



# Final Environmental Impact Report Paso Verde School



Prepared for:



Natomas Unified School District  
Facilities and Strategic Planning Department

Prepared by:



February 2019



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# ACRONYMS AND ABBREVIATIONS

°F	Fahrenheit
AB	Assembly Bill 52
AEP	annual exceedance probability
AG-80	Agricultural, 80-acre minimum lot size
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
ARB	California Air Resources Board
ASLHA	American Speech-Language-Hearing Association
BiOp	Biological Opinions
BMP	best management practices
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNEL	community noise equivalent level
CO <sub>2</sub> e	carbon dioxide equivalents
CVRWQCB	Central Valley Regional Water Quality Control Board
dB	decibel
dBA	A-weighted sound levels
DOT	U.S. Department of Transportation
DSA	driving standard agency
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESA	environmental site assessment
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
GHG	greenhouse gas
Handbook	Air Quality and Land Use Handbook: A Community Health Perspective
HCP	Habitat Conservation Plan
HVAC	heating, ventilation, and air conditioning
I-5	Interstate 5
IPCC	Intergovernmental Panel on Climate Change
KOPs	key observations points
lb/day	pounds per day
LEED	Leadership in Energy and Environmental Design
L <sub>eq</sub>	Equivalent Noise Level
LID	low impact development
L <sub>max</sub>	Maximum Noise Level

# ACRONYMS AND ABBREVIATIONS

LOS	level of service
MERV	Minimum Efficiency Reporting Value
MT	metric tons
MTP	Metropolitan Transportation Plan
MUTCD	Manual on Uniform Traffic Control Devices
MWELO	Model Water Efficiency Landscape Ordinance
NBHCP	Natomas Basin Habitat Conversation Plan
NOI	notices of intent
NOP	Notice of Preparation
NO <sub>x</sub>	oxides of nitrogen
NUSD	Natomas Unified School District
NWF	National Wildlife Federation
PCA	pest control advisor
PeMS	Performance Measurement System
Plan	Natomas Basin Habitat Conservation Plan
Plans	Natomas Basin Habitat Conservation Plan and Metro Air Park Habitat Conservation Plan
RD	Reclamation District
RLF	Revolving Loan Fund
SACSIM	Sacramento Activity Based Travel Simulation Model
SACOG	Sacramento Area Council of Governments
SASD	Sacramento Area Sewer District
SCS	Sustainable Communities Strategy
SMAQMD	Sacramento Metropolitan Air Quality Management District
SMF	Sacramento International Airport
SMF	Sacramento International Airport
SMUD	Sacramento Municipal Utility District
SR	State Route
SRCSD	Sacramento Regional County Sanitation District
State Clearinghouse	Governor's Office of Planning and Research
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TMP	Transportation Management Plans
TNBC	The Natomas Basin Conservancy
UPA	Urban Policy Area
USB	Urban Services Boundary
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
VMT	vehicle miles traveled
WHO	World Health Organization

# 1 INTRODUCTION

The Natomas Unified School District (NUSD) prepared an environmental impact report (EIR) to evaluate the potential environmental effects of the proposed Paso Verde School, also referred to as “the proposed project” in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Section 15000 et seq.).

## 1.1 INPUT ON THE SCOPE OF ANALYSIS REPORTED IN THE DRAFT EIR

Pursuant to Section 15082 of the CEQA Guidelines, the NUSD prepared a notice of preparation (NOP) of an EIR and provided copies directly by mail and through the Governor’s Office of Planning and Research (State Clearinghouse) to CEQA responsible and natural resource trustee agencies, local municipalities, interested persons, organizations, agencies, and landowners. The NUSD issued the NOP on May 31, 2018, and comments were accepted for a 30-day period. During the 30-day comment period, the NUSD held a public scoping meeting on June 19, 2018.

The Draft Environmental Impact Report (Draft EIR) (State Clearinghouse Number 2018052079) was received by the State Clearinghouse and circulated for a 45-day public review period from November 9 through December 31, 2018. The NUSD hosted a public workshop to discuss the Draft EIR on Monday, December 17, 2018, at the Paso Verde School interim site, 3800 Del Paso Road in Sacramento.

In accordance with Section 15088 of the CEQA Guidelines, the NUSD, as the lead agency, has reviewed the comments received on the Draft EIR for the proposed project and have prepared written responses to the comments received.

The NUSD prepared this Final EIR, which includes:

- ▶ A full list of agencies, organizations, and individuals that provided comments on the Draft EIR;
- ▶ A summary of verbal comments on the Draft EIR received at the public workshop;
- ▶ A summary of comments and responses to comments on the Draft EIR; and
- ▶ Minor revisions to the Draft EIR detailed in Chapter 3, “Errata,” of this Final EIR.<sup>1</sup>

Chapter 2, “Comments and Responses to Comments” of this Final EIR includes the written and verbal comments received on the Draft EIR and responses to each of these comments (as required by the CEQA Guidelines Section 15132). To assist the reader, each response includes a summary of the comment. The range of responses include providing clarification on the Draft EIR, making factual corrections, explaining why certain comments may not warrant further response, or simply acknowledging the comment for consideration by decision makers when the comment does not relate to the adequacy of the EIR for addressing potential adverse physical environmental effects of the project.

In some instances, responses to comments may warrant modification of the text of the Draft EIR. In those cases, the text of the Draft EIR is revised and the changes compiled in Chapter 3, “Errata” of this Final EIR. The text deletions are shown in ~~strikeout~~ (strikeout) and additions are shown in underline (underline). The revisions summarized in Chapter 3 of this Final EIR do not change the conclusions presented in the Draft EIR.

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<sup>1</sup> Chapter 3, “Errata,” includes only pages of the Draft EIR where revisions have been made, not the entire Draft EIR.

This document and the Draft EIR together constitute the Final EIR for consideration by the NUSD Board of Trustees. Appendix A is the Mitigation Monitoring and Reporting Program.

## **1.2 USE OF THE FINAL EIR**

The Final EIR allows the public and the NUSD decision makers an opportunity to review revisions to the Draft EIR and the Responses to Comments. The Final EIR serves as the environmental document to inform the NUSD Board's consideration of the proposed project, either in whole or in part, or one of the alternatives to the project discussed in the Draft EIR. As required by Section 15090 of the CEQA Guidelines, a lead agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the lead agency's independent judgment and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

## 2 COMMENTS AND RESPONSES TO COMMENTS

This section of the Final EIR contains comment letters received during the public review period for the Draft EIR and responses to each of these comments.

The Final EIR contains comment letters received during the 45-day public review period for the Draft EIR, which concluded on December 31, 2018. In conformance with CEQA Guidelines Section 15088(a), the NUSD has prepared written responses to all comments that addressed environmental issues related to the Draft EIR. The NUSD’s response to comments focuses on the disposition of significant environmental issues, as specified by Section 15088(c) of the CEQA Guidelines.

### 2.1 LIST OF COMMENTERS

Table 2-1 identifies a number for each comment letter received, the author of the comment letter, and the date received. Each comment letter is included in its entirety for decision maker consideration before each response.

<b>Table 2-1 Comments Received on the Draft EIR</b>		
Letter #	Commenter	Letter Date
<b>Agencies/Tribes</b>		
A1	Sacramento Regional County Sanitation District	November 27, 2018
A2	California Department of Fish and Wildlife	November 30, 2018
A3	Sacramento Metropolitan Air Quality Management District	December 14, 2018
A4	County of Sacramento, Office of Planning and Environmental Review	December 20, 2018
A5	Department of Toxic Substance Control	December 27, 2018
A6	Sacramento County, Department of Airports	December 27, 2018
A7	Sacramento Municipal Utility District	December 27, 2018
A8	County of Sacramento, Office of Planning and Environmental Review	December 28, 2018
A9	City of Sacramento, Community Development Department	December 31, 2018
A10	State Clearinghouse	January 2, 2019
A11	California Department of Transportation, District 3	December 28, 2018
<b>Organizations</b>		
O1	The Natomas Basin Conservancy	December 28, 2018
<b>Individuals</b>		
I1	Public Workshop Comments	December 17, 2018
I2	Joel Leong and Laurie Hudson	December 18, 2018
I3	Tim Kiernan	December 17, 2018
I4	Benjamin Fries PE, MBA	December 26, 2018 <sup>1</sup>

<sup>1</sup> The letter is labeled “December 26, 2019,” but has been corrected here for accuracy.

In addition, on February 10, 2019, NUSD received an email message from Judith Lamare and James Pahl, representing an organization called Friends of the Swainson's Hawk, noting that this organization and others have issues with the location of the school in an environmentally sensitive location and expressing concerns related to aircraft overflight. The commenters also attached documents related to a previous proposed school in the same location from 2005, 2006, and 2007. On February 12, 2019, in response, NUSD replied that the District has received the materials and provided a link to the NUSD website where the commenter can find additional information about the proposed project and its environmental review. NUSD also provided the time, date, and location for a Board of Trustees meeting where the environmental document is anticipated to be on the agenda. Finally, NUSD copied the other environmental organizations identified by the commenters, providing these organizations (Sierra Club and Environmental Council of Sacramento) with the same information.

On February 13, 2019, the same commenters representing Friends of the Swainson's Hawk noted that they endorse comments submitted by the City of Sacramento and the Natomas Basin Conservancy. Detailed responses to these comment letters are provided in subsections 2.2.9 and 2.2.11 of this Responses to Comments document.

## **2.2 COMMENTS AND RESPONSES ON THE DRAFT EIR**

The written comments received on the Draft EIR and the responses to those comments are provided in this section. Each comment letter is reproduced in its entirety. Responses to comments follow the comment letters. Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

The Final EIR considers comment letters shown in Table 2-1 and provides text changes, where appropriate, shown in strikethrough for deleted text and underlined for corrected and/or clarified changed text in Chapter 3, “Errata.”

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2.2.1 LETTER A1 – SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT



November 27, 2018

Main Office

10060 Goethe Road  
Sacramento, CA 95827-3553  
Tel: 916.876.6000  
Fax: 916.876.6160

Treatment Plant

8521 Laguna Station Road  
Elk Grove, CA 95758-9550  
Tel: 916.875.9000  
Fax: 916.875.9068

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Nicole Coleman

www.regionalsan.com

Jen Mellor, Planning Technician, Facilities & Strategic Planning  
Natomas Unified School District  
1901 Arena Boulevard  
Sacramento, CA 95834

**Subject: Notice of Availability - Paso Verde School Draft Environmental Impact Report**

Dear Ms. Mellor:

Sacramento Regional County Sanitation District (Regional San) and the Sacramento Area Sewer District (SASD) have the following comments regarding the Notice of Availability - Paso Verde School Draft Environmental Impact Report:

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). Project proponents should continue to work closely with SASD and Regional San Development Services to ensure proper connection to any existing SASD or Regional San facilities.

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.

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> and the Regional San ordinance is located on their website at <http://www.regionalsan.com/ordinance>.

If you have any questions regarding these comments, please contact me at 916-875-7123

Sincerely,

Michael Meyer, P.E., Policy and Planning  
Regional San/SASD

cc: Regional San Development Services  
SASD Development Services  
Dave Ocenosak, Christoph Dobson

### 2.2.1.1

## RESPONSE TO COMMENT LETTER A1 – SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT

**Comment A1-1:** *The commenter states that SASD will provide local sewer service for the proposed project area and states that the project proponents should continue to work closely with SASD and Regional San Development Services to ensure proper connection to any existing SASD or Regional San facilities.*

Impacts related to wastewater conveyance and treatment facilities are addressed in Section 3.14, “Utilities and Service Systems” of the Draft EIR. As stated in Impact 3.14-3, the NUSD would be required to prepare and submit a detailed wastewater infrastructure improvement plan that depicts the locations and appropriate sizes of all required conveyance infrastructure. Proposed on-site wastewater facilities must be designed and sized to provide adequate service to the project site for the amount of wastewater generated by the school facilities based on SASD’s Standards and Specifications. In addition, Impact 3.14-3 acknowledges that wastewater infrastructure to serve properties within the Sacramento Area Sanitation District (SASD) cannot be constructed until the wastewater infrastructure improvement plans have been approved by SASD. As requested, the NUSD will continue to coordinate with SASD and Sacramento County Regional Sanitation District (SRCSD) during development of the school facilities to ensure proper connections to any existing SASD or SRCSD facilities.

**Comment A1-2:** *The commenter states that Regional San and SASD are not land-use authorities. The commenter states that Regional San and SASD design their sewer systems using predicted wastewater flows that are dependent on land use information provided by each land use authority and the commenter further states that Regional San and SASD base the projects identified within their planning documents on growth projections provided by these land-use authorities.*

The NUSD acknowledges that SASD and the SRCSD are not land use authorities and that they design their sewer systems based on land use planning information provided by each land use authority.

**Comment A1-3:** *The commenter states that customers receiving service from Regional San and SASD are responsible for rates and fees outlined within the latest Regional San and SASD ordinances and the commenter states that fees for connecting to the sewer system recover the capital investment of sewer and treatment facilities that serves new customers.*

The commenter provides information regarding SASD’s and SRCSD’s ordinances and connection fees. The NUSD will pay connection fees before connecting to wastewater facilities, as outlined in SASD’s and SRCSD’s ordinances.

2.2.2 LETTER A2 – CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

**Letter A2**

**From:** [Jennifer Mellor](#)  
**To:** [Dylan.A.Wood@wildlife.ca.gov](mailto:Dylan.A.Wood@wildlife.ca.gov)  
**Cc:** [R2CEO@wildlife.ca.gov](mailto:R2CEO@wildlife.ca.gov)  
**Subject:** Re: Comments on the Draft EIR for the Paso Verde School (SCH: 2018052079)  
**Date:** Friday, November 30, 2018 1:13:51 PM  
**Attachments:** [image001.jpg](#)  
[image001.jpg](#)

Dylan,

Your comments have been received. We appreciate your review of our draft EIR.

Sincerley,  
Jen Mellor  
Planning Technician  
Facilities & Strategic Planning  
916-567-5468  
1901 Arena Blvd  
Sacramento, CA 95834



On Fri, Nov 30, 2018 at 12:15 PM Wood, Dylan A@Wildlife  
<[Dylan.A.Wood@wildlife.ca.gov](mailto:Dylan.A.Wood@wildlife.ca.gov)> wrote:

Ms. Mellor,

The California Department of Fish and Wildlife (CDFW) has received and reviewed the **Draft Environmental Impact Report** for the **Paso Verde School** (Project) in Sacramento County. CDFW offers the comments and recommendations below to assist the Lead Agency in adequately identifying and, where appropriate, mitigating the project’s significant or potentially significant, direct and indirect impacts on fish and wildlife resources.

In Mitigation Measure 3.4-1a, Bullet 5 of *Programmatic Avoidance and Minimization Measures*, the draft EIR states that “any sightings will be reported to the USFWS immediately”. It is recommended that CDFW be informed of any sightings as well. Sightings can be reported directly at 916-358-2384. In Bullet 1 of *Project-Specific Avoidance and Minimization Measures*, CDFW recommends that a biological monitor be present for all activities that include work to the West Drainage Canal or connections to the canal (including creation of the outfall, trenching, etc.). In *Consistency with the NBHCP*, the proposed measure of excluding certain erosion control materials is effective; however, fully restricting use of plastic, monofilament, jute, or similar matting from the entire project site can further reduce potentially significant impacts.

A2-1  
A2-2  
A2-3

In Mitigation Measure 3.4-1d, Bullet 2, CDFW recommends further coordination if active nests are found before or during project activities. Buffer zones can have varied effectiveness depending on both the species and nesting location, so communication with environmental agencies to develop avian protections can further reduce potentially significant impacts.

A2-4

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the project that may affect California fish and wildlife. I am available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts.

Sincerely,

**Dylan Wood**

**California Department of Fish and Wildlife**

**Environmental Scientist**

**(916) 358-2384**

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### 2.2.2.1

## RESPONSE TO COMMENT LETTER A2 – CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

**Comment A2-1:** *The commenter requests that Bullet 5 of Mitigation Measure 3.4-1a (Implement Avoidance and Minimization Measures to Protect Giant Garter Snake) of the Programmatic Avoidance and Minimization Measures be revised to specify that CDFW should also be notified of any sighting giant garter snake.*

As requested, Bullet 5 of Mitigation Measure 3.4-1a on page 3.4-26 of the Draft EIR has been revised to indicate that CDFW should be notified of any sighting of giant garter snake. Please see Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR.

- 24-hours prior to construction activities, the project biologist will survey areas of suitable habitat within the project site for giant garter snakes. Survey of the project area will be repeated if there is a lapse in construction activity of two weeks or greater. If a snake is encountered during construction, construction will cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Any sightings will be reported to the USFWS at (916) 414-6600, and to the CDFW at (916) 358-2384.

