Letter 20**

**Terry Reed, 2810 I Street  
 Marshall School/New Era Park Neighborhood  
 Comments regarding Draft Environmental Impact Report for McKinley Village**

- As currently proposed, there will be only two access points to the development. It has been determined that approximately 1800 cars will exit the project at A Street and use Sutter’s Landing Park. This will increase noise, pollution, usage, and other impacts to the Park and the wild life, in addition to affecting the livability for people living on 28<sup>th</sup> street and in the surrounding areas of midtown. 20-1
- A half-street closure at B Street, diverting traffic to B Street and down 29th Street will help relieve some of the traffic for 28th Street and C Street. 20-2
- There are no sidewalks and a steep grade into and leaving the park. This will cause safety issues for park users (pedestrians, bicyclists & skateboarders). Also, the park is not ADA compliant. Stanford Park is not ADA compliant either. 20-3
- There is no study of westbound traffic using F Street and G Street. With over 150,000 jobs downtown, some of the McKinley Village residents will likely work downtown and will use our neighborhood to get downtown. F and G Streets provide the westbound access to the Central City. No traffic studies were performed so there is no real understanding of the impacts. 20-4
- There is no transit access to McKinley Village. 20-5
- There is no commercial development within McKinley Village. 20-6
- Traffic impacts to C Street have not been thoroughly studied. 20-7

**Letter 20: Terry Reed, Marshall School/New ERA Park Neighborhood, No date**

20-1: The comment notes that the increase in vehicles accessing the project site via A Street will increase noise, pollution, and usage on Sutter's Landing Park and will affect the livability for people living on 28th Street and surrounding areas of Midtown.

"Livability" is not a CEQA term. To the extent livability relates to the potential for the proposed project to cause significant environmental impacts affecting residents on 28th Street and the surrounding Midtown Sacramento area, Chapter 4 of the Draft EIR addresses potential environmental impacts of the proposed project. To the extent "livability" encompasses social or economic considerations separate from these environmental issues, those considerations fall outside the scope of CEQA. (CEQA Guidelines, Section 15131.) Please see Master Response 10 that addresses the issue of livability regarding traffic and Master Response 4 that addresses concerns associated with 28th Street traffic.

The commenter states the Draft EIR must consider impacts to Sutter's Landing Park. The Draft EIR considers potential impacts of the proposed project on Sutter's Landing Park and wildlife within the park. (See, e.g., DEIR, pp. 4.2-31 to 4.2-43.) Please see responses to Letters 11 and 23 that address effects of the project on Sutter's Landing Park.

20-2: The comment is requesting a half street closure at B Street to divert traffic.

Please see Master Response 4 that addresses this comment.

20-3: The comment is raising concerns that there are no sidewalks and a steep grade on 28th Street that will create safety issues. Commenter also states that Sutter's Landing Park and Stanford Park are not ADA compliant.

The project does not propose any changes to either Sutter's Landing Park or Stanford Park. The issue of ADA compliance is for the City's Parks Department to address and not this project. No further response is required.

Please see Master Response 4 that addresses safety concerns associated with 28th Street.

20-4: The comment indicates the traffic analysis did not address F and G Streets.

Please see Master Response 5 regarding the scope of the traffic study.

20-5: The comment notes there is no transit access to the project site.

The proposed project does not include any proposed transit stops on site. However, the Sacramento Regional Transit District (RT) provides public transit service in proximity to the project, including three bus routes located in the vicinity of the project site: Route 34, Route 67, and Route 68. All three of these routes have stops located to the south of the project site. The project's 40th Street access connects residents to an approximately one half mile walk to the nearest transit route (Bus Line 34). (DEIR, pp. 2-46, 4.9-19, Figure 4.9-5; see also new Figure 1 (Bike/Walking Distance from 40th and A Streets) in Chapter 2 of this Final EIR.) The pedestrian undercrossing at Alhambra Boulevard, if approved by UPRR and the appropriate government agencies, would provide a direct route slightly over one quarter mile to the existing stop at Alhambra and McKinley Boulevards. (See generally DEIR, p. 4.9-58.) Given the infill nature and location of the project, it is understandable that some residences may be farther than one half mile from the nearest transit stop. The EIR concluded that transit-related effects are less than significant. (DEIR, p. 4.9-61.)

20-6: The comment states the project does not include any commercial development.

The proposed project includes development of a recreation center, which may include up to 2,000 square feet of retail uses. (DEIR, p. 2-49.) Please see also Response to Comment 18-53 that addresses this issue.

20-7: The comment states that traffic impacts to C Street have not been analyzed.

The traffic study included evaluation of C Street/28th Street intersection during peak hours. A comparison of the peak hour traffic volumes contained in Figure 4.9-6 (Existing Conditions) and Figure 4.9-9 (Existing Plus Project Conditions) at this location reveals that implementation of the proposed project would generate an estimated 13 trips during the AM peak hour and 15 trips during the PM peak hour on the segment of C Street located to the west of 28th Street. These values equate to an approximately 4.5% increase in traffic during peak hours. The Draft EIR did not identify any significant impacts to the C Street/28th Street intersection under Existing Plus Project or Cumulative Plus Project conditions. Additionally, the Draft EIR evaluated the daily capacity utilization of the segment of C Street west of 28th Street under all scenarios. Please refer to Tables 4.9-4, 4.9-9, 4.9-14, and 4.9-18 of the Draft EIR.



P.O. Box 160222 Sacramento, CA 95816

January 8, 2014

Ms. Dana Allen, Association Planner  
City of Sacramento, Community Development Department  
300 Richards Blvd., 3<sup>rd</sup> Floor  
Sacramento, CA 05811

Dear Ms. Allen,

The following comments are submitted on behalf of the McKinley East Sacramento Neighborhood Association (MENA) on the Draft Environmental Impact Report (DEIR) for the McKinley Village Project, dated November 12, 2013. Control Number P08-086.

MENA appreciates the opportunity to comment on the DEIR for the above referenced project.

Our comments will focus primarily on Transportation and Drainage.

Regarding Transportation, MENA believes that additional data and analysis is required beyond the boundaries of the current study area. Specifically, we believe that the following road sections within East Sacramento and proximate to the proposed project are needed:

- McKinley Blvd. from Elvas Ave to Alhambra Blvd.
- Elvas Ave. from 40<sup>th</sup> St. to Hwy 50
- 36<sup>th</sup> Street from McKinley Blvd. to H St.
- Santa Ynez from 39<sup>th</sup> St to H St.
- 37<sup>th</sup> St. from McKinley Blvd. to H St.
- 38<sup>th</sup> St. from McKinley Blvd. to H St.
- 39<sup>th</sup> St. from McKinley Blvd. to J Street
- H St. from Carlson to Alhambra Blvd.

21-1



We also believe the following intersections within East Sacramento and potentially impacted by the project must be analyzed:

- 56<sup>th</sup> and H (including traffic light timing) \*
- Alhambra and McKinley
- McKinley Blvd and D St.
- 39<sup>th</sup> and H
- C St. and Alhambra Blvd.
- Elvas Ave. and 56<sup>th</sup> St. \*

\*These intersections will also be potentially impacted by proposed local development projects.

Additionally, MENA believes that the DEIR should explore the potential of increasing the height and width of the proposed bicycle underpass at the south westerly edge of the project (connecting to Alhambra Blvd.) to allow future one-way or two-way ingress and egress by resident vehicles, emergency vehicles, pedestrians and bicyclists. MENA would support a changeable direction or single direction vehicular one lane roadway to help reduce local traffic impacts on the surrounding neighborhoods if it is feasible.

4.9-4 Roadway Capacity:

MENA believes the analysis fails to include Elvas Ave. to 56<sup>th</sup> St., plus the 56<sup>th</sup> and Elvas Ave loop to Highway 50.

4.5-3 Mitigation Measure: On-site Detention Basin

MENA believes the DEIR should explore the potential impacts of the City of Sacramento co-utilizing the proposed detention ponds, water quality ponds and pumping stations which could reduce or eliminate flooding in East Sacramento, north of the elevated U.P. rail lines.

4.9-6 Mitigation Measures: Fair Share Obligation

MENA believes that the Fair Share obligations analysis should be extended to include the 56<sup>th</sup> Street and H intersection.

21-2

21-3

21-4

21-5

21-6

Thank you for the opportunity to present these comments on the McKinley Village DEIR.

Very truly yours,

*Deane Dana BA*

Deane Dana, President  
McKinley East Sacramento Neighborhood Association

*Brian Holloway*

Brian Holloway, Land Use Chair,  
McKinley East Sacramento Neighborhood Association

**Letter 21: Deane Dana, President, McKinley East Sacramento Neighborhood Association (MENA), January 8, 2014**

21-1: The commenter states the Draft EIR should have included additional road sections within the study area for the transportation and circulation impact analysis. Specifically, McKinley Boulevard from Elvas Avenue to Alhambra Boulevard, Elvas Avenue from 40th Street to Highway 50, 36th Street from McKinley Boulevard to H Street, Santa Ynez from 39th Street to H Street, 37th Street from McKinley Boulevard to H Street, 38th Street from McKinley Boulevard to H Street, 39th St. from McKinley Boulevard to J Street, and H Street from Carlson to Alhambra Boulevard.

No information or evidence is provided to support the request for additional study locations. The traffic study included key intersections along many of the roadway segments identified by the commenter. As discussed on page 4.9-38 of the Draft EIR, intersections govern traffic operations in urban environments such as East Sacramento. Further, some of the locations identified in the comment are far from the project and would have little project traffic (see Figures 4.9-7 and 4.9-8 for project trip distribution patterns). Please see also Master Response 5 regarding additional study locations in Midtown and East Sacramento.

21-2: The commenter states the Draft EIR should have included additional intersections within the study area for the transportation and circulation impact analysis. Specifically, 56th Street and H Street (including traffic light timing), Alhambra Boulevard and McKinley Boulevard, McKinley Boulevard and D Street, 39th Street and H Street, C Street and Alhambra Boulevard, and Elvas Avenue and 56th Street.

No information or evidence is provided to support the request for additional study locations. Two of the intersections listed (Alhambra/McKinley and C Street/Alhambra) are included in the Draft EIR analysis. The other intersections are far from the project and would have little to no project traffic (see Figures 4.9-7 and 4.9-8 for project trip distribution patterns).

Please see Master Response 5 regarding additional study locations in Midtown and East Sacramento.

21-3: The commenter recommends that the height and width of the proposed bicycle/pedestrian underpass be expanded to allow for future one-way or two-way ingress or egress by resident vehicles, emergency vehicles, and pedestrians and bicyclists.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

21-4: The commenter states that the transportation and circulation impact analysis should have analyzed potential impacts along the following roadway segments: Elvas Avenue to 56th Street and the 56th Street and Elvas Avenue loop to Highway 50. No information or evidence is provided to support the request for additional study locations. The locations identified by the commenter are far from the project and would have little to no project traffic (see Figures 4.9-7 and 4.9-8 for project trip distribution patterns). Please see Master Response 5 regarding additional study locations in Midtown and East Sacramento.

21-5: The commenter requests the City consider using the detention ponds, water quality ponds and pumping stations included as part of the proposed project to reduce or eliminate flooding in East Sacramento, north of the elevated rail road tracks.

The proposed project does not contemplate use of the detention ponds, water quality ponds or pumping stations to serve areas the nearby East Sacramento neighborhood. As noted on page 2-55 of the Draft EIR, "[t]he project may reserve land within the project site for a separate future City surge tank project (Combined Sewer Detention project) that would require the installation of a regional underground storage tank to accommodate existing City combined sewer/stormwater flows from the CSS in East Sacramento. The land reserved would include land designated for the on-site detention facility given that the detention facility and the surge tank project would be compatible uses. The exact location and timeline of the City's Combined Sewer Detention project is unknown at this time. However, the City will evaluate the environmental effects of this project in a separate environmental document once the City is ready to move forward."

This issue, however, is outside the scope of the Draft EIR for the proposed project. Thus, the comment does not raise an issue regarding the adequacy of the Draft EIR or the information contained in the Draft EIR. The commenter's recommendation will be forwarded for the decision makers for their consideration.

21-6: The commenter suggests that Mitigation Measure 4.9-6 be revised to require the proposed project pay a fair share contribution towards improvements to the 56th Street and H Street intersection.

No information or evidence is provided to support the request. No impacts are projected at this location; therefore, no mitigation is required. No additional analysis or

mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].) Please see Master Response 5 regarding additional study locations within East Sacramento and see also Response to Comment 21-4 for additional information.

Comment Letter 22



PO Box 161677  
Sacramento, CA 95816

January 10, 2014

Ms. Dana Allen, Associate Planner  
Community Development Department  
City of Sacramento  
300 Richards Blvd., 3<sup>rd</sup> Floor  
Sacramento, CA 95811

Re: Comments on the DEIR for McKinley Village

Dear Ms. Allen:

Thank you for this opportunity to make comments on the DEIR for the proposed McKinley Village project.

350 Sacramento is a local grassroots organization working to address the threats of climate change to our community. To do this will require new ways of thinking and creativity. We are proud that the Sacramento area has taken a lead in this effort with the City’s Climate Action Plan and SACOG’s Blueprint for Sustainable Communities.

We have two major concerns about the proposed McKinley Village development, neither of them adequately covered in the DEIR.

The first is the fact that this development is counter to the tenets of Smart Growth. Except for possibly being considered infill (but more likely greenfields since this area is currently habitat for raptors and other wildlife), the development is not multiuse, is not transit friendly, is not high density, and will encourage more car trips and traffic in the midtown area. The bicycle/ped tunnel is not expected to be built until the last phase of the project, if at all. One of only two access points, through Sutter’s Landing Park, includes a railroad crossing that will result in more idling which increases carbon emissions. With 1800 more car trips per day proposed along 28<sup>th</sup> Street there are safety issues that will make it less likely that people will walk or bike. All of these increases in carbon need to be mitigated.

22-1  
22-2  
22-3

Several creative ideas to reduce the carbon footprint of the development have been suggested by the public. These include putting solar on all roofs in the development, building the bike/ped tunnel in the first phase, running a shuttle to cut down on individual car trips, and making the A Street access bike/ped only. We ask that there be a greater commitment to lowering carbon emissions for this development—the goal should be to

22-4

aim for zero emissions. This would not only be good for the climate, but would also add to the value of the project, making it a more desirable place to live.

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Cont.

The other major concern that has not been addressed in the DEIR is the increasing danger to residents from railcars carrying oil from the Bakken Shale and Alberta tar sands to refineries in the Bay Area (*comprehensive reference list available on request*). Bakken oil is highly flammable; tar sands are highly toxic. A railcar carrying Bakken oil blew up in Lac Megantic, Quebec, in July 2013, with a massive fireball that killed 47 people. Just last month in Casselton, North Dakota, a small town had to be evacuated due to an oil train derailment. These fires cannot be put out; they must burn out. The big fire at Richmond Chevron in August 2012 was probably linked to the high sulfuric content of the tar sands they were processing.

We know that there is a large increase in oil traveling by rail over Class A tracks (like those that border the proposed McKinley Village development). The oil refineries in the Bay Area are all trying to expand their rail deliveries and the CA Energy Commission expects the number of rail deliveries to skyrocket in 2014 and beyond.

We also know that the outdated DOT-111 tanker cars carrying the toxic crude are inadequate for the load they're hauling. They are prone to puncture and rupture on impact and the valves are weak and break, releasing volatile gases. The weight is beyond what the tankers and rails were built for, the loads are top-heavy, and the growing numbers of "unit" trains (oil trains with 50–100 cars) make accidents inevitable. Tar sands bitumen is so dense it sinks in water and can't be retrieved—the spill into the Kalamazoo River is still not cleaned up 3 years later. On the other hand, Bakken crude is so flammable that it explodes, causing enormous toxic fires and smoke plumes.

22-5

The proposed McKinley Village site is immediately adjacent to a Class A track that will most likely be carrying these highly dangerous crude oils in ever-increasing numbers of rail cars. The trains go by the site on a curve and one of the two access points (28<sup>th</sup> St) requires cars to go over the rail tracks, increasing the possibility of an accident.

The DEIR downplays any concern about train accidents, without taking this critical information into account. A complete analysis of this issue is necessary to address the increase in flammable toxic rail traffic that is expected to occur and put safety measures and emergency plans in place to protect the residents of the area.

Thank you,



Laurie Litman  
for 350 Sacramento

**Letter 22: Laurie Litman, 350 Sacramento, January 10, 2014**

22-1: The comment expresses a concern that the project is not consistent with the concepts of Smart Growth because the project is not transit friendly, does not include high density or mixed uses, and will encourage more car trips and traffic in Midtown.

Please see Response to Comment 18-48 that describes why the project is considered infill and Responses to Comments 18-32 through 18-48 regarding consistency with City policies that promote Smart Growth.

22-2: The comment is addressing the timing of the bicycle/pedestrian underpass.

Please see Master Response 1 that addresses this issue.

22-3: The comment is concerned that the increase in cars crossing the at-grade rail road tracks at 28th Street will create safety issues for pedestrians and bicyclists.

Please see Master Response 4 that addresses issues regarding 28th Street.

22-4: The commenter is requesting that the project reduce its carbon footprint and suggests including solar, construction of the bicycle/pedestrian tunnel in the first phase, and including a shuttle to reduce the number of car trips. The comment suggests that the project should aim for a zero emissions project.

The Draft EIR evaluated the project's contribution to greenhouse gas emissions and based on the analysis the impact is less than significant (DEIR, p. 4.1-52). The comment relates to issues that are relevant to the planning process for the project, please refer to the staff report. No further response is required.

22-5: The comment expresses concern that the Draft EIR did not analyze public safety associated with the rail cars transporting oil and the potential for an accident to occur.

Union Pacific (UP) does not provide information on the types of material transported via rail. This information is not available to the public; therefore, it is not known what type of oil may be transported on the UP tracks adjacent to the site. However, the Draft EIR evaluated rail safety under Impact 4.4-4 starting on page 4.4-44. As noted in the analysis, "[t]he distance of the residences to the nearest railroad track would range from 90 feet on the west side up to 161 feet on the eastern side of the project site, thereby minimizing the potential for a derailment to reach residences. Furthermore, the tracks curve at the east end of the property site, requiring trains to



slow in this area to between 20 to 25 miles per hour.”<sup>1</sup> The risk of a train derailment with cars containing crude oil or other hazardous materials is considered low based on data provided by the Association of American Railroads that “based on data collected in 2012, only 0.002% of all rail hazardous materials shipments are involved in train accidents (Association of American Railroads 2012).” It is not possible, nor required under CEQA, to evaluate all potential scenarios associated with a potential accident. The Draft EIR identifies the risk associated with placing homes near rail lines as well as an existing freeway based on available data. As discussed on page 4.4-5 of the Draft EIR, the City has plans in place and procedures that would be immediately implemented to ensure effective response, recovery, and mitigation in the event of a railroad or freeway-related hazardous materials emergency. The City has also required as a condition of project approval that the project prepare an evacuation route plan that establishes an exit route from the project site to a designated elevation via a continuous paved surface and provide the evacuation route plan to the residents at the time of purchase; and have required the HOA to review the evacuation route plan at least every 3 years and include any updates or changes to residents with distribution of the annual budget (DEIR, p. 4.4-46).

Throughout the City of Sacramento as well as numerous other communities residences are located near rail lines and are considered compatible uses. Please see Responses to Comments 31-56 and 31-57 and 18-73 and 18-74.

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<sup>1</sup> If an additional track is added to accommodate the Capitol Corridor (DEIR p. 2-64) this track would be located to the north of the existing tracks, closer to the project site. These tracks would be dedicated to Amtrak passenger trains so there would be no increased risks from spills.

## Friends of Sutter's Landing Park

<http://www.sutterslandingpark.org/>

January 10, 2014

Ms. Dana Allen, Associate Planner  
Community Development Department  
City of Sacramento  
300 Richards Blvd., 3<sup>rd</sup> Floor  
Sacramento, CA 95811

Re: Comments regarding the (Revised) - Draft Environmental Impact Report (DEIR) for the McKinley Village Project (P08-086)

Dear Ms. Allen:

Thank you for the opportunity to submit comments on the DEIR for the proposed McKinley Village project. This project would be located adjacent to Sutter's Landing Park, which is used by many for recreation and for enjoying its natural resource values.

Friends of Sutter's Landing Park (FOSL) is a community-based organization of Sacramento area residents with a deep commitment to establishing a nature-oriented regional park at Sutter's Landing. FOSL envisions that Sutter's Landing Park will function as Sacramento's gateway to the American River Parkway. Sutter's Landing Park can provide park amenities to the public while protecting, maintaining, and enhancing the natural resource values there.

To those ends, FOSL worked with the City to be awarded a \$1.5 million dollar grant for Sutter's Landing Park (Park) improvements and, more recently, to appropriately site a solar project proposed by Conergy. Earlier, FOSL worked with the City to avoid placing a solar project on the landfill mound, an area documented to be important foraging habitat, as well as a corridor, for a wide diversity of wildlife including sensitive species.

