

From: gabby@mycci.net
To: [Dana Mahaffey](#)
Subject: ESPLC VS the City of Sacramento
Date: Friday, March 3, 2017 6:46:48 PM

I strongly urge the city to comply with the court of appeals ruling in the case of ESPLC VS the City of Sacramento

1. Decertify current EIR
2. Conduct new traffic plan.
3. Recanter EIR

Thank you Patricia Ansell

From: [Tamarin](#)
To: [Mayor Steinberg](#); [Dana Mahaffey](#); [Jeff S. Harris](#)
Subject: McKinley Village EIR and traffic study
Date: Friday, March 3, 2017 5:17:11 PM

MayorSteinberg@cityofsacramento.org

dmahaffey@cityofsacramento.org

jsharris@cityofsacramento.org

Please consider my prior comments (pasted below) concerning traffic submitted to your office regarding the McKinley Village.

You are already aware that the McKinley Village will create unacceptable traffic in our neighborhood, creating hazards to both pedestrians and other drivers. There IS an alternative that mitigates this problem - the additional vehicle access point at Alhambra. Please adopt this as a mitigation measure as part of the project.

Thank you for your consideration.

Tamarin Austin
270 San Miguel Way
Sacramento CA 95819

Councilmembers,

Please add me to the list of the many, many local residents who ask that vehicle access at Alhambra be a condition of the McKinley Village project. Evidence in the record demonstrates that such access is feasible and at only a fraction of the cost the developer has estimated in the EIR. The inclusion of this modification allows for better traffic flow and greatly reduces the impacts of traffic on the adjacent neighborhood, including the safety of pedestrians, school children, and bicyclists.

Thank you for your consideration.

Tamarin Austin
[270 San Miguel Way](#)
[Sacramento, CA 95819](#)

Begin forwarded message:

From: Susie Williams <susiewil@surewest.net>
Date: February 27, 2017 at 1:10:51 PM PST
To: <Susiewil@surewest.net>
Subject: Fwd: State Supreme Court ruling on McKinley Village EIR and traffic study

Here is another example of an email message sent by a neighbor. Note the recipient email addresses as they are all correct.

Sent from my iPad

Begin forwarded message:

Date: February 27, 2017 at 12:17:56 PM PST

To: <

Subject: State Supreme Court ruling on McKinley Village EIR and traffic study

Dear Mayor Steinberg;

I am writing to express my deep disappointment at the City's handling of the whole McKinley Village subdivision story beginning with the City's EIR and traffic study on it and extending to the City's actions to avoid the decisions of both the State Court of Appeals and the State Supreme Court nullifying the EIR and traffic study.

I am also writing to ask you to personally ensure that the city honors those two court decisions and requires a new EIR and traffic study that accurately describe McKinley Village's adverse environmental and neighborhood traffic impacts and requires their amelioration.

Sincerely,

From: [Shari Beck](#)
To: [Dana Mahaffey](#)
Subject: "Revised Draft EIR for McKinley Village
Date: Thursday, March 2, 2017 10:30:45 AM

Dana Mahaffey,

As long time residents of East Sacramento on A and 45th Streets, we implore you to comply with the Court of Appeal's ruling.

California's highest courts have ruled on traffic *in favor of East Sacramento Partnerships for a Livable City (ESPLC)* in its legal challenge to the City and the developers of the McKinley Village Project. Essentially, the landmark ruling means that FAILING TRAFFIC considered OK under the City's general plan alone is NOT OK!

Please listen to the residents of this area who will be impacted as well as obey the law . The Court instructed that the McKinley Village EIR be re-circulated. This was a landmark ruling that said the traffic snarl that might have been allowable under the City's General Plan was definitely not allowable. We live here and must be heard!

Gary and Shari Beck

131 45th Street

Sacramento, CA 95819-2111

From: [Pamela Beedie](#)
To: [Mayor Steinberg](#); [Dana Mahaffey](#); [Jeff S. Harris](#)
Subject: McKinley Village Traffic
Date: Saturday, March 4, 2017 6:21:59 AM

You are already aware that the McKinley Village will create unacceptable traffic in our neighborhood, creating hazards to both pedestrians and other drivers. There IS an alternative that mitigates this problem - the additional vehicle access point at Alhambra. Please adopt this as a mitigation measure as part of the project.

Pam Beedie
35th Street

From: [Laura Lee Brennan](#)
To: [Mayor Steinberg](#); [Dana Mahaffey](#); [Jeff S. Harris](#)
Subject: McKinley Village Traffic ~ unacceptable.
Date: Friday, March 3, 2017 5:22:09 PM

DearAll,

You are already aware that the McKinley Village will create unacceptable traffic in our neighborhood, creating hazards to both pedestrians and other drivers. There IS an alternative that mitigates this problem - the additional vehicle access point at Alhambra. Please adopt this as a mitigation measure as part of the project.

Laura Lee Brennan

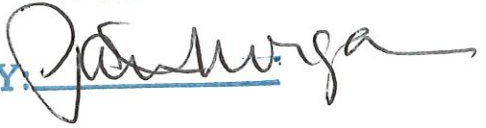
Sent from my iPhone

RECEIVED

DATE: March 2, 2017

TO: Dana Mahaffey, Associate Planner
City of Sacramento
dmahaffey@cityofsacramento.org

MAR 03 2017

BY: 

CC: Hon. Darrell Steinberg, Mayor MayorSteinberg@cityofsacramento.org
Jeff Harris, City Councilperson jcwest@cityofsacramento.org
Steve Hansen, City Councilperson shansen@cityofsacramento.org
915 I Street, 5th Floor, Sacramento, CA 95814

FROM: C Street and Alhambra Residents signed below (*w/ 50 people*)
c/o Carl Seymour, cseymour@surewest.net
3116 C Street, Sacramento, CA. 95816

SUB: COMMENTS ON RDEIR MCKINLEY VILLAGE

As Sacramento successfully transitions from a sleepy government town into a vibrant city we have much to be thankful for. We attract young families to our excellent schools. Our restaurant scene is thriving with farm-to-fork kitchens. Taxpayers have invested in a world-class arena and we are tackling challenges such as investing in shelters for the homeless. But the dark shadow of our maturation is the threat that increasing traffic poses to our neighborhoods. At the end of the day, it is our tree-lined, pedestrian-friendly neighborhoods that make Sacramento a cherished place for families to live and work.

We are writing because we have serious concerns with the City's plans to route additional traffic and remove speed and safety barriers in our neighborhood. Attached please find the specific proposals that we find objectionable and where we believe that the City's traffic mitigation plans are in violation of the City's General Plan or other policies and commitments. Our concern is that, if acted upon, these plans would threaten the livability of our neighborhood. We love Sacramento and we envision our neighborhood as a place where young and old can walk, bike, and play without the threat of increased, dangerous, high-speed traffic.

Particularly for those of us with children or elderly, the traffic in our neighborhood borders on extreme. For the City to push more cars travelling at higher speeds on our streets is unacceptable. Our neighborhood is already choking in traffic, and we need a little breathing room. That's why we respectfully request that no removal of current traffic mitigation devices be implemented; rather, we need additional protections from the additional traffic. Proposing to remove a variety of calming and public safety measures installed under a previous NMTP is a slap in the face to our families who use these streets and sidewalks to walk and bike to work, McKinley Park, errands, and church, and park in front of our own homes. It would appear to violate the law, and certainly violates our understanding of a trust with the City.

In more detail, our concerns on the RDEIR include but are not limited to:

C STREET/ALHAMBRA BOULEVARD RESIDENTS' COMMENTS ON MCKINLEY VILLAGE RDEIR

- 1) Modifications proposed for the intersection of Alhambra and McKinley Boulevard/E Street and Alhambra Boulevard conflict with the City's General Plan, reduce pedestrian safety, and are contrary to encouragement of non-vehicular transportation use.**

The 2035 General Plan Applies. The transportation analysis in the DEIR and the RDEIR appears to rely on a threshold of significance for transportation impacts derived from the City's 2030 General Plan of intersection LOS D or better outside of the Core Area (LOS E or F are acceptable inside the Core Area when combined with multi-modal improvements). The City's 2035 General Plan, adopted in March 2015, changed the definition of the Core Area to include Alhambra Blvd. The City's currently adopted 2035 General Plan, in effect at the time the RDEIR was prepared, is the governing policy document that now applies to the project. Specifically, applying the current (2035) General Plan's definition of the Core Area results in a different impact conclusion for the intersection of E Street/McKinley Blvd and Alhambra Blvd (less than significant), where the impact was significant under the old (2030) General Plan, as noted on page A-12 of the RDEIR. Because LOS F is acceptable at the intersection of Alhambra and McKinley Blvd under the current (2035) General Plan, Mitigation Measure (MM) 4.9-6(b) is not needed. In fact, MM 4.9-6(b), is in direct conflict with General Plan Policy M.1.2.2 because the mitigation measure proposes to remove a pedestrian safety/traffic calming feature directly across the street from McKinley Park (i.e., the bulb out on the southbound Alhambra approach) to add roadway capacity in order to prioritize vehicular throughput at the expense of pedestrian safety.

This is a busy pedestrian crossing used by many children trying to access the park, the library, the public pool, athletic fields and facilities, or for walking to one of the many neighborhood schools. In addition, numerous adults walk to use these same amenities, as well as exercising on the park's busy jogging trail. Removing pedestrian safety features, rather than adding them, is in direct conflict with the City's adopted policy, with State policy put forth in Senate Bill 743 (Steinberg, 2013), and with our neighborhood's community values. MM 4.9-6(b) is not needed, and creates a conflict with the City's governing transportation policy; a potentially significant impact¹ that was not addressed in the DEIR, FEIR, or RDEIR.

In addition, there are currently dedicated class 2 bike lanes on the northbound and southbound approaches of Alhambra Blvd to McKinley Blvd. The Alhambra Blvd connection to C Street is a designated bike route. The RDEIR does not specify what would happen to these class 2 bike lanes with implementation of MM 4.9-6(b). Regardless of whether the class 2 bike lanes would be removed, converted to class 3, or restriped, MM 4.9-6(b) is not necessary. Eliminating MM 4.9-6(b) would avoid the new bike/vehicle conflict points that arise from adding dedicated right turn lanes in this location, and also avoids the potentially significant new safety impact associated with the right turn lanes called for in MM 4.9-6(b) that was not evaluated in the DEIR, FEIR, or in the RDEIR.

Per General Plan Policy M.1.2.2, the City should prioritize moving bicycles and pedestrians through intersections safely and efficiently in the Core Area, including those affected intersections along

¹ CEQA Appendix G Checklist. X. LAND USE AND PLANNING Would the project (b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

C STREET/ALHAMBRA BOULEVARD RESIDENTS' COMMENTS ON MCKINLEY VILLAGE RDEIR

Alhambra Blvd. The City should not knowingly implement unnecessary measures (MM 4.9-6(b)) that reduce the safety of bicyclists and pedestrians at these intersections.

2) Modifications proposed to the intersection of Alhambra and McKinley/E, and Alhambra Boulevard, serve to route traffic off of a designated collector and onto designated local residential streets, which conflicts with the City's General Plan (M4A – Citywide Circulation Diagram; and Policy M 4.4.1).

The City's General Plan designates E Street/McKinley Boulevard, *in its entirety* from Seventh Street to its east terminus at Elvas Avenue, as a Collector. Most of it is designated Minor Collector, but some is designated Major Collector. This Minor/Major Collector makes logical connections to other Major Collectors and Arterials at numerous points throughout its course. It is also the first street, coming from the north in the subject area, that passes underneath Business 80. Further, it connects directly to the east/north bound on-ramp, and west/south bound off ramp, of Business 80. In its role, it is functioning logically and per provisions of the General Plan.

Whereas, per M4A, Alhambra Boulevard north of McKinley/E is designated Local Residential, as are the 3000-3200 blocks of C Street. In addition, C Street is significantly narrower than McKinley Boulevard – it was not designed to carry traffic in the way that McKinley is.

Modifications should not be made in such a way as to conflict with the General Plan by routing traffic off of designated Collectors onto Local Residential Streets. Yet the RDEIR proposes to remove bulb outs, install turn lanes, restripe, remove parking, and retime signals in such a way to do specifically that. These proposed changes conflict with the General Plan and the City's stated policies.

Removing parking during rush hours essentially turns Alhambra Boulevard into a morning and evening race track, unsafe for bicycles and pedestrians, and impacting residents and businesses in the area. This resembles the former model for Midtown, which proved to be disastrous and had to be redone at great expense.

The net effect of the proposed modifications is to encourage traffic to use northbound Alhambra from E/McKinley, and C Street, as commuter routes, rather than staying on the designated Collector, McKinley Boulevard.

The street lay-out of this area dates from nearly pre-automobile times, and the designer never envisioned, and obviously could not have planned for, thousands of vehicles weighing thousands of pounds each rushing through each day. It is important that the residential viability of these historic neighborhoods be protected, rather than sacrificed to the convenience of a high volume of speeding cars, trucks, and buses. Areas affected by traffic from McKinley Village include neighborhoods from the late 1800's through the 1940's. These are the core of Sacramento's heritage and cannot be replaced.

C STREET/ALHAMBRA BOULEVARD RESIDENTS' COMMENTS ON MCKINLEY VILLAGE RDEIR

- 3) Modifications proposed to the intersection of Alhambra and McKinley/E, and Alhambra Boulevard conflict with the City's NMTP and its stated objectives, under which a number of the features proposed for removal were installed,
and
- 4) The proposed modifications conflict with mitigation developed and approved as part of allowing previous development in the neighborhood.

As of 1988, the City of Sacramento's General Plan included

- Goal C: "Create and maintain a street system which **protects residential neighborhoods from unnecessary levels of traffic**", and
- Policy 1: "Continue wherever possible to design streets and to approve development applications in such a manner as to eliminate high traffic flows and parking problems within neighborhoods".

Somewhere over the years, this has been transmogrified into essentially "let traffic get as bad as it can get" ("LOS F is acceptable").

As traffic on McKinley, Alhambra Boulevard, C, and related streets grew dramatically over the years, the City and neighborhood taxpayers felt it necessary to study the area specifically, and the broader area in general, and mitigate speeding, volume and other impacts of traffic because of its deleterious effects on safety, health, and residential viability.

As far back as 1989, the resident taxpayers and their City representatives were concerned enough to commission an extensive study by the consulting firm Deakin, Harvey, Skabardonis, published in March 1991, entitled Draft Report, Neighborhood preservation Transportation Plans for East Sacramento and Midtown, which found abundant and serious problems related to traffic, including safety, and viability of specified areas as residential, noting "If traffic increases are not minimized or directed away from residential streets, abutting properties could suffer harmful decreases in livability and amenity. ... That traffic can detract from and even destroy the amenity of residential neighborhoods has been documented in numerous studies in the U.S. and abroad".

This area has felt the impact of significant development over the past few decades: the formerly abandoned Aerojet/cannery buildings became a busy business park, which subsequently expanded, and now includes a multitude of State offices and busy medical facilities. As each of these projects was approved, mitigation was added, not removed, even when EIRs resulted in negative declarations. Still, the cumulative result of a series of negative declarations is that residents are expected to accept that 9+9+9=9. (Still in the works are considerations for use of the former MaryAnne's Bakery site on Alhambra between C and D; proposals previously floated would have involved significant numbers of vehicular trips.)

In 2000, a comprehensive McKinley Park Traffic Calming Study, involving numerous residents, was conducted under the City's guidance and authority. Mitigation recommendations arising from the study were subjected to a vote of taxpayer residents in the affected areas, which approved it. Adoption of the recommendations was then formally approved by the City Council at their January 30, 2001 meeting. In

C STREET/ALHAMBRA BOULEVARD RESIDENTS' COMMENTS ON MCKINLEY VILLAGE RDEIR

2008, additional mitigation was approved for the area in response to the C Street Business Park expansion.

The approved mitigation measures include some of the very features that City now proposes to remove. How is it that for previous developments, mitigation was added, yet for the current development – possibly the largest yet – **instead of adding traffic mitigation the City is removing it?** This certainly breaks any bond of trust possible between the residents and the City.

At the same time that removing traffic mitigation is proposed for this area, traffic diverting mitigation has already been installed for 28th and C. As if to add insult to injury, the underpass to McKinley Village includes electronic speed monitoring signs and rumble strips, presumably to protect the concrete and steel underpass from harm. What about protecting our residents and their children?

The City's NTMP states as a guiding principle that traffic will not be shifted from one street at the expense of another. However, the proposed modifications, which will encourage and facilitate the movement of traffic off of E/McKinley onto Alhambra and thus C, do just that.

5) The RDEIR still fails to present substantial evidence that transportation impacts would be reduced to less-than-significant levels.

The sole reason the City prepared and recirculated the RDEIR was the decision from the Third District Court of Appeals in *East Sacramento Partnership for a Livable City v. City of Sacramento*, point (4) whereby the City failed to present substantial evidence that traffic impacts at intersections operating at LOS F pursuant to General Plan Policy M.1.2.2 were less than significant. In other words, what evidence was entered into the record to support the conclusions that impacts to LOS F intersections on 28th Street were less than significant, while impacts to LOS F intersections just a few blocks away in East Sacramento were significant? The City has still not fully addressed the Court's request for this correction in the RDEIR. The Court noted that "Compliance with a General Plan policy does not conclusively establish that there is no significant environmental effect." It is the City's duty to present substantial evidence that compliance with General Plan Policy M.1.2.2 would result in a less-than-significant environmental impact in the Core Area, but would result in significant impacts on similarly situated streets just a few blocks away in East Sacramento.

6) Other concerns (a partial list only):

- The traffic analyses conducted neither determine nor consider a threshold of acceptable and healthy levels of noise, pollution from tailpipe emissions, brake dust, or other hazards and nuisances generated by traffic. To conclude that repeated increments do not sum to a total is nonsensical, and done at the expense of taxpayer residents and children - their health, safety, use of their homes and neighborhood, and their property values. Sacramento needs to be addressing this in 'world class city' manner, as other cities have successfully done, rather than taking a 'minimum required by law' approach.
- The RDEIR does not contain a new traffic analysis, or new mitigation that would protect historic neighborhoods.

C STREET/ALHAMBRA BOULEVARD RESIDENTS' COMMENTS ON MCKINLEY VILLAGE RDEIR

- The DEIR, EIR, and RDEIR fail to address truck and bus traffic using local residential streets instead of readily accessible designated minor collectors, major collectors, and arterials.
- The current process does not optimally comply with the Court of Appeal decision by decertifying the current EIR, and circulating a new EIR for additional public comment. In fact it appears to attempt to bypass requirements elements of Court of Appeal and State Supreme Court decisions, by rushing through an RDEIR while developers attempted to block publication of the Court of Appeal's decision.
- Significant existing traffic impacts continue to be insufficiently mitigated. Due to traffic, our neighborhood experiences loss of use of front yards, serious concerns for the safety of children, pets killed when they stray for just minutes, interior and backyard noise interfering with enjoyment of our homes, frequent minor collisions and damage to parked vehicles, and a host of other unacceptable consequences. The City has strayed far indeed from their 1988 General Plan goals to protect neighborhoods from problems caused by traffic.

At a minimum, the City needs to:


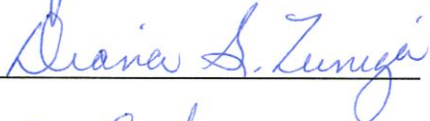

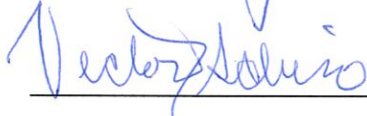


- Not remove existing traffic mitigations, or otherwise modify streets in such a way as to facilitate traffic movement rather than protect pedestrians, bicyclists, children and adult residents, residential viability, and property values.
- Conduct a proper analysis and impact study that addresses the issues enumerated in this letter, as well as relevant others that may surface during the analysis.
- Add sufficient traffic mitigation to ensure the preservation of the neighborhood and safety of its residents.