**Comment A2-2:** *The commenter recommends that Bullet 1 of the Project-Specific Avoidance and Minimization Measures be revised to require the presence of a biological monitor for all activities that include work on the West Drainage Canal or connections to the canal (including creation of the outfall, trenching, etc.).*

For connections to the canal in upland habitat, a preconstruction survey and exclusion fencing will be sufficient to ensure that no giant garter snakes are present in this work area. As noted in Chapter 2 of the Draft EIR, “Project Description,” the project will use an existing outfall into the West Drainage Canal, and NUSD does not anticipate the need for any work within the West Drainage Canal. However, as requested, Bullet 1 of the Project-Specific Avoidance and Minimization Measures on page 3.4-27 of the Draft EIR has been revised to require the presence of a biological monitor when work is conducted in the West Drainage Canal. Please see Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR.

- Once the biologist determines there are no giant garter snakes present in the construction area, NUSD will install temporary exclusion fencing around work areas that are within 200 feet of aquatic habitat where suitable upland habitat is present, to prevent giant garter snakes from entering the work area during construction. The fencing will be maintained for the duration of the construction activities. If exclusion fencing is not installed, a qualified biological monitor will be present during all activities in suitable habitat within 200 feet of giant garter snake aquatic habitat. A qualified biological monitor will be present during any work within the West Drainage Canal.

**Comment A2-3:** *The commenter notes that in Consistency with the NBHCP, the proposed measure of excluding certain erosion control materials is effective. The commenter suggests that fully restricting use of plastic, monofilament, jute, or similar matting from the entire project site can further reduce potentially significant impacts.*

Given the poor quality upland habitat in the project area, even those areas within 200 feet of aquatic habitat, restrictions on use of erosion control materials throughout the entire project area would not substantively improve protections for giant garter snake. However, Bullet 1 of the in the “Consistency with NBHCP” section of Mitigation Measure 3.4-1a of the Draft EIR (page 3.4-27) has been revised to restrict the use of plastic in the project area. This will be included in the specifications for the construction contractor. Please see Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR.

- No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes will be used anywhere in the project area. ~~placed when working within 200 feet of snake aquatic habitat.~~ Acceptable erosion control materials include coconut coir matting, tackified hydro-seeding compounds, or other material approved by CDFW and USFWS.

**Comment A2-4:** *The commenter recommends in Bullet 2 of Mitigation Measure 3.4-1d (Provide Mitigation for Other Special-Status and Nesting Birds) that further coordination if active nests are found before or during project activities. The commenter states that buffer zones can have varied effectiveness depending on both the species and nesting location, so communication with environmental agencies to develop avian protections can further reduce potentially significant impacts.*

The recommended language has been added to Bullet 2 of Mitigation Measure 3.4-1d on page 3.4-32 of the Draft EIR has been revised to require consultation with CDFW during establishment of buffers. Please see Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR.

- If active nests are found, impacts will be avoided by establishing appropriate buffers, in consultation with CDFW. No project activity will commence within the buffer area until the biologist confirms that the nest is no longer active. If the biologist determines that construction activities threaten to destroy an occupied nest or significantly disrupt breeding or rearing of young, a no-construction buffer zone (e.g., 50-foot diameter for passerines and 300-foot diameter for raptors) would be designated by the biologist; construction may only resume within this zone after it has been determined that breeding has ceased and any young birds have fledged

## 2.2.3 LETTER A3 – SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT



**Letter A3**

December 14, 2018

Jen Mellor, Planning Technician, Facilities & Strategic Planning  
Natomas Unified School District  
1901 Arena Boulevard  
Sacramento, CA 95834

**RE: Draft Environmental Impact Report for the Natomas Unified School District Paso Verde School Project (State Clearinghouse No. 2018052079)**

Dear Ms. Mellor:

Thank you for providing an opportunity for the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) to review and comment on the Draft Environmental Impact Report (DEIR) for the Natomas Unified School District (NUSD) Paso Verde School Project.

The Sac Metro Air District, in our role as the agency with the "...primary responsibility for the development, implementation, monitoring, and enforcement of air pollution control strategies..." in Sacramento County<sup>1</sup>, review and provide comments through the lead agency planning, environmental and entitlement processes with the goal of reducing adverse air quality impacts and ensuring compliance with the California Environmental Quality Act. We offer the following comments to ensure air quality impacts are adequately analyzed, disclosed and mitigated.

A3-1

### Short-term Construction Emissions of Criteria Air Pollutants and Precursors

Mitigation Measure 3.3-1c states, "NUSD shall require that the construction contractor use current phase off-road construction vehicles and equipment (currently Tier 4) for construction-related activities." Due to the high demand for Tier 4 equipment in construction projects throughout this region, this mitigation measure may be difficult to implement. If the project is not able to use all Tier 4 or cleaner-emission equipment due to equipment availability, then the DEIR should discuss a contingency plan to achieve the necessary emission reductions for oxides of nitrogen (NO<sub>x</sub>), such as a construction mitigation fee.

A3-2

Sac Metro Air District has a fee-based construction mitigation program for projects that cannot fully mitigate construction emissions by implementing off-road and on-road measures. The fee is assessed to achieve the remaining mitigation to reduce NO<sub>x</sub> emissions to 85 pounds/day. Sac Metro Air District funds emission reduction projects with mitigation fees.

### Climate Adaptation and Resiliency

The 2019 California Building Efficiency Standards (Title 24), effective January 1, 2020, will require a Minimum Efficiency Reporting Value (MERV) of 13 or greater air filtration for the heating, ventilation and air conditioning (HVAC) systems in school buildings. While the DEIR indicates that construction will begin in 2019 (as shown the air quality analysis' construction

A3-3

<sup>1</sup> California Health and Safety Code §40961

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www.airquality.org

start date), Sac Metro Air District encourages NUSD to require the 2019 MERV 13 standard as a climate adaptation, resiliency and health protective measure. California is experiencing an increase in wildfires as a result of worsening climate change; therefore, it is important that school sites have enhanced (i.e., MERV 13) air filtration to reduce exposure to particulate matter, especially since children's airways are still developing and they breathe more air per pound of body weight than adults.

A3-3  
(cont.)

If you have any questions, please contact me at 916-874-6267 or JChan@airquality.org.

Regards,



Joanne Chan  
Air Quality Planner/Analyst

- c: Paul Philley, Program Supervisor – CEQA & Land Use Section, Sac Metro Air District
- Karen Huss, Air Quality Planner/Analyst – CEQA & Land Use Section, Sac Metro Air District
- Rachel DuBose, Air Quality Planner/Analyst – CEQA & Land Use Section, Sac Metro Air District

### 2.2.3.1 RESPONSE TO COMMENT LETTER A3 – SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

**Comment A3-1:** *The commenter stated its appreciation for the opportunity to review and comment on the Draft EIR and described their review role specific to air quality.*

NUSD appreciates the commenter’s review of the Draft EIR.

**Comment A3-2:** *The commenter explained that the high regional demand for Tier 4 construction equipment may make implementation of Mitigation Measure 3.3-1c infeasible. Therefore, the commenter requests the Draft EIR include a contingency plan to achieve necessary emissions reductions for oxides of nitrogen (NO<sub>x</sub>), such as a construction mitigation fee.*

As requested, Mitigation Measure 3.3-1d has been added to include the contingency of payment of a construction mitigation fee in the case that Tier 4 construction equipment cannot be obtained and construction-related emissions would exceed Sacramento Metropolitan Air Quality Management District emissions thresholds for NO<sub>x</sub>. Please see also Chapter 3 of this Final EIR, “Errata.” This revision potentially improves the effectiveness of mitigation proposed in the Draft EIR, does not create any new potentially significant effects, and does not change any of the conclusions of the Draft EIR.

#### Mitigation Measure 3.3-1d: Off-site Mitigation Fee

If, after application of the above pollutant control measures, emissions would still exceed the SMAQMD-recommended threshold for NO<sub>x</sub> during construction, NUSD shall participate in SMAQMD’s off-site mitigation fee program. The mitigation fee, if needed, will be set at a level that would bring NO<sub>x</sub> emissions to a less-than-significant level (i.e., less than 85 lbs./day). The off-site mitigation fee may be needed if there is limited availability of equipment that meets or exceeds ARB’s standard (currently Tier 4) for heavy-duty diesel engines use, and if the application of other mitigation measures would not bring NO<sub>x</sub> emissions below the SMAQMD threshold during construction. Calculation of fees, if needed, shall occur in consultation with SMAQMD prior to initiating construction.

#### **Significance after Mitigation**

Implementation of Mitigation Measures 3.3-1a through 3.3-1c would reduce on-site construction-related air quality emissions. Implementation of Mitigation Measure 3.3-1b would achieve a project wide fleet-average of 20 percent NO<sub>x</sub> reduction and 45 percent particulate reduction compared to the most current California Air Resources Board (ARB) fleet average that exists at the time of construction. A 20 percent reduction of NO<sub>x</sub> from off-road equipment and vehicles would not achieve SMAQMD thresholds of significance. However, as shown in Table 3.3-5, implementation of Mitigation Measure 3.3-1c would reduce NO<sub>x</sub> emissions to below SMAQMD thresholds of significance. However, if after application of Mitigation Measures 3.3-1a through 3.3-1c, emissions would still exceed the SMAQMD-recommended threshold for NO<sub>x</sub> during construction,

NUSD shall participate in SMAQMD's off-site mitigation fee program. Thus, with implementation of mitigation, this impact would be **less than significant**.

**Comment A3-3:** *The commenter requested NUSD to require the 2019 Minimum Efficiency Reporting Value (MERV) standard of 13 or greater (as included in the 2019 California Building Efficiency Standards to be effective January 1, 2020) as a climate adaptation, resiliency, and health protective measure.*

Potential exposure of sensitive receptors to substantial pollutant concentrations was analyzed in the Draft EIR (see pages 3.3-25 through 3.3-27). As noted, the project site will not be exposed to substantial pollutant concentrations, and the impact is less than significant.

The following revisions were incorporated into Impact 3.3-4 and Mitigation Measure 3.3-4 has been added to page 3.3-27 of the Draft EIR, in response to the request from the commenter. Please see also Chapter 3 of this Final EIR, "Errata." This revision does not create any new potentially significant effects, and does not change any of the conclusions of the Draft EIR.

The project site is consistent with all the recommendations described above per the ARB Handbook. The new school would be located more than one-half mile from the nearest freeways (i.e., I-5/SR 99), which exceeds the 500 feet buffer recommended by ARB. In addition, the new school would not be located within 1,000 feet of a major service or maintenance rail yard, 300 feet of a large gasoline station, 50 feet of a typical gasoline dispensing facility, or 500 feet of any dry-cleaning operation using perchloroethylene. Therefore, the siting of the new school would be consistent with all of the ARB recommendations listed above to avoid and minimize impacts from TACs and thus would not result in the exposure of sensitive receptors to TACs that exceed the recommended thresholds. Across a 200-foot buffer and the West Drainage Canal from the proposed school site is agricultural land owned by The Natomas Basin Conservancy for natural resources and currently planted with alfalfa. State regulations control the application of pesticides, with specific provisions for school sites to protect human health and the environment. California Department of Pesticide Regulations' evaluation of toxicity and exposure indicate that the risk to children from agricultural pesticides applied near schools is low for most pesticides (Department of Pesticide Regulation 2016). For pesticide application at The Natomas Basin Conservancy land west of the proposed school site, State regulations require at least a 25-foot buffer and the buffer for the proposed project would be approximately 300 feet (Roberts, pers. comm. 2018; California Department of Pesticide Regulations 2018). As a result, this impact would be **less than significant**. However, the following mitigation measure has been added for planning purposes.

#### **Mitigation Measures**

~~No mitigation measure is required.~~

**Mitigation Measure 3.3-4: Install Air Filtration.**

NUSD shall require its contractor(s) to install air filtration for all classroom spaces with air filtration with a Minimum Efficiency Reporting Value (MERV) of 13 or greater for heating, ventilation and air conditioning (HVAC) systems.

**Significance after Mitigation**

Impact 3.3-4 is less than significant before mitigation, since the project site is consistent with all the recommendations described above per the ARB Handbook; however, Mitigation Measure 3.3-4 has been imposed for planning purposes, and ensures compliance with the 2019 Minimum Efficiency Reporting Value standards. The impact is **less than significant.**

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## 2.2.4 LETTER A4 – COUNTY OF SACRAMENTO, OFFICE OF PLANNING AND ENVIRONMENTAL REVIEW

Office of Planning and  
Environmental Review  
Leighann Moffitt, Director



**Letter A4**  
County Executive  
Navdeep S. Gill

December 20, 2018

Jen Mellor, Planning Technician, Facilities & Strategic Planning  
Natomas Unified School District  
1901 Arena Boulevard, Sacramento, CA 95834

### Subject: Paso Verde School Draft EIR Comments

The Sacramento County Office of Planning and Environmental Review has reviewed the Draft Environmental Impact Report (EIR) for the Paso Verde School Project (Project) and provides the following comments related to the adequacy of the analysis and our ability to rely on the EIR for subsequent discretionary permitting actions such as the Project's Grading Permit. As it currently stands, the EIR may not be adequate for the County's use. Staff clearly articulated the analysis required by the County in our Notice of Preparation comments, dated June, 2018. These comments, including those related to the Sacramento County General Plan (General Plan), appear to have been largely ignored.

A4-1

### Site Access and Circulation:

The school site has very limited access and poor connectivity with the surrounding neighborhood. This results in both General Plan policy inconsistencies and circulation impacts that were not evaluated in the EIR. Even though County staff documented relevant General Plan policies in the comments on the Notice of Preparation (NOP), not all policies mentioned were included in the EIR's regulatory setting and no analysis was provided, even for the policies that were included in the regulatory setting such as Policy PF-34. The lack of analysis is particularly troubling given that policy conflicts are identified in the EIR's thresholds of significance.

A4-2

Policy PF-34, of the General Plan's Public Facilities Element states that "all school site plans shall be designed to minimize traffic speed and maximize traffic flow around the school, allowing for several access points to and from the site." This policy requires a school site to have multiple points of access by vehicles. Section 2.05D of the Purchase and Sale Agreement, discusses a Secondary Access Road and a potential westerly access road in addition to the Main Access Road. From the term "road" it would appear that the emergency access easement could in fact be a Secondary Access Road, allowing for pedestrian, bicycle, and vehicular traffic, as well as emergency access. This would assist in complying with the General Plan requirement for more than one point of access. The EIR should analyze impacts associated with the site's limited access and should explore alternatives that provide increased site access, including bicycle and pedestrian connectivity. No alternatives were explored with regard to these identified issues.

A4-3

General Plan, Public Facilities Element, Policies PF-29, PF-30, and PF-35 state that a school should be interrelated with off-street paths, that almost all residences will be within walking distance of the school, and that schools should link with planned bikeways and pedestrian paths. The County is concerned that a gated portion of Westlake (i.e. Sterling Cove and The Shores), and the lake itself,

A4-4

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create a barrier to walking to the school from the northern and northeastern areas of the lake. These facts invalidate many of the assumptions used in the EIR's conclusion that this project reduces VMT over the existing condition, particularly given the fact that the school's current location is within the City and not on the urban-edge. The EIR should evaluate the VMT and GHG impacts associated with this lack of connectivity instead of simply stating that this project has fewer impacts than having parents drive to other existing schools. A project alternative should be developed that provides a pedestrian/bicycle trail connection between the school site and Egret Park to the northeast.

A4-4  
(Cont)

**Safety:**

The EIR provided very limited analysis of the consistency of the proposed uses with the Airport Land Use Compatibility Plan (ALUCP) for Sacramento International Airport. Even though County staff requested in the NOP comments that special attention be paid to the density of people expected to utilize the playfields, the EIR does not address this. The EIR only states:

The proposed site plan does not place buildings within Safety Zone 4 of the Sacramento International Airport Land Use Compatibility Plan. However, the playing fields would be located in Safety Zone 4. SACOG considers the playing fields as "Group Recreation," and the ALCUP conditionally allows athletic fields under this land use category (Chew, pers. comm., 2018).

A4-5

In land use planning, a "conditionally allowed" use is one that is normally not permitted but with the application of conditions that address special circumstances would be acceptable. The EIR does not identify what conditions are necessary to make the playfields a safe land use in Safety Zone 4. The analysis should address the risk of aircraft accident and discuss the potential density of people anticipated to use the playfields.

Please note, as stated in the County's NOP comments, the Sacramento International Airport (SMF) has been experiencing record numbers of passengers and has been adding new flights. This increase should have been reflected in the appropriate technical studies, noise and safety analyses.