Sacramento residents made it clear they want the City to prioritize natural parklands when the City surveyed voters. According to the City's own report:

"The top priority (for voters) was large habitat areas for walking and hiking, where interpretive and educational programs can take place...Second priority is to develop parklands and areas along the American Riverbank."  
(2006 public opinion survey commissioned by the City of Sacramento for the City's Parks and Recreation Master Plan)

The City currently has very few parklands that meet these needs along the south side of the American River Parkway. Sutter's Landing provides the only feasible

area along the south side of the river where the City can add parklands that meet the top two priorities expressed by the City's residents.

There is a Master Plan in place for the Park but it is not being followed; instead, there has been a piecemeal approach with disparate projects placed on Park land without a larger vision. FOSL has offered one vision, and wants to work with the City and community members and organizations to revisit the Master Plan and define a larger vision before proceeding with projects that will impact the future potential of this Park.

Friends of Sutter's Landing Park comments on the DEIR for McKinley Village follow:

FOSL requests that the DEIR be recirculated to address issues that were raised during the NOP process in the letter submitted July 8th 2013 and elsewhere in the public record. The DEIR failed to address the already significant impacts on the River and Parkway's natural and recreational resources and public safety from increased use at Sutter's Landing Park in light of the proposed project. The DEIR also failed to analyze the potentially significant cumulative impacts from adjacent/nearby current and future developments already approved and contemplated by the City of Sacramento on the American River and Parkway in regards to, but not limited to public safety and the ability of the Parkway's natural and recreational resources to withstand a potentially significant increase in use.

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23-2

The DEIR for the proposed project has not done an adequate job of identifying existing natural values at Sutter's Landing Park or taking actions to avoid unnecessary impacts to those values. It has not done an adequate job of fully mitigating impacts to the park and its natural resources when avoiding impacts is deemed not possible. As proposed, the McKinley Village project would have significant impacts to Sutter's Landing Park and the parkway. These include both temporary and long-term impacts to sensitive wildlife species, their nesting and foraging habitat, and open space that provides a corridor for their movement throughout the parkway. The enjoyment and recreational values the public receives from these natural resources would also be impacted, which is not adequately mitigated by the proposed project.

23-3

Throughout the DEIR, Sutter's Landing Park is not accurately described or represented. "...the former City of Sacramento 28th Street Landfill to the north across Capital City Freeway (the former landfill site has been designated as a regional park-Sutter's Landing Regional Park..." It is more accurate to identify Sutter's Landing as a park and former landfill, not the reverse which unnecessarily downplays its designation and the long-term vision for it.

23-4

The use of city-owned land on the proposed project parcel for stormwater infrastructure is inappropriate unless those features would be needed for Sutter's Landing Park and/or the existing landfill. Any conversion of this land for project use must be adequately mitigated for in the immediate area. The area in question

23-5

now serves as wildlife habitat, open space, and a corridor connecting the parcel the Sutter's Landing Park.

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Cont.

The rezoning discussion in the DEIR does not include any mention of options to zone the project site for parkland, which could be added to Sutter's Landing Park to provide additional open space, wildlife habitat, and areas for active recreation.

23-6

The "off-site" improvements described for A Street are not adequate and don't include the loss of this area as a wildlife corridor connecting the property with the rest of Sutter's Landing Park. It would also eliminate plans to restore this area for increased wildlife nesting and foraging habitat consistent with the long-term vision for this area of the Park. Mitigation is necessary to fully mitigate for this impact and should be required to return these natural resource values to Sutter's Landing Park.

23-7

The DEIR does not do an adequate job of describing the long-term vision for Sutter's Landing Park, including conserving and restoring sensitive wildlife species habitat. To say the area is "slated for development as a park" is not accurate and is actually misleading. It downplays the need to fully mitigate for impacts to the natural values at Sutter's Landing Park, and limits the options for the long-term vision for the park if the proposed project is approved as currently described. As proposed, the project is not consistent with the SACOG Blueprint and would actually be a development into "greenfields," as Sutter's Landing Park and the American River Parkway provide a richer biodiversity by conserving natural resources in sensitive areas.

23-8

Project alternative analysis should include an option to rezone the property as an addition to Sutter's Landing Park directly adjacent to it, and enhance the habitat conservation and restoration values. Such an alternative would clearly be preferred from an environmental standpoint and would not require any mitigation. These lands could serve as mitigation for other proposed projects in the area and for previous impacts as well. There are opportunities to secure public funds as grants for such a purpose. The proposed project, as described, most certainly is not environmentally superior when alternative zoning is considered as should be done.

23-9

Local wildlife observations made at Sutter's Landing Park and on the project area and vicinity have not been included or adequately addressed. This information is available but was not requested or referred to in the DEIR.

23-10

The DEIR includes an analysis of suitable foraging habitat within 10 miles of the project site. This analysis does not take into consideration that there are documented multiple Swainson's hawk and White-tailed kite nests in the immediate area. The American River Parkway, including Sutter's Landing Park and the project area, provide valuable foraging and nesting opportunities. The area functions as a viable wildlife corridor important to mobile species such as

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these raptors as well as others. The analysis provided in the DEIR is flawed. The fact that there is limited suitable foraging habitat within 5 miles of the project site actually increases the value of what is present including at the project site. Further reduction of such habitat, as would result from the proposed project, threatens the continued nesting of raptor species in this area and along the parkway.

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23-11  
Cont.

The long-term vision for Sutter's Landing Park includes preserving and restoring habitat and natural resource values. Restoration and enhancement could be done in such a way to increase the values provided for wildlife at the project site and surrounding area. Maintaining the existing values is an important and necessary step to implement this vision. The DEIR does not discuss this vision or any options to help implement it.

23-12

The DEIR estimates the project would impact approximately 50 acres of foraging habitat on and off site for sensitive raptor species. This is a significant impact to Sutter's Landing Park and the American River Parkway. Potential significant impacts are also identified for other sensitive species. Proposed off-site mitigation would not be adequate or fully mitigate for impacts to these species. These impacts would also occur to Sutter's Landing Park and within the parkway. Mitigation for such impacts must occur so that these areas are not impacted and include restoration and enhancement at each location. There are options to improve habitat conditions by relocation of existing structures on Sutter's Landing Park, as well as securing and restoring habitat on lands immediately adjacent to the park. This also fits with the long-term vision for Sutter's Landing Park and the parkway. Any off-site mitigation should be secondary and used to buffer the impacts in the park and parkway from increased recreation and disturbance from those residing at the project site. Long-term monitoring and oversight will be necessary to ensure the success of mitigation at the park.

23-13

The DEIR indicates that the heavily disturbed nature of the project site makes it unlikely that the project would contribute to a cumulative impact to common wildlife species. This does not take into consideration that McKinley Village residents would likely increase recreation and disturbance activities at Sutter's Landing Park and the parkway. The EIR needs to address increased human activities in adjacent high-value wildlife areas, including direct and indirect impacts and reduction of available habitat which would affect nesting success, among other things. This includes pets kept by McKinley Village residents or released as feral animals—cat, dogs, etc. that kill wildlife—which will add to the threats facing wildlife along the Parkway. Human disturbances are increasing already due to the popularity of accessing the parkway via Sutter's Landing Park. The proposed project would be expected to increase such activities.

23-14

The DEIR indicates that a roadway extending east from the intersection of 28th and A Street is "contemplated in the 2030 General Plan as part of the Sutter's Landing Parkway Interchange, and in the Sutter's Landing Park Master Plan.

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Public meetings on this subject have included statements from elected officials that this interchange is no longer likely and will be dropped from the General Plan. Likewise, the master plan for Sutter's Landing Park is out of date and needs revision before further development proceeds. Previous identification of a road across the landfill is not consistent with the current vision for enhancing natural resource values there. An update to the master plan is needed before it is assumed that a road across the landfill is appropriate for the park.

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23-15

City-owned land at the southwestern edge of the proposed project has been identified as the site for possible storm detention. This land was identified previously as associated with Sutter's Landing Park, which it is directly connected with. These lands also have the potential to be enhanced as part of the restoration of the park in the future. Any loss of these lands is a lost opportunity and impacts the future of the park. In earlier public meetings it was stated by City staff that these City lands would serve to handle drainage for the proposed project. Questions were raised by the public about how decisions were made regarding these city lands. Now the DEIR states that this would be a separate project and that the proposed development would handle all drainage on site. The potential use of City lands for storm detention still appears to be linked to the proposed project and these lands would be impacted from constructing such infrastructure there. These impacts must be considered in the DEIR. To do otherwise is segmenting the project and not considering all potential environmental impacts associated with it.

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23-16

The DEIR doesn't discuss impacts to Sutter's Landing Park public services and recreation although comments and questions were submitted on this subject during the NOP. On page 4.7-11 the statement regarding Sutter's Landing Park ("Sutter's Landing Regional Park, consisting of 163 acres, is located directly northwest of the site across the Capital City Freeway") is inaccurate or poorly written. It is unclear. In addition, the DEIR fails to address the comments presented in FOSL's letter in response to the NOP (July 8, 2013) requesting analysis of the cumulative impacts of the proposed project on Sutter's Landing Park.

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23-17

The DEIR discussion on potential impacts to parks emphasizes new activities resulting from development. What about direct and indirect impacts to existing park values? Passive recreation activities, including wildlife viewing, photography, enjoyment of nature and related activities, would be impacted by the project as proposed. There is no discussion of the loss of existing habitat/open space that provides value to Sutter's Landing Park. A Street construction and drainage features on the City-owned portion of the project parcel would result in losses to the park and parkway and must be mitigated on-site and in advance.

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The proposed project currently includes dedication of 2.4 acres of parkland which

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is less than currently required by the City. The use of fee payment to the City, unless increased and used specifically for Sutter's Landing Park, is not adequate. This is not fully mitigating for impacts to existing park values let alone for the new demands that would be put on them due to the project.

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Cont.

The DEIR does not discuss the need to update the existing master plan for Sutter's Landing Park and factor the new impacts from the proposed project into it.

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23-20

The DEIR states that the public would not have access to the portion of Sutter's Landing Park immediately north of the freeway (the mound) until after 2027. The public can and often does view these areas of the park now including passive wildlife viewing, open space and other recreation values. Many of us view these areas daily and enjoy seeing wildlife and the open space around the park.

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23-21

The project as proposed is expected to generate 1880 cars exiting A Street through Sutter's Landing Park daily. This would pose safety issues for park users; the park is not now ADA compliant. The steep grade leaving the park on 28<sup>th</sup> Street compounds this problem. The DEIR does not adequately address these safety issues.

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23-22

Sutter's Landing Park supports an incredible diversity of wildlife species. Documentation of this diversity can be found on the Friends of the River Banks website. This information includes records made at and adjacent to the proposed project site. A recent example of the interest in viewing wildlife at this location can be seen on this record of the FORB annual New Years Day 2014 event which included observations of a peregrine falcon and coyote as well as other species. Both peregrines and coyotes are known to make use of the area around the park including the proposed project area. The Sutter's Landing Park area is included in the annual American River Natural History Association wildlife count and often records species little seen in other parts of the parkway. The diversity of habitats present on the Park, adjacent parkway, and other open space such as the McKinley Village project site all contribute to the rich wildlife observed. Any impacts to the existing habitat and open space must be fully mitigated within this same area to preserve wildlife diversity and sensitive species.

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23-23

Sutter's Landing Park is a work in progress. There are many challenges to achieving the world-class "Gateway to the American River Parkway" that has been envisioned. The area is precious. Putting an a new road and considerable new traffic right in the middle of the Park is counter to the goals of a public park. It will preclude any habitat restoration of that area of the landfill and cause secondary impacts to the Park over all. The DEIR does not include adequate or on-site mitigation for these impacts to the Park.

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FOSL also recognizes the importance of sustainable residential infill projects. We believe that appropriately located and designed residential infill projects can be compatible additions to the area if they are non-disruptive of the Park's wildlife,

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habitat, and aesthetic values, and the revenues generated go to Park enhancements and operations. However, the current McKinley Village development proposal does not meet these requirements and, while residential developments can be sited in many places, we cannot easily create new river habitat or large acreage of parklands.

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23-25  
Cont.

We respectfully request the City to include the following conditions of approving this proposed project:

- Avoid all unnecessary impacts to Sutter's Landing Park, which includes the proposed A Street access across the landfill inside the Park. Require the proposed project include traffic/circulation solutions that do not impact 28th Street, the only roadway into the Park. 23-26
- Any direct or indirect impacts to Sutter's Landing Park must be fully mitigated to restore and enhance natural values. This can include relocation of the existing infrastructure (skateboard park and corp yard) or by adding additional adjacent lands with adequate funding to restore and enhance, and monitor the natural resource values. 23-27
- The loss of foraging habitat for sensitive species on the project site also impacts those wildlife species and natural resource values at Sutter's Landing Park. Mitigation for these impacts must benefit the Park, not off-site locations. 23-28
- The loss of open space/habitat on the project site would impact the mobility of wildlife species at the Park and American River Parkway. Mitigation for impacting this corridor must directly benefit the park and parkway, not off-site locations. 23-29
- An additional alternative must be evaluated in the EIR that would not develop the site and would rezone these lands as open space, recreation, and parklands. This analysis would include potential City financial support as well as governmental and other grant sources for this purpose. 23-30
- Recirculate the DEIR to address issues that were raised during the NOP process in the letter submitted July 8th 2013 and elsewhere in the public record. 23-31

- Thank you for the opportunity to comment on the DEIR for the proposed McKinley Village Project.

Sincerely,  
*Lori Ward*

Lori Ward, for Friends of Sutter's Landing Park



**Letter 23: Lori Ward, Friends of Sutter's Landing Park, January 10, 2014**

23-1: The commenter requests that the Draft EIR be recirculated to address issues raised during the NOP comment period and to address existing impacts on natural and recreational and public safety along American River the American River Parkway due to increased usage of project residents.

The project site is physically separated from the American River Parkway by the Capital City Freeway and an existing residential neighborhood to the east. There is no evidence to suggest that the American River or the American River Parkway will receive a substantial increase in visitation as a result of build-out of the project site. In addition, the Parkway receives visitors throughout the greater Sacramento area and it is unlikely that any disturbances to wildlife and other natural resources or recreational amenities along the Parkway nearest the project site can be attributed to residents living at the project site. Under CEQA, a project is not required to mitigate an existing impact, but rather is required to mitigate for new impacts created as a result of the project or the project's cumulative contribution to an existing cumulative impact, if there is evidence that the project's contribution is considerable. The Draft EIR did not identify any significant cumulative impacts to existing park resources. Please see Response to Comment 13-8.

23-2: The commenter states that the Draft EIR fails to analyze the potentially significant cumulative impacts from adjacent existing and future approved projects on the American River and the American River Parkway on natural, recreational, and public safety, and suggests the project must mitigate for impacts to public enjoyment of natural resources.

Public enjoyment of nature is not evaluated as a potential impact per CEQA impact because it would not be considered a change to the existing physical condition; therefore, no mitigation is required. Please see Response to Comment 23-1.

23-3: The commenter states her opinion that the Draft EIR has not done an adequate job of identifying existing natural values at Sutter's Landing Park and avoiding impacting these resources. The commenter continues on and states the project would have significant temporary and long-term impacts on sensitive wildlife species and nesting and foraging habitat in the Park and the American River Parkway.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Please see also Responses to Comments 11-9, 13-1, 14-3, and 33-1.

- 23-4: The commenter states her opinion that Sutter's Landing Park should be represented as a "Park and former (closed) landfill" which provides a more accurate representation.

For the purposes of the Draft EIR the closed 28th Street Landfill and Sutter's Landing Park are adequately represented. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 23-5: The commenter states her opinion that the use of city-owned land for stormwater infrastructure is inappropriate unless it is needed for the Sutter's Landing Park or the closed landfill and that this land serves as "habitat, open space and a corridor that connects the land to Sutter's Landing Park."

The parcels proposed for the project's detention basins include an area located in the southwest corner of the site on land partially owned by the City and the project applicant. The commenter does not provide any evidence to justify her statement that this land must be used for the Park (and in fact, this City-owned land is not a part of the Park) or the landfill so it is not clear what is meant by this statement. Regarding connection of this land to the Park, the project site is essentially bounded on three sides by development, by the Union Pacific Railroad tracks on the south, and by the Capital City Freeway to the north. Thus, ground-based wildlife moving between the project site and Sutter's Landing Park to the north would have to cross Capital City Freeway (or use the A Street Bridge) to access these open space areas. Consequently, the project site does not serve as a movement corridor to, or within, the Park. See also Response to Comment 11-5 with respect to potential impacts on wildlife movement.

- 23-6: The commenter states that the rezoning discussion in the Draft EIR does not include any mention of options to rezone the site for park or open space uses.

The Draft EIR is analyzing the environmental effects associated with a project application requesting approval to develop the site with a residential project. The City has not received an application to rezone the project site for park or open space uses; therefore, these land uses are not evaluated in the Draft EIR.

- 23-7: The comment states that the off-site improvements described for A Street are inadequate because it does not include the loss of this area as a wildlife corridor and requests mitigation.

Section 4.2 of the Draft EIR, Biological Resources, evaluates potential impacts of extending A Street from 28th Street to the A Street Bridge through a small portion of

the closed landfill on special-status raptors and other species (e.g., Swainson's hawk, Cooper's hawk, white-tailed kite, and purple martin). The loss of this acreage for foraging habitat has been accounted for in mitigation that requires the replacement of 51.5 acres of land, see Mitigation Measure 4.2-1(a) (b) of the Draft EIR. See also Responses to Comments 11-5 and 11-7 and changes to the Draft EIR text in Chapter 2 of this Final EIR.

- 23-8: The commenter states her opinion that the Draft EIR does not do an adequate job of describing the long term vision of Sutter's Landing Park and that the Draft is misleading because it references the closed landfill as being slated for development as a park. The commenter also states the project is not consistent with SACOG's Blueprint.

This park is not within or adjacent to the proposed project development site, but potential impacts of extending A Street from 28th Street to the A Street Bridge on special-status raptors and other species (e.g., Swainson's hawk, Cooper's hawk, white-tailed kite, and purple martin) were discussed in individual species accounts in the Draft EIR. These impacts were included as project impacts in the recommended Mitigation Measure 4.2-1(a) (b) of the Draft EIR. See also Response to Comment 11-6. See also Master Response 8 regarding consistency with plan goals and policies generally.

Please see Responses to Comments 31-31 and 31-168 and 19-2 regarding consistency with concepts contained in the SACOG Blueprint.

- 23-9: The commenter states the project alternatives should have included an option of a project alternative as a park.

The City's 2030 General Plan does not envision this site would be developed as a park, in part, due to the proximity to Sutter's Landing Park north of the freeway. Please see Response to Comment 26-9 regarding the requirement under CEQA to provide a reasonable range of project alternatives to a proposed project.

- 23-10: The commenter states that local wildlife observations of Sutter's Landing Park have not been included or adequately addressed in the Draft EIR.

Section 4.2 of the Draft EIR and the Biological Assessment (DEIR, Appendix D) provide information on flora and fauna present on the project site and in the area based on direct observations as well as published reports. Observations of wildlife in the vicinity of the A Street extension are included in Section 4.2 of the Draft EIR. Please see also Responses to Comments 33-14 and 33-15.

- 23-11: The comment states the Draft EIR does not include an analysis of suitable foraging habitat within 10 miles of the project site and does not take into account the presence of Swainson's hawk nest sites in the area. The commenter claims the analysis in the Draft EIR is flawed.

Please refer to Figure 4.2-4 of the Draft EIR for a depiction of the foraging habitat within 1, 3, 5, and 10 miles of the project site. As can be seen from this figure, while some foraging habitat does occur within 5 miles of the site, the vast majority of available foraging habitat lies much further to the west. In addition, no land within 5 miles of the project site would be feasible to purchase for foraging habitat because it is land within a more developed, urbanized environment slated for development. Please refer to Response to Comment 11-4 with respect to the 10-mile foraging habitat assessment.

- 23-12: The commenter states the long-term vision of Sutter's Landing Park includes preserving and restoring habitat and that the Draft EIR does not discuss this vision.

The project site is not within the Sutter's Landing Park Master Plan area and will not impede the ability of the City to realize the long-term vision of the Park.

- 23-13: The commenter notes the project will impact approximately 50 acres of foraging habitat and states this is a significant impact to Sutter's Landing Park and the American River Parkway.

The project does not result in a significant impact on either Sutter's Landing Park or the American River Parkway. Please see Responses to Comments 11-3 and 11-4, and Responses to Comments 33-15 and 33-17, with respect to impacts on Swainson's hawk foraging habitat. See Response 11-5 with respect to the location and value of proposed mitigation for the loss of Swainson's hawk foraging habitat.