SIGNATURES

SIGNATURE:

PRINTED NAME

ADDRESS

	ROBERT P. ZUNIGA	3106 C ST.
	RO DIANA S. ZUNIGA	3106 C ST
	CARL SEYMORER	3116 C ST.
	VICTOR J. SCHIRO	3101 C ST
	STEPHEN MATTHEW HELMS	3100 C ST,
	ROSY SHAH	826 - 43rd st

C STREET/ALHAMBRA BOULEVARD RESIDENTS' COMMENTS ON MCKINLEY VILLAGE RDEIR

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- Conduct a proper analysis and impact study that addresses the issues enumerated in this letter, as well as relevant others that may surface during the analysis.
- Add sufficient traffic mitigation to ensure the preservation of the neighborhood and safety of its residents.

SIGNATURES

SIGNATURE:

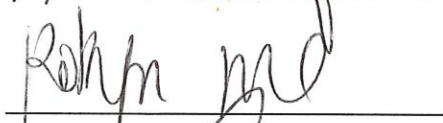
PRINTED NAME

ADDRESS



Karina Martinez

3143 C St.



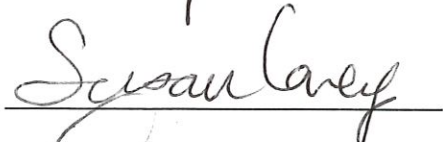
Robyn Bond

3175 C Street



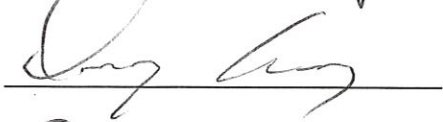
Alexa Garza

3181 C Street



SUSAN COVEY

3189 C St



DWAYNE COVEY

3189 C St



Stacie Tabarez

3219 C St



F. FLAMERTY

3219 C St

SIGNATURE

PRINTED NAME

ADDRESS

Peyanna Garcia

Peyanna Garcia

3109 C St

Aaron Czyzewski

Aaron Czyzewski

3109 C St

Christina Statescu

Christina Statescu

3117 C street

Alab

ALARIC COLE

3117 C st

Selena Navarrete

SELENA NAVARRETE

3140 C ST.

Victoria Navarrete

Victoria Navarrete

3140 C Street

~~*[Signature]*~~

~~Victoria Navarrete~~

~~3140 C St~~

BEN GOLDHAMMER

BEN GOLDHAMMER

3132 C ST.

Laura Goldhammer

LAURA GOLDHAMMER

3132 C St.

Brian Nagy

Brian Nagy

3131 C St.

Jessica Nagy

Jessica Nagy

3131 C St.

Alex Calvario

Alex Calvario

3137 C St.

Jose Hernandez

Jose Hernandez

3170 - C - ST

Steve Swindel

Steve Swindel

3176 C St

SIGNATURE

PRINTED NAME

ADDRESS

Jenny E. Nansen Jenny E. Nansen 3280 C St
Melisa R Melisa R 474 FRESA 3270 C

Leslie Bossem Leslie Bossem 3248 C St

Aug Alberto Cano 3232 C St

Whitney Dufresne Whitney Dufresne 3224 C St.

Ben Dufresne Ben Dufresne 3224 C St

Godette JOHNSON JOHNSON 3216 C St

GARY VEFFREDO GARY VEFFREDO 3158 C

monigua Cornejo monigua Cornejo 411 Alhambra Blvd

Priscilla Estrada Priscilla Estrada 209 Alhambra Blvd

Eulogio Castro Eulogio Castro 411 Alhambra Blvd

Julie Rodriguez Julie Rodriguez 3135-D- ST.

Juanita Rodriguez Juanita Rodriguez 3135 D St.

Cindley Pilgrim Cindley Pilgrim 400 Alhambra Blvd

Larry Pilgrim Larry Pilgrim 400 Alhambra Blvd

SIGNATURE

PRINTED NAME

ADDRESS

[Handwritten signature]

MARK HUBERSON

3225 C

[Handwritten signature]

Danielle Pastana

3249 C

[Handwritten signature]

Crystal Bolanos

250 33rd St.

[Handwritten signature]

Vince Duffy

3128 C Street

[Handwritten signature]

Karin Bloomer

3128 C Street

SIGNATURE

PRINTED NAME

ADDRESS

Richard Rynders

Richard Rynders 421 Alhambra

Dioninda Ruiz

DIONINDA RUIZ 421 ALHAMBRA

Rosemarie King

Rosemarie King 187-41st St.

From: [Suzy Campbell](#)
To: [Dana Mahaffey](#)
Subject: Mckinley village traffic
Date: Friday, March 3, 2017 5:39:43 PM

Dana Mahaffey,

Please reconsider the inadequate traffic plan for the village in consideration of neighborhood impact, safety and quality of life.

Thank you,

Suzy Campbell
801 Alhambra Ste 3
Sacramento CA 95816

From: [Antonia Chapralis](#)
To: [Dana Mahaffey](#)
Subject: McKinley Village EIR/Traffic Issues
Date: Monday, February 27, 2017 8:51:03 PM

Hello, Dana.

I'm sending this again to make sure you received my letter. It was undeliverable at the address listed for you (kmahaffey. . .)

We are already experiencing the negative impact of traffic from McKinley Village. I've had close encounters w/ cars speeding down 40th St. and it's getting worse! Then the other day there was a traffic jam at the 5-way stop at McKinley Blvd. and D St. All the stop signs had from 1 to 3 cars lined up and a blind person was trying to cross the street. It took two of us to help the pedestrian, but it could have been very serious. These unmitigated traffic impacts are getting worse for those of us living in East Sacramento proper.

While sitting through the town hall meetings regarding McKinley Village, one could see that the current EIR was done poorly and hastily. Not all of the planning department were on the same page and we found it embarrassing, to say the least. Please: Conduct a full INDEPENDENT traffic analysis. Re-circulate the EIR now for more public input. (Don't do it during summer vacation.) De-certify the current EIR!

Please COMPLY WITH THE DECISION OF THE COURT OF APPEALS. We are against the "Revised EIR for the McKinley Village Project."

Sincerely,
Tim & Toni Chapralis

March 1, 2017

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

VIA U.S. MAIL and VIA EMAIL: dmahaffey@cityofsacramento.org

Dear Ms. Mahaffey:

I am an I Street resident in Midtown Sacramento and urge the City to comply with the Court's ruling in *East Sacramento Partnerships for a Livable City v. City of Sacramento, et al.*, by decertifying the current EIR, conducting a full and independent traffic analysis and recirculating the EIR for additional public comment. In addition, I am opposed to the Revised EIR for the McKinley Village Project because it does not contain a new traffic analysis, and there is no mitigation for the impact of traffic from McKinley Village on the surrounding neighborhoods and roadways. The City has essentially ignored the Court's ruling and abandoned its duty to see that the impact of traffic from the McKinley Village does not unfairly burden the current residents.

Recently, I notified the City about an increased difficulty exiting my driveway during commute hours. In October 2016, the City conducted a traffic study on I Street that showed 4,500 cars pass my home each weekday. The survey occurred on a non-event day at the new Golden One arena so the impact of traffic from that development was not considered. Surprisingly, I learned that there were no current traffic counts for the other Midtown Streets (A to H Streets) from which to compare the volume of traffic (4,500 daily cars) on my street with the other streets. This also means that there are no current traffic counts and studies on the other streets to compare what might happen when McKinley Village is fully completed. The City acknowledged that 4,500 cars is a significant number of cars for a residential street, and that it had insufficient information to determine if I Street was unfairly impacted by traffic compared to other streets, yet it still inexplicably takes the position that McKinley Village traffic will not impact the already overburdened traffic on I Street. There is no current data to support the City's conclusion, and it must be required to fairly evaluate the traffic impact from McKinley Village.

In addition, I Street is the only street now in the Midtown area between A and J Streets without a City imposed street closure, and I Street has the only unencumbered direct path from McKinley Village to downtown, the Golden One arena, Interstate 5 and Amtrak. Yet, without supporting evidence, the City asserts that I Street is too far from McKinley Village to be impacted by traffic even though it is highly likely that the residents of McKinley Village will seek the most direct and least restrictive route to downtown, which is I Street. The City has turned its back on mitigating traffic fairly and responsibly for all its residents, and must be required to develop current, reliable traffic information so that informed decisions can be made about how best to compare, evaluate, and mitigate traffic in Midtown from the massive increase in traffic related to the McKinley Village project.

Please decertify the current EIR and require the City to comply with the Court of Appeal decision by conducting a full and independent traffic analysis and then recirculating the EIR for additional public comment. Also, please reject the Revised EIR for the McKinley Village Project because it does not offer any mitigation or current traffic information to make any type of informed decision about the impacts of the project. Any less than decertifying the current EIR and rejecting the Revised EIR for the McKinley Village Project and the City will have ignored the Court, and ignored its responsibility to develop responsible and current information about traffic from a development that will have a direct and major impact on its current residents.

Thank you for considering my comments.

Sincerely,

A handwritten signature in cursive script that reads "Richard Clark". The signature is written in black ink and is positioned above the typed name and contact information.

Richard Clark
2619 I Street
Sacramento, CA 95816
RMC100@outlook.com

From: [Ashley Conrad-Saydah](#)
To: [Mayor Steinberg](#); [Dana Mahaffey](#); [Jeff S. Harris](#)
Subject: McKinley Village mitigation
Date: Friday, March 3, 2017 11:44:06 PM

To my city representatives:

McKinley Village will create unacceptable traffic in our neighborhood, creating hazards to pedestrians, cyclists, and other drivers. Additional idling traffic increases air pollution as well, further exacerbating the health problems already posed by a development hemmed in by a highway and railroad. Include an additional access point at Alhambra, replete with safe, active transit routes for cyclists and pedestrians and bus stops to ensure connectivity with other city transit routes. Please adopt this as a mitigation measure as part of the project at the expense of the developer, not the city.

Thank you.

Sincerely,

Ashley Conrad-Saydah
Sacramento, CA 95819

Sent from my mobile.

From: [rick doerr](#)
To: [Dana Mahaffey](#)
Subject: STOP McKinley Village "Please comply with the Court of Appeal's ruling and analyze traffic impacts"
Date: Tuesday, February 28, 2017 6:45:23 AM

Council member Dana Mahaffey,

During the months taken by the Supreme Court to reach its decision, the opinion of the Court of Appeal could not be delivered to the Superior Court for implementation.

During the delay, the City of Sacramento issued its "Revised Draft EIR for McKinley Village." Yet, the Revised EIR contains no new traffic analysis. The lack of analysis in the Revised EIR does not address the Court's direction to properly analyze traffic impacts, and does not reduce those impacts in any way in our neighborhoods and in the central core.

ESPLC believes that the City's latest action violates not only the letter and spirit of CEQA, but also the express directions given by the Court of Appeal in its published decision.

The Court of Appeal's decision—as confirmed by the Supreme Court—is significant and, quite literally, precedent setting. It requires cities and developers state-wide to respect the health and well-being of the People by properly evaluating the environmental impacts of new developments *before* they are approved. The decision confirms that which should have been obvious: the developers—and the government at the behest of the developers—cannot paper over significant environmental impacts by simply declaring those impacts to be "acceptable" without proper study and disclosure to the people who will be impacted. Here, however, the decision will be meaningless if the City is allowed to circumvent the Court of Appeal's ruling *before* it takes effect. To avoid that, we need your help.

Rick & Sally Doerr
199 Tivoli Way
Sacramento CA 95819

From: [Shannon Downs](#)
To: [Dana Mahaffey](#)
Subject: Fwd: McKinley Village Traffic Impact on East Sacramento Residents
Date: Monday, February 27, 2017 11:34:35 AM

Dear Ms. Mahaffey,

I'm a resident of East Sacramento and live on a street that connects with Elvas. I think our traffic is already heavy on this road and can be very dangerous when trying to pull into traffic because of the speed and high volume of cars. I'm very concerned of the safety of using this road and many others in my neighborhood once McKinley Village becomes populated and we have 300+ cars on the road.

I want you to **REJECT** the inadequate "Revised EIR" and **COMPLY** with the Court of Appeal's decision.

Thank you,

Shannon

Shannon Downs, CLPF, NGA
Downs Fiduciary Services
3626 Fair Oaks Blvd., Suite 300
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2211
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92612
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fax 949.252.1514

March 3, 2017

VIA HAND DELIVERY AND BY EMAIL

Dana Mahaffey, Associate Planner
City of Sacramento, Community Development Department
Environmental Planning Services
300 Richards Boulevard, Third Floor
Sacramento, CA 95811
dmahaffey@cityofsacramento.org

**RE: Comments On Revised Draft Environmental Impact Report For
The McKinley Village Project (P08-086)**

Dear Ms. Mahaffey:

The Revised Draft Environmental Impact Report for the McKinley Village Project (the "RDEIR") is fatally flawed insofar as it (i) improperly attempts to circumvent a decision by the Court of Appeal that requires the Project EIR's decertification; (ii) fails to correct deficiencies in the EIR's traffic analysis that the Court of Appeal concluded render the EIR noncompliant with the California Environmental Quality Act ("CEQA"); (iii) fails to satisfy the requirements for a supplemental or subsequent EIR in that it ignores significant changes in the circumstances since the original EIR was certified; and (iv) was not recirculated as required by CEQA. If these defects are not remedied, the McKinley Village Project will remain in violation of CEQA, and will continue to impair the quality of life of the residents of the City of Sacramento.

On November 7, 2016, the Court of Appeal of the State of California, Third Appellate District, issued an opinion in the action captioned *East Sacramento Partnerships for a Livable City v. City of Sacramento, et al.*, Case No. C079614 (the "ESPLC Action"), in which the Court of Appeal concluded that the Project's EIR failed to comply with CEQA (the "Opinion"). In particular, the Court held that the EIR's traffic analysis was deficient because the EIR determined, based solely on a mobility element in the City's 2030 General Plan, that the Project's impacts on severely degrading traffic conditions at certain intersections were insignificant. The Court of Appeal explained that the General Plan alone *does not* constitute substantial evidence that the Project's impacts on failing traffic conditions are insignificant. On that basis, the Court remanded the case to the Superior Court for the County of Sacramento for entry of an order requiring the City to decertify the Project EIR, and to bring its traffic analysis into compliance with CEQA.

Not only has the City failed to follow the procedural steps mandated by the Court of Appeal (*i.e.*, decertification of the Project EIR), but the RDEIR is substantively deficient both in light of the Court of Appeal's Opinion and the requirements of CEQA. First, the RDEIR does not correct the defects that the Court of Appeal identified in its Opinion since the RDEIR, like the original EIR, fails to support its conclusion that the Project's impacts on degrading traffic conditions are less than significant with substantial evidence. Second, the RDEIR fails to account for substantial changes



from the time that the original Project EIR was certified—including the City's adoption of the 2035 General Plan—that require the City to prepare a supplemental or subsequent Project EIR pursuant to Public Resources Code § 21166 and 14 Cal Code Regs. § 15162(a)(2). For example, the RDEIR continues to analyze the Project's traffic impacts under the version of Mobility Policy 1.2.2 that was in place when the Project was originally approved. This policy was superseded by the 2035 General Plan.

Accordingly, in order to comply with CEQA and the Court of Appeal Opinion, the City must (i) decertify the Project EIR; (ii) prepare a subsequent or supplemental EIR that both corrects the deficiencies identified by the Court of Appeal and accounts for significant changes since the original Project EIR was certified, including the City's adoption of the 2035 General Plan; and (iii) recirculate the subsequent or supplemental EIR for public review and comment before considering its certification.

A. The City's Approval of the McKinley Village Project

The McKinley Village Project, which includes the construction of 336 residential units, is located on 49 acres of land zoned for heavy industrial uses. It is surrounded by a major freeway to the north, railroad tracks to the south, and is adjacent to a methane-polluted former landfill. Among other impacts, the Project is expected to generate an additional 3,500 vehicle trips per day in an already congested area.

The City circulated a draft EIR ("DEIR") for the Project for public review and comment from November 12, 2013 until January 10, 2014. Notwithstanding the size, location, and complexity of the Project, the DEIR claimed that all significant impacts related to the Project could be reduced to a less than significant level. Extensive comments were submitted to the City during the DEIR public comment period. In total, the City received nearly 130 comment letters on the DEIR, most of them from responsible agencies, environmental groups, neighborhood organizations, and citizens concerned about the adverse environmental impacts of the Project. For example, Caltrans submitted comments indicating that it had "serious concerns regarding the lack of adequate traffic analysis" in the DEIR. ESPLC also submitted comments on the DEIR that were supported by analysis prepared by expert environmental, planning, and traffic consultants. Instead of providing good faith, reasoned responses to the comments on the DEIR, the City published the Final EIR ("FEIR") with relatively minimal changes. The FEIR failed to adequately address the deficiencies in the DEIR identified by ESPLC and others.

The City Council held its first public hearing on the Project on April 29, 2014. At the hearing, Councilmember Hansen moved to approve the Project before the public comment portion of the hearing was opened. Ultimately, in a split 6-3 vote, the City Council certified the EIR and approved the Project. The dissenting councilmembers expressed concerns given the neighborhood opposition; traffic, air, and noise impacts; and inadequate site access and its associated effect on emergency response times. The City filed its Notice of Determination on April 30, 2014.

B. The ESPLC Action

On May 30, 2014, ESPLC filed a petition for writ of mandate in the Superior Court for the County of Sacramento to challenge the City's approval of the Project. ESPLC argued that the City's approval of the Project failed to comply with CEQA because the Project EIR (i) failed to adequately analyze the Project's significant health impacts; (ii) failed to address significant and unavoidable traffic impacts; (iii) failed to disclose or to mitigate significant methane impacts; and (iv) failed to



disclose significant unavoidable noise impacts. In addition, ESPLC argued that the Project was inconsistent with the City of Sacramento's 2030 General Plan.

After the trial court denied ESPLC's petition, on June 22, 2015, ESPLC timely filed a notice of appeal of the trial court's judgment. After briefing and oral argument, on November 7, 2016, the Court of Appeal issued its Opinion reversing in part the trial court's denial of ESPLC's petition, and concluding that the Project EIR's traffic analysis failed to comply with CEQA. The Court highlighted the fact that the EIR "found traffic impacts at intersections on 28th and 29th Streets that changed conditions from LOS C to LOS E and from LOS A to LOS D under existing plus project conditions," and that "[u]nder cumulative plus project conditions, several intersections on 28th, 29th, and 30th Streets are at LOS F, with significant delays." As the Court of Appeal explained:

The EIR found these impacts to be less than significant based solely on the mobility element in the City's general plan, without any *evidence* that such impacts were insignificant. Indeed, the Master EIR for the City's 2030 general plan, which adopted the mobility element at issue, recognized that the impact of traffic increases above LOS D-E were "significant and unavoidable." Further, the EIR finds similar changes to LOS conditions in East Sacramento, outside the core area, *are* significant impacts and require mitigation. Accordingly, there is evidence of a significant impact on traffic on 28th, 29th, and 30th Streets. As in *Amador Waterways*, the EIR contains no explanation why such increases in traffic in the core area are not significant impacts, other than reliance on the mobility element of the general plan that permits LOS F in the core area during peak times.

The Court of Appeal went on to explain that the EIR's conclusion that the foregoing traffic impacts were not significant was not supported by substantial evidence because "[t]he general plan alone does not constitute substantial evidence that there is no significant impact." The Court concluded as follows:

Because the EIR fails to explain or provide substantial evidence to support the finding of no significant traffic impact at these intersections, we must reverse the trial court's denial of ESPLC's petition for a writ of mandate and remand the case for issuance of a writ ***directing the City to set aside its certification of the final EIR and to take the action necessary to bring the transportation and circulation section of the EIR into compliance with CEQA***....The City need only correct the deficiency in the EIR that we have just described before considering recertification of the EIR. (Emphasis added.)