<http://sacramento.cbslocal.com/2018/04/20/sacramento-international-airport-experiencing-record-number-of-passengers/>

<http://www.saccounty.net/news/latest-news/Pages/Sacramento-Intl-Airport-breaks-record-for-passenger-traffic.aspx>

A4-6

**Noise:**

The scope of analysis should have included more attention to the single event noise caused by the overflight of aircraft from Sacramento International Airport rather than solely Community Noise Equivalent Level (CNEL), which is a weighted average of noise levels over time. Based on field investigation and review of flight track data, when aircraft are in a north to south pattern, over one hundred aircraft daily penetrate the airspace over the proposed school at low altitude and under full power for takeoff. One neighbor has stated to County staff that they need to yell in order to continue a conversation during aircraft overflight. The single event noise from these overflights has the potential to interfere with the education process both inside the classroom and outside the school. While the EIR does address single event noise, it is focused on the inside environment and relies on building envelopes to meet standards. However, the single event noise may interfere with the outdoor communication necessary for daily traffic control/safety or school safety messages/directives during an evacuation.

A4-7

The EIR cites recent court decisions that an EIR need only look at impacts to the environment and not the environment's impact on the project. In this case, the environment's impacts are the existing

A4-8

Aircraft Noise and Safety concerns, which do then lead to Project impacts on the environment due to complaints leading to changes in flight patterns. In the NOP comments County staff requested that the EIR evaluate the potential for the Project to impact airport operations due to complaints from either school officials or from parents and the public in general. Although aviation easements and hold harmless agreements provide some mitigation, they do not preclude individual parents or other members of the public from complaining about airport operations. Therefore the addition of the school could negatively impact airport operations and flight patterns. There is substantial evidence that when sensitive land uses move in next to airports, the airports are forced to modify their operations and often face expensive litigation at the hands of those people newly occupying the area. This has already occurred in Sacramento County between the existing Mather Airport and the expanding communities of El Dorado Hills and Folsom. Given the existing and proposed development in the Natomas Basin and the habitat restoration required pursuant to the Natomas Basin and Metro Airpark HCPs, there is little room left to accommodate changes in flight patterns in the reasonably foreseeable likelihood that complaints from parents, the School Board and State education regulators arise.

A4-8  
(Cont)

**Bird Airstrike Hazards (BASH):**

Even though the County requested in its NOP comments that the EIR examine hazardous wildlife attractants, the EIR fails to do so. Staff pointed out that FAA Guidance (Advisory Circular 150/5200-33B) states that water detention facilities near airports should drain within 48 hours. The NOP stated that the detention basin is designed to drain in 48 hours and appeared to indicate that no evaluation of wildlife hazard would occur because of this design feature. Staff had requested a BASH analysis because, in the County's experience, draining within 48 hours may not always be possible, especially considering emerging hydromodification and water quality regulations that may require a longer holding time. Staff also indicated that climate change may exacerbate this risk by changing precipitation patterns and resulting in heavier local precipitation. Given the risk of longer holding times, the EIR should have contained a BASH analysis and included additional measures to address hazardous wildlife at the water detention facility and also campus-wide related to landscaping and the playfields. The EIR should also have considered the interaction of existing hazards, such as nearby natural and man-made lakes and the Sacramento River, and determined if hazardous wildlife would be encouraged to move across important airspace to travel from one attractant to the other. The lack of analysis, and therefore inability to address any impacts and apply appropriate mitigation, is extremely troubling for the safety of the flying public, and safe operation of the existing Airport.

A4-9

A4-10

**Sacramento County Swainson's Hawk Mitigation Program**

The EIR incorrectly refers to Sacramento County Code 16.130 (SWAINSON'S HAWK IMPACT MITIGATION FEES) as a regulatory document establishing mitigation ratios and impact analysis methodology for Swainson's hawk foraging habitat impacts in Sacramento County. Staff has communicated to the District's consultant on multiple occasions that this is incorrect. Chapter 16.130 of the County Code establishes a mitigation fee program for Swainson's hawk impacts, nothing more. Analysis and determination of project impacts is determined by the CEQA Lead Agency. When Sacramento County is a Lead Agency, the methodology described at this web-link (<http://www.per.saccounty.net/EnvironmentalDocuments/Documents/Swainsons-Hawk/Swainson%27s%20Info%2014%2018.pdf>) is generally utilized.

A4-11

**Climate Change and Greenhouse gas Reductions:**

It was requested in the County's NOP comments that in the evaluation of Greenhouse Gas Impacts and Climate Change, the EIR should apply mitigation that requires the school buildings to be constructed to higher standards than are required, this could include LEED certification, green roofs, permeable and cool pavements, and/or greywater systems. We pointed out that additional feasible mitigation could include increased pedestrian/bicycle trail connections between the school site and community, utilization of urban or teaching gardens for district property that remains undeveloped,

A4-12

and solar carports with Electric Vehicle Charging infrastructure available to staff during teaching hours and the general public after teaching hours. None of this appears to have been included. Instead a simple screening methodology was applied, and no attempt was made to reduce the school's GHG emissions. Staff had also requested that the school district evaluate electric heat pumps and the elimination of natural gas usage from the school as a means to reduce the school's GHG emissions, indicating that this might also help address growth inducing impacts that will arise by extending natural gas infrastructure beyond the County's Urban Policy Area.

↑  
A4-12  
(Cont)  
A4-13

**Growth Inducing Impacts:**

Although requested in the NOP comments, the EIR did not analyze the growth inducing impacts of developing in the County outside of the County's Urban Service Boundary and Urban Policy Area. County policy does not support the extension of urban infrastructure such as water and sewer outside of the Urban Policy Area (Policy LU-1), and does not support extension of the regional interceptor system beyond the Urban Services Boundary (Policy PF-11). The provision of services to the school will require extension of public infrastructure and therefore may result in growth inducing impacts. The EIR should have evaluated these impacts and considered project alternatives that located the school in appropriate urban areas where services already existed such as in the City of Sacramento whose growth necessitated the Project in the first place.

A4-14

**Alternatives**

A project alternative that moved the school further from Sacramento International Airport's safety and noise zones was requested as well as an alternative that provided for better neighborhood connectivity and access for alternative modes of transportation. The EIR fails to examine in detail any off-site alternatives and thus precludes a meaningful discussion and public disclosure of the options that may exist for a project with fewer environmental impacts. The appearance is that the School District has already pre-determined that this property will be developed. Meanwhile, property nearby in the City which had been designated for a future school site was re-designated to other uses. The fact that the School District chose to purchase this particular piece of property is not sufficient grounds to justify the site as the environmentally superior alternative without a thorough, detailed, public and transparent examination of logical off-site alternatives.

A4-15

The District must address these concerns in order for Sacramento County, as a CEQA Responsible Agency, to be able to utilize the EIR for our subsequent discretionary permitting actions. If you have any questions or concerns please contact John Lundgren, Senior Planner, at [lundgrenj@saccounty.net](mailto:lundgrenj@saccounty.net) or (916) 874-8043.

Sincerely,



Tim Hawkins  
Environmental Coordinator

### 2.2.4.1

## RESPONSE TO COMMENT LETTER A4 – COUNTY OF SACRAMENTO, OFFICE OF PLANNING AND ENVIRONMENTAL REVIEW

**Comment A4-1:** *The commenter states that the Sacramento County Office of Planning and Environmental Review has reviewed the Draft EIR for the Paso Verde School Project (Project) and has provided comments related to the adequacy of the analysis and their ability to rely on the EIR for subsequent discretionary permitting actions. The commenter states that County staff articulated the analysis required by the County in their Notice of Preparation comments, dated June 2018, and shares the opinion that the County’s recommendations “have been largely ignored.”*

The NUSD appreciates Sacramento County Office of Planning and Environmental Review’s review of the Draft EIR and the extensive input and discussions that have informed the school design, operations, the preliminary environmental and planning work that occurred prior to development of the Draft EIR, the scope of analysis and mitigation included in the Draft EIR, and the revisions to the Draft EIR.

All County NOP comments that were relevant to the proposed project and could be feasibly integrated into the project and environmental analysis were incorporated. For example, the Draft EIR provides a very detailed aircraft noise and land use compatibility analysis in Section 3.11 of the Draft EIR, “Noise and Vibration,” based, in part on the County’s NOP comment on this topic. As requested in the County’s NOP comment letter, Federal Aviation Administration guidelines were used to guide the design and location of the project, including the District’s commitment to ensure that on-site drainage features drain in no more than 48 hours. According to the project engineer, the on-site detention basin and pump station will drain within 24 hours following a 24-hour, 100-year rainfall event.

As requested by the County, the Draft EIR analysis includes noise measurements and analysis of single-event noise (see pages 3.11-7 through 3.11-10 and 3.11-35 through 3.11-39). To support the Draft EIR, the NUSD directed single-event noise measurements at the project site and documented approximately 18 events per hour or one every four minutes between 8:00 am and 3:00 pm (representative of school hours). As summarized in Table 3.11-3 (see page 3.11-9 of the Draft EIR), the average noise level during these events ranged from 60.8 to 67.6 dBA. As requested by the County in the NOP comment letter, the NUSD worked with its acoustical experts to ensure design and materials that will provide an acceptable learning environment.

As requested in the County’s NOP comment letter, the Draft EIR provides a very detailed assessment of the relationship between the proposed project and the Natomas Basin Habitat Conservation Plan (see pages 3.4-34 through 3.4-38) and the Draft EIR also directly incorporates relevant avoidance and minimization measure from the HCP as EIR mitigation.

As requested in the County’s NOP, the project provides multiple points of pedestrian and bicycle access and emergency access (see pages 2-9 and 2-10), including, as requested, planning for a connection to Egret Park with the City of Sacramento, which controls an easement for this purpose.

As requested by the County’s NOP comment letter, the Draft EIR includes analysis of hazards related to agricultural properties in the vicinity and the airport’s safety zones, as well as ensuring the appropriate characterization of playfields relative to the direction in the Airport Land Use Compatibility Plan (ALUCP) (see Section 3.2, “Agricultural Resources,” and Section 3.10, “Land Use Planning, Population, and Housing). As noted by the commenter, a portion of an open turf area would be located in the area identified as Safety Zone 4 in the ALUCP. The Sacramento Area Council of Governments (SACOG) has reviewed the proposed project for consistency with the ALUCP safety zones. SACOG stated in a letter dated June 29, 2018 that SACOG considers the playing fields as “Group Recreation,” and that the ALUCP conditionally allows athletic fields with limited spectator stands (i.e., seating for 100 people or less) under this land use category if athletic fields are more than one-half mile from the airport runway. Because the playfields are more than one-half mile from the airport runway and no spectator seating is proposed, SACOG has indicated that the playfields would be an allowable use in Safety Zone 4 (Chew, pers. comm., 2018).

The Draft EIR is comprehensive in scope, addressing all relevant environmental effects. The Draft EIR includes a detailed discussion of the regulatory framework, including, as appropriate, policies that were adopted by, and apply to actions taken by other agencies, such as the City of Sacramento and the County of Sacramento. The policies included in the Draft EIR focus on topics that pertain to potential adverse physical environmental effects associated with the project. Please see also Appendix C to the Final EIR, which augments the policy discussion provided in the Draft EIR.

The responses to comments submitted by the Sacramento County Office of Planning and Environmental Review in this letter are provided herein.

**Comment A4-2:** *The commenter states that the County staff documented relevant General Plan policies related to access and connectivity in the comments on the Notice of Preparation but not all policies mentioned were included in the EIR’s regulatory setting and no analysis was provided, even for the policies that were included in the regulatory setting such as Policy PF-34.*

The County’s NOP comment letter mentions the following policies:

- ▶ Policy PF-34 All school site plans shall be designed to minimize traffic speed and maximize traffic flow around the school, allowing for several access points to and from the site.
- ▶ Policy PF-29 Schools shall be planned as a focal point of neighborhood activity and interrelated with neighborhood retail uses, churches, neighborhood and community parks, greenways and off-street paths whenever possible.
- ▶ Policy PF-30 New elementary schools in the urban area should be planned whenever possible so that almost all residences will be within walking distance of the school (one mile or less) and all residences are within two miles of a school.

- ▶ Policy PF-35 New schools should link with planned bikeways and pedestrian paths wherever possible.
- ▶ Policy LU-1 The County shall not provide urban services beyond the Urban Policy Area, except when the County determines the need for health and safety purposes.
- ▶ Policy PF-11 The County shall not support extension of the regional interceptor system to provide service to areas within the unincorporated County which are beyond the Urban Service Boundary. This shall not prohibit the County from supporting the extension of the regional interceptor system to areas outside the USB which are being proposed for annexation to a city.

With regard to Policy PF-34, the site plan provides a driveway that will slow drivers through a curve as vehicles approach the drop-off area, as well as a secondary emergency access to the east. Please see pages 3.13-17 through 19, which evaluate transportation design features, emergency access, and pedestrian and bicycle access. There is no additional impact beyond that described in the Draft EIR related to access. The District conducts emergency drills at all campuses and will do so at Paso Verde for each relevant type of incident. The District makes use of automatic email and text notifications related to incidents at its schools with instructions to parents. The emergency evacuation plans for District schools are tailored for each site and will be done so for Paso Verde, as well, to ensure adequate preparation for any event that may occur in the future at this school. See also the Response to Comment A4-5. There is no adverse physical environmental impact associated with this policy that is not fully addressed in the Draft EIR.

Consistent with County General Plan Policies LU-19, LU-38, LU-40, and LU-42, the project proposes an off-street bicycle and pedestrian connection directly to the Westlake development to the east, where students of the Paso Verde School will live, along with partnering with the City of Sacramento to provide another off-street connection to Egret Park in the northeastern portion of the project site. The project enhances the quality of the pedestrian/bicycle connection directly to the Westlake neighborhood it serves by avoiding vehicular access in this location. The District will manage traffic, as it does with other schools, making adjustments, if needed to improve traffic flow. The District actively manages traffic and encourages walking and bicycling at its schools, including the Paso Verde interim site, and will continue such efforts for the Paso Verde permanent site. The Paso Verde interim site use comprehensive drop-off and pick-up procedures to reduce congestion and parking in neighboring areas, and facilitate expedited pick-ups and drop-offs. These procedures will be updated for the Paso Verde permanent site. The District also actively encourages walking to the Paso Verde interim site with a program called "Puma Pounce." This is a walk-to-school plan that aids in reducing traffic congestion, and promotes the health and environmental benefits of walking to school. One aspect of the Puma Pounce is a "walking school bus" where students walk together to school. This program has been very successful at the interim site in encouraging walking to school, and will be tailored to, and continued at the Paso Verde permanent site. There is no adverse physical environmental impact associated with this policy that is not fully addressed in the Draft EIR.

With regard to Policy PF-29, the project provides greenways and off-street paths and connections to Egret Park and adjacent neighborhood, and the project is located in an area with a mix of uses, including parks and open space, single-family and multi-family housing, and commercial services and retail. The Paso Verde School will complement this existing mix of uses in the vicinity of the project site. There is no adverse physical environmental impact associated with this policy that is not fully addressed in the Draft EIR.

With regard to Policy PF-30, the school is located and designed to allow a greater number of children to walk and bicycle to school. Providing a pedestrian/bicycle only (and emergency access) to the east helps with this goal, as does the planned connection to Egret Park. If vehicular access were provided to the east in the location where pedestrian/bicycle/emergency access is provided, this may create neighborhood traffic issues. Consistent with the County's Good Neighbor Policy, the District preferred to avoid transportation-related inconveniences, if possible.<sup>1</sup> Adding vehicular access in this location would also decrease the quality of the pedestrian and bicycle access that this connection this will offer. There is no adverse physical environmental impact associated with this policy that is not fully addressed in the Draft EIR.

With regard to Policy PF-35, as noted throughout the Draft EIR and this Response to Comments document, the project will improve bicycle/pedestrian facilities along Del Paso Road and the primary access route, will provide a pedestrian/bicycle pathway to the east to the Westlake residential development, and will plan for a connection to Egret Park with the City of Sacramento, as well, consistent with this policy. There is no adverse physical environmental impact associated with this policy that is not fully addressed in the Draft EIR.

Policy LU-1 is discussed in detail on pages 3.10-5 through 3.10-10 of the Draft EIR. As noted, the project site is located adjacent to, but outside of the County's current Urban Services Boundary (USB) and Urban Policy Area (UPA). No change to the USB or UPA is required to implement the project. There is no adverse physical environmental impact associated with this policy that is not fully addressed in the Draft EIR.

With regard to Policy PF-11, no change to the USB or UPA is required to implement the project. As described in Chapter 2 of the Draft EIR, "Project Description," the project site is within the existing service boundaries of the Sacramento Area Sewer District (SASD) and Sacramento Regional County Sanitation District (SRCSD), which have both indicated they will serve the property from an existing sewer line in Del Paso Road. SASD's 12-inch sewer line in Del Paso Road was designed to provide service to the property and would be connected to the school via the access road that will connect to Del Paso Road. SASD's conveyance facilities connect to SRCSD conveyance facilities and regional wastewater treatment plant near Elk Grove. There is no adverse physical environmental impact associated with this policy that is not fully addressed in the Draft EIR.

