

Mr. Garrett Norman  
City of Sacramento  
Community Development Department  
300 Richards Boulevard  
Sacramento, California 95811

**Subject: Panhandle Annexation, General Plan Amendment, Pre-Zoning, Tentative Master Parcel Map, Planned Unit Development Guidelines and Schematic Plan, and Development Agreement - Control Number: P-16-013**

*Initial Comments and Initial Response to Notice of Preparation.*

April 30, 2016

Dear Staff and Officials,

Thank you for the opportunity to comment on this Panhandle project. Our first comment letter for a Panhandle project was dated August 5, 1988 when its chief author was Assistant Executive Officer of the Sacramento Local Agency Formation Commission and a senior manager in the Sacramento County Executive's Office.

Much of the history of this site has been lost over the years. I suspect most of planning staff, for example, would not remember that this area lost substantive **open space** in 1997 when the owners of the properties to the west deleted a planned golf course, and other public space which extended onto the Panhandle site from the North Natomas Community Plan. We objected to the loss of that **amenity** in the eastern part of North Natomas, especially the area closest to us. There were no residents in the new areas of North Natomas to help us stop the losses. When I tell Natomas Park people about the missing golf course, they are disappointed.

We objected to the later loss of most of the eastern **transmission line and rural estates buffer/nuisance mitigation** (originally over 100 acres as shown on the 1994 Community Plan and the current Sacramento Council of Government's Blueprint Map) during the moratorium (our neighborhood had no idea this happened). This buffer was previously approved by City Council to provide adequate space to hide or soften the look and health and safety effects of radiation generating transmission lines, **to avoid related blight and the crime that generally follows it, to avoid neighborhood incompatibility** issues between existing and planned horse properties to the east of Sorento Road, and to offset some loss of habitat.

The **vision** included greenways, with visual relief for the transmission towers provided by lush plantings<sup>1</sup> near and along the towers, and wildlife corridors connecting to Steelhead Creek, the Ueda Parkway, the Dry Creek Greenway, and agricultural lands in the Pacific flyway north of the

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<sup>1</sup>See attached photo of back yard of house in upscale Michigan neighborhood; trees and foliage visually blocks the lines from those living there. The yard is gorgeous.

project site.

In this vision, **north/south and east-west bike, pedestrian and equestrian trails (north-south only)** were placed away from the towers, and **connected to the Ueda Parkway and a Sacramento/Sutter bicycle loop trail** which was proposed along the landward toes of the Natomas levee system, providing more than 70 miles of bicycling pleasure and a campsite along Pleasant Grove Creek, plus a safe off road travel route.

During the City-formed 2005 Panhandle Working Group process, a local farmer testified he could profitably operate an **organic farm** in that 100-acre City approved buffer area, a somewhat novel idea at the time, but now, a cornerstone idea in the Farm-to-Fork and urban farm movements. The latter proposal, by itself, would (and could still) have **solved the nuisance and maintenance problems /costs** for the areas in and near the transmission line easements.

The placement of bike trails between the towers was not desired for **health and safety and aesthetic** purposes. Why would bicyclists be planned to bike five miles from the American River Parkway to Elkhorn Boulevard under ugly, radiating lines, which crackle loudly during damp weather, when other alternatives are available? Certainly, in south Natomas (Ninos Parkway), bike trails followed development so other options weren't available. In the Panhandle, however, there are 600 +/- acres of land with no entitlements except agriculture since it is located in the County. There are numerous **better cycling options**.

The **Bikeway Master Plan is being updated**. Certainly, better options (see footnote 2) for the Panhandle and North Natomas can be incorporated into that Plan as the North Natomas Community Association has already suggested to City Bikeway Plan consultants. Currently, it is extremely dangerous to ride on Del Paso Road. We need at least one off road east-west connector to the Ueda Parkway. There are millions to be made on this development. The developers have already received a gift of more than 100 acres of our open space. We want something in return. It is only fair.

Certainly the City-approved open space buffer and these types of ideas<sup>2</sup>, supported a **high quality livable neighborhood oriented environment which attracts home owners and**

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<sup>2</sup>See attached Community Preferred Alternatives which was supported by North Natomas Alliance, Natomas Community Association, Environmental Council of Sacramento, Valley View Acres Community Association, etc. in 2005-06. Although densities were higher than we actually desired, they were consistent with the NNCP density in place at that time and low income housing requirements in place at that time including provision of 15% low income housing. Notice that uses are buffered, detention basins serve a dual purpose of buffering seniors and others from nuisance impacts, and commercial areas are small, centered in the residential areas, neighborhood-oriented with residential above the small shops. Trails are everywhere with connections to Ueda Parkway, Elkhorn buffer, and all higher density areas where higher trip volume could be anticipated. We envisioned inclusion of an upscale neighborhood as well.

**creates stable neighborhoods thus lowering the potential for crime, and complements the rest of North Natomas. Stability, home ownership, and remediation of homeless issues and nuisances may be expected to reduce crime stemming from blighted/unattractive neighborhoods.**

The proposed project creates rather than remediates problems. **Project design includes multiple nuisance features and inadequately mitigates the potential effects of existing potential nuisances (transmission lines and City approved horse and livestock properties).** We oppose the approval of a plan which we believe will cause blight, foster neighborhood nuisance and instability and cause increases in crime.

**It doesn't matter much if densities are lowered but the neighborhood is so unattractive and nuisance ridden that it deteriorates into a rundown rental community as has happened near other inadequately mitigated transmission line corridors.** These issues will be explained in more detail later.

We object to the **continuing degradation of planned potential** for this site, the last major east North Natomas development opportunity. **We do not want to replicate the blight and crime provoking characteristics that have caused so much misery in Gardenland and Northgate.** The City has **expended a lot of money trying to fix the crime, poverty, rental issues, traffic issues and other problems** plaguing those under protected neighborhoods. They are **neighborhoods with the same levee and transmission features as the Panhandle/Valley View area.**

**Gardenland was just like Valley View at one time.** Some of our neighbors grew up there. Poor planning, and unaddressed traffic intrusion issues, caused it to change greatly. They deserve better and so do we.

**The project proponents don't seem to view this area favorably. They seem to see it as potentially lower class.** A glaring example of this is their name for **Steelhead Creek.** North Natomas residents don't like having water features that are called canals. Living near a canal is not a selling point; living near a creek is.

The unfortunate canals monikers were set in place between 1911 and 1915 by engineers who were altering Natomas creeks and streams and only had flood control on their minds. In the late 1990s, we decided that the Natomas East Main Drain Canal was an unfortunate name for a **community amenity** (visit the area and SAFCA's wildlife ponds and you'll see what I mean.). With this author working as pro bono consultant for Sacramento County, the County, with City, SAFCA and numerous community groups supporting, petitioned the state and the federal government asking for renaming to Steelhead Creek. It was approved. The new name, which reflected the existence of Steelhead in the waterway, is proudly displayed at SAFCA's pump station on the E. Levee Road.

**The Panhandle project proponents don't get it. They still use the old canal name and treat us like we are a canal area!!** However, Natomas Precinct proponents who are arguing a more upscale if ill located plan, use the name Steelhead Creek (see NOP for that project). The proponents need to realize that this site is the eastern end of a community that sees itself as lovely, vibrant and livable. We don't want to be viewed as lower class, or named as such. The point may seem small but the bad attitude is reflected in the park, road plan, shopping plan, school, open space, drainage and nuisance mitigation plans. Natomas deserves better!

This author would like to diverge for a moment from specific project comments and focus on perception as opposed to reality issues. Sometimes, people, at first blush, see Valley View as a separate entity from the Panhandle and less important to greater North Natomas. They may, at first, conclude that those who fight for 600 acres of high quality neighborhoods in these parts **only** have their interests at stake. This is not the case.

This letter's principal author, Mrs. Barbara Graichen, has been working on North Natomas and city wide issues since 1980. She sat at the table when all of Natomas Park and north to Elkhorn, was proposed and approved for development, long before our western neighbors were here to defend themselves. She and her neighbors are committed to many local, state and federal endeavors and projects, and a number have served on Natomas Boards such as the Natomas Community Association.

Mrs. Graichen was a two-term member of the City's Parks and Recreation Commission (committee), a founding member of the Natomas Chamber of Commerce, founding principal of a local private school, a four term Board member (2 in 90s, 2 in 2000s) of the Natomas Community Association including president and vice president positions, a raptor rescue and rehabilitation volunteer for the Wildlife Care Association, a multi-year volunteer for the South Natomas library, former coordinator of the Steelhead and Roble Creek week clean-ups, two decade president of the Valley View Acres Community Association, a board member of the Environmental Council of Sacramento, a board member of Stanford Settlement, a member of the first Natomas Coalition effort, and president of the currently recharging North Natomas Community Association.

The Mayor and City Council voted to formally recognize Mrs. Graichen for her many contributions to parks, open space and recreation including establishment of the Ueda Parkway and the official (federal) renaming of the East Main Drain Canal to Steelhead Creek (the latter as pro bono consultant to Sacramento County). In 2007, the Mayor and City Council formally recognized her husband, Gerald, for his many outstanding contributions to the community. **The author is continuing to raise important issues for the good of the entire community on behalf of existing and future residents who have or will contribute to the larger community!**

We will now turn to specific issues:

**Traffic and Circulation and Related Health, Safety, Crime and Blight Issues.**

**When one looks at the colored PUD Schematic Plan and NOP attachment, one sees roads, roads, and more roads.** The Panhandle is 1/4 mile wide. If one looks at the unscaled project vicinity map, one can begin to see that this width is less than half the distance from the western edge of the Panhandle to Natomas Boulevard. **There are no north/south through roads between the western edge of the Panhandle and Natomas Boulevard.**

**This project proposes three north south roads in the same distance:**

- an extension of National Drive which is curved to be closer to the rural neighborhood which needs no new streets and exacerbates nuisance impacts upon it.
- Street A which appears to end at the high school until one looks closer and sees the arrow pointing north to its extension to Elkhorn Boulevard.
- and the reopened Sorento Road which is extended to Elkhorn by SAFCA/ACOE's current proposal to build a minimum 20 foot wide road at the landward toe of the levee.

**At the north end of Sorento Road, there are only a few hundred feet separating the 3 roads! Why is eastern North Natomas being subjected to so much unnecessary intrusion from roads?** Too many roads in neighborhoods will translate into nuisance and blight. We only need National Drive and it should be built with a landscaped median and buffers on each side like the rest of North Natomas.

**THIS PLAN IS A RECIPE FOR BLIGHT, DETERIORATED NEIGHBORHOODS, CRIME AND LOW PROPERTY VALUES.**

**WHEN ONE ENTERS THE COMMUNITY, ONE WILL SEE TRANSMISSION LINES AS ITS MAJOR FEATURE.** The driver is taken on a road trip along power lines. Two of the proposed roads are adjacent to the power lines with no setback. Four of the proposed parks, the High School, Intermediate School and Elementary school, and a large (almost 1/3 mile long) unnecessary shopping attraction, are proposed adjacent to, or partly under, power lines. Schools and power lines don't mix well. Why are all of the schools by power lines. There are health and safety impacts stemming from this. When people consider moving here and visit schools, they will not be attracted to schools with huge power lines next to them, blight in the making.

The only north south bikeway is proposed under the power lines. More than a mile of single family homes abut the power lines. Those homes are likely to evolve into rentals or nuisance properties as has been the case in almost every other location where houses are placed adjacent to power lines without buffering and proper setbacks.

The current residents of North Natomas are proud of their neighborhoods. They want to see the

Panhandle area as an amenity to existing neighborhoods, perhaps even an upscaled addition. This project appears to be adding a **potentially blighted area with low property values** and potentially higher crime rates, into the mix. In the 1985 and 1994 North Natomas Community Plans, City Council prudently provided an open space buffer area in which potential nuisance impacts could be reduced by distance, landscaping and other amenities for roads and power lines.

When **Truxel/Natomas Boulevard was extended to Elkhorn Boulevard, it was downsized** to ensure that it didn't induce growth on the Natomas Precinct site to the north, and to ensure that any future projects to the north did not dump thousands of cars per day into North Natomas via Natomas Blvd. (The project file for the Truxel Road Extension and associated planning, engineering and environmental documents, and comment letters, including additional staff work and analysis contained in the Valley View Acres Traffic Calming approval by City Council which closed Sorento Road to through traffic, are hereby incorporated by reference into these comments.)

**This project proposes what appears to be at least six lanes of access to Natomas Precinct, the exact opposite of previous Council approvals.** This situation will cause the Panhandle to carry more cut through traffic than any other areas of North Natomas. This is an area not located near the Town Center or Light Rail lines or planned to be a traffic attractor. High volume traffic/road areas are supposed to be limited to the Town Center and light rail areas. More traffic, more noise, higher concentrations of carbon monoxide translates into greater potential for urban blight and undermines air quality plans and mitigation for North Natomas development.

Finally, where will the extra traffic from the north go after it reaches Del Paso Road?? There are no freeway entrances. Will our North Natomas neighbors to the west find all this additional traffic dumped into their portion of Del Paso, and the intersection of Natomas Blvd. and Del Paso Road?

This proposal is also inconsistent with the traffic policies of the City's General Plan, and the **Sacramento Council of Government's MTP/SCS with Blueprint Reference and Transit Priorities Map and policies. In fact, "under this MTP/SCS Map (horizon year 2036) no growth is anticipated to occur (Hargrove, 4/4/16)."**

The **Habitat Conservation Plan** discourages projects that induce growth on areas not identified as growth in that Plan. This proposal will induce growth to the north and produce more traffic impacts than are necessary for a low density residential community. There can't be access to the east because of the levee and public lands, none to the south because of existing industrial areas.

**Why is the road network proposed to be so overbuilt?** Future residents will be required to pay for this over construction through increased fees and **unnecessarily inflated financing plan costs.**

Before going any further, we need to state without equivocation, that **THIS NEIGHBORHOOD**

**OPPOSES THE REOPENING OF SORENTO ROAD AND OTHER VALLEY VIEW ACRES STREETS TO SUBSTANTIAL TRAFFIC.** We oppose a plan to essentially empty streets into people's front yards. By that, we mean that two streets proposed to access Sorento Road, (Mayfield and street D) end in front of existing residences. They point hundreds of cars and headlights at these peoples' front yards and living rooms, plus noise, litter and potential crime. Street A easily connects the high school site to Sorento; Mayfield connects the elementary school and high school to Sorento. Twin Rivers wants its own access to Sorento.

This is unacceptable and has never been done in North Natomas. Why here? So far, **almost 190 Valley View Acres residents representing 95% of the community, have signed a petition requesting that no roads from the new development be dumped into our neighborhoods, and that a buffer be provided to protect our neighborhood from future nuisance complaints.** We deserve better!

If criminals, or teenagers leaving late night high school events stop at a stop sign or light and sit looking at a house or yard, they will get ideas. Crimes will happen. Last week, an officer came to a neighborhood meeting and told us our crime rate was lower than the rest of North Natomas because we are isolated. We welcome our new neighbors, but, just like our North Natomas neighbors to the west, we don't want unnecessary traffic from urban development to blight our individual neighborhoods. **Elsewhere in North Natomas, streets are ended or cul-de-sacs placed on ends to deter strangers from casing our neighborhoods or speeding.**

The new streets are meant to serve the new neighborhoods, not us. Please leave us out of the mix. Our excellent first response emergency and police services come from the south not the west.

**The rest of North Natomas was designed to calm traffic as much as possible and to minimize adverse traffic impacts on the internal neighborhoods. Why is this project so different?** The applicants have 600 acres of space in which to design streets that support quality neighborhoods. This plan proposes to completely undermine efforts to date to upgrade Valley View Acres and reduce blight in it and other neighborhoods. Certainly, other North Natomas neighborhoods were designed with this basic courtesy in mind.

Nowhere else in Sacramento or Sacramento County will you see the proposal of streets that end in front of existing residences because it's been proven to be blight inducing. Street "D" does not even connect to Club Center. The obvious connection to Barros, an existing road, is dismissed.

We strongly disagree with a road entering Sorento at another place. There are **no services, shopping centers, schools, public facilities or even low density housing to the east. Why are roads proposed to even go there?**

This project proposes to **undo the work of the City approved Traffic Calming Plan for Valley View Acres. The roads in Valley View Acres are long and attractive to speeders.** When the North Natomas Community began to build out, traffic volumes on Sorento Road

quickly escalated into the thousands. The **East Levee Road and Sorento became very dangerous with traffic fatalities on both.** People drove off the levee and crashed.

Drivers lost control and drove into the yards at the Sorento curves north of Barros, and into the two poles by the curve south of Barros near the proposed Mayfield extension. SMUD had to replace poles on more than one occasion.<sup>3</sup> There is a hill which impedes the view of oncoming traffic and cars backing out of driveways. By the time the city acted to close Sorento to through traffic as allowed in the 1994 North Natomas Community Plan, accidents were an almost daily occurrence, with many fender benders that went unreported. It was unsafe to walk along the road, or retrieve one's mail.

There were several reports of **children who while waiting for the school bus on narrow streets, especially Carey and Sorento Roads were forced to jump into ditches to avoid speeding traffic.** Frantic mothers yelled at cars; one Carey Road mother followed a car to the driver's place of employment and reported an incident to the driver's employer. Friends, turning into properties along Sorento, were sometimes rear ended. Collisions occurred at the Sorento/Del Paso Road intersection. The City recognized our safety concerns and fixed the problem. [All city files pertaining to traffic issues (accidents, speeding, natural hazards, nuisance impacts) on Sorento, East Levee Road and Valley View Acres are incorporated by reference including the City staff reports and supporting documentation for City Council approvals.]

**This proposal seeks to uncalm our traffic.** There is **no reason for the urban area to access Valley View Acres.** Traffic can be directed from collector streets toward National as was always planned and has been the case with every previous Panhandle proposal. Why is the City not opposing this change in course? **People will die as they did before and many will be injured** if the City allows these seven roads to be reopened to through traffic. People love driving through/speeding through our streets. Please notice that every street in Valley View Acres can be used to access Del Paso Road. People cut through and sped before; they will again. Don't let this happen. We deserve better!

Serious traffic issues up to 2003 were causing our neighborhood to begin to be **blighted and decline** due to noise, safety impacts, and dangerous conditions. People were beginning to sell houses and more renters were moving in. Since our neighborhood has been "calmed," Valley View Acres has been upgrading and improving the quality of its neighborhood. New estates have been built, small and decrepit homes have been replaced with better homes, and regular cleanups are diminishing nuisances.

**If our streets are reopened, we believe that the neighborhood will decline similar to the decline experienced by Gardenland many years ago.** Many have already said they will need to

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<sup>3</sup>In fact, a speeding youth who had been partying at the unoccupied Twin Rivers school site ran into the utility pole across from 5000 Sorento a few months ago. Many people were without electricity for most of the night. This project connects Sorento to the new high school.

move or rent as conditions especially at the dead-ends will be insufferable. Gardenland has been severely damaged by numerous open street and cut through traffic which has caused an increase in crime.

These proposed streets connect us to a high school with late night activities. Teens will take to the dark places after their events end. There are no street lights in our neighborhood which is the way we like it. Add traffic and it's a perfect place for crime to take root. Throw in the shoulder less narrow East Levee Road after dark and/or in the fog or rain and it spells injury and death! We need to discourage access to these dangerous roads, not design a plan that increases access.

The City can do better. Please don't contribute to the decline of a neighborhood by filling it with unnecessary traffic.

Our neighborhood has just discovered that our land use designations have been changed. In 1985, as reaffirmed in 1994, City Council recognizing the history and nature Valley View Acres, created a new designation, called Rural Estates for us and subsequently initiated a process by which we downzoned our properties to minimum one acre parcel size.

Please be advised that this neighborhood intends **to petition the City to initiate a redesignation of General and Community Plan monikers** to reflect past Council actions.<sup>4</sup> The 2009 changes occurred without our knowledge, or the knowledge of our Board (other than one). We fear foul play on the part of some who may have desired to hide the General Plan and Community Plan changes from us for financial gain. The 2009 change made no sense for Valley View Acres which is nearly built out with one acre parcels.

We will be working to investigate and champion this issue in the very near future. **A proposed General and Community Plan Amendments from Rural Neighborhood (with 3 potential residences per acre) to Rural Estates minimum one acre parcel size to attain Zoning Consistency will be requested to be initiated by the City, or will be initiated by us if we cannot attain fairness in this matter.** This project **should be considered an anticipated project which should be considered at this stage of the process for staff analysis and must be considered in the CEQA review.** (We add this to the traffic section because we do not want the higher densities to be used to force unnecessary access.)

During the 2005-006 Panhandle Working Group process, the **North Natomas Alliance representative argued on the behalf of Mayfield residents that the street should not be used for Panhandle traffic.** Everyone on the working group, including planning staff and Dunmore voted to support this position. As Mike Chavez, a Natomas Park resident pointed out, the Charter school site was originally supposed to be only three acres. The expanded size and use has caused much more traffic than was originally expected and the City has had some difficulty calming the

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<sup>4</sup>Please note that the author suffered substantive personal tragedies and illness during this period and had relied upon her association for updates.

situation along Black Rock. Additionally, Mayfield is not configured as a through street. So, traffic needs to wander and make several turns to even reach Black Rock which is not a through street to the north. Mayfield is not a through street to the west.

**Mayfield and Natomas Park residents did welcome an east-west bike access.**

Finally, there isn't any reason for residents south of Mayfield to go north to Mayfield. The road dead-ends in both directions, has congested access to the west (note the odd configurations near the Charter School), and doesn't access any services not available via National or Del Paso Roads.

The elementary school already has an access on its north side. **An elementary school should not be surrounded by busy roads on all sides. This is bad planning.** There are too many opportunities for children to be hit by cars. Some people will notice this feature and choose not to move here because of the dangerous situation. This is a debit to achieving stable and healthy neighborhood.

What is the purpose of Street B as a connector to two large roads? It's less than two city blocks away from Del Paso Road. Why subject so many people to cut through traffic for no reason. There is no precedent for this type of pattern anywhere else in Natomas. Through streets every few blocks? We haven't seen it around here.

As we stated previously, this site is not being treated like any others in North Natomas. Why are there so many through streets so close together?

Finally, these **numerous proposed roads will cost a lot to build.** Developers don't generally spend money unless they see an associated profit. These roads will encourage latent trips, will cost a lot to build, and could **drive up the cost of the public facilities** financing plan and fees for future residents. We think the **developers will come back with requests for higher densities, more commercial, etc., because the project** will not pencil out with so many roads—and because roads induce growth.

**Buffer for Valley View Acres**

Valley View Acres residents strongly support the reinstatement of its City-approved buffer so that its lifestyle may continue without nuisance complaints. When the North Natomas Community Plan was adopted, the City voted to recognize and protect this rural neighborhood. A Rural Estates land use designation was created and applied to our neighborhood.

The City subsequently initiated a Rezone including changes to City Ordinances to allow us to legally keep our horses, cows, llamas, peacocks, chickens, sheep and other livestock. It was Jim McDonald's first planning project. The neighborhood cheerfully downzoned. Valema Farms to the north was designated Rural Estates, but left with agricultural zoning. Files, staff reports and

public hearing documents are hereby incorporated by reference into this letter and initial response to the NOP.

It is critical that a prudent buffer is maintained between Valley View and its new neighbors. People will complain about livestock. People will harm livestock if immediate access is available. One may reference the multi-year protests and litigation regarding horse property/ new urban development in Loomis which was extensively covered in the Sacramento Bee. We have been here since the 50s. Our lifestyle should be valued and protected. Mixed communities are blessed communities.

**Shopping Center** - A cornerstone of the North Natomas Community Plan Traffic and Air Quality Mitigation Plans is to attract shoppers to the west where services are clustered, the town center is located and Light Rail will be built. This strategy leads to fewer vehicle trips, less congestion and lessens air quality impacts.

**In the Panhandle area, there were to be a few small neighborhood shopping/service areas. The 2005 Community Preferred Alternative proposed a few neighborhood commercial sites near two road intersections. The vision was for small businesses with owners and other residents living above their shops.** The business owners became our neighbors and took interest in our community.

The proposed shopping center is huge, almost a third of a mile long creating a strip development along National adjacent to, and under, the power lines. **It will attract trips from other neighborhoods to the east and south, and from western North Natomas.** This area already has too much unplanned commercial development. County plans did not envision a long commercial strip along Del Paso Road. However, one has slowly evolved. One of the reasons a center turn lane can't be placed at Sorento and there is no room for a landscape buffer is because an influential past owner of the Kings, pushed through the development of a triangle created by the realignment of Del Paso Road (the road previously dead ended into the East Levee Road.)

This trend needs to stop. Instead, the Panhandle exacerbates it. **We don't need to attract more traffic from the east and south for nuisance and air quality reasons. This proposal will also attract the nearby homeless population.** They are currently expanding their way up Steelhead Creek. We fear they will be attracted to this large shopping center so they can scavenge in bins and panhandle. If they buy alcohol, **we also fear they will drink, sleep or try to move into the park next to the shopping center.** These are ingredients for blight!!

Finally, why is the shopping center partially under the power lines? **Why is it next to the park site which would otherwise have the best potential for mitigating transmission power nuisance effects, and buffering Valley View?** This oversized center will be the **first thing people see when entering this part of North Natomas:** a huge shopping center with huge power lines in it. This is a recipe for lowering the perception of the neighborhood and promoting blight. Who will be attracted here? **We fear investors with rental dreams.**

**We ask you to return this area to its original plan for small neighborly commercial uses for the nearby residents to visit on feet and bicycle.**

**Detention Basin** - During non drought periods, the water table rises near or to the surface. Dry Creek used to cross the project site near the Mayfield/Sorento Road interface. Its pathway is visible when the area is farmed because of the sandy soil in its former bed.

All the creeks stubbed by the levee project flowed southwesterly. This project proposes to pump the water north, then south. It doesn't make any sense. We believe the pumps will be overwhelmed during high water years (we haven't had one since 1997). The costs of pumping will be high and will be borne by future residents. The City didn't listen when we warned them about the detention basins, so they had to redo them. Please listen to us this time.

We asked to keep the northern location for drainage from the north and east, and create another detention basin near the Charter School. The northern basin could drain to the south. One developer opposed the pumping of water from this site across Del Paso Road, but that is the natural flow and least expensive for the public facilities financing plan.

We believe that maintenance of the area under the power lines should be included in the financing plan for this site.

We've proposed less expensive alternatives, like organic farming or wildlife preserve. We request that the city work with the community to develop a plan for remediating the tower nuisance and developing a feasible, attractive and effective buffer alternative. One alternative could be large 3-5 acre lots with the easement areas included and maintained by the estate. Trees, etc., would be planted by the developer to achieve an effect similar to the one shown in the attached photo.

City Council planned North Natomas with a necessary buffer between rural horse properties in Valley View Acres and urban uses. **Almost 190 Valley View Acres residents have so far signed a petition requesting a buffer between us and the new development that will ensure that neighborhood incompatibility issues don't destroy our way of life. Work with us to develop the buffer alternative.**

We want to help solve Panhandle problems.

Thank you for your consideration of our comments. Please call us at 718-0877 if you have questions.

Sincerely,



David Lichman

Leader

Valley View Acres Neighbors Working Together (VVNWT)

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Barbara Graichen, Principal Author

Public Liaison, VVNWT

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Natomas Community Association Representative for the 2005-06 Panhandle Working Group

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Attachments:

Map: Community Preferred Alternative

Photograph of back yard in upscale neighborhood along major transmission lines.

cc.

Angelique Ashby

Ryan DeVore

Jerry Way

Sameer Hajeer

Lindsay Alagozian

Jim Mc Donald

Dana Mahaffy

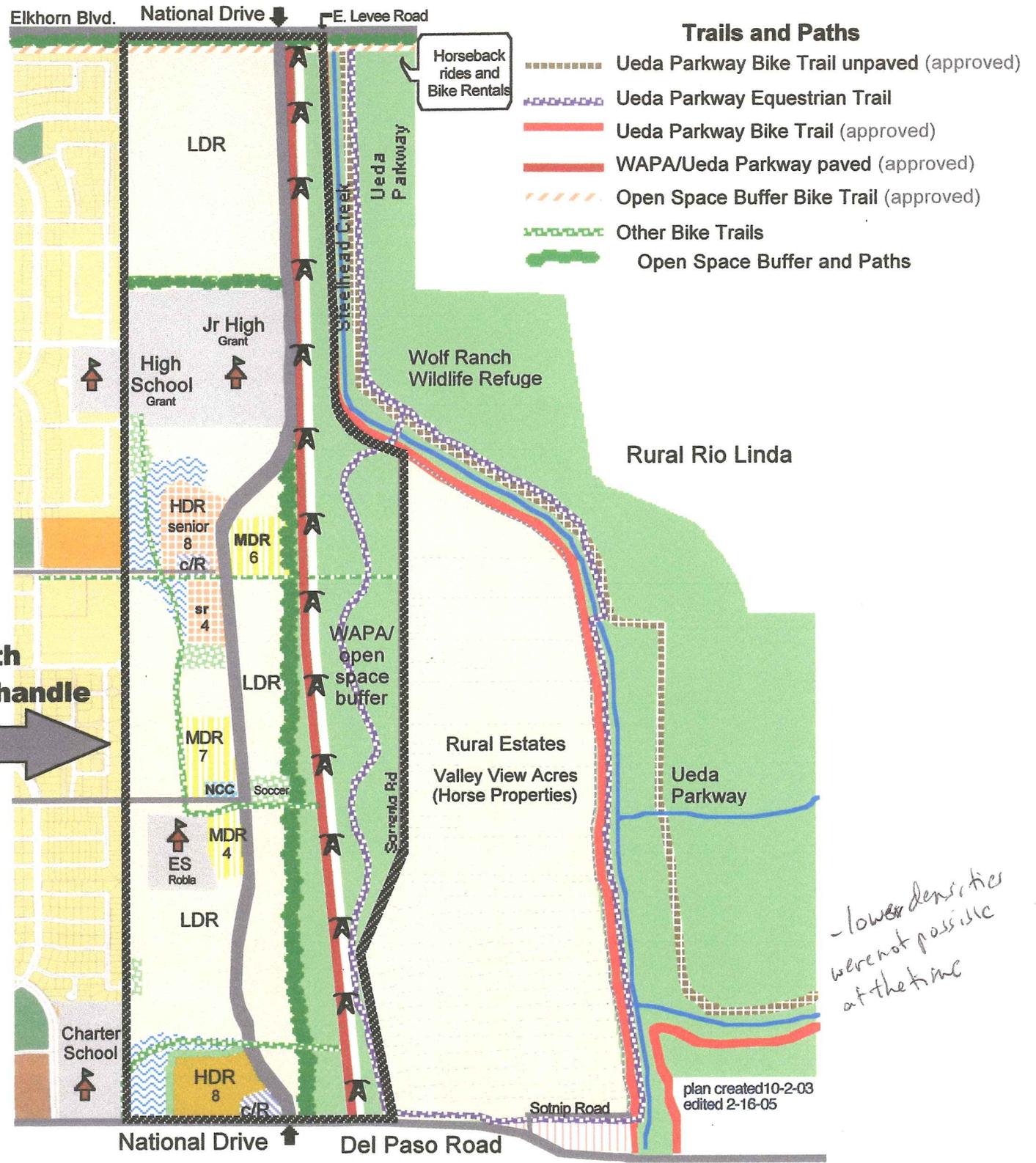
Jude Lamar

Chris Paros

Holly Brickner

Molly Fling

# Community Proposed-Ueda Parkway Compatible Plan



## Environmentally Friendly Plan

Properly mitigated backyard  
in upscale Michigan neighborhood.



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May 24, 2007

Chair and Members  
Sacramento City Planning Commission  
915 I Street  
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**Re: M05-031/P05-077 Northgate 880/Panhandle**

Dear Joseph Yee, Chair, and Members of the Commission,

I represent Sierra Club, ECOS - The Environmental Council of Sacramento and Friends of the Swainson's Hawk. We filed extensive comments on the DEIR. We learned about the hearing earlier this week and are requesting more time to be able to review the FEIR and comment in detail. Staff did not mail notices of availability of the FEIR, nor the FEIR, to us. Staff also advises that it did not send notice of this hearing to us, although it appears that a notice of hearing but not notice of availability of the FEIR was sent to ECOS. We understand that other parties received copies of the FEIR on Saturday May 19, which leaves much too little time for review of an FEIR for a project with controversial issues.

We object to the approval of the project as presented.

**1. Certification of EIR. CEQA Guidelines § 15025(b) and (c) prohibit certification of an EIR by the Planning Commission in projects where the Planning Commission sits as an advisory body to make a recommendation on the project to a decision-making body (Board of Supervisors).**

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CEQA Guideline § 15025 (b)(1) states:

"(b) The **decision-making body** of a public agency **shall NOT delegate** the following functions:

(1) Reviewing and considering a Final EIR or approving a Negative Declaration prior to approving a project."

CEQA Guideline § 15025 (c) states:

"(c) Where an advisory body such as a planning commission is required to make a recommendation on a project to the decision-making body, the advisory body shall also review and consider the EIR or negative declaration in draft or final form."

Guideline 15025, like many of the CEQA Guidelines, is followed by Discussion by the drafters intended to provide interpretation of the Guideline (c) says (attached.):

"Subsection (c) reflects an administrative interpretation **which applies the requirements of CEQA to advisory bodies. Such bodies** need not and **may not certify an EIR**, but they should consider the effects of a project in making their decisions."

Here the Commission is only advisory to the Council on most aspects of the project approval, including key elements such as application for annexation and amendment of the General Plan. The decisions proposed for the Commission to approve cannot be implemented without the Council approval of all of the other elements of the staff recommendation.

**2) Definition of Flood Hazard Safety Measures.** The FEIR and staff report recommend that the project mitigate placing new houses in a flood hazard area by compliance with those conditions that will be imposed by FEMA which are predicted to be in the AE Zone, AR Zone and/or A99 Zone. However, the FEIR and staff recommendation fail to disclose what levels of safety are required by each FEMA zone. A 99 zone, for instance, requires no protections at all. CEQA requires information like this to be disclosed to the public and decision makers so that informed opinions based on fact can be developed before making decisions about approvals.

The environmental community and community associations in Natomas have asked the City to adopt a moratorium on further development entitlements in the Natomas Basin until the levees are repaired. This proposed project approval and accompanying EIR fail to adequately disclose the full consequences of improving more development now, and the EIR does not respond adequately to the request for a moratorium on growth approvals in the face of very high uncertainty about future flood protection.

**3) Open Space Buffer.** The SACOG Blueprint principles do not justify eliminating the open space buffer from the community plan as claimed by staff. The EIR fails to respond to our comments on the importance of maintaining the open space buffer as originally planned. The Staff recommendation refers to Smart Growth Principles that do not address transitions between urban uses and rural and natural conservation areas. Moreover, the EIR alternative that includes the Open Space Buffer on the east side of the project area has higher density land uses and is very compatible with the Blueprint principles.

**4) Finance Plans.** As we pointed out in the DEIR, the Finance Plan should be circulated for a 45 day review period. That has not been done. Moreover, the mitigation program now refers to two financing plans, including a future finance plan for all park, trails, open space/parkway or other open space areas:

Finance Plan: The Applicant shall provide a Finance Plan for the project prior to final map approval that includes the development of all designated park facilities, trails, open space/parkway or other open space areas anticipated to be maintained by the City of Sacramento Department of Parks and Recreation. The Plan shall include all improvements costs associated with the designated park facilities, trails, open space/parkway or other open space areas along with ongoing maintenance and operation costs for these facilities in perpetuity.

The public has a right to review of any Finance Plan as an integral feature of the mitigation program. The public and decision makers cannot form an opinion on the feasibility of the trails, open space and parks without an opportunity to review and comment upon the financing plan prior to project approval. To postpone the financing plan until after project approval is a violation of CEQA.

**5. Agricultural Land Impacts Not Mitigated.** The project has significant direct and cumulative impacts on preservation of agricultural lands. Mitigation Measure 4.2.1 proposes to "stack" mitigation of loss of agricultural land onto the mitigation requirement established by the Natomas Basin Habitat Conservation Plan for protection of threatened species.

Mitigation Measure 4.2.1 (From MMP). The Applicant shall protect one acre of existing farmland of equal or higher quality for each acre of Prime Farmland or Farmland of Statewide Importance that would be converted to non-agricultural uses in the Panhandle PUD. This protection may consist of the establishment of farmland easements or other appropriate mechanisms. The farmland to be preserved shall be located within the County. This mitigation measure may be satisfied by compliance with other mitigation requirements involving the permanent conservation of agricultural lands and habitat.

This impact is significant and unavoidable.

As we have stated previously in comments on the DEIR, it is not appropriate to use habitat lands to mitigate for agricultural impacts.

"There is no substantial evidence that preservation of habitat mitigation land under the NBHCP will also mitigate for loss of farmland. The farmland and endangered species habitat mitigation requirements having differing goals which in some instances are incompatible. Mitigation for loss of agricultural land is intended to preserve production agriculture. By contrast the Natomas Basin Conservancy is mandated to manage its land as "high quality habitat" for covered species, notably the threatened Giant Garter Snake and the Swainson's Hawk. Twenty-five percent of NBC land is required to be converted to managed marsh, a non-agricultural use, and another 25% managed for high quality upland habitat values, which, due to soil and agricultural market conditions, is nearly impossible to achieve in the Basin on land managed for production agriculture. Moreover, it cannot be determined whether "stacking" can succeed for Panhandle's agricultural and habitat mitigation, because no land has been identified for the proposed mitigation of habitat and agricultural impacts of the Panhandle project."