Thus, the Court of Appeal's Opinion plainly directs the trial court to enter an order requiring decertification of the Project EIR, remediation of the EIR's deficient traffic analysis, and recertification of the EIR.

Neither the City of Sacramento nor the City Council filed a petition for review of the Court of Appeal's decision by the California Supreme Court. However, on December 23, 2016, the City of Sacramento filed a request in the California Supreme Court for the depublication of the Court of Appeal's Opinion. Over a dozen non-parties to the ESPLC Action also filed requests for depublication of the Court of Appeal's Opinion, and ESPLC filed oppositions to those requests. On February 15, 2017, the California Supreme Court denied all of the requests for depublication and declined to review the matter on its own motion, thereby rendering the Court of Appeal's Opinion



final. On February 17, 2017, the Court of Appeal issued a remittitur of the matter to the Superior Court. As directed by the Court of Appeal, on remand, the Superior Court is to enter an order requiring that the EIR be decertified and its traffic analysis brought into compliance with CEQA.

C. The Revised FEIR Violates both CEQA and the Opinion of the Court of Appeal

As noted, and for the reasons explained below, the RDEIR for the Project does not comply with CEQA or the Court of Appeal's Opinion in the ESPLC Action.

Terra Nova, a leading expert on CEQA issues, reviewed the RDEIR in light of the 2035 General Plan and the Court of Appeal's Opinion, and concluded that the RDEIR complies with neither. Terra Nova's review is attached hereto as Exhibit A, and is incorporated into this letter as though set forth in full.

1. The RDEIR Reflects an Improper Attempt to Circumvent the Court of Appeal's Determination that the Project EIR Must Be Decertified

Upon determining that the Project EIR failed to comply with CEQA, and reversing and remanding the ESPLC Action to the Superior Court for the County of Sacramento, the Court of Appeal expressly directed the Superior Court to issue "a writ directing the City to set aside its certification of the final EIR . . ." Nevertheless, the City has not decertified the Project EIR in accordance with the Court of Appeal's Opinion. Instead, the City attempted to circumvent the Court of Appeal's Opinion by taking advantage of the aforementioned requests for depublication of the Opinion, and the unusual delay that this caused to the remittitur's issuance to the Superior Court, which in turn delayed entry of an order by the Superior Court in the form directed by the Court of Appeal.

Specifically, while the requests for depublication were pending in the California Supreme Court, instead of decertifying the EIR as required by the Opinion, the City purported to "revise" the Project EIR and posted a Notice of Availability of the RDEIR, purporting to commence a review and public comment period of 45 days that expires on March 3, 2015. However, as the Court of Appeal's decision is now final, and the remittitur to the trial court has been issued, there is no justification for the City's attempt to preemptively circumvent an order that the trial court must issue in the form directed by the Court of Appeal. In accordance with the Court of Appeal's express instruction, that order must require the City to decertify the project EIR.

2. The RDEIR Does Not Correct the Fatal Deficiency Identified by the Court of Appeal

As detailed in the accompanying letter from Terra Nova, the RDEIR remains defective for the same reason identified by the Court of Appeal, namely, that it fails to provide substantial evidence to support its conclusion that certain degrading traffic conditions are not significant. Indeed, the RDEIR contains no new analysis and provides no new evidence that could justify its conclusion that LOS F traffic impacts at intersections in the City's "Core Area" are insignificant. Although the City's "explanation" of Mobility Element policy M.1.2.2 has been expanded since the original EIR to explain certain "community values," it does not address the Court of Appeal's statement that "'community values' do not... necessarily measure environmental impacts."

Moreover, although the RDEIR attempts to explain how the Mobility Element is consistent with state policies regarding the reduction of vehicle trips and associated greenhouse gas emissions, the RDEIR does not quantify how the Mobility Policy will improve these environmental



impacts. Rather than providing any evidence (let alone substantial evidence) that the degrading traffic conditions identified by the Court of Appeal do not constitute significant environmental impacts, the RDEIR continues to rely solely on the Mobility Element in the 2030 General Plan to support its conclusion that degrading traffic conditions at certain intersections in the City's "Core Area" are less than significant. As a result, the RDEIR fails to cure the fatal defect identified by the Court of Appeal, or to address the Court's clear and unambiguous statement that "[t]he general plan alone does not constitute substantial evidence that there is no significant impact."

3. The RDEIR Does Not Satisfy The City's CEQA Obligation to Prepare a Subsequent or Supplemental EIR

The City is required to prepare a Subsequent or Supplemental EIR pursuant to Public Resources Code Section 21166, which provides as follows:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

See also 14 CCR § 15162(a)(2).

Following the City's certification of the Project EIR in 2014, the City of Sacramento adopted its 2035 General Plan. The 2035 General Plan indisputably constitutes a "substantial change" that must be accounted for in the City's review of the McKinley Village Project following the Court of Appeal's Opinion before a subsequent or supplemental EIR can be certified. The adoption of the 2035 General Plan dramatically changes much of the analysis in multiple sections of the RDEIR. For example, the 2035 General Plan substantially revised Mobility Element Policy M 1.2.2, on which the Project EIR's traffic analysis relies. Nevertheless, the RDEIR analyzes traffic impacts under the superseded version of Mobility Policy 1.2.2 that appeared in the City's 2030 General Plan. The changes to Mobility Policy 1.2.2 in the City's 2035 General Plan create potentially significant environmental impacts relating not only to traffic, but to air quality, noise, and emergency services. These impacts must be studied before a supplemental or subsequent EIR can be certified. Thus, the RDEIR is inadequate because its analysis is based on policies and provisions in a General Plan that is no longer valid.

4. The City Failed to Recirculate the EIR as Required By CEQA

Not only did the City fail to decertify the Project EIR, fail to correct the deficiencies in the EIR, and fail to prepare a subsequent or supplemental EIR to account for substantial changes as required by CEQA, but the City also created a faulty and invalid process for circulation of, and



public comment on, the RDEIR. Recirculation of an EIR is governed by 14 CCR § 15088.5, which provides, in relevant part, as follows:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, 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 include, 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.

See *also* Public Resources Code Section 21092.1.

As discussed above, the City is required to prepare a subsequent or supplemental EIR that accounts for the City's adoption of the 2035 General Plan. That subsequent or supplemental EIR will necessarily include “significant new information” within the meaning of Section 15088.5 of the CEQA Guidelines, and will thus require recirculation.

But even if the RDEIR was procedurally proper or substantively adequate (it is not), and even if a partial recirculation of the EIR was appropriate in this case (it is not), the City's circulation of the RDEIR would remain deficient and a violation of CEQA. In its Notice of Availability of the RDEIR, the City acknowledged that it would not recirculate the EIR as a whole, and stated that “[b]ecause the Court of Appeal expressly limited the scope of the cure required to remedy the EIR's deficiency, the City is recirculating only the Revised Draft EIR and Appendix A to the Revised Draft EIR for review and comment.” The Court of Appeal's determination that the Project EIR failed to comply with CEQA was based on its conclusion that the EIR's traffic analysis was deficient. Nevertheless, the City did not recirculate even the complete Section 4.9 of the EIR that discusses “Transportation and Circulation.” Instead, the City circulated only a portion of that section reflecting changes that the City made to the Project EIR. However, as explained in the accompanying letter from Terra Nova, it is difficult if not impossible to evaluate the RDEIR because a reader must flip back and forth between the original EIR that the Court of Appeal found defective, and the very limited RDEIR that the City made available for review. A reader cannot simply review the RDEIR



and understand its discussion in context, as the RDEIR includes, for example, partial data from tables that appear in the EIR. Particularly for an issue as complex and interdependent as traffic, the City cannot, consistent with its obligations under CEQA, simply extract and circulate for review just a fragment of the EIR's traffic discussion.

Accordingly, the City must prepare a supplemental or subsequent EIR that accounts for changes since the original EIR was certified, and that includes an adequate traffic analysis which is supported by substantial evidence. Because that supplemental or subsequent EIR will include substantial new information including, among other things, analysis based on the 2035 General Plan, the City must recirculate that EIR for public review and comment pursuant to CEQA Section 15088.5(a).

D. Conclusion

For all of the reasons stated above, the RDEIR does not comply with CEQA or with the Court of Appeal's decision in the ESPLC Action. To comply with CEQA and with the Court of Appeal's decision, the City must (i) decertify the Project EIR; (ii) prepare a subsequent or supplemental EIR that both corrects the deficiencies identified by the Court of Appeal and accounts for significant changes since the original Project EIR was certified, including the City's adoption of the 2035 General Plan; and (iii) recirculate the subsequent or supplemental EIR for public review and comment before considering its certification.

Sincerely,

BROWN RUDNICK LLP

A handwritten signature in black ink, appearing to read 'Stephen R. Cook', written over a horizontal line.

STEPHEN R. COOK

EXHIBIT "A"



TERRA NOVA PLANNING & RESEARCH, INC.

February 28, 2017

Mr. Stephen R. Cook
Brown Rudnick LLP
2211 Michelson Drive, 7th Floor
Irvine, CA 92612

RE: McKinley Village Project (P08-806) Revised Draft Environmental Impact Report (SCH 2008082049)

Dear Mr. Cook:

Following our telephone conversations, this letter is written in response to your request that we review the revised Environmental Impact Report for the McKinley Village Project (revised DEIR), released by the City for public comment on January 18, 2017. This review has been undertaken to analyze whether the revised DEIR conforms to the requirements of the California Environmental Quality Act (CEQA), and the direction provided by the Court of Appeal in its Opinion in this case, as provided below, also in the context of the requirements of CEQA. The court found that:

“...Here, the EIR found traffic impacts at intersections on 28th and 29th Streets that changed conditions from LOS C to LOS E and from LOS A to LOS D under existing plus project conditions. Under cumulative plus project conditions, several intersections on 28th, 29th, and 30th Streets are at LOS F, with significant delays. The EIR found these impacts to be less than significant based solely on the mobility element in the City’s general plan. However, the EIR finds similar changes to LOS conditions in East Sacramento, outside the core area, are significant impacts and require mitigation. Accordingly, there is evidence of a significant impact on traffic on 28th, 29th, and 30th Streets. As in Amador Waterways, the EIR contains no explanation why such increases in traffic in the core area are not significant impacts, other than reliance on the mobility element of the general plan that permits LOS F in the core area during peak times.”

In response to a comment questioning the City’s discretion in establishing its own LOS thresholds of significance, the final EIR states that the LOS thresholds of the City’s general plan reflect “community values.” Such “community values” do not, however, necessarily measure environmental impacts. (Cf. Berkeley Jets, supra, 91 Cal.App.4th at p. 1381 [land use noise threshold not determinative for CEQA].) The core area of the general plan covers downtown and midtown Sacramento and includes both busy commercial and quiet residential streets. The CEQA Guidelines caution that “the significance of an activity may vary with the setting.” (CEQA Guideline, § 15064, subd.(b).)

The general plan alone does not constitute substantial evidence that there is no significant impact. “[T]he fact that a particular environmental effect meets a particular threshold cannot be used as an automatic determinant that the effect is or is not significant. To paraphrase our decision in Communities for a Better Environment, a threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant...

...Because the EIR fails to explain or provide substantial evidence to support the finding of no significant traffic impact at these intersections, we must reverse the trial court’s denial of ESPLC’s petition for a writ of mandate and remand the case for issuance of a writ directing the City to set aside its certification of the final EIR and to take the action necessary to bring the transportation and circulation section of the EIR into compliance with CEQA....The City need only correct the deficiency in the EIR that we have just described before considering recertification of the EIR.” (emphasis added)

Document Format and Content

The DEIR contains only portions of Section 4.9, Transportation and Circulation, on the basis that “Section 15088.5 requires recirculation of only the significant new information, rather than the entire EIR.”¹ This reasoning fails for two reasons. First, the writer mis-represents the provisions of CEQA Section 15088.5. Section 15088.5(c) reads:

“If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.”

In this case, the recirculated document must include the entire Section 4.9, Transportation and Circulation, not only those paragraphs or pages which the City has edited. It is impossible to consider the revised DEIR’s adequacy in this case, because one must move back and forth between the original EIR and the revision to understand the discussion in context. This includes eviscerated Tables, where only portions of the Table are provided in the revised DEIR, and the balance must be found in the original. Particularly for an issue as complex and interdependent as traffic, pulling the discussion out of context is inappropriate, and inconsistent with the requirements of CEQA.

Second, the City was required by the court to “set aside its certification of the final EIR.” As a result of the City’s failure to set aside that certification, there is no EIR on which to depend, and the document should have been recirculated in its entirety, although only the changes in the Transportation and Circulation section were to be made. The court was clear: the City was to only make the changes necessary to this section “before considering recertification of the EIR.” We understand that the City has not complied with the Court of Appeal’s direction

¹ McKinley Village Project Revised Draft Environmental Impact Report, page 1-2.

to set aside the certification of the document. The City should not compound that error by improperly distributing only revised pages instead of the document as a whole, as required by CEQA.

In addition, the City's analysis considers the wrong Mobility Element policy, a policy that is simply no longer operative. Since the certification of the original EIR, the City has substantially amended and adopted a revised Mobility Element Policy M 1.2.2. The revised DEIR should have analyzed the revised policy, not the original, since the original no longer applies or exists.

The substantial change in the adopted General Plan leads to another conclusion: the revised DEIR is inadequate because it considers a General Plan which no longer exists. Under CEQA Section 15088.5(a), a "*lead agency is required to recirculate an EIR 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 before certification.*" In this case, the City's updated General Plan contains substantial new information and changes in policy that must be included in the revised DEIR, because there is no certified EIR at this time. For these reasons, the City must undertake a Supplemental EIR to comply with CEQA. Again, the City's failure to comply with the Court of Appeal Opinion directing the City to set aside the certification is no reason to avoid compliance with CEQA.

Analysis

The revised DEIR contains no new analysis, and provides no justification for significant impacts associated with intersections in the City's Core Area. The "explanation" of the City's Mobility Element policy M.1.2.2 has been expanded to better explain the "community values" of increased bicycle and pedestrian activity, but does not address the court's direction that "*community values do not, however, necessarily measure environmental impacts.*" The revised DEIR states that the threshold of significance relating to LOS is two-pronged:

The first prong of the threshold is to analyze whether "traffic generated by the project degrades LOS from an acceptable LOS (without the project) to an unacceptable LOS (with the project)."² If it does, then the project will have significant environmental impacts. The revised DEIR, however, continues to state that the fact that the project will degrade LOS in the Core Area is less than significant solely because of the existence of the now defunct Mobility Element policy. There is no consideration that this policy does not measure environmental impact. The revised DEIR failed to provide an analysis of the environmental impact associated with this degradation. As a result, the impacts associated with the first prong of the threshold of significance remain significant and unavoidable, and should be declared as such in the revised DEIR.

The second prong of the threshold is to determine whether "[t]he LOS (without Project) is unacceptable and Project generated traffic increases the average vehicle

² CEQA Guidelines, Appendix G.

delay by 5 seconds or more.” In this case, the revised DEIR clearly states that three intersections would experience a reduction from LOS C/D to LOS E/F, and therefore fail to meet this threshold in the Core Area, and four additional intersections would continue to operate at LOS E and F, and meet this threshold during the AM/PM peak hour. In both cases, the only explanation given for a determination of “less than significant impacts” is Mobility Element policy M 1.2.2. The analysis in the EIR shows that this impact is significant, since by any standard, including the City’s own in every other area but the Core, LOS E and F are unacceptable. The revised DEIR, however, fails to address the court’s determination that the *“general plan alone does not constitute substantial evidence that there is no significant impact.”* The revised DEIR also fails to address the issue that *“a threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant.”* In this case, under the requirements of CEQA and consistent with the court’s interpretation, the City offers no substantial evidence that the reductions in LOS that will be experienced in at least 6 intersections will not have a substantial environmental impact, given that LOS E and F are considered unacceptable in the City and throughout California. The LOS standard is well established, and extends well beyond local jurisdictions. For example, the California Department of Transportation will not fund street improvement projects for locations with unacceptable LOS E or F, unless the relevant jurisdiction can first demonstrate that it will improve the level of service to LOS D or better. This represents substantial evidence that the LOS standard of LOS D or better is a tangible and widely accepted measure of environmental impact when considering intersection traffic flow.

Appendix A

As described above, the revised DEIR includes no new quantitative analysis of the traffic impacts associated with the proposed project. Instead, the revised DEIR relies on an explanation of the City’s policy M 1.2.2, provided in Appendix A of the document. This appendix attempts at length to justify why an unacceptable LOS in the Core Area is possible and acceptable. The analysis, however, does not provide any explanation of whether a failure in LOS standards is an environmental impact. On the contrary, the analysis provided in the Appendix states that in an urban core which is “transit-rich” results in “decreased per capita vehicle travel and increased use of alternative travel modes.” If this is the case, the traffic model for the General Plan and the McKinley Village project must show that LOS will be improved in this environment. Current traffic modeling technology allows for the assignment of vehicle trips to transit, pedestrian or NEV use. This type of quantified analysis would be substantial evidence under CEQA that the Mobility Element policy is having a positive environmental impact. However, the revised DEIR, the EIRs for General Plan 2030 or 2035 do not provide such an analysis, and do not demonstrate that the City’s Core Area policy will, in fact, have any effect on the environment.

The Appendix explains at length how the Mobility Element policy complies with state policies relating to reduced vehicle trips and associated reductions in greenhouse gas emissions. However, the Appendix fails to quantify how the policy will improve both these environmental impacts. Without a demonstrated decrease in either vehicle trips (reflected in LOS) or in greenhouse gas emissions, the Appendix fails to provide the analysis necessary under CEQA to show the level of environmental impact, and the associated reduction that the

policy will have on that impact. As a result, the Appendix neither addresses the environmental threshold required under CEQA, nor the court's order to demonstrate whether there will be an environmental impact and how that impact will be reduced. Furthermore, the analysis in the Appendix considers a policy which no longer exists. The General Plan 2035 text for Mobility Element Policy 1.2.2 substantially changed from that in the 2030 General Plan. The Appendix's analysis, therefore, is flawed, and should be redone to consider current City policy.

The Appendix also lists a number of improvements that the applicant has been conditioned to complete in order to reduce the project's impacts on area traffic. What the Appendix fails to demonstrate is that these improvements are project-related conditions of approval that would be required to accommodate the project's impacts on the circulation system. They are not, as required in the Mobility Element policy, improvements related to improving the regional transportation network into and in the Core Area. Therefore, they cannot be considered to be implementing the policy, and must be considered only as they relate to direct project impact improvements.

Finally, we note that the Appendix continues to include the addition of a vehicular and/or bicycle tunnel at Alhambra Boulevard as a condition of approval. As we have noted in our previous reviews of the environmental documentation for this project, the original EIR had absolutely no analysis of the impacts associated with the tunnel, stating that the tunnel had not been analyzed because it was infeasible. The City, however, continues to give the applicant credit for this access alternative as part of the suite of conditions of approval that purport to mitigate the project's traffic impacts. It is not acceptable under CEQA to provide no analysis of the impacts of a condition of approval, and then to impose it on a project and expect it to be implemented.

2035 General Plan

In 2013, shortly after the approval of the proposed project, the City adopted changes to its General Plan. Although the original EIR was prepared under the 2030 General Plan, the revised EIR should analyze the project's consistency with the 2035 General Plan, since it is now the document that governs the City's land use decisions.

Most significant in this change as it relates to the traffic impacts for the project is the horizon year adopted with the General Plan update. The original EIR studied a horizon year of 2030, consistent with the adopted General Plan at the time. However, the 2013 update changed that horizon year to 2035. The revised EIR must include traffic analysis for horizon year 2035. Without this analysis, it cannot claim that the project is consistent with the General Plan.