The Draft EIR is comprehensive in scope, addressing all relevant environmental effects. The Draft EIR includes a detailed discussion of the regulatory framework, including, as appropriate,

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<sup>1</sup> For more information about the County's good neighbor policy, please see: <http://www.dgs.saccounty.net/Documents/GoodNeighborPolicy.pdf>.

policies that were adopted by, and apply to actions taken by other agencies. The policies included in the Draft EIR focus on topics that pertain to potential adverse physical environmental effects associated with the project. Please see also Appendix C to the Final EIR, which augments the policy discussion provided in the Draft EIR, and includes additional discussion of the County's policies.

**Comment A4-3:** *The commenter states that the EIR should analyze impacts associated with the site's limited access and should explore alternatives that provide increased site access, including bicycle and pedestrian connectivity. The commenter expresses the opinion that no alternatives were explored with regard to construction of another vehicular access to the school site and bicycle and pedestrian connectivity.*

The school site plan has been intended to meet stated policy objectives with regards to minimizing travel speeds and maximizing traffic flow. With regard to Policy PF-34, the site plan provides a driveway that will slow drivers through a curve as vehicles approach the drop-off area, as well as a secondary emergency access to the east. Please see pages 3.13-17 through 3.13-19, which evaluate transportation design features, emergency access, and pedestrian and bicycle access. As noted in the Response to Comment A4-2, the District develops emergency plans that are tailored to each school, and will do so for Paso Verde, along with period emergency drills, to ensure adequate preparation for any future event.

As noted in Section 3.13, "Traffic and Transportation," of the Draft EIR, applicable minimum level of service (LOS) standards will be achieved. The primary access is from Del Paso Road – a complete street providing vehicular, pedestrian, and bicycle access. Another pedestrian/bicycle pathway, which also provides secondary emergency access, is provided to the east, and NUSD is planning for a third pedestrian/bicycle access northeast of the project site to Egret Park in collaboration with the City of Sacramento, which controls an easement for this purpose. The option of developing vehicular access through the adjoining Westlake community was considered, but was not pursued since it is not necessary to serve the project, and since this could introduce transportation concerns from the perspective of the adjacent residents. A second vehicular access to the south was considered, but was not pursued to avoid increased environmental effects associated with constructing a secondary vehicular access point, since this additional vehicular access is not necessary for the operation of the project, and since this would not address any potentially significant impact. A second vehicular access point through the property to the south, between the project site and Del Paso Road, would also require negotiation and property acquisition, along with added construction costs, that would affect the feasibility of the project. Pedestrian and bicycle access to Westlake is proposed, as described in Section 3.13 of the Draft EIR. Other access alternatives are limited due to the presence of agricultural lands to the north and the Westside Canal to the west. There is no adverse physical environmental impact associated with this policy that is not fully addressed in the Draft EIR.

**Comment A4-4:** *The commenter states that the County is concerned that a gated portion of Westlake (i.e. Sterling Cove and The Shores), and the lake itself, create a barrier to walking to the school from the northern and northeastern areas of the lake. The commenter states that the EIR should evaluate the VMT and GHG impacts associated with lack of connectivity instead of stating that*

*this project has fewer impacts than having parents drive to other existing schools. The commenter also states that a project alternative should be developed that provides a pedestrian/bicycle trail connection between the school site and Egret Park to the northeast.*

The central area of Westlake around the lake itself is gated. Students moving into and out of this area have codes to the gates, and can access the multiple pedestrian and bicycle access points planned as a part of the project. For students living in areas to the east that are not gated, they can travel unimpeded along Westlake Parkway and streets to the southwest, south, and southeast to access the planned pedestrian/bicycle access directly to the east from the project site. In addition, students from non-gated areas can access the pathway through Egret Park to access the bicycle/pedestrian connection northeast of the school site that is planned in coordination with the City of Sacramento (see Exhibit 2-5 in Chapter 2, “Project Description”). There is no lack of connectivity that would affect the VMT analysis or the GHG analysis in the Draft EIR. The Draft EIR includes a comprehensive analysis of potential GHG impacts, along with a detailed description of the existing setting, state of the science, regulatory framework, the policy framework, analysis methodology, and a quantified estimate of emissions, along with a policy consistency analysis. Please see pages 3.7-14 through 3.7-17 of the Draft EIR for the impact analysis discussion. To ensure conservative results, annual operational GHG emissions were added with the amortized construction emissions to compare with the applicable threshold of significance. In addition, as described in greater detail in the traffic report prepared for the Draft EIR (Appendix G to the Draft EIR), it is anticipated that the proposed project would reduce the travel that might otherwise occur if the Paso Verde School was not constructed and students were required to travel to other NUSD schools. As part of the design of the proposed project, pedestrian and bicycle facilities would be established, linking the project site with residential areas from multiple directions. The project would have a net benefit for travel demand (VMT) and VMT-related GHG emissions. As requested by the commenter, there is no need for an alternative providing a connection to the northeast to Egret Park, since this is planned as a part of the project. Please refer Chapter 2 of the Draft EIR, “Project Description.”

**Comment A4-5:** *The commenter states that the Draft EIR provided limited analysis of the consistency of the proposed uses with the Airport Land Use Compatibility Plan for Sacramento International Airport. The commenter states that the Draft EIR does not identify what conditions are necessary to make the playfields a safe land use in Safety Zone 4 and the commenter also states that the analysis should address the risk of aircraft accident and discuss the potential density of people anticipated to use the playfields.*

The Draft EIR provides a very detailed consistency analysis with the Sacramento International Airport Land Use Compatibility Plan (ALUCP). See, for example, pages 3.8-4 and 3.8-5, 3.8-12 and 3.8-13, and 3.8-19 of the Draft EIR. The school is proposed approximately two miles southeast of the Sacramento International Airport as measured at the closest point. The Sacramento Area Council of Governments (SACOG) Airport Land Use Commission (ALUC) is responsible for the preparation of an Airport Land Use Commission Plan (ALUCP) to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports. The ALUCP establishes a set of compatibility criteria that

are used to evaluate the compatibility of land use and airport proposals within the Airport Influence Area (AIA). The ALUCP considers risks both to people and property in the vicinity of an airport, as well as land use characteristics that can be the cause of an aircraft accident.

As noted by the commenter a portion of the play fields would be located in the area identified as Safety Zone 4 in the ALUCP. The Sacramento Area Council of Governments (SACOG) also has reviewed the proposed project for consistency with the ALCUP safety zones. SACOG stated in a letter dated June 29, 2018 that SACOG considers the playing fields as “Group Recreation.” SACOG has indicated that the playfields are consistent with the ALUCP would be an allowable use in Safety Zone 4 (Chew, pers. comm., 2018).

Table 2 of the ALUCP presents Safety Compatibility Criteria for proposed land uses within the airport’s Safety Zones. The criteria in Table 2 indicate whether a particular type of land use is “normally compatible,” “conditional,” or “incompatible” with the exposure to Sacramento International Airport aircraft accident risks. Group Recreation is identified in Table 2 as a conditional use in Safety Zone 4. Table 2 indicates that Group Recreation is allowed in Safety Zone 4 so long as the use is more than ½ mile from the subject runway and an alternative site outside the zone would not serve the intended function. The playfields need to be on the same site as the school to serve their intended function and the project site is more than ½ mile from the runway.

Table 2 does not specify that Group Recreation must meet a specific intensity criterion to be allowable in Safety Zone 4. As noted on page 2-27 of the ALUCP, “[c]alculation of the usage Intensity must be done for all proposed Projects where the land use category for the particular safety zone is indicated in Table 2 as ‘Conditional’ and the criteria column says ‘Ensure Intensity criteria are met.’” The criteria column for Group Recreation does not have the note about the intensity limits. Also from page 2-27, “[w]here Table 2 indicates that land use category is ‘Conditional’ for the particular safety zone, but the criteria are other than ‘Ensure Intensity criteria are met,’ calculation of the usage Intensity is not necessary for typical examples of the use.” Approximately 3.2 acres of open turf area is planned for Zone 4, along with the detention facility and a parking area. The per-acre limit for Zone 4, which does not apply to Group Recreation, is 480, which would not be approached through use of the school site.

The full definition of “Group Recreation” in Table 2 of the ALUCP on page 2-55 is “*Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas.*” The project proposes somewhat less intensive use of this portion of the project site, since the NUSD does not propose spectator stands – limited or otherwise.

The project was designed to avoid placement of incompatible uses in both Safety Zones 4 and 6 based on guidance in the ALUCP. The project was designed to avoid placement of any buildings in Safety Zone 4. Most of the proposed outdoor recreational facilities are in Zone 6, as well, and not in Zone 4. However, there is a portion of an open turf play area in Zone 4, along with parking, a detention basin, and landscaping. This is consistent with the overall ALUCP and the “Group Recreation” definition from the ALUCP, which includes athletic

fields. However, as noted above, the proposed uses are somewhat less intensive compared to what the ALUCP would conditionally allow. Please see Exhibit 2.2.4-1, which provides a landscaping plan and the ALUCP Safety Zones.

A discussion related to landscaping has been added to the Draft EIR, along with a mitigation measure for planning purposes starting on page 3.8-19 of the Draft EIR, as follows.

The following revisions have been made to Impact 3.8-3 in Section 3.8, “Hazards and Hazardous Materials,” of the Draft EIR. Please see also Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR and not do otherwise materially affect the Draft EIR. Rather, these revisions clarify that SACOG determined the playing fields are an allowable land use in Safety Zone 4.

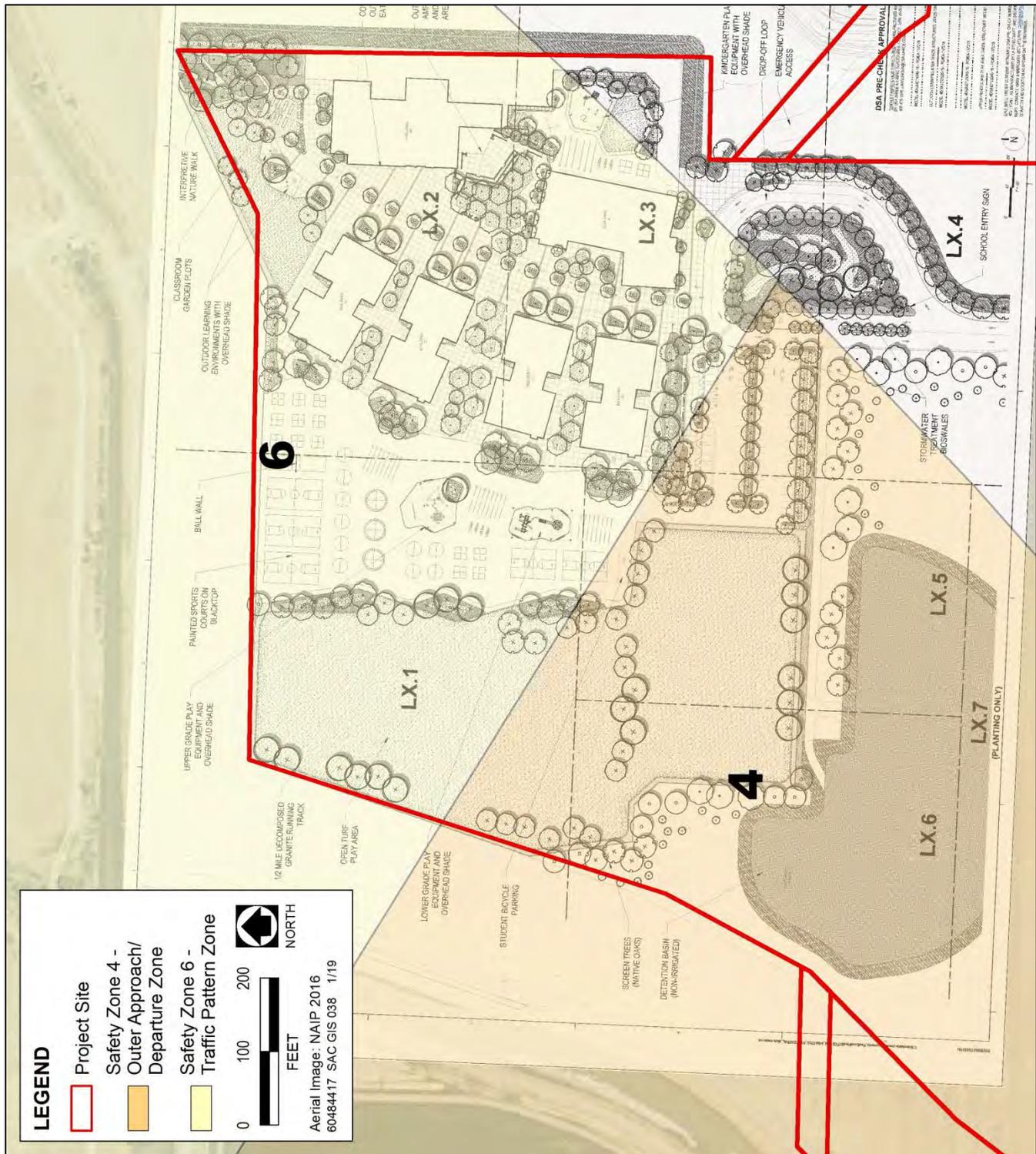
In addition, the ACLUP defines six airport safety zones that identify locations where certain types of proposed development and infrastructure may be restricted on the basis of safety compatibility. The project site is located in Zone 4 and Safety Zone 6. Most of the proposed outdoor recreational facilities are in Zone 6. The playing fields would be located in Safety Zone 4. However, there is a portion of an open turf play area in Zone 4, along with parking, a detention basin, and landscaping. SACOG considers the playing fields as “Group Recreation,” and the ALUCP conditionally allows athletic fields with limited spectator stands under this land use category so as long as athletic fields are more than one-half mile from the airport runway and an alternative site outside the zone would not serve the intended function (SACOG 2013a, Chew, pers. comm., 2018).<sup>2</sup> Because playfields need to be on the same site as the school to serve their intended function and the playfields are more than one-half mile from the airport runway and no spectator seating is proposed, SACOG has indicated that the playfields would be an allowable use Zone 4 (Chew, pers. comm., 2018). All buildings would be placed in Safety Zone 6 where K–12 schools are a normally compatible use.

Furthermore, Section 3.8 of the Draft EIR states that, consistent with Section 17215 of the Educational Code, the California Department of Transportation Division of Aeronautics reviewed the proposed project. This included review of the Sacramento International ALUCP, the California Airport Land Use Planning Handbook, and other publications relating to aircraft operations at Sacramento International Airport. The Division of Aeronautics conducted an aerial inspection of the site on January 31, 2006. In addition, the Division of Aeronautics requested comments from SACOG and the Operations Manager of Sacramento International Airport, and their responses were considered in the final determination. The Division of Aeronautics concluded that based on review of existing conditions and planned development, the school site provides an appropriate level of safety suitable for a school (Miles, pers. comm., 2006).

NUSD commissioned an additional exterior noise intrusion assessment for the proposed project, which found that interior noise levels will be less than 40 dBA during the worst-case hour (Smith 2019).

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<sup>2</sup> Limited spectator stands are defined by the ALUC as the amount of seating to accommodate a maximum of 100 people.



Source: Landscaping plan is from Lionakis and Roach + Campbell Landscape Architects 2018; Safety Zones are from SACOG 2013a

**Exhibit 2.2.4-1 Landscaping Plan and Safety Zones**

Additional revisions have been made to Section 3.8 of the Draft EIR for planning purposes, as shown below.

The project landscape plan does not include planting that is known to represent a significant hazardous wildlife attractant. The FAA and U.S. Department of Agriculture document, “Wildlife Hazard Management at Airports,” recommends against use of millet and other large-seed producing grasses, fruit trees, and other plants that will not be used on-site. The following mitigation measure has been added for planning purposes.

#### **Mitigation Measures**

~~No mitigation measure is required.~~

#### **Mitigation Measure: 3.8-3a: Prohibit Plants That Would Attract Hazardous Wildlife, Maintain Detention Facility, and Monitor Site for Hazardous Wildlife.**

The project landscape architect will review the landscape plan with a qualified wildlife damage management biologist or using guidance for plants near airports from the FAA, USDA, Cooperative Extension, and/or with other recognized experts to confirm the plant list prior to construction. NUSD will maintain the detention facility so that it continues to drain within 48 hours of a 24-hour storm event, and make improvements, if necessary, to achieve this performance standard. NUSD will monitor the site for the presence of hazardous wildlife and, if necessary, retain a qualified wildlife damage management biologist to prepare and execute a management strategy, in communication with the Sacramento County Department of Airports, to discourage hazardous wildlife on-site.

#### **Significance after Mitigation**

The impact is less than significant before mitigation, since the project does not have features, and the landscape plan does not include plants that are known to be a substantial wildlife attractant, but this mitigation measure has been imposed for planning purposes, and provides benefits related to long-term drainage facility management and monitoring for hazardous wildlife. The impact is **less than significant**.