- 23-14: The commenter states that the Draft EIR needs to address increased activity and human disturbance on adjacent wildlife habitat including impacts associated with future residents' pets.

Please see Response to Comment 23-1 and 13-3.

- 23-15: The comment notes that the Draft EIR indicates the future Sutter's Landing Parkway and interchange project is included in the City's General Plan, but at public meetings elected officials have indicated this project is unlikely to happen.

The Draft EIR included analysis of this planned roadway because it is a project included in the City's 2030 General Plan and in the SACMET regional travel demand model.

- 23-16: The commenter is referring to city-owned land located adjacent to the southwestern portion of the project site and references that this land was previously associated as part of Sutter's Landing Park. The comment also notes that use of this land for detention is linked to the project and potential impacts associated with this land needs to be evaluated.

There are two city-owned parcels (APN#'s 003-0061-011 and 001-0170-013) adjacent to the southwest boundary of the project site that were incorrectly shown on Exhibit 4 in the 2008 Sutter's Landing Background Report. These two parcels, while owned by the City are not part of Sutter's Landing Park. Please see also Responses to Comments 14-9 and 23-5.

- 23-17: The commenter indicates the Draft EIR does not discuss impacts to Sutter's Landing Park in public services and recreation and indicates the information contained in the Draft EIR is inaccurate and unclear. In addition, the commenter asserts the Draft EIR fails to address cumulative impacts on the Park.

The Draft EIR includes a general description of parks on pages 4.7-11 and 4.7-12. No specific park, including McKinley Park or East Portal Park, is specifically identified and described. Rather, the existing parks discussion is more general to provide the reader with an overview of parks in the area. Impact 4.7-4 evaluates the project's impact on existing parks and recreational amenities and provides information of proposed park facilities and compliance with the City's Municipal Code regarding adequate provision of parkland. Please see Responses to Comments 13-1, 13-8 and 14-15 regarding cumulative impacts.

- 23-18: The commenter states that the Draft EIR did not analyze the project's impact on passive recreation and there is no discussion of the loss of habitat and that provides value to Sutter's Landing Park and construction of A Street would result in losses to the Park and American River Parkway.

The portion of the closed landfill referred to as the 'mound' area is fenced with no public access permitted. Therefore, there is no expectation that project residents will

have access to this area while the landfill is still closed (10+ years). When the restrictions are lifted the “mound” portion of the landfill is planned to be redeveloped as a passive park with no active uses. There is no evidence to suggest that Sutter’s Landing Park will receive a substantial increase in visitation as a result of build-out of the project site. In addition, the Parkway receives visitors from throughout the greater Sacramento area and it is unlikely that any disturbances to passive recreational activities would be attributed to residents living at the project site. In addition, neither the City nor the CEQA Guidelines include a standard or threshold to evaluate potential impacts to passive recreational activities.

Construction of off-site infrastructure including the extension of A Street were evaluated in the proper sections of the EIR. Please see Responses to Comments 33-15 and 33-17, with respect to impacts on Swainson’s hawk foraging habitat. See Response 11-5 with respect to the location and value of proposed mitigation for the loss of Swainson’s hawk foraging habitat.

23-19: The commenter states that use of in-lieu fees to offset park land is inadequate for mitigation.

Please see Responses to Comments 14-2 and 14-5.

23-20: The comment states that the Draft EIR does not discuss the need to update the Sutter’s Landing Master Plan and factor new impacts from the project in the plan.

The Draft EIR does not need to evaluate a plan that is not yet approved and, in addition, the project does not result in significant impacts to Sutter’s Landing Park. As noted in the Draft EIR on page 2-64 (see footnote 1) the master plan for Sutter’s Landing Park will not need to be updated due to the extension of A Street.

23-21: The commenter states that while the Draft EIR notes the public does not have access to the “mound” portion of Sutter’s Landing Park, the Draft EIR does not acknowledge that many people have visual access to the mound area.

This portion of the Park is fenced and closed to public access according to the City’s Recycling and Solid Waste Division and anyone accessing this area is trespassing. Because this portion of the park is closed to the public and will be for the net 10+ years, it is not feasible to evaluate views of the project site from this location. Therefore, the Draft EIR does not include an analysis of views from the Park.

- 23-22: The commenter states the project will generate 1,800 cars via A Street and this would pose safety issues due to the steep grade on 28th Street.

As shown in the trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 41, 43), 52% of trips generated by the proposed project are projected to use the A Street access point, located at the western end of the proposed project. As documented on page 4.9-39, the total daily estimate of project-generated vehicle trips is 3,507. Therefore, approximately 1,800 trips will utilize the A Street access on a daily basis (52% of 3,507), and continue south into Midtown. The impact of the project on transportation, including impacts on bicyclists and pedestrians, has been analyzed and documented in Section 4.9 of the Draft EIR.

Please see Master Response 4 regarding safety issues along 28th Street.

- 23-23: The commenter states that Sutter's Landing Park contains a diversity of species and any impacts to this existing habitat need to be fully mitigated.

The diversity of wildlife species at the Park is noted. Please refer to Responses to Comments 33-23 and 33-24 and Response to Comment 11-5 with respect to potential impacts on Sutter's Landing Park as a result of development of the project site.

- 23-24: The comment indicates Sutter's Landing Park is "precious" and putting a road and traffic in the middle of the park is counter to the goals of the Park and will preclude habitat restoration in the Park and the Draft EIR does not adequately address these impacts.

Please see Responses to Comments 11-8 through 11-10.

- 23-25: The commenter states her opinion and indicates support of infill projects providing there are no impacts to wildlife and aesthetic values and any project revenues go to support parks. The commenter also states that the project does not meet her requirements.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 23-26: The comment requests that all unnecessary impacts to Sutter's Landing Park be avoided which includes the extension of A Street, and also requests the project provide traffic solutions that do not impact 28th Street.

The project does not result in significant impacts to Sutter's Landing Park. The comment does not raise issues regarding the adequacy of the Draft EIR or information

contained in the Draft EIR. No further response is required. Please see also Master Response 4 that evaluates the proposed half street closure on 28th Street.

- 23-27: The commenter states any direct and indirect impacts to Sutter's Landing Park need to be mitigated and provides recommendations for mitigation.

The project does not result in significant impacts to Sutter's Landing Park that require mitigation.

- 23-28: The commenter states the loss of foraging habitat will also impact Sutter's Landing Park and mitigation needs to benefit the Park.

Please see Responses to Comments 11-9, 13-1, 14-3, and 33-1.

- 23-29: The commenter states the loss of the project site would impact mobility of wildlife species and mitigation provided.

Please see Response to Comment 23-7.

- 23-30: The commenter states her opinion that another alternative be included that would evaluate the site as a future park or open space.

Please see Responses to Comments 23-6 and 23-9.

- 23-31: The commenter requests that the Draft EIR be recirculated to address issues that were raised during the NOP process.

Issues raised during the NOP process are generally all addressed in the Draft EIR to the extent reasonably feasible and in compliance with the requirements of CEQA. Recirculation is only required if new significant information is added to the EIR that deprives the public of the opportunity to comment on a substantial adverse environmental effect of the project (CQA Section 15088.5). The Draft EIR adequately evaluated impacts associated with construction and operation of the project. Please see Response to Comment 11-14.



Comment Letter 24

January 10, 2014

To: Dana Allen, Associate Planner  
City of Sacramento, Community Development Dept.  
300 Richards Blvd., 3rd Floor  
Sacramento, CA 95811

Ms. Allen,

Boulevard Park Neighborhood strongly opposes the McKinley Village project for the following reasons:

24-1

- 1. Two access points in and out of the project does not qualify as "adequate" per the DEIR.
- 2. Emergency services will have to use the 40<sup>th</sup> street access when the train is stopped at 28<sup>th</sup> street. This increases the time for the emergency responders to attend a crisis. Is adding an extra ten minutes to emergency services response time acceptable to the City of Sacramento? Has the switching yard at 28<sup>th</sup> street, with the trains stopping for different lengths of time been taken into account and counted in the time for emergency response teams?

24-2

24-3

24-4

Respectfully,  
Suzie Johnston  
Boulevard Park Neighborhood Association

**Letter 24: Suzie Johnston, Boulevard Park, January 10, 2014**

24-1: The comment states Boulevard Park's opposition to the project. The commenter's opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

24-2: The comment states that two access points is not adequate.

The California Fire Code (Section 503.1.2.1) requires that two fire apparatus access roads be provided for every facility, building, subdivision, or development containing 40 or more residential units. It is a State fire code requirement to provide two vehicle access points for this type of a project. The project complies with the California Fire Code.

24-3: The comment indicates that in an emergency if 28th Street is blocked due to a train emergency responders will need to access the site via 40th Street which will increase response time.

The Draft EIR addresses trains blocking vehicles at the at-grade railroad crossing on 28th Street under Impact 4.4-5 on page 4.4-47. Impact 4.4-4 addresses emergency response concerns and the Draft EIR specifically states: "...the project would prepare an evacuation route plan that establishes an exit route from the project site and will provide the evacuation route plan to residents at the time of home purchase. To avoid any potential delays or backups at the 28th/B Street crossing in an emergency, it is anticipated the evacuation plan for the project would use the 40th Street access in addition to the A Street access. In addition, in the event trains are blocking 28th Street in the event of an emergency, City staff would coordinate with UPRR to clear the area." In addition, "[t]he HOA would also review the evacuation route plan referenced above at least every 3 years and provide any updates or changes to residents with distribution of the annual budget." (DEIR, p. 4.4-47.) Lastly, the City's Police and Fire Departments have been working with City staff and the project applicant on the project and have not expressed any concerns regarding access in the event of an emergency. Concerns regarding emergency access have been adequately addressed in the EIR by the City and the project applicant and procedures and requirements are in place to minimize any delay in response time in the event of an emergency.

24-4: The comment asks if the EIR accounted for the switching yard at 28th Street where trains stop for different lengths of time and may affect emergency response teams.

Please see Master Response 9 that addresses trains at the at-grade crossing at 28th Street and see also Response to Comment 24-3.

Comment Letter 25

**From:** Paul Noble <noblep5@comcast.net>  
**Sent:** Friday, January 10, 2014 2:26 PM  
**To:** Dana Allen  
**Cc:** Deane Dana; Brian Holloway; Megan Norris (RCI)  
**Subject:** McKinley Village Draft Environmental Impact Report

Hello Dana,

The Board of Directors of the East Sacramento Improvement Association would like to submit the following comments concerning the DEIR for the McKinley Village project:

(1) The DEIR is not sufficiently clear about the effect on traffic of the project plus the possible closure of the E Street onramp. A clear analysis of how local traffic in the neighborhood would be affected should be included in the DEIR (i. e., on Alhambra Boulevard, the J Street on ramp, and other neighborhood streets). The possible impact on local air quality should also be evaluated.

25-1

(2) We request City staff to evaluate the feasibility of the following additional traffic mitigation measures:

- a. Install stop signs on all four corners of 35<sup>th</sup> Street and McKinley Boulevard.
- b. Install protected left turn lights on Alhambra at H Street for both northbound and southbound traffic.
- c. Re-stripe 30<sup>th</sup> Street between E Street and C Street to allow for two-way traffic.
- d. Re-time traffic lights at 29<sup>th</sup> & E and 30<sup>th</sup> & E to maintain safe queue lengths on the E Street off-ramp from Business 80.

25-2

Thank you for giving us the opportunity to comment.

Paul Noble, President  
 East Sacramento Improvement Association

**Letter 25: Paul Noble, President, East Sacramento Improvement Association,  
January 10, 2014**

25-1: The commenter states that “the Draft EIR is not sufficiently clear” regarding the combined effect of the proposed project and the proposed closure of the E Street on-ramp to the Capital City Freeway (Business 80).

As documented on page 4.9-63 of the Draft EIR, the cumulative analyses account for the proposed closure of the E Street northbound on-ramp to the Capital City Freeway (Business 80). Please refer to pages 4.9-73 through 4.9-92 for the analyses pertaining to the Cumulative Plus Project scenario, which evaluates the cumulative effects of both the closure of the E Street on-ramp and the proposed project, in addition to other planned infrastructure projects and land development projects in the area.

25-2: The commenter requests that the City evaluate the feasibility of the following four additional mitigation measures:

- Installation of all-way stop control at the McKinley Boulevard/35th Street intersection.
- Installation of protected left-turn signal phasing in the northbound and southbound directions at the H Street/Alhambra Boulevard intersection.
- Conversion of 30th Street between C Street and E Street from one-way to two-way operation.
- Re-time traffic signals at the E Street/29th Street and E Street/30th Street intersections.

As documented in Section 4.9 of the Draft EIR, implementation of the proposed project would not result in significant impacts to the McKinley Boulevard/35th Street intersection, per the City’s impact significance criteria. Therefore, mitigation measures are not identified at this location. Please refer to Tables 4.9-10 and 4.9-20 of the Draft EIR.

As shown in these tables, the implementation of the proposed project does result in significant impacts to the H Street/Alhambra Boulevard intersection under both the Existing Plus Project and Cumulative Plus Project scenarios. However, the identified mitigation measures that reduce this impact to a less-than-significant level do not include the installation of protected left-turn phasing on the northbound and southbound approaches of Alhambra Boulevard.

As documented in Section 4.9 of the Draft EIR, the conversion of 30th Street to two-way operation between D Street and E Street is assumed to occur as part of the proposed E Street On-Ramp Closure project (DEIR, p. 4.9-63), and is included in the cumulative analyses in the Draft EIR. In addition, implementation of the proposed project would not result in significant impacts to the E Street/29th Street and E Street/30th Street intersections, per the City's impact significance criteria. Therefore, mitigation measures are not identified at this location. Please refer to Tables 4.9-10 and 4.9-20 of the Draft EIR.



Neighbors United  
for Smart Growth

DEIR Comments

January 10, 2014

Dana Allen, Associate Planner  
City of Sacramento, Community Development Department  
Environmental Planning Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811  
dallen@cityofsacramento.org

Dear Ms. Allen,

Neighbors United for Smart Growth (NUSG) was established in spring 2013 to serve as a unifying voice for residents of East Sacramento and Midtown concerned about the negative consequences on our quality of life, traffic levels and schools brought on by the McKinley Village project. Our ultimate goal is to ensure that new development does not destroy or detract from the character, safety and livability of East Sacramento and Midtown.

We appreciate the project proponent's attempt to create in-fill development in close proximity to employment centers in Sacramento but we have remaining concerns related to the lack of connectivity to mass transit opportunities and the ability of the project design to reduce car travel produced by the number of homes proposed, or, at the least, better connect ingress/egress of the project site with major arterials already existing within the surrounding road system. This additional vehicle traffic will have a negative effect on the existing east Sacramento and mid-town Sacramento neighborhoods.

Although the DEIR has done an adequate environmental analysis of the project for several resource topics, we believe the DEIR is inadequate in several aspects and will need to be corrected and analysis added. It is likely that, with these fixes, the DEIR will be required to be recirculated for additional public and agency review prior to being certified and used by the City for project approval. Attached please find NUSG's comments on the draft environmental impact report (DEIR).

NUSG Steering Committee Members

Rob Finley  
Matt Johnson  
Angie Pappas  
Steve Swindel  
Ken Bogdan  
Tina Cerruti  
Chuck Czajkowski



Neighbors United  
for Smart Growth

DEIR Comments  
Chapter 1 Introduction and Scope

January 10, 2014

Project Background: The DEIR implies that the only history regarding the background for the project site starts in 2008. However, land uses on the site have a long history and should be discussed. In addition, there have been several proposals prior to 2008 to develop the site some of which included CEQA analysis – these too should be described to give the reader and decision maker an understanding about the prior land uses and also the prior difficulties in developing at this particular location.

26-1

Use of Previously Prepared Environmental Documentation: The DEIR lists several documents that are relied on. However it appears that the subsequent sections of the DEIR do not sufficiently summarize the incorporated parts of these referenced documents nor does it adequately describe the relationship between the referenced document and the EIR (as required by CEQA Guidelines Section 15150). In addition there is no reference to previous CEQA documents or other environmental analysis that the City within its administrative record for previous proposals for development at the project site.

26-2

Scope of the Draft EIR

Support for resource issues not analyzed: The DEIR implicitly eliminates the need to do any analysis on technical areas related to agricultural resources, geology and soils, and mineral resources. Apparently, this conclusion is “based on review of the project and comments received”. There does not appear to be any further discussion as to why the proposed project does not have the potential to cause a significant impact on these resources. There is no reference to an initial study to document the rationale for eliminating these technical areas from further study. For example, with an understanding of the prior land uses (which should have been identified in the project background), this area had been used for agricultural production and it certainly can be argued that there could be an impact to agricultural resources as a result of the project.

26-3

Compliance with SB 375: although there is no mention of this in the introduction and presentation of the scope of the DEIR, in the land use chapter, the DEIR states that because the proposed project is “consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the SCS” it is “not required to discuss growth inducing impacts, or any project specific or cumulative impacts from cars and light-duty truck trips on global warming, or on the regional transportation network” pursuant to the provisions of Public Resources Code Section 21159.28. However, as described in our comments below, the DEIR does not identify how or if the project has incorporated “the mitigation measures required by an applicable prior environmental document” as required by this section of CEQA. Therefore, the scope of the analysis and related significance determinations (and, if applicable, discussion of alternatives and mitigation) that were not included in the DEIR (the DEIR states that they were included only for “the purposes of full disclosure”) should be included.

26-4

26-5





Neighbors United  
for Smart Growth

DEIR Comments

January 10, 2014

Additional Resource Impact needed to be included in the DEIR: An additional issue that does not appear to be analyzed in the DEIR relates to CEQA’s mandatory findings of significance: *whether the project has the potential to substantially degrade the quality of the environment.* The neighboring east Sacramento and midtown Sacramento neighborhoods are unique in their appearance and character and there is no mention in the DEIR about the potential impacts the proposed project would have on the quality of the environment within these unique neighborhoods. Both from an aesthetic aspect as well as the neighborhood “livability” related to the character of the two neighborhoods, with special emphasis on the “walkability” and “bike-ability”, there is the potential that the proposed project could cause impacts from construction and the additional vehicle traffic.

26-6

CEQA defines the environment as both natural and man-made conditions. Notwithstanding the impact to the cultural resource/historic nature, aesthetics, and public safety aspects of the two neighborhoods (mentioned separately below), there is an impact perspective that is currently absent from the DEIR: the scope of the DEIR should include assessment of impacts of the quality of the environment related to the man-made environment. This concept is much more than an economic or social effect, it relates to how a resident in the existing neighborhoods would be adversely affected by the project because of the negative affect to the current quality of the environment (this may include enjoyment of a certain ability to walk, run, or bike the city streets; to allow children to play in the front yard or travel without safety fears to school or parks; and to enjoy a level of contentment within the surrounding residential streets).

26-7

The environmental setting related to the neighborhood quality of the environment will be negatively affected by the proposed project and is not analyzed within the scope of the DEIR. Although the anticipated level of traffic produced by the proposed project would likely be greater than what is currently projected on the neighborhood streets, even at current projections the traffic anticipated would create the potential for a significant impact to the quality of the environment for the East Sacramento and mid-town Sacramento neighborhoods. Ironically, the traffic analysis of the DEIR focuses only on how the driver’s experience (both within cars produced by the project as well as existing drivers) would be negatively affected by the cars produced by the project. The DEIR never looks outside the exterior of the cars, at the surrounding environment, to address how the cars produced by the project would adversely affect the neighborhood resident’s environment as the cars pass through these narrow local streets. The DEIR’s analysis merely limits the traffic impact to the designated “level of service” for city streets and misses an important impact parameter related to the environment outside the vehicle. At a minimum, the substantial effect to the quality of the environment in the neighborhood should be used as an additional threshold of significance to assess the traffic impacts because “level of service” does not adequately represent a threshold of significance for these types of neighborhoods within East Sacramento and mid-town Sacramento.

26-8



Neighbors United  
for Smart Growth

DEIR Comments

January 10, 2014

Alternatives: the DEIR currently does not sufficiently evaluate a reasonable range of alternatives that would meet most of the project objectives and would avoid or substantially reduce the potentially significant impacts of the proposed project. There are significant impacts of the proposed project to the East Sacramento and mid-town Sacramento neighborhoods and alternative project proposals with alternative access at Alhambra and/or Lannatt have not been sufficiently evaluated. There is evidence on the record that these options are potentially feasible and if implemented would avoid or minimize the potential for significant effects. In addition, it should be noted that Alternative 4 appears to be self-serving as a “straw man alternative” that makes the proposed project look better and does nothing to truly achieve CEQA’s directive to look at alternatives that address the potentially significant impacts of the proposed project.

26-9

26-10

Chapter 2 Project Description

Figure 2-2 Project Location appears to carve out the A Street over pass as being outside the project location but is within the project description. This figure (and many others throughout the DEIR) gives the misleading impression that the A Street overpass and access road improvements to 28<sup>th</sup> Street are outside the scope of the proposed project.