The 2035 General Plan includes comprehensive and extensive changes to the Mobility Element that have not been considered in the revised EIR. Perhaps most significantly, the 2035 General Plan significantly modifies Mobility Element Policy 1.2.2, including changes, additions and deletions to roadways where unacceptable levels of service are made acceptable, including the removal of Alhambra Boulevard and addition of Elvas Avenue and H Street as acceptable LOS E roadways. These changes have the potential to significantly

affect the impacts of the proposed project on both neighborhood roadways and the regional traffic system.

The potentially significant impacts of the changes in Mobility Element Policy 1.2.2 are far reaching. They include, but are not limited to not only traffic, but also to air quality, noise and emergency services. There must be an analysis conducted to consider how much more significant the changes and additions will negatively impact air quality, as a result of increased idling, "hot spot" creation at failed intersections, and GHG emissions over many years of congested traffic. The revised EIR must consider how much more noise will result to adjacent sensitive receptors, including parks, playgrounds, schools, homes, and care facilities, as a result of stalled traffic which will be made worse by the proposed project. Similarly, the revised EIR must consider what impacts the proposed project, when added to the expanded number of failed intersections in the neighborhood, will impact response time for police, fire and ambulance services in the area. In other words, the revised EIR must consider the totality of its potential traffic impacts in light of the increased congestion generated by the changes made in the 2035 General Plan, and determine whether all the impacts of the project will be greater because of these regionally reduced levels of service.

Finally and most importantly, because the City has adopted major revisions to its General Plan which contain substantial new information and changes in policy, and because there is no certified EIR for the project at this time, the City must undertake a Supplemental EIR for the project to comply with CEQA.

Conclusion

As described above, the revised DEIR does not meet the requirements of CEQA, nor the direction provided by the Court of Appeal. The City has failed to provide, both in form and content, the analysis necessary to address the significant impacts associated with traffic as a result of the proposed project.

Sincerely,



Nicole Sauviat Criste
Principal

From: [Arevalo, Michelle L.](#)
To: [Dana Mahaffey](#)
Cc: [Cook, Stephen R.](#); [Kaiser, Shoshana B.](#)
Subject: The McKinley Village Project
Date: Friday, March 3, 2017 3:12:21 PM
Attachments: [2017-03-03 Letter to City of Sacramento.pdf](#)

Dear Ms. Mahaffey,

On behalf of East Sacramento Partnerships for a Livable City, please see the attached letter providing comments on the Revised Draft Environmental Impact Report for the McKinley Village Project (P08-086).

Thank you,



Michelle L. Arevalo
Legal Executive Assistant

Brown Rudnick LLP
2211 Michelson Drive
Seventh Floor
Irvine, CA 92612
T: 949-752-7100
F: 949-252-1514
marevalo@brownrudnick.com
www.brownrudnick.com

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From: [Jill and Rick](#)
To: [Dana Mahaffey](#)
Subject: Revised EIR for the McKinley Village Project
Date: Thursday, March 2, 2017 4:51:39 PM

Dear Ms Mahaffey,

This email is to voice our household's concerns regarding the traffic issues imposed upon our neighborhood due to the building of McKinley Village. The revised EIR for McKinley Village Project does not contain a new traffic analysis nor new mitigation that would lessen the significant traffic impacts of the new development on existing neighborhoods. Significant traffic patterns are starting to emerge during the building of McKinley Village and they will only exacerbate. Our family uses Elvas Ave to move in and out of the neighborhood on a regular basis. To save money a few years ago, the City of Sacramento put more signs at the intersection of 56th and H Street instead of putting a left hand turn arrow. New drivers to the neighborhood continually slow traffic at that intersection to take time to read the signs or wait for oncoming traffic. The signage says oncoming traffic has a red light. This lack of spending a few years ago is starting to impact the traffic patterns and will only get worse with the new development residents using Elvas as a main thoroughfare. A second entrance point under the railroad at Alhambra Blvd should be addressed as promised by the city. This entrance point makes more sense than the two points already under construction. It is close to freeway access and commercial areas. Currently the C Street/40th Street entrance to McKinley Village does not have a traffic light. With a high density in-fill development such as this, a traffic light is necessary. River Park is an example of development with few entrance/exit points but it has a traffic light at H Street and Carlson. In addition, with the C Street Cannery having more tenants such as the UC Davis Medical Group we are experiencing more week day traffic on Elvas Ave. Without a traffic light at the current McKinley Village entrance we are starting to find it difficult to enter Elvas Ave because of the trickling of vehicles from the stop signs on C Street.

I look forward to the City complying with the decision of the Court of Appeal in the case of East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al. by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment. Failure to do this will only waste more taxpayer money.

Thank you,

Jill and Rick Ferreter

From: [Mary French](#)
To: [Dana Mahaffey](#)
Subject: Fwd: McKinley Village EIR - traffic concerns
Date: Tuesday, February 28, 2017 7:29:22 PM

I am a resident of East Sacramento and I am writing to request that the City of Sacramento properly address the traffic problems and inadequate analysis of traffic in the EIR for McKinley Village. The traffic from McKinley Village spills out into the surrounding area and increases traffic congestion on many streets routes such as Elvas,, H, J, Alhambra, etc. This issue was never adequately addressed and the City does not appear to be handling this issue in a manner compliant with the court decision. The City should be representing its residents, including those of us who live and work in the area, and not simply working on behalf of the developer. The lack of substantial evidence in the report cannot be remedied without a traffic study.

This matter should not be rushed through without adequate analysis. Issuing a revised draft EIR at this juncture is premature as the Superior Court has not yet issued its order. I urge the City to comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.

Sincerely,

Mary French
Sacramento

Mary French
mmmfrench@comcast.net

From: [Michael J. Greene](#)
To: [Jeff S. Harris](#)
Cc: [Dana Mahaffey](#)
Subject: RE: McKinley Village Concerns
Date: Thursday, March 2, 2017 11:17:17 AM

Jeff;

Thank you for replying to my 2/27 email about the courts' decisions regarding McKinley Village and your description of those decisions.

I opposed the project, as proposed, because it didn't include Alhambra access/egress. In my opinion, this meant that the project was premature and should have been disapproved by the Planning Commission as well as the City Council.

I did and do appreciate the public attention you brought to bear on the Alhambra issue and thank you for that too.

Please let me know if I can ever be of assistance to you in your work for east Sacramento.

Mike

Michael Greene
CDS Consulting
3701 McKinley Blvd
Sacramento, CA 95816
cdsconsulting@surewest.net
916-849-1570 cell

From: Jeff S. Harris [<mailto:JS Harris@cityofsacramento.org>]
Sent: Thursday, March 02, 2017 9:38 AM
To: Michael J Greene
Subject: McKinley Village Concerns

Dear Michael,

It is important to note that only one flaw in the EIR traffic analysis (not the traffic study- which is the actual counting of cars) was specified by the appellate court as needing further justification. This was the LOS degrade to F at three intersections on 28th, 29th, and 30th streets. No other aspects of the EIR were found deficient by the court in appeal. This deficiency has been addressed and it has been placed back in trial court, with a decision pending. I want to stress that no level of court has rendered a decision that a new EIR be written. The recirculation for comments was elective, and the City thought it a good idea to ensure transparency.

To address your questions specifically, I have advocated for an Alhambra access, but taken on its own was so expensive that it would have made the project unfeasible. The only affordable pathway (largely due to UPRR requirements) presents itself when Caltrans moves forward on widening Business 80. At that time all of the bridges across the freeway will be rebuilt and neither the city nor the developer would incur the cost of a \$28 million shoo fly bridge. If the opportunity presents itself, and if traffic actually dictates the need, I will push for that access. This of course illustrates difference of opinions about whether or not traffic will be made untenable by McKinley Village. At this point, I believe that the impacts on East Sac will be far less than people fear. This opinion is based on my experience living in River Park for the last thirty years. With 10,200 trips daily on Carlson Drive (and being completely workable), the traffic generated by McKinley Village should prove manageable.

As far as traffic mitigations go, I have already had staff do conceptual design, and I have located funding for the construction of a four way stop at the bend on Elvas and Lanatt to the east of McKinley Village Way. I am concerned about impacts on C st. to the west, as well as 35th st., and have staff looking at possible projects to address issues that may arise as the population grows in McKinley Village. It will take time to understand what the traffic impacts actually are.

As a contractor, I can say unequivocally that this is one of the best built developments that I have ever seen. The residents that have purchased are quite happy there. The new parks are nicely designed and open to all. This fits with the City goals of promoting infill and lowering VMT (Vehicle Miles Traveled). I understand fully that there are those that do not favor the project, yourself included, but this project is moving forward and I believe it to be a more than acceptable addition to the city and east Sac. As your representative I accept responsibility for working to alleviate any traffic issues that might arise. As a representative I well know that there are people on both sides of EVERY issue. McKinley Village no doubt was controversial. I believe that is embraced by the majority, and will be even more so as people see the quality of the project in reality.

Sincerely,
Jeff Harris
Councilmember District 3

From: [Michael J. Greene](#)
To: [Mayor Steinberg](#); [Dana Mahaffey](#)
Cc: [Jeff S. Harris](#)
Subject: State Supreme Court ruling on McKinley Village EIR and traffic study
Date: Monday, February 27, 2017 12:17:57 PM

Dear Mayor Steinberg;

I am writing to express my deep disappointment at the City's handling of the whole McKinley Village subdivision story beginning with the City's EIR and traffic study on it and extending to the City's actions to avoid the decisions of both the State Court of Appeals and the State Supreme Court nullifying the EIR and traffic study.

I am also writing to ask you to personally ensure that the city honors those two court decisions and requires a new EIR and traffic study that accurately describe McKinley Village's adverse environmental and neighborhood traffic impacts and requires their amelioration.

Sincerely,

Michael Greene
CDS Consulting
3701 McKinley Blvd
Sacramento, CA 95816
cdsconsulting@surewest.net
916-849-1570 cell

From: [Mike Grinstead](#)
To: [Dana Mahaffey](#)
Subject: Revised Draft EIR for McKinley Village
Date: Tuesday, February 28, 2017 7:46:16 AM

Please do not publish my email address

It came to my attention that the traffic study in the McKinley Village EIR had legal troubles. This is not surprising to those of us who live in East Sacramento, as I do. The connection of McKinley Village Way to C street has a dangerous curve to the east (multiple cars have crashed through the fence of the house at the apex) and through narrow neighborhood C street to the west. I cannot imagine any more traffic on C street between 33rd and Alhambra. There are already multiple speed bumps here, people move their mirrors to the car so that they don't get knocked off. I am sure if you checked police logs you would see multiple sideswiped cars here.

From my layperson perspective It does not make sense how this EIR could find for no traffic impacts without the connection of McKinley village directly to Alhambra. You don't need to be a traffic engineer to figure this out, just go and sit at the intersection of C and 32nd for an hour and count how many near miss traffic issues there are. Now imagine more traffic. Alhambra is designed to carry more traffic than it does. Vehicles need to be able to exit McKinley Village directly onto Alhambra. Common sense tells me that this is would be a good solution. I read in the paper that this is a great solution, and was only not done because of money. To me this does not make sense.

I believe a real traffic study that looks at the connection of McKinley Village directly to Alhambra in a vehicle sized underpass below the railroad tracks is warranted. This also seems to be what the court has ruled if I read the email below correctly. Please follow the Superior Court Order.

The traffic in this area directly effects me as I travel in between East Sacramento and Downtown. I use Elvas and C street regularly. I have not done any technical analysis for my opinions and am giving this opinion from a concerned layperson perspective who will be subject to any adverse impacts of more traffic.

Thank you,

Mike Grinstead
5301 B Street
Sacramento CA 95819

From: noreply+feedproxy@google.com <noreply+feedproxy@google.com> on behalf of East Sacramento Preservation <noreply+feedproxy@google.com>
Sent: Tuesday, February 28, 2017 2:36 AM
To: mikegrin@hotmail.com
Subject: East Sacramento Preservation

East Sacramento Preservation

[Courts Rule Against McKinley Village on Traffic—Action Needed by Neighborhood](#)

Posted: 27 Feb 2017 11:08 AM PST



The neighborhood has an opportunity to redress McKinley Village traffic concerns. Please read the below message and documents and reach out to city officials.

Friends and Neighbors--

We already know that **more and more traffic** from **more and more development** will continue to flood our neighborhood streets. **Traffic--like water--will flow wherever it can go.**

California's highest courts have ruled on traffic **in favor** of **East Sacramento Partnerships for a Livable City (ESPLC)** in its legal challenge to the City and the developers of the McKinley Village Project.

Essentially, the landmark ruling means that **FAILING TRAFFIC** considered **OK** under the City's general plan alone is **NOT OK!**

" . . . The general plan alone does not constitute substantial evidence that there is no significant impact. . . ."

But, **before** the Court's ruling could be implemented, the City and the developers first tried **blocking its publication.**

Failing that, they **now** are attempting to rush through a "Revised Draft EIR for McKinley Village," which does **NOT COMPLY** with either **state law** under the California Environmental Quality Act (CEQA), or the **published ruling of the Court of Appeal of the State of California--upheld by the California State Supreme Court.**

Join neighbors in support of ACTION before 4:00 PM this FRIDAY, MARCH 3, 2017.

- **PLEASE READ the attached files.**
- **VOICE YOUR CONCERNS to the City Council.**
- **SUBMIT A LETTER requiring the City to comply with the Court of Appeal's ruling.**

- **DELIVER to:** Dana Mahaffey, Associate Planner
City of Sacramento, Community Development Department
Environmental Planning Services
300 Richards Boulevard, Third Floor
Sacramento, CA 95811
E-MAIL: dmahaffey@cityofsacramento.org

- **DEADLINE: March 3, 2017 at 4:00 PM.**

Following is a detailed letter explaining the case.

A chart containing key dates and events in McKinley Village litigation, including requests for depublication, along with two of ESPLC's representative Letters filed in the California State Supreme Court is forthcoming.

February 26, 2017

Dear Friends and Neighbors,

On November 7, 2016, the Court of Appeal of the State of California for the Third Appellate District, ruled in favor of **East Sacramento Partnerships for a Livable City (ESPLC)** in its lawsuit challenging the City of Sacramento and the developers of the McKinley Village project in connection with certain traffic impacts. The Court of Appeal ruled that the City of Sacramento's failure to properly analyze these traffic impacts violated the California Environmental Quality Act (CEQA).

The Court of Appeal has directed the Superior Court to issue an Order to the City requiring that it:

- decertify the existing Environmental Impact Report (EIR);

- correct deficiencies in the existing EIR;
- recirculate a CEQA-compliant EIR before recertification.

It appears that the City is attempting to circumvent the Court of Appeal's ruling by adopting a "Revised Draft EIR for McKinley Village" *before* the Superior Court can issue the Order. The Revised EIR *does not* contain the traffic analysis required by the Court of Appeal.

*We encourage residents throughout the City who are concerned about unmitigated traffic from intensifying development flooding our neighborhoods to submit a letter or email to the City urging the City to reject the inadequate "Revised EIR," and requiring that the City comply with the Court of Appeal's decision. Please see the end of this update for guidelines on communicating your concerns to the City, on the record, before the **March 3rd deadline.***

Court of Appeal's Ruling on Traffic

The Court of Appeal's decision was certified for publication, meaning that it can be cited in other cases as legal precedent. Only about 10% of California Court of Appeal decisions are published. Although the relevant traffic-related portion of the decision addresses a narrow issue, the ruling has implications far beyond the McKinley Village Project. As written:

"... The general plan alone does not constitute substantial evidence that there is no significant impact. . . .

. . . a threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant. . . ."

The Court of Appeal went on to prescribe the remedy:

"Because the EIR fails to explain or provide substantial evidence to support the finding of no significant traffic impact at these intersections, we must reverse the trial court's denial of ESPLC's petition for a writ of mandate and remand [return] the case for issuance of a writ **directing the City to set aside its certification of the final EIR and to take the action necessary to bring the transportation and circulation section of the EIR into compliance with CEQA.** . . .

. . . The City need only correct the deficiency in the EIR that we have just described **before considering recertification** of the EIR." (Emphasis added.)

The developer of the project first called the Appellate Court's ruling a minor technicality, easily remedied. Then, together with the City, the developer petitioned the Appellate Court for a rehearing on this issue.

The City's request for rehearing was denied. However, before the Appellate Court could deliver its decision to the Sacramento Superior Court (which is responsible for issuing the order directly to the City), the City and the McKinley Village developer launched a statewide campaign to delay issuance of the order—and to diminish the significance of the Court of Appeal decision—by petitioning the California State Supreme Court to "depublish" the Court of Appeal decision. The City and legal counsel for McKinley Village were among the first groups of developers, state and local agencies, and building industry associations pressing for depublishation.

After receiving multiple requests, the Supreme Court asked to see the record of the Appellate Court hearing, including the Administrative Record, which spans tens of thousands of pages. In opposition to these depublishation requests, ESPLC pointed out that the rule being advocated by the groups seeking depublishation would:

"... enable California cities to circumvent CEQA by adopting LOS F (*i.e.*, "failing") traffic conditions as thresholds of significance in their general plans, and to thereby avoid any responsibility for analyzing a project's impacts on traffic, to avoid requiring feasible mitigation measures to address such impacts, or to avoid adopting statements of overriding considerations where mitigation is infeasible. Such a rule would undermine the fundamental goals of CEQA."

After two months evaluating more than a dozen letters, the California Supreme Court denied *all* of the requests for depublishation. On its own motion, it declined to review the matter and declared that the opinion of the Court of Appeal "is now final."

The Court of Appeal's published opinion on traffic in favor of ESPLC is now the law of the land.

Revised Draft EIR

During the months taken by the Supreme Court to reach its decision, the opinion of the Court of Appeal could not be delivered to the Superior Court for implementation.

During the delay, the City of Sacramento issued its "Revised Draft EIR for McKinley Village." Yet, the Revised EIR contains no new traffic analysis. The lack of analysis in the Revised EIR does not address the Court's direction to properly analyze traffic impacts, and does not reduce those impacts in any way in our neighborhoods and in the central core.

ESPLC believes that the City's latest action violates not only the letter and spirit of CEQA, but also the express directions given by the Court of Appeal in its published decision.

The Court of Appeal's decision—as confirmed by the Supreme Court—is significant and, quite literally, precedent setting. It requires cities and developers state-wide to respect the health and well-being of the People by properly evaluating the environmental impacts of new developments *before* they are approved. The decision confirms that which should have been obvious: the developers—and the government at the behest of the developers—cannot paper over significant environmental impacts by simply declaring those impacts to be "acceptable" without proper study and disclosure to the people who will be impacted. Here, however, the decision will be meaningless if the City is allowed to circumvent the Court of Appeal's ruling *before* it takes effect. To avoid that, we need your help.

Voice your concerns to the City Council!

ESPLC encourages all who are impacted negatively in any way by unmitigated traffic to voice your concerns to the City Council in a letter or e-mail, which **must be received by the City on or before**

March 3, 2017.

Letters and e-mails should be focused on the issues currently before the City Council which conflict with the Court of Appeal's decision.

Specifically:

- Express opposition to the "Revised EIR for the McKinley Village Project," noting that it does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.
- Significant traffic impacts continue to be unmitigated. Describe how you, your family, and neighbors are experiencing traffic issues even now, during construction of the Village project.
- Urge the City to comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City*

(ESPLC) v. City of Sacramento, et al. by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.

- Failure to follow the law will lead to further unnecessary taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Deadline: March 3, 2017 at 4:00 PM

Deliver Letter to: Dana Mahaffey, Associate Planner

City of Sacramento, Community Development Department

Environmental Planning Services

300 Richards Boulevard, Third Floor

Sacramento, CA 95811

-or-

E-mail Letter to: dmahaffey@cityofsacramento.org

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Email delivery powered by Google

From: [Patti](#)
To: [Dana Mahaffey](#)
Subject: McKinleyvillage MESS
Date: Tuesday, February 28, 2017 7:38:03 AM

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

Ms. Mahaffey,

We are urging the City to reject the inadequate "Revised EIR," and requiring that the City comply with the Court of Appeal's decision.