The commenter also references the density of people in the playfields. As noted previously, the proposed uses are consistent with the ALUCP. For Group Recreation in Safety Zone 4, the proposed intensity of use is somewhat less than what could be consistent with the ALUCP. As noted, approximately 3.2 acres of open turf area is planned for Zone 4. The per-acre limit for Zone 4, which does not apply to Group Recreation, is 480, which would not be approached through use of the school site. However, the following mitigation measure has been added for planning purposes.

Mitigation Measure: 3.8-3c: Use of Site Consistent with the Airport Land Use Compatibility Plan.

The NUSD will restrict use of areas of the project site that are in Safety Zone 4, consistent with the guidance in the Sacramento International Airport Land Use Compatibility Plan. In addition, the emergency procedures developed for the Paso Verde School will include evacuation drills that do not involve the use of any areas within Safety Zone 4.

**Comment A4-6:** *The commenter provided website links to information regarding the Sacramento International Airport has been experiencing record numbers of passengers and has been adding new flights. The commenter states that this increase in new flights should have been reflected in the appropriate technical studies, noise and safety analyses.*

The NUSD appreciates the links to information related to the increase in new flights and passengers at the Sacramento International Airport.

The Sacramento International ALUCP was updated in 2013 to take into account changes in operations and takes into account theoretical capacity for the airport (SACOG 2013a). While the Airport Master Plan Terminal Area Forecast predicts aircraft operations reaching 200,000 in 20 years (2033), the theoretical functional capacity of the airport used for land use planning purposes is approximately 450,000 annual operations under full Airport Master Plan build out (SACOG 2013a, Chapter 3, page 3-3). The theoretical capacity is an upper bound on the amount of airport traffic used to ensure compatibility between the aircraft operations and the surrounding land uses. In the future, based on the very substantial growth reflected in this theoretical capacity, school site would be within 60 to 65 dB CNEL noise contour. For the 60–65 CNEL noise contour, the ALUCP identifies schools as a Conditional Use. The conditions for schools in areas above 60 dB CNEL are identified in Policies 3.2.2(a) and 4.1.5. As explained on pages 3.11-34 through 3.11-37 of the Draft EIR, The proposed site plan does not place buildings within Safety Zone 4 of the Sacramento International ALUCP, and instead any buildings would be placed in Safety Zone 6, where K–12 schools are a normally compatible use (SACOG 2018). As a result, the proposed school site is compatible with the Sacramento International ALUCP Land Use Compatibility Guidelines for safety attributable to aircraft operations.

**Comment A4-7:** *The commenter suggests additional attention to the EIR’s analysis of single-event noise attributable to existing aircraft overflights.*

As noted by the commenter, the Draft EIR provides analysis of single-event noise. See pages 3.11-7 through 3.11-11 and 3.11-37 through 3.11-39 of the Draft EIR. See also page 3.11-6 of the Draft EIR, which provides a discussion of the relationship between aircraft noise and education. While typically noise analysis might focus on noise levels averaged over 24 hours, the Draft EIR also presents analysis of single-event noise exposure and specific analysis related to speech interruption in a school context (see Section 3.11 of the Draft EIR, “Noise and Vibration”). Speech interruption due to noise events may reduce speech intelligibility and

sentence comprehension, disrupt the signal-to-noise ratio, decrease learning and teaching motivation, and adversely affect the overall learning process. For these reasons, the California Department of Education (CDE) requires that background noise from traffic and other sources be considered in the site selection and approval process for schools (CDE 2017). According to CDE site selection criteria, the American Speech-Language-Hearing Association (ASLHA) guidelines recommend that classroom background noise not rise above 30 decibels (CDE 2017). The World Health Organization (WHO) recommends a maximum level of 35 dB  $L_{eq}$  for 100 percent speech intelligibility. Speech can be fairly well understood with background noise levels of 45 dB  $L_{eq}$  (WHO 1999: 38). Some researchers recommend of an interior noise level criterion of 64 dB SEL per event for estimating speech interference and an  $L_{max}$  of 50 dB (PSU 2009).

To support the Draft EIR, NUSD directed an ambient noise survey. The dominant noise source identified during the ambient noise survey was aircraft noise associated with the operation of the Sacramento International Airport. During the survey, average daytime hourly noise levels the vicinity of the project site ranged from 39.9 dB to 56.4 dB  $L_{eq}$ , with maximum noise levels between 51.0 dB and 76.5 dB  $L_{max}$ . The existing noise levels, time averaged, for just school hours from 8am to 3pm, are 56.6 dB  $L_{eq}$ , with maximum noise level of 75.2 dB  $L_{max}$ .

Based on field observations, one of the sound level meters was programmed to collect single-event aircraft overflights. The sound level meter was programmed to record a separate data file when an individual aircraft approached the site exceeding 60 dB for a duration of 2 seconds or more, measuring the duration,  $L_{max}$ , and single-event noise exposure level for each event. See Draft Table 3.11-3 for details on the number and duration of aircraft overflight events per hour.

As noted on page 3.11-35 of the Draft EIR, the purpose of CEQA is to identify significant effects of projects on the environment, not the significant effects of the environment on the proposed project. Nonetheless, for disclosure purposes, the NUSD has provided analysis of relevant impacts of existing environmental conditions relative to the proposed project, including existing and future noise.

As noted on page 3.11-7, the Sacramento International Airport Land Use Compatibility Plan shows that noise-sensitive areas within the project site (classrooms, playgrounds, and sports fields) are located outside the 60 to 65 dBA CNEL contour lines. However, in the future the school site, assuming substantial growth, would be within 60 to 65 dB CNEL contour. For the 60–65 CNEL noise contour, the ALUCP identifies schools as a Conditional Use. The conditions for schools in areas above 60 dB CNEL are identified in Policies 3.2.2(a) and 4.1.5. As explained on pages 3.11-34 through 3.11-37 of the Draft EIR, the proposed site plan does not place buildings within Safety Zone 4 of the Sacramento International Airport Land Use Compatibility Plan, and instead any buildings would be placed in Safety Zone 6, where K–12 schools are a normally compatible use (SACOG 2018). As a result, the proposed school site is compatible with the Sacramento International ALUCP Land Use Compatibility Guidelines for safety attributable to aircraft operations.

As noted in the Response to Comment A4-2, the District develops emergency plans that are tailored to each school, and will do so for Paso Verde, along with period emergency drills, to ensure adequate preparation for any future event.

As detailed on page 3.11-27 of the Draft EIR, the ambient noise levels indicates that the hourly exterior noise levels during school hours (8 a.m. to 3 p.m.) ranges from 48.2 dB  $L_{eq}$  to 64.7 dB  $L_{eq}$ . Single-event measurements of aircraft at the project site range from 69 dB to 80.6 dB, which is an equivalent average noise level ( $L_{eq}$ ) of 60.8 to 67.6 dBA  $L_{eq}$  and a maximum noise level of 66.8 to 82.8 dBA  $L_{max}$ .

The proposed school would be designed to provide an appropriate setting for classroom instruction, including noise exposure. Based on State standards, the school is required to be designed so that interior noise levels are appropriate for the function of classrooms (SACOG 2018). The NUSD cannot acquire title to a property that would conflict with findings of the DOT Aeronautics Program, which has regulations limiting the exterior and interior noise exposure to sensitive uses in the vicinity of airports.

To reduce interior (classroom) noise, NUSD will design and use building materials necessary to provide acceptable classroom environments. According to EPA, the average sound-level reduction from typical building construction would be 15 dB with windows open and 25 dB with windows closed (EPA 1974). With these measures incorporated, classrooms would be exposed to interior noise levels of 23.2 to 39.7 dB  $L_{eq}$  with windows closed (assumed noise reduction of 25 dB). The project architect has indicated that the school is designed so that windows will not be operable. Furthermore, per Education Code Section 17215, the NUSD must receive approval from the CDE and California Department of Transportation (Caltrans or DOT) before acquiring title to property for a school site if it is within two nautical miles of an airport runway (CDE 2017), the responsibilities of the school district, the California Department of Education, and the Department of Transportation (DOT), Aeronautics Program, Office of Airports, concerning the school site's proximity to runways are contained in Education Code Section 17215 (as amended by Assembly Bill (AB) 747, Chapter 837, Statutes of 1999). (See CCR, Title 5, Section 14011(k)).

While the effects on the proposed project and its users of locating the project in a particular environmental setting is neither consistent with CEQA's legislative purpose nor required by the CEQA statutes, the NUSD has imposed mitigation to ensure acceptable classroom noise environments. Mitigation Measure 3.11-5 on page 3.11-39 of the Draft EIR requires the NUSD to comply with Title 24, Part 11, California Green Building Standards Chapter 5 and the California Department of Education, Division of the State Architect Project Submittal Guidelines related to interior classroom noise levels. The NUSD is required to incorporate building materials and, if necessary, other design techniques needed to achieve a total background noise of no more than 45 dBA ( $L_{eq}$ ) for existing and forecast conditions, including the effects of both exterior-source noise and building service and utility noise.

The Division of the State Architect requires that interior noise attributable to exterior sources not exceed an hourly equivalent noise level of 50 dBA in occupied areas during any hour of

operation. The Division of the State Architect also prescribes certain types of building materials based on how effective the material is at attenuating sound for interior learning spaces.

NUSD commissioned an additional exterior noise intrusion assessment for the proposed project, which found that interior noise levels will be less than 40 dBA during the worst-case hour (Smith 2019).

**Comment A4-8:** *The commenter references a California Supreme Court decision that clarifies the intent of CEQA to analyze the impacts of projects on the environment, not the impact of the environment on projects. The commenter suggests that the Draft EIR also consider the way that the project could influence future flight patterns at the Sacramento International Airport. The commenter suggests that there have been airports that have been forced to modify their operations.*

Recognizing the need for long-term land use compatibility planning, the California State Aeronautics Act (Public Utilities Code Section 21001 et seq.) is intended to “protect the public interest in aeronautics and aeronautical progress.” The purpose of the California Airport Land Use Planning Handbook (Handbook) is to provide guidance for conducting airport land use compatibility planning as required by Article 3.5, Airport Land Use Commissions, Public Utilities Code Sections 21670 – 21679.5). Article 3.5 outlines the statutory requirements for Airport Land Use Commissions (ALUCs) including the preparation of an ALUCP (Caltrans 2011). Once an ALUCP is prepared, future development, such as the proposed project, must be reviewed against the plan for consistency (SACOG 2013b). The purpose of ALUC review is to determine whether proposed projects are compatible with the plan. As noted, in this case, the proposed project is consistent with the Sacramento International ALUCP (SACOG 2018). The Sacramento International ALUCP was updated in 2013 to take into account changes in operations and takes into account theoretical capacity for the airport (SACOG 2013a). While the Airport Master Plan Terminal Area Forecast predicts aircraft operations reaching 200,000 in 20 years (2033), the theoretical functional capacity of the airport used for land use planning purposes is approximately 450,000 annual operations under full Airport Master Plan build out (SACOG 2013a, Chapter 3, page 3-3). The theoretic capacity is an upper bound on the amount of airport traffic used to ensure compatibility between the aircraft operations and the surrounding land uses.

Please see Comment A6-8 from the Sacramento County Department of Airports. As noted here, the Federal Aviation Administration regulations prohibit airport operators from implementing operational restrictions or limitations, such as curfews or limits on the number of flights. The NUSD has no intent to suggest any such limitations or any changes to operations at Sacramento International Airport. The commenter in A6-8 has noted that the limitations on any changes in operation particularly apply in instances where proposed uses are consistent with the applicable ALUCP, as is the case here (SACOG 2018).

Refer also to the Response to Comment A4-7. Refer to the Response to Comment A6-13 for a discussion of an aviation easement.

Relative to comments on other existing and proposed development and the Natomas Basin and Metro Airpark Habitat Conservation Plans, see the Response to Comments A4-11, O1-12, O1-13, and O1-20.

**Comment A4-9:** *The commenter states that County staff pointed out that FAA Guidance (Advisory Circular 150/5200-33B) states that water detention facilities near airports should drain within 48 hours. The commenter states that County staff had requested a BASH analysis because, in the County's experience, draining within 48 hours may not always be possible, especially considering emerging hydromodification and water quality regulations that may require a longer holding time. The commenter also states that County Staff also indicated that climate change may exacerbate this risk by changing precipitation patterns and resulting in heavier local precipitation. The commenter further states that given the risk of longer holding times, the EIR should have contained a BASH analysis and included additional measures to address hazardous wildlife at the water detention facility and campus-wide related to landscaping and the playfields.*

As discussed in Section 3.8 of the Draft EIR, the Federal Aviation Administration's FM Advisory Circular 150/5200-33B guidance was reviewed during preparation of the Draft EIR. The proposed project does not include landscape features or any other features that could attract wildlife (see Chapter 2, "Project Description," of the Draft EIR). As stated in Section 2-3(b) of the FM Advisory Circular, "Stormwater detention ponds should be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after the design storm and remain completely dry between storms" (Federal Aviation Administration 2007). The proposed on-site detention basin would be designed to drain within a maximum of 48 hours and would remain dry between storms consistent with Federal Aviation Administration guidance.

See also the Response to A4-5 related to landscaping. A mitigation measure for planning purposes has been added to ensure that no plants are used on-site that would represent a substantial wildlife attractant.

Section 3.9, "Hydrology and Water Quality," of the Draft EIR addresses design features of the drainage basin. The detention basin would drain to RD 1000's West Drainage Canal, and the project's stormwater discharge rate would meet or exceed RD 1000's criteria for accepting runoff. Implementation of Mitigation Measure 3.9-2 in Section 3.9 would ensure the detention basin drains within 48 hours. Specific project design standards identified in Mitigation Measure 3.9-2 would reduce the effects of hydromodification on stream channel geomorphology, while ensuring the drainage basin would drain within 48 hours. NUSD's engineer for this project, Wood Rodgers, prepared an analysis of the proposed on-site basin and pump station that demonstrates that the basin will drain within 24 hours following a 24-hour, 100-year rainfall event. The drainage report documenting this was provided to the County with the submittal of the off-site improvement plans in December of 2018.

The future predicted rainfall due to climate change is not available for the project area. Therefore, an analysis of the potential for heavier rainfall resulting from climate change to affect drainage times is too speculative for meaningful consideration in the Draft EIR.

However, as noted, following a major storm event (the 100-year event), the on-site basin and pump station will drain within 24 hours. The District will maintain the detention facility in order to ensure that it will drain within 48 hours of a 100-year storm event. Please see the Response to Comment A4-5.

Wildlife is currently associated with waterbodies in the area, including Fisherman’s Lake and the West Drainage Canal. There are no features of the detention basin that would increase bird use of the area compared to existing conditions. When the detention basin has water after storm events, there is also standing water throughout the area. There is nothing particular to the detention basin that would attract a disproportionate number of birds to the school’s detention basin. As noted in the FAA guidance, certain features can represent wildlife attractants, such as poorly drained areas, roosting habitats on buildings, certain types of landscaping, rotting organic matter, wastewater treatment plants, agricultural or aquaculture activities, surface mining, and wetlands. Due to the infrequent use of the detention facility, the fact that it will drain quickly, and that there will be no other resources available at the detention basin (wetland vegetation or other potential food resources or roosting/cover habitat), the project would avoid hazardous wildlife attraction. Since the project does not propose any features that would increase bird use of the area, the project would also avoid any potential synergistic effects of two or more land uses that together may pose additional hazards, such as by creating a flight corridor between bird feeding and resting areas.

The following revisions have been made to Impact 3.8-3 in Section 3.8 of the Draft EIR. Please see also Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR and do not otherwise materially affect the Draft EIR. Rather, these revisions clarify that birds would not specifically be attracted to the detention basin.

The Sacramento ALUCP indicates that the project site is located within the AIA and is within Referral Area 1. Land uses in Referral Area 1 are subject to height limitations for airspace protection based on criteria set forth in FAR Part 77. Furthermore, the ALUCP reviews land uses proposed in Referral Area 1 that could attract wildlife; create light or glare; or cause electronic hazards (see Section 3.8.2, “Regulatory Context” above). The project does not propose land uses that create light and glare which could be mistaken for airport lighting or visually impair pilots, and does not propose any antennas or communications facilities that could interfere with radio communications. The proposed project does not include landscape features or any other features that could attract birds. In addition, the on-site detention basin would drain within a maximum of 48 hours and would remain dry between storms consistent with FAA guidance (FAA 2007). Wildlife is currently associated with waterbodies in the area, including Fisherman’s Lake and the West Drainage Canal. There are no features of the detention basin that would increase bird use of the area. When the detention basin is full after storm events, there is also standing water throughout the area. There is nothing particular to the detention basin that would attract a disproportionate number of birds to the school’s detention basin.

Furthermore, buildings would be one story and not exceed 35 feet. Land use compatibility as it pertains to ALUCP policies is discussed in Section 3.10, “Land Use, Planning, Population, and

Housing.” Airport land use compatibility as it pertains to noise standards is discussed in Section 3.11 of the Draft EIR, “Noise and Vibration.”