Very Truly Yours,



JAMES P. PACHL, Attorney

**TEXT OF CEQA GUIDELINE SECTION 15025**

## 15025. Delegation of Responsibilities

(a) A public agency may assign specific functions to its staff to assist in administering CEQA. Functions which may be delegated include but are not limited to:

- (1) Determining whether a project is exempt.
- (2) Conducting an Initial Study and deciding whether to prepare a draft EIR or Negative Declaration.
- (3) Preparing a Negative Declaration or EIR.
- (4) Determining that a Negative Declaration has been completed within a period of 180 days.
- (5) Preparing responses to comments on environmental documents.
- (6) Filing of notices.

(b) The decision-making body of a public agency shall not delegate the following functions:

(1) Reviewing and considering a final EIR or approving a Negative Declaration prior to approving a project.

(2) The making of findings as required by Sections 15091 and 15093.

(c) Where an advisory body such as a planning commission is required to make a recommendation on a project to the decision-making body, the advisory body shall also review and consider the EIR or Negative Declaration in draft or final form.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21082, 21100.2 and 21151.5, Public Resources Code; *Kleist v. City of Glendale*, (1976) 56 Cal. App. 3d 770.

**Discussion:** This section is a recodification of former Section 15055 with one additional feature. The section is necessary in order to identify functions in the CEQA process that a decision-making body can delegate to other parts of the Lead Agency. The agency can operate more efficiently when many functions are delegated to the staff rather than requiring the decision-making body to perform all the functions.

**Subsection (b)** codifies the holding in *Kleist v. City of Glendale* by identifying the functions that cannot be delegated. The functions of considering the environmental document and making findings in response to significant effects identified in a final EIR are fundamental to the CEQA process. These steps bring together the environmental evaluation and the decision on the project. This section is intended to assure that the environmental analysis of a project is brought to bear on the actual decision on the project. The section also serves to guide agencies away from practices that have been ruled invalid.

**Subsection (c)** reflects an administrative interpretation which applies the requirements of CEQA to advisory bodies. Such bodies need not and **may not** certify an EIR, but they should consider the effects of a project in making their recommendations. This section also suggests that advisory bodies may consider a draft EIR.  
(Underlining added for emphasis/ jpp)



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December 18, 2006

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Re: Panhandle Annexation and PUD DEIR Comment

Dear Ms. Hageman,

The following comments, which incorporate the attached “Panhandle Working Group Support Position for Open Space Buffer,” and accompanying Exhibits 1 – 13, are submitted on behalf of the Environmental Council of Sacramento, Natomas Community Association, Friends of the Swainson's Hawk, and Sierra Club - Mother Lode Chapter, regarding the DEIR for the proposed annexation of Panhandle, PUD, and related approvals. We also incorporate into our comments all of the comments of other individuals and organizations, and will rely on these comments as well as our own. These comments highlight some of the deficiencies of the DEIR and the project. We also request information in a Recirculated DEIR. Our organizations oppose the project, including the annexation, General Plan Amendments, rezone, PUD, and development of the project site.

**Agricultural Resource**

While the DEIR contains mitigation for agricultural resource lost, LAFCo is now reconsidering its mitigation policies. The final EIR should include any mitigation necessary to comply with LAFCo policies.

An agricultural buffer on the northern boundary of the project area is necessary to be consistent with the NNCP. The DEIR recommends mitigation to include this buffer and its maintenance (MM4.2.2a and MM 4.2.2b). However the funding mechanism for acquisition and maintenance of the buffer is not identified in the DEIR or other project documents. Therefore there is no evidence that implementation of this proposed mitigation measure is financially feasible, and thus no evidence supporting the finding that impacts are mitigated to less than significant. (MM 4.2.2 – see discussion, below, regarding funding for traffic mitigation measures).

The DEIR MM 4.2.1 states that the requirement to acquire land suitable to mitigate for loss of farmland shall be satisfied by acquisition of habitat mitigation land to mitigate for impacts on wildlife (ie: compliance with the NBHCP, MM 4.8.1). There is no substantial evidence that preservation of habitat mitigation land under the NBHCP will also mitigate for loss of farmland. The farmland and endangered species habitat mitigation requirements having differing goals which in some instances are incompatible. Mitigation for loss of agricultural land is intended to preserve production agriculture. By contrast the Natomas Basin Conservancy is mandated to manage its land as “high quality habitat” for covered species, notably the threatened Giant Garter Snake and the Swainson’s Hawk. Twenty-five percent of NBC land is required to be converted to managed marsh, a non-agricultural use, and another 25% managed for high quality upland habitat values, which, due to soil and agricultural market conditions, is nearly impossible to achieve in the Basin on land managed for production agriculture. Moreover, it cannot be determined whether “stacking” can succeed for Panhandle’s agricultural and habitat mitigation, because no land has been identified for the proposed mitigation of habitat and agricultural impacts of the Panhandle project.

The DEIR does not address the incompatibility of NBHCP and stacking or the risk and consequences of failing to multiple mitigation objectives with the same land easement. There is substantial risk that the multiple mitigation objectives cannot be met in perpetuity. Given the legal status of the NBHCP as a state and federal permit, it is likely the objectives of the agricultural land mitigation measure would ultimately not be met if the mitigation requirements were stacked. Therefore stacking is not an adequate CEQA mitigation measure because there is no evidence that it is capable of full implementation.

MM 4.2.1 states that agricultural protection easement may be “dedication of open/recreational space.” It is inappropriate to mitigate for loss of farmland with open space/recreational land. To mitigate for the loss, the land must be placed in an agricultural use. We would urge you to include a mitigation measure that requires at least some on site mitigation and the use of the land for organic farms serving local needs for fruit and vegetables.

### **Air Quality**

The Panhandle DEIR Air Quality analysis is incomplete. It refers to an air quality plan for the project which is not appended. CEQA requires that all parts of a DEIR be circulated for at least 45 days for public comment. Therefore, the DEIR and project documents, including the missing Air Quality analysis, must be recirculated for at least

45 days. Moreover, though the project is conditioned with air quality mitigation measures, these are measures that apply to projects that are included in the land use base for the air quality plan. The Panhandle PUD is inconsistent with the current federal ozone attainment plan adopted by the Sacramento Metropolitan Air Quality Management District because that plan is based on a land use map that assumes Panhandle remains in agricultural land.

The Sacramento Metropolitan Air Quality Management District is presently preparing an ozone attainment plan to be submitted to state and federal regulatory agencies by June 2007. In order to be consistent with the upcoming air quality plan, the DEIR should be delayed until that plan is adopted and the DEIR should include sufficient mitigation measures to be found consistent with the new air quality plan.

The DEIR Air Quality analysis points out (4-5-10) that the transportation conformity requirement of the federal Clean Air Act:

“ The region’s transportation plan must conform and show that implementation will not harm the region’s chances of attaining the ozone standard. The SIP is tied to a “motor vehicle emissions budget” and thus, transportation planners must ensure that emissions anticipated from plans and improvement programs remain within this budget.”

However, the DEIR fails to identify the interaction between the transportation improvements required for this project and the necessary air quality plan adoption and conformity finding. What transportation mitigation measures and required transportation projects could be at risk if the necessary approvals are not obtained? Nor does the DEIR identify what additional air quality mitigation requirements will be forthcoming with the adoption of the new air quality plan.

### **Alternative Analysis**

The DEIR should quantify the differences between alternatives in impacts rather than classify them arbitrarily as in the same category.

The DEIR at 6.0-21 makes no meaningful distinction between the project alternative and the other alternatives in terms of stormwater run-off and surface water drainage, flood risk, and groundwater quality, although the plans differ substantially in impervious surface.

The DEIR does not distinguish between the transportation maintenance, traffic and transit impacts of the various alternatives although they do differ in the acreage used to serve about the same population.

The DEIR should quantify the impacts on existing neighboring land uses and residents of the alternatives.

The DEIR should quantify the differences between alternatives in cost to municipal services to the population since the project requires a larger service area.

The DEIR should quantify the differences in impact between the alternatives on the biological resource, including nesting and foraging Swainson's Hawks, White Tailed Kites, Burrowing owls and impacts on and adjacent, wildlife corridor along Steelhead Creek and along Hansen Ranch to Placer County.

The DEIR should quantify and compare the alternatives in terms of meeting diverse housing needs. All inclusionary housing is for rent. The DEIR fails to analyze the impacts of the use of rental properties for all inclusionary housing compared with a mix of housing spread over neighborhoods and a requirement for senior housing. The project alternative lacks an institutional designation for senior independent and assisted living as compared with the community proposed plan (so-called "Trujillo" alternative).

### **Biological Resources**

With MM 4-8-2a the DEIR states that compliance with the NBHCP will require "Payment of HCP fees or dedication of land at a ratio of 0.5 to 1." All land requirements should be met with dedication of land, not through payment of fees. Under CEQA, land acquisition requirements for mitigation must be met through land dedications because fee programs to acquire land for habitat mitigation have consistently failed in our region. (Examples are the former SWH mitigation programs of the City of Elk Grove, County of Sacramento, and County of Yolo.) Use of fees to acquire mitigation land is inconsistent with CEQA's requirement that mitigation be financially feasible and capable of being implemented.

The DEIR (Impact 4.8.1) concludes that grassland is not significantly impacted by development of 590 acres of annual grasslands: "The loss of annual grasslands and associated common wildlife is less than significant because this biological community is locally and regionally abundant and losses from this project would not result in grasslands of the region to drop below a self-sustaining level." (p. 4-8-29) The DEIR provides no evidence to support this conclusion. The DEIR at 4-8-29 states that the conclusion is based on:

"The impact assessment was based on the project description for the Panhandle annexation and PUD, information described in the existing setting (including technical biological reports prepared for the project site), and the standards of significance described above."

No technical biological reports are appended to the DEIR. The DEIR should be recirculated with the necessary appended reports.

### **The DEIR Violates CEQA By Failing To Make Necessary Documents Available For Public Review During the Entire 45-Day CEQA Public Comment Period (Financing Plan)**

Public Resources Code § 21091(a) requires that the public review period for a Draft EIR be at least 45 days, which begins when the project documents and DEIR are complete

and Notice of Availability is given. The DEIR is incomplete because neither it nor the project documents include a financing plan to commit necessary and sufficient funding for the mitigation measures in the DEIR, and to demonstrate that proposed mitigation measures are financially feasible.

Instead, there is a "Draft Public Facilities Financing Strategy" which states that a "Panhandle Public Facilities Financing Plan" will be drafted at an unspecified time and adopted when the project is approved. Otherwise, the Draft Public Facilities Financing Strategy" only recites the various financing options which may be selected by City, contains a list of estimated costs of infrastructure, and contains no data or calculations which demonstrate how these costs will be paid. Page 5 of the "Financing Strategy" recites that project-related infrastructure and public facilities required to serve the project are similar to those of nearby projects and do not appear prohibitively high. It then concludes: "As a result, the project should be able to feasibly fund the cost of the required mitigation measures and infrastructure facilities." (*Id.*, p. 5) The DEIR contain no evidence supporting that conclusion.

CEQA requires that mitigation measures be feasible. "Feasible" includes "financially feasible." Measures which are not financially feasible are, by definition, not feasible. The public and responsible and trustee agencies in reviewing the DEIR cannot form an opinion about the feasibility of proposed mitigation measures without a financing plan which demonstrates that there will be funding adequate to pay for the mitigation measures. The DEIR is incomplete because the financing plan is a necessary element to provide mitigation for the project's impacts.

Indeed, the DEIR states that such data will be available to the decision-makers prior to their action, in the "Panhandle Public Facilities Financing Plan". However, CEQA requires that the "Panhandle PUD Public Facilities Financing Plan" also be made available to the public for the requisite 45-day public comment period, so that the public may examine the Financing Plan and form an opinion as to whether the mitigation measures to be financed by the Financing Plan are, in fact, financially feasible. The nonexistent financing plan has significant environmental impacts because it determines whether there will be funding to implement the Mitigation Measures proposed in the DEIR.

CEQA requires an agency to address specific economic considerations related to mitigation measures to determine if they are feasible or infeasible. See Public Resources Code §21081(a)(3); *Federation of Hillside and Canyon Associations v City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1259, 1260.

On point is *Ultramar, Inc. v. South Coast Air Quality Management District* ("Ultramar") (1993) 17 Cal. App. 4th 689, 700 - 701, in which the agency failed to mail out a section of an DEIR to requesting parties. The agency learned of the omission and mailed out a supplemental environmental document, but refused to extend the comment period to provide the full public review period for the supplemental document. The Court of Appeal held that failure to permit public review in the manner required by law, was a *per se* prejudicial abuse of discretion, and that no deviation from CEQA's notice and public review requirements are acceptable.

At minimum, Public Resources Code §21092.2 and CEQA Guideline 15088.5 will require recirculation of the DEIR for the statutory 45-day comment period after public notice of availability of the Finance Plan. *Sutter Sensible Planning v Board of Supervisors* (1981) 122 Cal App 3d 813.

**No Evidence That Traffic Mitigation Measures Are Financially Feasible, or Will Mitigate Impacts to Less Than Significant**

MM 4.4.1 states that certain traffic impacts will be mitigated by measures funded by the Panhandle PUD Finance Plan, which does not exist. There is no evidence in the DEIR or any other project documents that the Panhandle PUD Finance Plan will provide funding sufficient to implement all or any of the mitigation measures and infrastructure improvements needed to mitigate for the traffic impacts of the project.

Mitigation Measures 4.4.2.a, 4.4.2.b, 4.4.2.d, 4.4.2.f, 4.4.2.h, 4.4.7.a, and 4.4.7.b call for financing of traffic mitigation measures by the developer's payment of unspecified "fair share" of the cost of various traffic facilities and infrastructure.

CEQA requires an agency to address specific economic considerations related to mitigation measures to determine if they are feasible or infeasible. See Public Resources Code §21081(a)(3); *Federation of Hillside and Canyon Associations v City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1259, 1260.

"The commitment to pay fees without any evidence that the mitigation will actually occur is inadequate." (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 140, citing *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App.3d 692, 728.) Without review of the Financing Plan in conjunction with the DEIR (as was anticipated by the authors of the DEIR, see "Draft Panhandle Public Facilities Financing Strategy", p. 5), it is impossible to determine whether the promised mitigation measures will be fully implemented or at all. The public needs to be able to review the fee program in conjunction with the Mitigation Measures to determine if there is sufficient funding to pay for the infrastructure improvements relied upon by the Mitigation Measures and proposed Findings. In *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th, 342, 363-365, the court said that the EIR included information about the fees to be paid by the project and said: "Although the existing mitigation fee appears to be a reasonable attempt to have developers pay their proportionate share of the costs of needed highway improvements, and the continued use of such fees undoubtedly would be useful, it cannot reasonably be argued that the funds that the county already has raised or that it reasonably can expect to raise in the future, will be enough to mitigate the effect on traffic that will result from cumulative conditions."

In *Anderson First Coalition v City of Anderson* (2005), 130 Cal. App. 4th 1173, the Court of Appeal held that bare recitation that a project would pay "fair share" fees towards highway improvements, was too speculative to be deemed an adequate mitigation measure. (*Id.*, pp. 1193, 1194.) The Court of Appeal ruled that to be sufficient under

CEQA, a "fair share" mitigation fee measure must (1) specify the actual dollar amount based on current or projected construction costs; (2) specify the improvement projects for which the fair share fee will be used; (3) if the fair share contribution is a percentage of costs which are not yet known, then specify the percentage of costs, (4) make the fees part of a reasonable enforceable plan or program which is sufficiently tied to actual mitigation of traffic impacts at issue.

CEQA Guideline 15130(a)(3) states that an EIR may find that a project's contribution to cumulative impacts is less than significant if the project is required to implement or fund its "fair share" of mitigation measures designed to alleviate the cumulative impact. However, "The Lead Agency shall identify facts and analysis supporting its conclusion that the contribution [by the project to cumulative impacts] will be rendered less than cumulatively considerable." CEQA Guideline 15130(a)(3). The Panhandle DEIR does not identify the facts and analysis supporting its conclusions that contribution of "fair share" will render impacts less than significant. There is no evidence of the amount of money represented by "fair share," no evidence as to how "fair share" will be calculated, no evidence that the amount of "fair share" funding will be adequate to construct the infrastructure which comprise the Mitigation Measures, and no evidence that any other party or entity will contribute amounts towards their unspecified "fair shares" which are sufficient to construct the infrastructure which comprise the Mitigation Measures.

### **Hydrology and Water Quality**

The relative costs and risks of the detention basins being located in the southwest corner of the site as opposed to the project alternative location for detention basins are not adequately analyzed in the DEIR. The sheet flow goes in the southwest direction and it will be expensive to pump it north to Country Club, west to the Main Canal, south to the C-1 canal and back east past the Panhandle to Steelhead creek. A detention basin next to Charter School, with culvert under Del Paso and larger pipe (across Pardee) accomplishes the same thing and costs much less, particularly for on-going operations. The project proposed increases flooding potential in the Main Drain by pumping uphill and west and trying to dump all the natural flow from the stubbed Dry & Robla Creek, and all runoff from Valley View to the north instead of south west as it flows naturally.

The DEIR does not address the impacts on the existing North Natomas Community residents in the event of conditions approaching or exceeding the 100 year flood condition with and without the Panhandle development.

- What is the additional risk to the existing North Natomas Community Plan area of the failure of the planned detention basin to contain run-off in high water events?
- For situations requiring emergency evacuation, what is the additional burden posed by development of the Panhandle area? The DEIR does not quantify the additional emergency services and evacuation burden posed by the proposed

project when considered in combination with all other development within the Natomas floodplain.

The DEIR does not address the alternative requested by the Environmental Council of Sacramento and the Natomas Community Association that no annexation for new development be approved until the flood risk is fully assessed and reduced to less than significant. The EIR should include as a mitigation measure that no annexation proceed until SAFCA has completed all necessary levee improvements.

The last section of this letter addresses further concerns with hydrology related specifically to flood risk.

### **Transportation**

A number of issues very important to the existing communities are not adequately addressed in the DEIR.

- The proposed project changes the location of National Drive from that envisioned in the Community Plan. It moves National Drive east, away from the location of most homes, and the new location impacts homes in Valley View Acres. The Panhandle working group agreed that the road should stay where it was in the Community Plan or be moved to the center of the new growth area.
- The DEIR should include noise and air pollution mitigation along east side of National concurrent, or before, development to protect adjacent neighbors from noise and air pollution impacts of the proposed project.
- The DEIR fails to consider the cumulative impact of the expected development north and east of the project area on National Drive in estimating traffic counts and consequent impacts on neighbors.
- The DEIR does not adequately address the noise, nuisance, and safety impacts of the additional roads into Regency Park from the proposed and unexpected school and denser proposed project annexation. It lacks adequate mitigation for these impacts. Please note that the eastern portion of North Natomas is supposed to be less dense because of distance from light rail and employment centers and lack of adequate access to the east and south. A portion of the area immediately west of the site is already denser because the city rezoned a large portion of the once approved and now gone golf course for urban uses.
- The DEIR does not address the growth inducing impacts of proposing two full width roads with bollards that connect to the Avdis urban proposal on the north end of Valley View. They would eventually allow National to connect with Sorrento, and are growth inducing because they bring 2 roads adjacent to a 60 acre development proposed along Steelhead Creek.
- The DEIR does not address the impact of the lack of east-west off street bikeways and the absence of a ramp up the levee side in the proposed

project. These need to be added to mitigate impacts of the additional vehicle travel.

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### **Other Issues**

The DEIR fails to adequately address the following issues which were discussed in detail in the Panhandle Working Group.

- The exclusion of the open space in the eastern part of the Panhandle that was included in the 1994 community plan has a number of impacts not addressed in the DEIR and which are described in the attached “Panhandle Working Group Support Position for Retention of the City Council Approved WAPA/Valley View Acres/Steelhead Creek Open Space Buffer.”
- WAPA set back. The 1986 adopted NNCP EIR included an adopted mitigation measure requiring a 250 foot setback from the WAPA lines. How did the 1986 NNCP EIR envision that this mitigation measure would be funded?
- The acreage figures used in the EIR do not match the acreage figures on the May 1994 community plan map. No amendments have been made since that time. The 10 acre school site doesn't show up in the EIR as it does on the 1994 map, and the city is behaving as if the Quimby Ordinance didn't apply to the urban area. We went over this problem in the working group. Proponents claim that eliminating a portion of the open space buffer is a good thing because it means more parks scattered throughout the plan area. However about 28 acres of parks were required under the City's Quimby Ordinance requirement in addition to the open space buffer. This is akin to having \$50 in bank (Quimby) and \$150 in bank (open space buffer) and having the bank tell you they will put the \$150 in several accounts so you have greater investment variety, but taking away the \$50/Quimby. You now only have \$150 instead of \$200.
- The school site needs an underlying designation of public facility. Otherwise, these sites are appraised at urban values and the districts can't afford them or pay inflated prices. Plus, community plan has a requirement that they revert to urban with no community plan amendment after 5 years. The DEIR fails to analyze the impacts of this requirement. What we have seen in other Natomas neighborhoods is that the school sites are rezoned for profit and educational needs, and consequent transportation demand, change with negative impacts to the community.
- The negative impacts of strip commercial along Del Paso, south of Del Paso, along the north part of Northgate and other locales in combination with strip commercial on this site are not analyzed in the EIR. What are the impacts of the distribution of commercial in and adjacent to the project site for trip generation and vehicle travel demand?
- The location of higher density apartments on Del Paso Road at the edge of the project area raises a number of issues of best fit with adjoining land uses and transit service that are not addressed in the DEIR. In particular, the community

is interested in assessing the impacts of locating the apartments further east (which would be compatible with the community's proposed use of the southwest corner for detention basin.)

## **FLOOD HAZARD FROM POTENTIAL LEVEE FAILURE ON SACRAMENTO AND AMERICAN RIVERS, AND NATOMAS CROSS-CANAL: Revision and Recirculation of DEIR Required**

### **1. Violations of CEQA**

Information provided by the DEIR on potential flood hazard is incomplete and misleading, and lacks the level of detail and specificity required by CEQA. The DEIR fails to disclose to the public the well-documented proven inadequacy of the levees protecting Natomas Basin and the potential for catastrophic deep flooding.

A Recirculated DEIR which truthfully discloses and addresses the deficiencies of the levees surrounding the Basin and the potential effects of deep flooding, including flood depths on the high and low elevations of the project site during a 100-year and 200-year flood from the American or Sacramento Rivers, is required by Public Resources Code 21092.1 and CEQA Guideline 15088.5. Likewise, the type and extent of damage to property, (assuming that it is built out as proposed), displacement of future residents of the project, and potential loss of life, should be disclosed. Such a Recirculated DEIR must also provide the sufficient level of detail and specificity required by CEQA which is sorely lacking in the present DEIR's discussion of the flooding issue

#### **a. The DEIR misrepresents and fails to disclose the full extent of the potential for flooding and the impacts of such flooding**

The DEIR, p. 4.11-2 correctly states that in 1996, the U.S. Army Corps of Engineers determined that levee improvements along the Sacramento and American Rivers, NEMDC (Steelhead Creek), and Natomas Cross Canal "were sufficient to provide a level of protection to the project site that met or exceeded a 100-year return period event."

The DEIR, p. 4.11-9 states that SAFCA "has succeeded in achieving 100-year flood protection in the Natomas Basin." The DEIR, p. 4.11-12, in its discussion of "Flood Control Guiding Policy A", states that 100 year flood protection has been previously obtained. As shown below, those statements are patently false.

The DEIR admits that that upgrading of the levees will be needed to achieve 200-year level of flood protection (DEIR p. 4.11-5), that "risk of flooding is greater than previously assumed" (DEIR p. 4.11-5), that "the current level of flood protection is now in question in some areas," (DEIR p. 4.11-9), that the levees are "at risk of underseepage and erosion hazards during a 100-year storm event" (DEIR p. 4.11-21, -22, and that the risk of underseepage and erosion hazards in a 100-year storm event is "potentially significant." (Impact 4.11.3).

In fact, the DEIR inexcusably fails to disclose that by letter dated July 20, 2006, the U.S. Army Corps of Engineers ("Corps") formally withdrew its 1998 opinion (attached to the July 20, 2006 Corps letter) that the levees protecting the Basin were adequately constructed to withstand the FEMA 100-year flood. **(EXHIBIT ONE).**

The now-rescinded 1998 Corps opinion was the sole basis for FEMA's decision to show the Basin on the FEMA's Flood Insurance Rate Map ("FIRM") as being outside of the FEMA 100-year flood plain. FEMA's National Flood Insurance Program is primarily an insurance program which relies upon engineering determinations performed by, or reviewed by, the Corps, in its determination of those lands to include in its Flood Insurance Rate Map, ("FIRM").

In a press interview which accompanied the release of the Corps letter of July 20, 2006, a spokesman for the Corps stated that "We agree, the levees today do not meet current certification criteria" **(EXHIBIT TWO,** Sacramento Bee, "Faith in Levees Officially Downgraded", July 27, 2006).

Lester Snow, Director of the California Department of Water Resources, by letter addressed to Sacramento Mayor Heather Fargo, dated November 21, 2006, **(EXHIBIT THREE)** stated that the Natomas levee system does not meet minimum federal flood insurance program standards for 100-year flood protection, that "the area is at high risk" and that DWR was working with FEMA to have the Basin remapped into an AR or A99 Special Flood Hazard Zone. Director Snow further stated: "In the meantime it is imperative that additional measures be taken to reduce the threat to public safety and property" and that "with less than 100-year flood protection, the chance of homes flooding over the next ten years is approximately 10 percent." He recommended a number of measures which City of Sacramento should undertake "to protect the public against this higher risk," which included a "limitation on new construction until minimum flood protection is achieved." (*Id.*, p. 2)

By separate letters dated July 31, 2006, to SAFCA and to FEMA, Les Harder, Deputy Director of the California Department of Water Resources ("DWR") stated that DWR concurred with the Corps opinion; that "additional analyses are underway to develop a strategy for providing FEMA 100-year flood protection"; and that "even under the best scenario, it will take several years to make the necessary improvements." **(EXHIBITS FOUR, FIVE)**

Mr. Harder's July 31, 2006, letter to SAFCA, p. 2, stated DWR's concurrence with the Corps letter of July 29, 2006, and expressed the urgency of timely FEMA re-mapping of the Basin "to accurately depict the level of increased flood risk" because of the extent of existing and planned development. **(EXHIBIT FOUR)** In his letter to FEMA, Mr. Harder stated that "it is clear that that portions of the levees protecting the Natomas Basin do not meet the [FEMA] levee certification requirements." **(EXHIBIT FIVE.)**

The SAFCA "Executive Director's Staff Report for August 2006" to the SAFCA Board states that the Natomas levees do not meet the 100-year FEMA standards for certification, that re-mapping Natomas Basin as a flood zone is not a high priority for FEMA, and that the final FEMA flood zone maps will be completed in 2012 by which

time SAFCA anticipates completing its Natomas Levee Improvement Project. (**EXHIBIT SIX**).

The SAFCA Executive Director's report to the SAFCA Board, dated February 16, 2006, titled "Information - Natomas Levee Evaluation Study", (**EXHIBIT SEVEN**) acknowledged that less than 100-year flood protection was "**high risk**", and that greater than 100-year but less than 200 year protection was "moderate risk." (p. 1); that a study by URS in 2002 concluded that most of the levees would need "substantial additional work . . . to reach a high level of flood protection" (p. 2), and that the 2005, URS report for the Corps determined that at some locations, there was potential for subsurface permeability "that could threaten the stability of the affected levees ..." (p. 3)

Does City agree with the statements by the Director of DWR, supra, that Natomas is at high risk of flooding from the Sacramento or American Rivers due to having less than 100-year flood protection? (see **EXHIBIT THREE** p. 1.) If not, please explain why not?

Does City agree with the statements by the Executive Director of SAFCA, supra, that less than 100-year flood protection is "high risk"? (See **EXHIBIT SEVEN**, p. 1) If not, please explain why not.

Does the City contend that the Basin is not at high risk of flooding due to its present lack of 100-year flood protection? If so, please explain why City believes that the Basin is not at high risk of flooding.

There is a long history of through-seepage and underseepage of the levees protecting the Basin during high water events. The failures of the levees along the Feather and Yuba Rivers in 1986 and 1997 were caused by underseepage, during high water conditions which were well below the tops of the levees. There were significant weaknesses manifested at points along the Sacramento River levee during the 1997 high water event. During the January 1, 2006 high water event, which was much less than the 100-year flood river elevation, there were numerous boils landward of the Sacramento River levee at the RD 1000 Prichard Lake Pump Station, which were remedied by removal of the pump station and filling 800 feet of the North Drainage Canal. Major repairs at that site were authorized by SAFCA and are ongoing.

Well before release of the DEIR in November 2006, geotechnical engineering studies and soil borings performed for the Corps in 2000-2001 (see EXHIBIT EIGHT) circular for the Corps and SAFCA distributed to public meetings, July 2002) and 2005 ("Final Geotechnical Report For Sacramento River East Levee and Natomas Cross Canal South Levee" November 2005, by URS Engineering for the Corps), and the Draft and Final SAFCA Levee Evaluation Report, March 2006 and July 14, 2006, (**EXHIBIT NINE**) and exhaustive geotechnical engineering studies, released in March 2005, (see EXHIBITS TEN, ELEVEN, TWELVE), technical charts omitted but available at SAFCA office) and designated as Appendices of Draft and Final SAFCA Reports, disclosed extensive subsurface soil permeability and vulnerability to serious underseepage in numerous locations along the levees of the Sacramento and American Rivers and the Natomas Cross-Canal protecting the Basin, that failed to meet Corps standards for the 100 and 200-year water surface event and could cause levee collapse during high water events occurring more frequently than the 100-year event (i.e.: the levees did not provide 100-

year flood protection.) The DEIR spoke generally about studies and planned improvements but failed to disclose the identity of these documents or list them as references in the DEIR, except for the Draft SAFCA Draft Levee Evaluation Report.

Exhaustive engineering studies designated as Appendices of SAFCA's Draft and Final Natomas Levee Evaluation Study Reports disclose numerous reaches of levee which do not meet U.S. Army Corps ("ACE") underseepage guidelines for the 100-year Water Surface Elevation (WSE.) See (1) "Problem Identification Report, Sacramento River East Levee Natomas Basin Evaluation," February 1, 2006, **EXHIBIT TEN**, pp. 12, 22, 30, 33, 35, 40, 46, 50, 54-55, 58, 62; "Problem Identification Report, American River North Levee Natomas Basin Evaluation," February 1, 2006, **EXHIBIT ELEVEN**, (failure to meet Corps guidelines for through seepage) pp. 16, 21, 25, 27; and (3) "Problem Identification Report, Natomas Cross Canal Levee Natomas Basin Evaluation," March 14, 2006, **EXHIBIT TWELVE**, pp. 24, 27, 29, 32, 34, 37, 39. The reports recommend construction of deep slurry walls, to depths ranging from 50 to 110 feet deep through and beneath much of the levee system on the Sacramento and American Rivers to attain compliance with Corps standards. A map showing the location of recommended slurry walls is in SAFCA's Draft and Final Natomas Levee Evaluation Study Reports.

Please review **EXHIBIT THIRTEEN**, letter of Jay Punia, General Manager, California State Reclamation Board, September 5, 2006, commenting on City's Greenbriar DEIR, which is applicable to Panhandle and any other project in the Basin. Mr. Punia correctly states that the current FEMA FIRM designation, that Natomas is outside the 100-year flood plain, "is an outdated regulatory designation, which is not supported by the present best available information regarding the integrity of the Natomas levee system." (*Id.*, p 2).

All of the reports and documents cited above, except for the DWR letter dated November 21, 2006, were in City's possession and known to City staff and the project consultant prior to issuance of this DEIR in November 2006. Indeed, our organizations raised these very same issues, and cited the very same documents in our letter to City and LAFCo dated September 5, 2006, commenting on the DEIR for the Greenbriar project, yet City's DEIR for this Panhandle project failed to disclose most of these documents or the information contained therein, and only hinted at the existing flood hazard. A reasonable person can only conclude that City is systematically engaged in a pattern of deliberate deception and concealment of the true condition of the levees protecting the Basin.

It is increasing apparent that the City and Applicant are fast-tracking the Panhandle project for expedited approval, hoping for land use entitlements and start of construction before FEMA issues new a Floodplain Insurance Rate Map ("FIRM") which recognizes that the Natomas Basin, including much or all of the Panhandle project area, is a flood plain with less than 100-year flood protection. Such a designation by FEMA would require City to impose very strong restrictions on new development within the Natomas flood plain, including Panhandle, as a condition of retaining the community's eligibility for FEMA Flood Insurance.

The DEIR, at pp.4.11-5 and 4.11-23, mistakenly asserts that the necessary levee upgrades "are anticipated to be constructed within the next 2 to 5 years." In fact, SAFCA's own

Natomas Levee Evaluation Study, Final Report, July 14, 2006, "Final Report Summary" states that 2012 is the targeted date of completion, assuming that the first construction contract is executed in 2007. See also Table FR-1 of the "Final Report Summary", *supra*.

Does City disagree with SAFCA's estimate of the date of completion of levee improvements (2012)? If so, please explain why.

Does City contend that SAFCA will be able to achieve 100-year flood protection, under current Corps and FEMA criteria, prior to 2012? If so, please explain why.

Does City contend that the levees protecting the Basin meet the current FEMA standards for 100-year flood protection? If so, please explain in detail how the levees protecting the Basin meet current FEMA and Corps standards for certification as providing 100-year flood protection, and please disclose all documents and engineering reports supporting such a contention. Such discussion should consider all of the documents referenced above which state that portions of the levees do not meet current Corps criteria for 100-year flood protection.

What is the likelihood, expressed in percentage of occurrence of a flood event occurrence equal to, or exceeding, the FEMA 100-year flood event occurring during any one-year period? What is the mathematical likelihood of such an event during a 30-year period? Please provide documentation and calculations which support the answer.

Using current Corps of Engineers hydrologic engineering criteria, please disclose the estimated water surface elevation and flood depths estimated to occur at the highest and lowest present elevations of the Panhandle project during both a 100-year flood event and a 200-year flood event on the Sacramento River, and, alternatively, the American River.

Please describe the anticipated physical impact, upon persons and property, of flooding of the project site in the event of levee failure during estimated 100-year and 200-year flood events.

The DEIR, pg. 4.11-5 erroneously asserts that the Natomas Levee Evaluation Report estimate that the required levee improvements would cost approximately \$270,000,000. The Recirculated DEIR should state that SAFCA's Levee Evaluation Report, July 14, 2006, "Final Report Summary" states that the "fully funded cost of the project, assuming a annual 10% escalation rate, could rise to \$414 million, " assuming that the project starts in 2007 and is completed during 2012.

Please identify the amount and sources of all funding which has been approved, authorized and appropriated, or is actually available now or is committed to being available when needed, to pay for the upgrades necessary to provide FEMA 100-year and 200-year levels of protection. Please identify and provide supporting documentation.

Please disclose and identify anticipated sources of funding which have not yet been approved or committed. Please disclose why City believes that that such funding will be approved?

Please describe what the City has done to fund the future upgrading of the levees protecting the Natomas Basin. How much money has City contributed, or has committed to contribute, to efforts to upgrade the levees, since January 2005?

What actions is City undertaking to comply with the request of the Director of the California Department of Water Resources (**EXHIBIT THREE** p. 2) to limit new construction in Natomas Basin until the levees are upgraded and re-certified by the Corps as providing adequate protection against the FEMA 100-year flood event?

Does the City intend to comply with the request of the California Department of Water Resources (**EXHIBIT THREE**, p. 2) to limit new construction in the Basin "until minimum flood protection is achieved"?

If the City does not intend to comply with his request, please explain why.

**b. Mitigation Measures**

Proposed Mitigation Measure 4.11.3, states that if FEMA decertifies the levees , the applicant shall implement one of the following mitigation measures, to be terminated upon re-certification by FEMA: either (a) raise building pads high enough to remove structures from the 100-year floodplain as identified by FEMA in its decertification, , or; (b) developer would participate in a regional mechanism for funding the upgrade of levees to the FEMA 100-year level of protection. However, neither measure would be applicable to construction started prior to FEMA's de-certification, thereby leaving the residents of those homes vulnerable to deep flooding. The regional funding mechanism hypothesized by MM 4.11.3 does not exist.

These Mitigation Measures obviously fail to mitigate for impacts of flooding as to those structures built prior to FEMA's re-mapping of Natomas Basin as a flood plain. Moreover, the regional funding mechanism hypothesized by MM 4.11.3 even if implemented, provides no mitigation until the levees are upgraded and certified by the Corps as adequate to protect the Basin against the FEMA 100-year flood event, or such greater level of protection that the Corps may deem adequate to provide a safe level of flood protection for an urban area. Mere payment of money to a levee repair fund (if one then exists) as required by MM 4.11.3 provides no flood protection. Flood protection is only provided by upgraded levees.

Does the levee repair fund described in MM 4.11.3 presently exist? If so, please describe.

Until necessary levee upgrades are completed and certified by the Corps as adequate to protect the Basin against the FEMA 100-year flood event, will the City require that Panhandle landowners, developers and their successors-in-interest, employees, and agents, including real estate brokers, provide written disclosure to all prospective buyers, lenders, bond, and insurers of property within Panhandle of (1) the Corps determination that levees surrounding the Basin may fail during high water events which are less than the FEMA 100-year flood; and (2) the anticipated flood depths at

Panhandle, as estimated by the Corps, in the event of levee failure during 100-year FEMA flood event, and also during a 200-year FEMA flood event?

If the City will not require such written disclosures, explain why not.

Will the City provide such written disclosures? If not, please explain why not.