On November 7, 2016, the Court of Appeal of the State of California for the Third Appellate District, ruled in favor of **East Sacramento Partnerships for a Livable City (ESPLC)** in its lawsuit challenging the City of Sacramento and the developers of the McKinley Village project in connection with certain traffic impacts. The Court of Appeal ruled that the City of Sacramento's failure to properly analyze these traffic impacts violated the California Environmental Quality Act (CEQA).

The Court of Appeal has directed the Superior Court to issue an Order to the City requiring that it:

- decertify the existing Environmental Impact Report (EIR);
- correct deficiencies in the existing EIR;
- recirculate a CEQA-compliant EIR before recertification.

It appears that the City is attempting to circumvent the Court of Appeal's ruling by adopting a "Revised Draft EIR for McKinley Village" *before* the Superior Court can issue the Order. The Revised EIR *does not* contain the traffic analysis required by the Court of Appeal.

Express opposition to the "Revised EIR for the McKinley Village Project," noting that it does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.

- Significant traffic impacts continue to be unmitigated. Describe how you, your family, and neighbors are experiencing traffic issues even now, during

construction of the Village project.

- Urge the City to comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.
- Failure to follow the law will lead to further unnecessary taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Some people with money feel that they can destroy neighborhoods!!!!!!!!!!!!!!!!!!!!!!

Patti and Don Herberger
116 Meister Way
Sacramento, Ca. 95819

From: [Jennifer Howell](#)
To: [Dana Mahaffey](#)
Subject: DO not pass EIR for McKinley Village
Date: Friday, March 3, 2017 4:11:05 PM

Dear Dana Mahaffey,

I currently live at 4525 D ST. I'm writing to express my concern over opposition to the Revised EIR for McKinley Village. I love this neighborhood and have and have had concerns over the traffic problems McKinley Village causes our neighborhood. Please reconsider passing the Revised EIR for McKinley Village. It will impact MY neighborhood negatively.

Thank you,

Jennifer Howell
4525 D ST
Sacramento, CA
95819
916 202-0520

Sent from my iPhone

From: [Michael Irwin](#)
To: [Dana Mahaffey](#)
Subject: Fwd: I oppose the Revised EIR for the McKinley Village Project
Date: Thursday, March 2, 2017 4:40:17 PM

----- Forwarded message -----

From: **Michael Irwin** <mirwin916@gmail.com>
Date: Thu, Mar 2, 2017 at 4:36 PM
Subject: I oppose the Revised EIR for the McKinley Village Project
To: kmahaffey@cityofsacramento.org

Dear City Council members and planners,

I have been a resident of the East Sacramento area for over fifty years. I have witnessed many changes to East Sacramento during that time.

I oppose the revised EIR for the McKinley Village Project which does not contain a new traffic analysis nor mitigation measures for the increased traffic this project is going to bring.

McKinley Village has only 2 access points (vs. 16+ for East Sacramento) the main access will push hundreds of added vehicle trips into the McKinley Park neighborhood.

The only mitigation to this point has been the addition of a few stop signs. Planners shrug and say it is normal to have increased traffic flows during peak traffic hours. It is foolish to believe that the McKinley Village Project is not going to have significant impact on traffic flows in the McKinley Park neighborhood.

The revised EIR should contain a NEW real world traffic analysis in addition to mitigation measures. Sacramento Regional Transit District is facing budget shortfalls and now that the Sutter Memorial Hospital has been closed RT is considering a proposal to abandon the 34 Line which serves the McKinley Park neighborhood. Shutting down the 34 line would increase the single vehicle pressure in the neighborhood.

The EIR was not done correctly (per the courts) the first time around. Take the time to do a new traffic analysis and do it right.

Thank you,

Michael Irwin
4019 McKinley Boulevard
Sacramento, CA 95819

From: [Karen Jacques](#)
To: [Dana Mahaffey](#)
Subject: McKinley Village EIR
Date: Sunday, February 26, 2017 10:22:14 PM

February 26, 2017

Dana Mahaffey

Associate Planner,

Community Development Department

Environmental Planning Services

300 Richards Blvd. Third Floor

Sacramento CA 95811

Re: City Need to Comply with Appellate Court Decision in the case of East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento

Dear Ms. Mahaffey,

I am writing to you as a long term resident of Sacramento who has spent years working to make the Central City (where I live) a well planned, desirable place to live. I wish to make the following comments with regard to the Revised McKinley Village EIR that you are currently circulating in response to the above referenced case.

1) The Revised EIR is not responsive to the court decision because it does not contain a new traffic analysis and new mitigation measures that would lessen the traffic impacts of the McKinley Village project.

2) Because the revised EIR is not responsive to the Appellate Court's decision, the City needs to decertify it and issue a new EIR that includes a full and independent analysis of traffic impacts and the ways that those impacts can be mitigated.

3) The serious traffic impacts that McKinley Village will cause are obvious. There is currently no bus service planned for McKinley Village and the options for people to walk or bike to destinations beyond its boundaries are very limited. McKinley Village residents will enter and leave on streets that already have heavy traffic. A full traffic analysis that can identify the best ways to mitigate

traffic impacts is badly needed.

4) The Appellate Court has ruled and the Supreme Court has supported its ruling. City residents have a legal right to turn to the courts for redress when they believe that the City has made a decision that is wrong. They also have a right to expect the City to abide by what the court decides and not waste taxpayer money by forcing them to return to court yet again.

Sincerely

Karen Jacques

Central City Resident

From: [Karen Jacques](#)
To: [Dana Mahaffey](#)
Subject: McKinley Village EIR
Date: Sunday, February 26, 2017 10:22:14 PM

February 26, 2017

Dana Mahaffey

Associate Planner,

Community Development Department

Environmental Planning Services

300 Richards Blvd. Third Floor

Sacramento CA 95811

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Sincerely

Karen Jacques

Central City Resident

From: [Melinda Johnson](#)
To: [Dana Mahaffey](#)
Subject: COURT RULING ON MCKINLEY VILLAGE
Date: Friday, March 3, 2017 11:41:35 PM

To Dana Mahaffey:

I am writing to let you know that McKinley Village has been a very bad neighbor to the residents of McKinley Park.

The place is flooded, has obvious water issues and attached are photos of the flooding, of Teichert employees trying to drain the place into our sewer system, erosion to the railroad overpass into McKinley Villiage and photos of the significant recent flooding on 33rd St., 34th St., 35th St. and Santa Inez Way between H street and Parkway.

I don't think this is a coincidence. This terrified our several neighbors with small kids, the water came up too fast to get to their cars. I have many more photos and can send them later.

I would also like to point out that the City did not demonstrate that the GP policy was an adequate threshold to measure the impact of traffic failure in the core and surrounding areas . Also it was inappropriate to send only revised pages from the traffic section, which make s proper analysis impossible, the EIR should have been decertified, the policy no longer exists and that they should be studying the impact based on GP 2035 .

I would appreciate a timely response to my letter and look forward to hearing from you.

Sincerely,
Melinda Johnson

 [MCVILLAGE-TEICHERT PUMPING WATER-FEB.2017....](#)

 [MCVILLAGE LEVEE EROSION 2:21:17.jpg](#)

PAZ PACE VREDE SHANTI
PEACE

From: [Melinda Johnson](#)
To: [Dana Mahaffey](#)
Subject: COURT RULING ON MCKINLEY VILLAGE
Date: Friday, March 3, 2017 11:41:35 PM

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 [MCVILLAGE-TEICHERT PUMPING WATER-FEB.2017....](#)

 [MCVILLAGE LEVEE EROSION 2:21:17.jpg](#)

PAZ PACE VREDE SHANTI
PEACE

From: nickwkastle@yahoo.com
To: [Dana Mahaffey](#)
Subject: McKinley Village Traffic (Revised EIR Opposition)
Date: Tuesday, February 28, 2017 2:52:10 PM

Dear Ms. Mahaffey,

My name is Nick Kastle and I live at 107 Tivoli Way in East Sacramento. As you know, Tivoli way is directly in front of the McKinley Village entrance. My family and I have been watching the impact of traffic as we can see it from our front porch. I have been particularly interested in how much traffic has increased and further – how much irresponsible traffic I am seeing. This is a concern to me as I have a 2yr old and a 4yr old who enjoy living so close to their friends on Tivoli and walking to their houses (with my wife and I) as well as to Compton’s market; however, with the lack of planning and what seems to be a bribed effort to pack in houses in such a small area I am growing deeply concerned about the safety of my children as well as the added congestion and carbon impact of such a poorly planned project.

As I follow this subject I am compelled to write to you directly and say that I adamantly oppose the “Revised EIR for McKinley Village” as it fails to contain any new traffic analysis. Further, I do not see that it offers any significant changes to current traffic impacts and by extension safety for my family. Further, as there is not a true solution offered to the congestion and the fact that Cst and 40th are a virtually now unsafe for my wife and I to walk across the street because of the new traffic (drivers speeding and running stop signs) I ask you comply with the decision of the Court of Appeal in the case of East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al. by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.

I implore the City of Sacramento to adhere to the request of its citizens and not ram-rod a plan through because you have been pushed by a developer. If you love the charm of East Sac then you will avoid hurting my (and others) families further and look at this responsibly as a fellow citizen.

With Respect,
Nick Kastle
107 Tivoli Way
Sacramento CA 95819

From: [Mary Anne](#)
To: [Dana Mahaffey](#)
Cc: [\(home\), Mary Anne](#)
Subject: Compliance with Court of Appeal ESPLC v. City of Sac
Date: Tuesday, February 28, 2017 3:59:13 PM

Dear Dana Mahaffey,

I am writing to express my opposition to the “Revised EIR for the McKinley Village Project.” As an East Sac resident (Tivoli Way), I have already experienced significant traffic impacts with this project not even 15 percent developed. Our two block long street serves as an exit route receiving inordinate traffic for a small city street.

In addition to the current (and future) traffic impacts), The Revised EIR does not contain a new traffic analysis or any new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.

I am urging the City to comply with the decision of the Court of Appeal in the case of East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al. by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.

This is the least you can do as you have transformed a city neighborhood into a thoroughfare.

Sincerely,
MaryAnne Kelly
227 Tivoli Way
Sac, CA 95819

February 27, 2017

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

I am opposed to the city's issue of a "Revised EIR for McKinley Village Project". This does not address the Court of Appeals ruling. There must be a traffic analysis that complies with CEQA. The city must properly analyze traffic impacts on existing neighborhoods and mitigate those impacts where necessary. I'm concerned about the increase in speeding traffic on Elvas Ave. My access is on a blind corner at C St. that will only get more dangerous as more cars use Elvas.

Please comply with the ruling by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment. The failure of the city to comply with the ruling will only waste more taxpayer dollars that could be used to make our city and neighborhoods more livable.

Thank you,

Kate Lenox
4823 C St.
Sacramento 95819

From: [Holly Longacre](#)
To: [Dana Mahaffey](#)
Subject: Revised EIR for the McKinley Village Project
Date: Friday, March 3, 2017 2:47:10 PM

To: Dana Mchaffey
Associate Planner
City of Sacramento

Good Afternoon Ms. Mchaffey,

As a resident of the nearby McKinley Village Project, I am opposed to the “Revised EIR for the McKinley Village Project” because it fails to include a new traffic analysis nor does it propose any new solutions to address the current traffic problems that our neighborhood experiences.

During the construction of the McKinley Village development, our neighborhood saw a dramatic increase in truck and car traffic, resulting in damaged roadways, polluted air, noise, and building material deposits such as loose gravel, dirt and concrete on our roads and in our gutters.

My family and I have resided on Elvas Avenue for almost 2 years and it is an undisputable fact that many people use the Elvas Avenue and H Street roadways as a thoroughfare to commute to and from work. While this lessens the amount of drivers on our freeways, it results in a frustrating amount of traffic congestion along Elvas Avenue. This constant and ever increasing traffic creates an unsafe environment for the Elvas Avenue neighbors, including our children and pets.

Currently, at the intersection of H Street and Elvas Avenue, near Clubhouse 56 and [Tupelo Coffee](#), this roadway widens to two lanes traveling in each direction and then narrows to one lane in each direction near F Street for an approximate distance of only 0.3 miles. This sudden widening causes those traveling East on Elvas Avenue to drive well above the 35 mph speed limit in order to “get ahead” of the car in front of them before the road narrows to only one lane. This stretch, from Elvas Avenue and H Street to the new stop sign at the McKinley Village entrance spans for a 1.7 miles of uninterrupted speedway where drivers barrel down, undermining the multiple posted speed limit signs and disregarding the safety those who live here.

This ignored problem, which has existed prior to the construction of McKinley Village, will only grow into larger issues with traffic, noise and safety concerns, once homes in the McKinley Village development begin to be inhabited.

A new, current, and detailed traffic analysis, in addition to solutions that make our streets safer is necessary if we are to avoid possible devastating consequences in the near future. What will it take for the City of Sacramento to open their eyes and address these concerns? Will it take a child being hit by a speeding car? A vehicle losing control as they try to cut off another driver thus crashing into a home or yard? Or a family being seriously injured as they try to cross a road without any crosswalks or stop signs for 1.7 miles?

I urge the City of Sacramento to reject the new “Revised EIR for the McKinley Village Project” due to its lack of any kind of investigation regarding our current traffic concerns.

Thank you for your time and consideration in this matter.

Sincerely,

Holly Longacre

[5643 Elvas Ave](#)

[Sacramento CA 95819](#)

[916-844-8890](#)

Hollylongacre2013@gmail.com

From: [Kathleen Marshll](#)
To: [Mayor Steinberg](#)
Cc: [Jeff S. Harris](#); [Dana Mahaffey](#)
Subject: State Supreme Court ruling on McKinley Village EIR and traffic study
Date: Tuesday, February 28, 2017 10:42:43 PM

Dear Mayor Steinberg,

As an east Sacramento home owner and proud community member I am deeply disturbed by the handling of the McKinley Village traffic study.

Please help ensure the city honors the state Supreme Court ruling and require a new EIR and traffic study that accurately reflects the environmental and traffic impact of McKinley village.

Thank you for your time and consideration,
Kathleen Marshall, MD

From: [Gary McDowell](#)
To: [Dana Mahaffey](#)
Subject: McKinley Village
Date: Sunday, January 22, 2017 4:05:18 PM

Please define LOS C, E & F, regarding McKinley Village. Do you know what city council members approved the original EIR?

I drive down McKinley , E St., etc. everyday and the original traffic study must have been done on other streets. Planning and Council should be ashamed for insulting the East Sacramento Neighborhood. Angelides and NOT the city should pay for additional traffic mitigation, or abandon a project that should never have been approved.
Gary McDowell

Sent from my iPhone

From: [susan](#)
To: [Dana Mahaffey](#)
Subject: Fw: Comply with ruling
Date: Wednesday, March 1, 2017 8:09:38 PM

Sent from [Outlook](#)

From: susan <susan_mcmillan@hotmail.com>
Sent: Tuesday, February 28, 2017 10:18 AM
To: kmahaffey@cityofsacramento.org
Subject: Comply with ruling

Please comply with the Court of Appeal's ruling and oppose the current EIR for the McKinley Village Project. A full independent traffic impact study must be implemented. Our neighborhood streets are quickly becoming more jammed up with congestion and this project will cause an enormous increase of problems.

Susan McMillan
1133 33rd st
Sacto., CA 95816

Sent from [Outlook](#)

From: [Jeannie Meagher](#)
To: [Dana Mahaffey](#); [Jeannie Meagher](#)
Subject: Laws for McKinley Village
Date: Tuesday, February 28, 2017 11:25:04 AM

To Dana Mahaffey,
City of Sacramento

- I express opposition to the “Revised EIR for the McKinley Village Project,” noting that it does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.
- Significant traffic impacts continue to be unmitigated. I, my family and my neighbors are experiencing traffic issues even now, during construction of the Village project. It impacts our every day lives.
- I urge the City to comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.
- Failure to follow the law will lead to further unnecessary taxpayer expense, if the City must again be compelled to comply with state laws governing the environment.
-
- Please consider these matters seriously. They effect every day the quality of our lives, living in East Sacramento, adjacent to the McKinley Housing Project, constructed by owners, who apparently do not care about quality of life in East Sacramento.
-
- Thank you for your consideration.
- Jean Amdahl Meagher
- 1212 41st Street
- Sacramento, CA 95819

Email:
jeanniem64@gmail.com

From: [Michael J Greene](#)
To: [Jeff S. Harris](#)
Cc: [Dana Mahaffey](#)
Subject: RE: McKinley Village Concerns
Date: Thursday, March 2, 2017 11:17:17 AM

Jeff;

Thank you for replying to my 2/27 email about the courts' decisions regarding McKinley Village and your description of those decisions.

I opposed the project, as proposed, because it didn't include Alhambra access/egress. In my opinion, this meant that the project was premature and should have been disapproved by the Planning Commission as well as the City Council.

I did and do appreciate the public attention you brought to bear on the Alhambra issue and thank you for that too.

Please let me know if I can ever be of assistance to you in your work for east Sacramento.

Mike

Michael Greene
CDS Consulting
3701 McKinley Blvd
Sacramento, CA 95816
cdsconsulting@surewest.net
916-849-1570 cell

From: Jeff S. Harris [<mailto:JS Harris@cityofsacramento.org>]
Sent: Thursday, March 02, 2017 9:38 AM
To: Michael J Greene
Subject: McKinley Village Concerns

Dear Michael,

It is important to note that only one flaw in the EIR traffic analysis (not the traffic study- which is the actual counting of cars) was specified by the appellate court as needing further justification. This was the LOS degrade to F at three intersections on 28th, 29th, and 30th streets. No other aspects of the EIR were found deficient by the court in appeal. This deficiency has been addressed and it has been placed back in trial court, with a decision pending. I want to stress that no level of court has rendered a decision that a new EIR be written. The recirculation for comments was elective, and the City thought it a good idea to ensure transparency.

To address your questions specifically, I have advocated for an Alhambra access, but taken on its own was so expensive that it would have made the project unfeasible. The only affordable pathway (largely due to UPRR requirements) presents itself when Caltrans moves forward on widening Business 80. At that time all of the bridges across the freeway will be rebuilt and neither the city nor the developer would incur the cost of a \$28 million shoo fly bridge. If the opportunity presents itself, and if traffic actually dictates the need, I will push for that access. This of course illustrates difference of opinions about whether or not traffic will be made untenable by McKinley Village. At this point, I believe that the impacts on East Sac will be far less than people fear. This opinion is based on my experience living in River Park for the last thirty years. With 10,200 trips daily on Carlson Drive (and being completely workable), the traffic generated by McKinley Village should prove manageable.

As far as traffic mitigations go, I have already had staff do conceptual design, and I have located funding for the construction of a four way stop at the bend on Elvas and Lanatt to the east of McKinley Village Way. I am concerned about impacts on C st. to the west, as well as 35th st., and have staff looking at possible projects to address issues that may arise as the population grows in McKinley Village. It will take time to understand what the traffic impacts actually are.

As a contractor, I can say unequivocally that this is one of the best built developments that I have ever seen. The residents that have purchased are quite happy there. The new parks are nicely designed and open to all. This fits with the City goals of promoting infill and lowering VMT (Vehicle Miles Traveled). I understand fully that there are those that do not favor the project, yourself included, but this project is moving forward and I believe it to be a more than acceptable addition to the city and east Sac. As your representative I accept responsibility for working to alleviate any traffic issues that might arise. As a representative I well know that there are people on both sides of EVERY issue. McKinley Village no doubt was controversial. I believe that is embraced by the majority, and will be even more so as people see the quality of the project in reality.