See also the Response to A4-5 related to landscaping. A mitigation measure for planning purposes has been added to ensure that no plants are used on-site that would represent a substantial wildlife attractant.

**Comment A4-10:***The commenter states that the Draft EIR should also have considered the interaction of existing hazards, such as nearby natural and man-made lakes and the Sacramento River, and determined if hazardous wildlife would be encouraged to move across important airspace to travel from one attractant to the other. The commenter characterizes the Draft EIR as lacking analysis on this topic, and expresses concerns about the safety of the flying public and safe operation of the existing Airport.*

Please see Response to Comments A4-5 and A4-9.

**Comment A4-11:***The commenter states that the Draft EIR incorrectly refers to Sacramento County Code 16.130 (SWAINSON’S HAWK IMPACT MITIGATION FEES) as a regulatory document establishing mitigation ratios and impact analysis methodology for Swainson’s hawk foraging habitat impacts in Sacramento County, and that the commenter has tried to correct this misinterpretation on several occasions. The commenters states that Chapter 16.130 of the County Code establishes a mitigation fee program for Swainson’s hawk impacts, and that analysis and determination of project impacts is determined by the CEQA Lead Agency. The commenter provides a link [http://www.per.saccounty.net/EnvironmentalDocuments/Documents/Swainsons-Hawk/Swainson%27s%20Info%208\\_14\\_18.pdf](http://www.per.saccounty.net/EnvironmentalDocuments/Documents/Swainsons-Hawk/Swainson%27s%20Info%208_14_18.pdf) describing the methodology used when Sacramento County is a Lead Agency for a project involving Swainson’s hawk mitigation.*

The NUSD appreciates the comments on the purpose of Sacramento County Code 16.130, and agrees that this County Code only establishes a mitigation fee program for Swainson’s hawks, and is not a regulatory document with required mitigation ratios and impact analysis methodology. The following revisions have been made on page 3.4-28 of the Draft EIR to clarify that the County’s fee mitigation program is guidance rather than a requirement for projects where the County is not the lead agency. These revisions do not change the analysis or conclusions of the Draft EIR.

Because of the high value of foraging habitat within the Natomas Basin to the recovery and survival of the Central Valley population of Swainson’s hawk, the likely presence of active nests within 1 mile of the project site, and the County ordinance ~~requirement~~ guidance to mitigate loss of AG-80 lands at a minimum 1:1 ratio, NUSD will replace each acre of foraging habitat lost (18 acres) as a result of implementing the project by creating 1 acre of higher quality ~~alfalfa~~ foraging habitat on lands that are currently used for lower foraging quality crops such as ~~oat, wheat,~~ corn, ~~cotton,~~ safflower, and sunflower, or unsuitable crops such as orchards and vineyards, rotating in, as necessary, to other field and grain crops that still provide foraging value. Rice fields will not be

used for conversion to alfalfa because that would potentially result in an adverse effect on giant garter snake. The mitigation habitat will be located within 1 mile of suitable nesting habitat and within 2 miles of an active nest. This mitigation would result in greater compensation than under the NBHCP, which only requires mitigation at a ratio of 0.5:1. NUSD's proposed mitigation also goes beyond what is ~~required under~~ described in the County ordinance and CDFW guidelines, which ~~require~~ specify only that applicants replace lost foraging habitat with similar habitat and not that they provide higher quality foraging habitat. The replacement habitat will be managed for Swainson's hawk foraging values in perpetuity. NUSD will provide for the long-term management of the habitat management lands by funding a management endowment (the interest on which will be used for managing the lands) at the applicable rate. The funds will be provided to CDFW in a manner consistent with CDFW policy for land acquisition.

Please see also the Responses to Comment A2, which is a letter from the California Department of Fish and Wildlife.

**Comment A4-12:** *The commenter discusses mitigation ideas that could be used to reduce greenhouse gas emissions and contends that a simple screening methodology was applied.*

The NUSD reviewed each of the suggested mitigation measures from the County and provided a detailed analysis of potential GHG emissions impacts associated with the proposed project in Section 3.7 of the Draft EIR, "Greenhouse Gas Emissions." The Draft EIR includes a comprehensive analysis of potential impacts, along with a detailed description of the existing setting, state of the science, regulatory framework, the policy framework, analysis methodology, and a quantified estimate of emissions, along with a policy consistency analysis. Please see pages 3.7-14 through 3.7-17 for the impact analysis discussion.

As noted in the Draft EIR, construction and operational activities associated with the proposed project would generate GHG emissions. Table 3.7-2 on page 3.7-15 of the Draft EIR presents a summary of the proposed project's maximum annual construction-related GHG emissions and annual operational emissions by emissions source. To ensure conservative results, annual operational GHG emissions were added with the amortized construction emissions to compare with the applicable threshold of significance. Neither the proposed project's short-term maximum annual GHG emissions nor long-term total annual GHG emissions (i.e., operational emissions and amortized construction emissions) would exceed the Sacramento Metropolitan Air Quality Management District recommended threshold of significance of 1,100 MT CO<sub>2</sub>e/year (see "SMAQMD Thresholds of Significance Table," available online at: <http://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable5-2015.pdf>). As described in the SMAQMD's CEQA Guide, the Air District has provided, "recommended thresholds for agencies without adopted GHG reduction plans" (SMAQMD 2018). The District has determined that this Air District-recommended significance threshold is appropriate for use in the Draft EIR.

In addition, as described in greater detail in the traffic report prepared for the Draft EIR (Appendix G to the Draft EIR), it is anticipated that the proposed project would reduce the travel that might otherwise occur if the Paso Verde School was not constructed and students were required to travel to other NUSD schools. Travel to alternative school sites could result in 3,664 daily VMT, which would be 2,139 more VMT than anticipated as a result of the proposed project. This additional level of VMT results in approximately 152 MT CO<sub>2</sub>e/year greater emissions than would result from implementation of the proposed project (see pages 3.7-14 and 3.7-15 of the Draft EIR). With consideration of this reduction in GHG emissions from mobile sources, the proposed project's total annual emissions, including amortized construction emissions and annual operational emissions, would be a net regional reduction in GHG emissions for school transport within the NUSD.

The proposed project is in alignment Sacramento County General Plan Policy AQ-1, which states that "New development shall be designed to promote pedestrian/bicycle access and circulation to encourage community residents to use alternative modes of transportation to conserve air quality and minimize direct and indirect emission of air contaminants." As part of the design of the proposed project, pedestrian and bicycle facilities would be established, linking the project site with the residential neighborhood to the east, and additional bicycle access walkways would be built in multiple directions. These elements of the project design facilitate pedestrian and bicycle access from the nearby residential communities and encourage non-vehicular modes of transportation.

In addition, an implementation measure within the Sacramento County General Plan is specifically tied to the support and implementation of the County Bikeways Master Plan. A goal of the Sacramento County Bicycle Master Plan is to increase the number of people in the County who bicycle as a mode of transportation to work, school, and errands, as well as for recreation (Sacramento County 2011). The proposed project would be adjacent to the existing off-road bike trail along the river at the west of the project site and would connect to the proposed bike lane identified in the County Bikeways Master Plan on Del Paso Road south of the project site. Connecting the school site directly to existing bicycle and pedestrian pathways of the adjacent residential community is in direct support of this goal and the Sacramento County General Plan implementation measure.

The project is within the planning area for the SACOG Regional Bicycle, Pedestrian, and Trails Master Plan. This plan was developed with the vision of a complete transportation system where bicycling and walking are viable and popular travel choices within the communities of the region. The plan also recognizes the need to reduce air pollution and how the quality of infrastructure can encourage more trips by foot and bike. The proposed project would specifically connect to existing Class II bike lanes at Del Paso Road immediately south of the project site and Westlake Parkway to the east of the project site, providing immediate connectivity for alternative modes of transportation to and from nearby residential and community services. The project is also within a half mile of proposed new bike lanes on the major roadways surrounding the project site identified within the plan (Del Paso Road, Powerline Road, and Bayou Way parallel to I-5), providing future connectivity to the greater region via alternate modes of transportation (SACOG 2015).

Strategy 6.4 in the MTP/SCS is to “continue to pursue regulatory reform at the state and national levels to remove barriers to greenfield developments when appropriate at the edges of existing urbanization.” In the case of the proposed project, the school would be developed immediately adjacent to existing residential development and just north of retail and commercial centers. The proposed project is immediately adjacent to, and would serve, existing residents within the city of Sacramento.

An additional policy identified in the MTP/SCS is to use the best information available to implement strategies and projects that lead to reduced GHG emissions. Similarly, a specific strategy identified in the Sacramento County Climate Action Plan is to take actions that facilitate GHG emissions reduction in the community. The regional VMT with implementation of the proposed project is anticipated to be less than half of what it would otherwise be for the purposes of school transportation if the project were not to be constructed. The project would have a net benefit for travel demand (VMT) and VMT-related GHG emissions.

With respect to LEED certification – this process can be costly and time-consuming – not for the items that improve energy efficiency, but the certification process itself. While LEED certification is not feasible at this time, the strict requirements of the California Building Code and Title 24 require sustainable design strategies that are embodied in the LEED criteria, such as responding to the state adopted Model Water Efficiency Landscape Ordinance (MWELO) by providing calculations to demonstrate the reduction of landscape water use. With respect to green roofs, they are infeasible due to the maintenance and the requirement that the school has a 20 to 30 year replacement schedule for roofs. With respect to permeable pavements, due to the substantial additional cost, permeable paving is not feasible. However, the project will retain all runoff on-site.

With regard to cool pavement, the concrete paving on-site will meet the LEED requirement for cool paving (a Solar Reflectance Index of at least 29) with the exception of a small area with colored concrete that will not meet this requirement. With respect to graywater systems, the area is not equipped with recycled water or graywater infrastructure, so this is infeasible for this project. With respect to pedestrian/bicycle trail connections between the school site and community – this is provided (1) along Del Paso Road, (2) to the Westlake development, and (3) to Egret Park. With respect to urban or teaching gardens for district property that remains undeveloped – this does not reduce GHG emissions, but there is an outdoor learning & science garden proposed in Safety Zone 6 (not Safety Zone 4) area. With respect to solar carports – this is infeasible based on the high initial cost and long payback period, but the project will be wired for solar for future installation in the case it is feasible in the future if new rebates and other incentives become available. With respect to electric vehicle charging infrastructure – this has been added to the project. With respect to electric heat pumps and the elimination of natural gas, this is not feasible for the District since schools are built to the District’s standards, which do not include heat pumps, and because this would strain an already stretched-thin maintenance staff with new duties and parts. There is no significant impact attributable to the project that such a mitigation strategy would address, as detailed in the Draft EIR.

**Comment A4-13:** *The commenter notes that avoiding the extension of natural gas lines to the school might help address growth inducing impacts associated with extending natural gas lines outside the County's Urban Policy Area.*

As noted on page 3.10-14, the proposed project would not involve constructing new homes or businesses that would generate new population growth. A portion of the school's approximately 40 teachers and 20 staff could move from outside the school district; however, most positions would be filled by existing residents and transfers from within the district. The school would have a capacity for up to 1,000 students in grades K through 8. The school's initial student population would be moved from a temporary location recently established at 3800 Del Paso Road to address crowding, and then its remaining capacity would be filled by planned growth within the school's service boundary. In addition, the proposed project would not include extension of roads or other infrastructure that could facilitate substantial development. Infrastructure is sized and designed to meet the needs of the proposed school only.

As described on pages 5-33 and 5-34 of the Draft EIR, development of the school site would not directly induce growth by increasing the total NUSD enrollment or the population in the district. The Natomas Unified School District 2014 Facilities Master Plan has identified the Paso Verde Elementary School site as a future school site to accommodate planned residential growth within the district's boundaries (NUSD 2014:13). The NUSD's Facilities Master Plan estimates that 838 planned residential units would be constructed in the vicinity of the site by 2020 (NUSD 2014:26). Some of these units have since been constructed and as a result, NUSD's enrollment has increased and area schools are overcrowded. NUSD must now move forward with this new school to accommodate existing needs.

In addition, development of the school site would not indirectly induce growth by providing new water and wastewater infrastructure or roadway improvements (or natural gas) that could be used to serve new development beyond the school site. Water and sewer systems would be constructed specifically to serve the school site. The wastewater infrastructure would be sized to accommodate the sewer flows of the school site and would not be planned to provide capacity to serve areas outside the site. Water and wastewater infrastructure would be connected to existing facilities with the capacity to serve the amount of proposed development. Natural gas and electricity will only be connected to the school site and not designed to serve other properties.

Improvements to Del Paso Road would provide only access to the school site. Lands in the vicinity are zoned for agricultural uses and outside of the County's UPA and USB. Therefore, improvements to Del Paso Road would not provide access to currently undeveloped areas planned for future development.

**Comment A4-14:** *The commenter states that the EIR did not analyze the growth inducing impacts of developing in the County outside of the County's Urban Service Boundary and Urban Policy Area. The commenter notes that the County policy does not support the extension of urban infrastructure such as water and sewer outside of the Urban Policy Area and does not support extension of the regional interceptor system beyond the Urban Services Boundary. The commenter states*

*that the provision of services to the school will require extension of public infrastructure and therefore may result in growth inducing impacts. The commenter further states that EIR should have evaluated these impacts and considered project alternatives that located the school in appropriate urban areas where services already existed such as in the City of Sacramento.*

Section 3.10, “Land Use, Planning, Population, and Housing,” of the Draft EIR addresses the school property’s location adjacent to the County’s current USB and UPA, as well as the proposed project’s consistency with the County’s General Plan policies. Section 3.10 summarizes the intent of the USB and UPA as explained on page 19 of the County’s General Plan Land Use Element. As stated in Section 3.10, with respect to the intent statement, “[t]he UPA and the USB are designed to promote maximum efficiency of land uses,” the development of the Paso Verde Elementary School does not represent inefficient use of land – the school site would be proximate to areas it would serve and is directly adjacent to existing development. In addition, with respect to the intent statement, “the UPA concentrates and directs growth within previously urbanized areas, limiting arbitrary and sprawling development patterns,” the school would serve existing needs of existing residential development in the City, and the site is adjacent to existing development, so the school would not introduce the “sprawling development patterns” referenced in the USB and UPA intent statements in the County’s General Plan.

The proposed project would be consistent with General Plan Policies LU-1 and PF-11. As discussed in Section 3.10, urban services for the Paso Verde Elementary School would come from the SASD, the Regional San, the City of Sacramento, and the Sacramento Fire Department. The project site is within the service boundaries of SASD and Regional San. SASD’s 12-inch sewer line in Del Paso Road was designed to provide service to the property and would be connected to the school via the main access road. Both SASD and Regional San have stated they will serve the property and connect it to the existing sewer system. Potable and fire protection water supply are available to the school by extending existing infrastructure in Westlake Parkway. The City of Sacramento has stated they will provide water through an agreement with NUSD, along with encroachment permit conditions, maintenance easements, and compliance with relevant City improvement standards. With approval of the City’s Director of Utilities, irrigation water will also be provided by the City. The Sacramento Fire Department Service Area includes the school site.

Please also see Responses to Comments A4-13 and A4-15. Please see also the Response to Comment A4-2. As noted, the Draft EIR is comprehensive in scope, addressing all relevant environmental effects. The Draft EIR includes a detailed discussion of the regulatory framework, including, as appropriate, policies that were adopted by, and apply to actions taken by other agencies. The policies included in the Draft EIR focus on topics that pertain to potential adverse physical environmental effects associated with the project. Please see also Appendix C to the Final EIR, which augments the Draft EIR, and includes additional discussion of the County’s policies.

**Comment A4-15:** *The commenter states that a project alternative that moved the school further from Sacramento International Airport's safety and noise zones was requested, as well as an alternative that provided for better neighborhood connectivity and access for alternative modes of transportation. The commenter states that the Draft EIR fails to examine in detail any off-site alternatives and thus precludes a meaningful discussion and public disclosure of the options that may exist for a project with fewer environmental impacts. The commenter also states that the School District chose to purchase this particular piece of property is not sufficient grounds to justify the site as the environmentally superior alternative without a thorough, detailed, public and transparent examination of logical off-site alternatives.*

Each alternative identified in the Draft EIR was evaluated according to the “rule of reason” and general feasibility criteria suggested by the CEQA Guidelines Section 15126.6, as follows:

The range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

The NUSD has considered a range of alternatives that could feasibly attain most of the basic project objectives and avoid or substantially lessen one or more significant effects. Alternatives were selected for evaluation in the Draft EIR based on criteria in the CEQA Guidelines Section 15126.6, which are summarized above. These criteria are:

- ▶ Ability of the alternative to attain most of the basic project objectives;
- ▶ Feasibility of the alternative; and
- ▶ Ability of the alternative to avoid or substantially reduce one or more significant environmental effects of the proposed project.