If the City will not require such written disclosures, will the developer applicants provide such disclosures? If not, please explain why not.

Will City require all owners of residential and commercial property in Panhandle to buy and maintain FEMA flood insurance, until the levees are re-certified by the Corps? If not, please explain why.

The letter of Lester Snow, Director of California Department of Water Resources, to Mayor Fargo, November 21, 2006, recommends that the City undertake a number of actions to protect the public against the current high risk of flooding, pending completion of the levee upgrades. (**EXHIBIT THREE**, p. 2).

For each measure listed by Director Snow, please state (1) whether City will implement those measures, and (2) if the City will not implement any of these measures, please explain why not.

**We suggest the following alternatives:**

(a) Consideration of annexation, and development be deferred until levee upgrades are complete, and the Corps has certified that the levees meet the FEMA and Corps of Engineers criteria for 200-year flood protection. If the annexation is approved by LAFCO, it should be subject to the above conditions, which should be enforceable by LAFCO and citizen suits.

(b) If LAFCO approves the annexation without conditioning development upon completion and certification of levee upgrades as meeting the FEMA and Corps criteria for 100 or 200-year flood protection, then LAFCO should require, as conditions of approval, that all structures be built at least 3 feet above the 100-year flood elevation, as determined by the Corps, that flood insurance be required, that City undertake those measures recommended by Lester Snow, Director of California Department of Water Resources, in his letter to Mayor Fargo, dated November 21, 2006 (**EXHIBIT THREE**) and that the City develop an evacuation plan for Natomas Basin, to be implemented in the event of levee breach.

**c. The DEIR failed to consider effect of global warming in its analysis of flood hazards threatening the Natomas Basin**

The DEIR fails to disclose, analyze or consider the possible effect of global warming on the frequency and elevation of high water conditions in the Sacramento or American Rivers, and thus the potential for flooding of Natomas Basin. A Recirculated DEIR should do so.

It is now generally recognized that global warming will, among other things, lead to (1) sea level rise, and (2) generally warmer winters in California. See, for example, California Dept. of Water Resources, "Progress on Incorporating Climate Change Into Planning and Management of California's Water Resources: Technical Memorandum," July 2006. Sufficient modeling data now exists to permit estimates of risk in future years.

The elevation and flow of the Sacramento and American Rivers adjacent to Natomas Basin, are affected by the level of the sea and tidal action, particularly during winter and spring, when the tides are the highest and when the flows of the Sacramento and American Rivers are the greatest. The juxtaposition of high tide and high river flows led to the near-overtopping of the Sacramento River east levee, at Sacramento, in 1987. It is logical to conclude that the predicted rise in sea level, accompanied by a correlating rise in the elevation of the tides, may affect the influence of high tides on the surface elevation and flow of the Sacramento River. A probable consequence would be to increase the river's surface elevation beyond what it is under today's tidal conditions.

Assuming, hypothetically, that winter and spring precipitation remains the same, and that the prediction of generally warmer winters is accurate, then a larger proportion of the winter and spring precipitation on the Sacramento and American River watersheds will be in the form of rainfall, which drains to the Sacramento and American Rivers, and a lesser proportion will be retained as snowpack, which melt more gradually in the spring. This phenomenon has already been observed occurring in recent years, as northern California's winter snowline shifts to higher elevation, and rains more frequently fall onto snowpack during winter.

The scenario of sea level rise and warmer winters during the lifetime of the Panhandle project have potential to lead to increased volume and surface elevation of the 100-year flood event, and more frequent occurrence of what is recognized by the Corps today as the 100-year flood event under present conditions.

Thus, the Recirculated DEIR should base its analysis of flood hazard not only on the present flows of the Sacramento Rivers, but also on the projected future flows and surface elevations during the lifetime of the project which take into account climate change, including the effects of (1) rising sea level, and (2) a higher proportion of winter precipitation being in the form of rainfall, possibly leading to increased rate and volume of runoff during the winter and early spring. Recent scientific studies regarding the effect of global warming on California's future climate and water regime are readily available from the State of California global climate change website.

Climate change in the near future which will affect sea level and flows of the Central Valley rivers is now recognized as something that will happen, and cannot be dismissed as too speculative for analysis and consideration in an EIR for a project which is protected from deep flooding by levees which the Corps has determined do not meet even the FEMA standards for protection against the 100-year flood event.

- d. **Exposure Of City And Possibly LAFCO To Legal Liability For Consequences Of Flooding Of Project Approved With Knowledge That Project Was Exposed To Hazard Of Flooding**

The *Paterno* decision found the State of California liable for damages to persons and property arising from a 1986 levee breach because the State knew that a levee section was defective and did not make repairs. The full scope of governmental legal liability for damages due to flooding have not yet been determined. The City does not address the issue of liability for approving development in areas that are not safe. The City exposes itself to future court or legislative action that will extend liability to local government, such as the City of Sacramento when it exercises its discretion to approve a project in a floodplain with full knowledge that engineers and the Corps have determined that the project site has less than 100-year flood protection. Despite SAFCA's plans for upgrading the levees, which are not yet funded and which cannot be implemented until fully funded, the project site and the entire Natomas Basin, will be remain exposed to unreasonable flood hazard until the levees are upgraded to a level sufficient to protect against flood hazard.

Be assured that if there is a levee breach, and massive damage therefrom, the City will be one of the defendants named in the resulting lawsuits.

The cost of defending litigation and paying awards of damages may significantly impact the environment to the extent that City's ability to perform those functions which would benefit the environment (e.g.: trash collection, parks) may be impeded by the diversion of resources to defending litigation and paying damages. The DEIR should address the potential for such impacts.

LAFCO should also consider that its approval of this annexation, with full knowledge of City's intention to permit residential development of the Panhandle without adequate flood protection, may carry the possibility of exposing LAFCO to potential liability in the event of levee breach and flooding.

**2. Development of the Panhandle Would Violate Sacramento General Plan Section 8, Health and Safety, Goal A, Policy One (Flood Hazards)**

Development on the Panhandle site prior to upgrade of the levees to 100-year level of flood protection (current FEMA and Corps standards) would be inconsistent with Sacramento City General Plan Section 8, Goal A, Policy One, Flood Hazards, which states:

"Prohibit development of areas subject to unreasonable risk of flooding unless measures can be implemented to eliminate or reduce the risk of flooding." (DEIR p. 4.11-10.)

DEIR p. 4.11-10 states that the project is consistent because "it is currently located in FEMA Zone X, designating areas protected from 100-year flood by levees." As stated above, the Corps, DWR, and SAFCA have determined that Natomas Basin, including the Panhandle, is not protected from flooding at the 100-year level. The current designation of Natomas Basin as being in FEMA Zone X is outdated and is based on a Corps opinion which was formally withdrawn.

Lester Snow, Director of DWR, in his letter dated November 21, 2006, **EXHIBIT THREE**, p. 2, first paragraph, states that "with less than 100-year flood protection, the chance of homes [in Natomas Basin] flooding over the next 10 years is approximately 10 percent."

The Director of the California Department of Water Resources has stated that Natomas is at high risk of flooding from the Sacramento or American Rivers due to having less than 100-year flood protection. (see **EXHIBIT THREE** p. 1.) The Executive Director of SAFCA, *supra*, has stated that less than 100-year flood protection is "high risk"? (See **EXHIBIT SEVEN**, p. 1) If not, please explain why not.

Does City believe that the expert opinions of the Directors of DWR and SAFCA is conclusive evidence that there is "unreasonable risk of flooding", which requires prohibition of development in the Basin under General Plan Section 8, Goal A, Policy One (Flood Hazards), *supra*?

If not, please explain why City believes that there is not unreasonable risk of flooding which triggers the prohibition against development in the Basin pursuant to General Plan Section 8, Goal A, Policy One (Flood Hazards).

Isn't new development Panhandle project site inconsistent with this General Plan policy?

If City believes that new development on the Panhandle project site, prior to upgrading of the levees to 100-yr level of flood protection as determined by current Corps standards, is consistent with General Plan Policy One, Flood Hazards, please explain why.

**3. Development of the Panhandle Would Violate the North Natomas Community Plan Flood Control Policy Guiding Policy A**

Development on the Panhandle site prior to upgrade of the levees to 100-year level of flood protection (current FEMA and Corps standards) would be inconsistent with the North Natomas Community Plan Flood Control Guiding Policy A, which states:

"One hundred year flood protection must be obtained prior to any new residential development in the North Natomas Community." (DEIR p. 4.11-12.)

The DEIR, p. 4.11-12, states that "this level of flood protection has been previously obtained", which was once believed to be true. Per the documents and reports cited and discussed above, it is now known that the Basin does not have 100-year flood protection, which is known to City. City's assertion in this DEIR that the Basin currently has 100-year flood protection is dishonest.

City cannot rely upon the fact that FEMA's Flood Insurance Rate Map (FIRM) still shows the Basin as outside the 100-year flood plain. Per the documents cited above, the Basin clearly does not have 100-year flood protection.

**4. Flood Hazard for the Basin Has Increased Since 1997 Due to Levee Improvements On the Feather and Yuba Rivers Upstream of Sacramento**

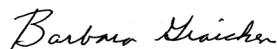
The DEIR, p. 4.11-2, references the "demonstrated ability of the applicable levees to withstand high flows in the Sacramento and American Rivers during the storms of 1997.

The DEIR fails to disclose that the east levee of the Feather River failed in the 1997 storms, thereby causing the diversion of a large volume of water into the Middle American Basin, between Yuba City and the Bear River, and its temporary detention during the remainder of the flood. Had the Feather River levee held, this volume of water would have passed by Sacramento at the height of the 1997 event. Whether the Sacramento River levee would have held if the Feather River levee had not failed in 1997 is unknown. The same situation occurred in the 1986 flood event.

During the past two years, those parts of the Feather and Yuba River levees which failed in 1986 and 1997, and other vulnerable portions of the Feather-Yuba-Bear River levees have been upgraded. Consequently, it is much less likely that the Feather-Yuba-Bear River levees will fail during a future major storm event. Consequently, the DEIR should re-examine its assessment of the likelihood of flooding in light of the fact that the area east of the Feather River upstream of Sacramento is much less likely to provide a de fact "detention basin" during future major storm events.

We hope these comments are helpful in clarifying community concerns about the proposed Panhandle project area development.

Sincerely,



Barbara Graichen, President  
Natomas Community Association  
916-991-2177



Janis Heple, Chair  
Sacramento Group, Sierra Club



Andy Sawyer, President  
Environmental Council of Sacramento  
916-442-4215



Jude Lamare, President  
Friends of the Swainson's Hawk  
916-447-4956

**From:** [Garrett Norman](#)  
**To:** [Lindsey Alagozian](#); [Dana Mahaffey](#); [Samar Hajeer](#); [Aelita Milatzo](#); [Scott Tobey](#)  
**Subject:** FW: letters on Panhandle annexation/tentative map  
**Date:** Thursday, May 05, 2016 4:09:28 PM  
**Attachments:** [Panhpud-ECOSetal.5.07.doc](#)  
[panhandle12.18.06final.pdf](#)

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FYI

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**From:** Judith Lamare [<mailto:swainsonshawk@sbcglobal.net>]  
**Sent:** Thursday, May 05, 2016 11:16 AM  
**To:** Garrett Norman  
**Subject:** letters on Panhandle annexation/tentative map

Dear Mr. Norman

Friends of the Swainson's Hawk represented ECOS in the Panhandle working group and commented on various issues, along with partner environmental groups -- issues that are still relevant to the shape of the tentative map for the panhandle area. Of particular concern is the preservation of an open space corridor on the east side of the power lines, an important raptor foraging area and wildlife corridor for natural areas to the north and east. Also we are concerned about any urban planning that has negative impacts on the remaining agricultural and habitat areas preserved in North Natomas. Care should be taken to avoid any urban impacts north of the project area.

Here are environmental group letters December, 2006 and May 2007.

Judith Lamare, President  
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Community Development  
Department

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May 3, 2016

Dana Mahaffey  
City of Sacramento Community Development Department  
Environmental Planning Services  
300 Richards Blvd., Third Floor  
Sacramento, CA 95811

**Subject: Notice of Preparation of an Environmental Impact Report and Scoping Meeting for the Panhandle Annexation and Planned Unit Development**

Dear Ms. Mahaffey:

Sacramento Regional County Sanitation District (Regional San) and the Sacramento Area Sewer District (SASD) have the following comments regarding the Notice of Preparation for the DEIR for the Panhandle project:

SASD will provide local sewer service for the proposed project area. Regional San provides conveyance from local trunk sewers to the Sacramento Regional Wastewater Treatment Plant (SRWTP) through large pipelines called interceptors.

The Regional San Board of Directors adopted the Interceptor Sequencing Study (ISS) in February 2013. The ISS updated the SRCSD Master Plan 2000 is located on the Regional San website at <http://www.regionalsan.com/ISS>. The SASD Board of Directors approved the most current SASD planning document, the 2010 System Capacity Plan Update (SCP) in January 2012. The SCP is on the SASD website at <http://www.sacsewer.com/devres-standards.html>.

Regional San and SASD are not land-use authorities. Regional San and SASD designs their sewer systems using predicted wastewater flows that are dependent on land use information provided by each land use authority. Regional San and SASD base the projects identified within their planning documents on growth projections provided by these land-use authorities. Onsite and offsite environmental impacts associated with extending sewer services to this development should be contemplated in this Environmental Impact Report.

The proposed project lies within the SASD NN Natomas Trunk shed. Project proponents should work closely with SASD and Regional San Development Services to ensure proper connection to any existing SASD or Regional San facilities.

The developer must complete a Sewer study that includes connection points and phasing information to assess the capacity of the existing sewer system to accommodate additional flows generated by this project.

Customers receiving service from Regional San and SASD are responsible for rates and fees outlined within the latest Regional San and SASD ordinances. Fees for connecting to the sewer system recover the capital investment of sewer and treatment facilities that serves new customers. The SASD ordinance is located on the SASD website at <http://www.sacsewer.com/ordinances.html>, and the Regional San ordinance is located on their website at <http://www.regionalsan.com/ordinance>.

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*Public Affairs Manager*

[www.srcsd.com](http://www.srcsd.com)

The SRWTP provides secondary treatment using an activated sludge process. Incoming wastewater flows through mechanical bar screens through a primary sedimentation process. This allows most of the heavy organic solids to settle to the bottom of the tanks. These solids are later delivered to the digesters. Next, oxygen is added to the wastewater to grow naturally occurring microscopic organisms, which consume the organic particles in the wastewater. These organisms eventually settle on the bottom of the secondary clarifiers. Clean water pours off the top of these clarifiers and is chlorinated, removing any pathogens or other harmful organisms that may still exist. Chlorine disinfection occurs while the wastewater travels through a two-mile "outfall" pipeline to the Sacramento River, near the town of Freeport, California.

Before entering the river, sulfur dioxide is added to neutralize the chlorine. The design of the SRWTP and collection system was balanced to have SRWTP facilities accommodate some of the wet weather flows while minimizing idle SRWTP facilities during dry weather. The SRWTP was designed to accommodate some wet weather flows while the storage basins and interceptors were designed to accommodate the remaining wet weather flows.

The Central Valley Regional Water Quality Control Board (CVRWQCB) issued a NPDES Discharge Permit to Regional San in December 2010, requiring Regional San to meet more restrictive discharge requirements. These requirements involve constructing new treatment facilities at the Sacramento Regional Wastewater Treatment Plant in Elk Grove. Regional San must meet new ammonia and nitrate requirements outlined in the permit by May 2021, and new pathogen requirements by May 2023. The Regional San NPDES Discharge Permit was adopted on April 21, 2016.

Regional San currently owns and operates a 5-mgd Water Reclamation (WRF) that has been producing Title 22 tertiary recycled since 2003. The WRF is located within the SRWTP property in Elk Grove. Regional San uses a portion of the recycled water at the SRWTP and the rest is wholesaled to the Sacramento County Water Agency (SCWA). SCWA retails the recycled water, primarily for landscape irrigation use, to select customers in the City of Elk Grove. Regional San currently does not have any planned facilities that could provide recycled water to the proposed project or its vicinity. Additionally, Regional San is not a water purveyor and any potential use of recycled water in the project area must be coordinated between the key stakeholders, e.g. land use jurisdictions, water purveyors, users, and the recycled water producers.

If you have any questions regarding these comments, please contact me at 916-876-9994

Sincerely,

*Sarena Moore*

Sarena Moore  
Regional San/SASD  
Policy and Planning

Cc: Regional San Development Services, SASD Development Services, Michael Meyer, Dave Ocnosak, Christoph Dobson

## NATIVE AMERICAN HERITAGE COMMISSION

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May 16, 2016

Dana Mahaffey  
City of Sacramento  
300 Richards Blvd, Third Floor  
Sacramento, CA 95811

RE: SCH#2016042074, Panhandle Annexation and Planned Unit Development

Dear Ms. Mahaffey:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

#### AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
- a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
- a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation

monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

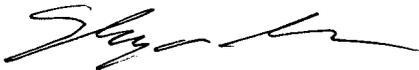
SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: [sharaya.souza@nahc.ca.gov](mailto:sharaya.souza@nahc.ca.gov).

Sincerely,



Sharaya Souza  
Staff Services Analyst  
cc: State Clearinghouse



**ECOS**  
ENVIRONMENTAL  
♦ COUNCIL ♦  
OF SACRAMENTO



ECOS & Habitat 2020  
P.O. Box 1526, Sacramento, CA 95812-1526  
(916) 444-0022  
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May 27, 2016

Attn: Dana Mahaffey *SENT VIA EMAIL TO dmahaffey@cityofsacramento.org*  
City of Sacramento Community Development Department  
Environmental Planning Services  
300 Richards Blvd, 3<sup>rd</sup> Floor  
Sacramento, CA 95811

RE: Comments on Notice of Preparation of an Environmental Impact Report for the  
Panhandle Annexation and Planned Unit Development

Dear Ms. Mahaffey:

This letter provides initial comments from the Environmental Council of Sacramento (ECOS) and Habitat 2020 (H2020) in response to a notice of preparation application for the proposed Panhandle Annexation and Planned Unit Development in North Natomas. ECOS' membership organizations include: 350 Sacramento, Breathe California of Sacramento-Emigrant Trails, Citizens Climate Lobby Sacramento, Friends of Stone Lakes National Wildlife Refuge, International Dark-Sky Association, Mutual Housing California, Physicians for Social Responsibility Sacramento Chapter, Sacramento Electric Vehicle Association, Sacramento Housing Alliance, Sacramento Natural Foods Co-op, Sacramento Valley Chapter of the California Native Plant Society, Sacramento Vegetarian Society, Save Our Sandhill Cranes, Save the American River Association, SEIU Local 1000 (Environmental Committee), Sierra Club Sacramento Group, and The Green Democratic Club of Sacramento.

Habitat 2020 (H2020) is a coalition of environmental organizations collaborating on common issues in and affecting, the Sacramento region. Members of Habitat 2020 include the Sacramento Audubon Society, California Native Plant Society, Friends of the Swainson's Hawk, Save the American River Association, Save Our Sandhill Cranes, Sierra Club Sacramento Group, Friends of Stone Lakes National Wildlife Refuge and the Sacramento Area Creeks Council.

### **Incorporate Prior Letters in Comments**

ECOS was signatory to a comment letter (attached as Attachment 1) dated December 18, 2006 in response to the Panhandle Annexation and PUD DEIR of a predecessor project. In addition, James M. Pahl, an attorney representing ECOS and other concerned organizations, submitted a letter on May 31, 2007 (attached as Attachment 2) commenting on the FEIR. Many of the concerns and comments in those letters pertaining to the evaluation of that project's impacts are still relevant. These comments are incorporated herein by reference and we ask that you address

them during the preparation of the new DEIR with the objective of providing a full and complete environmental analysis that addresses deficiencies in the prior documents.

We would also like to provide the following additional comment:

**Evaluate Growth Inducing Impact of Enhanced Road Connectivity**

The proposed project will provide a new through road between Del Paso Road and West Elkhorn Blvd. Del Paso Blvd represents the north boundary of the Sacramento City Limit, the Sacramento City Sphere of Influence Boundary, and the Sacramento County General Plan Urban Service Boundary. The proposed road will facilitate access to land north of West Elkhorn Blvd that is not included in any adopted plan for urban development. It is essential that the DEIR address the growth inducement potential of the planned road improvements and recommend appropriate mitigation measures.

Sincerely,

A handwritten signature in cursive script that reads "Brandon Rose".

Brandon Rose, President of the Environmental Council of Sacramento (ECOS)

Attachments:

Attachment 1 - Comment letter dated December 18, 2006 in response to the Panhandle Annexation and PUD DEIR of a predecessor project

Attachment 2 - James M. Pacht's letter dated May 34, 2007 commenting on the FEIR



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**Natomas Community Association  
5010 Sorento Road  
Sacramento, CA 95835  
[www.natomascommunity.org](http://www.natomascommunity.org)**

December 18, 2006

Jennifer Hageman  
City of Sacramento  
Development Services Department  
Environmental Planning Services  
2101 Arena Boulevard, Suite 200  
Sacramento, CA 95834  
Telephone: (916) 808-5538  
E-Mail: [jhageman@cityofsacramento.org](mailto:jhageman@cityofsacramento.org)

Re: Panhandle Annexation and PUD DEIR Comment

Dear Ms. Hageman,

The following comments, which incorporate the attached “Panhandle Working Group Support Position for Open Space Buffer,” and accompanying Exhibits 1 – 13, are submitted on behalf of the Environmental Council of Sacramento, Natomas Community Association, Friends of the Swainson's Hawk, and Sierra Club - Mother Lode Chapter, regarding the DEIR for the proposed annexation of Panhandle, PUD, and related approvals. We also incorporate into our comments all of the comments of other individuals and organizations, and will rely on these comments as well as our own. These comments highlight some of the deficiencies of the DEIR and the project. We also request information in a Recirculated DEIR. Our organizations oppose the project, including the annexation, General Plan Amendments, rezone, PUD, and development of the project site.

**Agricultural Resource**

While the DEIR contains mitigation for agricultural resource lost, LAFCo is now reconsidering its mitigation policies. The final EIR should include any mitigation necessary to comply with LAFCo policies.

An agricultural buffer on the northern boundary of the project area is necessary to be consistent with the NNCP. The DEIR recommends mitigation to include this buffer and its maintenance (MM4.2.2a and MM 4.2.2b). However the funding mechanism for acquisition and maintenance of the buffer is not identified in the DEIR or other project documents. Therefore there is no evidence that implementation of this proposed mitigation measure is financially feasible, and thus no evidence supporting the finding that impacts are mitigated to less than significant. (MM 4.2.2 – see discussion, below, regarding funding for traffic mitigation measures).

The DEIR MM 4.2.1 states that the requirement to acquire land suitable to mitigate for loss of farmland shall be satisfied by acquisition of habitat mitigation land to mitigate for impacts on wildlife (ie: compliance with the NBHCP, MM 4.8.1). There is no substantial evidence that preservation of habitat mitigation land under the NBHCP will also mitigate for loss of farmland. The farmland and endangered species habitat mitigation requirements having differing goals which in some instances are incompatible. Mitigation for loss of agricultural land is intended to preserve production agriculture. By contrast the Natomas Basin Conservancy is mandated to manage its land as “high quality habitat” for covered species, notably the threatened Giant Garter Snake and the Swainson’s Hawk. Twenty-five percent of NBC land is required to be converted to managed marsh, a non-agricultural use, and another 25% managed for high quality upland habitat values, which, due to soil and agricultural market conditions, is nearly impossible to achieve in the Basin on land managed for production agriculture. Moreover, it cannot be determined whether “stacking” can succeed for Panhandle’s agricultural and habitat mitigation, because no land has been identified for the proposed mitigation of habitat and agricultural impacts of the Panhandle project.

The DEIR does not address the incompatibility of NBHCP and stacking or the risk and consequences of failing to multiple mitigation objectives with the same land easement. There is substantial risk that the multiple mitigation objectives cannot be met in perpetuity. Given the legal status of the NBHCP as a state and federal permit, it is likely the objectives of the agricultural land mitigation measure would ultimately not be met if the mitigation requirements were stacked. Therefore stacking is not an adequate CEQA mitigation measure because there is no evidence that it is capable of full implementation.

MM 4.2.1 states that agricultural protection easement may be “dedication of open/recreational space.” It is inappropriate to mitigate for loss of farmland with open space/recreational land. To mitigate for the loss, the land must be placed in an agricultural use. We would urge you to include a mitigation measure that requires at least some on site mitigation and the use of the land for organic farms serving local needs for fruit and vegetables.

### **Air Quality**

The Panhandle DEIR Air Quality analysis is incomplete. It refers to an air quality plan for the project which is not appended. CEQA requires that all parts of a DEIR be circulated for at least 45 days for public comment. Therefore, the DEIR and project documents, including the missing Air Quality analysis, must be recirculated for at least

45 days. Moreover, though the project is conditioned with air quality mitigation measures, these are measures that apply to projects that are included in the land use base for the air quality plan. The Panhandle PUD is inconsistent with the current federal ozone attainment plan adopted by the Sacramento Metropolitan Air Quality Management District because that plan is based on a land use map that assumes Panhandle remains in agricultural land.

The Sacramento Metropolitan Air Quality Management District is presently preparing an ozone attainment plan to be submitted to state and federal regulatory agencies by June 2007. In order to be consistent with the upcoming air quality plan, the DEIR should be delayed until that plan is adopted and the DEIR should include sufficient mitigation measures to be found consistent with the new air quality plan.

The DEIR Air Quality analysis points out (4-5-10) that the transportation conformity requirement of the federal Clean Air Act:

“ The region’s transportation plan must conform and show that implementation will not harm the region’s chances of attaining the ozone standard. The SIP is tied to a “motor vehicle emissions budget” and thus, transportation planners must ensure that emissions anticipated from plans and improvement programs remain within this budget.”

However, the DEIR fails to identify the interaction between the transportation improvements required for this project and the necessary air quality plan adoption and conformity finding. What transportation mitigation measures and required transportation projects could be at risk if the necessary approvals are not obtained? Nor does the DEIR identify what additional air quality mitigation requirements will be forthcoming with the adoption of the new air quality plan.

### **Alternative Analysis**

The DEIR should quantify the differences between alternatives in impacts rather than classify them arbitrarily as in the same category.

The DEIR at 6.0-21 makes no meaningful distinction between the project alternative and the other alternatives in terms of stormwater run-off and surface water drainage, flood risk, and groundwater quality, although the plans differ substantially in impervious surface.

The DEIR does not distinguish between the transportation maintenance, traffic and transit impacts of the various alternatives although they do differ in the acreage used to serve about the same population.

The DEIR should quantify the impacts on existing neighboring land uses and residents of the alternatives.

The DEIR should quantify the differences between alternatives in cost to municipal services to the population since the project requires a larger service area.

The DEIR should quantify the differences in impact between the alternatives on the biological resource, including nesting and foraging Swainson's Hawks, White Tailed Kites, Burrowing owls and impacts on and adjacent, wildlife corridor along Steelhead Creek and along Hansen Ranch to Placer County.

The DEIR should quantify and compare the alternatives in terms of meeting diverse housing needs. All inclusionary housing is for rent. The DEIR fails to analyze the impacts of the use of rental properties for all inclusionary housing compared with a mix of housing spread over neighborhoods and a requirement for senior housing. The project alternative lacks an institutional designation for senior independent and assisted living as compared with the community proposed plan (so-called "Trujillo" alternative).

### **Biological Resources**

With MM 4-8-2a the DEIR states that compliance with the NBHCP will require "Payment of HCP fees or dedication of land at a ratio of 0.5 to 1." All land requirements should be met with dedication of land, not through payment of fees. Under CEQA, land acquisition requirements for mitigation must be met through land dedications because fee programs to acquire land for habitat mitigation have consistently failed in our region. (Examples are the former SWH mitigation programs of the City of Elk Grove, County of Sacramento, and County of Yolo.) Use of fees to acquire mitigation land is inconsistent with CEQA's requirement that mitigation be financially feasible and capable of being implemented.

The DEIR (Impact 4.8.1) concludes that grassland is not significantly impacted by development of 590 acres of annual grasslands: "The loss of annual grasslands and associated common wildlife is less than significant because this biological community is locally and regionally abundant and losses from this project would not result in grasslands of the region to drop below a self-sustaining level." (p. 4-8-29) The DEIR provides no evidence to support this conclusion. The DEIR at 4-8-29 states that the conclusion is based on:

"The impact assessment was based on the project description for the Panhandle annexation and PUD, information described in the existing setting (including technical biological reports prepared for the project site), and the standards of significance described above."

No technical biological reports are appended to the DEIR. The DEIR should be recirculated with the necessary appended reports.

### **The DEIR Violates CEQA By Failing To Make Necessary Documents Available For Public Review During the Entire 45-Day CEQA Public Comment Period (Financing Plan)**

Public Resources Code § 21091(a) requires that the public review period for a Draft EIR be at least 45 days, which begins when the project documents and DEIR are complete

and Notice of Availability is given. The DEIR is incomplete because neither it nor the project documents include a financing plan to commit necessary and sufficient funding for the mitigation measures in the DEIR, and to demonstrate that proposed mitigation measures are financially feasible.

Instead, there is a "Draft Public Facilities Financing Strategy" which states that a "Panhandle Public Facilities Financing Plan" will be drafted at an unspecified time and adopted when the project is approved. Otherwise, the Draft Public Facilities Financing Strategy" only recites the various financing options which may be selected by City, contains a list of estimated costs of infrastructure, and contains no data or calculations which demonstrate how these costs will be paid. Page 5 of the "Financing Strategy" recites that project-related infrastructure and public facilities required to serve the project are similar to those of nearby projects and do not appear prohibitively high. It then concludes: "As a result, the project should be able to feasibly fund the cost of the required mitigation measures and infrastructure facilities." (*Id.*, p. 5) The DEIR contain no evidence supporting that conclusion.

CEQA requires that mitigation measures be feasible. "Feasible" includes "financially feasible." Measures which are not financially feasible are, by definition, not feasible. The public and responsible and trustee agencies in reviewing the DEIR cannot form an opinion about the feasibility of proposed mitigation measures without a financing plan which demonstrates that there will be funding adequate to pay for the mitigation measures. The DEIR is incomplete because the financing plan is a necessary element to provide mitigation for the project's impacts.

Indeed, the DEIR states that such data will be available to the decision-makers prior to their action, in the "Panhandle Public Facilities Financing Plan". However, CEQA requires that the "Panhandle PUD Public Facilities Financing Plan" also be made available to the public for the requisite 45-day public comment period, so that the public may examine the Financing Plan and form an opinion as to whether the mitigation measures to be financed by the Financing Plan are, in fact, financially feasible. The nonexistent financing plan has significant environmental impacts because it determines whether there will be funding to implement the Mitigation Measures proposed in the DEIR.

CEQA requires an agency to address specific economic considerations related to mitigation measures to determine if they are feasible or infeasible. See Public Resources Code §21081(a)(3); *Federation of Hillside and Canyon Associations v City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1259, 1260.

On point is *Ultramar, Inc. v. South Coast Air Quality Management District* ("Ultramar") (1993) 17 Cal. App. 4th 689, 700 - 701, in which the agency failed to mail out a section of an DEIR to requesting parties. The agency learned of the omission and mailed out a supplemental environmental document, but refused to extend the comment period to provide the full public review period for the supplemental document. The Court of Appeal held that failure to permit public review in the manner required by law, was a *per se* prejudicial abuse of discretion, and that no deviation from CEQA's notice and public review requirements are acceptable.

At minimum, Public Resources Code §21092.2 and CEQA Guideline 15088.5 will require recirculation of the DEIR for the statutory 45-day comment period after public notice of availability of the Finance Plan. *Sutter Sensible Planning v Board of Supervisors* (1981) 122 Cal App 3d 813.

**No Evidence That Traffic Mitigation Measures Are Financially Feasible, or Will Mitigate Impacts to Less Than Significant**

MM 4.4.1 states that certain traffic impacts will be mitigated by measures funded by the Panhandle PUD Finance Plan, which does not exist. There is no evidence in the DEIR or any other project documents that the Panhandle PUD Finance Plan will provide funding sufficient to implement all or any of the mitigation measures and infrastructure improvements needed to mitigate for the traffic impacts of the project.

Mitigation Measures 4.4.2.a, 4.4.2.b, 4.4.2.d, 4.4.2.f, 4.4.2.h, 4.4.7.a, and 4.4.7.b call for financing of traffic mitigation measures by the developer's payment of unspecified "fair share" of the cost of various traffic facilities and infrastructure.

CEQA requires an agency to address specific economic considerations related to mitigation measures to determine if they are feasible or infeasible. See Public Resources Code §21081(a)(3); *Federation of Hillside and Canyon Associations v City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1259, 1260.

"The commitment to pay fees without any evidence that the mitigation will actually occur is inadequate." (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 140, citing *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App.3d 692, 728.) Without review of the Financing Plan in conjunction with the DEIR (as was anticipated by the authors of the DEIR, see "Draft Panhandle Public Facilities Financing Strategy", p. 5), it is impossible to determine whether the promised mitigation measures will be fully implemented or at all. The public needs to be able to review the fee program in conjunction with the Mitigation Measures to determine if there is sufficient funding to pay for the infrastructure improvements relied upon by the Mitigation Measures and proposed Findings. In *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th, 342, 363-365, the court said that the EIR included information about the fees to be paid by the project and said: "Although the existing mitigation fee appears to be a reasonable attempt to have developers pay their proportionate share of the costs of needed highway improvements, and the continued use of such fees undoubtedly would be useful, it cannot reasonably be argued that the funds that the county already has raised or that it reasonably can expect to raise in the future, will be enough to mitigate the effect on traffic that will result from cumulative conditions."

In *Anderson First Coalition v City of Anderson* (2005), 130 Cal. App. 4th 1173, the Court of Appeal held that bare recitation that a project would pay "fair share" fees towards highway improvements, was too speculative to be deemed an adequate mitigation measure. (*Id.*, pp. 1193, 1194.) The Court of Appeal ruled that to be sufficient under

CEQA, a "fair share" mitigation fee measure must (1) specify the actual dollar amount based on current or projected construction costs; (2) specify the improvement projects for which the fair share fee will be used; (3) if the fair share contribution is a percentage of costs which are not yet known, then specify the percentage of costs, (4) make the fees part of a reasonable enforceable plan or program which is sufficiently tied to actual mitigation of traffic impacts at issue.

CEQA Guideline 15130(a)(3) states that an EIR may find that a project's contribution to cumulative impacts is less than significant if the project is required to implement or fund its "fair share" of mitigation measures designed to alleviate the cumulative impact. However, "The Lead Agency shall identify facts and analysis supporting its conclusion that the contribution [by the project to cumulative impacts] will be rendered less than cumulatively considerable." CEQA Guideline 15130(a)(3). The Panhandle DEIR does not identify the facts and analysis supporting its conclusions that contribution of "fair share" will render impacts less than significant. There is no evidence of the amount of money represented by "fair share," no evidence as to how "fair share" will be calculated, no evidence that the amount of "fair share" funding will be adequate to construct the infrastructure which comprise the Mitigation Measures, and no evidence that any other party or entity will contribute amounts towards their unspecified "fair shares" which are sufficient to construct the infrastructure which comprise the Mitigation Measures.

### **Hydrology and Water Quality**

The relative costs and risks of the detention basins being located in the southwest corner of the site as opposed to the project alternative location for detention basins are not adequately analyzed in the DEIR. The sheet flow goes in the southwest direction and it will be expensive to pump it north to Country Club, west to the Main Canal, south to the C-1 canal and back east past the Panhandle to Steelhead creek. A detention basin next to Charter School, with culvert under Del Paso and larger pipe (across Pardee) accomplishes the same thing and costs much less, particularly for on-going operations. The project proposed increases flooding potential in the Main Drain by pumping uphill and west and trying to dump all the natural flow from the stubbed Dry & Robla Creek, and all runoff from Valley View to the north instead of south west as it flows naturally.

The DEIR does not address the impacts on the existing North Natomas Community residents in the event of conditions approaching or exceeding the 100 year flood condition with and without the Panhandle development.

- What is the additional risk to the existing North Natomas Community Plan area of the failure of the planned detention basin to contain run-off in high water events?
- For situations requiring emergency evacuation, what is the additional burden posed by development of the Panhandle area? The DEIR does not quantify the additional emergency services and evacuation burden posed by the proposed

project when considered in combination with all other development within the Natomas floodplain.

The DEIR does not address the alternative requested by the Environmental Council of Sacramento and the Natomas Community Association that no annexation for new development be approved until the flood risk is fully assessed and reduced to less than significant. The EIR should include as a mitigation measure that no annexation proceed until SAFCA has completed all necessary levee improvements.

The last section of this letter addresses further concerns with hydrology related specifically to flood risk.

### **Transportation**

A number of issues very important to the existing communities are not adequately addressed in the DEIR.

- The proposed project changes the location of National Drive from that envisioned in the Community Plan. It moves National Drive east, away from the location of most homes, and the new location impacts homes in Valley View Acres. The Panhandle working group agreed that the road should stay where it was in the Community Plan or be moved to the center of the new growth area.
- The DEIR should include noise and air pollution mitigation along east side of National concurrent, or before, development to protect adjacent neighbors from noise and air pollution impacts of the proposed project.
- The DEIR fails to consider the cumulative impact of the expected development north and east of the project area on National Drive in estimating traffic counts and consequent impacts on neighbors.
- The DEIR does not adequately address the noise, nuisance, and safety impacts of the additional roads into Regency Park from the proposed and unexpected school and denser proposed project annexation. It lacks adequate mitigation for these impacts. Please note that the eastern portion of North Natomas is supposed to be less dense because of distance from light rail and employment centers and lack of adequate access to the east and south. A portion of the area immediately west of the site is already denser because the city rezoned a large portion of the once approved and now gone golf course for urban uses.
- The DEIR does not address the growth inducing impacts of proposing two full width roads with bollards that connect to the Avdis urban proposal on the north end of Valley View. They would eventually allow National to connect with Sorrento, and are growth inducing because they bring 2 roads adjacent to a 60 acre development proposed along Steelhead Creek.
- The DEIR does not address the impact of the lack of east-west off street bikeways and the absence of a ramp up the levee side in the proposed

project. These need to be added to mitigate impacts of the additional vehicle travel.