26-11

Project background: This section does not mention previous land uses, including agriculture.

26-12

Project Objectives: The project proponent lists “provide adequate access points for vehicular traffic” as an objective for the proposed project; as discussed in the traffic comments, the DEIR does currently contain sufficient information to support that the proposed project meets this objective.

26-13

Site Access Overview: The DEIR states that the 40<sup>th</sup> Street access is the preferred design compared to the Alhambra and Lanatt access points. However sufficient investigation into these access points has not been adequately supported by the current record. Other than the description included pps 2-46 through 2-49 there appears to be no engineering or other technical analysis to support the conclusion that this option is infeasible (there are no references to personal communications with UP or other experts, no technical reports cited, nor any information in the appendices). If the evaluation of these different access points was submitted by the project proponent, the City must perform an independent analysis to determine feasibility of these alternatives. In a cursory investigation performed by NUSG into options for developing a roadway underpass at Alhambra (see Tina Cerruti comment letter; additional information was submitted by NUSG to City planning staff on December 23, 2013), there are alternative methods of construction that could greatly minimize costs. Also, the discussion regarding the Lanatt Street access point does not present any information as to why the current location for the underpass could not be used but, instead of coming straight out to Elvas/C Street, cut north east at a diagonal to connect to Lanatt Street (feeding into a roadway improvement at the intersection with Elvas consistent with previous project designs). In relation to alternatives to avoid or minimize potentially

26-14

26-15



Neighbors United  
for Smart Growth

DEIR Comments January 10, 2014  
significant impacts of the proposed project, these two access points may in fact be more appropriate and should be analyzed in greater detail by the lead agency.

↑ 26-15  
Cont.

Chapter 3 Land Use Planning and Population

The DEIR states on page 3-1 that “Changes in population (and housing) in and of themselves are generally characterized as social and economic effects and are not considered physical effects on the environment.” The DEIR provides no citation to CEQA or the CEQA Guidelines to support this assertion. Changes in population and housing have impacts on the physical environment (through possible construction of more housing, demolition of housing, more people taxing existing or requiring new public services, etc.) and it is not clear as to the reasoning of the DEIR as to why it states that this is not the case (other than it lumping these impacts with economic or social effects).

26-16

The DEIR states that “The project is anticipated to generate a total population of 656 new residents at build-out, based on the City’s rate of 2.0 persons per household”. The DEIR gives no citation to where the City defines this rate and how it supports this conclusion. On its face, it appears to be inaccurate: this type of residential development with this amount of single family housing, in this type of neighborhood, would seem to generate more families beyond 2 per household. This is especially true when other sections of the document assume a certain number of children attending various neighborhood schools.

26-17

Metropolitan Transportation Plan/Sustainable Communities Strategy: the DEIR identifies that the project “is consistent with the assumptions for this site contained in the MTP/SCS” and therefore is eligible for the streamlining provisions within CEQA Section 21159.28. However, this section of CEQA requires that in order for the project to be eligible for the streamlining provisions it must incorporate “the mitigation measures required by an applicable prior environmental document.” The DEIR does not appear to identify these particular mitigation measures that have been incorporated into the proposed project. Therefore, as currently presented, the project would be ineligible for these streamlining provisions. SACOG’s letter merely concurs with the City’s conclusion that the proposed project is consistent with the MTP/SCS. This does not equate to a statement that the project is eligible for the streamlining provisions under Section 21159.28.

26-18

The DEIR states that because it meets the requirements of Section 21159.28, it is “not required to discuss growth inducing impacts, or any project specific or cumulative impacts from cars and light-duty truck trips on global warming, or on the regional transportation network”. The DEIR adds that, per Section 21159.28, “an EIR prepared for a residential or mixed-use project that qualifies for the streamlining provisions is not required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project as part of its alternatives analysis”. However, because the record does not appear to support the conclusion that it is

26-19



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 eligible for these streamlining provisions, the DEIR should be revised to either identify how the project has in fact complied with all the requirements of 21159.28 through identification of the incorporated “mitigation measures required by an applicable prior environmental document” or include analysis, related significance determinations, and appropriate discussion of alternatives and mitigation for those resource impacts that were not originally included in the DEIR (the DEIR states that they were included only for “the purposes of full disclosure”).

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26-19  
Cont.

Consistency with plans and policies: the DEIR does not appear to address the compatibility issues that go beyond merely locating a residential development at the project site. The City’s associated land use planning documents identify general health and welfare goals that appear to be inconsistent with having a new development direct a substantial portion of additional traffic within existing narrow city streets such as those within the East Sacramento and mid-town Sacramento neighborhoods.

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26-20

Chapter 4

Scope: as discussed previously, several resource topics and impact parameters are missing from the DEIR. In addition, we have the following comments on several resource topics:

Air Quality – the DEIR repeats the unsupported conclusions related to the proposed project’s eligibility for Section 21159.28’s streamlining provisions and should be revised consistent with previous comments.

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26-21

The DEIR analysis under Toxic Air Contaminants makes the statement that “impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of required CEQA review” and states the analysis is provided “for informational purposes”. The DEIR provides no citation to CEQA or to the CEQA Guidelines to support this conclusion (because none exist). The DEIR does provide citation to a court case that is suspect by many CEQA practitioners and is certainly not controlling for the City of Sacramento (opinion from a different appellate district). The DEIR should be revised to include an actual analysis of the significance of this impact and appropriate discussion of alternatives and mitigation. The DEIR should at a minimum discuss this issue in public safety: because the “baseline” for this issue is existing people (future residents of the proposed project) who have not been exposed to toxic air contaminants (and other hazardous conditions), and the impact of the project is the exposure of these people to a hazardous environment. Although several other sections of the DEIR repeat the “Ballona Wetlands case approach” of ignoring these important health and safety impacts that the project may cause, other sections follow the CEQA Guidelines Initial Study approach of including an impact analysis of a project that proposes to bring people to hazardous or unsafe conditions (also, apparently the California legislature agrees that impacts of exposing the people to a hazardous environment can be within the scope

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26-22  
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of CEQA because it directed the Resources Agency in 2012 (see SB 1241) to amend Appendix G of the CEQA Guidelines to include questions related to fire hazard impacts for projects located SRAs and very high fire hazard severity zones).

26-22  
Cont.

Air Quality Cumulative Impacts – it appears that the DEIR concludes that the same air impact that is less than significant for project impacts could never be a considerable contribution to a cumulative air impact, no matter how bad the existing environment is or many other reasonably foreseeable projects will also contribute to the problem. This approach does not appear to be consistent with CEQA, the CEQA Guidelines, or CEQA caselaw. A cumulative impact can result from individually minor but collectively significant projects taking place over time. This area is in non-attainment (i.e., existing significant impact) and the DEIR references SMAQD “guidance” as the support for concluding that as long as the impact is under the threshold for project specific air impacts it is not cumulatively considerable for cumulative impact analysis purposes, even if there are numerous projects occurring that all contribute to exasperate an existing significant impact. Just because SMAQD apparently has guidance on this does not mean the City should abandon its independent authority to assess whether this is appropriate for CEQA analysis. On its face, it appears the project in fact would create a considerable contribution to cumulatively significant air quality impacts and, because this is a non-attainment area, this impact would appear to be significant and unavoidable. The DEIR should be revised to include this analysis and appropriate discussion of alternatives and mitigation.

26-23

Cultural Resources – The DEIR description of the environmental setting for the proposed project does not include the surrounding East Sacramento and mid-town Sacramento neighborhoods which contain both significant historic structures and districts. The DEIR should be revised to include presentation of these resources within the environmental setting and the DEIR should include an analysis of how the project could adversely affect these resources through the addition of a substantial number of cars through the neighborhood.

26-24

Hazards and Public Safety – as discussed previously, the DEIR should be revised to include an analysis of the significance of project impacts (and as appropriate discussion of alternatives and mitigation) to public health and safety from locating residents within a hazardous area that will expose them to not only toxic air contaminants but other potentially hazardous conditions identified in this chapter.

26-25

The DEIR should include an analysis of the project’s potential impact (through increased vehicle traffic) to the public safety of residents in the existing East Sacramento and mid-town Sacramento neighborhoods (especially related to “safe routes to school” - for children walking or biking to school at Theodore Judah elementary school and to Sutter Middle School).

26-26



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Public Services and Recreation – NUSG looks forward to working with the project proponent and City to ensure impacts to Theodore Judah Elementary School and Sutter Middle School are completely addressed.

The DEIR does not appear to analyze the impacts of the proposed traffic mitigation measure (light at 33<sup>rd</sup> and McKinley) on current use of McKinley Park. McKinley Park is one of the best used parks for runners and joggers in the greater Sacramento area. The traffic light would in effect cut off an important running path, as the connection of the main park with the “panhandle” creates a complete one-mile loop; with installation of a traffic light at this intersection, runners would be interrupted, through waiting a traffic signal, and would be negatively affected by the mitigation measure.

26-27

Transportation and Circulation – Because the DEIR does not currently support the project’s eligibility for Section 21159.28 streamlining, the impact analysis must include analysis of projects impacts on passenger vehicle greenhouse gas emissions and to the regional transportation network. The impacts to the “regional transportation network” - existing and proposed transportation system improvements – includes assessment of the significance of impacts to the state transportation system (i.e., Capital City Freeway) and appropriate alternatives and mitigation.

26-28

Traffic Study Area: There does not appear to be an explanation of why the H Street intersections east of Alhambra (beyond H/Alhambra and H/28th) were not studied as a part of the traffic impact analysis. Also, there does not appear to be an explanation of why the connecting intersections from McKinley Boulevard heading south to meet H Street were not studied as part of the traffic analysis. It appears that these additional road segments will receive an increase in traffic due to the current configuration of the primary entrance of the project at 40th Street and the location of Sutter Middle School as well as primary commercial/retail businesses.

26-29

The traffic modeling does not appear to account for the current enrollment at Theodore Judah as the school saw an influx of over 40 students in September of 2013 to accommodate the Washington School closure.

26-30

The traffic study assumptions related to traffic flow output from the proposed project (e.g., over half the trips projected to occur through the A Street entrance) is not supported by substantial evidence. Not only does it appear that the DEIR failed to identify the preparers of this analysis, it is not reasonable to assume such a high number with the current street closures for train crossings as well as UP’s projected increase in train trips. In addition, access to schools, grocery and other retail, post office, and most public services is more logical through the 40<sup>th</sup> Street entrance.

26-31



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The traffic study and impact analysis does not appear to take into account the unique nature of the East Sacramento and mid-town Sacramento neighborhoods, including the fact that the narrow width of many roads in conjunction with street parking (and minimal use of garage parking) and leaf piles in fall months create one-lane roads for many of the neighborhood streets, especially for C Street west of 33<sup>rd</sup> Street.

26-32

As stated previously, the impacts of installation of a traffic light at McKinley Boulevard/33<sup>rd</sup> Street intersection have not been disclosed. This includes impacts to the current recreation users at McKinley Park (especially runners/joggers) as well as impacts to 33<sup>rd</sup> Street residences.

26-33

Urban Design and Visual Resources – The DEIR summarizes several important General Plan Policies that control design for new projects. These same important design goals should also be used to determine whether the proposed project could cause impacts to urban design and visual resources within the existing environment. The DEIR does not have any information as to whether the proposed project’s increase of vehicular traffic within the East Sacramento and mid-town Sacramento neighborhoods would adversely affect the scenic quality of the existing environment within these neighborhoods.

26-34

The City directs that projects promote community design that produces a “distinctive, high-quality built environment whose forms and character reflect Sacramento’s unique historic, environmental, and architectural context, and create memorable places that enrich community life” and that projects “maintain and protect significant visual resources and aesthetics that define Sacramento.” Implicit in this is that new development should not negatively affect the *existing* distinctive, high-quality environment – however, the DEIR fails to analyze how additional car traffic from the proposed project within the existing neighborhoods could adversely affect the form and character of these neighborhoods. The DEIR should analyze whether the proposed project would impact the “unique historic, environmental, and architectural context” of the existing neighborhoods. The DEIR needs to analyze whether the project would adversely affect the existing neighborhoods making them less “desirable and memorable” (including impacts to “walkable blocks, distinctive parks and open spaces, and tree-lined streets”).

26-35

Chapter 5 Alternatives

As stated previously, the DEIR does not sufficiently evaluate a reasonable range of alternatives that would meet most of the project objectives and would avoid or substantially reduce the potentially significant impacts of the proposed project. There are significant impacts of the proposed project to the East Sacramento and mid-town Sacramento neighborhoods and alternative project proposals with alternative access at Alhambra and/or Lannatt have not been sufficiently evaluated. There is evidence

26-36



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on the record that these options are potentially feasible (e.g., using a different method of construction instead of a “shoofly”) and if implemented would avoid or minimize the potential for significant effects. In addition, it should be noted that Alternative 4 appears to be self-serving as a “straw man alternative” that makes the proposed project look better and does nothing to achieve CEQA’s directive to look at alternatives that address the potentially significant impacts of the proposed project.

26-37

Chapter 6 CEQA Considerations

Because the DEIR does not currently support the project’s eligibility for Section 21159.28 streamlining, the impact analysis must include analysis of the project impacts related to growth inducement. This includes an assessment of the significance of impacts related to growth induced by the proposed project and, if applicable, appropriate alternatives and mitigation. The proposed project could remove obstacles to “growth” related to development of the bikeway/trail access along the American River as well as build-out of Sutter’s Landing Park and possible development northwest of Sutter’s Landing Park. At a minimum, the DEIR should assess the foreseeability of this and other growth and whether impacts associated with this development are significant triggering the need for consideration of alternatives and mitigation.

26-38

Chapter 8 EIR Preparation

The DEIR does not identify the preparers of the recreation and transportation and circulation chapters. Although this DEIR chapter does not identify the preparers of any of the technical appendices, the preparers of these documents is apparent for most of the appendices, based on the appendix cover page. However, the Air Quality Model Outputs Appendix has no identification of the preparers. The Traffic Model Output Data Appendix has several pages with the name “Fehr & Peers” in the footer but it is not apparent that this company prepared this entire appendix.

26-39



**Letter 26: Rob Finley, Neighbors United for Smart Growth, January 10, 2014**

26-1: Commenter states that the history of the project site and the project proposals for the site prior to 2008 should be discussed in the Draft EIR.

The Draft EIR discusses the history of the site as well as projects proposed on the site prior to 2008. For example, Chapter 2 of the Draft EIR states that development has been proposed for this site dating back to the late 1980s when a mixed-use project, known as “Centrage,” proposed development which included an office building complex of approximately 1 million square feet (sf) with two office towers of 15 stories, residential apartments containing 1,000 units, commercial uses, and a 20-story hotel. (DEIR, p. 2-7.) The historical discussion included in the Draft EIR complies with the requirements of CEQA. Specifically, the CEQA Guidelines state that the project description in an EIR should not supply extensive detail beyond that needed for evaluation and review of a project’s environmental impacts. (CEQA Guidelines, Section 15124.)

26-2: Commenter asserts that the Draft EIR fails to adequately summarize, or discuss the relationship of, documents incorporated by reference into the Draft EIR.

The manner in which the Draft EIR incorporates relevant documents is fully consistent with the requirements of CEQA. The Draft EIR states that the EIR relies in part on data, environmental evaluation, mitigation measures, and other components of EIRs and plans prepared by the City for areas within the project vicinity. (DEIR, p. 1-2.) Documents containing content incorporated by reference into the Draft EIR include the City’s 2030 General Plan, the 2030 General Plan Master EIR, the City of Sacramento Zoning Code, the Sacramento City Code, the MTP/SCS prepared by SACOG, and the Program EIR for the MTP/SCS.

The chapters of the Draft EIR that incorporate materials from these documents adequately identify, summarize and discuss the documents. For example, where applicable the Draft EIR incorporates and discusses the City’s 2030 General Plan, the City’s Zoning Code, City Code, and SACOG’s MTP/SCS within the discussion of the regulatory context in which the project is proposed. (See, e.g., DEIR, pp. 3-3, 3-4, 3-13 – 3-20 [Chapter 3, Land Use, Planning and Population].) Similarly, where the Draft EIR incorporates environmental discussion from the 2030 General Plan Master EIR or the MTP/SCS Program EIR, the Draft EIR identifies the information being incorporated and why it is relevant. For example, in analyzing potential cultural resource impacts of the proposed Project the Draft EIR cites to the 2030 General

Plan Master EIR and explains that the Master EIR does not indicate that the project site is sensitive for archaeological resources. (DEIR, p. 4.3-4.)

- 26-3: Commenter asserts that the Draft EIR excludes an analysis of agricultural resource, geology and soil, and mineral resource impacts without justifying the decision to do so. Commenter also asserts that it could be argued that the proposed project will impact agricultural resources.

The Draft EIR explains why agricultural resource, forestry resource, and geology, soil, and mineral resource impacts are less than significant in the Executive Summary. (See DEIR, pp. ES-7 – ES-9.)

The Draft EIR includes substantial evidence supporting the conclusion that agricultural impacts are less than significant. Specifically, the project site is located within the East Sacramento Community Plan Area and is currently designated Planned Development (PD) in the City's 2030 General Plan and zoned Heavy Industrial (M-2). (DEIR, p. 2-2.) Furthermore, the proposed project is not designated as prime, unique, or statewide important farmland. (DEIR, pp. ES-7 – ES-8.) While the site is listed as Farmland of Local Importance based on its historical agricultural use, at the time the Notice of Preparation was issued (and for many years prior thereto) the site was not used for agricultural purposes.

Moreover, the proposed project is located within the Policy Area covered by the City's 2030 General Plan. (See 2030 General Plan Master EIR, Figure 3-6.) The 2030 General Plan Master EIR evaluated whether loss of agricultural land within its Policy Area has the potential to result in a significant impact. (2030 General Plan Master EIR, pp. 6.2-13 – 6.2-14, 6.2-17 – 6.2-18.) The 2030 General Plan Master EIR explains:

“As an urban jurisdiction, the City of Sacramento intends to develop all land within the Policy Area.... Although the city still contains agricultural land or land designated as Important Farmland, much of this land within the Policy Area has been designated and zoned for development and in many instances has been entitled for future development, in part to limit the conversion of agricultural lands outside of the city limits. There are no large scale active agricultural operations within most of the Policy Area because it is presently not viable due to adjacent development with surrounding parcels developed with urban uses, all of which limit agricultural activities. For example, aerial pesticide spraying and use of agricultural equipment on public roads in urban areas creates a situation where urban development place pressure on agricultural activities to limit or cease operations.

The City has not adopted a right-to-farm ordinance, which is common in more rural cities and counties, because Sacramento is an urban city where active agricultural operations would conflict with urban development. By keeping development within established growth areas the City is helping to limit urban sprawl into other agricultural regions, thereby helping to minimize or reduce impacts on agricultural resources and operations in more agriculturally productive areas. Infrastructure already exists or is planned for the areas within the city, signaling the intention for urban growth within the Policy Area. The City is focusing new growth within the Policy Area away from agricultural areas outside the city. The city's contribution to the state's inventory of Important Farmland is insubstantial. Because projected growth would be focused within the Policy Area and not on surrounding agricultural areas outside the city - the remaining agricultural land within the Policy Area is not considered viable or suitable for large scale agricultural operations and therefore, the impact on agricultural resources and operations would be less than significant." (2030 General Plan Master EIR, pp. 6.2-13 – 6.2-14.)

Within the cumulative context, the 2030 General Plan Master EIR reiterates:

"While goals and policies included in the Environmental Resources section of the proposed 2030 General Plan encourage the continued productivity and preservation of existing local agricultural lands and operations to protect future food security, this analysis assumes the entire Policy Area would be developed with urban uses by 2030. Therefore, implementation of the 2030 General Plan would result in the conversion of approximately 3,987 acres of Important Farmland to non-agricultural uses.

Implementation of the 2030 General Plan would focus future growth within the Policy Area while maintaining policies to protect the conversion of farmland outside of the Policy Area. Although existing farmland within the Policy Area would be removed from agricultural use, future development would be restricted to areas inside the Policy Area, therefore not contributing to the decline of agricultural resources within the county. Because the 2030 General Plan would not contribute to the decline of agricultural resources in the county, the project's contribution would not be considerable. Therefore, the impact would be a less-than-significant cumulative impact." (2030 General Plan Master EIR, pp. 6.2-17 – 6.2-18.)

Therefore, the conclusion in the Draft EIR that the proposed project will result in less than significant agricultural impacts is consistent with the conclusion reached in the

2030 General Plan Master EIR. In consideration of the fact that the site is not (and has not for many years been) used for agricultural purposes, is zoned for heavy industrial uses, is contemplated for urban development within the City's 2030 General Plan, the Sacramento Region Blueprint, and SACOG's MTP/SCS, and is considered an in-fill development site due to its proximity to surrounding urban uses, substantial evidence supports the conclusion that the proposed project will not result in any potentially significant agricultural impacts. Please see also Response to Comment 18-48 that addresses the City's definition of infill.