Sincerely,
Jeff Harris
Councilmember District 3

MURPHY
2731 G Street
Sacramento, CA 95816
916-447-8178
Michaelmmurphy4@gmail.com

March 2, 2017

VIA EMAIL

Dana Mahaffey
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”) P08-086 – 2017

Dear Ms. Mahaffey:

I live in the Marshall School neighborhood at 28th and G Streets. My street is the direct access to McKinley Village. Since there are only two access points to McKinley Village, my neighborhood will be greatly impacted by the increase in traffic to and from McKinley Village. Since the construction began, my neighbors and I have repeatedly reported the McKinley Village construction personnel for not following the traffic mitigation plan that was part of the approval of the project. The impacts will only grow as people begin to move into McKinley Village.

I offer the following comments to the Draft EIR.

First, at p. 2.2, the 3rd Appellate Court Decision (Nov 16, 2016) *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento* noted the following:

Under cumulative plus project conditions, several intersections on 28th, 29th, and 30th Streets are at LOS F, with significant delays. The EIR found these impacts to be less than significant based solely on the mobility element in the City's general plan. However, the EIR finds similar changes to LOS conditions in East Sacramento, outside the core area, are significant impacts and require mitigation. Accordingly, there is evidence of a significant impact on traffic on 28th, 29th, and 30th Streets (p. 22)

At, p. 2.2, the Revised EIR fails to acknowledge or address the significant impacts to the Midtown access to McKinley Village and relies still solely on conformity with the General Plan for the finding of no significance. This is unacceptable. My neighborhood is residential and just as important as East Sacramento. We deserve the same consideration and traffic mitigation as East Sacramento.

March 2, 2017

Page 2

The 3rd Appellate Court decision states further that:

“...compliance with a general plan policy does not conclusively establish there is no significant environmental impact, and the City failed to explain why it found none in this circumstance” (p. 2)

It is the responsibility of the City to look out for the residents, not just the developer of McKinley Village. The revised EIR should include new traffic analysis and not simply repeat the language from the General Plan as its rationale for not mitigating the increased traffic in our neighborhood. We deserve better.

The traffic burden created by McKinley Village could be alleviated by creating a third vehicle access point at Alhambra Blvd. The community demanded this element be added to the McKinley Village project. Funds were dedicated to study and possible creation of the tunnel access. What happened? There has been no official announcement as to the status of the Alhambra access.

I urge the City to obey the ruling by the Court of Appeal regarding *ESPLC v. City of Sacramento, et al.*, by decertifying the current EIR. Midtown residents deserve a full, independent traffic analysis of the traffic impacts to 28th, 29th and 30th Streets, focusing on the 28th Street impacts because 28th is a residential street, similar to East Sacramento streets. Once that has been done then the EIR should be recirculated for additional public comment. Thank you.

Very truly yours,



Michael Murphy

mm

From: [Susan Norris](#)
To: [Dana Mahaffey](#)
Subject: mckinley village
Date: Tuesday, March 7, 2017 3:00:20 PM

i am sorry this email is coming so late, but i have been on vacation. Please make the developers comply with the court ruling for McKinley Village. The whole process of McKinley Village has been a joke. Is this really what the City Council and the Sacramento Planners are about? Do the right thing.....

Susan Norris, Realtor, Lic #01328937

Real Estate Source Inc.

Cell: (916) 849-6421

sunorrisrealestate@gmail.com

From: twhailey@aol.com
To: [Dana Mahaffey](#)
Subject: Re: McKinnley Village
Date: Tuesday, February 28, 2017 9:01:49 AM

To whom it may concern,

I am writing this letter to you to raise extreme concern regarding the New McKinnley Village project and its impact and anticipated future impact on traffic in my quiet East Sacramento neighborhood, Meister Terrace. I purchased my home 18 years ago, and even though I am a few houses down from Elvas/C Street, it has been relatively quiet and very easy to navigate to and from work and school in the morning and afternoon. I live on Tivoli Way. I work at the new Sutter Hospital in midtown. My simple, five minute commute has become very hazardous because of this new project. The corner of Tivoli and Elvas has certainly been ignored during the planning stages of this idiotic stop sign at the entrance of McKinnley Village. This intersection was so poorly planned out! I feel that the firmly assimilated current residents on both Tivoli and 40th street were simply ignored when this intersection was conceived!

McKinnley Village isn't even fully functioning yet and I have already almost been hit by a car three times in the past four months! NEVER, in the past 18 years have I suffered even one near collision while entering or exiting from Elvas to Tivoli Way! I have two grown children who travel often on this path and I have gravely concerned for their safety, as well as the safety of my fellow neighbors. Mark my words, if any of my family members suffer a fatal or life changing accident because of this intersection, I will seek legal counsel immediately! Please consider this email an urgent plea to reconsider this intersection and plan for a way to alert cars that stop at the stop signs at that intersection to use extreme caution while cars are entering from 40th street and Tivoli Way! What is happening now is that the stop sign is so far away from the entrance of our streets, that the cars stop and then blast through our intersections at 35 miles per hour ... even when seeing that we are trying to enter Elvas ... cars are not yielding or being cautious at all! They are acting as if they stopped and now they can just blast through Elvas, no matter how many cars to are attempting to enter the zone. Also, the stop sign closest to Tivoli gets backed up in the morning, to the point where nobody is yielding to a car attempting to exit Tivoli and enter the area toward the stop sign. This is very frustrating. We have to block one lane of Elvas and force ourselves into the other lane or we can not enter the intersection (hence another opportunity to get hit by oncoming traffic!). What were you guys thinking? This is only going to get 1,000 time worse when McKinnley Village is in full force please make changes ... be creative, come up with a solution that takes into consideration the current homeowners, as if our lives mattered.

We have already put up with so much with the construction of this project and it is very difficulty to be a 20 year homeowner and tax payer and have our needs dismissed over profits!

Please feel free to get back to me with any questions or clarification on this traffic concern.

Dawn M. Olson

From: [Jo Ann Pinotti](#)
To: [Dana Mahaffey](#)
Cc: [David Gonsalves](#)
Subject: McKinley Village project
Date: Tuesday, February 28, 2017 10:12:48 AM

To: Dana Mahaffey, Associate Planner

CC: David Gonsalves, District Director to Jeff Harris, Sacramento City Council Member, District 3

Re: McKinley Village project revised EIR

I am a resident of East Sacramento and am writing to express my opposition to the “Revised EIR for the McKinley Village project”.

This report does not contain a new traffic analysis. The report also does not outline new mitigation to lessen the significant impact of this project on area neighborhoods and residential streets.

I urge the City of Sacramento to comply with the decision of the Court of Appeal by decertifying the current EIR. I also urge the City to conduct a full, independent traffic analysis and provide the EIR for public comment. Failure to follow the law will lead to further unnecessary taxpayer expenses if the City must again be compelled to comply with state environmental laws.

Sincerely,

Jo Ann Pinotti
5261 K Street
East Sacramento



Marshall New Era Neighborhood Association

903 28th St
Sacramento CA 95816-4305
marshall.newera@gmail.com

March 3, 2017

VIA EMAIL

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

Dear Ms. Mahaffey:

The Marshall New Era Neighborhood Association (MNENA) is writing to express opposition to the "Revised EIR for the McKinley Village Project - January 2017" (Revised EIR). The revised EIR does not contain any new traffic analyses, and proposes no new mitigation that would lessen the significant traffic impacts of the project on our neighborhoods and streets.

The MNENA submitted comments on the McKinley Village draft EIR on January 10, 2014. Our comments stated that *"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."*

Unfortunately, two years later, with construction now well underway, the City's traffic analysis is still woefully inadequate. Significant traffic impacts continue to be unmitigated. During the past 12 months, our neighbors have repeatedly reported tractor-trailers and other construction-related vehicles which are transporting materials, as well as, staging operations along 28th St between C St and H St. These observed traffic impacts on our neighborhood are directly related to construction of the McKinley Village project.

The Revised EIR cites the City's 2030 General Plan Policy M 1.2.2 exemption for Level of Service (LOS) standards as allowing the worst (LOS "F") conditions at intersections directly affecting the MNENA community. The clearly stated goal of Policy M 1.2.2 to *"increase transit ridership, biking and walking which decreases auto travel..."* The McKinley Village project increases rather than decreases auto travel. The project also does nothing to increase transit ridership, biking or walking, therefore use of this exemption is a subversion of the General Plan goal.



Marshall New Era Neighborhood Association

903 28th St
Sacramento CA 95816-4305
marshall.newera@gmail.com

The MNENA urges the City to comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment. We have provided additional detailed comments as attached.

We have collaborated with, and appreciate the City's ongoing efforts to address traffic concerns along C Street – the traffic circle at 23rd St, two new stop signs, and the half street closure at 28th and C Street. These projects may help to slow traffic down, but they do not address the increased traffic volume which is the primary impact of the McKinley Village project. The MNENA believes that the only real solution to address these traffic issues is to put a vehicular underpass entrance (tunnel) into the McKinley Village development at Alhambra Blvd. The Revised EIR references the Alhambra Tunnel/ Alternative Improvements and Services (p. A-8, A-9), however we have not received information regarding the disposition of this effort. We are already living with the consequences of the City's planning decisions related this project and we urge the City to address these issues.

Sincerely,

George Raya

Marshall-New Area Neighborhood Association

cc. Steve Hansen, Councilmember



Marshall New Era Neighborhood Association

903 28th St
Sacramento CA 95816-4305
marshall.newera@gmail.com

Specific Comments on the Revised Draft McKinley Village EIR

p. 1-1, 1-2 Please number the table(s) and provide units/description for the numbers shown (seconds of delay). Copies of Tables 4.9-10 and 4.9-20 should be included in the Revised EIR since they are extensively cited throughout the revisions and should be subject to re-review and comment.

p. 2.2 As noted in the 3rd Appellate Court Decision (Nov 16, 2016) ESPLC v City of Sacramento

Under cumulative plus project conditions, several intersections on 28th, 29th, and 30th Streets are at LOS F, with significant delays. The EIR found these impacts to be less than significant based solely on the mobility element in the City's general plan. However, the EIR finds similar changes to LOS conditions in East Sacramento, outside the core area, are significant impacts and require mitigation. Accordingly, there is evidence of a significant impact on traffic on 28th, 29th, and 30th Streets (p. 22)

p. 2.2 The Revised EIR does not acknowledge or address these significant impacts and relies still solely on conformity with the General Plan for the finding of no significance. The 3rd Appellate Court decision states further that:

"...compliance with a general plan policy does not conclusively establish there is no significant environmental impact, and the City failed to explain why it found none in this circumstance" (p. 2)

The Revised EIR should provide new analyses or explanation and not just simply repeat the General Plan policy justification for degradation of service to LOS F as presented in the Draft EIR from November 2013 (p. 4.9-45)

p 2.4 Section 4.9-1 The revised EIR states that decreased LOS are consistent with the City's policy included in General Plan Policy M 1.2.2 (a) which states that *"General Plan conformance could still be found if the project provides improvements to other parts of the citywide transportation system in order to improve transportation-system-wide roadway capacity, to make intersection improvements, or to enhance non-auto travel modes in furtherance of the General Plan goals."* Again, the revised EIR offers no new explanation or analyses support the finding of no significant traffic impact at these intersections

p A-1 Appendix A provides (another) recitation of the General Plan Policy M 1.2.2 as it relates to the "core area" of the City. As noted in the 3rd Appellate Court Decision

"The core area of the general plan covers downtown and midtown Sacramento and includes both busy commercial and quiet residential streets. The CEQA Guidelines caution that "the significance of an activity may vary with the setting." (p.22)



Marshall New Era Neighborhood Association

903 28th St
Sacramento CA 95816-4305
marshall.newera@gmail.com

The impacted intersections along 28th St are clearly in a “quiet residential” setting and therefore blanket application of the Core Area exemption to justify degraded LOS impacts at every intersection is not warranted without sufficient analyses of traffic impacts.

p. A-8 Alhambra Tunnel/Alternative Improvements and Services. The City should provide the community with an update on the status of the Alhambra Tunnel and the disposition of the funding \$2.2 for the tunnel or \$1.9 for alternative improvements in the project vicinity. Any future revised traffic analyses should consider the impact of a vehicular underpass (tunnel) access in improving LOS conditions at the impacted intersections.

p. A-8 The City should post the feasibility study for a Vehicular Underpass at Alhambra which was funded by \$100K from the project applicant. If such report is not available, the City should conduct a community meeting to apprise the neighborhood of the Alternative Improvements and Services.

From: [JAN ELLEN REIN](#)
To: [Dana Mahaffey](#)
Cc: [Jan Rein](#); [East Sac Preservation](#); [Steve Hansen](#); mayor@cityofsacramento.org
Subject: OPPOSED: REVISED EIR FOR MCKINLEY VILLAGE
Date: Thursday, March 2, 2017 4:36:51 PM

Dear Ms Mahaffey,

This comment is in opposition to the Revised EIR for McKinley Village.

The revised EIR contains no new traffic analysis and no new mitigation to lessen the substantial traffic impacts this private, for profit project imposes on the area neighborhoods and roadways. Significant traffic impacts are now unmitigated, causing increased air pollution, noise and inconvenience to area residents. The City of Sacramento is not above the law and must comply with the Court of Appeal's decision in Partnership for a Livable City (ESPLC) v. City of Sacramento et al. Specifically, the City must decertify the current EIR and conduct a full, independent traffic analysis to be circulated for additional public comment.

The City's continued noncompliance with the law will impose unnecessary taxpayer expense if further enforcement efforts are required due to City recalcitrance and neglect of duty. Indeed, since McKinley Village is for private personal profit, mitigation expenses should be paid by the private developer and\ or the McKinley Village homeowners through an assessment.

Very truly yours,

Jan Ellen Rein
2704 E. Street
Sacramento, CA
95816

March 1, 2017

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

VIA U.S. MAIL and VIA EMAIL: dmahaffey@cityofsacramento.org

Dear Ms. Mahaffey:

I am an I Street resident in Midtown Sacramento and urge the City to comply with the Court's ruling in *East Sacramento Partnerships for a Livable City v. City of Sacramento, et al.*, by decertifying the current EIR, conducting a full and independent traffic analysis and recirculating the EIR for additional public comment. In addition, I am opposed to the Revised EIR for the McKinley Village Project because it does not contain a new traffic analysis, and there is no mitigation for the impact of traffic from McKinley Village on the surrounding neighborhoods and roadways. The City has essentially ignored the Court's ruling and abandoned its duty to see that the impact of traffic from the McKinley Village does not unfairly burden the current residents.

Recently, I notified the City about an increased difficulty exiting my driveway during commute hours. In October 2016, the City conducted a traffic study on I Street that showed 4,500 cars pass my home each weekday. The survey occurred on a non-event day at the new Golden One arena so the impact of traffic from that development was not considered. Surprisingly, I learned that there were no current traffic counts for the other Midtown Streets (A to H Streets) from which to compare the volume of traffic (4,500 daily cars) on my street with the other streets. This also means that there are no current traffic counts and studies on the other streets to compare what might happen when McKinley Village is fully completed. The City acknowledged that 4,500 cars is a significant number of cars for a residential street, and that it had insufficient information to determine if I Street was unfairly impacted by traffic compared to other streets, yet it still inexplicably takes the position that McKinley Village traffic will not impact the already overburdened traffic on I Street. There is no current data to support the City's conclusion, and it must be required to fairly evaluate the traffic impact from McKinley Village.

In addition, I Street is the only street now in the Midtown area between A and J Streets without a City imposed street closure, and I Street has the only unencumbered direct path from McKinley Village to downtown, the Golden One arena, Interstate 5 and Amtrak. Yet, without supporting evidence, the City asserts that I Street is too far from McKinley Village to be impacted by traffic even though it is highly likely that the residents of McKinley Village will seek the most direct and least restrictive route to downtown, which is I Street. The City has turned its back on mitigating traffic fairly and responsibly for all its residents, and must be required to develop current, reliable traffic information so that informed decisions can be made about how best to compare, evaluate, and mitigate traffic in Midtown from the massive increase in traffic related to the McKinley Village project.

Please decertify the current EIR and require the City to comply with the Court of Appeal decision by conducting a full and independent traffic analysis and then recirculating the EIR for additional public comment. Also, please reject the Revised EIR for the McKinley Village Project because it does not offer any mitigation or current traffic information to make any type of informed decision about the impacts of the project. Any less than decertifying the current EIR and rejecting the Revised EIR for the McKinley Village Project and the City will have ignored the Court, and ignored its responsibility to develop responsible and current information about traffic from a development that will have a direct and major impact on its current residents.

Thank you for considering my comments.

Sincerely,



Richard Clark
2619 I Street
Sacramento, CA 95816
RMC100@outlook.com

From: [Valerie Roberts](#)
To: [Dana Mahaffey](#)
Subject: Fwd: Undeliverable: Fwd: Delivery Status Notification (Failure)
Date: Tuesday, February 28, 2017 12:20:58 PM
Attachments: [icon.png](#)

Forwarded conversation

Subject: **McKinley Village EIR concern**

From: Valerie Roberts <valerienorcal@gmail.com>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: kmahaffey@cityofsacramento.org, jharris@cityofsacramento.org,
JCWEST@cityofsacramento.org

Hi Dana,

I continue to have concerns about whether city cares about its citizens. We live on D Street in East Sacramento, which when we moved there, we moved there due to the walk ability of the area and we can sit on our front porch and enjoy the neighbors and the quiet street. We are lucky, as our street does not go through, but we have seen an increase in traffic since McKinley Village has been in operation.

- I oppose the “Revised EIR for the McKinley Village Project,” it does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.
- Please comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.
- Failure to follow the law will lead to further UNNECESSARY taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Thanks for your time and commitment to the citizens of Sacramento.

Valerie Roberts
3148 D Street
Sacramento, CA 95816

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: valerienorcal@gmail.com



Address not found

Your message wasn't delivered to jharris@cityofsacramento.org because the domain cityofsacramento.org couldn't be found. Check for typos or unnecessary spaces and try again.

The response from the remote server was:

DNS Error: 69993702 DNS type 'mx' lookup of cityofsacramento.org responded with code NXDOMAIN Domain name not found: cityofsacramento.org

Final-Recipient: rfc822; jharris@cityofsacramento.org

Action: failed

Status: 4.0.0

Diagnostic-Code: smtp; DNS Error: 69993702 DNS type 'mx' lookup of cityofsacramento.org responded with code NXDOMAIN

Domain name not found: cityofsacramento.org

Last-Attempt-Date: Mon, 27 Feb 2017 12:32:31 -0800 (PST)

----- Forwarded message -----

From: Valerie Roberts <valerienorcal@gmail.com>

To: kmahaffey@cityofsacramento.org, jharris@cityofsacramento.org, JCWEST@cityofsacramento.org

Cc:

Date: Mon, 27 Feb 2017 12:32:30 -0800

Subject: McKinley Village EIR concern

Hi Dana,

I continue to have concerns about whether city cares about its citizens. We live on D Street in East Sacramento, which when we moved there, we moved there due to the walk ability of the area and we can sit on our front porch and enjoy the neighbors and the quiet street. We are lucky, as our street does not go through, but we have seen an increase in traffic since McKinley Village has been in operation.

- I oppose the "Revised EIR for the McKinley Village Project," it does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.

- Please comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC)* *v.* *City of Sacramento, et al*. by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.

- Failure to follow the law will lead to further UNNECESSARY taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Thanks for your time and commitment to the citizens of Sacramento.