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### **Other Issues**

The DEIR fails to adequately address the following issues which were discussed in detail in the Panhandle Working Group.

- The exclusion of the open space in the eastern part of the Panhandle that was included in the 1994 community plan has a number of impacts not addressed in the DEIR and which are described in the attached “Panhandle Working Group Support Position for Retention of the City Council Approved WAPA/Valley View Acres/Steelhead Creek Open Space Buffer.”
- WAPA set back. The 1986 adopted NNCP EIR included an adopted mitigation measure requiring a 250 foot setback from the WAPA lines. How did the 1986 NNCP EIR envision that this mitigation measure would be funded?
- The acreage figures used in the EIR do not match the acreage figures on the May 1994 community plan map. No amendments have been made since that time. The 10 acre school site doesn't show up in the EIR as it does on the 1994 map, and the city is behaving as if the Quimby Ordinance didn't apply to the urban area. We went over this problem in the working group. Proponents claim that eliminating a portion of the open space buffer is a good thing because it means more parks scattered throughout the plan area. However about 28 acres of parks were required under the City's Quimby Ordinance requirement in addition to the open space buffer. This is akin to having \$50 in bank (Quimby) and \$150 in bank (open space buffer) and having the bank tell you they will put the \$150 in several accounts so you have greater investment variety, but taking away the \$50/Quimby. You now only have \$150 instead of \$200.
- The school site needs an underlying designation of public facility. Otherwise, these sites are appraised at urban values and the districts can't afford them or pay inflated prices. Plus, community plan has a requirement that they revert to urban with no community plan amendment after 5 years. The DEIR fails to analyze the impacts of this requirement. What we have seen in other Natomas neighborhoods is that the school sites are rezoned for profit and educational needs, and consequent transportation demand, change with negative impacts to the community.
- The negative impacts of strip commercial along Del Paso, south of Del Paso, along the north part of Northgate and other locales in combination with strip commercial on this site are not analyzed in the EIR. What are the impacts of the distribution of commercial in and adjacent to the project site for trip generation and vehicle travel demand?
- The location of higher density apartments on Del Paso Road at the edge of the project area raises a number of issues of best fit with adjoining land uses and transit service that are not addressed in the DEIR. In particular, the community

is interested in assessing the impacts of locating the apartments further east (which would be compatible with the community's proposed use of the southwest corner for detention basin.)

## **FLOOD HAZARD FROM POTENTIAL LEVEE FAILURE ON SACRAMENTO AND AMERICAN RIVERS, AND NATOMAS CROSS-CANAL: Revision and Recirculation of DEIR Required**

### **1. Violations of CEQA**

Information provided by the DEIR on potential flood hazard is incomplete and misleading, and lacks the level of detail and specificity required by CEQA. The DEIR fails to disclose to the public the well-documented proven inadequacy of the levees protecting Natomas Basin and the potential for catastrophic deep flooding.

A Recirculated DEIR which truthfully discloses and addresses the deficiencies of the levees surrounding the Basin and the potential effects of deep flooding, including flood depths on the high and low elevations of the project site during a 100-year and 200-year flood from the American or Sacramento Rivers, is required by Public Resources Code 21092.1 and CEQA Guideline 15088.5. Likewise, the type and extent of damage to property, (assuming that it is built out as proposed), displacement of future residents of the project, and potential loss of life, should be disclosed. Such a Recirculated DEIR must also provide the sufficient level of detail and specificity required by CEQA which is sorely lacking in the present DEIR's discussion of the flooding issue

#### **a. The DEIR misrepresents and fails to disclose the full extent of the potential for flooding and the impacts of such flooding**

The DEIR, p. 4.11-2 correctly states that in 1996, the U.S. Army Corps of Engineers determined that levee improvements along the Sacramento and American Rivers, NEMDC (Steelhead Creek), and Natomas Cross Canal "were sufficient to provide a level of protection to the project site that met or exceeded a 100-year return period event."

The DEIR, p. 4.11-9 states that SAFCA "has succeeded in achieving 100-year flood protection in the Natomas Basin." The DEIR, p. 4.11-12, in its discussion of "Flood Control Guiding Policy A", states that 100 year flood protection has been previously obtained. As shown below, those statements are patently false.

The DEIR admits that that upgrading of the levees will be needed to achieve 200-year level of flood protection (DEIR p. 4.11-5), that "risk of flooding is greater than previously assumed" (DEIR p. 4.11-5), that "the current level of flood protection is now in question in some areas," (DEIR p. 4.11-9), that the levees are "at risk of underseepage and erosion hazards during a 100-year storm event" (DEIR p. 4.11-21, -22, and that the risk of underseepage and erosion hazards in a 100-year storm event is "potentially significant." (Impact 4.11.3).

In fact, the DEIR inexcusably fails to disclose that by letter dated July 20, 2006, the U.S. Army Corps of Engineers ("Corps") formally withdrew its 1998 opinion (attached to the July 20, 2006 Corps letter) that the levees protecting the Basin were adequately constructed to withstand the FEMA 100-year flood. **(EXHIBIT ONE).**

The now-rescinded 1998 Corps opinion was the sole basis for FEMA's decision to show the Basin on the FEMA's Flood Insurance Rate Map ("FIRM") as being outside of the FEMA 100-year flood plain. FEMA's National Flood Insurance Program is primarily an insurance program which relies upon engineering determinations performed by, or reviewed by, the Corps, in its determination of those lands to include in its Flood Insurance Rate Map, ("FIRM").

In a press interview which accompanied the release of the Corps letter of July 20, 2006, a spokesman for the Corps stated that "We agree, the levees today do not meet current certification criteria" **(EXHIBIT TWO,** Sacramento Bee, "Faith in Levees Officially Downgraded", July 27, 2006).

Lester Snow, Director of the California Department of Water Resources, by letter addressed to Sacramento Mayor Heather Fargo, dated November 21, 2006, **(EXHIBIT THREE)** stated that the Natomas levee system does not meet minimum federal flood insurance program standards for 100-year flood protection, that "the area is at high risk" and that DWR was working with FEMA to have the Basin remapped into an AR or A99 Special Flood Hazard Zone. Director Snow further stated: "In the meantime it is imperative that additional measures be taken to reduce the threat to public safety and property" and that "with less than 100-year flood protection, the chance of homes flooding over the next ten years is approximately 10 percent." He recommended a number of measures which City of Sacramento should undertake "to protect the public against this higher risk," which included a "limitation on new construction until minimum flood protection is achieved." (*Id.*, p. 2)

By separate letters dated July 31, 2006, to SAFCA and to FEMA, Les Harder, Deputy Director of the California Department of Water Resources ("DWR") stated that DWR concurred with the Corps opinion; that "additional analyses are underway to develop a strategy for providing FEMA 100-year flood protection"; and that "even under the best scenario, it will take several years to make the necessary improvements." **(EXHIBITS FOUR, FIVE)**

Mr. Harder's July 31, 2006, letter to SAFCA, p. 2, stated DWR's concurrence with the Corps letter of July 29, 2006, and expressed the urgency of timely FEMA re-mapping of the Basin "to accurately depict the level of increased flood risk" because of the extent of existing and planned development. **(EXHIBIT FOUR)** In his letter to FEMA, Mr. Harder stated that "it is clear that that portions of the levees protecting the Natomas Basin do not meet the [FEMA] levee certification requirements." **(EXHIBIT FIVE.)**

The SAFCA "Executive Director's Staff Report for August 2006" to the SAFCA Board states that the Natomas levees do not meet the 100-year FEMA standards for certification, that re-mapping Natomas Basin as a flood zone is not a high priority for FEMA, and that the final FEMA flood zone maps will be completed in 2012 by which

time SAFCA anticipates completing its Natomas Levee Improvement Project. (**EXHIBIT SIX**).

The SAFCA Executive Director's report to the SAFCA Board, dated February 16, 2006, titled "Information - Natomas Levee Evaluation Study", (**EXHIBIT SEVEN**) acknowledged that less than 100-year flood protection was "**high risk**", and that greater than 100-year but less than 200 year protection was "moderate risk." (p. 1); that a study by URS in 2002 concluded that most of the levees would need "substantial additional work . . . to reach a high level of flood protection" (p. 2), and that the 2005, URS report for the Corps determined that at some locations, there was potential for subsurface permeability "that could threaten the stability of the affected levees ..." (p. 3)

Does City agree with the statements by the Director of DWR, supra, that Natomas is at high risk of flooding from the Sacramento or American Rivers due to having less than 100-year flood protection? (see **EXHIBIT THREE** p. 1.) If not, please explain why not?

Does City agree with the statements by the Executive Director of SAFCA, supra, that less than 100-year flood protection is "high risk"? (See **EXHIBIT SEVEN**, p. 1) If not, please explain why not.

Does the City contend that the Basin is not at high risk of flooding due to its present lack of 100-year flood protection? If so, please explain why City believes that the Basin is not at high risk of flooding.

There is a long history of through-seepage and underseepage of the levees protecting the Basin during high water events. The failures of the levees along the Feather and Yuba Rivers in 1986 and 1997 were caused by underseepage, during high water conditions which were well below the tops of the levees. There were significant weaknesses manifested at points along the Sacramento River levee during the 1997 high water event. During the January 1, 2006 high water event, which was much less than the 100-year flood river elevation, there were numerous boils landward of the Sacramento River levee at the RD 1000 Prichard Lake Pump Station, which were remedied by removal of the pump station and filling 800 feet of the North Drainage Canal. Major repairs at that site were authorized by SAFCA and are ongoing.

Well before release of the DEIR in November 2006, geotechnical engineering studies and soil borings performed for the Corps in 2000-2001 (see EXHIBIT EIGHT) circular for the Corps and SAFCA distributed to public meetings, July 2002) and 2005 ("Final Geotechnical Report For Sacramento River East Levee and Natomas Cross Canal South Levee" November 2005, by URS Engineering for the Corps), and the Draft and Final SAFCA Levee Evaluation Report, March 2006 and July 14, 2006, (**EXHIBIT NINE**) and exhaustive geotechnical engineering studies, released in March 2005, (see EXHIBITS TEN, ELEVEN, TWELVE), technical charts omitted but available at SAFCA office) and designated as Appendices of Draft and Final SAFCA Reports, disclosed extensive subsurface soil permeability and vulnerability to serious underseepage in numerous locations along the levees of the Sacramento and American Rivers and the Natomas Cross-Canal protecting the Basin, that failed to meet Corps standards for the 100 and 200-year water surface event and could cause levee collapse during high water events occurring more frequently than the 100-year event (i.e.: the levees did not provide 100-

year flood protection.) The DEIR spoke generally about studies and planned improvements but failed to disclose the identity of these documents or list them as references in the DEIR, except for the Draft SAFCA Draft Levee Evaluation Report.

Exhaustive engineering studies designated as Appendices of SAFCA's Draft and Final Natomas Levee Evaluation Study Reports disclose numerous reaches of levee which do not meet U.S. Army Corps ("ACE") underseepage guidelines for the 100-year Water Surface Elevation (WSE.) See (1) "Problem Identification Report, Sacramento River East Levee Natomas Basin Evaluation," February 1, 2006, **EXHIBIT TEN**, pp. 12, 22, 30, 33, 35, 40, 46, 50, 54-55, 58, 62; "Problem Identification Report, American River North Levee Natomas Basin Evaluation," February 1, 2006, **EXHIBIT ELEVEN**, (failure to meet Corps guidelines for through seepage) pp. 16, 21, 25, 27; and (3) "Problem Identification Report, Natomas Cross Canal Levee Natomas Basin Evaluation," March 14, 2006, **EXHIBIT TWELVE**, pp. 24, 27, 29, 32, 34, 37, 39. The reports recommend construction of deep slurry walls, to depths ranging from 50 to 110 feet deep through and beneath much of the levee system on the Sacramento and American Rivers to attain compliance with Corps standards. A map showing the location of recommended slurry walls is in SAFCA's Draft and Final Natomas Levee Evaluation Study Reports.

Please review **EXHIBIT THIRTEEN**, letter of Jay Punia, General Manager, California State Reclamation Board, September 5, 2006, commenting on City's Greenbriar DEIR, which is applicable to Panhandle and any other project in the Basin. Mr. Punia correctly states that the current FEMA FIRM designation, that Natomas is outside the 100-year flood plain, "is an outdated regulatory designation, which is not supported by the present best available information regarding the integrity of the Natomas levee system." (*Id.*, p 2).

All of the reports and documents cited above, except for the DWR letter dated November 21, 2006, were in City's possession and known to City staff and the project consultant prior to issuance of this DEIR in November 2006. Indeed, our organizations raised these very same issues, and cited the very same documents in our letter to City and LAFCo dated September 5, 2006, commenting on the DEIR for the Greenbriar project, yet City's DEIR for this Panhandle project failed to disclose most of these documents or the information contained therein, and only hinted at the existing flood hazard. A reasonable person can only conclude that City is systematically engaged in a pattern of deliberate deception and concealment of the true condition of the levees protecting the Basin.

It is increasing apparent that the City and Applicant are fast-tracking the Panhandle project for expedited approval, hoping for land use entitlements and start of construction before FEMA issues new a Floodplain Insurance Rate Map ("FIRM") which recognizes that the Natomas Basin, including much or all of the Panhandle project area, is a flood plain with less than 100-year flood protection. Such a designation by FEMA would require City to impose very strong restrictions on new development within the Natomas flood plain, including Panhandle, as a condition of retaining the community's eligibility for FEMA Flood Insurance.

The DEIR, at pp.4.11-5 and 4.11-23, mistakenly asserts that the necessary levee upgrades "are anticipated to be constructed within the next 2 to 5 years." In fact, SAFCA's own

Natomas Levee Evaluation Study, Final Report, July 14, 2006, "Final Report Summary" states that 2012 is the targeted date of completion, assuming that the first construction contract is executed in 2007. See also Table FR-1 of the "Final Report Summary", *supra*.

Does City disagree with SAFCA's estimate of the date of completion of levee improvements (2012)? If so, please explain why.

Does City contend that SAFCA will be able to achieve 100-year flood protection, under current Corps and FEMA criteria, prior to 2012? If so, please explain why.

Does City contend that the levees protecting the Basin meet the current FEMA standards for 100-year flood protection? If so, please explain in detail how the levees protecting the Basin meet current FEMA and Corps standards for certification as providing 100-year flood protection, and please disclose all documents and engineering reports supporting such a contention. Such discussion should consider all of the documents referenced above which state that portions of the levees do not meet current Corps criteria for 100-year flood protection.

What is the likelihood, expressed in percentage of occurrence of a flood event occurrence equal to, or exceeding, the FEMA 100-year flood event occurring during any one-year period? What is the mathematical likelihood of such an event during a 30-year period? Please provide documentation and calculations which support the answer.

Using current Corps of Engineers hydrologic engineering criteria, please disclose the estimated water surface elevation and flood depths estimated to occur at the highest and lowest present elevations of the Panhandle project during both a 100-year flood event and a 200-year flood event on the Sacramento River, and, alternatively, the American River.

Please describe the anticipated physical impact, upon persons and property, of flooding of the project site in the event of levee failure during estimated 100-year and 200-year flood events.

The DEIR, pg. 4.11-5 erroneously asserts that the Natomas Levee Evaluation Report estimate that the required levee improvements would cost approximately \$270,000,000. The Recirculated DEIR should state that SAFCA's Levee Evaluation Report, July 14, 2006, "Final Report Summary" states that the "fully funded cost of the project, assuming a annual 10% escalation rate, could rise to \$414 million, " assuming that the project starts in 2007 and is completed during 2012.

Please identify the amount and sources of all funding which has been approved, authorized and appropriated, or is actually available now or is committed to being available when needed, to pay for the upgrades necessary to provide FEMA 100-year and 200-year levels of protection. Please identify and provide supporting documentation.

Please disclose and identify anticipated sources of funding which have not yet been approved or committed. Please disclose why City believes that that such funding will be approved?

Please describe what the City has done to fund the future upgrading of the levees protecting the Natomas Basin. How much money has City contributed, or has committed to contribute, to efforts to upgrade the levees, since January 2005?

What actions is City undertaking to comply with the request of the Director of the California Department of Water Resources (**EXHIBIT THREE** p. 2) to limit new construction in Natomas Basin until the levees are upgraded and re-certified by the Corps as providing adequate protection against the FEMA 100-year flood event?

Does the City intend to comply with the request of the California Department of Water Resources (**EXHIBIT THREE**, p. 2) to limit new construction in the Basin "until minimum flood protection is achieved"?

If the City does not intend to comply with his request, please explain why.

**b. Mitigation Measures**

Proposed Mitigation Measure 4.11.3, states that if FEMA decertifies the levees , the applicant shall implement one of the following mitigation measures, to be terminated upon re-certification by FEMA: either (a) raise building pads high enough to remove structures from the 100-year floodplain as identified by FEMA in its decertification, , or; (b) developer would participate in a regional mechanism for funding the upgrade of levees to the FEMA 100-year level of protection. However, neither measure would be applicable to construction started prior to FEMA's de-certification, thereby leaving the residents of those homes vulnerable to deep flooding. The regional funding mechanism hypothesized by MM 4.11.3 does not exist.

These Mitigation Measures obviously fail to mitigate for impacts of flooding as to those structures built prior to FEMA's re-mapping of Natomas Basin as a flood plain. Moreover, the regional funding mechanism hypothesized by MM 4.11.3 even if implemented, provides no mitigation until the levees are upgraded and certified by the Corps as adequate to protect the Basin against the FEMA 100-year flood event, or such greater level of protection that the Corps may deem adequate to provide a safe level of flood protection for an urban area. Mere payment of money to a levee repair fund (if one then exists) as required by MM 4.11.3 provides no flood protection. Flood protection is only provided by upgraded levees.

Does the levee repair fund described in MM 4.11.3 presently exist? If so, please describe.

Until necessary levee upgrades are completed and certified by the Corps as adequate to protect the Basin against the FEMA 100-year flood event, will the City require that Panhandle landowners, developers and their successors-in-interest, employees, and agents, including real estate brokers, provide written disclosure to all prospective buyers, lenders, bond, and insurers of property within Panhandle of (1) the Corps determination that levees surrounding the Basin may fail during high water events which are less than the FEMA 100-year flood; and (2) the anticipated flood depths at

Panhandle, as estimated by the Corps, in the event of levee failure during 100-year FEMA flood event, and also during a 200-year FEMA flood event?

If the City will not require such written disclosures, explain why not.

Will the City provide such written disclosures? If not, please explain why not.

If the City will not require such written disclosures, will the developer applicants provide such disclosures? If not, please explain why not.

Will City require all owners of residential and commercial property in Panhandle to buy and maintain FEMA flood insurance, until the levees are re-certified by the Corps? If not, please explain why.

The letter of Lester Snow, Director of California Department of Water Resources, to Mayor Fargo, November 21, 2006, recommends that the City undertake a number of actions to protect the public against the current high risk of flooding, pending completion of the levee upgrades. (**EXHIBIT THREE**, p. 2).

For each measure listed by Director Snow, please state (1) whether City will implement those measures, and (2) if the City will not implement any of these measures, please explain why not.

**We suggest the following alternatives:**

(a) Consideration of annexation, and development be deferred until levee upgrades are complete, and the Corps has certified that the levees meet the FEMA and Corps of Engineers criteria for 200-year flood protection. If the annexation is approved by LAFCO, it should be subject to the above conditions, which should be enforceable by LAFCO and citizen suits.

(b) If LAFCO approves the annexation without conditioning development upon completion and certification of levee upgrades as meeting the FEMA and Corps criteria for 100 or 200-year flood protection, then LAFCO should require, as conditions of approval, that all structures be built at least 3 feet above the 100-year flood elevation, as determined by the Corps, that flood insurance be required, that City undertake those measures recommended by Lester Snow, Director of California Department of Water Resources, in his letter to Mayor Fargo, dated November 21, 2006 (**EXHIBIT THREE**) and that the City develop an evacuation plan for Natomas Basin, to be implemented in the event of levee breach.

**c. The DEIR failed to consider effect of global warming in its analysis of flood hazards threatening the Natomas Basin**

The DEIR fails to disclose, analyze or consider the possible effect of global warming on the frequency and elevation of high water conditions in the Sacramento or American Rivers, and thus the potential for flooding of Natomas Basin. A Recirculated DEIR should do so.

It is now generally recognized that global warming will, among other things, lead to (1) sea level rise, and (2) generally warmer winters in California. See, for example, California Dept. of Water Resources, "Progress on Incorporating Climate Change Into Planning and Management of California's Water Resources: Technical Memorandum," July 2006. Sufficient modeling data now exists to permit estimates of risk in future years.

The elevation and flow of the Sacramento and American Rivers adjacent to Natomas Basin, are affected by the level of the sea and tidal action, particularly during winter and spring, when the tides are the highest and when the flows of the Sacramento and American Rivers are the greatest. The juxtaposition of high tide and high river flows led to the near-overtopping of the Sacramento River east levee, at Sacramento, in 1987. It is logical to conclude that the predicted rise in sea level, accompanied by a correlating rise in the elevation of the tides, may affect the influence of high tides on the surface elevation and flow of the Sacramento River. A probable consequence would be to increase the river's surface elevation beyond what it is under today's tidal conditions.

Assuming, hypothetically, that winter and spring precipitation remains the same, and that the prediction of generally warmer winters is accurate, then a larger proportion of the winter and spring precipitation on the Sacramento and American River watersheds will be in the form of rainfall, which drains to the Sacramento and American Rivers, and a lesser proportion will be retained as snowpack, which melt more gradually in the spring. This phenomenon has already been observed occurring in recent years, as northern California's winter snowline shifts to higher elevation, and rains more frequently fall onto snowpack during winter.

The scenario of sea level rise and warmer winters during the lifetime of the Panhandle project have potential to lead to increased volume and surface elevation of the 100-year flood event, and more frequent occurrence of what is recognized by the Corps today as the 100-year flood event under present conditions.

Thus, the Recirculated DEIR should base its analysis of flood hazard not only on the present flows of the Sacramento Rivers, but also on the projected future flows and surface elevations during the lifetime of the project which take into account climate change, including the effects of (1) rising sea level, and (2) a higher proportion of winter precipitation being in the form of rainfall, possibly leading to increased rate and volume of runoff during the winter and early spring. Recent scientific studies regarding the effect of global warming on California's future climate and water regime are readily available from the State of California global climate change website.

Climate change in the near future which will affect sea level and flows of the Central Valley rivers is now recognized as something that will happen, and cannot be dismissed as too speculative for analysis and consideration in an EIR for a project which is protected from deep flooding by levees which the Corps has determined do not meet even the FEMA standards for protection against the 100-year flood event.

- d. **Exposure Of City And Possibly LAFCO To Legal Liability For Consequences Of Flooding Of Project Approved With Knowledge That Project Was Exposed To Hazard Of Flooding**

The *Paterno* decision found the State of California liable for damages to persons and property arising from a 1986 levee breach because the State knew that a levee section was defective and did not make repairs. The full scope of governmental legal liability for damages due to flooding have not yet been determined. The City does not address the issue of liability for approving development in areas that are not safe. The City exposes itself to future court or legislative action that will extend liability to local government, such as the City of Sacramento when it exercises its discretion to approve a project in a floodplain with full knowledge that engineers and the Corps have determined that the project site has less than 100-year flood protection. Despite SAFCA's plans for upgrading the levees, which are not yet funded and which cannot be implemented until fully funded, the project site and the entire Natomas Basin, will be remain exposed to unreasonable flood hazard until the levees are upgraded to a level sufficient to protect against flood hazard.

Be assured that if there is a levee breach, and massive damage therefrom, the City will be one of the defendants named in the resulting lawsuits.

The cost of defending litigation and paying awards of damages may significantly impact the environment to the extent that City's ability to perform those functions which would benefit the environment (e.g.: trash collection, parks) may be impeded by the diversion of resources to defending litigation and paying damages. The DEIR should address the potential for such impacts.

LAFCO should also consider that its approval of this annexation, with full knowledge of City's intention to permit residential development of the Panhandle without adequate flood protection, may carry the possibility of exposing LAFCO to potential liability in the event of levee breach and flooding.

**2. Development of the Panhandle Would Violate Sacramento General Plan Section 8, Health and Safety, Goal A, Policy One (Flood Hazards)**

Development on the Panhandle site prior to upgrade of the levees to 100-year level of flood protection (current FEMA and Corps standards) would be inconsistent with Sacramento City General Plan Section 8, Goal A, Policy One, Flood Hazards, which states:

"Prohibit development of areas subject to unreasonable risk of flooding unless measures can be implemented to eliminate or reduce the risk of flooding." (DEIR p. 4.11-10.)

DEIR p. 4.11-10 states that the project is consistent because "it is currently located in FEMA Zone X, designating areas protected from 100-year flood by levees." As stated above, the Corps, DWR, and SAFCA have determined that Natomas Basin, including the Panhandle, is not protected from flooding at the 100-year level. The current designation of Natomas Basin as being in FEMA Zone X is outdated and is based on a Corps opinion which was formally withdrawn.

Lester Snow, Director of DWR, in his letter dated November 21, 2006, **EXHIBIT THREE**, p. 2, first paragraph, states that "with less than 100-year flood protection, the chance of homes [in Natomas Basin] flooding over the next 10 years is approximately 10 percent."

The Director of the California Department of Water Resources has stated that Natomas is at high risk of flooding from the Sacramento or American Rivers due to having less than 100-year flood protection. (see **EXHIBIT THREE** p. 1.) The Executive Director of SAFCA, *supra*, has stated that less than 100-year flood protection is "high risk"? (See **EXHIBIT SEVEN**, p. 1) If not, please explain why not.

Does City believe that the expert opinions of the Directors of DWR and SAFCA is conclusive evidence that there is "unreasonable risk of flooding", which requires prohibition of development in the Basin under General Plan Section 8, Goal A, Policy One (Flood Hazards), *supra*?

If not, please explain why City believes that there is not unreasonable risk of flooding which triggers the prohibition against development in the Basin pursuant to General Plan Section 8, Goal A, Policy One (Flood Hazards).

Isn't new development Panhandle project site inconsistent with this General Plan policy?

If City believes that new development on the Panhandle project site, prior to upgrading of the levees to 100-yr level of flood protection as determined by current Corps standards, is consistent with General Plan Policy One, Flood Hazards, please explain why.

**3. Development of the Panhandle Would Violate the North Natomas Community Plan Flood Control Policy Guiding Policy A**

Development on the Panhandle site prior to upgrade of the levees to 100-year level of flood protection (current FEMA and Corps standards) would be inconsistent with the North Natomas Community Plan Flood Control Guiding Policy A, which states:

"One hundred year flood protection must be obtained prior to any new residential development in the North Natomas Community." (DEIR p. 4.11-12.)

The DEIR, p. 4.11-12, states that "this level of flood protection has been previously obtained", which was once believed to be true. Per the documents and reports cited and discussed above, it is now known that the Basin does not have 100-year flood protection, which is known to City. City's assertion in this DEIR that the Basin currently has 100-year flood protection is dishonest.

City cannot rely upon the fact that FEMA's Flood Insurance Rate Map (FIRM) still shows the Basin as outside the 100-year flood plain. Per the documents cited above, the Basin clearly does not have 100-year flood protection.

**4. Flood Hazard for the Basin Has Increased Since 1997 Due to Levee Improvements On the Feather and Yuba Rivers Upstream of Sacramento**

The DEIR, p. 4.11-2, references the "demonstrated ability of the applicable levees to withstand high flows in the Sacramento and American Rivers during the storms of 1997.

The DEIR fails to disclose that the east levee of the Feather River failed in the 1997 storms, thereby causing the diversion of a large volume of water into the Middle American Basin, between Yuba City and the Bear River, and its temporary detention during the remainder of the flood. Had the Feather River levee held, this volume of water would have passed by Sacramento at the height of the 1997 event. Whether the Sacramento River levee would have held if the Feather River levee had not failed in 1997 is unknown. The same situation occurred in the 1986 flood event.

During the past two years, those parts of the Feather and Yuba River levees which failed in 1986 and 1997, and other vulnerable portions of the Feather-Yuba-Bear River levees have been upgraded. Consequently, it is much less likely that the Feather-Yuba-Bear River levees will fail during a future major storm event. Consequently, the DEIR should re-examine its assessment of the likelihood of flooding in light of the fact that the area east of the Feather River upstream of Sacramento is much less likely to provide a de fact "detention basin" during future major storm events.

We hope these comments are helpful in clarifying community concerns about the proposed Panhandle project area development.

Sincerely,



Barbara Graichen, President  
Natomas Community Association  
916-991-2177



Janis Heple, Chair  
Sacramento Group, Sierra Club



Andy Sawyer, President  
Environmental Council of Sacramento  
916-442-4215



Jude Lamare, President  
Friends of the Swainson's Hawk  
916-447-4956

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May 24, 2007

Chair and Members  
Sacramento City Planning Commission  
915 I Street  
Sacramento, Ca. 95814

**Re: M05-031/P05-077 Northgate 880/Panhandle**

Dear Joseph Yee, Chair, and Members of the Commission,

I represent Sierra Club, ECOS - The Environmental Council of Sacramento and Friends of the Swainson's Hawk. We filed extensive comments on the DEIR. We learned about the hearing earlier this week and are requesting more time to be able to review the FEIR and comment in detail. Staff did not mail notices of availability of the FEIR, nor the FEIR, to us. Staff also advises that it did not send notice of this hearing to us, although it appears that a notice of hearing but not notice of availability of the FEIR was sent to ECOS. We understand that other parties received copies of the FEIR on Saturday May 19, which leaves much too little time for review of an FEIR for a project with controversial issues.

We object to the approval of the project as presented.

**1. Certification of EIR. CEQA Guidelines § 15025(b) and (c) prohibit certification of an EIR by the Planning Commission in projects where the Planning Commission sits as an advisory body to make a recommendation on the project to a decision-making body (Board of Supervisors).**

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CEQA Guideline § 15025 (b)(1) states:

"(b) The **decision-making body** of a public agency **shall NOT delegate** the following functions:

(1) Reviewing and considering a Final EIR or approving a Negative Declaration prior to approving a project."

CEQA Guideline § 15025 (c) states:

"(c) Where an advisory body such as a planning commission is required to make a recommendation on a project to the decision-making body, the advisory body shall also review and consider the EIR or negative declaration in draft or final form."

Guideline 15025, like many of the CEQA Guidelines, is followed by Discussion by the drafters intended to provide interpretation of the Guideline (c) says (attached.):

"Subsection (c) reflects an administrative interpretation **which applies the requirements of CEQA to advisory bodies. Such bodies** need not and **may not certify an EIR**, but they should consider the effects of a project in making their decisions."

Here the Commission is only advisory to the Council on most aspects of the project approval, including key elements such as application for annexation and amendment of the General Plan. The decisions proposed for the Commission to approve cannot be implemented without the Council approval of all of the other elements of the staff recommendation.

**2) Definition of Flood Hazard Safety Measures.** The FEIR and staff report recommend that the project mitigate placing new houses in a flood hazard area by compliance with those conditions that will be imposed by FEMA which are predicted to be in the AE Zone, AR Zone and/or A99 Zone. However, the FEIR and staff recommendation fail to disclose what levels of safety are required by each FEMA zone. A 99 zone, for instance, requires no protections at all. CEQA requires information like this to be disclosed to the public and decision makers so that informed opinions based on fact can be developed before making decisions about approvals.

The environmental community and community associations in Natomas have asked the City to adopt a moratorium on further development entitlements in the Natomas Basin until the levees are repaired. This proposed project approval and accompanying EIR fail to adequately disclose the full consequences of improving more development now, and the EIR does not respond adequately to the request for a moratorium on growth approvals in the face of very high uncertainty about future flood protection.

**3) Open Space Buffer.** The SACOG Blueprint principles do not justify eliminating the open space buffer from the community plan as claimed by staff. The EIR fails to respond to our comments on the importance of maintaining the open space buffer as originally planned. The Staff recommendation refers to Smart Growth Principles that do not address transitions between urban uses and rural and natural conservation areas. Moreover, the EIR alternative that includes the Open Space Buffer on the east side of the project area has higher density land uses and is very compatible with the Blueprint principles.

**4) Finance Plans.** As we pointed out in the DEIR, the Finance Plan should be circulated for a 45 day review period. That has not been done. Moreover, the mitigation program now refers to two financing plans, including a future finance plan for all park, trails, open space/parkway or other open space areas:

Finance Plan: The Applicant shall provide a Finance Plan for the project prior to final map approval that includes the development of all designated park facilities, trails, open space/parkway or other open space areas anticipated to be maintained by the City of Sacramento Department of Parks and Recreation. The Plan shall include all improvements costs associated with the designated park facilities, trails, open space/parkway or other open space areas along with ongoing maintenance and operation costs for these facilities in perpetuity.

The public has a right to review of any Finance Plan as an integral feature of the mitigation program. The public and decision makers cannot form an opinion on the feasibility of the trails, open space and parks without an opportunity to review and comment upon the financing plan prior to project approval. To postpone the financing plan until after project approval is a violation of CEQA.

**5. Agricultural Land Impacts Not Mitigated.** The project has significant direct and cumulative impacts on preservation of agricultural lands. Mitigation Measure 4.2.1 proposes to "stack" mitigation of loss of agricultural land onto the mitigation requirement established by the Natomas Basin Habitat Conservation Plan for protection of threatened species.

Mitigation Measure 4.2.1 (From MMP). The Applicant shall protect one acre of existing farmland of equal or higher quality for each acre of Prime Farmland or Farmland of Statewide Importance that would be converted to non-agricultural uses in the Panhandle PUD. This protection may consist of the establishment of farmland easements or other appropriate mechanisms. The farmland to be preserved shall be located within the County. This mitigation measure may be satisfied by compliance with other mitigation requirements involving the permanent conservation of agricultural lands and habitat.

This impact is significant and unavoidable.

As we have stated previously in comments on the DEIR, it is not appropriate to use habitat lands to mitigate for agricultural impacts.

"There is no substantial evidence that preservation of habitat mitigation land under the NBHCP will also mitigate for loss of farmland. The farmland and endangered species habitat mitigation requirements having differing goals which in some instances are incompatible. Mitigation for loss of agricultural land is intended to preserve production agriculture. By contrast the Natomas Basin Conservancy is mandated to manage its land as "high quality habitat" for covered species, notably the threatened Giant Garter Snake and the Swainson's Hawk. Twenty-five percent of NBC land is required to be converted to managed marsh, a non-agricultural use, and another 25% managed for high quality upland habitat values, which, due to soil and agricultural market conditions, is nearly impossible to achieve in the Basin on land managed for production agriculture. Moreover, it cannot be determined whether "stacking" can succeed for Panhandle's agricultural and habitat mitigation, because no land has been identified for the proposed mitigation of habitat and agricultural impacts of the Panhandle project."

Very Truly Yours,



JAMES P. PACHL, Attorney

**TEXT OF CEQA GUIDELINE SECTION 15025**

## 15025. Delegation of Responsibilities

(a) A public agency may assign specific functions to its staff to assist in administering CEQA. Functions which may be delegated include but are not limited to:

- (1) Determining whether a project is exempt.
- (2) Conducting an Initial Study and deciding whether to prepare a draft EIR or Negative Declaration.
- (3) Preparing a Negative Declaration or EIR.
- (4) Determining that a Negative Declaration has been completed within a period of 180 days.
- (5) Preparing responses to comments on environmental documents.
- (6) Filing of notices.

(b) The decision-making body of a public agency shall not delegate the following functions:

(1) Reviewing and considering a final EIR or approving a Negative Declaration prior to approving a project.

(2) The making of findings as required by Sections 15091 and 15093.

(c) Where an advisory body such as a planning commission is required to make a recommendation on a project to the decision-making body, the advisory body shall also review and consider the EIR or Negative Declaration in draft or final form.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21082, 21100.2 and 21151.5, Public Resources Code; *Kleist v. City of Glendale*, (1976) 56 Cal. App. 3d 770.

**Discussion:** This section is a recodification of former Section 15055 with one additional feature. The section is necessary in order to identify functions in the CEQA process that a decision-making body can delegate to other parts of the Lead Agency. The agency can operate more efficiently when many functions are delegated to the staff rather than requiring the decision-making body to perform all the functions.

**Subsection (b)** codifies the holding in *Kleist v. City of Glendale* by identifying the functions that cannot be delegated. The functions of considering the environmental document and making findings in response to significant effects identified in a final EIR are fundamental to the CEQA process. These steps bring together the environmental evaluation and the decision on the project. This section is intended to assure that the environmental analysis of a project is brought to bear on the actual decision on the project. The section also serves to guide agencies away from practices that have been ruled invalid.