- 26-4: Commenter states that Chapter 1 (Introduction and Scope of the Draft EIR) fails to disclose that the proposed project is eligible for Public Resources Code (PRC) Section 21159.28 streamlining.

The Draft EIR includes a discussion of PRC Section 21159.28 within the Land Use, Planning and Population Chapter of the EIR. (DEIR, pp. 3-13.) During project-level environmental review for certain residential or mixed-use residential project, PRC Section 21159.28 permits a lead agency to exclude a discussion of growth inducing impacts as well as a discussion of project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network. (Public Resources Code, Section 21159.28, subd. (a).) Specifically, a residential or mixed-use residential project is not required to consider these issues if the project is consistent with the use designation, density, building intensity, and applicable policies specified for the project area in an applicable sustainable community strategy and the project incorporates mitigation measures required by an applicable prior environmental document. (*Ibid.*) PRC Section 21159.28 does not require the applicability of PRC Section 21159.28 to be discussed in a Draft EIR prepared for an eligible residential or mixed-use residential project. See also Response to Comment 26-5.

- 26-5: The commenter asserts that because the Draft EIR does not identify how mitigation measures for a prior applicable environmental document have been incorporated into the proposed project, Public Resources Code (PRC) Section 21159.28 streamlining is not applicable.

PRC Section 21159.28 is a streamlining measure that permits a lead agency to exclude certain analysis from an EIR. (Pub. Resources Code, Section 21159.28.) To utilize PRC Section 21159.28 streamlining, the administrative record must include substantial evidence supporting the lead agency's ultimate finding that a project is consistent with SACOG's MTP/SCS and incorporates required mitigation measures from an applicable environmental document. PRC Section 21159.28 does require

this substantial evidence or any other information relating to the streamlining provision to be included in an EIR prepared for an eligible project.

Here, the Draft EIR includes a discussion of PRC Section 21159.28 streamlining (DEIR, p. 3-13), and Appendix E to this Final EIR includes an analysis of the proposed project's consistency with mitigation measures included in both the Program EIR for SACOG's MTP/SCS and the Master EIR for the City's General Plan. As demonstrated in the Draft EIR and Final EIR (Appendix E), substantial evidence demonstrates that the proposed project is eligible for PRC Section 21159.28 streamlining.

Finally, for the purposes of full disclosure the Draft EIR includes an analysis of both growth inducing impacts and project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network. (DEIR, pp. 3-13, 4.1-22, 4.1-54, 4.9-1 – 4.9-2, 6-3 – 6-6.) Therefore, whether or not PRC Section 21159.28 streamlining applies, the Draft EIR is fully consistent CEQA's requirements to analyze growth inducing impacts as well as project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network. See also Response to Comment 26-4.

- 26-6: Commenter asserts that the Draft EIR fails to consider CEQA's mandatory finding of significance concerning "whether the project has the potential to substantially degrade the quality of the environment." The commenter further asserts that the proposed project may cause aesthetic impacts as well as cause construction and traffic impacts particularly as it relates to pedestrians and bicyclists.

CEQA Guidelines Section 15065 sets forth mandatory findings of significance that "require an EIR to be prepared" for a project. (CEQA Guidelines, Section 15065, subd. (a).) Here, the City of Sacramento determined an EIR was required for the proposed project, and the Draft EIR was prepared and released for public comment. The Draft EIR evaluates potential aesthetic impacts of the proposed project in Section 4.10 Urban Design and Visual Resources. The Draft EIR concludes the proposed project will not result in any potentially significant aesthetic impacts. (DEIR, pp. 4.10-16 – 4.10-24.) The Draft EIR also considers traffic-related impacts of the proposed project, including impacts related to pedestrians and bicyclists in Section 4.9 Transportation and Circulation. The Draft EIR concludes traffic-related impacts on pedestrians and bicyclists are less than significant without mitigation. (See DEIR, pp. 4.9-58 – 4.9-59, 4.9-61, 4.9-87, 4.9-91.) Finally, the Draft EIR considers a variety of construction-related impacts that could affect pedestrians and bicyclists including,

for example, construction-related traffic impacts (DEIR, pp. 4.9-62, 4.9-92), air quality impacts (DEIR, pp. 4.1-36 – 4.1-42), contaminated soil impacts (DEIR, pp. 4.4-36 – 4.4-42), and noise impacts (DEIR, p. 4.6-38). The Draft EIR concludes such construction-related impacts can be reduced to a less-than-significant level.

The commenter also states that the proposed project may impact the “livability” of the East Sacramento and Midtown Sacramento neighborhoods. “Livability” is not a CEQA term. To the extent livability relates to the potential environmental issues identified in the comment, as discussed above, the Draft EIR addresses each of the potential environmental impacts identified by the commenter. To the extent “livability” encompasses social or economic considerations separate from these environmental issues, those considerations fall outside the scope of CEQA. (CEQA Guidelines, Section 15131.) However, the City has addressed the issue of livability in regards to traffic in Master Response 10.

- 26-7: The commenter states that the Draft EIR fails to include an assessment of the proposed project’s impact on the quality of the environment related to the man-made environment. Commenter explains the concept of an “impact of the quality of the environment related to the man-made environment” as an adverse effect of a project caused by the project negatively affecting the current quality of the environment.

One of the purposes of the Draft EIR is to evaluate whether construction and operation of the proposed project will negatively affect the current quality of the environment. Chapter 4 of the Draft EIR analyzes the project’s potential impacts with respect to Air Quality and Climate Change, Biological Resources, Cultural Resources, Hazards and Public Safety, Hydrology, Water Quality and Drainage, Noise and Vibration, Public Services and Recreation, Public Utilities, Transportation and Circulation, and Urban Design and Visual Resources. To evaluate the proposed project’s potential impacts on the existing environment the Draft EIR evaluates potential project impacts in relationship to the “baseline condition.” The baseline conditions used for the Draft EIR, unless noted otherwise in the Draft EIR, are based on conditions that existed in May 2013, when the NOP was published. In consideration of these baseline conditions, the Draft EIR considers potential project impacts on the existing environment including, for example, impacts to pedestrians, bicyclists, parks, and schools. (See, e.g., DEIR, pp. 4.9-58 – 4.9-59, 4.9-61, 4.9-87, 4.9-91, 4.7-27 – 4.7-30, 4.7-32 – 4.7-33.)

- 26-8: The commenter states that traffic related impacts are only discussed within the context of impacts on cars (as opposed to impacts outside of cars). The commenter also states the Draft EIR should have included a transportation and circulation

threshold of significance addressing the proposed project's "substantial effect to the quality of the environment in the neighborhood."

The Draft EIR states that significance thresholds used for analyzing transportation and circulation impacts associated with the proposed project are based on Appendix G of the CEQA Guidelines, the thresholds adopted by the City in applicable land use plans and previous environmental documents, and professional judgment. (DEIR, pp. 4.9-45 – 4.9-60.) The approach used in the Draft EIR to select the transportation and circulation significance thresholds is consistent with CEQA. (CEQA Guidelines, Section 15064.7, subd. (c).)

The Draft EIR evaluates traffic-related impacts caused to members of the public such as pedestrians and bicyclists. (See DEIR, pp. 4.9-58 – 4.9-59, 4.9-61, 4.9-87, 4.9-91.) The Draft EIR concludes the proposed project would result in less than significant impacts to pedestrians and bicyclists. (*Ibid.*) Please see also Master Response 10 that addresses livability in regards to traffic.

26-9: The commenter asserts that the Draft EIR does not include a reasonable range of alternatives because the Draft EIR does not consider a project alternative with alternative access at Alhambra and/or Lanatt Street.

See Master Response 1 regarding the infeasibility of an Alhambra and Lanatt access. The Draft EIR evaluates four alternatives not including the proposed project: (1) No Project / No Development, (2) No Project / Existing Zoning, (3) Lower Density, and (4) Higher Density / Mixed Use. CEQA Guidelines state "there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." (CEQA Guidelines, Section 15126.6, subd. (a).) CEQA Guidelines Section 15126.6(f) describes the rule of reason as requiring, "the EIR to set forth only those alternatives necessary to permit a reasoned choice." Therefore, to comply with CEQA it is not necessary for the lead agency to evaluate every possible project configuration proposed by a commenter.

For the purposes of CEQA, the alternatives discussion is intended to focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives as listed in the Draft EIR. (CEQA Guidelines, Section 15126.6, subd. (b).) The alternative access points proposed by the commenter do not relate to a significant effect of the proposed project. (See DEIR, Section 4.9 [concluding all transportation and circulation impacts may be reduced to a less-than-significant level after mitigation].) Therefore,

consideration of the alternative access points proposed by the commenter is not necessary to advance the CEQA goal to avoid or substantially lessen a significant impact of the proposed project.

- 26-10: The comment asserts that Alternative 4 is a “straw man alternative” because it does not address the potentially significant impacts of the proposed project.

The commenter is correct that the purpose of the alternatives analysis in an EIR is to identify ways to mitigate or avoid the significant effects that a project may have on the environment. (CEQA Guidelines, Section 15126.6, subd. (b).) However, the Draft EIR concludes that the proposed project would not result in any significant impacts that cannot be mitigated to a less-than-significant level.

The MTP/SCS and Sacramento Region Blueprint promote the further densification of the Central City in the City of Sacramento. The High Density / Mixed Use alternative constitutes an even more dense and diverse land use plan than the proposed project. The Draft EIR concludes that, like the proposed project, the Higher Density / Mixed Use alternative would not result in any significant and unavoidable impacts. (DEIR, pp. 5-21 – 5-26.) Inclusion of the High Density / Mixed Use alternative was intended to assist the public and City Council in evaluating the costs and benefits associated with the proposed Project both from an environmental and policy perspective. The range of alternatives included in the Draft EIR fully complies with CEQA.

- 26-11: The commenter states that Figure 2-2 incorrectly suggests that the A Street Bridge is not part of the proposed project.

Figure 2-2 in the Draft EIR is a map showing the project location. The area outlined in yellow is the project site. As discussed in Chapter 2, Project Description, page 2-58, the proposed project would require off-site improvements such as upgrades to the A Street Bridge in order to provide vehicular, bicycle, and pedestrian access to the site. Chapter 2 of the Draft EIR accurately describes the need for this off-site improvement. (DEIR, p. 2-10, 2-45 – 2-49, 2-58 – 2-63.)

- 26-12: The comment states that Chapter 2, Project Description, fails to discuss previous land uses, including prior agricultural land uses. The prior land uses have been described in the Draft EIR. Please see Responses to Comments 26-1 and 26-3.

- 26-13: The commenter states that the proposed project fails to achieve the objective to provide adequate access points for vehicular traffic.



Please see Responses to Comments 26-28 through 26-33, which respond to the commenter's concerns regarding the transportation and circulation section in the Draft EIR.

- 26-14: The commenter disagrees with the conclusion in the Draft EIR that the Lanett Street access point is infeasible and states the Lanett Street access point could be constructed in a manner that minimizes its cost.

Please see Master Response 1 that provides more information on the infeasibility of using Lanett Street and Alhambra Boulevard for vehicle access.

In addition, Fehr & Peers, the City's transportation consultants, prepared the transportation and circulation-related analysis in the Draft EIR, including the discussion relating to the Lanett Street access point. Commenter states that a cursory investigation performed by NUSG concludes the Lanett Street access point could be constructed in a manner that reduces cost. As discussed in Response to Comment 26-9, and Master Response 1, the conclusion reached in the Draft EIR regarding the feasibility and desirability of the Lanett Street access point was based on more than economic considerations. Moreover, disagreement among experts does not make an EIR inadequate. (CEQA Guidelines, Section 15151.) The City Council may in its discretion choose to rely on the expert opinion of its consultant over the opinions of other experts.

Finally, the Draft EIR concludes all transportation and circulation-related impacts of the proposed project can be reduced to a less-than-significant level. Therefore, even if the Lanett Street access point was feasible, CEQA does not require this alternative access point be evaluated in the EIR.

- 26-15: The commenter states that the Draft EIR does not explain why the current location of Lanett Street could not be used as access for the project and states that this access point alternative should be evaluated to avoid the project's potentially significant transportation and circulation impacts.

Please see Master Response 1 that addresses the infeasibility of using Lanett Street for vehicle access. Lanett Street is currently a private at-grade crossing. Moreover, the Draft EIR concludes all transportation and circulation-related impacts of the proposed project can be reduced to a less-than-significant level. Therefore, CEQA does not require this alternative access point to be evaluated in the EIR. Please see also Response to Comment 26-9.

26-16: Commenter states the Draft EIR incorrectly suggests that changes in population (and housing) in and of themselves are generally characterized as social and economic effects.

Chapter 3 (Land Use, Planning and Population) of the Draft EIR explains that, while changes in population and housing are generally social and economic effects, such changes may result in indirect physical effects on the environment. (DEIR, pp. 3-1 – 3-2.) The physical effects identified by the commenter (construction of more housing, demolition of housing, public service impacts, etc.) constitute indirect physical effects of population and housing changes. As stated in Chapter 3 of the Draft EIR, potential indirect physical effects of population and housing changes, such as public service impacts, are analyzed in Chapter 4 of the Draft EIR. (DEIR, p. 3-2.) In addition, the Draft EIR discusses growth inducing impacts in Chapter 6. (DEIR, pp. 6-3 – 6-6.) Therefore, the Draft EIR addresses both social/economic and indirect environmental effects associated with population and housing impacts.

26-17: Commenter states the assumption that housing developed by the proposed project would average 2.0 persons per household is not justified in the Draft EIR and is unsupported.

Please see Master Response 6 that addresses this issue.

26-18: The commenter states that the Draft EIR fails to adequately justify the conclusion that the proposed project is eligible for Public Resources Code Section 21159.28 streamlining, because it does not identify mitigation measures from a prior environmental document that have been incorporated into the proposed project.

Please see Responses to Comments 26-4 and 26-5 regarding the proposed project's eligibility to use Section 21159.28 for streamlining.

26-19: The commenter states that the proposed project is not eligible for Public Resources Code Section 21159.28 streamlining, unless the Draft EIR is revised to identify how the proposed project complies with all the requirements of Section 21159.28.

Please see Responses to Comments 26-4 and 26-5 regarding the proposed project's eligibility to use Section 21159.28 for streamlining.

26-20: The commenter asserts – due to the transportation and circulation impacts of the proposed project – that the project is not consistent with the general health and welfare goals in applicable land use plans.

The comment does not identify the land use plans it is referencing nor does the comment identify the specific health and welfare goals it believes the proposed project may be inconsistent with. Chapter 3 (Land Use, Planning and Population) of the Draft EIR discusses applicable land use plans and goals and policies within plans relevant to the proposed project. (DEIR, pp. 3-11 – 3-20.) Section 4.9, Transportation and Circulation includes further discussion of transportation and circulation-related goals and policies from applicable land use plans. (DEIR, pp. 3.9-34 – 3.9-38.) The determination whether a project is “in harmony” with a general plan policy is left to the lead agency. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) The Draft EIR supports the conclusion that the proposed project is consistent with all applicable land use plans. Please see also Master Response 8 regarding general plan consistency.

In addition, the Draft EIR concludes all transportation and circulation-related impacts of the proposed project can be reduced to a less-than-significant level. See Response to Comment 26-9.

26-21: Commenter states the air quality analysis relies on the unsupported conclusion that the proposed project is eligible for Public Resources Code (PRC) Section 21159.28 streamlining.

See Responses to Comments 26-4 and 26-5 regarding the proposed project’s eligibility to use PRC Section 21159.28 for streamlining. Moreover, while an EIR prepared for a project is eligible for PRC Section 21159.28 streamlining, is not required to analyze project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming, for the purposes of full public disclosure the Draft EIR includes an evaluation of the proposed project’s contribution to GHG emissions from cars and light-duty truck trips. (DEIR, pp. 4.1-22, 4.1-52 – 4.1-55.) The analysis of these potential impacts complies fully with CEQA.

26-22: The commenter disagrees with the conclusion that impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of the required CEQA review for the proposed project. The commenter states that public safety impacts must be analyzed in the Draft EIR.

In *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455 (*Ballona*), the California Court of Appeal held that “identifying the effects on the

project and its users of locating the project in a particular environmental setting is neither consistent with CEQA's legislative purpose nor required by the CEQA statutes." (*Id.* at p. 474.) Therefore, the statement in the Draft EIR that impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of CEQA is supported by CEQA case law. Nevertheless, the Draft EIR does not exclude an analysis of public safety impacts. The Draft EIR fully analyzes potential safety impacts associated with the proposed project, including air quality impacts relating to toxic air contaminant (TAC) exposure. (DEIR, pp. 4.1-46 – 4.1-51.) The Draft EIR concludes the potential impact from TAC exposure is less than significant. (*Ibid.*) The Draft EIR states the analysis is included for "informational purposes" in recognition of the holding in *Ballona*; however, the TAC exposure analysis fully complies with the requirements of CEQA. Please see also Responses to Comment 31-7 and 31-8.

26-23: The comment states the proposed project may make a considerable contribution to a cumulatively significant air quality impact because the proposed project is located in a non-attainment area. The commenter also suggests that the SMAQMD threshold used in the EIR is a project-specific threshold and should not be applied to the cumulative analysis.

The EIR recognizes that there is a significant impact to air quality in the project region under the cumulative scenario due the nonattainment status in the Sacramento region. As stated in the SMAQMD CEQA Guide to Air Quality Assessment (SMAQMD Guide), "The nonattainment status of regional pollutants is a result of past and present development within the SVAB [Sacramento Valley Air Basin]." The regional air quality plans discussed on pages 4.1-25 and 4.1-26 of the EIR are intended to address the cumulative air quality problem. Section 2.5.6 of the SMAQMD Guide notes, "All new development in Sacramento County that results in an increase in air pollutant emissions above those assumed in regional air quality plans contributes to cumulative air quality impacts." Chapter 8, Cumulative Air Quality Impacts, of the SMAQMD Guide then provides guidance for identifying when an individual project's air pollutant emissions are cumulatively considerable. In other words, the SMAQMD Guide recognizes that projects that generate increased air pollutant emissions would contribute to cumulative air quality impacts; however, every project's contribution may not be cumulatively considerable. The SMAQMD Guide also notes that even when a project does exceed the SMAQMD thresholds, this does not automatically indicate that the project would result in a cumulatively considerable contribution to a significant cumulative impact and additional tests are applied.

The analysis of the proposed project's contribution to this cumulative air quality impact follows the guidance provided in Chapter 8 of the SMAQMD Guide, which notes that "by its very nature, air pollution is largely a cumulative impact." The guide also explains:

"... the District's approach to thresholds of significance is relevant to whether a project's individual emissions would result in a cumulatively considerable adverse contribution to the SVAB's existing air quality conditions. If a project's emissions would be less than these levels, the project would not be expected to result in a cumulatively considerable contribution to the significant cumulative impact.

To determine if a project's contribution to cumulative air quality impacts are cumulatively considerable with respect to ozone, a nonattainment pollutant, the SMAQMD Guide provides a specific recommended methodology. As reflected on page 8-4 of the Guide, the first step in this process is to compare the project's emissions to the SMAQMD thresholds. Specifically, the Guide states:

The District recommends that lead agencies follow this framework when making a determination of cumulative air quality impacts for operational emissions:

1. Project-level significance: Would the project result in emissions that exceed the applicable ozone precursor project-level thresholds?
  - a. If no, the project would not be considered cumulatively considerable, and would be less than significant for this cumulative impact.
  - b. If yes, proceed to step 2."

The proposed project's operational emissions were found to be less than the ozone precursor (ROG and NO<sub>x</sub>) thresholds. Thus, the cumulative impact analysis was concluded with a finding that the project would not be considered cumulative considerable using the SMAQMD's recommended criterion.

In addition, as noted in the Draft EIR, the proposed project is within the region's urban growth boundary; development within the urban growth boundary is considered by the SMAQMD to be consistent with the regional air quality plans. As discussed on pages 4.1-25 and 4.1-26 of the Draft EIR, these plans identify specific measures to be implemented within the nonattainment area to reduce ROG and NO<sub>x</sub> emissions and bring the region into attainment with the applicable ozone standards.

The comment states "it appears the project would in fact create a considerable contribution to cumulative significant air quality impacts." The comment, however,

does not suggest the reason or provide any evidence to support this conclusion. Accordingly, no evidence has been provided as to why a different conclusion than that reached using the SMAQMD Guide is appropriate.

The comment suggests that the City should evaluate cumulative impacts independently from the SMAQMD guidance. The SMAQMD is the local expert agency responsible for air quality in Sacramento County. The SMAQMD has developed the Guide for use by Sacramento County lead agencies and has been used for numerous projects since 2009 with updates in 2010, 2011, and 2013. The City finds no reasonable reason why it should not follow this agency's guidance for assessing air quality impacts as it has done throughout the EIR.