Valerie Roberts
3148 D Street
Sacramento, CA 95816

From: <postmaster@cityofsacramento.org>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: valerienorcal@gmail.com

Delivery has failed to these recipients or groups:

kmahaffey@cityofsacramento.org

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: EX2013HYBRID01.sac.local

kmahaffey@cityofsacramento.org

Remote Server returned '550 5.1.1 RESOLVER.ADR.RecipNotFound; not found'

Original message headers:

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Authentication-Results: spf=pass (sender IP is 209.85.217.174) smtp.mailfrom=gmail.com; cityofsacramento.org; dkim=pass (signature was verified) header.d=gmail.com/cityofsacramento.org; dmarc=pass action=none header.from=gmail.com;

Received-SPF: Pass (protection.outlook.com: domain of gmail.com designates 209.85.217.174 as permitted sender) receiver=protection.outlook.com; client-ip=209.85.217.174; helo=mail-ua0-f174.google.com;

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From: Valerie Roberts <valerienorcal@gmail.com>

Date: Mon, 27 Feb 2017 12:32:30 -0800

Message-ID: <CAEhbQk9t3yByvSg7ZtB3bGDQNTY8Zwm+7DPGzT=W-6OkEhwoiw@mail.gmail.com>

Subject: McKinley Village EIR concern

To: <kmahaffey@cityofsacramento.org>, <jharris@cityofsacramento.org>, <JCWEST@cityofsacramento.org>

Content-Type: multipart/alternative; boundary="f403045f836a851b89054988fa48"

Return-Path: valerienorcal@gmail.com

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X-MS-Exchange-CrossTenant-OriginalArrivalTime: 27 Feb 2017 20:32:32.0246
(UTC)
X-MS-Exchange-CrossTenant-Id: e37e01f2-541b-4ffd-b8d4-76aee8b8c08d
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Final-Recipient: rfc822:kmahaffey@cityofsaframento.org

Action: failed

Status: 5.1.1

Diagnostic-Code: smtp;550 5.1.1 RESOLVER.ADR.RecipNotFound; not found

----- Forwarded message -----

From: Valerie Roberts <valerienorcal@gmail.com>

To: <kmahaffey@cityofsacramento.org>, <jharris@cityofsacramento.org>, <JCWEST@cityofsacramento.org>

Cc:

Date: Mon, 27 Feb 2017 12:32:30 -0800

Subject: McKinley Village EIR concern

Hi Dana,

I continue to have concerns about whether city cares about its citizens. We live on D Street in East Sacramento, which when we moved there, we moved there due to the walk ability of the

area and we can sit on our front porch and enjoy the neighbors and the quiet street. We are lucky, as our street does not go through, but we have seen an increase in traffic since McKinley Village has been in operation.

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- Please comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.
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Thanks for your time and commitment to the citizens of Sacramento.

Valerie Roberts
3148 D Street
Sacramento, CA 95816

From: Valerie Roberts <valerienorcal@gmail.com>
Date: Mon, Feb 27, 2017 at 12:33 PM
To: valerie.roberts@cdfa.ca.gov

Forwarded conversation
Subject: McKinley Village EIR concern

From: Valerie Roberts <valerienorcal@gmail.com>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: kmahaffey@cityofsacramento.org, jharris@cityofsacramento.org,
JCWEST@cityofsacramento.org

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: valerienorcal@gmail.com

Final-Recipient: rfc822; jharris@cityofsacramento.org
Action: failed
Status: 4.0.0
Diagnostic-Code: smtp; DNS Error: 69993702 DNS type 'mx' lookup of cityofsacramento.org responded with code NXDOMAIN

Domain name not found: cityofsacramento.org
Last-Attempt-Date: Mon, 27 Feb 2017 12:32:31 -0800 (PST)

----- Forwarded message -----

From: Valerie Roberts <valerienorcal@gmail.com>
To: kmahaffey@cityofsacramento.org, jharris@cityofsacramento.org,
JCWEST@cityofsacramento.org
Cc:
Date: Mon, 27 Feb 2017 12:32:30 -0800
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Sacramento, CA 95816

From: Valerie Roberts <valerienorcal@gmail.com>
Date: Mon, Feb 27, 2017 at 12:34 PM
To: kmahaffey@cityofsacramento.org

From: <postmaster@cityofsacramento.org>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: valerienorcal@gmail.com

with SMTP id 72so4815529luaf.3;
Mon, 27 Feb 2017 12:32:31 -0800 (PST)
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Mon, 27 Feb 2017 12:32:30 -0800 (PST)
MIME-Version: 1.0
Received: by 10.176.8.91 with HTTP; Mon, 27 Feb 2017 12:32:30 -0800 (PST)
From: Valerie Roberts <valerienorcal@gmail.com>
Date: Mon, 27 Feb 2017 12:32:30 -0800
Message-ID: <CAEhbQk9t3yBYvS7ZtB3bGDQNTY8ZwM+7DPGzT=W-6OkEhwoiw@mail.gmail.com>
Subject: McKinley Village EIR concern
To: <kmahaffey@cityofsacramento.org>, <jharris@cityofsacramento.org>, <JCWEST@cityofsacramento.org>
Content-Type: multipart/alternative; boundary="f403045f836a851b89054988fa48"
Return-Path: valerienorcal@gmail.com

Final-Recipient: rfc822:kmahaffey@cityofsacramento.org
Action: failed
Status: 5.1.1
Diagnostic-Code: smtp;550 5.1.1 RESOLVER.ADR.RecipNotFound; not found

----- Forwarded message -----

From: Valerie Roberts <valerienorcal@gmail.com>
To: <kmahaffey@cityofsacramento.org>, <jharris@cityofsacramento.org>, <JCWEST@cityofsacramento.org>
Cc:
Date: Mon, 27 Feb 2017 12:32:30 -0800
Subject: McKinley Village EIR concern
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3148 D Street
Sacramento, CA 95816

From: Valerie Roberts <valerienorcal@gmail.com>
Date: Mon, Feb 27, 2017 at 12:33 PM
To: valerie.roberts@cdfa.ca.gov

Forwarded conversation
Subject: McKinley Village EIR concern

From: Valerie Roberts <valerienorcal@gmail.com>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: kmahaffey@cityofsacramento.org, jharris@cityofsacramento.org,
JCWEST@cityofsacramento.org

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: valerienorcal@gmail.com

From: <postmaster@cityofsacramento.org>
Date: 2017-02-27 12:34 GMT-08:00
To: valerienorcal@gmail.com

Delivery has failed to these recipients or groups:

kmahaffey@cityofsacramento.org

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: EX2013HYBRID02.sac.local

kmahaffey@cityofsacramento.org

Remote Server returned '550 5.1.1 RESOLVER.ADR.RecipNotFound; not found'

Original message headers:

Received: from EX2013HYBRID01.sac.local (10.100.7.173) by EX2013HYBRID02.sac.local (10.100.7.174) with Microsoft SMTP Server (TLS) id 15.0.1178.4; Mon, 27 Feb 2017 12:34:58 -0800
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Authentication-Results: spf=pass (sender IP is 209.85.217.169) smtp.mailfrom=gmail.com; cityofsacramento.org; dkim=pass (signature was verified) header.d=gmail.com; cityofsacramento.org; dmarc=pass action=none header.from=gmail.com;
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Received: from mail-ua0-f169.google.com (209.85.217.169) by BY2FF011OLC013.mail.protection.outlook.com (10.1.15.25) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA_P384) id 15.1.933.11 via Frontend Transport; Mon, 27 Feb 2017 20:34:55 +0000
Received: by mail-ua0-f169.google.com with SMTP id 40so70063423uau.2 for <kmahaffey@cityofsacramento.org>; Mon, 27 Feb 2017 12:34:55 -0800 (PST)
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X-MS-Exchange-CrossTenant-OriginalArrivalTime: 27 Feb 2017 20:34:55.4682
(UTC)
X-MS-Exchange-CrossTenant-Id: e37e01f2-541b-4ffd-b8d4-76aee8b8c08d
X-MS-Exchange-CrossTenant-FromEntityHeader: Internet
X-MS-Exchange-Transport-CrossTenantHeadersStamped: DM5PR09MB1515
X-OrganizationHeadersPreserved: DM5PR09MB1515_namprd09.prod.outlook.com
X-CrossPremisesHeadersPromoted: EX2013HYBRID01.sac.local
X-CrossPremisesHeadersFiltered: EX2013HYBRID01.sac.local
X-OriginatorOrg: saccity.onmicrosoft.com

Final-Recipient: rfc822:kmahaffey@cityofsacramento.org

Action: failed

Status: 5.1.1

Diagnostic-Code: smtp;550 5.1.1 RESOLVER.ADR.RecipNotFound; not found

----- Forwarded message -----

From: Valerie Roberts <valerienorcal@gmail.com>

To: <kmahaffey@cityofsacramento.org>

Cc:

Date: Mon, 27 Feb 2017 12:34:53 -0800

Subject: Fwd: Delivery Status Notification (Failure)

Forwarded conversation

Subject: McKinley Village EIR concern

From: Valerie Roberts <valerienorcal@gmail.com>

Date: Mon, Feb 27, 2017 at 12:32 PM

To: kmahaffey@cityofsacramento.org, jharris@cityofsacramento.org,

JCWEST@cityofsacramento.org

Hi Dana,

I continue to have concerns about whether city cares about its citizens. We live on D Street in

East Sacramento, which when we moved there, we moved there due to the walk ability of the area and we can sit on our front porch and enjoy the neighbors and the quiet street. We are lucky, as our street does not go through, but we have seen an increase in traffic since McKinley Village has been in operation.

- I oppose the “Revised EIR for the McKinley Village Project,” it does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.
- Please comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.
- Failure to follow the law will lead to further UNNECESSARY taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Thanks for your time and commitment to the citizens of Sacramento.

Valerie Roberts
3148 D Street
Sacramento, CA 95816

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: valerienorcal@gmail.com



Address not found

Your message wasn't delivered to **jharris@cityofsacramento.org** because the domain cityofsacramento.org couldn't be found. Check for typos or unnecessary spaces and try again.

The response from the remote server was:

DNS Error: 69993702 DNS type 'mx' lookup of cityofsacramento.org responded with code NXDOMAIN Domain name not found: cityofsacramento.org

Final-Recipient: rfc822; jharris@cityofsacramento.org
Action: failed
Status: 4.0.0
Diagnostic-Code: smtp; DNS Error: 69993702 DNS type 'mx' lookup of cityofsacramento.org responded with code NXDOMAIN
Domain name not found: cityofsacramento.org
Last-Attempt-Date: Mon, 27 Feb 2017 12:32:31 -0800 (PST)

----- Forwarded message -----

From: Valerie Roberts <valerienorcal@gmail.com>
To: kmahaffey@cityofsacramento.org, jharris@cityofsacramento.org,
JCWEST@cityofsacramento.org
Cc:
Date: Mon, 27 Feb 2017 12:32:30 -0800
Subject: McKinley Village EIR concern
Hi Dana,

I continue to have concerns about whether city cares about its citizens. We live on D Street in East Sacramento, which when we moved there, we moved there due to the walk ability of the area and we can sit on our front porch and enjoy the neighbors and the quiet street. We are lucky, as our street does not go through, but we have seen an increase in traffic since McKinley Village has been in operation.

- I oppose the "Revised EIR for the McKinley Village Project," it does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.

- Please comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC)* *v.* *City of Sacramento, et al*. by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.

- Failure to follow the law will lead to further UNNECESSARY taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Thanks for your time and commitment to the citizens of Sacramento.

Valerie Roberts
3148 D Street

Sacramento, CA 95816

From: <postmaster@cityofsacramento.org>

Date: Mon, Feb 27, 2017 at 12:32 PM

To: valerienorcal@gmail.com

Delivery has failed to these recipients or groups:

kmahaffey@cityofsacramento.org

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: EX2013HYBRID01.sac.local

kmahaffey@cityofsacramento.org

Remote Server returned '550 5.1.1 RESOLVER.ADR.RecipNotFound; not found'

Original message headers:

Received: from EX2013HYBRID02.sac.local (10.100.7.174) by EX2013HYBRID01.sac.local (10.100.7.173) with Microsoft SMTP Server (TLS) id 15.0.1178.4; Mon, 27 Feb 2017 12:32:35 -0800
Received: from acc01-dm2-obe.outbound.protection.outlook.com (10.100.99.3) by EX2013HYBRID02.sac.local (10.100.7.174) with Microsoft SMTP Server (TLS) id 15.0.1178.4 via Frontend Transport; Mon, 27 Feb 2017 12:32:34 -0800
Received: from BLUPR09CA0044.namprd09.prod.outlook.com (10.255.214.172) by CY4PR09MB1256.namprd09.prod.outlook.com (10.172.66.18) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384_P384) id 15.1.933.12; Mon, 27 Feb 2017 20:32:33 +0000
Received: from BY2FF011FD019.protection.gbl (2a01:111:f400:7c0c::176) by BLUPR09CA0044.outlook.office365.com (2a01:111:e400:8b7::44) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384_P384) id 15.1.933.12 via Frontend Transport; Mon, 27 Feb 2017 20:32:32 +0000
Authentication-Results: spf=pass (sender IP is 209.85.217.174) smtp.mailfrom=gmail.com; cityofsacramento.org; dkim=pass (signature was verified) header.d=gmail.com/cityofsacramento.org; dmarc=pass action=none header.from=gmail.com;
Received-SPF: Pass (protection.outlook.com: domain of gmail.com designates 209.85.217.174 as permitted sender) receiver=protection.outlook.com; client-ip=209.85.217.174; helo=mail-ua0-f174.google.com;
Received: from mail-ua0-f174.google.com (209.85.217.174) by BY2FF011FD019.mail.protection.outlook.com (10.1.14.107) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA_P384) id 15.1.933.11 via Frontend Transport; Mon, 27 Feb 2017 20:32:32 +0000
Received: by mail-ua0-f174.google.com with SMTP id 72so48155291uaf.3; Mon, 27 Feb 2017 12:32:31 -0800 (PST)
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=gmail.com; s=20161025; h=mime-version:from:date:message-id:subject:to; bh=PbdaBkmWQKmK+sKdA/iV87G8w+15fMHVrUiboeBWZqc=; b=u6LBt5/f+GsuZnqyI7/N5kUBLwMlI2FPT0nDTylg89qQjdxnqfPWC060Kg+q5OW61tILVkn+g2xoQb8NZ5FnDl/4eJGb0vWERzxZOfTQ7jSwnIi5wBshrHYvXmbkQZqZdnwq3bm6Rha78obYsVfCEkq1mLEILcsbd/zPKYgEh+ACQ8tMuFdsBTPDDYzEfyxLW2b1n2OZfmSyI8zOOCdJrMsXJzAWiz/AuM05nS+bWnDrGHVp5C/r1qXFuUUuA+9ezg5mp/UT3M0mVY9H6Ys6BuLKHnAnv6kvusYr5TvraCVLDt09bYNEBBEocOeRoWSADj4phA6Qi+2EdWNXcdPtw==
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X-Received: by 10.176.74.146 with SMTP id s18mr8314292uae.65.1488227550958;
Mon, 27 Feb 2017 12:32:30 -0800 (PST)
MIME-Version: 1.0
Received: by 10.176.8.91 with HTTP; Mon, 27 Feb 2017 12:32:30 -0800 (PST)
From: Valerie Roberts <valerienorcal@gmail.com>
Date: Mon, 27 Feb 2017 12:32:30 -0800
Message-ID: <CAEhbQk9t3yBvVz7tB3BgDQNTY8ZwM+7DPGzT=W-6OkEhwoiw@mail.cmail.com>
Subject: McKinley Village EIR concern
To: <kmahaffey@cityofsacramento.org>, <jharris@cityofsacramento.org>, <jcwest@cityofsacramento.org>

Content-Type: multipart/alternative; boundary="f403045f836a851b89054988fa48"

Return-Path: valerienorcal@gmail.com

X-EOPAttributedMessage: 0

X-EOPTenantedAttributedMessage: e37e01f2-541b-4ffd-b8d4-76aee8b8c08d:0

X-Forefront-Antispam-Report: CIP:209.85.217.174;IPV:NLI;CTRY:US;EFV:NLSM;SFS:(6009001)(6029001)(8196002)(2980300002)(438002)(189002)(199003)(98316002)(82202002)(55446002)(83322999)(450100001)(93516999)(54356999)(63696999)(87572001)(9896002)(10056002)(956001)(626004)(512874002)(76482005)(189998001)(42186005)(5660300001)(305945005)(106466001)(7636002)(3480700004)(498394004)(356003)(50986999)(86362001)(73972006)(61266001)(59536001)(81442002)(7596002)(8896002)(1096003)(73392002)(110136004)(8676002)(16003)(92566002)(8576002)(84326002)(246002);DIR:INB;SPF:;SCL:1;
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MX:1;A:1;LANG:en;

X-Microsoft-Exchange-Diagnostics: 1;BY2FF011FD019;1:RMkmw5LCPG15SASrn943egT9wgXnngVlqMMntyf0aMjzHXHumovEor1ZKXe+AvOVNlL+MzdlfHozO0jl3Wxb5Tz+ZQM6gInaI3RrHBEPTs3jRwafhjpyM/IUw6j5P+1sOdQFMjco12CgJkCXCgCJ379nm6Qnsqppel0pKsBGRURPwz3DovPSwkjlmSj8wLONLXjPozMYuWtjhLoSt8WupE4YlpIaoEl1zqQX5GkqOzk1QgJm9SgVvEt5f5L8Ac0Omcdfci1jUXjWsjKyf6Yf6SEEkxsbNRZYXN/b/a5fWseoBP2HwN5elk3XMMAbidwo2dr01SuGT94peyZbWw2Yg400uVOWtCvPEbdDASQNXJELBxBEDouN5cyqLc3EAgjztYJ52YXEcwPdzV3s0f4v8BihGwWmZpXkoU3P0PiG69WZ9oD/IYER18/39/vwKhXso0Vr4161eYbggeTNZ5+YnRDwHJOTxmdXK0r3Cz10/2mgLtvda1w180d8J9TV0y3eHPksnz+alrxFm2YfSQAgoe/8hG2NXdVup0MBJEOyWNE+4DNlIKq+fAplT/G9lQu2mdheUmBa3P56SOeFrxxrdGr2a6v4X/2vNPwulqTnwppZrggcpn+a2/t

X-MS-Office365-Filtering-Correlation-Id: d2785d15-d1c2-4f54-5f83-08d454f4c1a0

X-DkimResult-Test: Passed

X-Microsoft-Antispam: UriScan: BCL:0;PCL:0;RULEID: (22001)(81800161)(8251501002)(3001016)(3010002)(71702078);SRVR:CY4PR09MB1256;

X-Microsoft-Exchange-Diagnostics: 1;CY4PR09MB1256;3:3wuhFXu3GQ0uBTYUFWdynS/WbuOXGibQDFDXkuLKT R2h1Y+1NGdieiddVvnefi+OUsiBVmS36wF7/vaOBF8VvTR5d8h9H+bw0B/LlisyAhGQWK7qSZDFoa6VAr94/53MN5Bia3j706/hJobIButqrU2Nktjwq1j3FPiLjvwS/Z3Sd9F9Pxrze4NzGQMGz1eHGkdK4ZmxgR77K7Zu/tmW+LexqVotzOLLX51Wzdr3kYCPoyHLAhrf/500AAMz0YBTnxJnojsV8n/UaDEzL9P05oYlylsIumnkQnLaQXNlWPwX3JhxnC70jSgkPge0icIFfvd68R/I3a/f9YoXwrNpZf8ef63r5CvAVZ7s3/4pWpn53Y+nYqmUWC+f2WkCJDRpXQIMI7H/GuyvJnXc4ix8pCKRiK5WbwfEOGes//5Wy8GFIFouAq2blmyQZScqIXor68ZbVvac/MgY/Kk9G5M9vd/e9rj7je8ym4IPhzc1/25:Ypi0jOaA4+nJf14NJQb4NRcfravGxJ1/Ev4jDD7FOOMTOKruucvAZrIhY+OrV+RgcG3t3vvMwsuVUKCeL7kmcHu5QY9RTsYzPbW99Iel/+E7r80IEeaUqAbPfcXucoBj8oZHafBaxjCKwIkkEpyXP3GdkhRBHn1fdzjEsakXhtigmYs9b1bnmzsoTRBtpZp7e9NZ+WqlDNudfaUdaJpdYgKbQvK14IemKtytv8PmdLbnzgn6uLhoxCo8PFO7AlObQ/cJN0HGO+JL8Ayby+/A1lB6R4ghmh+Rseg9TFVjnhmkdAKPK6g2HkT5sabmoQ5tcfE813GLCKXpRqeoXkyWgpw6MDQ6iYHzMrylv7851lnAlVoxCSHLuqQwStkHiifgcXrHbzC+EvngmkG+5yJgjbjbnmbCdvccZhyrC31a96q7Ll99DxtThjqcNm

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X-Exchange-Antispam-Report-Test: UriScan:;

X-Exchange-Antispam-Report-CFA-Test: BCL:0;PCL:0;RULEID: (9101531078)(601004)(2401047)(13016025)(13024025)(13023025)(8121501046)(13018025)(9101536074)(3002001)(10201501046);SRVR:CY4PR09MB1256;BCL:0;PCL:0;RULEID:;SRVR:CY4PR09MB1256;

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Final-Recipient: rfc822:kmahaffey@cityofsacramento.org

Action: failed

Status: 5.1.1

Diagnostic-Code: smtp;550 5.1.1 RESOLVER.ADR.RecipNotFound; not found

----- Forwarded message -----

From: Valerie Roberts <valerienorcal@gmail.com>

To: <kmahaffey@cityofsacramento.org>, <jharris@cityofsacramento.org>, <JCWEST@cityofsacramento.org>

Cc:

Date: Mon, 27 Feb 2017 12:32:30 -0800

Subject: McKinley Village EIR concern

Hi Dana,

I continue to have concerns about whether city cares about its citizens. We live on D Street in East Sacramento, which when we moved there, we moved there due to the walk ability of the area and we can sit on our front porch and enjoy the neighbors and the quiet street. We are lucky, as our street does not go through, but we have seen an increase in traffic since McKinley Village has been in operation.