**Subsection (c)** reflects an administrative interpretation which applies the requirements of CEQA to advisory bodies. Such bodies need not and **may not** certify an EIR, but they should consider the effects of a project in making their recommendations. This section also suggests that advisory bodies may consider a draft EIR.  
(Underlining added for emphasis/ jpp)



May 27, 2016

Dana Mahaffey  
City of Sacramento, Community Development Department  
Environmental Planning Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811-0218  
dmahaffey@cityofsacramento.org

Subject: NOP of an EIR for the Panhandle Annexation and Planned Unit Development (P16-013)

Dear Ms. Mahaffey:

Thank you for the opportunity to comment on the scope of the subject EIR. Rationalizing the City's northern boundary makes implementing a continuous bicycle network much simpler. Once this proposal is decided, we hope the City will consider the same idea for the City's southern/southeastern boundary.

For the EIR analysis, the proposed annexation and Planned Unit Development will have a significant adverse impact on bicycling if it "fails to adequately provide for access by bicycle." A failure to provide adequate access for bicyclists will occur if the project does not have these elements:

- An internal bikeway network that is safe, comfortable, and continuous for riders of all ages and abilities (i.e. a low-traffic-stress network as defined in Mekuria et al., 2012), and
- Connections between the internal bikeway network and important destinations in surrounding neighborhoods.

Internal Bikeway Network. We request that the EIR describe all proposed bikeway facilities, their types (e.g. separated pathway, on-street bike lane, shared roadway, or protected bike lane), and the internal destinations to which they connect. Specifically, the EIR should report expected traffic volumes and speeds on streets planned for on-street bike lanes or shared roadways. The low-traffic-stress bikeway network should connect to the school site and to the commercial area in the southern area of the project. The bikeway facilities to these destinations should be suitable for parents riding with children, given the abundance of residences in the surrounding portions of the project area.

External Bikeway Connections. We request that the EIR describe how the internal bikeway network will connect with the City's existing and proposed bikeway facilities in surrounding City neighborhoods. For example, the project bikeway network should connect with safe and comfortable bikeways to the separated bikeways along Natomas Boulevard, the East Drainage Canal, and the East Main Drainage Canal. Connections to the external network should provide biking access to nearby shopping areas, schools, and employment centers.

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

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink that reads "Jordan Lang". The signature is written in a cursive, slightly slanted style.

Jordan Lang  
Project Analyst

CCs: Paul Philley, SMAQMD (pphilley@airquality.org)  
Jennifer Donlon Wyant, Sacramento Active Transportation Program Specialist  
(jwyant@cityofsacramento.org)

Citation: Mekuria, Maaza, Peter Furth, and Hilary Nixon. *Low-stress bicycling and network connectivity*. Mineta Transportation Institute, San Jose State University. May 2012. Report 11-19.



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## Central Valley Regional Water Quality Control Board

19 May 2016

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

CERTIFIED MAIL  
91 7199 9991 7035 8421 3124

### **COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, PANHANDLE ANNEXATION AND PLANNED UNIT DEVELOPMENT PROJECT, SCH# 2016042074, SACRAMENTO COUNTY**

Pursuant to the State Clearinghouse's 27 April 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Panhandle Annexation and Planned Unit Development 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/](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](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](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

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

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/caltrans.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml).

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

### **Clean Water Act Section 404 Permit**

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<sup>1</sup> 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.

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 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](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](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](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/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto: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](mailto: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](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](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

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



Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

**From:** [Steve Letterly](#)  
**To:** [Dana Mahaffey](#)  
**Cc:** "[demetercorp@sbcglobal.net](#)"; "[margiec@sparetimeinc.com](#)"; "[john.norman@brookfieldrp.com](#)"; "[francesknight07@comcast.net](#)"; "[George Phillips \(gphillips@phillipslandlaw.com\)](#)"; [Gregory Thatch](#); "[John OFarrell \(ofarrellj@comcast.net\)](#)"  
**Subject:** Natomas North Precinct Landowners Comments on Panhandle Annexation and Planned Unit Development Notice of Preparation  
**Date:** Friday, May 27, 2016 11:56:44 AM

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The following comments are submitted on behalf of the Natomas North Precinct Landowners (Landowners). The Landowners are the project applicant for the Natomas North Precinct Master Plan.

The Natomas North Precinct Master Plan (Master Plan) is a ±5,699.3-acre mixed-use project located in the Natomas community of unincorporated northwestern Sacramento County, south of Sutter County and southwest of Placer County, east of Highway 99, and north of the City of Sacramento. The Master Plan includes a broad range of residential land uses, as well as commercial and employment land uses and schools, parks and open space to support the residential land uses. The Master Plan will amend the Sacramento County General Plan Land Use Diagram to change the land use designations within the Plan Area (± 5,699.3 acres) from Agricultural Cropland (±5,699.3 acres) to Low Density Residential (±2,560.6 acres), Medium Density Residential (±265.7 acres), Commercial & Office (±703.3 acres), Public/Quasi-Public (±241.9 acres), and Recreation (±1,927.9 acres).

The Master Plan is situated adjacent to the Panhandle Annexation and Planned Unit Development (Panhandle) immediately north of Elkhorn Boulevard. The County of Sacramento issued a Notice of Preparation for the Master Plan on April 28, 2016. Thus, the Master Plan must be considered in the cumulative impact analysis for the Panhandle. In addition, we would appreciate the opportunity to coordinate with the City and Panhandle applicant on the scope of work for the traffic impact analysis and other technical studies that have potential interrelationships between the two projects, including but not limited to noise and hydrology.

Thank you for your consideration and we look forward to coordinating with you as these two projects proceed through the CEQA evaluation phase.

Sincerely,

Steve Letterly  
Natomas North Precinct Project Manager  
Letterly Environmental & Land Planning Management  
1278 Glenneyre St. #130  
Laguna Beach, CA 92651-3103  
sletterly@letterlymgmt.com  
Cell 949-422-2860

**From:** [Kathryn Gillespie](mailto:Kathryn.Gillespie@cityofsacramento.org)  
**To:** [NNatomas@aol.com](mailto:NNatomas@aol.com)  
**Cc:** [auntielibby@macnexus.org](mailto:auntielibby@macnexus.org); [chrisp552@gmail.com](mailto:chrisp552@gmail.com); [mdfling@gmail.com](mailto:mdfling@gmail.com); [hbrickner@golyon.com](mailto:hbrickner@golyon.com); [lynnlenzi1@yahoo.com](mailto:lynnlenzi1@yahoo.com); [Ryan DeVore](mailto:Ryan.DeVore@cityofsacramento.org); [Angelique Ashby](mailto:Angelique.Ashby@cityofsacramento.org); [Aelita Milatz](mailto:Aelita.Milatz@cityofsacramento.org); [jwaw@cityofsacramento.org](mailto:jwaw@cityofsacramento.org); [Lindsey Alagozian](mailto:Lindsey.Alagozian@cityofsacramento.org); [david@davidlichman.com](mailto:david@davidlichman.com); [Hector Barron](mailto:Hector.Barron@cityofsacramento.org); [sbattimarco@robla.k12.ca.us](mailto:sbattimarco@robla.k12.ca.us); [D1](mailto:D1@cityofsacramento.org); [mpettis@ulink.net](mailto:mpettis@ulink.net); [Samar Hajeer](mailto:Samar.Hajeer@cityofsacramento.org); [Dana Mahaffey](mailto:Dana.Mahaffey@cityofsacramento.org); [Kevin Greene](mailto:Kevin.Greene@cityofsacramento.org); [nlichman@aol.com](mailto:nlichman@aol.com); [brian@holloway.com](mailto:brian@holloway.com)  
**Subject:** Re: Last night - Accident on Sorento  
**Date:** Sunday, May 29, 2016 9:18:33 PM

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Dear Barbara:

Thank you for bringing this important information to our attention. It will be considered by the Community Development Department as we proceed with our review and comment on the proposed annexation. I am relieved you and your neighbors weren't injured last night.

Kate Gillespie, AICP  
Planning Director  
Community Development Department  
City of Sacramento  
916.808.2691 Desk  
916.531.2275 Cell

*Sent from my Verizon phone.*

On May 29, 2016 8:53 PM, NNatomas@aol.com wrote:

Dear Angelique and all,

Last night, someone ran a car into a power pole across the street (5020 Sorento) from my house. There were two long bangs and two power interruptions in our area. SMUD was busy last night and this morning. Six weeks ago, a speeding youth ran into the other power pole in front of my property knocking it down. The driver was observed being picked up by a friend and fled the scene. About 400 houses were without power for several hours. Fortunately, I have candles. SMUD worked through the night to replace the pole.

Both of these accidents occurred since the City sent the Panhandle project to us on February 11.

The City spent \$50,000 to get people off the dangerous East Levee and Sorento Roads in 2004 as part of a Traffic Calming Process.

When we talk about accidents, death and injuries, we are not kidding. These two accidents occurred because kids party on the hill near the school site, get drunk and race on our road.

The Panhandle project proposes three access roads to Sorento and thus the East Levee Road. Each of these roads facilitates through traffic from Elkhorn and Del Paso Road via National and another north-south route. Numerous teenagers will leave the high school and find their way here to speed on the narrow shoulder less levee road which is considered great fun, and Sorento and Carey.

Before our road network was closed to through traffic, accidents occurred at least weekly; some were fatal. One person was airlifted from in front of my next door neighbor's house; another taken away by ambulance from mine. Someone died at the north curve. People regularly drove into my neighbor, Bob's yard north of Barros. A number of people drove off the East Levee Road into neighbors' yards along Tunis or worst into high waters. When we talk about the danger of reopening our roads to substantial traffic, we are not exaggerating.

I need to remind you that this is the first time any Panhandle applicant has proposed access to Sorento from national. At the scoping meeting on May 9, the applicant's engineer told me they could eliminate

the south access to Sorento; and apparently told my neighbor they could eliminate the other accesses. We have not seen anything in writing to verify such actions. We welcome the opportunity to resolve this issue with the applicant.

However, we need your help to ensure a safe neighborhood with calmed traffic pursuant to City policy and human compassion. Please work to remove these road accesses to Sorento. Please call me if you have any questions. Dana and Garrett, could you please add this correspondence to the project file.

Thank you.

Barbara Graichen  
Valley View Neighbors Working Together  
718-0877; 991-2177

PS We are not suggesting that the Panhandle proposal includes opening the gate at the East Levee Road and Elkhorn. There is apparently some confusion about that.

Partial Response 1 NOP - Panhandle  
P-16-013

Catherine Hack  
Environmental Coordinator  
Sacramento County  
827 7<sup>th</sup> Street, Room 225  
Sacramento, CA. 95835

MAY 31 2016  
RECEIVED

May 29, 2016

**Subject: Response to Notice of Preparation (NOP) for the Natomas North Precinct Plan (NNPP), Control Number: PLNP2014-0017; State Clearinghouse Number: 2016042079.**

Dear Ms. Hack:

Thank you for the opportunity to respond to the NOP for the NNPP DEIR. At this time, we would like to briefly list our areas of concern, and request that the related potential significant project-specific and cumulative adverse impacts be reviewed in the DEIR. Many of these concerns have been previously voiced over the past twenty years.

**1. Water:** For the last four years, and most critically in summer and fall of 2015, the Governor's Office, State Department of Water Resources, local water agencies and the Sacramento Bee reported an insufficient water supply to meet area water needs. Draconian water conservation requirements were passed and enforced. Evidence of an adequate groundwater supply, and adopted conjunctive use plans, were insufficient to prove to state regulatory agencies that adequate water was available. Therefore, high-percentage water use cutbacks remained in place. Trees and lawns in North Natomas died (tour Northgate Blvd. and North Market and view numerous dead mature trees for proof of this assertion).

The Bee often reported that there was insufficient water to meet the needs of existing, and currently approved but not yet constructed, development. This project proposes 5,600 acres of development which uses existing sources known to the state but considered inadequate by the Governor, State, and The Bee. State law requires that new development projects prove the existence of an adequate water supply. There is no new water source for this project. There will not be adequate water for future residents.

Existing agricultural operations may be affected by increased costs from Natomas Mutual Water Company's transformation to a drinking water provider, and/or the diversion of existing water supply from agriculture to urban development.

Finally, existing neighborhoods and agricultural properties on wells could lose their water source, or be forced to drill deeper wells, as this mega-project may create a Natomas cone of depression during a multi-year drought. The latter is a serious concern to the Valley View Acres neighborhood.

Additionally, we are concerned about the potential impacts of ground subsidence from pumping on the stability of the levee system, especially during high water events. This issue has not been discussed or has been minimally discussed in the South Sutter County, Greenbriar, Joint Vision/Natomas Precinct, Panhandle, and Metro Air Park project evaluations. Will 100 or 200 year flood protection be undermined by over-drafting or by the pressure of increased water levels or erosion from increased water velocities on the water side of the levees?

Additionally, the Water Forum agreement does not include water for urban development of this site; regional impacts are substantive and significantly adverse. The state has been highly critical of groundwater use especially in the past year. Even though we do not agree with this project, if it proceeds, it is best undertaken in the City of Sacramento which has a surface water supply from the American River. In fact, the Cortese Knox Hertzberg Act supports development within cities as opposed to counties. This project is outside of the County's Urban Services boundary. Counties are not intended to act as full service providers. Cities are.

**2. Water Quality:** The use of Steelhead Creek as a collector for polluted urban runoff will endanger Steelhead, Salmon and other fish and wildlife using the creek. Residents who play and fish in the creek will be subject to high levels of heavy metals and toxins from urban runoff. Water quality and clarity will be diminished by the addition of phosphates and nitrates. The difference between existing periodic agricultural runoff and year round urban runoff will be significant and adverse.

**3. Flooding:** Natomas is a deep basin; much of it was swamp or swale. More than a dozen streams emptied into it. Two of them (Dry and Robla Creeks) passed through the city near the project site; several others emptied into the project site. Natomas was so wet that it was crossed by steamboat during most months.

There have been four substantive high water years in the past 50: 1983; 1986; 1995 and 1997. Each of those events proved that the level of flood protection believed to be in place was not in place. 70 year protection was relabeled as 40; 100 as 70, etc. These events caused two subsequent flood control moratoriums in the project area. **All SAFCA and Corps of Engineer's documents indicate that the Natomas basin will eventually flood;** perhaps, only once in the next hundred years or twice, but it is projected to occur. The once in a hundred year flood event may occur next year. Natomas is a deep floodplain. It should never have been developed. 55,000 more people should not move here. It is unsafe.

The project proposes to use Steelhead Creek for drainage. In 1986, water from Steelhead Creek backed up into Rio Linda and Elverta and the Ascot area. It flooded Brashier's auto business, emptied tires from local junkyards and deposited them throughout neighborhoods. Second floors of houses were flooded. It was terrible. Refer to aerials flown by State Water Resources which show the extent of flooding. SAFCA had copies. We may still have a set.

Rio Linda and Elverta residents claimed that water pumped from the Natomas Basin into Steelhead Creek was a large cause of their flooding or at a minimum exacerbated it. (In a very tense and hostile environment, some threatened to blow up the pump north of Elkhorn or levee to protect their families and properties.) Strawberry Manor won a lawsuit which partially argued this issue. This project proposes to pump large quantities of runoff into a creek which already floods. Streams emptying into it already back-up when reaching the creek. This project has the potential to greatly increase existing flooding and associated impacts.

Certainly SAFCA's pump station will eliminate the anticipated flooding from American River water back-up. However, the floodway and pump station are inadequate to carry so much additional runoff. Levees will be stressed. Roads to the east of the project site (Sorento north of Elverta Road, as an example) experience deep flooding during high water events due to

inadequate elevation changes and back-up in Steelhead Creek. This project will exacerbate flooding in those areas.

**4. Premature and Growth Inducing:** SACOG, a regional agency which includes representatives from the Sacramento County Board of Supervisors and Sacramento City Council has determined that this area, and the Panhandle area to the south, are not needed for growth through 2035 and likely longer. There is already plenty of land approved for development within the city limits in N. Natomas, including Greenbriar, Delta Shores, in the County, in Rancho Cordova, South Sutter County and Isleton (see attachment A, ECOS letter to Sacramento County Board of Supervisors dated December 16, 2015.) This project could cause leapfrog development and induce growth on agricultural land in the Natomas basin. Smart and Compact growth reduces traffic and air quality impacts in a basin which regularly exceeds permitted carbon monoxide and particulate matter levels. This project undermines local, state, regional and federal air quality and traffic management goals, by enabling growth away from planned transit corridors and perimeter growth before infill is completed. Our neighborhood will suffer from the smog, noise and congestion caused by this project.

Finally, this project appears inconsistent with local, state and federal air quality attainment plans and greenhouse emissions reductions plans.

**5. Agriculture and Prime Farmland:** The Natomas basin contains prime agricultural land. Agriculture is the best land use for prime land in a deep floodplain (also see 4 above).

**6. Traffic, Use of the Panhandle for Southerly Access.** It appears the road network in the county panhandle is being designed to accommodate traffic from Natomas North precinct. When Truxel Road (now Natomas Boulevard) was extended to Elkhorn Boulevard, mitigation measures were required which ensured that southerly access from the Joint Vision/North Precinct would not be provided through the City (The project file for the extension of Truxel Road, and all public hearing transcripts and reports, are hereby incorporated by reference). The Panhandle project includes major through streets to the north. If access to Interstate 80 exits is obtained, the traffic impacts will be numerous and objectionable.

The Panhandle currently proposes to open up Sorento Road and Valley View Acres to through traffic from Elkhorn Boulevard via proposed north/south roads. The additional adverse effects of traffic from the proposed project through our neighborhood need to be assessed, especially health and safety impacts stemming from accidents on the E. Levee and Sorento Roads.

This project could undo the work of the City approved Traffic Calming Plan for Valley View Acres. The roads in Valley View Acres are long and attractive to speeders. When the North Natomas Community began to build out, traffic volumes on Sorento Road quickly escalated into the thousands. The E. Levee Road and Sorento became very dangerous with traffic fatalities on both. People drove off the levee and crashed.

Drivers lost control and drove into the yards at the Sorento curves north of Barros, and into the two poles by the curve south of Barros near the proposed Mayfield extension. SMUD had to replace poles on more than one occasion.<sup>1</sup> There is a hill which impedes the view of

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<sup>1</sup>In fact, a speeding youth who had been partying at the unoccupied Twin Rivers school site ran into the utility pole across from

oncoming traffic and cars backing out of driveways. By the time the city acted to close Sorento to through traffic as allowed in the 1994 North Natomas Community Plan, accidents were an almost daily occurrence, with many fender benders that went unreported. It was unsafe to walk along the road, or retrieve one's mail.

There were several reports of children who while waiting for the school bus on narrow streets, especially Carey and Sorento Roads were forced to jump into ditches to avoid speeding traffic. Frantic mothers yelled at cars; one Carey Road mother followed a car to the driver's place of employment and reported an incident to the driver's employer. Friends, turning into properties along Sorento were sometimes rear-ended. Collisions occurred at the Sorento/Del Paso Road intersection. The City recognized our safety concerns and fixed the problem. [All city files pertaining to traffic issues (accidents, speeding, natural hazards, nuisance impacts) on Sorento, East Levee Road and Valley View Acres are incorporated by reference including the City staff reports and supporting documentation for City Council approvals.] If the Panhandle area is used as a southerly access with the currently proposed road network for the Panhandle proposal, significant adverse health and safety impacts will occur. A mitigation measure should be required which limits access from the Panhandle to a total of two lanes consistent with the Truxel Road extension project mitigation measure (see file).

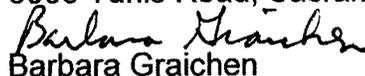
**7. Panhandle Project (City of Sacramento Control Number: P-16-013).** This EIR needs to be coordinated with the EIR for the City's Panhandle project. It needs to be considered a pending project for evaluation of project specific and cumulative impacts. Also, Valley View Acres is preparing to submit a plan to reinstate its rural estates General and Community Plan designations (one acre minimum parcel designation). This should be considered an anticipated project.

**8. Wildlife, Open Space, Habitat Conservation.** This area is rich in wildlife and important open space. It is not included in the Natomas Habitat Conservation Plan. The County has spent more than 20 years trying to adopt a habitat conservation plan in the south county. Any mitigation requiring a habitat conservation plan needs to require that the plan be approved prior to the issuance of any grading permits or infrastructure development, including water, road and drainage.

Thank you.



David Lichman, Leader  
Valley View Acres Neighbors Working Together  
5000 Tunis Road, Sacramento, California 95835

  
Barbara Graichen  
President, North Natomas Community Association  
5010 Sorento Road, Sacramento, California 95835

Cc Dana Mahaffy  
City of Sacramento (Panhandle Project No. P-16-013 NOP response)

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5000 Sorento a few months ago. Many people were without electricity for most of the night. The Panhandle project connects Sorento to the new high school. On May 29, another speeder ran into a power pole at 5020 Sorento.

**Attachment A**

Table A-1

Approved or Pending Greenfield Plans included in adopted 2035 MTP/SCS as Developing Community	Total Housing Units Planned/Proposed in Project	Housing Units Estimated to be Built by 2035 in Adopted MTP/SCS	Approved or Pending Greenfield Plans not included in adopted 2035 MTP/SCS	Total Housing Units Planned/Proposed in Project
<b>Isleton</b>			<b>Isleton</b>	
			Village on the Delta Specific Plan	300
<b>Rancho Cordova</b>			<b>Rancho Cordova</b>	
Sunridge Specific Plan	8,763	7,571		
Rio Del Oro Specific Plan	11,601	8,057		
Ranch At Sunridge Specific Plan	2,713	2,296		
Suncreek Specific Plan	4,893	1,834		
Arboretum <sup>1</sup>	4,742	571		
Westborough <sup>1</sup>	6,078	756		
<b>Sacramento</b>			<b>Sacramento</b>	
Delta Shores Specific Plan	5,092	5,077		
<b>Unincorporated Sacramento County</b>			<b>Unincorporated Sacramento County</b>	
Elverta Specific Plan	4,950	1,507	Cordova Hills Specific Plan	9,010
North Vineyard Station Specific Plan	6,063	3,292	Jackson Township Specific Plan	6,143
Vineyard Springs Specific Plan	5,942	3,740	Newbridge Specific Plan	3,075
Vineyard Community Plan	6,610	5,251	Northwest Special Planning Area	22,000-25,000
Florin Vineyard Specific Plan	9,919	2,552		
Glenborough at Easton Specific Plan	3,239	3,262		
West Jackson Specific Plan	15,658	5,150		
Mather South Specific Plan	2,504	1,039		
<b>Sutter County</b>			<b>Sutter County</b>	
<b>Live Oak</b>			<b>Live Oak</b>	
			Live Oak northern annexation <sup>1</sup>	2,700
			Live Oak SOI <sup>1</sup>	10,900



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

Memorandum

**Date:** May 24, 2016  
**To:** All Reviewing Agencies  
**From:** Scott Morgan, Director  
**Re:** SCH # 2016042074  
**Panhandle Annexation and Planned Unit Development**

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Pursuant to the attached letter, the Lead Agency has *extended* the review period for the above referenced project to **June 13, 2016** to accommodate the review process. All other project information remains the same.

cc: Dana Mahaffey  
City of Sacramento  
300 Richards Blvd, Third Floor  
Sacramento, CA 95811



**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

5109 Tyler Street  
Sacramento, CA 95841  
(916) 348-2300  
(800) 735-2929 (TT/TDD)  
(800) 735-2922 (Voice)



May 26, 2016

File No.: 250.13760.12146.E16-010

Ms. Dana Mahaffey  
City of Sacramento  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

Dear Ms. Mahaffey,

The North Sacramento Area office of the California Highway Patrol (CHP) received the "Notice of Preparation" of the Environmental document for the proposed Panhandle Annexation and Planned Unit Development, State Clearing House #2016042074. After review, we have concern with this project.

Our concerns relate to the traffic in the vicinity of the project that connects the communities of Natomas and Rio Linda. The addition of 2270 residential units will increase traffic and congestion at an exponential rate to the surrounding Sacramento County freeways, including: Interstate 80, Interstate 5 and State Route 99. Likewise, the influx of traffic on the Sacramento County roadways, specifically West Elkhorn Boulevard, Northgate Boulevard and Del Paso Road, are of great concern due to the current roadway configurations and lack of additional lanes of travel. Without appropriate mitigation efforts relative to vehicular, bicycle and pedestrian traffic, the inevitable increase of calls for service for our area of responsibility will require resources that are not currently anticipated in our deployment structure.

Please be advised that these issues are our immediate concern and should not be differed to a subsequent phase of development. If you have any questions regarding this letter and our comments, please contact me or Lieutenant David Ricks at (916) 348-2300.

Sincerely,

A handwritten signature in blue ink that reads "A. T. Williams". To the right of the signature, the word "TEAM" is written in blue ink.

A. T. WILLIAMS, Captain  
Commander  
North Sacramento Area

cc: Valley Division  
Special Projects Section  
State Clearing House



**Date:** June 8, 2016

**To:** Dana Mahaffey, Assistant Planner, City of Sacramento Community Development Department, Environmental Planning Services, 300 Richards Blvd., Third Floor Sacramento, CA 95811

**Subject:** EIR Comments Submittal, Panhandle Annexation & Project (P16-013)

Dear Ms. Mahaffey:

I am writing this letter on behalf of the North Natomas Community Coalition (NNCC). We are a community-based group consisting of residents from many HOAs and Community Associations in the North Natomas Area. Our goal is to analyze any new projects in our area and determine how they may or may not benefit our area. Since the Panhandle will have a significant impact on the future of North Natomas, it is our intention to work very closely with the City and the applicant to ensure it will be a benefit for all of North Natomas. The Panhandle is one of few prime locations for move-up and executive-type housing in our community, something North Natomas lacks and desperately wants. While we see many positives with this project, we do wish to provide a few comments for purposes of consideration during the environmental review process:

#### *Traffic and Circulation*

Though we support improved connectivity, the EIR should adequately analyze the impacts of new traffic trips generated from the project to existing North Natomas streets and how impacts to existing streets and neighborhoods will be mitigated. We'd like to better understand impacts of the project at buildout, and partial build-out, especially impacts to Club Center Dr. and Del Paso Blvd. We'd also like to better understand the circumstances upon which National Drive will be completed through to Elkhorn Blvd. We are concerned about Sorento being used as a primary access to the ENEC site, it is a rural road that was not designed to accommodate that level of traffic. Related to this, we'd like to understand what traffic calming measures can be incorporated into existing Sorento Road to mitigate speed and volume of traffic concerns from vehicle trips originating from the project. We will note that Elkhorn Blvd. has become a major cross-region thoroughfare that already has significant traffic.

Additionally, we'd like to better understand transit options that will be provided for, including RT and/or the North Natomas TMA. We are very interested in understanding and partnering with the City and the project applicant on ensuring responsible traffic flows into, out of, and around the project area.

#### *Land Use*

The EIR should also look at whether providing a community center within the project site would reduce traffic or provide other benefits to the project and surrounding neighborhoods. We feel strongly that a community center needs to be planned in the project, preferably in a central location. Additionally, we'd like to better understand pedestrian and bicycle connectivity internally in the project as well as to surrounding neighborhoods and the Ueda Parkway.

Department of  
Community Development  
Michael J. Penrose,  
Acting Director



**Divisions**  
Administrative Services  
Building Permits & Inspection  
Code Enforcement  
County Engineering  
Economic Development & Marketing  
Planning & Environmental Review

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June 13, 2016

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

**Subject: Comments on Notice of Preparation of a Draft Environmental Impact Report for the Panhandle Annexation and Planned Unit Development**

Dear Ms. Mahaffey:

Thank you for the opportunity to review the Notice of Preparation for the Panhandle Annexation and Planned Unit Development Project (Project). Sacramento County's interests in the proposed Project relate to the ongoing County application process for the Natomas North Precinct Master Plan project (County Control Number PLNP2014-00172) which is located on the north side of Elkhorn Boulevard adjacent to the Project. The NOP for the Natomas North Precinct Master Plan is attached for reference.

The Northern Portion of the proposed annexation area would consist of a PUD for a planned community consisting of residential, commercial, elementary school, and park uses on approximately 367 acres north of Del Paso Road. The remaining approximately 168 acres between the proposed PUD project area and extending north to West Elkhorn Boulevard ("Panhandle North") would remain designated as Planned Development (PD) to accommodate residential uses and the East Natomas Education Complex. The land use plan includes the potential for approximately 2,270 residential units in the entire Northern Portion; however, the EIR will consider the potential for those units plus an additional 10 percent to provide flexibility in the future and account for changes in market conditions that could occur over buildout of the project. No land use changes are proposed for the Southern Portion.

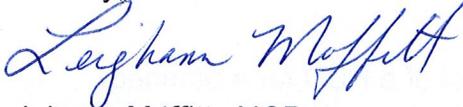
CEQA requires that an EIR discuss cumulative impacts when they are significant and the project's incremental contribution is "cumulatively considerable" (CEQA Guidelines Section 15130(a)). A project's incremental contribution is cumulatively considerable if the incremental effects of the project are significant "when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines Section 15065(a)(3)). Given the proximity of the Project to the Natomas North Precinct Master Plan, the transportation analysis for the Project should include the land use and circulation assumptions for the Natomas North Precinct

Master Plan in the cumulative plus project scenario. Below are specific comments on the transportation analysis scope previously provided by Sacramento County Department of Transportation:

- Add the roadway segment, Del Paso Road (Gateway Park Blvd – Black Rock Drive).
- Add Elkhorn Blvd and 16<sup>th</sup> Street intersection.
- Should the project need a second point of access to Elkhorn Blvd, additional roadway segments and intersections along Elkhorn Blvd. may need to be included in the traffic analysis.
- Mayfield Street is proposed to be a residential street with no bike lanes that traverses east-west across the entire width of the project. An elementary school and a park are proposed on Mayfield Street which will become a destination within the project and beyond. The westerly portion of the Mayfield Street connects to an existing neighborhood with minor street connectivity. Mayfield Street has the potential for a cut through route that may negatively affect the existing neighborhood. The traffic study may want to evaluate and substantiate the impacts at this location.
- The school and park site would be better served with a larger street such as cross section “C” that has bike lanes. Club Center Drive may be more suitable location for the school and park site as it has bike lanes, is a collector roadway, and has a more appropriate connectivity to the existing neighborhood to the west.

Thank you for the opportunity to submit these comments. We look forward to further dialogue on the proposed Project. County staff are available to meet and discuss these comments and our interests should the need arise. Please contact Todd Smith, Principal Planner, at [smithtodd@saccounty.net](mailto:smithtodd@saccounty.net) or (916) 874-6918 if you have any questions.

Sincerely,



Leighann Moffitt, AICP  
Planning Director

Additionally, we would like the project to consider smaller parks, spread throughout the project that could be amenities for adjacent neighborhoods. Residents prefer smaller, more local neighborhood parks to play in near their homes.

### *Public Services*

We request the EIR look at impacts of the project to facilities financed by the existing North Natomas Finance Plan and if necessary, ensure it provides a fair share contribution to those facilities that will benefit future residents of the project.

The EIR should also look at how to best provide for fire and police services to existing neighborhoods, either by providing emergency vehicle routes and/or an additional facility in the project. Impacts from future plans for the high power lines need to also be carefully assessed.

### *Schools*

The boundaries of the Panhandle Development will be divided among different school districts. Having differing school districts in a community has created issues in North Natomas already with students trying to attend certain schools vs others. Additionally, within the North Natomas portion of the Twin Rivers school district, there are no existing facilities or near-term opportunities for middle and high school student facilities. We are concerned that there is no plan to open a TRUSD high school or middle school at any time in the next 12 years because the East Natomas Education Complex (ENEC) has been mothballed. Given the geographical proximity of the Natomas Unified School District (NUSD), we request the EIR evaluate project alternatives to provide these schools quickly, including moving the project into the NUSD,

### *Flood Control & Drainage*

We request the EIR review the drainage plan considering the existing problem of flooding during storm events at Del Paso and Sorrento Roads. We also request flood evacuation routes be evaluated considering surrounding communities as well.

Again, thank you for the opportunity to comment on this project. As time goes on, I know we will have additional questions. We look forward to working with both the City and the applicant as this application progresses.

Best regards,

***Chris Paros***

Chris Paros  
President, North Natomas Community Coalition



RECLAMATION  
DISTRICT 1000

June 13, 2016

Dana Mahaffey  
City of Sacramento Community Development Department  
Environmental Planning Services  
300 Richards Blvd., Third Floor  
Sacramento, CA 95811

RE: Proposed Panhandle Development Project Notice of Preparation

Dear Dana;

We recently met with representatives of the City Utilities and Planning Department along with staff from the Sacramento Area Flood Control Agency (SAFCA) to discuss the proposed Panhandle development project adjacent to the Natomas East Main Drain Canal (NEMDC) levee. As the agencies responsible for the future levee improvements at this location as well as the operations and maintenance of the system, both our District and SAFCA recommend specific setbacks from the existing levee and other considerations for future O&M of the improved levee system.

In particular, we recommend any new development be set back a reasonable distance from the toe of the existing levee to allow for anticipated levee improvements necessary to meet the 200-year flood protection required by the State's Urban Levee of Flood Protection and Urban Levee Design Criteria and reasonable levee safety considerations given the Natomas Basin's flood risk. We are developing a conceptual sketch of the anticipated levee improvements for this reach and reasonable levee safety setbacks to recommend a specific setback distance. This area could include public ownership use such as open space, parks or transportation features with restrictions to insure development of this area does not compromise the flood protection provided by the adjacent levee and to allow for potential future flood control improvements should standards change or new flood risks be identified.

In addition, we recommend the existing public roadway on top of the levee (East Levee Road) be relocated to the landside of the levee to allow the crown to be used for levee operations and maintenance activities including emergency flood response if necessary. Again, limited public recreational improvements consistent with flood operations and maintenance could be incorporated into the levee design.

Finally, in addition to the levee issues raised above, the District will require a drainage study for the proposed development to identify impacts on our interior drainage system and develop a

Ms. Dana Mahaffey  
City of Sacramento Community Development Department  
300 Richards Boulevard, Third Floor  
Sacramento, California 95811

JUN 13 2016

RECEIVED

June 10, 2016

**Subject: Response to Notice of Preparation (NOP) for the Panhandle Annexation and Planned Unit Development (City of Sacramento Control Number: P-16-013).**

Dear Ms. Mahaffey,

Thank you for the opportunity to respond to the NOP for the Panhandle Project DEIR. At this time, we would like to briefly list our areas of concern, and request that related potential significant project-specific and cumulative adverse impacts be reviewed in the DEIR and mitigated to the extent feasible.

We request that any mitigation measure include identification of its cost and requirements for funding and implementation. Funding must be made available to provide essential public service needs identified in this DEIR process and its related planning analysis. Mechanisms to monitor implementation of mitigation measures need to be in place. Mitigation needs to be implemented before, or concurrent with, site development not after the homes are built.

This community has had difficulty funding vital services, such as fire and police infrastructure, because of previously under funded financing plans, failure to identify necessary mitigation until after projects have been approved, or inadequate assessment of infrastructure needs. We understand that it is impossible to perfectly project the effects of development. However, it is possible to reasonably predict and mitigate effects. We urge you to assist us with this process and are pledged to help with clarification and resolution of issues as needed.

We especially request that land use and neighborhood and community incompatibility issues be clearly identified, discussed and adverse effects mitigated. Related traffic, nuisance, drainage, social and economic (which cause physical impacts such as blight, crime and deterioration of public safety), and health and safety impacts should be viewed in light of compatibility and livability.

We appreciate this process, which enables all interested parties to (1) better understand the proposed project, (2) learn how the proposed project affects our community and (3) determine its project specific and cumulative benefits and adverse impacts. Our associations look forward to working with the Environmental Council of Sacramento, Habitat 20-20, Friends of Swainson's Hawk, the North Natomas Community Coalition, the Regency Park Neighborhood Association, the Terrace Park Homeowners, Witter Ranch representatives, Westlake, the Natomas Park Master Association, Creekside, the Natomas Chamber of Commerce, Valley View Acres Community Association, the Natomas Community Association, the North Natomas Alliance, the Robla Community Association, Gardenland-Northgate Neighborhood Association, Stanford Settlement, Twin Rivers and Robla School Districts, the North Natomas TMA, our elected and appointed officials, the project proponents and others to discern a project that benefits all concerned.

The project proponents have not yet met with either of our associations. We urge them to do so. We look forward to working with both the City and the applicant as this application progresses.

Many of the following issues and concerns have been previously voiced over the past twenty years.

**1. Water Supply:** For the last four years, and most critically in summer and fall of 2015, the Governor's Office, State Department of Water Resources, local water agencies and the Sacramento Bee reported an insufficient water supply to meet area water needs. Draconian water conservation requirements were passed and enforced. Evidence of an adequate groundwater supply, and adopted conjunctive use plans, were insufficient to prove to state regulatory agencies that adequate water was available. Therefore, high-percentage water use cutbacks remained in place. Trees and lawns in North Natomas died (tour Northgate Blvd. and North Market and view numerous dead mature trees for proof of this assertion).

The Bee often reported that there was insufficient water to meet the needs of existing, and currently approved, but not yet constructed, development in the 2014-15 drought year and even in future normal precipitation years. This proposed project includes 600 acres of development which proposes using existing sources known to the state but considered inadequate by the Governor, State, and The Bee for already approved development.

State law requires that new development projects prove the existence of an adequate water supply. There is no new water source for this proposed project. Certainly, water conservation mitigation measures should be identified which reduce future water usage on the project site. However, there remains an inadequate water supply for future residents. Significant adverse impacts need to be quantified, evaluated and mitigated as feasible.

Attachment A lists approved but not yet built units in this region. What new water supply source is available to enable their development? Potential project specific and cumulative adverse impacts of the subject proposed project, Natomas Precinct (5,600 acres to the north), Greenbriar, Delta Shores and other reasonably foreseeable projects need to be evaluated.