- 26-24: The commenter states that the environmental setting in Section 4.3, Cultural Resources of the Draft EIR fails to include a discussion of the surrounding East Sacramento and Midtown Sacramento neighborhoods. The commenter states further that traffic from the proposed project has the potential to adversely impact cultural resources within those areas.

Historic resources located within a half-mile radius of the project site are identified in the Draft EIR. (DEIR, pp. 4.3-5 – 4.3-6; see also Draft EIR, App. E.) Commenter asserts that increased traffic within the vicinity of historical resources located in the surrounding East Sacramento area should have been analyzed in the Draft EIR. For the purposes of evaluating potential historical resource impacts, the Draft EIR explains that the proposed project may result in a potentially significant impact if the proposed project has the potential to “cause a substantial adverse change in the significance of a historical or archaeological resource as defined in CEQA Guidelines Section 15064.5.” (DEIR, p. 4.3-14.) CEQA Guidelines Section 15064.5(b)(1) defines a “substantial adverse change in the significance of an historical resource” to mean the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” A project impact has the potential to materially impair an historical resource when it “[d]emolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance”. (CEQA Guidelines, Section 15064.5(b)(2).)

Particularly with respect to historical resources located within the Central City area of the City of Sacramento, City staff and its expert consultants have concluded that traffic on roads adjacent to historic resources does not constitute an impact to a physical characteristic of the resource that conveys historical significance. Therefore, traffic-related impacts of the proposed project do not have the potential to result in a

- significant impact to historical resources located within the greater East Sacramento area. More importantly, the project will not either materially alter the physical characteristics of a historic resource such that it would be ineligible for inclusion on the City's historic building register or the state register of historic buildings. The project is not located within close proximity to any potentially historic buildings located in East Sacramento or Midtown such that the project would materially change the physical characteristics of these resources making them ineligible for listing on the City or state register.
- 26-25: Commenter states the Draft EIR should be revised to include an analysis of the significance of public health and safety impacts caused by locating residents within an area that will expose them to potentially hazardous conditions.
- Section 4.4, Hazards and Public Safety of the Draft EIR analyzes the proposed project's potential health and safety impacts. See also Response to Comment 26-22 for further discussion of the approach the Draft EIR takes to analyzing impacts to potential future residents of the proposed project. See Response to Comment 26-26 regarding potential impacts to public safety of residents in the existing East Sacramento and Midtown Sacramento neighborhoods. See also Responses to Comments 31-7 and 31-8.
- 26-26: The commenter states the Draft EIR should consider how traffic associated with the proposed project impacts public safety of residents in the existing East Sacramento and Midtown Sacramento neighborhoods, including its impact on children walking and biking to school.
- The Draft EIR includes an analysis of project impacts on bicyclists and pedestrians. The analysis includes consideration of children walking or biking to school. The Draft EIR concludes traffic-related impacts on pedestrians and bicyclists are less than significant without mitigation. (See DEIR, pp. 4.9-58 – 4.9-59, 4.9-61, 4.9-87, 4.9-91.)
- 26-27: Commenter asserts that installing a traffic light at 33rd St. and McKinley Boulevard would negatively impact joggers seeking to complete the full one-mile park loop.
- As stated in the Draft EIR, the proposed project may have a significant impact on recreational facilities if it has the potential to "cause or accelerate a substantial physical deterioration of existing area parks or recreational facilities." (DEIR, p. 4.7-25.) Requiring joggers to choose between using a signalized intersection or running an alternative route (e.g., running around McKinley Park and not the "panhandle" portion) does not cause or accelerate a substantial physical deterioration of the park for joggers or other users.

26-28: Commenter states that because the Draft EIR does not support the conclusion that the proposed project is eligible for Public Resources Code (PRC) Section 21159.28 streamlining the EIR must include an analysis of the project impacts on passenger vehicle greenhouse gas emissions and impacts on the regional transportation network.

See Responses to Comments 26-4 and 26-5 regarding the proposed project's eligibility to use PRC Section 21159.28 streamlining. Moreover, while an EIR prepared for a project eligible for Section 21159.28 streamlining is not required to analyze project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network, for the purposes of full public disclosure the Draft EIR includes an evaluation of the proposed project's contribution to GHG emissions from cars and light-duty truck trips (DEIR, pp. 4.1-22, 4.1-52 – 4.1-55) as well as an evaluation relating to impacts on the regional transportation network (DEIR, pp. 4.9-72 – 4.9-87). The analysis of these potential impacts complies fully with CEQA.

26-29: Commenter questions why the H Street intersections east of Alhambra were not studied as part of the traffic impact analysis. Commenter also questions why connecting intersections from McKinley Boulevard heading south to H Street were not studied as part of the traffic impact analysis. The commenter believes these intersections should have been analyzed because these additional road segments will receive an increase in traffic due to the current configuration of the proposed project.

Please see Master Response 5 that addresses the scope of the traffic analysis.

26-30: Commenter asserts that traffic modeling used in the Draft EIR does not account for the current enrollment at Theodore Judah Elementary School, which increased by over 40 students in September of 2013.

Please see Master Response 3 that addresses the timing of the traffic counts and Master Response 2 addressing school enrollment.

26-31: Commenter states the assumptions related to traffic flow output from the proposed project are not supported by substantial evidence.

Section 4.9 of the Draft EIR provides a complete discussion of the project traffic distribution and how it was developed. This information is contained in pages 4.9-40 through 4.9-45. More information is also available in Master Response 4 regarding traffic on 28th Street.



26-32: Commenter states that the traffic impact analysis fails to take into account the narrow width of many of the streets in East Sacramento and Midtown Sacramento. Commenter further states that on-street parking and leaf piles further exacerbate issues associated with street width.

Page 4.9-40 of the Draft EIR explains how local traffic conditions were used in developing the distribution estimates for project trips. Specific local features that were noted are listed below.

- Location of schools
- Relative travel time/speed comparisons for various travel routes
- Review of existing traffic counts
- Relative ease of travel on parallel routes (e.g., coordinated signal and one-way traffic using multiple lanes on 29th and 30th Streets versus bi-directional traffic and frequent stops on 28th Street and Alhambra Boulevard).

More information is also available in Master Response 9.

26-33: Commenter states that impacts of installation of the traffic light at McKinley Boulevard and 33rd Street have not been disclosed.

The installation of a traffic signal is defined in the Draft EIR to mitigate the impact of the project under cumulative conditions at this location. The analysis provided in the Draft EIR and its appendices did not show that the signal would cause an impact to the transportation system within the study area and it is considered a feasible mitigation measure. The project will not be required to install the signal but will pay a fair share contribution toward the cost of that signal. The signal will be constructed in the future, when warranted subject to the approval of the City Traffic Engineer. Please see Response to Comment 26-27.

26-34: Commenter states that the Draft EIR should consider whether the proposed project conflicts with any 2030 General Plan policies based on impacts to urban design and visual resources. Commenter states the proposed project may impact the scenic quality of the existing environment in East Sacramento and Midtown Sacramento as a result of the increase in traffic associated with the project.

Section 4.10, Urban Design and Visual Resources of the Draft EIR identifies General Plan Policies relevant to aesthetics. (DEIR, pp. 4.10-11 – 4.10-14.) The proposed project is consistent with all applicable 2030 General Plan policies both with respect to the physical design of the proposed project and the project's impacts on the existing

environment. As discussed in the Draft EIR, the proposed project does not have the potential to result in any significant transportation or circulation-related impacts, as indicated in Section 4.9, which concludes all transportation and circulation impacts may be reduced to a less-than-significant level after mitigation. In consideration of the fact that the proposed project is located within the Central City (the densest area of the City in which further densification is promoted by the City's 2030 General Plan, the Sacramento Region Blueprint, and SACOG's MTP/SCS), City staff has concluded that the proposed project's less-than-significant impacts associated with traffic do not have the potential to result in a significant aesthetic impact within East Sacramento or Midtown Sacramento. See Master Response 8 that addresses general plan consistency issues and also Response to Comment 26-24.

- 26-35: Commenter states that the Draft EIR should analyze whether the proposed project would impact the unique historic, environmental, and architectural context of existing neighborhoods as a result of increased traffic associated with the project. The commenter also states the Draft EIR should consider whether the proposed project will make the existing neighborhoods less desirable and memorable and/or result in impacts to walkable blocks, distinctive parks and open spaces, and tree-lined streets in existing neighborhoods.

Please see Responses to Comments 26-24 and 26-34 regarding the potential impact of traffic on existing neighborhoods and Master Response 10. The Draft EIR considers transportation and circulation impacts including impacts to pedestrians and bicyclists in Section 4.9 Transportation and Circulation. Impacts to parks and open space are analyzed in Section 4.7 Public Services and Recreation. The Draft EIR provides substantial evidence that the proposed project is consistent with all applicable land use plans. Moreover, the determination whether a project is "in harmony" with a general plan policy is left to the lead agency. (*Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) Please see Master Response 8 that addresses general plan consistency issues.

- 26-36: Commenter states the Draft EIR fails to include a reasonable range of alternatives.

Please see Responses to Comments 26-9, 26-10, 26-14, and 26-15.

- 26-37: Commenter states that Alternative 4 should not have been analyzed in the Draft EIR.

Please see Response to Comment 26-10.

26-38: Commenter states the Draft EIR does not support the project's eligibility for Public Resources Code Section 21159.28 streamlining and growth inducing impacts must be analyzed in the Draft EIR.

Please see Responses to Comments 26-4 and 26-5 regarding the proposed project's eligibility to use Section 21159.28 for streamlining. Moreover, while an EIR prepared for a project eligible for Section 21159.28 streamlining is not required to analyze growth inducing impacts, for the purposes of full public disclosure the Draft EIR includes an evaluation of growth inducing impacts. (DEIR, pp. 6-3 – 6-6.) The Draft EIR's analysis of this potential impact complies fully with CEQA.

26-39: The commenter states that it is unclear who prepared Section 4.7 Public Services and Recreation and Section 4.9 Transportation and Circulation in the Draft EIR. The commenter also states that it is unclear who prepared the Traffic Model Output Data or Air Quality Model Outputs Appendices to the Draft EIR.

Section 4.7 Public Services and Recreation, was prepared by the City's environmental consultant, Dudek. Section 4.9 Transportation and Circulation was prepared by the City's transportation consultant, Fehr & Peers. The Traffic Model Output Data Appendix (DEIR, Appendix O) was prepared by Fehr & Peers. The Air Quality Model Outputs Appendix (DEIR, Appendix B) was prepared by the environmental consultant, Dudek.

Comment Letter 27



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December 19, 2013

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Re: Draft Environmental Impact Report (DEIR) for the McKinley Village project

Dear Ms. Allen:

The DEIR for the McKinley Village project does not adequately address the health impacts for the residents of the proposed project. As stated on page 4.1-5 in Section 4.1 (Air Quality and Climate Change), Sacramento County’s levels of ozone and particulate matter are above attainment levels. Regional air pollution already places our entire community at risk for adverse health effects.

27-1

It is well established that proximity to highways is associated with adverse health impacts. According to an August 23, 2012 report by the California Air Resources Board (CARB)<sup>1</sup>, these include: exacerbation of asthma, impaired lung function, increased heart disease, new-onset chronic obstructive pulmonary disease, a faster progression of atherosclerosis, increased risk of premature death from circulatory disease, and increased incidence of new heart disease. Other effects include increased risk of low birth weight and increased risk of preterm delivery for mothers.

27-2

Numerous peer-reviewed studies have documented the additional health risks for children living in close proximity to highways. These health impacts include an increase in asthma in children who live within 417 meters (1/4 mile) of a major roadway (as evidenced by higher incidents of wheezing requiring inhaler use and increased hospitalizations).<sup>2</sup> Studies also show that exposure to near-roadway pollutants (independent of regional air pollution levels) add additional risk as evidenced by lowered childhood lung function.<sup>3</sup>

27-3

Recent research has also shown that living within 309 meters (0.2 miles) of a freeway during the third trimester, after adjusting for other variables, is associated with an increased risk of having an autistic child.<sup>4</sup>

It is our understanding that the entire project will be located within 417 meters of the freeway and it is anticipated that the closest residence will be 58 feet from the freeway (Appendix C,

page 1). CARB recommends avoiding "siting new sensitive land uses within 500 feet of a freeway."<sup>5</sup> This recommendation is acknowledged in the DEIR in Appendix C, p. 10-11.

The best available scientific research indicates that significant health impacts for children can be lessened if they live at least 1370 feet (417 meters) from a major roadway. This information should be considered as this project is being reviewed.

Sincerely,

*Harry Wang MD*

Harry Wang, MD  
President, Physicians for Social Responsibility/Sacramento

<sup>1</sup> California Environmental Protection Air Resources Board. Status of research on potential mitigation concepts to reduce exposure to nearby traffic pollution, August 23, 2012, p. 2-3.

<sup>2</sup> Brown MS, Sarnat SE, DeMuth KA, Brown LA, Whitlock DR, Brown SW, Tolbert PE, Fitzpatrick AM. Residential proximity to a major roadway is associated with features of asthma control in children. PLoS One. 2012;7(5):e37044. doi: 10.1371/journal.pone.0037044. Epub 2012 May 17.

<sup>3</sup> Urman R, McConnell R, Islam T, Avol EL, Lurmann FW, Vora H, Linn WS, Rappaport EB, Gilliland FD, Gauderman WJ. Associations of children's lung function with ambient air pollution: joint effects of regional and near-roadway pollutants. Thorax. 2013 Nov 19. doi: 10.1136/thoraxjnl-2012-203159.

<sup>4</sup> Volk HE, Hertz-Picciotto I, Delwiche L, Lurmann F, McConnell R. Residential proximity to freeways and autism in the CHARGE study. Environ Health Perspect. 2011 Jun;119(6):873-7. doi: 10.1289/ehp.1002835. Epub 2010 Dec 13.

<sup>5</sup> California Environmental Protection Agency California Air Resources Board. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005, p. 10.

↑ 27-3  
Cont.  
↓ 27-4

**Letter 27: Harry Wang M.D., Physicians for Social Responsibility, December 19, 2013**

27-1: The commenter states that the Draft EIR does not adequately address the health impacts for the residents of the proposed project, citing the nonattainment status with respect to ozone and particulate matter as discussed in the Draft EIR.

Regional air quality is discussed sufficiently in the Draft EIR, and the nonattainment status is clearly described and acknowledged. It is unclear if the commenter thinks poor regional air quality should be a criterion for evaluating the proposed project or any other proposed project in the region. The Sacramento Metropolitan Air Quality Management District is responsible for bringing the County's air quality into attainment with state and federal ambient air quality standards subject to state and federal planning requirements. The air quality attainment plans are intended to attain the state and federal standards, but they also reflect future growth assumptions resulting from new development. Accordingly, new growth is anticipated despite Sacramento County's nonattainment status.

27-2: The commenter notes that proximity to highways is associated with adverse health effects, citing several effects from a 2012 California Air Resources Board (CARB) report and other research.

The health risk assessment (Appendix C) discussed some of these potential health effects and cited the same CARB report as a reference. The health risk assessment acknowledged these potential health effects and evaluated both cancer and noncancer health effects. Please see also Master Response 7 that provides more detail in regards to this concern. The comment is noted and forwarded to the decision makers for their consideration.

27-3: The commenter reiterates statements in the Draft EIR regarding the proximity of project residents to the Capital City Freeway and that the Draft EIR acknowledges the CARB recommendation to avoid siting new sensitive land uses within 500 feet of a freeway.

The CARB guidance, as discussed on page 4.1-24 of the Draft EIR, clarifies that its guidelines are strictly advisory recognizing that: "[I]and use decisions are a local government responsibility. The Air Resources Board Handbook is advisory and these recommendations do not establish regulatory standards of any kind." Also, CARB recognizes that there may be land use objectives as well as meteorological and other site specific conditions that need to be considered by a governmental jurisdiction relative to the general recommended setbacks, specifically stating, "[t]hese recommendations are advisory. Land use agencies have to balance other

considerations, including housing and transportation needs, economic development priorities, and other quality of life issues.”

The health risk assessment followed the Sacramento Metropolitan Air Quality Management District’s *Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways*. This guidance provides a method to assess whether proximity to a major roadway would result in an acceptable level of health effects as determined by the lead agency.

27-4: The commenter requests that the information provided in the comment letter be considered as the proposed project is being reviewed.

The information does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 28

January 9, 2014

Via e-mail

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Re: McKinley Village Project (P08-806); Draft Environmental Impact Report

Dear Ms. Allen:

We submit the following comments to be considered regarding the Draft Environmental Impact Report (“DEIR”) for the proposed McKinley Village Project (“McKinley Village” or “MV”).

While we have serious concerns regarding the DEIR, both procedurally and with the lack of objectivity in its tenor, this letter is limited to comment on some of the specific provisions of the DEIR that are neither supported by substantial evidence nor rational scrutiny.

Sections 2.5, pg. 2-9 and 3.1, pg. 3-4.

The contention that the “project is anticipated to generate a total population of approximately 656 residents at build-out” based on a 2.0 persons-per-household (PPH) is not supported by substantial evidence.

The 2.0 PPH estimate is not consistent with other proposed development in Sacramento. The EIR for the Curtis Park development, for example, uses a 2.56 PPH estimate for its analysis, with a PPH estimate for single-family homes being even higher than that. Given that MV is primarily a single-family home development, there is no credible evidence to support for a PPH estimate that is 22% lower than the PPH used for Curtis Park.

Further, the 2.0 PPH estimate fails any amount of rational scrutiny. The DEIR estimates that 258 children are estimated to reside in the proposed development, yet the 2.0 PPH estimate creates a population of 656, meaning that there would be only 398 adults in 328 homes. The DEIR apparently assumes that this will be a community of single parent households. Only 70 of these homes would have two adults, hardly representative of the existing neighborhood or the ability of a single adult to afford such large single-family homes. Further, none of the proposed “granny flats” could be inhabited unless only one person occupied the remainder of the three to five bedroom single family home in order the maintain the 2.0 PPH figure. Neither of these facts is supported by any rational or reasonable thought.

This egregiously low estimate is significant because it calls into question much of the analysis throughout the DEIR. For example, the estimated cancer rate (section 4.1, pg 48) is

28-1



based on the total population figure generated from the 2.0 PPH assumptions. The severe underestimation of total population serves to mislead the public regarding more realistic analysis of very serious health and safety concerns for residents of the project.

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28-1  
Cont.

The unreasonable assumption that is the 2.0 PPH estimate is also significant because it is exemplary of the nonobjective and pro-project analysis and tenor echoed, *ad nauseam*, throughout the DEIR.

Section 3.3, pg. 3-24

The conclusion that MV is consistent with the Sacramento 2030 General Plan (“GP”) because it “would provide a diversity of housing choices” is not supported by relevant evidence or reasoned analysis. This conclusion is based on the stated fact that the “proposed project incorporates four different housing types, 15 house plans, and 45 base elevations (with further material and color variations beyond base elevations ...).” In an amazing twist of logic, said facts are then said to support the conclusion that MV “will meet the needs of a range of ages and abilities.”

28-2

The factual description of the housing types, on the other hand, evidences the utter lack of diversity of housing being built to benefit Sacramento in the MV project. MV is an almost exclusively large single-family home community priced to exclude diversity. The idea that offering superficial options, such as different roofing materials or siding, to make four different home types appear more unique furthers housing diversity, is akin to saying a room full of people is diverse because they are all wearing slightly different styles of jeans and/or cologne. Superficial diversity does nothing to increase the real and substantial diversity that is sorely needed in Sacramento proper and contemplated in the GP.

This faulty analysis is significant because it is exemplary of the lack of reasoned evaluation supporting the DEIR’s baseless conclusion, which is riddled throughout chapter 3, that MV is consistent with the GP and SACOG. The truth is that MV is a monolithic and car based community that is inconsistent with the GP and SACOG. For example, there is no real evidence establishing that MV will be “well-connected and maximize[] connections between neighborhoods.” (3-29.) To the contrary, the proposed access points are poorly connected to existing neighborhoods because they fail to take real advantage of existing infrastructure. The unavoidable barrier that is the UP rail line will likely serve to sever MV from the existing neighbors in ways the DEIR fails to consider. The more likely result is that MV will only exist as an isolated car community, whose residents mostly drive to meet their needs.

28-3

Similarly, there is a complete lack of substantive evidence supporting a conclusion that MV: (1) meets the needs of seniors, empty-nesters, young couples, single-person households; (2) is a mixed-use development with nearby shopping; (3) reduces auto-dependency; (4) increases use of other modes of transit such as public transportation; or (5) integrates housing types for all socioeconomic levels. All evidence to the contrary, a cursory review of the plans confirms that it is a homogenous community of large houses built with suburban style multi-car garages. There are no amenities or access to public transportation within MV, and therefore its residents will rely on auto transportation for all of their basic needs.

28-4

Section 4.1-6, pgs. 4.1-47-48.