Chapter 4, “Alternatives,” cites the Sacramento County Office of Planning and Environmental Review’s request to consider an alternative that relocates the school further from Sacramento International Airport's safety and noise zones, as well as an alternative that provides for better neighborhood connectivity and access for alternative modes of transportation (see page 4-2 of the Draft EIR).

Eight alternative sites were detailed in the Alternatives chapter of the Draft EIR that could possibly fulfill the project’s objectives to meet the educational needs of up to approximately 1,000 NUSD students in grades K–8, meet NUSD’s geographical needs for additional schools within its service boundary and west of I-5, and slow enrollment growth at nearby overcrowded elementary and middle schools. The NUSD invested substantial resources in research and analysis, due diligence studies, negotiations with property owners, and other activities for the

eight alternative sites described in the Draft EIR, in addition to others that clearly are infeasible or with only a superficial level of research were determined not to meet the District's needs.

The NUSD considered the CDE's *Guide to School Site Analysis and Development*, which provides criteria for locating appropriate school sites in California, and the CDE criteria outlined in California Code of Regulations Title 5 Section 14010, "Standards for School Site Selection," which guides the location and design of schools to avoid certain adverse health and safety effects, in its decision for choosing a feasible school site.

Four alternative sites within the Sacramento city limits were considered. As discussed in Chapter 4 of the Draft EIR, Sites A, B, C, and G could be served by City utility infrastructure and public services. However, Sites A, B, C, and G would not avoid or substantially reduce potentially significant environmental effects compared to the proposed project. In addition, Sites A and G would not meet CDE safety criteria outlined in California Code of Regulations Title 5 since both sites are located within 500 feet of Interstate 5, which is considered a major transportation corridor. As discussed in Chapter 4, the Draft EIR determined that Sites A, B, C, and G would not be feasible alternative sites for development of the proposed project.

Sites B, C, and G are not feasible for school site development due to conditions that would affect real estate transactions involving these properties for school use. Site C is also located at a greater distance from the anticipated location of most students that would attend Paso Verde, which would increase air quality, greenhouse gas emissions, transportation, and transportation noise impacts compared to the proposed project. Site C is also very close to an existing District Elementary School, which could create transportation challenges, and is designated by the City for multi-family residential development.

As discussed in Chapter 4, the Draft EIR determined that Sites D, E, F, and H would not be feasible alternative sites for development of the proposed project. All four sites are outside of the County's USB and UPA and would require the extension of municipal water and wastewater services. Development on Sites D, E, and H would result in the conversion of Prime Farmland, and thus would have a greater impact on agricultural resources than the proposed project. Sites D, E, F, and H and these are not located in the vicinity of bicycle and pedestrian trails or alternative modes of transportation and are farther from the students the NUSD needs to house, and therefore, they would result in increased air quality, greenhouse gas emissions, transportation, and transportation noise impacts compared to the proposed project. Furthermore, Site H would not meet CDE safety criteria outlined in California Code of Regulations Title 5 since the site is located within 500 feet of Interstate 80, which is considered major transportation corridor.

Please also see the Response to Comment A6-3.

## 2.2.5 LETTER A5 – DEPARTMENT OF TOXIC SUBSTANCE CONTROL



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

### Department of Toxic Substances Control

Barbara A. Lee, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Edmund G. Brown Jr.**  
Governor

December 27, 2018

Ms. Jen Mellor  
Planning Technician  
Facilities & Strategic Planning  
Natomas Unified School District  
1901 Arena Boulevard  
Sacramento, California 95834

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR  
THE PASO VERDE SCHOOL PROJECT, DEL PASO ROAD AND WYNDVIEW WAY,  
SACRAMENTO, SACRAMENTO COUNTY (SCH #2018052079)

Dear Ms. Mellor:

The Northern California Schools Unit of the Department of Toxic Substances Control (DTSC) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Paso Verde School project (Project) proposed by the Natomas Unified School District (District). The due date to submit comments is December 29, 2018.

As reported in the NOP, the District proposes to construct and operate a new school (Kindergarten through 8<sup>th</sup> grade) in the City of Sacramento, west of Interstate 5 and north of Del Paso Road (Site), with the capacity to accommodate up to approximately 1,000 students. The school would have a footprint of approximately 18.3 acres. The remaining approximately 15.6 acres would not be developed. The school will have approximately 82,000 square feet of total building space. The school will have 40 classrooms with two special education spaces, along with a classroom for music and a classroom for art. There is no outdoor lighting proposed for the sports fields, but the pedestrian/bicycle/emergency access to the east and the primary access road will be lit for safety and security.

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The District entered into an Environmental Oversight Agreement with DTSC on October 18, 2005 (HSA-05/06-044), and completed a Preliminary Environmental Assessment (PEA) to investigate environmental impacts for a 10-acre proposed school site (West Lakeside Middle School/High School Site [104464]) located within the boundaries of the proposed Paso Verde School project. The April 2006 PEA Report concluded that concentrations of chemicals detected at the site do not pose a significant risk to human health or the environment and recommended no further action. DTSC agreed with the conclusions and approved the PEA Report on July 19, 2006. The District submitted a Phase I Environmental Site Assessment (Phase I) to DTSC in September 2007 to address an expansion of the school site to approximately 41.2 acres from the original 10-acre school site. Based on a review of files on the expanded property, and the consistent agricultural use history between the original 10-acre property and the expanded property, the September 2007 Phase I recommended no further action and DTSC approved the Phase I on October 19, 2007.

A5-2

Based on a comparison of Exhibit 2 (Vicinity of Project Site) included in the draft EIR and the Site Map (Figure 2) provided in the September 2007 Phase I, it appears that the Project boundaries approximate that of the boundaries of the September 2007 Phase I investigation.

Based on a review of the NOP and draft EIR, DTSC would like to provide the following comments:

1. Reference is made in the draft EIR to both the April 2006 PEA Report and the September 2007 Phase I. However, the Phase I being referred to in the EIR as being the “updated” Phase I is dated May 2016. DTSC recommends an addendum be prepared to verify site conditions for a Phase I greater than 180 days old.

A5-3

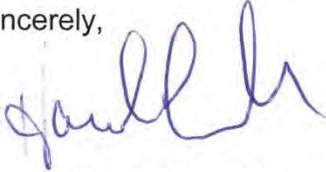
DTSC is also administering the Revolving Loan Fund (RLF) Program, which provides revolving loans to investigate and clean up hazardous materials at properties where redevelopment is likely to have a beneficial impact to a community. These loans are available to developers, businesses, schools, and local governments.

A5-4

Ms. Jen Mellor  
December 27, 2018  
Page 3

For additional information on DTSC's Schools process or RLF Program, please visit DTSC's web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov). If you would like to discuss this matter further, please contact me at (916) 255-3695, or via email at [Bud.Duke@dtsc.ca.gov](mailto:Bud.Duke@dtsc.ca.gov).

Sincerely,



Harold (Bud) Duke, PG  
Northern California Schools Unit  
Site Mitigation and Restoration Program

cc: (via email)

State Clearinghouse ([State.clearinghouse@opr.ca.gov](mailto:State.clearinghouse@opr.ca.gov))  
Office of Planning and Research

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Mr. José Salcedo, PE, Chief ([Jose.Salcedo@dtsc.ca.gov](mailto:Jose.Salcedo@dtsc.ca.gov))  
DTSC Schools Unit – Sacramento, CA

## 2.2.5.1 RESPONSE TO COMMENT LETTER A5 – DEPARTMENT OF TOXIC SUBSTANCE CONTROL

**Comment A5-1:** *The commenter states that the Northern California Schools Unit of the Department of Toxic Substances Control (DTSC) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Paso Verde School project. The commenter further provides a brief summary of the project description.*

The NUSD appreciates DTSC's review of the Draft EIR.

**Comment A5-2:** *The commenter summarizes the NUSD's consultation with DTSC and the commenter provides a summary of the PEAs and Phase I Environmental Site Assessments (ESAs) prepared for the Project site and the DTSC's decisions. The commenter further states that DTSC agrees with the conclusion that the Project boundaries are approximate with those shown in the September 2007 Phase I ESA.*

The NUSD agrees that the project site is completely encompassed with those shown in the 2007 Phase I ESA. This conclusion, as well as the additional information provided by the commenter is summarized on Page 3.8-2 in Section 3.8, "Hazards and Hazardous Materials," of the Draft EIR.

**Comment A5-3:** *The commenter states that the Phase I ESA being referred to in the EIR as being the "updated" Phase I is dated May 2016. The commenter states that the DTSC recommends an addendum be prepared to verify site conditions for a Phase I greater than 180 days old.*

The District has prepared an addendum to the Phase I ESA. It has been included as Appendix B to this Final EIR. The Phase I ESA addendum confirms that there are no recognized environmental conditions, controlled recognized environmental conditions, or historical recognized environmental conditions related to the project site.

**Comment A5-4:** *The commenter states that DTSC is administering the Revolving Loan Fund (RLF) Program, which provides revolving loans to investigate and clean up hazardous materials at properties where redevelopment is likely to have a beneficial impact to a community and the commenter states that these loans are available to developers, businesses, schools, and local governments.*

The NUSD appreciates the information regarding the RLF Program. There is no need for clearly up of hazardous materials at this project site.

2.2.6 LETTER A6 – SACRAMENTO COUNTY, DEPARTMENT OF AIRPORTS

**Letter A6**

Department of Airports  
Cynthia A. Nichol  
Director of Airports



County Executive  
Navdeep S. Gill

**County of Sacramento**

December 27, 2018

Ms. Jen Mellor  
Planning Technician, Facilities & Strategic Planning  
Natomas Unified School District  
1901 Arena Boulevard  
Sacramento, CA 95834

Subject: Notice of Availability of a Draft Environmental Impact Report for the Paso Verde School Project

Dear Ms. Mellor,

This is a letter in response to the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the Paso Verde School Project. The Sacramento County Department of Airports (Department) appreciates the opportunity to participate in providing comments in regards to consistency with the Sacramento International (SMF) Airport Land Use Compatibility Plan (ALUCP), anticipated aircraft overflight and noise conditions, and potential wildlife hazard concerns.

A6-1

The Department recognizes that the DEIR has determined the site to be consistent with the SMF ALUCP and has determined that current and future impacts on the site related to Sacramento International Airport will be less than significant or mitigated to be less than significant as defined by California Environmental Quality Act (CEQA).

That said, the Department is in the unique position of regularly hearing from the public concerns about those same impacts upon residential land uses and the residents that the Paso Verde School will also serve. Despite these impacts being below federal and State thresholds of significance, the amount of community concern regarding overflight impacts on the residential areas near the project site is substantial. The Department therefore recommends the NUSD consider and implement additional measures to ensure that full disclosure of the potential for noticeable effects from aircraft overflight noise will be regularly communicated to prospective staff, students and parents and that additional investigation and mitigation (to the extent possible) will be implemented by NUSD.

A6-2

The Department also recommends that the DEIR be revised to include a robust analysis of alternative sites B and C. The DEIR states that alternative "Sites A through H would likely have similar or greater environmental impacts than the proposed project", but makes no attempt to quantify these impacts in the case of sites B and C. Given the known level of public awareness and concern regarding aircraft overflight impacts in the area, the Department recommends the public be given a full accounting of all of the known and anticipated impacts at all three sites in order that an informed final recommendation for the optimum school site can be considered.

A6-3

**ALUCP**

The Department recognizes that the DEIR states that the Paso Verde School project has been determined to be compatible or conditionally compatible with the SMF ALUCP by SACOG, the jurisdictional ALUC for the project area. The Paso Verde School project is subject to various compliance regulations such as building restrictions and Federal aviation Administration (FAA) notification requirements as it falls within the Airport Influence Area of the ALUCP. The Department recognizes that NUSD’s proposed site plan for placing buildings in Safety Zone 6, rather than Safety Zone 4, makes them safety compatible with SMF per the ALUCP. The proposed project parcel is partially located within the Community Noise Equivalent Level 60-65 decibel contour, although the classrooms are sited outside of the contour. NUSD is responsible for notifying the FAA for any proposed construction as stated in Title 14 Code of Federal Regulations Part 77 for all construction that has potential to affect navigable airspace.

A6-4

**Safety**

As previously noted, the location of the school facilities (buildings, classrooms) inside of Safety Zone 6 is compatible as determined by the ALUCP. SACOG, as the Airport Land Use Commission (ALUC), considers the playing fields as “Group Recreation,” and the ALUCP conditionally allows athletic fields in Safety Zone 4 under this land use category. In land use planning, a “conditionally allowed” use is one that is normally not permitted but with the application of conditions that address special circumstances, would be acceptable. While the ALUC has determined the fields to be conditionally compatible for recreational purposes, since educational facilities and activities cannot be made conditionally compatible in Safety Zone 4, we recommend the NUSD seek further clarification from the ALUC as to whether their use as part of a formal educational academic curriculum, such as Physical Education classes or classroom recess, is acceptable or should be prohibited. The Department recommends the latter.

A6-5

**Aircraft Overflights and Noise**

While the Department recognizes the DEIR determines current and future aircraft overflight and noise impacts are less than significant, recent concerns raised by residents of the Westlake, Westshore, and Sundance communities the school is nearest to and intended to serve, warrant additional consideration by the NUSD and regularly issued disclosure to the community.

A6-6

To expand on the analysis provided in the DEIR and provide a more complete understanding of the number of overflights that will occur over the Paso Verde School area, please refer to the enclosed Paso Verde School Flight Track Analysis representing actual overflights occurring in a 24-hour period on May 31, 2018. For the purpose of site specific analysis, the Department established an arbitrary penetration gate that spans the project location for two miles, one mile to the north and one mile to the south of the center, and is oriented to capture flights that directly overfly or are in close proximity to the project area. A total of 181 departure flight tracks were recorded on May 31, 2018, of which 145 penetrated the gate. These flights passed over the site at altitudes between 1,317 feet mean sea level (MSL) and 4,450 feet MSL. Please refer to page 2 of the Flight Track Analysis for more information.

A6-7

Additional analysis was performed to identify the number of overflights that have occurred at the project site during school hours (7AM-5PM) on May 31, 2018. A total of 101 departure flight tracks were recorded from 7AM to 5PM, of which 86 penetrated the Paso Verde penetration gate. These flights passed over the site at altitudes between 1,462 feet MSL and 4,304 feet

A6-8

MSL. Please refer to page 3 of the Flight Track Analysis for more information. The discussed Flight Track Analysis is representative of the actual number of overflights that NUSD should anticipate occurring at Paso Verde School. While these overflights average approximately one every seven minutes, the Department notes the frequency of overflights can peak at a much higher rate during specific periods, currently this includes mornings between 6-8 AM and 2-4 PM. Note that FAA regulations effectively prohibit airport operators from implementing operational restrictions or limitations such as curfews or limits on the number of flights. This is especially true in the case of land uses determined to be compatible by a local ALUC.

A6-8  
(Cont)

The single event noise measurements presented in the DEIR are characteristic of the loudness of aircraft overflights which can be anticipated to occur on a nearly daily basis (except on the occasions when airport operations are conducted in a north flow configuration). The reported single event noise levels (SELS) range from 61.8 to 88.6 A-weighted decibels – similar to a diesel truck at 50 feet at 50 miles per hour. It is additionally noted that the degree to which noise results in annoyance and interference with activities is highly subjective. Based on our recent experience, there will undoubtedly be children, parents and staff who are annoyed by the SELs experienced in the outdoor activity areas of the school. It is quite plausible that some parents will complain to school officials and demand the airport and the FAA adjust flight paths or implement restrictions out of consideration for their children. Given that airspace is solely within the FAA's jurisdiction, and that the school is knowingly being built by NUSD under existing flight paths forecast to increase in activity, the Department cautions the NUSD not to expect the Department to advocate, nor the FAA, to mitigate impacts the NUSD could avoid or lessen by choosing another site.

A6-9

The most recently adopted airport master plan's passenger and flight activity forecasts for SMF indicate a steady increase in activity through at least 2020, and the FAA's current Terminal Area Forecast for SMF projects continued steady growth in activity through 2045. The DEIR acknowledges increased noise levels in the modified future contours presented under the heading of Exterior Noise from Aircraft. The Department concludes that NUSD, by certifying the EIR for a school site under an existing flight path, recognizes and accepts that future impacts from growth of air traffic at SMF will be unavoidable and acceptable.

A6-10

#### **Hazardous Wildlife Attractants**

The Paso Verde School Project is considered a development project near SMF having characteristics the FAA regards as potential attractants for wildlife hazardous to aircraft operations and falls within the 10,000-foot FAA Separation Area for Wildlife Attractants. The Department recommends the review of current FAA regulations in regard to hazardous wildlife attractants in FAA Advisory Circular 150/5200-33B. This document is available on the FAA's website and we are happy to provide assistance in locating it if necessary. We recommend that the school curriculum not include the establishment of features (water features) or practices (agriculture) that would constitute wildlife attractants. Airport wildlife biologists can be made available to consult with NUSD on the appropriateness of specific proposed features and activities, including steps that can be taken to reduce the attractant nature of the proposed detention basin. Though designed to drain within 48 hours, the water in the basin during those 48 hours may still serve as an attractant to hazardous wildlife.