**2. Water Quality:** Runoff from the project site is proposed to empty into Steelhead Creek and ultimately the Sacramento River. The use of Steelhead Creek as a collector for polluted urban runoff could endanger Steelhead, Salmon and other fish and wildlife using the creek. Residents who play and fish in the creek may be subjected to high levels of heavy metals and toxins from urban runoff. Water quality and clarity could be diminished by the addition of phosphates and nitrates. The difference between existing periodic agricultural runoff and year round urban runoff will be significant and adverse.

The proposed detention basins should be operated in a manner that mitigates the potential adverse water quality impacts of urban runoff on area waterways. Plants that fix heavy metals, for example, should be included in detention basin design with periodic remediation included in mitigation measures. It is important that grass and soils be regularly checked to ensure that lead, cadmium, copper and solvents have not accumulated at a level toxic to children who may play there.

Steelhead Creek hosts Steelhead and endangered salmon species. Its clarity needs to be maintained and even ameliorated. The first is the charge of project developers to develop the site in a manner that avoids adverse water quality impacts. The second is a goal of the city, county, state and federal governments, which needs to be advanced.

**3. Flooding:** Natomas is a deep basin; much of it was swamp or swale. More than a dozen streams emptied into it prior to construction of the Natomas levee system. Dry Creek crossed the project site. Its course is still visible when the site is farmed. Natomas was so wet that it was crossed by steamboat during most months.

There have been four substantive high water years in the past 50: 1983; 1986; 1995 and 1997. Each of those events proved that the level of flood protection believed to be in place was not in place. 70 year protection was relabeled as 40; 100 as 70, etc. These events caused two subsequent flood control moratoriums in the project area during the last twenty years.

**All SAFCA and US Army Corps of Engineer's flood event projection documents indicate that the Natomas basin will eventually flood;** perhaps, only once in the next hundred years or twice, but it is projected to occur. The once in a hundred year flood event may occur next year.

Natomas is a deep floodplain. It should never have been developed. 60,000 more people should not move here (Precinct/Panhandle). It is unsafe.

The proposed project appears to include plans to ultimately pump runoff and floodwater into Steelhead Creek. Natomas Precinct, a 5,600 acre urban development project which is currently undergoing CEQA review (Control Number: PLNP2014-0017; State Clearinghouse Number: 2016042079) also proposes to pump drainage into Steelhead Creek.

Steelhead Creek empties into the Sacramento River in Discovery Park. In 1986, water from Steelhead Creek backed up into Rio Linda and Elverta and the Ascot area. It flooded Brashier's auto business, emptied tires from local junkyards and deposited them throughout neighborhoods. Second floors of houses were flooded. Please refer to aerials flown by State Water Resources which show the extent of flooding. SAFCA had copies.

Rio Linda and Elverta residents claimed that water pumped from the Natomas Basin into Steelhead Creek was a large cause of their flooding or at a minimum exacerbated it. (In a very tense and hostile environment, some threatened to blow up either the pumps or the levee north of Elkhorn or a levee to protect families, livestock and properties.)

Strawberry Manor won a lawsuit against reclamation districts, and other public agencies responsible for managing flood control in the Steelhead Creek watershed, which partially argued this issue (that the Strawberry Manor area was deliberately flooded so drainage from Natomas could continue to be pumped into Steelhead Creek.) Later, North Sacramento, east of Steelhead Creek, south of Main and north of 80 suffered severe flooding when the Creek's capacity was exceeded.

This proposed project appears to propose to ultimately pump large quantities of runoff into a creek which already floods. Streams, such as Dry Creek, Robla and Arcade, which empty into it already back up when reaching Steelhead Creek.

This proposed project has the potential to greatly increase existing flooding and associated impacts not only because of runoff from urbanization, but because it currently serves as a large detention basin during substantive precipitation events, allowing water to percolate into the water table, and more slowly make its way into the urban drainage facilities and ways. The basin/pit created by SAFCA's mining extends from the southern curve of Sorento Road past the next curve north of Barros Road. It is quite deep north of Barros

Certainly, SAFCA's pump station will mitigate some flooding to the north from American River water back-up. Additionally, recent and short-term flood control system upgrades will eliminate some of the potential significant adverse impacts. However, they cannot manage all of them.

Levees will be stressed. Roads north of the project site (Sorento north of Elverta Road, as an example) experience deep flooding during high water events due to inadequate elevation changes and back-up in Steelhead Creek. This proposed project will exacerbate flooding in those areas which compete for the same flood carrying capacity.

The engineered upgrades for the Natomas basin put in place since 1997 have never been tested. There has not been a high water event since the beginning of the post-flood moratorium development of the North Natomas Community Plan in the early 2000s. No one actually knows how well the drainage system will function, what type of localized ponding or flooding will occur, or where the water will go.

A look at the proposed location of the detention basins on the Panhandle Map illustrates our concerns that a general lack of awareness of surface and subsurface water flow patterns on the project site and in the project area exists. Engineers and others often view this basin as it appears now with levees and diverted flow patterns. This perspective sometimes causes serious errors in evaluation of potential significant adverse project specific and cumulative drainage and flooding impacts.

Water from the east will follow its natural gravity flow southwesterly across the site, with the southern drainage from Dry Creek exiting the site just east of the Charter School. If one looks at pre-1911-1915 maps, one sees a delta shaped confluence of Dry Creek where it flows into a large north-south stream near Gateway Park and a bit south of Del Paso Road.

This project proposes to pump water north ***against its natural flow*** to a detention basin near the proposed extension of Club Center Drive, before artificially moving it west and south. This will be expensive. It is our concern that it will also cause on-site pumps and other elements of the engineered system to be overwhelmed when surface and subsurface runoff compete in an area known for its near surface water table in wet years.

This same mistake was made once already. The City had to spend millions to design and reconstruct several detention basins when North Natomas was first being developed because it did not take this area's unique characteristics into account when designing them. These additional costs stressed the North Natomas Financing Plan and frustrated the City's ability to

provide vital public services and infrastructure in a timely manner. We hope these comments will help the City avoid similar errors with this project.

The proposed project site and area have unique characteristics and potential adverse development impacts which must be carefully assessed and adequately mitigated to ensure the safety of the region's residents during above normal precipitation events. It is imperative that infrastructure required as mitigation does not need to be resized, rebuilt or replaced with funds earmarked for other public services.

Del Paso Road already floods from Panhandle site runoff, Dry and Robla Creek (surface and subsurface) and Valley View runoff. A mitigation measure should be devised and adopted which positions detention basins at the southeast corner of the Panhandle (Sorento and Del Paso) to manage Robla and other local runoff, and next to the Charter School at Del Paso Road (See attachment C, Proposed Conceptual Alternative, for possible locations) to detain Dry Creek's flows and those from the southern portion of the project site.

Finally, access to this site is inadequate if deep flooding occurs and evacuations are required. Elkhorn and Del Paso Road will be over capacity from evacuation of our western neighbors. Residents cannot drive east as that area floods or there is no access. Southerly access dead-ends. How will residents get out of the Panhandle area? A site-specific flood evacuation plan needs to be required as mitigation. It needs to be in place prior to occupancy of any homes or businesses.

**4. Premature and Growth Inducing:** SACOG, a regional agency which includes representatives from the Sacramento County Board of Supervisors and Sacramento City Council has determined that the Panhandle area is not needed for growth through 2036 and likely longer. There is already plenty of land approved for development within the city limits in N. Natomas, including Greenbriar, in Delta Shores, various locations in the County, in Rancho Cordova, South Sutter County and Isleton (see attachment A - ECOS letter to Sacramento County Board of Supervisors dated December 16, 2015.)

This project undermines local, state, regional and federal air quality and traffic management goals, by enabling growth away from planned transit corridors and perimeter growth before infill is completed. Our neighborhood will suffer from the smog, noise and congestion caused by this project.

The extension of sewer and water lines to a rural area is growth inducing. The proposed project could induce growth in Valley View Acres. Potential related impacts need to be evaluated.

Finally, this project appears inconsistent with local, state and federal air quality attainment plans and greenhouse emissions reductions plans.

**5. Agriculture and Prime Farmland and Important Open Space:** The Natomas basin contains prime agricultural land. Agriculture is the best land use for prime land in a deep floodplain (also see 4 above). Because of the special requirements of the Cortese Knox Hertzberg Act which consider successful agricultural activities as a reason for considering land to be prime, the entire site may be prime if use is considered. A portion of it is currently in agricultural production and recently harvested. The project needs to be evaluated using

Cortese/Knox Hertzberg agricultural land definitions as an annexation is proposed. On-site mitigation of some agricultural losses could be effected by providing an agricultural land buffer east of the power transmission lines (including the power line easement areas). We request that mitigation be provided separately for agricultural and habitat losses rather than stacking mitigation.

This area is suitable for small natural/organic farming activities as local farmers testified at previous Panhandle Working Group meetings. The buffer area could be rented to a farmer who would assume responsibility for maintenance. A mitigation measure could be required to this effect as a funding mechanism for this environmental benefit which has no cost to the City or residents of Natomas. The rural Valley View Acres hosts substantial wildlife and open space. Please see Attachment B, the alliance of Natomas community groups and ECOS arguments for retention (now reprovision) of an open space mitigation area.

The portion of the project site from the western edge of the power line easements to Sorento and the East Levee Roads is identified for open space uses on the SACOG Blueprint. As previously stated the SACOG MTP/SCS map indicates (in pink) that the rest of the north Panhandle site (589+/- acres) which was identified for growth in the Blueprint is anticipated as a no growth area (horizon year 2036). When the DEIR for the Panhandle project was prepared in 2005, there was some confusion about SACOG's policy intentions regarding the blueprint open space buffer. This confusion was clarified by SACOG's later action to declare the entire site as not anticipated for growth through 2036.

The Panhandle directly connects to an important habitat corridor, which extends from the Sierra foothills along Dry Creek to the Pacific flyway, important agricultural lands and Natomas Habitat Conservation Plan mitigation sites to the north and west (see Attachment C, Proposed Conceptual Alternative). Burrowing Owls, Swainson's Hawk, Western Pond Turtle, Giant Garter Snakes, tri-shouldered blackbirds, numerous varieties of owls, white tailed kites, avocets, pelicans, northern harrier, egrets, black crowned night heron, red tailed hawks, American kestrel, snowy egrets, blue heron, etc. Canadian geese, kit fox, and many other important species inhabit or forage the project site and adjacent wetlands. The State department of Fish and Game has documented the presence of the kit fox in Valley View Acres and east in Hansen Ranch.

The project site teemed with wildlife when the entire site was farmed. Prudent small farming would restore that environment, enhance wildlife, improve the habitat value of northern and eastern conservation lands and provide recreation, education and employment opportunities. People who refer to the eastern Panhandle as infill need to visit the area or consult aerials to see the extent of the existing wildlife corridor and the Panhandle's relationship to it (See Attachment C, Proposed Conceptual Alternative).

**Project Alternative:** Valley View Acres Neighbors Working Together and the North Natomas Community Association request a Project Alternative which (1) mitigates agricultural and open space losses, (2) avoids land use incompatibility issues with the rural neighborhood to the east, (2) eliminates the large shopping center and its nuisance, air quality and traffic impacts replacing it with several small neighborhood commercial uses to which residents may walk or cycle, (3) deletes road connections to Sorento Road, (4) adds connectivity to Regency Park and (5) includes only one north-south connector from Del Paso Road to

Elkhorn Boulevard because the project site is too narrow and densities are so low that two or three are not required.

The proposed alternative shows the open space buffer in place until March 3, 2009 in the North Natomas Community Plan (ECOS also requested this portion of our proposed alternative in its May 27, 2016 NOP comment letter), and included in the existing SACOG Blueprint.

In this alternative, to avoid land use incompatibility, noise and unnecessary nuisance impacts, National Drive is extended due north from its current intersection at Del Paso Road to Elkhorn Boulevard rather than curving toward and quite near the rural neighborhood to the east.

The proposed elementary school is moved west away from power lines, and the major arterial and busy roads are removed from three sides of the site, to avoid health and safety impacts. To effect motorized vehicle trip reduction, and avoid related adverse air quality and traffic impacts: (1) an off-road bike/pedestrian trail is located on the west side of Sorento Road; (2) four off-road east-west bike trails are to be provided, one from Mayfield and accessing the elementary school site, one accessing the high school, one in the agricultural buffer area along Elkhorn Boulevard, and another parallel to the extension of Club Center Drive.

To mitigate drainage, flooding and water quality impacts, at least three detention basins are to be provided, one at the southwest corner of the site next to the Charter School, one on the southeast corner adjacent to Valley View Acres, and one to the north consistent with the proposed project's locations. To reduce motorized vehicle trips and achieve related air quality and traffic impact mitigation, four, small, neighborhood shopping sites are included for local services. Minor streets and cul-de-sacs are to be designed when subdivision maps are submitted. A soccer field could be located at or near the Club Center/National Drive interface or nearby. (See Attachment C, Proposed Conceptual Alternative)

The necessary nuisance buffer and wildlife corridor was previously approved by City Council to (1) provide adequate space to hide or soften the look and potentially the health and safety effects of radiation generating transmission lines, (2) to avoid related blight and the crime that generally follows residential construction next to massive power line towers, (3) to avoid neighborhood incompatibility and nuisance issues between existing and planned horse properties to the east of Sorento Road, (4) to provide a wildlife corridor and (5) to offset some loss of habitat from the 1985 and 1994 North Natomas Community Plan iterations.

The environmentally friendly project alternative includes greenways, with mitigation for adverse aesthetic impacts of the transmission towers on nearby residences, schools and parks by providing distance from impact and room for lush plantings near and along the towers<sup>1</sup>, and wildlife corridors connecting to Steelhead Creek, the Ueda Parkway, the Dry Creek Greenway, and agricultural lands in the Pacific flyway north of the project site. The greenway mitigates the loss of a broad area currently providing habitat connectivity between Dry and Steelhead Creeks and lands north of Elkhorn.

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<sup>1</sup>See attached photo of mitigated home site, a large parcel with lush plantings providing visual relief from the towers.

In this mitigation alternative, north/south and east-west bike, pedestrian and equestrian trails (north-south only) are placed away from the towers, and connected to the Ueda Parkway and a Sacramento/Sutter bicycle loop trail which has been proposed along the landward toes of the Natomas levee system, providing more than 70 miles of bicycling pleasure and a campsite along Pleasant Grove Creek, plus a safe off road travel route. Small parks and schools are located away from the worst nuisance impacts.

During the City-formed 2005 Panhandle Working Group process, a local farmer testified he could profitably operate an organic farm in the 100-acre City approved buffer area, a somewhat novel idea at the time, but now a cornerstone idea in the Farm-to-Fork and urban farm movements. The latter proposal, by itself, would have solved (and could still) the nuisance and maintenance problems/costs for the areas in and near the transmission line easements as well as providing employment and educational opportunities for local students and residents.

The placement of bike trails between the towers is not desired for health and safety and aesthetic purposes. We believe bicyclists would prefer to cycle in an aesthetically pleasing environment. The transmission towers are ugly and crackle loudly during damp weather. Certainly, in South Natomas (Ninos Parkway), bike trails followed development so other options weren't available. In the Panhandle, however, there are 600 +/- acres of land with no City entitlements because it is located in the County.

There are numerous better cycling options. A goal of this alternative is to cause motorized vehicle trip reduction by creating a safe, attractive bicycling environment for commuting, shopping and recreation. This trip reduction plan and alternative could become a model for alternative transportation planning as it actually enables and facilitates walking and riding bicycles. The DEIR should seek to quantify the differences in numbers of motorized daily vehicle trips with and without an attractive bicycle/pedestrian alternative transportation network. Please note that this proposed alternative recommends locations for pit stops for bicyclists.

The Bikeway Master Plan is being updated. Better options for the Panhandle and North Natomas can be incorporated into that Plan as the North Natomas Community Association has already suggested to City Bikeway Plan consultants. Currently, it is extremely dangerous to ride on Del Paso Road. We need at least one off road east-west connector to the Ueda Parkway.

Notice that the proposed project alternative includes low density residential throughout most of the plan area, except a senior assisted and independent living facility near Club Center Drive, which could be multi-story medium density. That facility is situated east of a detention basin which will provide a good view for residents and a place for recreation and exercise as well as buffer Natomas and Regency Parks from visual intrusion.

A small neighborhood service and shopping site is provided adjacent to, or possibly within, the senior facility so residents may walk to a small grocery/deli/store. (The vision here is similar to that built into the senior complex on I Street near 6<sup>th</sup>. Sundries, cards, deli items and groceries are available on the first floor of the complex along with a few small businesses.) One goal of this arrangement is to reduce motorized vehicle trips by seniors and provide local shopping, which enhances their independence as they age and health declines.

Notice that existing and higher density land uses are buffered, detention basins serve a dual purpose of buffering seniors and others from nuisance impacts, and commercial areas are small, centered in the residential areas, and neighborhood-oriented with residential above the small shops. A main goal of this alternative is to reduce motorized vehicle trips by providing an urban form and amenities which naturally encourage walking and bicycling for recreation, daily shopping, commuting, and getting to school.

Trails are easily accessible with connections to Ueda Parkway, Elkhorn buffer, and all higher density areas where higher trip volume could be anticipated. With adequate security monitoring of the pedestrian/bicycle paths, children will be able to walk to school. The latter would greatly reduce daily vehicle trips and stress on parents.

We envision inclusion of an upscale neighborhood as well. The proposed project has no estate-sized lots although it states that upscale housing is a goal. Residential densities of 4.5-6.5 dwelling units per acre are simply ordinary sized urban lots, not upscale sized. Recent conversations with real estate professionals indicate that they are aware that these are not large lots, and do not, therefore, have much upscale potential.

This alternative suggests at least ½ to one acre sized lots to provide a mix of housing in the project area and complement Valley View. (Lots of this size should be required as mitigation for land use compatibility and nuisance impacts along Valley View Acres if an open space buffer is not approved.) Even larger, 3-5 acre lots, could provide an upscale urban estates area.

Certainly these ideas along with a City-approved open space buffer support a high quality, livable, neighborhood-oriented environment which attracts home owners and creates stable neighborhoods, thus lowering the potential for crime. This alternative complements and enhances the rest of North Natomas. Stability, home ownership, and remediation of homeless issues and nuisances may be expected to reduce crime stemming from blighted/unattractive neighborhoods.

Finally, it is also suggested that a Project Alternative be devised which assesses the placement of 3-5 acre estate lots east of the transmission towers with easement maintenance provided by the owners of the parcels. Alternatively, mitigation measure needs to be provided which ensures maintenance of the transmission tower easements in perpetuity so that the area is not a public nuisance.

**6. Traffic, Use of the Panhandle for Southerly Access.** It appears the road network in the county panhandle is being designed to accommodate traffic from Natomas North precinct. When Truxel Road (now Natomas Boulevard) was extended to Elkhorn Boulevard, mitigation measures were required which ensured that southerly access from the Joint Vision/North Precinct would not be provided through the City (The project file for the extension of Truxel Road, and all public hearing transcripts and reports, are hereby incorporated by reference). The Panhandle project includes major through streets to the north. If access to Interstate 80 exits is obtained, as has been discussed previously, the traffic impacts will be numerous and objectionable.

The Panhandle currently proposes to open up Sorento Road and Valley View Acres to through traffic from Elkhorn Boulevard via proposed north/south roads. The additional adverse effects of traffic from the proposed project through Valley View Acres need to be assessed, especially health and safety impacts stemming from accidents on the E. Levee and Sorento Roads.

The project proposes as many as three road connections to Sorento Road, two of which dead-end directly into the front yards of existing residents. We oppose a plan to essentially empty streets into people's front yards. By that, we mean that two streets proposed to access Sorento Road, (Mayfield and street D) end in front of existing residences. They point hundreds of cars and headlights at these peoples' front yards and living rooms, plus noise, litter and potential crime. These impacts need to be quantified, disclosed and mitigated. Street A easily connects the high school site to Sorento and the East Levee Road; Mayfield connects the elementary school and high school to Sorento.

Twin Rivers has asked for access to Sorento Road in the past, a proposal which is no longer related to their education facility needs. Their entire school facility is now proposed to be located west of National Drive. Their proposed urban development project can use National Drive as access. This proposal is inconsistent with city traffic calming, land use compatibility and other traffic and circulation policies, policies and will substantially and adversely affect those properties, especially carbon monoxide concentrations on cold mornings. At the NOP scoping meeting, the applicant's representative indicated that the road connections to Sorento could be eliminated. We recommend that they be eliminated as part of the DEIR's mitigation avoidance strategy.

This project could undo the work of the City approved \$50,000 Traffic Calming Plan for Valley View Acres undertaken around 2004. The roads in Valley View Acres are long and attractive to speeders. When the North Natomas Community began to build out, traffic volumes on Sorento Road quickly escalated into the thousands. The E. Levee Road and Sorento Road became very dangerous with traffic fatalities on both. People drove off the levee and crashed.

Drivers lost control and drove into the yards at the Sorento curves north of Barros, and into the two poles by the curve south of Barros near the proposed Mayfield extension. SMUD had to replace poles on more than one occasion.<sup>2</sup> There is a hill which impedes the view of oncoming traffic and cars backing out of driveways. By the time the city acted to close Sorento to through traffic as allowed in the 1994 North Natomas Community Plan, accidents were an almost daily occurrence, with many fender benders that went unreported. It was unsafe to walk along the road, or retrieve one's mail.

There were several reports of children who while waiting for the school bus on narrow streets, especially Carey and Sorento Roads were forced to jump into ditches to avoid speeding traffic. Frantic mothers yelled at cars; one Carey Road mother followed a car to the driver's place of employment and reported an incident to the driver's employer.

Friends, turning into properties along Sorento were sometimes rear-ended. Collisions occurred at the Sorento/Del Paso Road intersection. The City recognized our safety concerns

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<sup>2</sup>In fact, a speeding youth who had been partying by the unoccupied Twin Rivers school site ran into the utility pole across from 5000 Sorento a few months ago. Many people were without electricity for most of the night. The Panhandle project connects Sorento to the new high school. On May 29, another speeder ran into a power pole at 5020 Sorento.

and fixed the problem. [All city files pertaining to traffic issues (accidents, speeding, natural hazards, nuisance impacts) on Sorrento, East Levee Road and Valley View Acres are incorporated by reference including the City staff reports and supporting documentation for City Council approvals.]

If the Panhandle road network is used as a southerly access for the Natomas Precinct proposal, significant adverse traffic circulation, air quality and health and safety impacts will occur. All roads west of National including Club Center and the future accesses to regency Park will be overwhelmed by drivers hoping to circumvent traffic jams on Del Paso and Elkhorn by accessing Natomas Boulevard directly. A mitigation measure should be required which limits lane access from the Panhandle consistent with the Truxel Road extension (TRE) project mitigation (see TRE file).

The North Natomas Alliance representative on the Panhandle Working Group, a Natomas Park resident, argued successfully that use of Mayfield as a through street from the Panhandle was (1) inconsistent with the 1994 Community Plan Land Use Map, 2) would subject single family residents to substantial noise, adverse air quality and related impacts and (3) cause traffic jams on Black Rock Road.

The City already has difficulties managing traffic near the Natomas Charter School. These impacts should be avoided by deleting through access to Mayfield as all members of the Panhandle Working group voted to do, including City staff. If the cut through road is created, speed bumps and/ or other traffic calming mitigation measures need to be put in place in the Mayfield neighborhood, and at the Black Rock intersections near Mayfield and near the schools.

This project proposes a large shopping center attractor on Del Paso Road essentially adjacent to a rural neighborhood. People from North Sacramento, western North Natomas and South Natomas will travel to this site. The NNCP was designed to mitigate some of the plan's air quality and traffic and circulation impacts by concentrating trips in more central locations near transit corridors and the Natomas Town center.

Del Paso Road has been quickly becoming a strip commercial area with dozens of commercial businesses lining it. To our knowledge, no comprehensive and cohesive study of the traffic and air quality impacts of this strip development has been undertaken. This development undermines the provisions of short and long term air quality and traffic mitigation programs.

This proposal is inconsistent with the community plan and general plan and will cause significant adverse nuisance and traffic impacts upon the rural neighborhood to the east, and add to traffic congestion and poor air quality in and near the site, especially concentrations of carbon monoxide near the elementary school site.

**7. Natomas North Precinct: Control Number: PLNP2014-0017; State Clearinghouse Number: 2016042079; other reasonably foreseeable projects.** This EIR needs to be coordinated with the EIR for the County's Natomas Precinct project. It needs to be considered a pending reasonably foreseeable project for evaluation of project specific and cumulative impacts. Also, Valley View Acres is preparing to submit a plan to reinstate its rural estates General and Community Plan designations (one acre minimum parcel designation).

This should be considered an anticipated project, as the proposed project includes incompatible uses adjacent to Rural Estates with livestock. In addition, a number of large development projects are either under evaluation or planned in the project area. All of these projects need to be considered in cumulative impact analysis.

**8. Natural Features/Mining Scars** – A portion of the project site has been mined. The proposed project does not appear to consider the fact that there is a pit adjacent to Sorento. Land elevations drop substantially. The area between the drop offs and Sorento Road should be considered for open space, perhaps a rest spot for bicyclists to enjoy the Valley View Acres rural ambiance, the view of western North Natomas, horses and agricultural activities.

**9. Social and Economic Impacts Causing Adverse Environmental Impacts, Traffic and Circulation.**

The proposed project includes an annexation and is subject to the requirements of the Cortese/Knox/Hertzberg Act (CKH). The California Environmental Quality Act (CEQA) applies to all parts of the project proposal. However, the CKH Act project is mentioned here because one of the most important State Supreme Court rulings regarding the relationship between projects, as defined by CEQA, and significant adverse environmental impacts caused by project-induced crime, blight and economic decline was based on a CKH applicable project. In the case of the Citrus Heights Incorporation proposal, the Sacramento Local Agency Formation Commission (LAFCO) determined there were no adverse project related significant impacts which could not be reduced to a level of insignificance. LAFCO prepared and adopted a Negative Declaration and approved the project.

The CEQA document was challenged largely on the basis that the loss of County funding that would occur if the incorporation proceeded, would hinder the County's ability to provide adequate public safety services. This impact would cause crime and blight to occur with accompanying physical impacts. The Court agreed with the plaintiffs. LAFCO was required to prepare an Environmental Impact Report, consider these impacts significant and adverse and seek ways to avoid them, or mitigate them to a less than significant level.

The Panhandle proposed project includes multiple features which have the potential to cause substantive blight, increases in crime, exacerbation of homeless related, and a decline in economic indicators and property values. The proposed project appears to create, rather than remediate, such problems. Project design includes multiple nuisance features and inadequately mitigates the potential effects of existing potential nuisances (transmission lines and City approved horse and livestock properties). We oppose the approval of a design which we believe will cause blight, foster neighborhood nuisance and instability and cause increases in crime.

The proposed project includes the insertion of three roads into our economically, culturally and racially diverse neighborhood that are not needed for it. An increase in criminal activity, litter, erratic behaviors, mailbox destruction, and accidents can be reasonably expected as was the case prior to closure of the neighborhood to outside and cut-through traffic. It was unsafe to walk our streets.

Valley View Acres was identified as a low income neighborhood when SAFCA mailed its first flood control assessment notices for low income homeowner's relief. At the time, it was

plagued by a dangerous and nuisance ridden traffic condition. Thousands of daily vehicle trips through the neighborhood coupled with litter, crime and related nuisance effects, had caused some to move, some to change their property over to rentals and others to give up on property and neighborhood upkeep. The neighborhood was clearly declining.

The City acted in 2003-04 to calm Valley View's traffic and remedy economic decline problems by eliminating through traffic, and related nuisance impacts. After the traffic was stopped, the appearance of the neighborhood, property maintenance, home ownership ratio, and number and types of upscale homes increased. Homes in disrepair were repaired or removed and replaced with safe and decent housing. Incomes also increased in this diverse neighborhood. This area improvement effort continues today. It is a model of renewal without government investment. Gardenland, our sister neighborhood, has not been so fortunate.

In eastern South Natomas, where much development occurred before the Environmental Quality Act took effect, adverse traffic, nuisance and aesthetic impacts, especially from the Western Area Power Administration transmission lines and an ill-designed road network, were not identified or mitigated. The area became blighted and crime ridden and home ownership diminished. The City has spent millions over the years and been required to undertake many police actions due to the resultant blight and high crime rates. Fortunately, expensive urban renewal programs and community activism have been reversing the decline. This project needs to be mitigated and partially redesigned to avoid the decline altogether.

This project proposes to undo our traffic calming project by opening up this rural enclave to thousands of trips every day. The proposed project could stall or reverse the physical improvements to Valley View Acres which were enabled by traffic calming. These impacts need to be avoided by removing the unnecessary and unwanted road accesses from the project site to Sorento Road.

We have always supported prudent and high quality development on the Panhandle site. We have observed, however, that this project does not appear to have been optimally designed.<sup>3</sup> The proposed project alternative and the City approved buffer in place until 2009 supported a high quality livable neighborhood-oriented environment which attracts home owners and creates stable neighborhoods thus lowering the potential for crime, and complements the rest of North Natomas. Stability, home ownership, and remediation of homeless issues and nuisances may be expected to reduce crime stemming from blighted/unattractive neighborhoods.

This project's proposed road network is inconsistent with that found anywhere in Natomas. When one looks at the colored PUD Schematic Plan and NOP attachment, one sees roads, roads, and more through roads (See Attachment E – Road Comparisons). The Panhandle is approximately 1/4 mile wide. The project proposes up to three major north-south roads in an area less than half the width of the entire area west to Natomas Boulevard, where there are **no** north-south through roads.

-The project proposes an extension of National Drive that is curved to be closer to the rural

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<sup>3</sup>For example, one finds an elementary school proposed to be located adjacent to a major arterial road, major power transmission lines, and surrounded by busy roads on all four sides. This type of school siting has never occurred in the Sacramento region to our knowledge because of adverse safety issues. It is very difficult and likely expensive to guard all four sides of a school site from incidents caused by major through traffic.

neighborhood to the east. This exacerbates nuisance impacts and is not necessary if road connections through to Sorento Road are eliminated, as suggested here.

-Street A which appears to end at the high school until one looks closer and sees the arrow pointing north to its extension to Elkhorn Boulevard.

-A reopened Sorento Road which may be extended to Elkhorn by SAFCA/ACOE's current proposal to build and pave a minimum 20 foot wide road (could be as wide as fifty feet) at the landward toe of the levee.

At the north end of Sorento Road, there are only a few hundred feet separating the 3 roads, a distance less than the width of the Natomas Charter School site. There are two busy streets proposed on the southern portion of the project site in the width of the Charter school. Too many through roads in neighborhoods will translate into crime, nuisance and blight.

North Natomas residents have regularly objected to road patterns which encourage strangers to enter and case neighborhoods, diminish the effectiveness of neighborhood watch programs and destabilize neighborhoods. Entire neighborhoods, such as Heritage Park Westlake, have chosen to live in gated communities partially to avoid traffic nuisance and crime. The City and project proponents should recognize the special needs of unique neighborhoods like Valley View Acres. People should be allowed to choose their style of connectivity. It is possible that a gated community might be created in the Panhandle if the Coalition's desire for upscale housing is realized.

It is important to promote a healthy connectivity between neighborhoods where needed. There are also advantages to grid systems. At a recent North Natomas Community Coalition meeting, one member noted that grid systems were good. This is not a grid system.

It is important to note that the City has found out the hard way that grid systems fail if the overall urban design is not cohesive and carefully executed. Many of the grid areas in the City of Sacramento have had to be "calmed." There are now one way streets in inconvenient locations, dead-ends, stop signs at every corner of some through streets, and speed bumps at many locations. A tour of the areas between 12<sup>th</sup> and 29<sup>th</sup> streets between B and J Streets will prove the failure of the grid system in much of Sacramento. Traffic calming programs were needed to mitigate safety and blight impacts, but they have occurred at a cost in reduced connectivity, increased travel times, confused drivers and loss of income for some small businesses.

After briefly examining Attachment E, one Coalition member remarked that the road configuration would not be wanted in her neighborhood. Another suggested that speed bumps would be needed around the school site. These comments, we hope, indicate the beginning of a productive discussion which needs to take place around road network issues.

Attachment E clearly shows how incompatible this proposed road network would be in Regency or Natomas Park, for that matter, anywhere in North Natomas. If one analyzes it carefully, it soon becomes clear that the quality of life in those neighborhoods would be greatly diminished by this proposed road network. It is also incompatible with Valley View Acres' rural neighborhood, and is unsafe for future residents of the Panhandle.

This proposed project's road network will need to be calmed. The North Natomas Community Coalition is already asking for traffic calming measures in Valley View Acres. We are asking that the problem be avoided altogether. We are well connected to our neighbors now, and don't desire increased connectivity for any reason. We have livestock and horses that need to be protected from strangers. These new connectors to Sorento Road need to be eliminated from the plan as mitigation by avoidance.

The significant adverse safety, nuisance, traffic, air quality, crime and blight impacts of this proposed intrusion into our neighborhood needs to be thoroughly assessed and mitigated. Any proposed mitigation measures need to be funded by the project proponent or a financing district and put in place prior to the construction of any roads or the issuance of any building permits. We are all too familiar with the long wait for traffic calming measures when there is no provision for funding. These mitigation measures need to be funded and assured.

To partially mitigate adverse road network design effects, especially noise and aesthetics, only one north south through road should be constructed in this narrow corridor, National Drive as a straight road. It should be built with a landscaped median and noise buffer walls on each side like the rest of North Natomas. The number of east-west cut through roads should also be reduced per Attachment C, Proposed Conceptual Alternative. Alternatively, any busy through roads should be appropriately "calmed," landscaped and buffered to reduce noise, safety and congestion impacts

Regency Park has been somewhat landlocked by lack of connectivity. Their roads were designed to extend to, and dead-end, at National Drive (see 1994 NN Community Plan Land Use Map). Our alternative proposes to remedy their connectivity issues. However, Valley Acres does not want to be connected to the urban grid. Thus, our proposed project alternative does not extend any streets into the long existing community. Excellent emergency access to VVA is provided from the south, and can be augmented, if necessary, by use of gated pedestrian/bike ways for emergency access.

The proposed project has other elements that could lead to blight, deteriorated neighborhoods, crime and low property values and related physical impacts. When one enters the community, one will see transmission lines as its major feature. The driver is taken on a road trip along power lines. Two of the proposed roads are adjacent to the power lines with no setback. Four of the proposed parks, the high school, intermediate school and elementary school, and a large (almost 1/3 mile long) unnecessary shopping attraction, are proposed adjacent to, or partly under, power lines. Schools and power lines don't mix well. There may be health and safety impacts stemming from this.

When people consider buying or staying here, they will be deterred by schools with huge power lines next to them. Quality school environments are necessary to ensure a stable neighborhood with high home ownership statistics. The combination of ugly, dangerous (the elementary school is surrounded by busy roads on all four sides) school environments and the transmission tower locations may destabilize neighborhoods, increase the number of potentially ill-maintained rentals, and thus increase crime and blight.

The only north south bikeway is proposed under the power lines. More than a mile of single-family homes abut power lines. Those homes are likely to evolve into rentals or nuisance properties as has been the case in almost every other location where houses are placed

adjacent to power lines without buffering and proper setbacks, including South Natomas, and Robla.

This proposal may also attract the nearby homeless population. They are currently expanding their way up Steelhead Creek, and inhabit the area parallel to the Panhandle along and east of the waterway. We fear they will be attracted to this large shopping center so they can scavenge in bins and panhandle. If they buy alcohol, we also fear they will drink, sleep or try to move into the park next to the shopping center. Mitigation measures need to be devised and adopted which provide funding to manage the homeless population drawn to the proposed shopping center and park. Otherwise, the rural neighborhood especially (no streetlights) and the new neighborhoods may experience increased crime and blight.

Finally, why is the shopping center partially under the power lines? Why is it next to the park site which would otherwise have the best potential for mitigating transmission power nuisance effects, and buffering Valley View? Large parks are not located next to large shopping centers in this City and especially in Natomas.

Additionally, this oversized strip mall will be the first thing people see when entering this part of North Natomas: a huge shopping center with huge power lines in it. This is a recipe for lowering the perception of the neighborhood and promoting blight. Who will be attracted here? We fear investors with rental dreams. Certainly not the upscale neighborhoods, the North Natomas Community Coalition and others are suggesting. Adverse aesthetic impacts need to be assessed, disclosed and mitigated to a less than significant level.

The impacts of a large, area-wide traffic attractor as opposed to the NNCP's original plan for small neighborly commercial uses for the nearby residents to visit on foot, stroller and bicycle need to be evaluated and mitigated. The physical effects of the social and economic blight potentially caused by this plan need to be evaluated, redesigned as mitigation or otherwise mitigated to the extent feasible.

The current residents of North Natomas are proud of their neighborhoods. They want to see the Panhandle area as an amenity to existing neighborhoods, perhaps even an upscaled addition. This project appears to be adding a potentially blighted area with low property values and potentially higher crime rates, into the mix. In the 1985 and 1994 North Natomas Community Plans, City Council prudently provided an open space buffer area in which potential nuisance impacts could be reduced by distance, landscaping and other amenities for roads and power lines.

Mitigation measures should be devised and adopted which provide adequate space and vegetation buffers along power lines as well as financing mechanisms for properly maintaining the easement areas. The provision of 3-5 acre lots along and under the lines could work as well as homeowners could maintain the portion of the property that they would not use and lush vegetation could remediate the visual blight on their properties. We previously provided a photo of the large backyard of a home in an upscale neighborhood which abuts a major transmission line.<sup>4</sup> One may observe that the impacts have been well mitigated.