The cancer burden rate calculated in the DEIR is not supported by substantial evidence or reasoned analysis. Using the Roadway Protocol, the DEIR first estimates the cancer risk due to DPM emissions from the Capital City Freeway at 200 in 1 million. Then, in logic worthy of Through the Looking Glass, the DEIR analyzes the combined impact from the Capital City Freeway and the additional emissions from the surrounding UP train lines and concludes that the combined cancer risk would be 80 in 1 million for most MV residents. Amazingly, the cancer risk is more than halved when the UP emissions are added to the Capital City Freeway emissions.

After the aforementioned magical wave of hand, the flawed 2.0 PPH number is then used to calculate a woefully underestimated cancer burden for MV. This analysis flies in the face of numerous peer reviewed studies that show significant health consequences to residents living adjacent to freeways.

This is significant because it exemplifies the DEIR's effort to minimize and diminish valid health and safety concerns regarding the MV project. Relying on cap-and-trade analysis and declining to consider cumulative impacts solely because projects are under the threshold individually, the DEIR repeatedly diminishes MV's actual environmental impact throughout chapter 4.

28-5

Section 4.4, pg. 4.4-2

The conclusion that "[t]he project site is located in an urban area and is not near forested areas that may pose a wildland fire threat" lacks factual support. MV is set to be built across from an open grass-land park and a wooded river. This is an area that experiences random fires given its proximity to the river, and therefore more investigation and analysis are needed to assess the threat from a wildland fire. Any fire threat would be significant because of the limited access to the development.

28-6

Section 4.4, pg. 4.4- 10

The conclusion the site is free of hazardous deposits from Aerially Deposited Lead from Interstate 80/State Route 51 is not supported by credible evidence. It is based on a study that was last conducted in 2007, which found that the samples at .5 feet below ground surface were below that which is considered hazardous. The Geocon report conducted for CalTrans (Appendix L), however, found that the soil at this level was determined to be California Hazardous Waste. Since the freeway is slated for widening due to the increase in use over the last few years, the 2007 findings are outdated and unreliable.

28-7

Further, more testing for the various metals found to occur in the area is required before one can accurately conclude that the area is safe from an unhealthy amount of metals. The Geocon study indicates that the number of metals found in the area is very extensive, yet there is no explanation on how to read the samples. The number of studies taken seems low to conclude that levels are acceptable or even safe, given the development's proximity to both the freeway

and the railroad. The DEIR states that no “releases of hazardous materials have been reported on the UP tracks adjacent to the site.” This analysis ignores levels of exhaust produced by the trains? With the increase in trains planned for the future given expansion of the tracks, the accumulation of hazardous materials from train exhaust needs to be considered.

28-8

Table 4.4-4, pg. 4.4-23

The conclusion that the site is “unlikely” to be contaminated by tetrachloroethylene (PCE) solely based on MV’s proximity to other sites where PCE was found to occur is not supported by evidence or rational analysis. Why would this not be tested for if PCE is a known contaminate that has been identified in multiple locations near the site? Multiple times throughout this table “unlikely” is used an excuse to avoid the need to test for known contaminants, including everything from diesel to a number of various solvents. As a course of due diligence it would be prudent to actually test for these contaminants, as opposed to assume their non-existence.

28-9

The same is true for the analysis regarding the lack of testing for asbestos. (4.4-11.) Testing for asbestos would be a conclusive way of indicating if there are any occurrences of asbestos.

28-10

Measure 4.4-5, pg. 4.4-46

“The proposed project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Based on the analysis... the impact is less than significant.” The city clearly states in its 2008 EOP that given the established Police Beat Area 3C that Alhambra Blvd. serves as the suggested north-south evacuation route. But Alhambra is not going to be utilized as an ingress/egress point for the development and that the proposed ingress/egress at 40<sup>th</sup> and C streets would suffice. This conclusion makes little sense, and is further exemplary of the lack of critical analysis that embodies the overly deferential DEIR.

28-11

Alhambra Blvd. is already identified as an evacuation route. It is proposed, should UPPR approve, that Alhambra Blvd. only be used for pedestrian and bicycle access, but this is planned to occur during the later phases of the project. Utilizing Alhambra Blvd., in addition to the 40<sup>th</sup> and C streets ingress/egress, as vehicular ingress/egress would increase the available safety measures available to the Police and Fire for the residents within the development.

28-12

This is significant because the proposed egresses were selected solely for budgetary reasons benefiting the developer’s bottom line. They were not selected to further any goals of the GP or SACOG, or to enhance the safety or existing infrastructure of MV or the existing Sacramento community at large. The DEIR serves to whitewash and compromise safety in deference to a poorly planned development. The repeated deferential rhetoric throughout the report calls into question the validity of its analysis.

28-13

The bottom line is that the use of Alhambra Boulevard as a second connection would solve the emergency access issues, among other issues. | 28-14

Section 4.5, pg. 4.5-17-18

Groundwater was discovered within 6 feet of the surface within the western region of the property. There does not appear to be any analysis of mitigation regarding the ground water once this area of the development is built out. Also, given the detection of inorganic compounds found to be in occurrence at the 28<sup>th</sup> Street landfill location, this would call into question the anecdotal opinion that “it does not appear that leachate from the 28<sup>th</sup> Street Landfill has significantly impacted groundwater at the project site.” Accordingly, the analysis regarding groundwater lacks factual and analytical support. | 28-15

Section 4.5, pg. 4.5-31

Given the increased load on Sump 99 and the identified need for an upgrade, would it not make sense for the developer to be responsible for upgrading this facility at the start of build out? If infrastructure is planned on being completed in the first phase of the project would it not be prudent to upgrade Sump 99 at this time? | 28-16

Section 4.5, pg. 4.5-40

Given the current plan, the pedestrian underpass at Alhambra is not planned to be completed until later in the development. That fact calls into question much of the analysis throughout the DEIR on the grounds that MV is consistent with the GP and SACOG largely because of the bike tunnel. The DEIR fails to incorporate into its analysis the effects of the bike tunnel not being built at the outset of Phase 1, and the effects on the MV project if the bike tunnel does not get built. | 28-17

Section 4.7-3, pg. 27-29

We would like to see an additional study on the school impacts. In speaking with Jeff Cuneo, SCUSD President, he indicated that the numbers being utilized for this study are not a true recommendation for the number of students that a school may hold. These numbers were intended to draw fair comparisons to POTENTIAL student populations in order to analyze school closures. | 28-18

As parents with young children at Theodore Judah Elementary we can guarantee there is no additional room at the school. Even for the kids who are currently at the school it is a tight fit. Theodore Judah lost the parent participation preschool in order to accommodate an additional classroom this past fall. Taking every room for classrooms would eliminate a wonderful science program, a fantastic speech therapist and a needed Special Education classroom. These are elements that add to the betterment of our school and we do not want these programs to be lost in order to squeeze more students into our school. We imagine a true study of Sutter Middle School would provide similar information. Please do your due diligence and analyze the schools more thoroughly.

Section 4.7-4, pg. 29-30.

“The project site is located in the East Sacramento Community Plan area, which is one of the City’s most park-deficient Community Plan areas.” The DEIR states on page 4.7-33, “The City’s Park and Recreation Master Plan 2005-2010 indicates that the project applicant shall dedicate land for local recreation or park facilities that would be sufficient in size and topography to serve the residents of the subdivision.” We disagree wholeheartedly that this community would meet the recreational needs of its residents. The proposed development provides no additional playground facilities for the community. Children in the proposed development will therefore utilize existing parks, increasing impacts to existing parks. A clear recommendation would be to provide a playground facility within the proposed development. How is it that time and time again this development is allowed to create further deficiencies and yet no mitigation is required? This community continues to take resources from the existing adjacent community yet provides no benefit in return.

28-19

Providing a pool that only serves a small portion of the community for a few months of the year hardly seems to meet the requirement for active recreational areas. The pool also has no wading pool so parents with young children will continue to access wading pools in East Sac such as the free one at Bertha Henschel which already has many days with a line out the gate. This community will heavily rely on East Sacramento for active recreational facilities therefore significantly increasing impacts to current facilities. McKinley Village needs to provide year-round active recreational facilities.

28-20

We also suggest that River Park pool and playground not be included as a part of a true analysis. I have lived in East Sac for 9 years and have taken my kids to their playground twice and never use their pool. That facility is simply not utilized regularly by East Sac residents since we have our own facilities within East Sac. We suggest that instead you add East Portal Park to your analysis. While no pool is provided this park has a playground and holds weekly soccer games for East Sac families during the fall.

28-21

Can public funds - Quimby fees as noted on 4.7-4 pg 30 - be directed to the proposed recreation center, effectively a private facility? The park development fees that are indicated in this section are of further question. How would these funds be used? Would they be used to support the parks that would be most impacted by these residents or would they go into the general park and recreation budget? We would like to see these funds be directed to East Sacramento parks that would be truly utilized by these residents.

28-22

Section 4.7-2, pg. 26-27.

We are concerned that the Sacramento Police Department staffing is falling below optimum staffing levels and optimum staffing is not being maintained. The report states that there is no mitigation required, despite below-optimum public safety staffing levels. “Development within the project area would increase the demand for higher levels of fire protection and emergency services, including additional staffing and vehicles,” as noted on pg 27

28-23

of this section. Is this within the city budget to hire more police and fire? In a time when cuts have been made to all public safety providers is there truly additional funds available or will this just continue to thin the current services. A local police officer, unrelated to this project but that serves our community, also informed us that houses near railroad tracks are more likely to have their doors kicked in as trains pass by because of the noise distraction. With 40+ trains a day passing by this community it seems that this would increase the need for police staffing in this area therefore removing services from nearby neighborhoods if there are not additional funds for more officers. Please ensure that all requirements are met for safety of all our community members.

↑  
28-23  
Cont.

Section 4.8, Table 4.8.1

Table 4.8-1 appears to have incorrect totals for combined diversions. Adequate water resources for the city with current and ongoing water shortages will not be solved by adding several hundred new single family homes governed by a home owners' association, which can require significant water usage for common area lawns, fields, etc.

↑  
28-24

Section 4.8, Table 4.8-8

The total of estimated water demand is not supported by substantial evidence. The DEIR uses an estimate based on acres of land use to calculate the estimated water demand. This is unusual as compared to other environmental impact reports which estimate water demand on per EDU/ESD basis, like what was done for wastewater in this DEIR.

↑  
28-25

This is significant because it casts into doubt assumptions being made on the impact MV will have on Sacramento's water demand. It further affects analysis in other sections, including the alternatives section where an alternative project with fewer units is estimated to use more water than MV as proposed.

Section 4.9

The conclusion that over 50% of the MV traffic will be borne by the A Street egress is not supported by substantial fact or rational scrutiny. The A Street egress crosses the existing UP Rail line and is subject to a railroad crossing guard. First, this conclusion in the DEIR fails to consider basic human factors, including that people are generally risk adverse and will choose a route that poses no possibility of closure over one that does. It only takes one time for an MV resident to be late to work because of a train to cause said resident to use the 40<sup>th</sup> Street egress even if that route adds a couple minutes to their travel.

↑  
28-26  
↓

Secondly, a quick look at a map coupled with minimal critical analysis will demonstrate that most existing amenities that will be used by MV residents are in East Sacramento. Place your finger on MV, and then ask yourself, "How does a MV resident get to Safeway?" Substitute Safeway with Compton's Market, Trader Joes, Theodore Judah, East Sac Hardware, Sacred Heart Church, Caleb Greenwood or Sutter Middle School. It is self evident that most

basic amenities, such as groceries and school, which will serve the MV community, will be accessed via the 40<sup>th</sup> Street egress.

This is significant because it calls into question the entire analysis regarding traffic impacts in the existing East Sacramento neighborhoods surrounding the 40<sup>th</sup> Street egress. It is further significant because the purported lack of significant traffic impact is being used to justify placing the East Sacramento egress in the worst possible place with respect to utilizing existing infrastructure and minimizing impact on existing communities.

We have concerns regarding the traffic analysis and would request further analysis of the cumulative impacts of the proposed Sutter Park development, the potential E Street on-ramp closure and how each of these factors will affect the level of service. We are also concerned about the population size, and potential population size, not impacting the traffic analysis as the analysis is based on the number of homes and not the population. As parents of young children we make many more daily car trips to meet their needs than we would as single adults yet the analysis provides no differentiation per home.

Conclusion

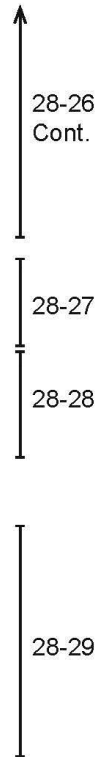
For the forgoing reasons, and for many more reasons too numerous to be covered effectively herein, the DEIR suffers from serious flaws in evidentiary support and reasonable analysis in reaching many of its conclusions. The lack of rational scrutiny of the real impact MV will have on the environment and community in the DEIR suggests that it is not an objective tool used to assess the true pros and cons of the proposed MV project, but is a means to silence community critics via unsubstantiated claims that MV will have little to no impact on the environment. The pro-development rhetoric is apparent throughout the DEIR, and the community deserves, and we hereby demand, better.

The City should make an actual effort to critically analyze the potential impacts of MV, and not sell the existing community a bunch of whitewashed conclusions neither supported by substantial and material fact nor well reasoned scrutiny.

Very truly yours,

/s/

Love East Sac  
Laura Barrett  
Heather Sullivan  
Anthony Donoghue and  
Rob Ferrera



**Letter 28: Heather Sullivan, Love East Sac, January 9, 2014**

28-1: The comment disagrees with the persons per household assumption that was used in the Draft EIR for population planning purposes.

Please see Master Response 6 that addresses this issue.

28-2: The comment does not agree that the project is consistent with the City's 2030 General Plan and would provide a diversity of housing choices.

As noted in Chapter 2, Text Changes to the Draft EIR, the project applicant has added 24 two story attached units and reduced the number of single family residences by 16. Overall, the total number of units has increased by 8 units from 328 to 336. The Draft EIR evaluates general consistency with the City's 2030 General Plan in Chapter 3, Land Use, Planning and Population. The Draft EIR notes on page 3-21 that the General Plan consistency analysis, "provides the reader with a general overview of whether the project is in harmony with the overall intent of the City's 2030 General Plan goals and policies. As noted above, it is within the City's decision makers' purview to decide if the proposed project is consistent or inconsistent with any applicable City goals or policies. The discussions in this Draft EIR on the subject of General Plan consistency represent the best attempt of City staff to advise the City Council of its opinions as to whether the proposed project is consistent with identified goals and policies of the City's General Plan." Please see Master Response 8 that provides additional information regarding consistency with the City's 2030 General Plan. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

28-3: The comment states an opinion that the project is not consistent with the City's 2030 General Plan, SACOG Blueprint, or the SACOG Metropolitan Transportation Plan/Sustainable Communities Strategies (MTP/SCS) documents.

SACOG has stated that the project is consistent with the MTP/SCS, see Appendix N of the Draft EIR for a copy of their letter. Please see Response to Comment 19-2, which provides more information on consistency with the City's General Plan and SACOG planning documents. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.



- 28-4: The comment states that the Draft EIR does not provide evidence that the project meets the needs of seniors, is a mixed-use development, reduces auto dependency, increases other transit modes, and integrates housing for all income levels.

The Draft EIR evaluated the project proposed and reviewed applicable planning documents to determine if the project would generally meet the intent of the goals and policies contained within that planning document. The results of that analysis are provided in Chapter 3 of the Draft EIR. As noted in the chapter, the project is not required by CEQA or the City's Mixed Housing Income Ordinance to provide housing that meets the needs of seniors or integrates housing for all income levels. Nor is the project required to provide commercial uses. Due to the project's proximity to Downtown Sacramento, which would be considered a major employment center, the project reduces the need for long commutes and provides the option for walking and biking to employment and nearby neighborhood-serving commercial establishments (see Figures 1 and 2 in Chapter 2 of this Final EIR). The environmental effects of the project on air quality due to an increase in vehicle trips and traffic are addressed in Section 4.1, Air Quality and Climate Change. The commenter's opinion that the project would provide a homogenous community does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 28-5: The comment asserts that the cancer burden rate provided in the Draft EIR is supported by substantial evidence and it further questions the cancer burden calculation based on an allegedly incorrect number of persons per household.

The estimated cancer risk of 200 in 1 million is based on the lookup tables of screening cancer risk values in the SMAQMD Roadway Protocol. The cancer risk values in the Roadway Protocol are based on conservative assumptions to apply to general roadways in Sacramento County. The health risk assessment (HRA) was performed using site-specific conditions, including motor vehicles traveling on the Capital City Freeway. In addition, the HRA included the diesel particulate emissions from locomotives traveling on the UPRR tracks. The cancer risk from the locomotive emissions determined in the HRA was not added to the cancer risk value from the Roadway Protocol, but the cancer risk resulting from the combined impacts of diesel particulate matter from truck on the freeway and locomotives was determined using a refined analysis, as explained in Master Response 7. It is not unexpected that a refined HRA would produce lower results than those found in screening tables from guidance such as the SMAQMD Roadway Protocol. Please see Master Response 7 for more specific information pertaining to the HRA.

If a higher PPH of 2.7 were used with the *maximum* cancer risk of 120 in 1 million, the cancer burden would be 0.11, which is still well below a cancer burden of 1. Please see also Master Response 6 that addresses the PPH comment.

The Draft EIR does evaluate cumulative air quality impacts, as recommended in the SMAQMD's Guide to Assessing Air Quality Impacts in Sacramento County, under Impact 4.1-8. The commenter did not take issue with the approach for evaluating cumulative impacts. No further response is required.

28-6: The comment indicates that due to the project site's proximity to Sutter's Landing Park and the American River the risk of wildland fires needs to be evaluated.

The project site is separated from Sutter's Landing Park by a six lane freeway and is proposing to be set back from the freeway an additional 43 to 125-feet to the project's proposed sound barrier. The risk of a fire originating on the Sutter's Landing Park site and reaching the project site is remote due to the distance and the presence of the freeway which provides a natural fire barrier.

The project site is not located adjacent to the American River Parkway and is separated from the closest access to the Parkway by the River Park residential neighborhood. Due to the existing barriers that shield the site from existing wildlands along the river the risk of wildland fires impacting the project site is highly unlikely. Therefore, impacts associated with wildland fires were determined not to be significant and not further analyzed in the Draft EIR.

28-7: Commenter asserts that the conclusion that the area is free of hazardous deposits from aerially deposited lead is not supported by credible evidence because the 2007 Caltrans report referenced in the Draft EIR is outdated, the freeway is slated for widening, and the fact that the 2007 Caltrans report concluded that soil analyzed from the median of the Capital City Freeway included metals that could be considered hazardous. Commenter also states that the 2007 Caltrans report found "the number of metals found in the areas is very extensive," and there is no explanation how to read the samples. Commenter states that the "the number of studies taken seems low... given the development's proximity to the freeway and the railroad."

The Clean Air Act Amendments of 1990 mandated the elimination of lead from all motor fuel sold in the United States by January 1, 1996, and no leaded motor fuel has been commercially available since that time. Therefore, the aerial deposition of lead from the freeway functionally ceased more than a decade prior to the issuance of the Caltrans report, and the lead concentration as reported in the 2007 report for the locations sampled are unlikely to have increased since that time.

The Caltrans report only assessed lead concentrations and did not analyze soil for other metals. However, the 2007 soil assessment conducted by LFR analyzed four soil samples for multiple metal constituents (CAM 17 metals). As provided in the Draft EIR and set out in the 2013 Phase I prepared by Geosyntec, “the concentrations of metals were below [health based screening levels] or background concentrations.” (DEIR, p. 4.4-12.) Therefore, substantial evidence supports the conclusion that the aerial deposition of lead has not significantly impacted the project site. Please see Response to Comment 18-71.

28-8: The comment disagrees with the statement that no releases of hazardous materials have been reported on the Union Pacific tracks adjacent to the project site and that exhaust from the trains needs to be evaluated. Commenter also states that the accumulation of hazardous materials from train exhaust needs to be considered given the planned increased in trains planned for the tracks.

Diesel exhaust or toxic air contaminants (TACs) from trains passing by the project site along with diesel trucks along Capital City Freeway were evaluated in the Health Risk Assessment prepared for the project and provided in Appendix C of the Draft EIR. In addition, the findings of the analysis are summarized in Section 4.1, Air Quality and Climate Change under Impact 4.1-6 starting on page 4.1-46.

The statement that no releases of hazardous materials have been reported on the Union Pacific tracks adjacent to the project site is referring to information provided in Section 4.4, Hazards and Public Safety. As indicated on page 4.4-11, the EDR report (included in Appendix L) provides a summary of all available environmental records which were reviewed to see if there were any reported accidents along this stretch of the railroad tracks that resulted in a release of hazardous materials. No accidents involving the release of hazardous materials were reported. Lead and other metals are not an emission typically associated with train exhaust because train engines are powered by diesel fuel, which does not contain lead. Therefore, metals from train exhaust were not considered a source of hazardous materials at the project site. Increases in rail line use will also not foreseeably result in a significant accumulation of hazardous materials due to regulatory emission limitations placed on train engine exhaust, and the absence of an existing significant adverse impact to soil caused by the proximity of the rail line to the project site.