- I oppose the “Revised EIR for the McKinley Village Project,” it does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.
- Please comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.
- Failure to follow the law will lead to further UNNECESSARY taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Thanks for your time and commitment to the citizens of Sacramento.

Valerie Roberts

3148 D Street
Sacramento, CA 95816

From: Valerie Roberts <valerienorcal@gmail.com>
Date: Mon, Feb 27, 2017 at 12:33 PM
To: valerie.roberts@cdfa.ca.gov

Forwarded conversation
Subject: McKinley Village EIR concern

From: Valerie Roberts <valerienorcal@gmail.com>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: kmahaffey@cityofsacramento.org, jharris@cityofsacramento.org,
JCWEST@cityofsacramento.org

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Mon, Feb 27, 2017 at 12:32 PM
To: valerienorcal@gmail.com

Final-Recipient: rfc822; jharris@cityofsacramento.org
Action: failed
Status: 4.0.0
Diagnostic-Code: smtp; DNS Error: 69993702 DNS type 'mx' lookup of
cityofsacramento.org responded with code NXDOMAIN
Domain name not found: cityofsacramento.org
Last-Attempt-Date: Mon, 27 Feb 2017 12:32:31 -0800 (PST)

----- Forwarded message -----
From: Valerie Roberts <valerienorcal@gmail.com>
To: kmahaffey@cityofsacramento.org, jharris@cityofsacramento.org,
JCWEST@cityofsacramento.org
Cc:
Date: Mon, 27 Feb 2017 12:32:30 -0800
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I continue to have concerns about whether city cares about its citizens. We live on D Street in East Sacramento, which when we moved there, we moved there due to the walk ability of the area and we can sit on our front porch and enjoy the neighbors and the quiet street. We are lucky, as our street does not go through, but we have seen an increase in traffic since McKinley Village has been in operation.

- I oppose the “Revised EIR for the McKinley Village Project,” it does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.

- Please comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC)* *v.* *City of Sacramento, et al*. by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.

- Failure to follow the law will lead to further UNNECESSARY taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Thanks for your time and commitment to the citizens of Sacramento.

Valerie Roberts
3148 D Street
Sacramento, CA 95816

March 3, 2017

To: Dana Mahaffey, Associate Planner
City of Sacramento, Community Development Department
Environmental Planning Services

RE: McKinley Village

Dear Ms Mahaffrey,

This letter is to express my opposition to the "Revised EIR for the McKinley Village Project as it does not contain a new traffic analysis and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and streets.

Even now before many of the homes are occupied in McKinley Village, there is more traffic in the area. I drove down McKinley to the freeway last week at the time the children were riding their bikes to school and was so surprised how much traffic was on McKinley at that time and also since the children on bikes were not careful it presented a real hazard for them. I realize that is not the fault of the drivers but the more traffic the more chance of an accident. Both H, J are to be avoided at any commute time and other times also. I take alternate routes whenever possible or make sure I have a traffic light if I want to turn onto either of these streets. Alhambra is also more crowded and McKinley also. I have lived here for 31 years and these changes have become worse of late. This is my home and lovely, unusual neighborhood and I am very concerned about the quality of life changing in the area because of the traffic impact.

I urge the City to comply with the decision of the Court of Appeal in the case of East Sacramento Partnership for a Livable City v. City of Sacramento, et al. by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment. I know nothing of the law but when I read this it appalls me that the developers are trying to circumvent the ruling and that even though the ruling has been made they may be able to.

Failure to follow the law will lead to further unnecessary taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Please, do the right thing and help preserve the wonderful area in which we live.

Best regards,

Ann Rodgers
361 37th Street
Sacramento, CA 95816

From: [SHANNON ROSS](#)
To: [Dana Mahaffey](#)
Subject: McKinley Village
Date: Friday, March 3, 2017 7:02:47 PM

You are already aware that the McKinley Village will create unacceptable traffic in our neighborhood, creating hazards to both pedestrians and other drivers. There IS an alternative that mitigates this problem - the additional vehicle access point at Alhambra. Please adopt this as a mitigation measure as part of the project.

Thank you,
Shannon Ross
5265 I Street
C: 916-712-7704

From: [Lesley Schroeder](#)
To: [Dana Mahaffey](#)
Subject: re: McKinley Village
Date: Thursday, March 2, 2017 4:38:58 PM

To all members of the Sacramento City Council and other involved parties:

I am a long-time resident of East Sacramento. I am very concerned about the increase in traffic and increase in safety issues due to this increased traffic since the development of McKinley Village. I am also concerned about the long-term consequences on the quality of life of East Sac residents as well as the impact on our property values.

- I oppose the "Revised EIR for the McKinley Village Project". It does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.
- Significant traffic impacts continue to be unmitigated. I live on McKinley Blvd 3 blocks from McKinley Village. Increased traffic has already been noticed, most concerning are cars traveling at an unsafe speed in our neighborhood. I am especially concerned at the increased traffic on Elvas and the speed of cars traveling to H St. Turning right from McKinley Blvd unto Elvas is already unsafe.
- I am concerned re future emergency assess / exit from McKinley Village with it's only two ways in and out of the development. It is a set up for disaster.
- I urge the City to comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.
- Failure to follow the law will lead to further unnecessary taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Thank you for your time and attention to this important matter.

Sincerely,

Lesley A Schroeder, MD

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'To know when you have enough is to be rich beyond measure' Lao-Tzu

From: [Robert & Petra Sullivan](#)
To: [Mayor Steinberg](#); [Dana Mahaffey](#); [Jeff S. Harris](#)
Subject: State Supreme Court ruling on McKinley Village EIR and traffic study
Date: Monday, February 27, 2017 5:56:50 PM

From: bubbacooti@comcast.net
Subject: State Supreme Court ruling on McKinley Village EIR and traffic study
Date: February 27, 2017 at 12:17:56 PM PST
To: <MayorSteinberg@cityofsacramento.org>, <dmahaffey@cityofsacramento.org>
Cc: <jsharris@cityofsacramento.org>

Dear Mayor Steinberg;

We are writing to express our deep disappointment at the City's handling of the whole McKinley Village subdivision story beginning with the City's EIR and traffic study on it and extending to the City's actions to avoid the decisions of both the State Court of Appeals and the State Supreme Court nullifying the EIR and traffic study.

We are also writing to ask you to personally ensure that the city honors those two court decisions and requires a new EIR and traffic study that accurately describe McKinley Village's adverse environmental and neighborhood traffic impacts and requires their amelioration.

Sincerely,

Robert & Petra Sullivan

400 37th Street
Sacramento, CA 95816

From: bthalacker@comcast.net
To: [Dana Mahaffey](#)
Subject: Draft EIR Report Violation
Date: Tuesday, February 28, 2017 9:59:15 AM

Dear Dina. Please enter these comments to the City Council and enter the request to decertify the current EIR and comply with the Court of Appeal decision:

- The “Revised EIR for the McKinley Village Project,” does not contain a new traffic analysis, and there is no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.
- Significant traffic impacts continue to be unmitigated. Traffic during the construction has been noisy, and constant. When the development is built up, there will be a real impact on our neighborhood. Delays at crossings and corners will be dangerous. Please comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.
- Failure to follow the law will lead to further unnecessary taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Also, if a third vehicle access point were added at Alhambra Blvd., this would greatly alleviate the traffic burden for Midtown and East Sacramento.

Thank You.

Barbara Thalacker and Terry Reed
2810 I Street
Sacramento, CA 95816

From: [Kathy Ullerich](#)
To: [Dana Mahaffey](#)
Subject: Revised EIR for the McKinley Village Project
Date: Thursday, March 2, 2017 2:11:04 PM

- Dana Mahaffey, Associate Planner

City of Sacramento

Environmental Planning Services

- I want to express my opposition to the “Revised EIR for the McKinley Village Project,” It does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.
- Significant traffic impacts continue to be unmitigated. I live at 408 Meister Way right off of McKinley Blvd and the increased traffic along this corridor has definitely changed the character of the neighborhood and created dangerous situations for the many pedestrians and cyclists traveling along McKinley Blvd. to the park and other neighborhood amenities.
- Please comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.
- I am concerned that failure to follow the law will lead to further unnecessary taxpayer expense if the City must again be compelled to comply with state laws governing the environment.

Thank you for your attention to this matter.

Kathy Ullerich
408 Meister Way
Sacramento, CA 95819



Central Valley Regional Water Quality Control Board

24 February 2017

Dana Mahaffey
City of Sacramento,
Community Development Department
300 Richards Boulevard, Third Floor
Sacramento, CA 95811

CERTIFIED MAIL
91 7199 9991 7035 8487 3458

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF AVAILABILITY – REVISED DRAFT ENVIRONMENTAL IMPACT REPORT, MCKINLEY VILLAGE (P08-086) PROJECT, SACRAMENTO COUNTY

Pursuant to the City of Sacramento Community Development Department's 18 January 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Availability - Draft Environment Impact Report* for the McKinley Village (P08-086) Project, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Environmental Scientist

From: [Georgia Business](#)
To: [Dana Mahaffey](#)
Subject: McKinley Village and Revised EIR
Date: Wednesday, March 1, 2017 8:50:32 PM

Dear Ms. Haffey

My husband and I are property owners in East Sacramento and have lived in this area since the 80's. We understand the need for more housing and infill within the city. So, we are NOT against thoughtful development. However, the McKinley Village Development was pushed through without thoughtful and fair planning. This statement has been validated by the courts - mandating that the City of Sacramento decertify the EIR and correct the deficiencies.

We are opposed to the "Revised EIR for the McKinley Village Project," as it does not contain a new traffic analysis. It also circumvents the process and the law.

We both encourage the City to follow the direction from the courts. And, to comply with the decision of the Court of Appeal in the case of *East Sacramento Partnerships for a Livable City (ESPLC) v. City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.

Thank you,
Walter Watters
Georgia FoxWatters
365 34th Street
Sacramento CA 95816

From: [Wehr, Kevin](#)
To: [Dana Mahaffey](#)
Cc: [Steve Hansen](#); [Marshall School](#); [Ellen Wehr](#)
Subject: Comments on the revised EIR for McKinley Village
Date: Tuesday, February 28, 2017 6:29:04 PM

Dear Ms. Mahaffey,

I am writing today to express my concerns about, and opposition to, the Revised EIR for the McKinley Village Project. The City is under court order to decertify the current EIR and to conduct a full and independent traffic analysis. The current revision does not do this, and does not offer any new mitigation. This is a problem.

I live on C street near 21st, and there have been two mitigation projects on C street—the roundabout at 23rd and the installation of two new stop signs. I do very much appreciate these projects. And while the revision does recognize increased traffic on 28th and 29th during commute times, this is not the whole of the matter. Because of the forced turn that was installed on 28th at C street, traffic will be heavily diverted from that intersection westward onto C street as well as onto 29th. The mitigation measures that have been installed may slow traffic down, but it will not stem the tide. The only real solution is to put another entrance into the McKinley Village development at Alhambra.

I know that this will be costly for the developer, but that is not my concern. The profits of the developer cannot and should not come at the diminution of quality of life for two established neighborhoods. Do not forget that when we talk about traffic, we aren't just speaking about noise, pollution, or the annoyance of delays (though those matter, of course). C street is also the home of two parks and the Courtyard School. The prospect of increased traffic brings with it the eventuality of one of those children being struck by a vehicle while going to or from school or the parks. I think the cost of an Alhambra entrance is well worth it for the reduction of the risk of children getting hurt. In order to move towards this, the City should decertify the old EIR, undertake a full review and traffic analysis, and allow for new public comment.

I can tell you that my experience of traffic on C street as well as 28th and 29th has already become worrisome. With the construction traffic alone, the delays have caused drivers to behave both aggressively and erratically. I have witnessed a marked increase of people driving with serious road rage, such as accelerating very quickly, roaring around turns, driving over grass medians, and expressing their rage through obscene gesticulations. I have seen near accidents by the parks as children chase after an errant soccer ball. These near misses concern me greatly, and I hate to think what this will look like when we have the added impact of new residents commuting to work and school, going to the store, and otherwise going about their daily business of life.

Thank you for the opportunity to share my thoughts on this matter. Please do not hesitate to contact me for any clarifications or questions.

Best,
Kevin

Kevin Wehr
Professor of Sociology
CSU Sacramento

From: wgreen@surewest.net
To: [Dana Mahaffey](#)
Subject: McKinley Village and the EIR process
Date: Wednesday, March 1, 2017 5:39:12 PM

Dear Mr. Mahaffey,

I am writing to express my concerns and deep disappointment at the City's handling of the whole McKinley Village subdivision. Beginning with the original City's EIR and traffic study on the project. We now understand that the original EIR was incomplete as concluded by the decisions of both the State Court of Appeals and the State Supreme Court nullifying the EIR and traffic study.

I am also writing to ask you to personally ensure that the city honors those two court decisions and require a new EIR and traffic study that accurately describe McKinley Village's adverse environmental and neighborhood traffic impacts which requires further amelioration. East Sacramento and future neighborhoods deserve good EIRs which are in compliance with CQEA guidelines.

Respectfully, Will Green

From: [Susie Williams](#)
To: [Dana Mahaffey](#)
Subject: Fwd: McKinley Village Traffic Study Must be Redone
Date: Sunday, February 26, 2017 9:02:50 PM

Dana: This was sent to a wrong address for you. Please let me know you received this one.

Susie Williams

Sent from my iPad

Begin forwarded message:

From: Susie Williams <susiewil@surewest.net>
Date: February 26, 2017 at 8:49:16 PM PST
To: MayorSteinberg@cityofsacramento.org
Cc: kmahaffey@cityofsacramento.org, dgonsalves@cityofsacramento.org, eteague@cityofsacramento.org, shansen@cityofsacramento.org
Subject: **McKinley Village Traffic Study Must be Redone**

Dear Mayor Steinberg:

I am writing to urge you and the City of Sacramento to honor the recent State Court of Appeals ruling requiring the City to completely redo the traffic study for the McKinley Village project. As you know, the ruling was further upheld by the State Supreme Court.

At a time when the White House is denigrating our courts and making a mockery of the rule of law, it is imperative that the City of Sacramento show its citizens that the rule of law is still alive and well here. Not just when it is convenient but also when it is hard. The courts have ruled and now the City must honor their decision.

Hundreds of citizens and organizations commented on the original EIR and traffic study and noted the same serious flaws subsequently recognized by the courts. Just because the City's General Plan says that complete traffic gridlock is an acceptable Level of Service does not absolve the City and project developers from having to accurately report the traffic impacts and to either find acceptable mitigation measures or limit development. Citizens of this wonderful city deserve nothing less.

Yes, arenas and cultural attractions are important to our city's vibrancy, but the real stars of our city are it's people and it's neighborhoods. Quality of life is an

illusivE thing but it is certain that the road to achieving it is not one that is gridlocked. And it will never be achieved in a city that puts profits over people and ignores the rule of law.

Sincerely,

Susie Sargent Williams

Sent from my iPad

From: odlizzie@surewest.net
To: [Dana Mahaffey](#)
Subject: McKinley Village Traffic
Date: Tuesday, February 28, 2017 9:20:56 AM

I am writing to urge the City of Sacramento to **COMPLY WITH THE COURT OF APPEALS RULING** in regard to **McKinley Village and the EIR.**

My family and I have owned property at 922 41st street, and paid taxes since 1922; and, the City seems to not care about the traffic impacts on long time property owners in this East Sacramento location.

I am asking the city to show concern about the existing East Sacramento neighborhood by addressing the following concerns that I and my neighbors have:

1) We oppose the the "Revised EIR for the McKinley Village Project" - Because it does not contain a new traffic analysis, and no new mitigation that would lessen the significant traffic impacts of the project on the area neighborhoods and roadways.

2) Significant traffic impacts continue to be unmitigated. As you know, the current East Sacramento area, composed of 328 lots over a 65 acre area, has **16 different** vehicular connections for neighborhood occupants to utilize. The McKinley Village project has 328 lots over a 48 acre area and has **JUST TWO vehicular connections (it doesn't take a genius to determine that will lead to congestion .)**

3) If the City fails to follow the law of the Court of Appeals decision, it will lead to further unnecessary taxpayer expense for legal action to compel the City to comply with state laws governing the environment.

4) Again, we urge the City to comply with the decision of the Court of Appeal in the case of the *East Sacramento Partnership for a Livable City (ESPLC) v City of Sacramento, et al.* by decertifying the current EIR, conducting a full, independent traffic analysis, and recirculating the EIR for additional public comment.

Thank you for your thoughtful consideration of my requests.

Sincerely, Nancy E. Wolford, 922 41st Street, 916-457-3002

From: [Linda Zeiszler](#)
To: [Dana Mahaffey](#)
Subject: Court of Appeals ruling re: McKinley Village
Date: Tuesday, February 28, 2017 2:14:19 AM

I live on Santa Ynez Way between McKinley and 39th, just one block off of C Street. We currently have heavy traffic on Elvas/C street from the business park along that corridor. In addition, the traffic on 39th, 36th and McKinley is very heavy due to Theodore Judah School. This is before the additional traffic that residents of McKinley Village will bring to my neighborhood streets.

My understanding is that the Court of Appeals has directed the Superior Court to issue an order to the city requiring that it decertify the existing EIR, correct deficiencies in the existing EIR and recirculate a CEQA compliant EIR before recertification. I expect the city to comply with these orders and not circumvent these orders by accepting an inadequate "Revised EIR" that does not comply with the court order. It does not contain a new traffic analysis, nor new mitigation to lessen the traffic impact on my neighborhood streets.

Therefore, my expectation is that the city will comply with the court order and **REJECT** the "Revised EIR".

Linda Zeiszler
411 Santa Ynez Way
Sacramento, CA.
Sent from my iPhone