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<sup>4</sup> Our comments on the planning project and the Natomas precinct NOP are hereby incorporated by reference. They have been provided to Ms. Mahaffey separately.

**10. Other Traffic and Air Quality Issues and Impacts.** When Truxel/Natomas Boulevard was extended to Elkhorn Boulevard, it was downsized to ensure that it didn't induce growth on the Natomas Precinct site to the north, and to ensure that any future projects to the north did not dump thousands of cars per day into North Natomas via Natomas Blvd. (The project file for the Truxel Road Extension and associated planning, engineering and environmental documents, and comment letters, including additional staff work and analysis contained in the Valley View Acres Traffic Calming approval by City Council which closed Sorento Road to through traffic, are hereby incorporated by reference into these comments.)

This project proposes what appears to be up to 3 roads and six to ten lanes of access to Natomas Precinct, the exact opposite of previous Council approvals. This situation will cause the Panhandle to carry more cut through traffic than any other area of North Natomas. This is an area not located near the Town Center or Light Rail lines, nor planned to be a traffic attractor. High volume traffic/road areas are supposed to be limited to the Town Center and light rail areas. More traffic, more noise, and higher concentrations of carbon monoxide translate into greater potential for urban blight and undermine air quality plans and mitigation for North Natomas development.

Finally, where will the extra traffic from the north go after it reaches Del Paso Road?? There are no freeway entrances. Will our North Natomas neighbors to the west find all this additional traffic dumped into their portion of Del Paso Road, and the intersection of Natomas Blvd. and Del Paso Road? Will Club Center Drive, or the other connectors to Regency and Natomas Park, become cut-through routes from Natomas Precinct, Antelope, North Highlands and Rio Linda to employment centers and downtown? Those areas (except the precinct) used Sorento as a cut through before it was closed to through traffic. How much traffic will Sorento and Carey Roads carry? They provide direct access to Del Paso Road.

This proposal appears to be inconsistent with the traffic policies of the City's General Plan, and the Sacramento Council of Government's MTP/SCS with Blueprint Reference and Transit Priorities Map and policies. In fact, "under this MTP/SCS Map (horizon year 2036) no growth is anticipated to occur (Hargrove, 4/4/16)."

The Habitat Conservation Plan discourages projects that induce growth on areas not identified as growth in that Plan. This proposal will induce growth to the north and produce more traffic impacts than are necessary for a low-density residential community. There can't be access to the east because of the levee and public lands, none to the south because of existing industrial areas.

The proposed shopping center is huge, almost a third of a mile long creating a strip development along National adjacent to, and under, the power lines. It will attract trips from other neighborhoods to the east and south, and from western North Natomas. This area already has too much unplanned commercial development.

County and City plans did not envision a long commercial strip along Del Paso Road. However, one has slowly evolved and new commercial businesses, like Track 7, are continually being added immediately south of Del Paso Road in the once mainly industrial area.

A traffic study evaluating the impacts of previously unplanned strip development along Del Paso Road, the commercialization of nearby streets and industrial areas, such as North Market, the subject project's shopping mall and other proposed 600 acre Panhandle development, and southerly traffic from the 5,600 acre Natomas Precinct, needs to be undertaken as part of this DEIR project so project related and project specific and cumulative significant adverse traffic, circulation, air quality and livability impacts may be adequately assessed, disclosed and mitigated. Current air quality and traffic plans, strategies, policies and mitigation, transit planning and strategies, transit corridor development, and town center policies need to be reevaluated in light of the commercialization of eastern North Natomas.

The local road network was not designed to carry traffic from these additional commercial uses.

North Natomas air quality and traffic mitigation plans and programs were designed to concentrate work and shopping near transit corridors. What are the actual project specific, and most important, cumulative impacts of all this additional shopping and commercial activity? How does the proposed large shopping center contribute to significant adverse traffic, circulation and air quality impacts? Mitigation needs to be provided to minimize or avoid these adverse impacts to the extent feasible. We are asking for a mitigated plan which removes the over sized shopping attraction and replaces it with a few small neighborhood oriented commercial locations

The road network appears to be over built and expensive. Can it be reasonably financed? North Natomas residents are accustomed to beautiful sound walls and landscaping along busy connector streets. Speed bumps have had to be installed along streets, such as Sagebrush, which were being used as cut-throughs to Elkhorn even though they weren't planned that way. Who will pay for the traffic calming, the walls, the landscaping for 2-3 north-south roads and nine busy collectors?

Future residents will be required to pay for this over construction through increased fees and unnecessarily inflated financing plan costs. We are also concerned that this road network is actually being designed to accommodate future requests for higher densities. We wonder why the project proponents and the City would be willing to fund so many major streets.

Previous financing plans have proved inadequate to fund road improvements and other infrastructure found to be necessary after project approvals. The DEIR needs to assess this road network from many perspectives, safety, air quality and circulation, nuisance, impact on crime activity and feasibility in terms of funding and maintenance.

Mitigation measures need to be proposed and adopted which ensure that the traffic will be appropriately calmed, adverse aesthetics and nuisance issues will be mitigated, requests for higher densities discouraged, and financing is in place for identified mitigation before road construction is permitted to begin. In the early 2000s, the City failed to require extension of Truxel, and other backbone roads, before thousands of homes were constructed. It caused a very traffic situation. This proposed project's backbone roads, especially the extension of National Drive, need to be constructed prior to the construction of homes in the Panhandle.

It appears the City and project proponents have thus far not been able to engage the owners of 123 acres in the North Panhandle in this process. At one point in the past, those owners

opposed the extension of National. For a while, they supported annexation. It is unclear what they are doing now.

A mitigation measure needs to be adopted which requires that all property owners in the annexation area agree to the extension of National Drive prior to any construction on this site. A mitigation measure also needs to be adopted which ensures financing of the entire road by the project proponents if the 123 acre parcel owners do not agree to participate, or decide not to develop their property.

The process of eminent domain is complex, expensive and time consuming. If the City has to pay to extend this road, how will they fund it?

We oppose a plan to essentially empty streets into people's front yards. By that, we mean that two streets proposed to access Sorrento Road, (Mayfield and street D) end in front of existing residences. They point hundreds of cars and headlights at these peoples' front yards and living rooms, plus noise, litter and potential crime. These impacts need to be quantified, disclosed and mitigated. Street A easily connects the high school site to Sorrento and the East Levee Road; Mayfield connects the elementary school and high school to Sorrento. Twin Rivers has asked for access to Sorrento Road in the past, a proposal which is no longer related to their education facility needs. Their entire school facility is now proposed to be located west of National Drive. Their proposed urban development project can use National Drive as access

Busy roads have not been designed in North Natomas to dead-end into existing residences. Why here? So far, almost 190 Valley View Acres residents representing 95% of the community have signed a petition requesting that no roads from the new development be dumped into our neighborhoods, and that a buffer be provided to protect our neighborhood from future nuisance complaints.

If criminals, or teenagers leaving late night high school events, stop at a stop sign or light and sit looking at a house or yard, they will get ideas. Crimes will happen. Last week, an officer came to a neighborhood meeting and told us the Valley View Acres crime rate was lower than the rest of North Natomas because we are isolated (See Attachment D). We welcome our new neighbors, but, just like our North Natomas neighbors to the west, we don't want unnecessary traffic from urban development to blight our individual neighborhoods. Elsewhere in North Natomas, streets are ended or cul-de-sacs placed on ends to deter strangers from casing our neighborhoods or speeding.

The new streets are meant to serve the new neighborhoods, not Valley View Acres. The rest of North Natomas was designed to calm traffic as much as possible and to minimize adverse traffic impacts on the internal neighborhoods. This plan proposes to completely undermine previous efforts to upgrade Valley View Acres and reduce blight there, and in surrounding areas. Certainly, other North Natomas neighborhoods were designed with this in mind.

We object to the continuing degradation of planned potential for this site, the last major east North Natomas development opportunity. We do not want to replicate the blight and crime provoking characteristics that have caused so much misery in Gardenland and Northgate. The City has expended a lot of money trying to fix the crime, poverty, rental issues, traffic issues and other problems plaguing those under protected neighborhoods. They are

neighborhoods with the same levee and transmission features as the Panhandle/Valley View area.

Gardenland was just like Valley View at one time. Some of our neighbors grew up there. Poor planning, and unaddressed traffic intrusion issues, caused it to change greatly.

**12. Creation of an unincorporated island within a City.** This project is inconsistent with the provisions of the CKH Act regarding creation of unincorporated islands within cities. The State legislature has worked diligently to eliminate existing unincorporated islands because of their adverse public service provision impacts upon inhabitants and property owners within unincorporated islands and the surrounding areas. Interfaces between service providers are often difficult to manage. This project exacerbates existing nuisance abatement, police, fire, road maintenance, water and sewer and other service provision issues in this area.

Thank you for the opportunity to comment on the NOP. We will continue our fact-finding efforts and provide you with information we believe will facilitate the best possible land use decisions. We look forward to working with you, the project proponents and community on this project.

We look forward to working with City, County and LAFCO staff, our elected and appointed officials, our neighbors and friends throughout the Natomas Community and the project proponents to develop the most livable and attractive project possible, one which enhances our communities and is consistent with our plans and dreams.

Thank you again for your work on this important project.

Sincerely Yours,



David Lichman, Leader  
Valley View Acres Neighbors Working Together  
5000 Tunis Road, Sacramento, California 95835



Barbara Graichen  
President, North Natomas Community Association  
Liaison, Valley View Acres Neighbors Working Together  
Former City/SAFCA Ueda Parkway Coordinator  
Organizer, Friends of the Ueda Parkway  
Owner, Graichen Consulting  
5010 Sorento Road, Sacramento, California 95835

**Attachment A**

Table A-1

Approved or Pending Greenfield Plans included in adopted 2035 MTP/SCS as Developing Community	Total Housing Units Planned/Proposed in Project	Housing Units Estimated to be Built by 2035 in Adopted MTP/SCS	Approved or Pending Greenfield Plans not included in adopted 2035 MTP/SCS	Total Housing Units Planned/Proposed in Project
<b>Isleton</b>			<b>Isleton</b>	
			Village on the Delta Specific Plan	300
<b>Rancho Cordova</b>			<b>Rancho Cordova</b>	
Sunridge Specific Plan	8,763	7,571		
Rio Del Oro Specific Plan	11,601	8,057		
Ranch At Sunridge Specific Plan	2,713	2,296		
Suncreek Specific Plan	4,893	1,834		
Arboretum <sup>1</sup>	4,742	571		
Westborough <sup>1</sup>	6,078	756		
<b>Sacramento</b>			<b>Sacramento</b>	
Delta Shores Specific Plan	5,092	5,077		
<b>Unincorporated Sacramento County</b>			<b>Unincorporated Sacramento County</b>	
Elverta Specific Plan	4,950	1,507	Cordova Hills Specific Plan	9,010
North Vineyard Station Specific Plan	6,063	3,292	Jackson Township Specific Plan	6,143
Vineyard Springs Specific Plan	5,942	3,740	Newbridge Specific Plan	3,075
Vineyard Community Plan	6,610	5,251	Northwest Special Planning Area	22,000-25,000
Florin Vineyard Specific Plan	9,919	2,552		
Glenborough at Easton Specific Plan	3,239	3,262		
West Jackson Specific Plan	15,658	5,150		
Mather South Specific Plan	2,504	1,039		
<b>Sutter County</b>			<b>Sutter County</b>	
<b>Live Oak</b>			<b>Live Oak</b>	
			Live Oak northern annexation <sup>1</sup>	2,700
			Live Oak SOI <sup>1</sup>	10,900

**Panhandle Working Group Support Position for retention of the City Council approved WAPA/Valley View Acres/Steelhead Creek OPEN SPACE buffer**

**The City Council should retain the Open Space Buffer in the current Panhandle Plan for a variety of mutually supportive reasons.**

- 1. Because it was approved unanimously by City Council on May 3, 1994 after the North Natomas Community Plan Working Group consisting of residents, associations, property owners and staff, unanimously supported it, and hundreds of residents attended City Council meetings to express support. Greenbelts around a community's edge enhance a community's sense of identity, and provide recreational opportunities for all residents. The North Natomas Community consists of 9,038 acres of former agricultural land; most of which is now designated for urban uses. The community deserves to keep the community plan's major open space components.**
- 2. Because retention of the open space buffer received a super majority vote from the 2004-05 Panhandle Working Group. Informed working group representatives voting to retain the open space buffer included:**

Jude Lamare, Environmental Council of Sacramento  
Barbara Graichen, Natomas Community Association  
Mike Chavez, North Natomas Alliance  
Charles Gray, Natomas Park Homeowner's Association  
Bob Pinkiert, North Natomas Community Association  
Michael Lopez, Sr., Valley View Acres Community Association  
Steve Marmolejo, independent resident  
Carol Shearly, City of Sacramento

The only two dissenting votes came from Dunmore Homes and JB Properties.

- 3. Because hundreds of residents and community associations called elected officials and wrote letters supporting the open space buffer in 1994 and 2003-04. More than a thousand residents have signed petitions supporting the open space.**
- 4. Because numerous community associations and organizations discussed the Panhandle at dozens of meetings reaching more than a thousand residents, and decided to support a plan which retains the open space buffer. Supporters include, but are not limited to:**

NATOMAS COMMUNITY ASSOCIATION  
ENVIRONMENTAL COUNCIL OF SACRAMENTO

NORTH NATOMAS COMMUNITY ASSOCIATION  
NORTH NATOMAS ALLIANCE  
ROBLA PARK COMMUNITY ASSOCIATION  
VALLEY VIEW ACRES COMMUNITY ASSOCIATION  
WEST NATOMAS COMMUNITY ASSOCIATION  
RIVER OAKS COMMUNITY ASSOCIATION  
SIERRA CLUB  
GARDENLAND NORTHGATE NEIGHBORHOOD ASSOCIATION  
FRIENDS OF SWAINSON'S HAWK  
NATOMAS PARK HOMEOWNER'S ASSOCIATION

**5. Because it buffers horse properties, agriculture, and the existing Valley View Acres neighborhood from incompatible urban uses.**

In 1985 and 1994, City Council recognized that North Natomas was not just empty farmland. Rather, there existed a long-established community on its east side where generations of families with a rural lifestyle live. Valley View Acres is a close-knit neighborhood extending along Sorento Road from Del Paso Road north to the East Levee Road near Wolf Ranch Wildlife Refuge, and identified as Valley View Acres/Valema Farms on historic subdivision maps. Steelhead Creek forms its eastern boundary. Cows, horses, poultry, and small-scale agriculture, distinguish a neighborhood where 4H, livestock competitions, and horse whispering are as common as computers. Valley View Acres was designated for rural uses on the 1994 Community Plan, and the open space buffer was created, in large part, to separate uses considered nuisances in urban areas from the new North Natomas neighborhoods.

As part of the land use compatibility strategy, southern Valley View residents agreed to downzone their properties from low density to rural residential in 1994. City Council, city staff and residents agreed that a buffer was needed to avoid future nuisance complaints, and ensure that sewer and water lines did not extend to Sorento Road and induce applications for denser growth amidst the horse properties, and possibly fuel future in-fighting.

The residents of Valley View Acres received a commitment from City Council to protect their lifestyles over the long term by providing a buffer of open space along the west side of Sorento Road.

A major problem with bringing low density (half acre lots to 7 units per acre) housing close to horse properties, livestock and small scale agriculture is that future buyers west of Sorento Road may not appreciate being so close to animals. Some are likely to disapprove of the way livestock is managed, and generally object to sights, sounds and smells, which are part of country life. Some are likely to complain about these "nuisances" even though they knew Valley View Acres was there when their homes were purchased. This is similar to what happens when people move next to an airport and then complain about the noise and want the flight paths changed.

A good example of this is a recent well-publicized case, which caused huge headaches for elected officials, hard feelings among neighbors, and unnecessary expenditures on lawyers. It's the case of the Placer County family who fought, last year, to have braying donkeys removed from a nearby horse property, a parcel similar to those found in Valley View Acres. The new neighbor couldn't tolerate a sound other neighbors found pleasant. It didn't matter that the donkey was there first; or that the neighbor knew they moved next to a horse property. The new neighbor still fought hard to get rid of the donkey.

Valley Acres residents are farmers, PTA presidents, school Board members, volunteers for numerous associations, the Urban Creeks Council north area coordinator, cofounder of the City's mounted horse patrol, teachers, police officers, horse whisperers, artists, attorneys, emergency personnel, nurses, accountants and secretaries. Many have lived here more than fifty years, including Nando Santos who remembers his mother washing him under the hand pump for their well; or Reyes Torres who remembers the first flush toilet!

They love a lifestyle rare in the urban environment, a lifestyle City Council endorsed for them in 1994 when it voted to formally permit the keeping of livestock in the neighborhood. Please don't remove the planned buffer, which protects long time residents from nuisance complaints and potential litigation.

**6. Because it protects new neighborhoods from the economic, health and safety and nuisance impacts of multiple 230 kV Western Area Power Administration (WAPA) and SMUD transmission corridors.**

The WAPA 230 K power lines form an existing edge to the urban area that works well for public safety reasons. Maintaining an open space buffer east of those lines and between them and Valley View makes a lot of sense for good urban planning. Developing close to the lines on both sides squeezes urban uses too close to the power lines.

The 1985 EIR for the North Natomas Community Plan devoted numerous pages of analysis to the potential effects of WAPA/SMUD high voltage transmission corridors on future North Natomas residents. It discussed corona effects, noise, biological effects and other potential damage to the health and safety of future City residents. The Environmental Impact Report consultants advised the City that it should not place any future residences within 250 feet of the transmission corridor. City Council listened to their technical advice and the testimony and perspectives of those who wished to protect future residents, especially children, from adverse effects, and to those who expressed concerns that the placement of apartments and backyards in close proximity to towering steel structures would depress property values and encourage transiency.

City Council approved the 170.5 acre "WAPA" buffer, which extends almost two miles from Elkhorn Boulevard to Del Paso Road, in May 1994. City Council made it wide enough to ensure that future residences could not be placed in close proximity to the corridor. National Drive, a major arterial, was placed adjacent to the western edge of the buffer adding 100 +/- feet to its western edge and ensuring no residences within 250 feet of the power corridor.

In 2004, Grant School District purchased a high school site in the Panhandle, and set back all improvements, including parking lots, a full 150 feet from the power structures. They did it willingly, but, in reality they had no choice. State law requires a minimum 150-foot setback for parking lots or any other improvements.<sup>1</sup> School buildings should and will be placed even further away.

It is important to keep in mind that children don't just need to be protected at schools. Children will play in wading pools and playpens, sleep in bedrooms, play on swings, lay on blankets and frequent the backyards and balconies of future homes and apartments. They don't attend school all year. They do use their yards all year. We need to be cautious when exposing them to the potential health and safety effects of massive high voltage power lines.

Electric and magnetic fields are invisible energy fields that surround any electrical device, including electrical transmission lines. Together these fields are called electromagnetic fields (EMFs). All types of electric energy facilities and appliances generate EMFs. In part because of their visibility in areas of human habitation, electric energy transmission facilities generate the greatest public concern. Once emitted from the source, an EMF dissipates in a circular pattern and weakens with distance from the emitting source. Electrical fields are shielded or weakened by materials that conduct electricity (including trees, buildings, and human skin). Magnetic fields pass through most materials and are therefore more difficult to shield<sup>2</sup>.

A variety of epidemiological and laboratory studies, including those sponsored and funded by international, federal, and state organizations and agencies, have been carried out regarding EMF exposure and its potential human health risks. With regard to electric energy facilities, a connection between exposure to the type of EMF generated by electric energy facilities and childhood cancer (e.g., leukemia) has been suggested, but consensus conclusions have not been reached.

In 1991, the California Public Utilities Commission (CPUC) began an investigation into the possible health effects of electromagnetic fields (EMFs). A Consensus Group consisting of citizens, utility representatives, union representatives, and public officials was established to define near-term research objectives and develop interim procedures to guide electric utilities in educating their customers, reducing EMF levels, and responding to potential health concerns. The Consensus Group concluded that the body of scientific

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<sup>1</sup>Regulations adopted by the California Department of Education require minimum distances between new schools and the edge of transmission line rights-of-way. The setback guidelines are: 100 feet from 50- to 133-kVA lines; 150 feet from 220- to 230-kVA lines, and 350 feet from 500- to 550-kVA lines. These requirements are based on the prudent rationale that the EMF drops to more acceptable levels the further the wires are from the receiving person or thing.

<sup>2</sup> California Public Utilities Commission, 2003

evidence continues to evolve. However, they recognized that public concern and scientific uncertainty remain regarding the potential health effects of exposure of EMFs generated by electric energy facilities (CPUC 2003).

Based upon these findings, the CPUC recommended that the state's utilities carry out "no and low cost EMF avoidance measures" in construction of new and upgraded utility projects. The Sacramento City Council adopted WAPA open space buffer is one such measure. It permits land currently designated for agricultural or open space uses to continue in such uses. It constitutes an insurance policy for our children. We don't believe City Council wants to take an action that could later be proven to have caused leukemia or birth defects in even one child.

The power lines are very noisy especially when it is foggy, humid or there is much moisture in the air. Homes can be soundproofed to eliminate much of the noise, but yards and balconies can't be soundproofed. People work in their yards, mow lawns, play catch, work on their cars, use outdoor spas, and send children outside when it is cloudy or slightly foggy. The North Natomas Community Plan EIR recommended a 250-foot setback from the WAPA corridor because the noise is a severe nuisance, and somewhat threatening to residents. This setback needs to be maintained.

Cracking and popping, accompanied by the downright ugly appearance of the two lines of massive structures, creates an environment, which lowers property values, degrades quality of life and dissuades long-term residency. Transiency is a precursor to blight and crime. City Council needs to retain the approved WAPA buffer to ensure that this area of North Natomas is not planned for blight and transiency.

Retention of the open space buffer makes economic sense as well in terms of the region's future energy needs. It ensures that WAPA and SMUD can add additional voltage and/or lines to the transmission corridor without adverse effects on future residents, thus protecting future power grid choices. As the voltage carried by the WAPA/SMUD transmission corridor increases, buffer widths may need to be increased or other options pursued if we don't retain the already approved buffer. It's prudent to protect our power infrastructure from encroachment just as we protect our airport.

- 7. Because the North Natomas Community Plan was ahead of its time; it was designed to support smart growth including the placement of higher densities near the town center and light rail, and reduced densities in areas, such as the Panhandle, where the circulation system was not able to handle higher densities due to constraints caused by the eastern levee system and floodways, and there was a need to buffer habitat, natural resources and agricultural residential uses in Valley View Acres, the deep floodways of Dry, Robla and Steelhead Creeks, the Dry Creek Parkway, Ueda Parkway and floodprone, rural Rio Linda from the urban edge of North Natomas.**

A goal of smart growth is to concentrate densities in appropriate areas thus ensuring maximum conservation of important agricultural land and wildlife habitat. Retention of

the open space buffer does just that. In recognition of its relationship to smart growth principles, the Sacramento Area Council of Government's regional Blueprint includes the Panhandle open space buffer. A vote to retain the buffer is a vote to support the SACOG blueprint, which City Council has endorsed.

The Panhandle is located at the urban edge far from light rail and the town center and was designed to be less dense as part of the smart growth plan. The Panhandle is bounded by agricultural uses on the north; and rural floodprone Rio Linda, Steelhead Creek, the Ueda Parkway, Hansen Ranch, rural Valley View Acres and the Dry Creek Parkway on the east.

The road infrastructure is inadequate to support much additional traffic because the floodway prevents the construction of any eastbound roads between Elkhorn and Del Paso Road, and National Drive dead ends to the south. The East Levee Road, north of Elkhorn can't be widened to accommodate northbound traffic, and no alternative road exists. Filling the open space buffer with land uses that generate another 8,000 daily vehicle trips, in an area unsuited for transit use, is a recipe for congestion. City Council and plan preparers acted wisely when it approved the open space buffer. It needs to be retained.

- 8. Because the open space buffer provides habitat and forage for nesting White Tailed Kites, Swainson's Hawk, Kestrel Falcons, Burrowing Owls, tri-Colored Blackbirds, Northern Harriers, Red Tailed Hawks, Great and Snowy Egrets, Great Blue Herons, and a variety of other raptors, birds, mammals, reptiles and amphibians. It also is part of a wildlife corridor including the Wolf Ranch Wildlife Refuge, Steelhead Creek and the Ueda Parkway.**

The "panhandle" provides important breeding and foraging habitat for a number of species including those nesting or breeding at the adjacent Wolf Ranch Wildlife Refuge, Steelhead Creek, the Ueda Parkway, Hansen Ranch and the Dry Creek Parkway. Among special status species are the western burrowing owl (*athene cunicularia*), swainson's hawk (*buteo swainsoni*), white-tailed kite (*elanus leucurus*), as well as some of the last remaining vernal pool habitat in northern Sacramento County. The California Department of Fish and Game designated the western burrowing owl as a *Species of Special Concern* because their populations have been undergoing a severe decline in the Central Valley (DeSante et al 1994). Burrowing owls, as their name implies, are ground nesting birds that are largely dependent upon fossorial mammals (such as ground squirrels) to dig their nest burrows. Semi-colonial nesters, burrowing owl colonies were once common in the Central Valley, but it is increasingly rare to find more than one or two pairs of owls, even where there are still large numbers of ground squirrels.

Swainson's hawks are designated as *Threatened* by CDFG. They return to the Central Valley to breed around March each year from their wintering grounds in Central and Latin America. They quickly reestablish nesting territories and begin nesting in order to rear young before beginning their annual migration in the fall. Swainson's hawks forage on animals found in short grassland habitats and agriculture such as irrigated and dry pasture, and row crops: small rodents (mice and voles), lizards, and large insects (crickets and

grasshoppers). Studies in the Central Valley have documented Swainson's hawks traveling as far as 18-miles from their nest sites to forage (Estep 1986). These distances are not out of choice, but out of necessity, due to the continued conversion of foraging habitat to other land uses (notably housing development), and the loss of suitable nesting habitat. The Panhandle is an important foraging area for nearby nesting Swainson's hawks.

White-tailed kites, designated as *Fully Protected* by CDFG, feed on small rodents and insects, and are known to nest on at least one of the small ranches located immediately east of the Panhandle. Kites are often observed foraging over the grasslands of the Panhandle area.

Seasonally inundated vernal pools provide important foraging habitat for migrating waterfowl, and breeding habitat for other species such as western spadefoot toad and California tiger salamander. California's vernal pools have the highest percentage of endemic plant species of any plant community, and provide critical habitat for several federally listed invertebrates.

Retaining open space is critical to the conservation and protection of these species in the North Natomas Basin. As development continues to encroach on wildlife habitat, the last few areas of open lands become ever more valuable. Although bisected by large transmission lines, the open landscape of the Natomas Panhandle is an important wildlife corridor, linking the Ueda Parkway, the Sacramento Area Flood Control Agency's Steelhead Creek wetland restoration sites, and Wolf Ranch Wildlife Refuge, and ultimately to the American River Parkway to the south, the Dry Creek Parkway and Greenway to the east, and the Natomas Cross Canal to the north.

It should be noted that birds and raptor use the power transmission lines and structures as roosts. It is not unusual to see hundreds of birds lined up along a wire. Raptors sit on them and watch for prey to emerge.

The Natomas Basin Habitat Conservation Plan (HCP) identifies 800 feet as the proper setback of urban development from preserved habitat lands. The setback is intended to reduce 'edge effects' as well as protect nesting sites from disturbance. The City's biological consultant, Padres Associates, said in its report that any widening of a buffer area "could reduce edge effects and benefit core area species inhabiting the existing habitats."

Although the land adjacent to the east side of the buffer is not "preserved habitat land" as defined in the HCP, it is preserved habitat land as defined by the US Fish and Wildlife Service, State Department of Fish and Game, and Sacramento Area Flood Control Agency. The adjacent Steelhead Creek and Wolf Ranch Wildlife Refuge Retention are designated habitat and mitigation lands hosting Pelicans, Cormorants, Stilts, various raptors, beavers, Western Pond Turtle, Giant Garter Snake, avocets, swallows, and encompassing more than 100 acres of native tree, shrub and grass plantings and environmental restoration areas, and part of the 1,000 acre Ueda Parkway. They must be retained in perpetuity. Retention of the open space buffer reduces the edge effects for species nesting at the wildlife refuge, Hansen Ranch and along Sorento Road and supports survival of threatened species.

- 9. Because a portion of the buffer is already constrained by the RD 1000 levee, or needed to facilitate RD 1000 access for emergency and maintenance purposes.**

The eastern most buffer (levee toe) along the East Levee Road is owned by RD 1000, and reserved for levee maintenance and access.

- 10. Because too much open space has already been lost in the eastern end of North Natomas, and several upzones have occurred. A 24-acre lake, and most of the approved 164.4-acre golf course along Club Center Drive have already been rezoned.**

*Jude Lamar*

Jude Lamar, Environmental Council of Sacramento

*Barbara Graichen, President*

Barbara Graichen, Natomas Community Association

*Mike Chavez*

Mike Chavez, North Natomas Alliance

*Bob Pinkiert*  
Bob Pinkiert, North Natomas Community Association

*Michael Lopez*  
Michael Lopez, Sr., Valley View Acres Community Association

*Steve Marmolejo*  
Steve Marmolejo, independent resident

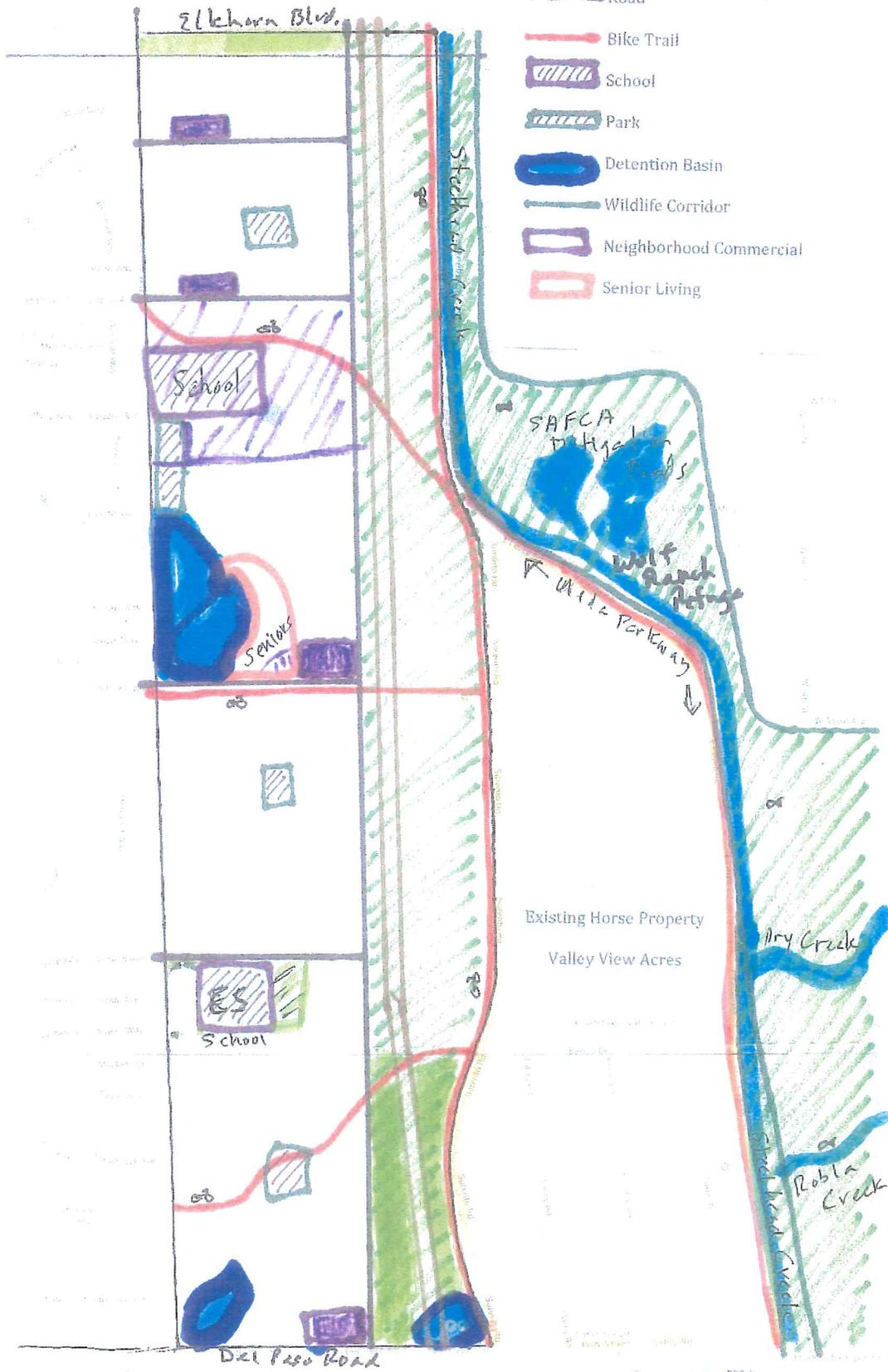
*Wendy Garrison*  
Wendy Garrison (alternate), Natomas Community Association

*Joe Angel*  
Joe Angel (alternate), Valley View Acres Community Association

Contributors: David Lichman, Perelli Company, Amy Meyer, Environmental Specialist,  
Rebecca Cull & Camille Remy, biologists, Sustainable Environmental Consulting

Legend

-  Road
-  Bike Trail
-  School
-  Park
-  Detention Basin
-  Wildlife Corridor
-  Neighborhood Commercial
-  Senior Living



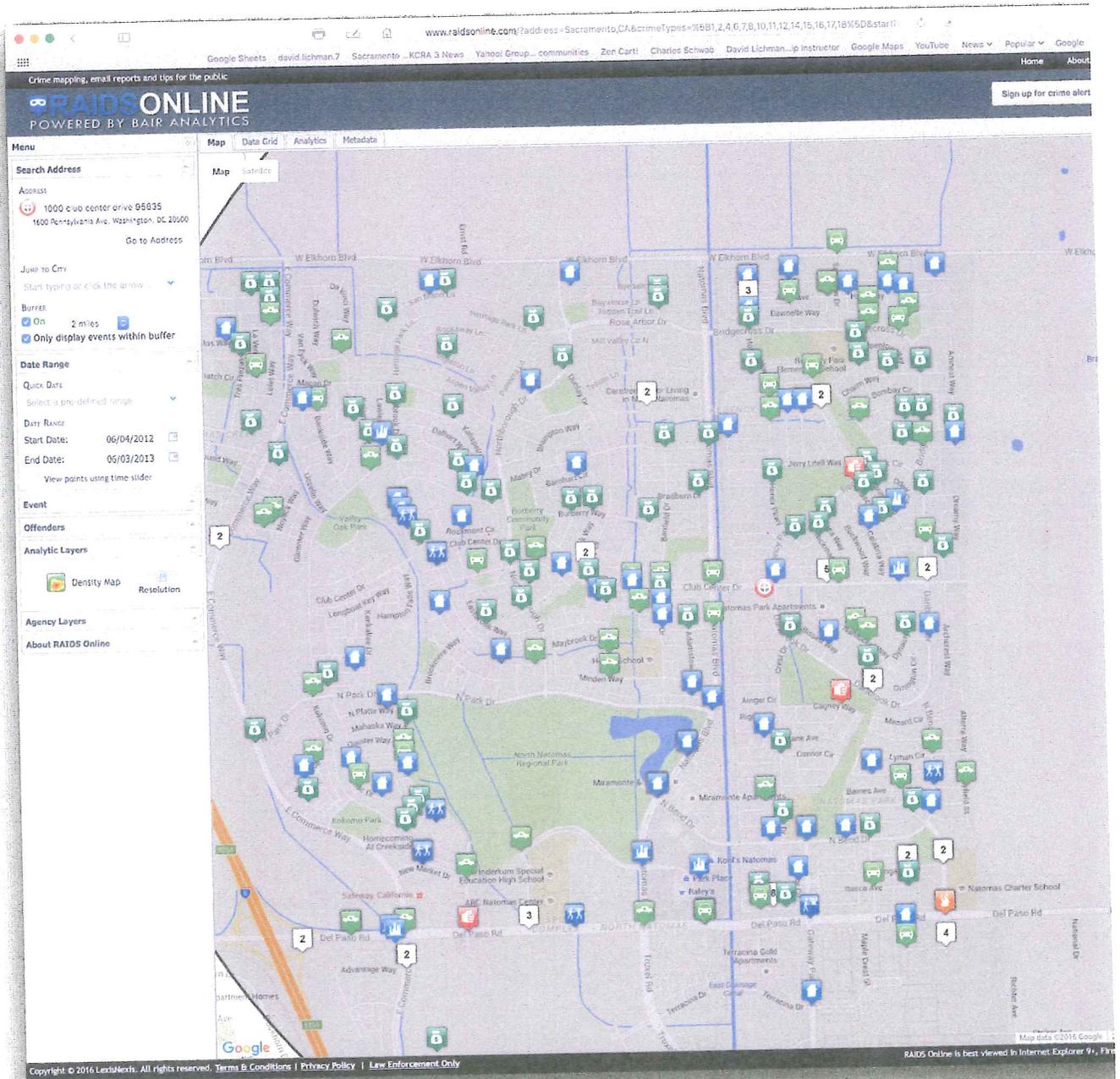
Community Proposed Alternative (Conceptual)

Attachment D

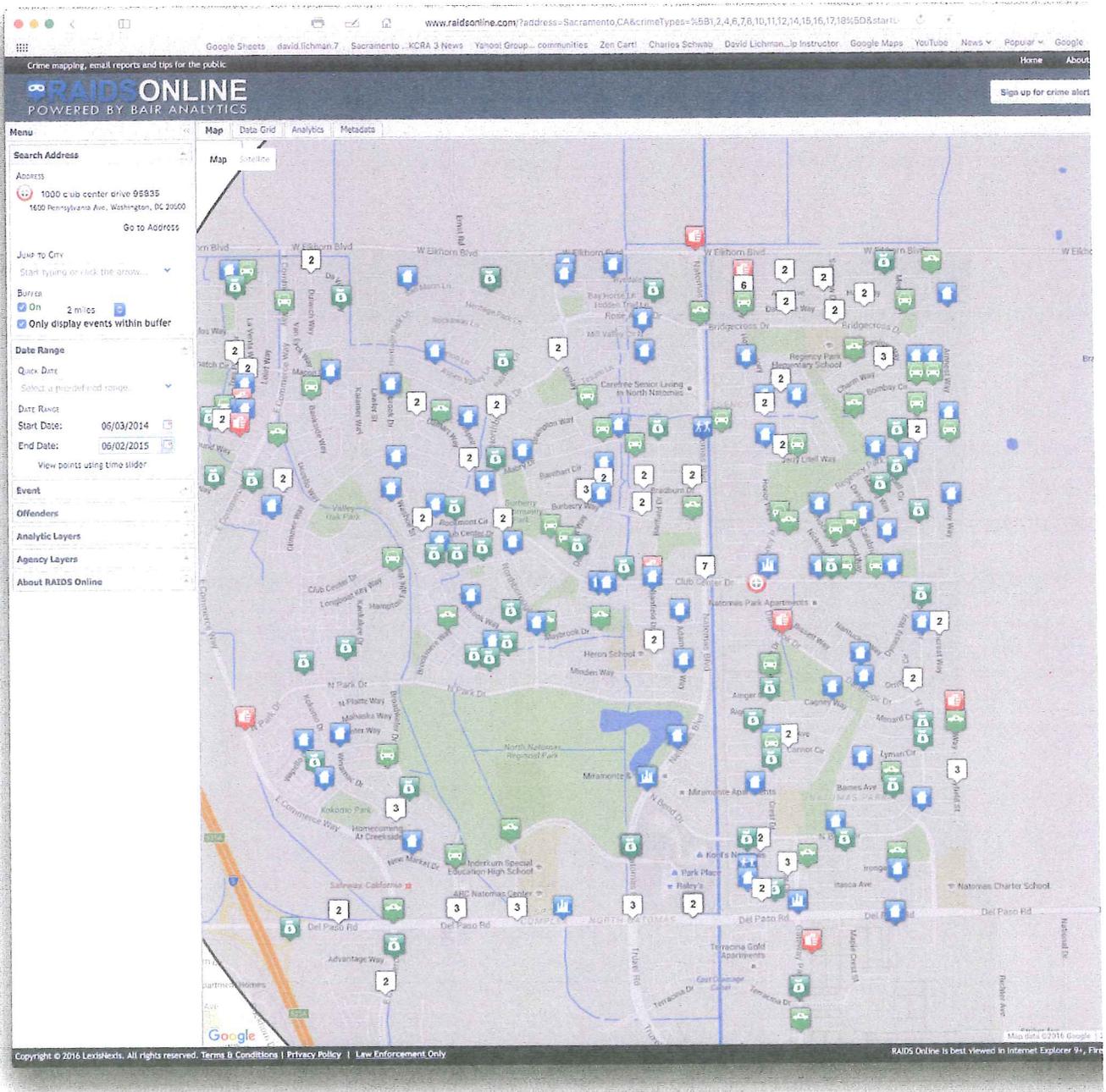
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Date: 6/2/2016 1:48:14 P.M. Pacific Daylight Time  
From: dllichman@aol.com  
To: NNatomas@aol.com

<http://www.raidsonline.com/?address=Sacramento,CA&crimeTypes=%5B1,2,4,6,7,8,10,11,12,14,15,16,17,18%5D&startDate=7&endDate=0&zoom=8>

A picture is worth a thousand words... three different date ranges...