- 28-9: The comment states that the finding that the project site is not likely to be contaminated by tetrachloroethylene (PCE) is not supported by evidence.

As discussed in Section 4.4, Hazards and Public Safety, PCE was noted as a groundwater contaminant or potential groundwater contaminant at two dry cleaner sites located more than ½ mile southwest and west/southwest of the project site. Based on groundwater investigations at several sites located between the project site and the two dry cleaner sites, the groundwater flow direction is to the south, southeast, or southwest. Based on this information, the project site is located hydrologically upgradient from the dry cleaners. As the dry cleaners are located more than ½ mile from the project area and any potential groundwater contamination at the dry cleaner sites would flow away from the project site, those two sites do not present an environmental concern for the project site. Therefore, there is no need to test the project site for contaminants associated with these sites.

None of the sites listed in Table 4.4-4 are located hydrologically upgradient from the project site. Four of the five sites listed in Table 4.4-4 are located hydrologically downgradient from the project site. Any releases of gasoline, diesel, PCE, or any other contaminant to groundwater at these sites would flow away from the project site. One of the five sites is located more than an 1/8 of a mile cross-gradient from the project site; however, the release of diesel at this site impacted soil only and therefore potential contamination at this site would not be mobile. Therefore, there is no need to test the project site for contaminants associated with these sites.

Lastly, although there is no need to test the project site for contaminants (PCE and petroleum products) associated with the sites listed in Table 4.4-4, the site soil gas and groundwater has been tested for volatile organic compounds, as discussed pages 4.4-9 and 4.4-13 of the Draft EIR. PCE was not detected in the site soil gas or groundwater. No volatile organic compounds (VOCs), including those associated with gasoline and diesel, were detected in the site samples at concentrations greater than the regulatory established thresholds (California Human Health Screening Levels or Maximum Contaminant Levels).

- 28-10: The comment indicates that testing was not done to determine the presence or absence of asbestos in the soil on the project site.

As discussed under Impact 4.4-2 on page 4.4-38 of the Draft EIR, “[t]he Phase I ESA indicated the potential for asbestos to be present in shallow soils due to the former presence of buildings on the site. However, no construction debris was identified and it is unlikely that asbestos would be present in site soils (see Appendix L for a copy

of the Phase 1). The potential presence of any belowground asbestos pipes on the project site was listed in the Phase I ESA as a non-ASTM environmental issue.” The analysis goes on to state that due to the possibility of asbestos in the soil due to the former buildings, this is considered a potentially significant impact and Mitigation Measure 4.4-1(a) is required. This mitigation states if any buried debris is encountered it would be evaluated per the Construction Management Plan. If any presumed asbestos containing material (PACM) is encountered in the buried debris, it will be handled in accordance with 8 CCR 1529 and applicable requirements for disposal of asbestos containing material. This would ensure impacts would be less than significant.

- 28-11: The comment disagrees with the finding that the project would result in a less-than-significant impact on an adopted emergency response plan or evacuation plan.

The City’s Emergency Operations Plan (EOP) provides guidance for disaster response and the plan includes policies, responsibilities, and procedures necessary to protect human health and safety, public and private property, and the environment from the effects of natural and anthropogenic disasters and emergencies. As noted on page 4.4-46 of the Draft EIR, “Alhambra Boulevard serves as the suggested north–south evacuation route.” However, in the event of an emergency evacuation, it is anticipated vehicles would exit the site via 40th Street in addition to A Street to ensure residents are safely evacuated. Alhambra Boulevard is not a mandatory evacuation route, but included in the EOP as a ‘suggested north-south evacuation route’. The project has addressed emergency evacuation and the City has included conditions of project approval that require an evacuation route plan that establishes an exit route from the project site be provided to residents at the time of purchase; and requires the HOA to review the evacuation route plan at least every 3 years and provide any updates or changes to residents. The project’s use of A Street and 40th Street for emergency evacuation routes would not impair implementation of or physically interfere with the City’s EOP and would be in compliance with City requirements.

- 28-12: The comment shows support of using Alhambra Boulevard and 40th Street for vehicle access which would increase the safety measures available to the City’s Police and Fire personnel.

Please see Response to Comment 24-3 regarding emergency evacuation and access by emergency responders. Please see Master Response 1 that addresses the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard and Master Response 9 that addresses the safety issues on 28th Street associated with trains blocking access to the project site via A Street.

28-13: The comment is expressing an opinion regarding site access and the validity of the EIR.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

28-14: The comment expresses an opinion that using Alhambra Boulevard would address the emergency access concern.

Please see Response to Comment 28-11 regarding emergency access. The commenter's opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

28-15: The comment expresses a concern regarding groundwater and the presence of inorganic compounds identified at the 28th Street Landfill and claims that conclusions in the Draft EIR regarding groundwater quality impacts lack factual and analytical support.

Based on periodic groundwater sampling both on the closed landfill site and the project site, as described on page 4.5-18 of the Draft EIR, groundwater conditions are stable or improving and are, in fact, below (better than) drinking water standards on the project site. The commenter is referred to Impacts 4.4-2 and 4.4-3 in Section 4.4 of the Draft EIR, which together describe the landfill's history, its network of monitoring wells, historical groundwater data from on-site wells, landfill closure requirements, and environmental and subsurface investigations; all of which support the conclusion that the site is suitable for residential development. The commenter is also referred to Comment Letter 4, which responds to the Central Valley RWQCB's concern about a "reasonably foreseeable release scenario" and describes the actions that would be taken to detect and respond to any such scenario.

To clarify the text in the Hydrology and Water Quality section of the Draft EIR is merely summarizing information presented in another part of the Draft EIR, the first paragraph on page 4.5-18 of the Draft EIR is revised as follows:

As discussed in Section 4.4, Hazards and Public Safety, Since the inorganic compound concentrations (i.e., total ~~suspended~~ dissolved solids, sulfate, chloride, etc.) have remained relatively stable during each sampling event since post closure monitoring was initiated; based on this trend, it does not appear that

leachate from the closed 28th Street Landfill has significantly impacted groundwater at the project site.

- 28-16: The comment asks if upgrading Sump 99 should be the responsibility of the applicant early in the construction phase.

The commenter is referred to page 2-53 (project phasing) and page 2-67 (off-site improvements) of the Draft EIR. The stormwater drainage infrastructure will be completed as part of Phase 1 of the project; the City has identified a Sump 99 Electrical Upgrade project and is in the process of determining how to fund this project. The Sump 99 Electrical Upgrade project is a separate project.

Stormwater associated with the proposed project would be directed to a separate storm sewer system (i.e., via Sump 99), that includes detention basins and a storm drainage pump station. The system has been designed to ensure stormwater flows from the proposed project would not result in additional stress on the City's separated drainage system. Project stormwater would be directed to on-site detention basins and/or pumped to Sump 99. During peak flows to Sump 99, the on-site storm drainage pump station would turn off and flows would be detained in the on-site detention basins. After peak flows subside, the on-site drainage pump station would resume pumping to Sump 99. This would ensure that the existing drainage area of Sump 99 is not impacted by the project drainage system. The City of Sacramento Department of Utilities (DOU) has identified a Sump 99 Electrical Upgrade Project that will provide backup power generation and control upgrades to improve reliability of the Sump 99 Pump Station. The project is in the design stage and the City's DOU is researching funding options. The electrical upgrade project is a separate City project that has been identified to improve the overall efficiency of Sump 99, which serves a large portion of the City. It is not an improvement triggered specifically by this project; therefore, the project applicant is not required to pay for these improvements.

- 28-17: The comment questions the timing of construction of the bicycle/pedestrian underpass and what happens if it is not constructed.

Please see Master Response 1 that addresses this concern and Response to Comment 19-10.

- 28-18: The comment addresses school capacity at Theodore Judah Elementary School and the assumptions used to determine the number of school-age children generated by the project.

Please see Master Response 2 that addresses school capacity.

- 28-19: The comment expresses concerns that impacts to parks have not been adequately addressed in the Draft EIR as well as an opinion that the project would not meet the needs of its residents.

The project is proposing to provide three parks and two pocket parks that total 2.50 acres as well as a recreation center and community pool on a 1-acre parcel. The Draft EIR addresses parks in Section 4.7, Public Services and Recreation. The City's Parks Department uses a specific formula to determine future park needs generated by a project (see pg. 4.7-25). As discussed under Impact 4.7-4 on page 4.7-30, "meeting the City's park requirements would be achieved through payment of an in-lieu fee if the project falls short of providing adequate on-site park facilities. The private recreational facilities (recreation center and pool) and other facilities may be eligible for partial Quimby Credit, pursuant to City Code section 16.64.100." In addition, the project applicant is required to pay a park development impact fee to help the City finance the construction of park facilities. Payment of the in-lieu fee and required park impact fees is considered adequate mitigation to reduce the impact to less than significant. Please see also Response to Comment 14-2, which provides additional detail.

Please see also Chapter 2, Text Changes to the Draft EIR, for more current information on parks and the project's park requirements.

- 28-20: The comment does not believe that providing a pool that serves only a small group of residents would meet the requirement for active recreation and that it should be open year-round.

The recreational amenities provided on-site would include public parks and a private recreation center for residents of the project. Since the recreation center is private there is no requirement that it be a recreational amenity open to the public. As stated in Chapter 2, Project Description on page 2-49, the "hours of operation of the recreation center and the pool are currently anticipated to be from 5:30 a.m. to 11:00 p.m." This would be a year-round facility to serve the recreation needs of the residents and would include a wading pool. The commenter's opinions do not raise issues regarding the physical effects on the environment. The comment is forwarded to the decision makers for their consideration.

- 28-21: The comment suggests that the River Park pool and the East Portal park playground be included in the analysis.



Please see Response to Comment 28-19 regarding parks.

- 28-22: The comment requests information on how Quimby Park funds are used and if they would be used to fund private projects.

Quimby fees are only used to fund public (City) park projects. Please see Responses to Comments 28-19 and 14-3 for more information.

- 28-23: The comment raises a concern that the City's Police Department does not have adequate staffing for the project.

Section 4.7, Public Services and Recreation addresses the increase in demand for police and fire services, specifically as it relates to the need to construct new facilities that could result in physical changes in the environment. The closest police station to the site is Central Command, Richards Police Facility, located approximately 2.5 miles west of the site. Revenues and taxes generated by the project would contribute to funding for new facilities and services that have been identified by the Police Department as needed for services in the future. Funds to hire additional police officers are provided, in large part, by property tax revenues tied to new development. The allocation of these funds is determined by the City as part of the City's overall budget. The City's Police Department is involved in reviewing the project and have not indicated any concern with providing police services to the project site, if developed.

- 28-24: The comment questions the accuracy of Table 4.8-1 on page 4.8-3 of the Draft EIR. The table provides information on the maximum amount of water the City can divert from the American and Sacramento rivers based on existing allocation agreements.

The information in the table is correct. The commenter may be confused because the 'Combined Diversion' column does not total the maximum allocation for the Sacramento and American rivers. The Combined Diversion is the maximum allowable combined diversion that can be diverted, it is not the total of the current maximum diversion from the American and Sacramento rivers. The City may divert up to 81,800 acre-feet per year from the Sacramento River as long as the total combined diversion from both the Sacramento and American Rivers does not exceed the Maximum Combined Diversion.

The City has planned for an increase in water demand associated with future buildout of the 2030 General Plan. All new development is required to install water-efficient appliances and residential plumbing to address water conservation. If the project is approved and additional water conservation is required, the City will work

with the project applicant to develop water efficient landscaping plans in accordance with the City's water conservation measures in place at that time.

- 28-25: The comment does not agree with the City's approach to calculate water demand on a per acre basis versus per dwelling unit.

It is up to the discretion of each jurisdiction to develop a method to calculate an increase in demand for water for long-term planning purposes. The City's method to calculate demand is based on a specific factor depending upon the land use which is then calculated based on the number of acres developed versus on a demand rate assigned to a specific land use (i.e., residential dwelling unit). The City's method of calculating water demand is an accepted method used by many jurisdictions.

- 28-26: The commenter questions the distribution of project trips.

Section 4.9 of the Draft EIR provides a complete discussion of the project's distribution and how it was developed. This information is contained in pages 4.9-40 through 4.9-45. More information is also available in Master Response 9 (28th Street At-Grade Train Crossing).

- 28-27: The commenter requests further analysis of the cumulative impacts of the proposed Sutter Park development, the potential E Street on-ramp closure, and how each of these factors will affect level of service (LOS).

This request is not specific as to what further analysis is required or desired related to these projects. The traffic forecasts used in the analysis of the cumulative conditions (DEIR, p. 4.9-63) uses the most recent version of the SACMET model which accounts for planned land use growth within the city of Sacramento according to the City's 2030 General Plan. Several roadway improvements were also assumed in that model such as Sutter's Landing Parkway and the E Street Ramp Closure project proposed by Caltrans. No information or evidence is provided to support the request. Please see also Responses to Comments 31-161 and 48-5 for more details.

- 28-28: The commenter questions use of dwelling units instead of population as the basis for the project's trip generation estimate.

As described on page 4.9-38 of the Draft EIR, the gross trip generation associated with build-out of the proposed project is calculated using methods described in the Institute of Transportation Engineers (ITE) trip Generation Manual, 9<sup>th</sup> Edition. The trips generated by the project and used in the traffic analysis are based on single family homes and secondary residential units from areas where these land uses

occur in isolated patterns. Further, the traffic study assumed that a portion of the 'granny flats' that tend to be auxiliary uses connected to the main house would generate independent trips as secondary residential units to conservatively account for potential trips that could result from additional occupancy in homes that include that include the option. Using the land use type as a variable in the trip generation calculation has been a normal practice as documented in the ITE national standards.

28-29: The comment states an opinion that the Draft EIR suffers from many flaws and is not an objective tool to assess the merits of the project.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 29



SHINGLE SPRINGS RANCHERIA
P.O. BOX 1340; SHINGLE SPRINGS, CA 95682
(530) 676-8010; FAX (530) 676-3582

December 11, 2013

City of Sacramento
Community Development Department
300 Richards Blvd. 3rd Floor
Sacramento, CA 95811

RE: NOTICE OF AVAILABILITY – DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
MCKINLEY VILLAGE PROJECT (P08-086)

Dear Dana Allen

Thank you for your letter dated for November 12, 2013 seeking information regarding the
proposed McKinley Village Project that is located in Sacramento County. Based on the
information provided, the Shingle Springs Band of Miwok Indians is not aware of any known
cultural resources on this site. However, SSR would like to have continued consultation through
updates, as the project progresses this will foster a greater communication between the Tribe
and your agency.

29-1

SSR would also like to request any and all completed record searches and or surveys that were
done in or around the project area up to and including environmental, archaeological and
cultural reports.

29-2

If during the progress of the project new information or human remains are found we would like
to be able to go over our process with you that we currently have in place to protect such
important and sacred artifacts (especially near rivers and streams).

29-3

Please contact the following individuals if such finds are made:

Andrew Godsey, Assistant Cultural Resource Director / NAI
Office: (530) 698-1403 agodsey@ssband.org

And copy all communications to:
Angela Rivera, Administrative Assistant anrivera@ssband.org Office: (530) 698-1557

Thank you for providing us with this notice and opportunity to comment.

Sincerely,

[Handwritten signature of Daniel Fonseca]

Daniel Fonseca
Cultural Resource Director
Tribal Historic Preservation Officer (THPO)
Most Likely Descendent (MLD)

**Letter 29: Daniel Fonseca, Cultural Resources Director, Shingle Springs Rancheria, December 11, 2013**

29-1: The comment notes that the Shingle Springs Bank of Miwok Indians is not aware of any known cultural resources present on the site, but would like to be consulted as the project progresses. The comment relates to issues that are relevant to the planning process for the project, please refer to the staff report. No further response is required.

29-2: The comment is requesting to see all completed record searches and surveys that were completed for the project.

A copy of the Cultural Resources Report, which contains the results of the Records Search is included in Appendix E of the Draft EIR. If additional information is requested the commenter is asked to contact the City's Environmental Planning Services.

29-3: The comment is requesting that if any new information or human remains are unearthed during project construction that the Shingle Springs Rancheria be contacted to go over their process for protecting important and sacred artifacts.

The commenter is directed to review Mitigation Measure 4.3-1 (a) through (c) starting on page 4.3-15 of the Draft EIR that outlines the City's procedures in the event any subsurface resources or human remains are unearthed during construction.

Comment Letter 30



MIWOK United Auburn Indian Community  
MAIDU of the Auburn Rancheria

Gene Whitehouse  
Chairman

John L. Williams  
Vice Chairman

Danny Rey  
Secretary

Brenda Adams  
Treasurer

Calvin Moman  
Council Member

December 19, 2013

Dana Allen  
Associate Planner  
City of Sacramento, Community Development Department  
Environmental Planning Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

Subject: NOA, DEIR for the McKinley Village Project (P08-086)

Dear Mr. Allen,

Thank you for initiating formal consultations with the United Auburn Indian Community (UAIC) concerning NOA, the DEIR for the McKinley Village Project (P08-086). As you know, the UAIC is comprised of Miwok and Maidu people whose traditional homelands include portions of Placer and Nevada counties, as well as some surrounding areas. The UAIC is concerned about development within ancestral territory that has potential to impact sites and landscapes that may be of cultural or religious significance. We appreciate the opportunity to comment on this and other projects in your jurisdiction.

We would like to make a few general points for consideration in developing the scope and content of the NOA, DEIR for the McKinley Village Project (P08-086):

- The UAIC recommends that projects within the McKinley Village Project (P08-086) jurisdiction be designed to incorporate known cultural sites into open space or other protected areas;
- The UAIC is interested in holding conservation easements for culturally significant prehistoric sites;
- The UAIC would like the opportunity to provide Tribal representatives to monitor projects if excavation and data recovery are required for prehistoric cultural sites, or in cases where ground disturbance is proposed at or near sensitive cultural resources;
- The UAIC is interested in receiving cultural materials from prehistoric sites where excavation and data recovery has been performed;
- The UAIC would like to receive copies of environmental notices and documents for projects within the jurisdiction of McKinley Village Project (P08-086).

30-1

We have reviewed the cultural resources assessment that you provided for the project and would like to arrange a meeting with your department to discuss how potential impacts to cultural resources of importance to the UAIC can best be addressed in any environmental documents. Thank you again for taking these matters into consideration, and for involving the UAIC early in the planning process. We look forward to reviewing the aforementioned documents as requested. Please contact Marcos Guerrero, Cultural Resources Manager, at (530) 883-2364 or email at [mguerrero@auburnrancheria.com](mailto:mguerrero@auburnrancheria.com) if you have any questions.

30-2

Sincerely,

Gene Whitehouse,  
Chairman

CC: Marcos Guerrero, CRM

Tribal Office 10720 Indian Hill Road Auburn, CA 95603 (530) 883-2390 FAX (530) 883-2380

**Letter 30: Gene Whitehouse, Chairman, United Auburn Indian Community (UAIC) of the Auburn Rancheria, December 19, 2013**

30-1: The comment raises five concerns including recommending that known cultural sites be incorporated into open space within the project site; the UAIC is interested in holding conservation easements for any culturally significant sites and would like to monitor if any data recovery or excavation is required. In addition, the UAIC would like to receive cultural material where data recovery has been performed and would like to receive copies of all environmental notices related to the project.

A cultural resources evaluation of the project site was conducted as part of the Draft EIR and is included in Section 4.3, Cultural Resources and Appendix E. Appendix E of the Draft EIR includes the Cultural Resource Assessment that was prepared for the project site. The project site consists of an approximately 48.75-acre site that would be developed over a four year period. Based on the research conducted for the Draft EIR, there have been no recorded cultural or prehistoric resources identified on the project site. As stated in the analysis, “[t]he site is somewhat low-lying, and not likely suitable for Native American occupancy. Since the late 1800s, the site has been used primarily for agriculture since its acquisition from John Sutter.” Because there are no known cultural sites within the project site the request to incorporate any sites into open space area is not relevant.

As indicated above, the likelihood of unearthing subsurface resources is considered low; however, because the possibility exists that construction activities could disturb unknown resources Mitigation Measure 4.3-1(a) through (c) is included which requires notification of tribal representatives to prepare reports for resources, if applicable, as well as consultation with the appropriate Native American representative in the event any Native American archaeological, ethnographic or spiritual resources are discovered. The same is true if any Native American remains are discovered.

The City will notify the UAIC of any upcoming meetings or notices related to the project.

30-2: The comment is requesting a meeting with City staff to discuss cultural resources and how potential effects to these resources can be addressed in the EIR.

The comment relates to issues that are relevant to the planning process for the project, please refer to the staff report. No further response is required.