Crime statistics



www.raidsonline.com/Address=Sacramento,CA&CrimeTypes=15B1,2,4,6,7,8,10,11,12,14,15,16,17,18%5D&startID

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Search Address  
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1600 Pennsylvania Ave, Washington, DC 20500  
Go to Address

Jump to City  
Start typing or click the arrow...

Buffer  
On 2 miles  
Only display events within buffer

Date Range  
Quick Date  
1 year  
Date Range  
Start Date: 06/03/2015  
End Date: 06/02/2016  
View points using time slider

Event  
Offenders  
Analytic Layers  
Agency Layers  
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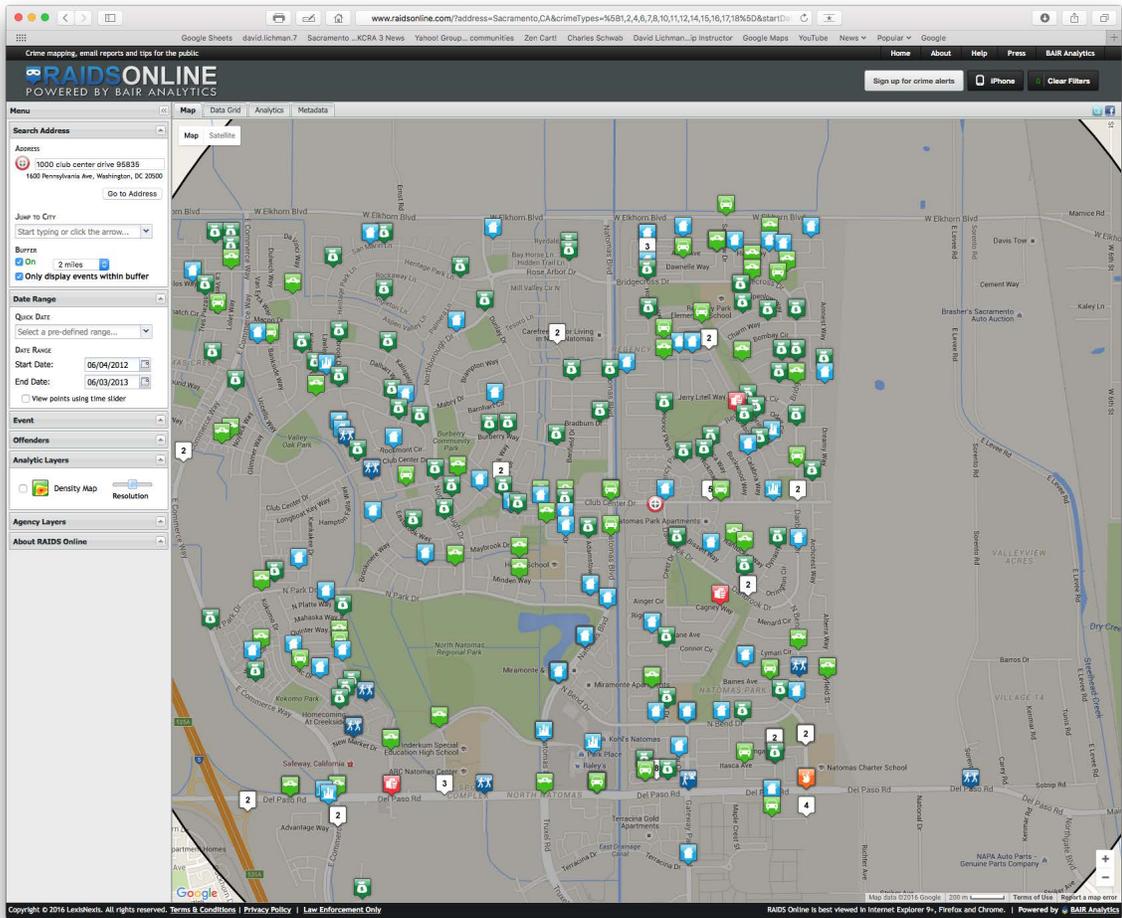
From: [NBalomas@aol.com](mailto:NBalomas@aol.com)  
To: [Dana.Mahaffey](mailto:Dana.Mahaffey)  
Cc: [david@davidlichman.com](mailto:david@davidlichman.com)  
Subject: Response to NOP for Panhandle Annexation Proposal  
Date: Monday, June 13, 2016 4:20:20 PM  
Attachments: [Screenshot2016-06-02a11.44.55PM.png](#)  
[Screenshot2016-06-02a11.41.50PM.png](#)  
[Screenshot2016-06-02a11.40.41PM.png](#)

Dear Dana

Attachment D is missing the right side of each page, so you can't see the Valley View statistics. I did not have time to fix it before I delivered our comment letter. These maps should be added to our comments and labeled revised Attachment D. Thank you.

Barbara Graichen  
718-0877

A picture is worth a thousand words... three different date ranges...



www.raidsonline.com/?address=+Sacramento,CA&crimeTypes=16,581,2,4,6,7,8,10,11,12,14,15,16,17,18&5D&startD...

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1600 Pennsylvania Ave, Washington, DC 20500  
Go to Address

Jump to City  
Start typing or click the arrow...

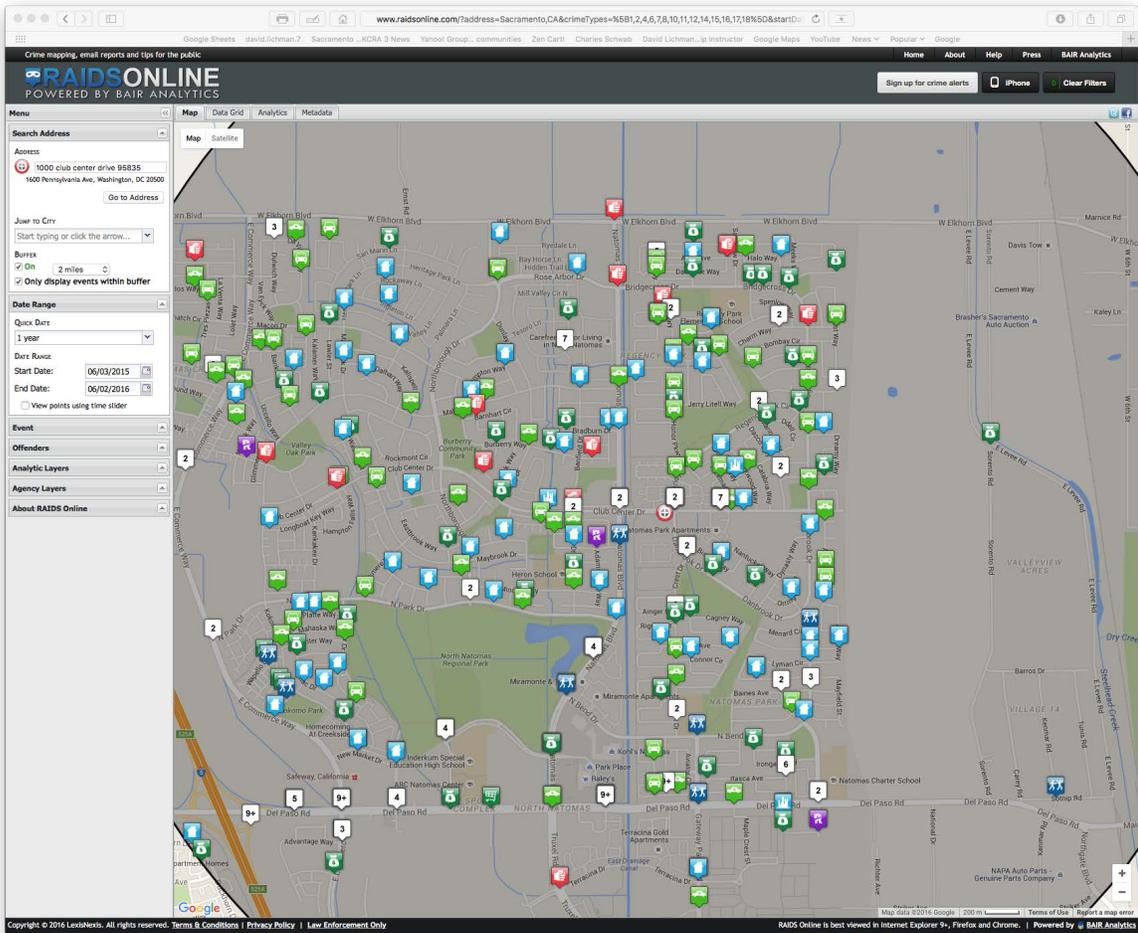
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View points using time slider

Event  
Offenders  
Analytic Layers  
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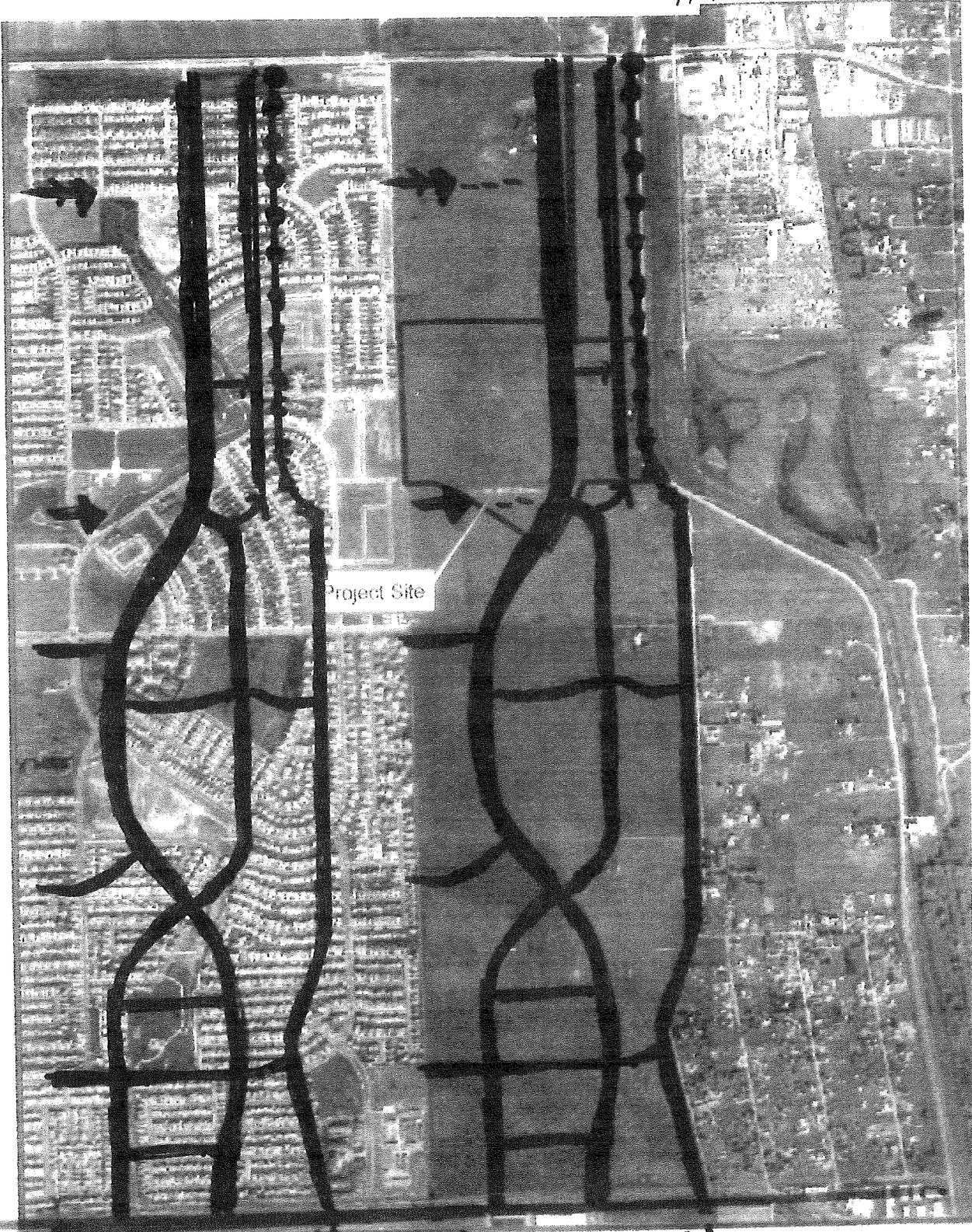
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Valley View Acres Neighbors Working Together - Barb Grauechen 991-2177

Attachment E



Natomas Park

- 0 north-south through streets
- 1 east-west to Natomas Blvd.

Panhandle

- 3 north-south through roads
- 9 east-west through roads to National Drive

plan to mitigate the impacts to the satisfaction of the District. Also, we have recently adopted a Development Impact Fee that would apply to this development.

We would be glad to meet with you and representatives of the developer to discuss our recommendations and share our concerns in more detail. Thank you for the opportunity to review and provide comments on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Devereux". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul Devereux

General Manager/District Engineer

cc Pete Ghelfi (SAFCA)



June 14, 2016

Dana Mahaffey  
City of Sacramento  
300 Richards Blvd, Third Floor  
Sacramento, CA 95811

Subject: Notice of Preparation (NOP), Panhandle Annexation and Planned Unit Development Environmental Impact Report

Dear Ms. Mahaffey,

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the NOP, Panhandle Annexation and Planned Unit Development Environmental Impact Report (EIR). SMUD is the primary energy provider for Sacramento County and the proposed project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

It is our desire that the NOP, Panhandle Annexation and Planned Unit Development will acknowledge any project impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment:
  1. <https://www.smud.org/assets/documents/pdf/Guide-for-transimsson-encroachment.pdf>
  2. <https://www.smud.org/en/business/customer-service/support-and-services/design-construction-services.htm>
  3. <https://www.smud.org/en/do-business-with-smud/real-estate-services/transmission-right-of-way.htm>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency

Based on our review of the Initial Study and our understanding of the proposed project, SMUD offers the following input:

1. Project Description: SMUD would like to be informed of any anticipated project related impacts on existing or future SMUD facilities. It is important that information regarding potential impacts to SMUD facilities in the vicinity of the proposed project be contained in the project description chapter of the EIR, as well as the existing conditions discussion of the utilities, hazards and hazardous materials, and cumulative impact sections.

2. Project Schedule: SMUD would like to see a discussion of the project schedule. Specifically, SMUD needs to be able to provide effective service to the proposed project throughout development and operation.

3. Energy Delivery (Capacity): Please continue to coordinate with SMUD staff regarding the proposed energy delivery assumptions associated with the proposed project site. The EIR should provide analysis regarding SMUD's ability to handle the project's anticipated energy needs. SMUD is looking forward to partnering with the City to ensure that the project is designed in an energy efficient and sustainable way.

4. Energy Delivery (Infrastructure): The EIR should provide an analysis of the proposed on-site and off-site energy infrastructure improvements needed to construct and operate the proposed project. The EIR should clearly delineate the responsibilities of SMUD and the City of Sacramento, as it pertains to infrastructure improvements.

SMUD would like to be kept apprised of the planning, development, and completion of the Panhandle Annexation and Planned Unit Development. We aim to be partners in the efficient and sustainable delivery of the proposed project. Please ensure that the information included in this response is conveyed to the project planners and the appropriate project proponents. Please see in the attached a memo describing project level detail that will be of great use to the applicant.

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this project. Again, we appreciate the opportunity to provide input on this NOP. If you have any questions regarding this letter, please contact Rob Ferrera, SMUD Environmental Specialist at (916) 732-6676.

Sincerely,



Rob Ferrera  
Environmental Specialist  
Environmental Management  
Workforce and Enterprise Services  
Sacramento Municipal Utility District

Cc: Jose Bodipo-Memba  
Rob Ferrera  
Pat Durham  
Joseph Schofield  
Wenjie Chen

# **SMUD<sup>®</sup> PROJECT REVIEW COMMENTS**

**PROJECT TITLE:** Panhandle Annexation and Planned Unit Development

**PROJECT LOCATION:** Sacramento

**DRAWING STATUS:** Notice of Preparation of EIR

**PROJECT OWNER:** City of Sacramento

**LOCAL JURISDICTION:** City of Sacramento

**SMUD REVIEW DEPARTMENT:** Transmission Line Engineering

**SMUD REVIEW BY:** Wenjie Chen

**SMUD REVIEW DATE:** 5/20/2016

---

These comments are not an acceptance of the proposed development, but serve as a listing of requirements that need to be responded to in writing by the project owner. Approval of proposed development is by executed agreement only.

1. SMUD has 230 and 115kV overhead transmission lines and structures located in the proposed project area. Please see the approximate locations of transmission lines and structures shown in the area outlined in red on the map shown on page two.
2. Project owner shall provide detailed engineering drawings for any improvements that are proposed within the SMUD transmission line easement. SMUD engineering will review the plans and provide comments as required.
3. Under no circumstance shall any grading or construction activities be permitted within SMUD's transmission line easements without the conveyance of rights from SMUD's real estate department. Should applicant be found performing unapproved improvements, the applicant will be responsible for returning the property to its original condition at their expense.
4. SMUD reserves the right to construct new or move existing facilities as necessary within its legal easement. Any developments installed by owner or assignees within this easement may need to be removed or modified as a result of the new or existing installed facilities.
5. SMUD reserves the right to use any portion of its easement and shall not be responsible for any damages to the developed property within said easement.



6. Project Owner or contractor is responsible for assessing any impacts (including but not limited to induced voltage and current effects) to its facilities as a result of constructing and operating their facilities within close proximity to SMUD's high voltage transmission lines.
7. Project Owner or contractor is responsible for ensuring that any subcontractor performing work in the subject right of way is aware and abides by these conditions.
8. Any proposed SMUD transmission facilities modifications/relocations by the project owner shall be performed under an executed cost recovery agreement. Project owner shall provide 18 months' timeframe to allow for design and construction of identified facilities.
9. There shall be no storage of fuel or combustibles and no fueling of vehicles within the SMUD easement.
10. There shall be no long term staging or storage of construction materials within the SMUD easement, such materials shall be removed from the easement at the completion of the project.
11. All boom-operated construction equipment within SMUD's easement corridor shall be equipped with a mechanical lock-out device to prevent the boom from extending above the Cal-OSHA required clearance distance to SMUD's energized high voltage lines and fiber optic communication lines.
12. Add the following note to drawings:  
**WARNING – SMUD OVERHEAD TRANSMISSION LINES ARE LIVE –** Electrocutation Potential. Project owner or Contractor shall take all appropriate safety measures when working near or under lines, including placement of OSHA-required warning signage. On-site SMUD inspection required when working within 25 feet of SMUD facilities. Contractor shall contact SMUD's Ricky Plaza at (916) 732-5905 or (916) 799-5733 to schedule inspection. 72-hour advance notice is required. Project owner or Contractor shall protect SMUD facilities during construction and notify SMUD immediately if facilities are damaged. Any damage to existing facilities shall be repaired at the project owner or contractor's expense.
13. Any deviations or revisions to the plans as submitted shall be brought to the attention of SMUD's Real Estate department.

**For additional information please visit our website and review our Guide for Transmission Encroachment**

<https://www.smud.org/assets/documents/pdf/Guide-for-Transimssion-Encroachment.pdf>

**BRIGIT S.  
BARNES &  
ASSOCIATES,  
INC.**

A LAW CORPORATION

Brigit S. Barnes, Esq.  
Annie R. Embree, Esq.  
Of Counsel



Asset Preservation,  
Land Use and  
Environmental  
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fax 916.660.9554  
www.landlawbybarnes.com

June 14, 2016

***Via Email and Regular Mail***

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

Attn: Lindsey Alagozian, Senior Planner  
[LAlagozian@cityofsacramento.org](mailto:LAlagozian@cityofsacramento.org)

Attn: Garrett Norman  
[GNorman@cityofsacramento.org](mailto:GNorman@cityofsacramento.org)

Re: Panhandle Annexation / Scoping Comments

Dear Ms. Alagozian and Mr. Norman:

As you know, this office represents RagingWire Data Centers, Inc. ("RagingWire").

This letter is intended to request formal clarification related to Ms. Alagozian's discussion of the nature of the Scoping Meeting held May 9, 2016. My client never received any kind of notice of the Scoping Meeting, even though the actions of the City will have a direct impact on its properties.

Ms. Alagozian told me on June 9, 2016 that the meeting had been held May 19, that no deadlines had been set, and that planned annexation was for north of the "Pan" section where my client owns properties. I emailed her on June 9, 2016, confirming what she told me, and asking that I receive notice of all matters related to the Panhandle Annexation, and the Scoping Session.

Imagine my surprise to discover today on the City's website, the notice of the Scoping Meeting, actually held May 9, not May 19, and that all comments were due June 13, 2016. Not only was the information that Ms. Alagozian provided me incorrect, but no one in her office or Mr. Norman's office informed me that her information was incorrect.

I am particularly concerned to discover that although no zoning change is anticipated for the already developed "Pan" area, the City does intend to annex this area based on the Scoping Notice attached. There is substantial confusion regarding the scope of this annexation, because City notes received pursuant to RagingWire's Public Records Act request indicate that the February 2016 Project Description showed the same 589+ acres to be annexed, but that the property south of Del Paso Blvd., which had been included in the prior 2007 application request, had been withdrawn from the current application request. Nevertheless, the City's Scoping Meeting Notice specifically states:

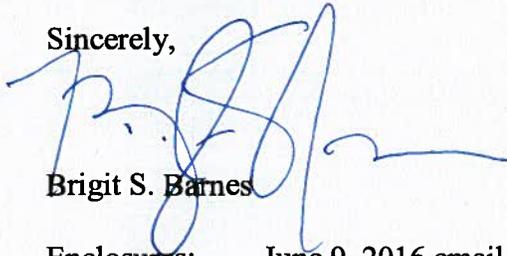
Asset Preservation	•	Commercial Real Estate	•	Environmental
General Business	•	Real Estate Financing	•	Litigation

“The area to the south of Del Paso Road, between Del Paso and I-80, Northgate Boulevard and Gateway Park Boulevard, comprising approximately 835 acres, will also be considered for annexation.”

Therefore, please ensure that among the issues considered in the draft EIR, City’s Community Development Department includes the following issues in its consideration:

- Loss of open space, including prime farm land;
- Full discussion of traffic impacts, through the Project Area and the Pan, especially plans for traffic feeding off Del Paso Blvd.;
- Analysis of the Project’s compliance with AB-32, especially in light of CBD v. Calif. Dept. Fish & Wildlife [Newhall] (2015) 62 Cal. 4<sup>th</sup> 204.
- Air Quality;
- Flooding issues, related to proposed detention plans;
- Adequacy of WWTP plan;
- Flood Plain analysis;
- Damage to wetlands, riparian issues; and
- Internal inconsistencies with annexation plan between north and south of Del Paso Blvd., especially Financial Plan issues.

Sincerely,



Brigit S. Barnes

Enclosures: June 9, 2016 email  
City of Sacramento Notice of Scoping Meeting

cc: Client [Jim Lahey, Esq.]  
Frank Watson, Esq.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3 – SACRAMENTO AREA OFFICE  
2379 GATEWAY OAKS DRIVE, STE 150 – MS 19  
SACRAMENTO, CA 95833  
PHONE (916) 274-0635  
FAX (916) 263-1796  
TTY 711



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March 9, 2016

032016-SAC-0029  
03-SAC-80 / M 4.45  
P16-013

Mr. Garret Norman  
Community Development  
City of Sacramento  
300 Richards Blvd., 3<sup>rd</sup> Floor  
Sacramento, CA 95811

**Panhandle Annexation – Application**

Dear Mr. Norman:

Thank you for including the California Department of Transportation (Caltrans) in the application review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl. The project is located within the North Natomas Community planning area, bounded by Elkhorn Blvd. on the north, Sorento and East Levee Roads on the east, Del Paso Road on the south, and the current City boundary on the north. The project was originally initiated via adoption of resolution by the City in September 2000, which commenced activities to annex the northern and southern sections of the Panhandle but was purposely withdrawn in 2007. Currently, with the southern portion (835-acres) of the original site already built-out, the project proposes annexation of the northern section (approximately 1,430-acres) of the Panhandle. The Panhandle's land use plans include zoning for approximately 1600 residential dwelling units, three schools, a shopping center, open spaces for two parks and a detention basin, and major roads and collector streets. Various entitlements are proposed along with annexation including a general plan amendment, pre-zoning, a tentative master parcel map, a planned unit development guidelines and schematics plan, and a development agreement. The following comments are based on the Application.

***Traffic Impact Analysis***

Consistent with the State's smart mobility goals, Caltrans recommends the applicant perform analysis to identify traffic impacts in terms of Vehicle Miles Traveled (VMT) for a broad project

Mr. Garret Norman / City of Sacramento, Community Development  
March 9, 2016  
Page 2

traffic travel area. Specifically, Caltrans would like the analysis to include any needed VMT-reducing mitigation that results from increased VMT from this project on the State Highway System. Mitigations to reduce VMT could include adjustments which make the project more travel efficient or induce mode shift opportunities such as increased infrastructure for transit, walking, bicycling, etc.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Arthur Murray, Intergovernmental Review Coordinator at (916) 274-0616 or by email at: [arthur.murray@dot.ca.gov](mailto:arthur.murray@dot.ca.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Fredericks".

ERIC FREDERICKS, Chief  
Office of Transportation Planning – South Branch

# *Valley View Acres Community Association*

March 21, 2016

Garrett Norman  
Assistant Planner  
City of Sacramento - Community Development Department  
300 Richards Boulevard, 3<sup>rd</sup> Floor  
Sacramento, California 95811  
Email: [gnorman@cityofsacramento.org](mailto:gnorman@cityofsacramento.org)

Re: Panhandle Annexation – Initial Project Application Comments

Dear Mr. Norman:

We appreciate the opportunity to provide comment on this project. As you are aware, development adjacent to Valley View Acres has had a long and tormented history. While we are cautiously optimistic that we can work with the City and the Panhandle property owners towards a plan that works for everyone, our primary concern continues to be the potential negative impacts to our neighborhood character and our rural lifestyle.

First off, there are many improvements to the proposed plan over past plans. Primarily, the reduction in overall density (from 3000 units in 2007 to 1600 units today). The increase in the amount of low density residential immediately adjacent to our community and the elimination of the low income apartments are two design features that are very welcomed and supported. That being said, there are several areas of serious concern.

For many years, Valley View Acres residents fought long and hard to eliminate through traffic on Sorento Road and through our internal streets. In the late 1990s, our community was successful in erecting a gate on East Levee Road at Elkhorn Blvd. to prevent cut through traffic that significantly impacted our neighborhood. If our community could have its way, no development would be proposed east of the high power line corridor that bifurcates the Panhandle project. However, most, if not all of us, realize this is neither realistic nor practical. We believe that integrating our

neighborhood into the rest of North Natomas, rather than further isolating us, should be done carefully and responsibly.

Given that some development will occur in the area west of Sorento and east of the high power line corridor, it is our general feeling that this must be done in such a manner that respects our community and minimizes the potential negative impacts to the maximum degree possible. These concerns include increases in crime, loitering, illegal trash dumping, and traffic impacts and nuisance complaints from future residents about our agricultural activities.

Specific areas of concern that must be the topic of further discussion include:

- (1) In terms of the proposed roadway connections to Sorento, this is of great concern. In terms of significance, it has the most potential to negatively impact our neighborhood. We'd like to better understand the potential traffic impacts of the current proposal to our neighborhood streets. We'd also like to better understand what traffic circulation features in the Panhandle project will be or can be incorporated to minimize the speed and volume of traffic on our neighborhood streets. That being said, we would urge the City and the project applicant to relocate the current two roadway connections to Sorento so that they do not connect to Sorento in front of existing residences.
- (2) With regards to any improvements to Sorento, it is our strong preference to maintain Sorento as a rural roadway, i.e., no street lights, curb, gutter sidewalk, etc.
- (3) Related to traffic, we'd like to better understand what the Twin Rivers Unified School District is planning to do with the East Natomas Educational Complex that's located in the middle of the Panhandle. TRUSD is part of the applicant group. We are very concerned that the ENEC site will use Sorento as an access point. We are adamantly opposed to any such use of Sorento.
- (4) With regards to land uses, in the portion of the Panhandle immediately adjacent to Sorento, the land use plan provides a range of densities, namely 3-8 units to the acres. That is a wide range. Our general

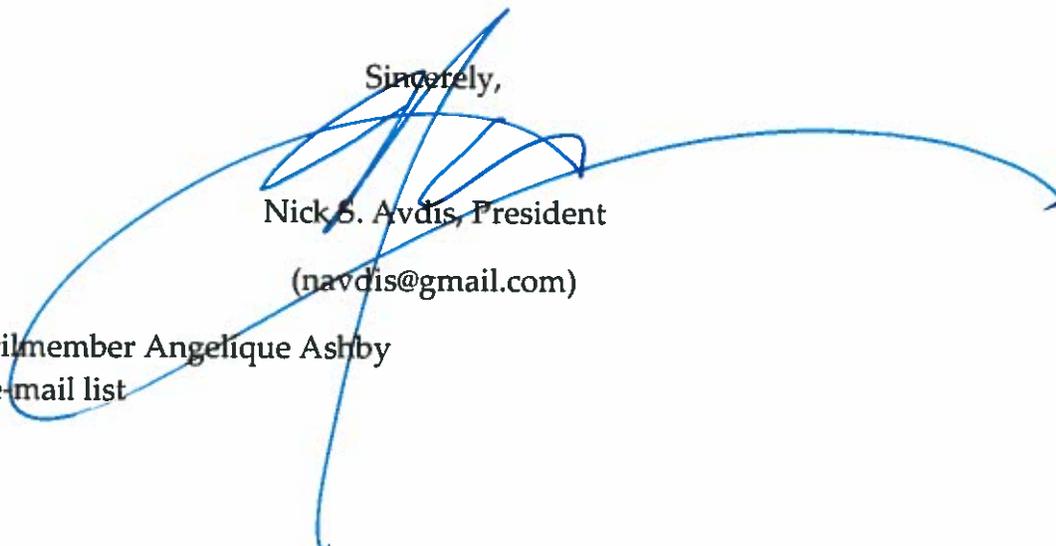
consensus is that density immediately adjacent Sorento, especially in the middle and southern portions of our neighborhood, where there are residences currently, the density range be on the lower end of the 3 to 8 units to the acre range. We'd also like a better understanding of how the City and the project foresee the lot layouts immediately adjacent to Sorento.

- (5) Given the rural nature and character of our neighborhood, we expect that any development in the Panhandle will include adequate legal disclosures, and even a deed restrictions on every property, that requires acknowledgment by future Panhandle residents that properties in Valley View Acres have an absolute right to continue our agricultural activities. We are very concerned and want protection against any possible future nuisance complaints from future Panhandle residents. We want legally adequate protections against any such claims or complaints.
- (6) Additionally, we could support running City utilities up Sorento that are adequately sized to accommodate the possible future needs of our neighborhood. While we strongly oppose being forced off of our well and septic systems, prudent planning dictates that at some point in the indeterminate future, we may be required to abandon our septic systems. As such, it would appear best to plan ahead and minimize costs to homeowners in our neighborhood should that day ever come. That being said, we want to make it abundantly clear that we are fiercely opposed to any scenario in which our neighborhood would be required to abandon our ground water wells.
- (7) We would also like to see some sort of recreational path/trail or other feature along Sorento to accommodate pedestrians, horseback riders and bicyclists. Increasing the connectivity to recreational activities along East Levee Road would be an added amenity to our neighborhood as well as future residents of the Panhandle.
- (8) Lastly, despite the recent drought, in past years our neighborhood has experienced significant drainage issues. This particularly the case with the culvert located at the northeast corner of Sorento and Del Paso. As such, we are particularly interested in what drainage improvements

will be proposed as part of the project and how such drainage improvements can enhance the drainage of our neighborhood.

We are cautiously optimistic that we can work with both the City and the property owners advancing the current entitlement application to develop an ultimate plan that works for everyone. Again, we appreciate the opportunity to comment on this item and look forward to discussing this project further as it makes its way through the City application process.

Sincerely,



Nick S. Avdis, President

(navdis@gmail.com)

cc. Councilmember Angelique Ashby  
VVA e-mail list

**From:** [Dana Mahaffey](#)  
**To:** [Dana Mahaffey](#)  
**Subject:** FW: Response to Notice of Preparation (NOP) for the Panhandle Annexation and Planned Unit Development (City of Sacramento Control Number: P-16-013)  
**Date:** Tuesday, June 21, 2016 9:29:45 AM

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**From:** David Lichman [mailto:dlichman@me.com]  
**Sent:** Monday, June 20, 2016 6:35 PM  
**To:** Dana Mahaffey  
**Cc:** Barbara Graichen; Nancy  
**Subject:** Re: Response to Notice of Preparation (NOP) for the Panhandle Annexation and Planned Unit Development (City of Sacramento Control Number: P-16-013)

Hi Dana,

Thank you so much for the helpful suggestions. The main points that our neighborhood wants evaluated per this submission are:

- 1) A buffer along the west side of Sorento, to resolve land use compatibility issues with the existing 1-acre lot horse properties and the rural lifestyle on the other side of the street.
- 2) No connecting roads from the Panhandle project into Sorento Road. Our comments from North Natomas Community Association and Valley View Acres Neighbors Working Together have a full discussion of this issue.
- 3) We welcome bicycle, equestrian and pedestrian access, but not motor vehicle except for emergency access.
- 4) No connection to City sewer services, water, lighting, sidewalks etc., as they are not compatible with our rural lifestyle.

We feel that the VVACA letter does not reflect these views, which are supported by 95% of the residents and property owners who signed our petition.

It's important to us that the planners see that Mr. Avdis apologized for representing those views as a consensus. (See Below)

Thanks!!

David Lichman  
(916) 205-1092 (cell)