A6-11

**Recommendations**

The Department recognizes that the site may be made compatible with SMF by the letter of the law. However, in recognition of ongoing concern (expressed by numerous members of the communities the school will serve) that overflight impacts in the area are objectionable (even though their residences are similarly compatible), the Department recommends NUSD explore and document all alternatives to locate the school further away from SMF.

A6-12

Specifically, the Department recommends that alternative sites B and C be fully investigated and reported on in a revised DEIR.

Given that NUSD has already acquired, at significant cost to NUSD, the land for the proposed project site without a robust alternatives analysis, in the event NUSD proceeds with development of the site as proposed, the Department recommends the following mitigation steps:

NUSD perform a classroom disruption analyses for the project location to better understand and communicate anticipated noise levels at the site and their potential impact on the educational process;

NUSD provide regular written notice to prospective staff and parents/guardians of all prospective students in regards to level of aircraft activity at the school location based on proximity to SMF;

A6-13

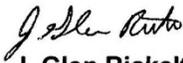
NUSD grant and execute an avigation easement on the parcel for the County Department of Airports in recognition of the district's choice to build a school under existing and regularly used flight paths associated with SMF;

NUSD restrict the use of the recreational fields to strictly recreational purposes and prohibit their use as part of any formal educational academic curriculum, such as Physical Education classes or classroom recess;

NUSD restrict curriculum to exclude the establishment of features (water features) or practices (agriculture) that would constitute wildlife attractants anywhere on the proposed Paso Verde school site.

Thank you for the opportunity to comment on the Notice of Availability of a Draft Environmental Impact Report for the Paso Verde School Project. We look forward to assisting in any way possible that works in cooperation with SMF aircraft operations.

Sincerely,



**J. Glen Rickelton**  
Airport Manager of Planning and Environment  
Sacramento County Department of Airports

**Attachments**

- Paso Verde School Flight Track Analysis

Attachment 1

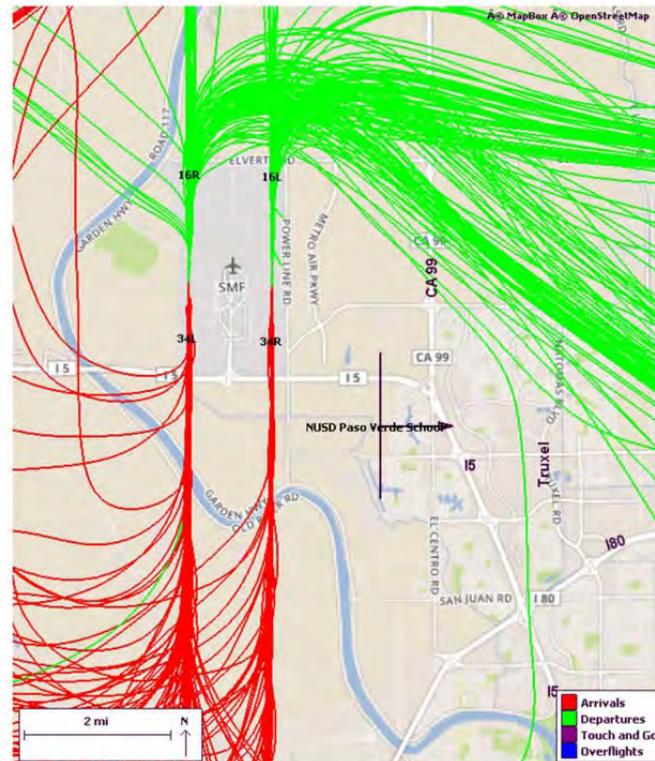
Sacramento County Airport System  
Noise Information Office



Sacramento International Airport Flight Altitudes Near Paso Verde School Project Location  
*Flight Track Analysis*



The penetration gate is centered over the project location spanning the site for approximately two miles; one mile to the south and one mile to the north of the center. The center is placed over the midpoint of the parcels to best capture the site.



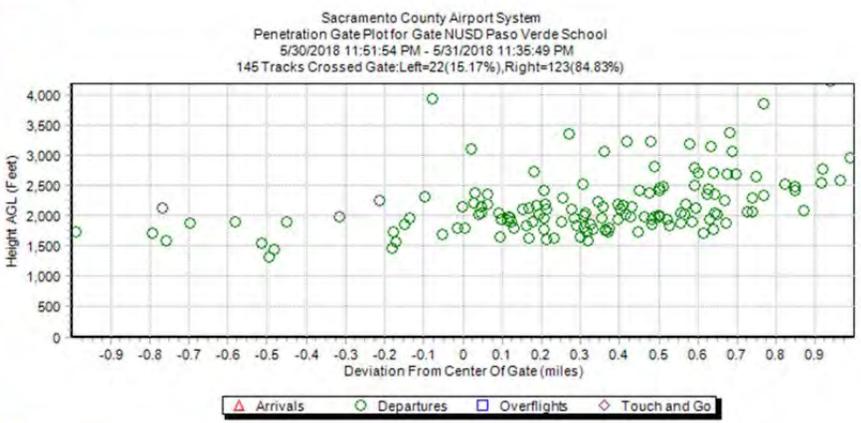
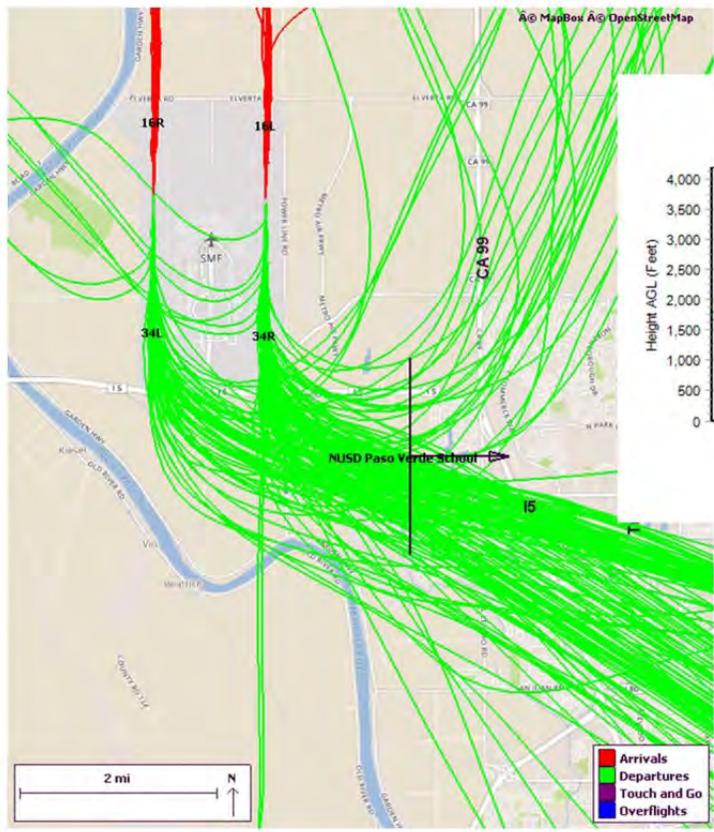
When the Airport is in North Flow conditions, the site may experience few to no overflights but will still be impacted by aircraft operations taking place fewer than two miles to the west. North Flow takes place approximately 30% of the year, especially during transitional seasons such as spring and autumn.

Attachment 1

Sacramento County Airport System  
Noise Information Office



Sacramento International Airport Flight Altitudes Near Paso Verde School Project Location  
Flight Track Analysis



The above graph depicts altitudes of 145 aircraft operations for a 24-hour day, departing on May 31, 2018, relative to the center of the gate being analyzed. The lowest aircraft overflow the site at 1,317 feet above ground level and the highest aircraft overflow the site at 4,450 feet above ground level. The average altitude of any aircraft that overflow this site was 2,141 feet above ground level.

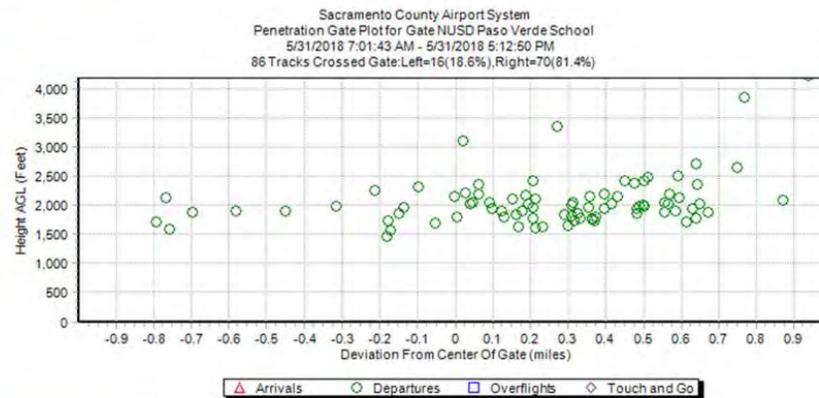
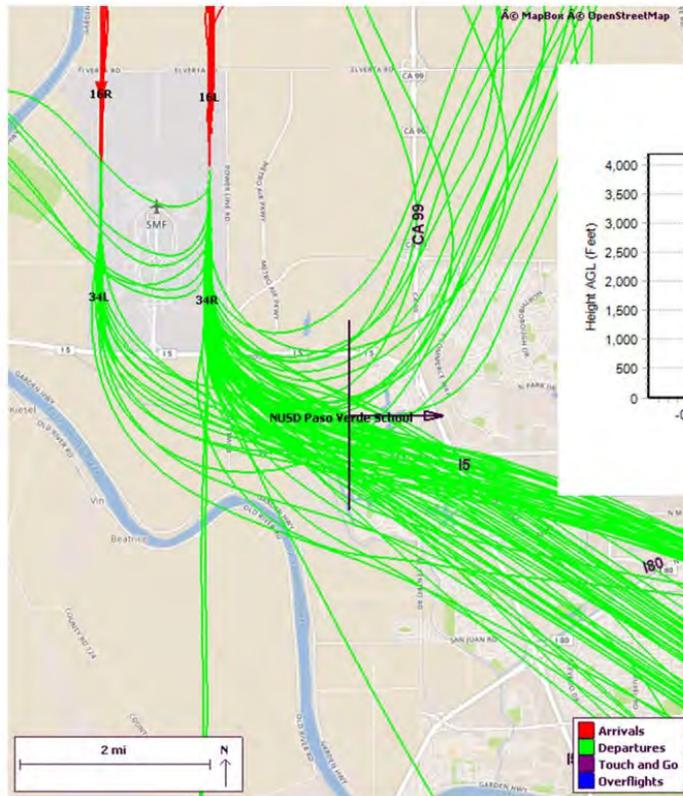
When the Airport is in South Flow conditions, the site will experience consistent overflights as aircraft climb under power from the departure runway to their cruising altitude. South Flow takes place approximately 70% of the year.

Attachment 1

Sacramento County Airport System  
Noise Information Office



Sacramento International Airport Flight Altitudes Near Paso Verde School Project Location  
Flight Track Analysis



The above graph depicts altitudes of 86 aircraft operations for 7:00 am to 5 pm, departing on May 31, 2018, relative to the center of the gate being analyzed. The lowest aircraft overflew the site at 1,462 feet above ground level and the highest aircraft overflew the site at 4,304 feet above ground level. The average altitude of any aircraft that overflew this site was 2,008 feet above ground level.

The graphic above depicts South Flow operations during typical school hours, 7:00 am to 5 pm.

## 2.2.6.1

### RESPONSE TO COMMENT LETTER A6 – SACRAMENTO COUNTY, DEPARTMENT OF AIRPORTS

**Comment A6-1:** *The commenter states that Sacramento County Department of Airports (Department) appreciates the opportunity to participate in providing comments regarding consistency with the Sacramento International (SMF) Airport Land Use Compatibility Plan (ALUCP). The commenter states that the Department recognizes that the Draft EIR has determined the site to be consistent with the SMF ALUCP and has determined that current and future impacts on the site related to Sacramento International Airport will be less than significant or mitigated to be less than significant as defined by California Environmental Quality Act (CEQA).*

The NUSD appreciates the Sacramento County Department of Airport's review of the Draft EIR. The commenter recognizes that the Draft EIR determined the proposed project is consistent with the ALUCP and recognizes that the Draft EIR determined that current and future impacts on the site related to Sacramento International Airport will be less than significant or mitigated to be less than significant.

**Comment A6-2:** *The commenter states that the Department recommends the NUSD consider and implement additional measures to ensure that full disclosure of the potential for noticeable effects from aircraft overflight noise will be regularly communicated to prospective staff, students and parents and that additional investigation and mitigation (to the extent possible) will be implemented by NUSD.*

Please see Response to Comment A6-13.

**Comment A6-3:** *The commenter states that the Draft EIR makes no attempt to quantify impacts in the case of sites B and C. The commenter further states that the Department recommends the public be given a full accounting of all of the known and anticipated impacts at sites B and C in order that an informed final recommendation for the optimum school site can be considered.*

Please see the Response to Comment A4-15.

**Comment A6-4:** *The commenter states that the project is subject to various compliance regulations such as building restrictions and Federal Aviation Administration notification requirements. The commenter states that the Department recognizes that NUSD's proposed site plan for placing buildings in Safety Zone 6, rather than Safety Zone 4, makes them safety compatible with the ALUCP and that proposed project parcel is partially located within the Community Noise Equivalent Level 60-65 decibel contour, although the classrooms are sited outside of the contour. The commenter also states that the NUSD is responsible for notifying the Federal Aviation Administration for any proposed construction as stated in Title 14 Code of Federal Regulations Part 77 that has potential to affect navigable airspace.*

The commenter notes that the Department recognizes that NUSD's proposed site plan for placing buildings in Safety Zone 6 makes them safety compatible with the ALUCP and notes that classrooms are sited outside Community Noise Equivalent Level 60-65 decibel contour. The NUSD recognizes its responsibility for notifying the Federal Aviation Administration for

any proposed construction that has potential to affect navigable airspace as stated in Title 14 Code of Federal Regulations Part 77.

Please see also the Response to Comment A4-9. Please see the Response to Comment A4-5 for a discussion of ensuring planting on-site does not attract hazardous wildlife, maintenance of on-site detention to ensure that it drains quickly, and monitoring of the site for hazardous wildlife.

**Comment A6-5:** *The commenter states that while the Airport Land Use Commission has determined the playing fields to be conditionally compatible for recreational purposes in Safety Zone 4, educational facilities and activities cannot be made conditionally compatible in Safety Zone 4. The commenter states that the District recommends the NUSD seek further clarification from the Airport Land Use Commission as to whether their use as part of a formal educational academic curriculum, such as Physical Education classes or classroom recess, is acceptable or should be prohibited.*

Please see Response to Comment A4-5. The ALUCP includes a land use category called “Group Recreation,” which is allowed in Safety Zone 4 so long as the use is more than ½ mile from the subject runway and an alternative site outside the zone would not serve the intended function. The playfields need to be on the same site as the school to serve their intended function and the project site is more than ½ mile from the runway. The project is consistent with the ALUCP (SACOG 2018).

The full definition of “Group Recreation” in Table 2 of the ALUCP on page 2-55 is “Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas.” The project proposes somewhat less intensive use of this portion of the project site, since the District does not propose spectator stands – limited or otherwise.

The project was designed to avoid placement of incompatible uses in Safety Zones 4 and 6. The project was designed to avoid any buildings in Safety Zone 4. Most of the proposed outdoor recreational facilities are in Zone 6, and not in Zone 4. However, there is a portion of an open turf play area in Zone 4, along with parking, a detention basin, and landscaping. This is consistent with the ALUCP and the “Group Recreation” definition, which includes athletic fields, although, as noted above, the proposed uses are somewhat less intensive compared to what the ALUCP would conditionally allow. Please see Exhibit 2.2.4-1 in Response to Comment A4-5, which provides an updated landscaping plan and the ALUCP Safety Zones.

Finally, a discussion related to landscaping has been added to the Draft EIR, along with a mitigation measure for planning purposes starting on page 3.8-19 of the Draft EIR, as follows.

The project landscape plan does not include planting that is known to represent a significant hazardous wildlife attractant. The FAA and U.S. Department of Agriculture document, “Wildlife Hazard Management at Airports,” recommends against use of millet and other large-seed producing grasses, fruit trees, and other plants that will not be used on-site. The following mitigation measure has been added for planning purposes.

## Mitigation Measures

~~No mitigation measure is required.~~

### Mitigation Measure: 3.8-3a: Prohibit Plants That Would Attract Hazardous Wildlife, Maintain Detention Facility, and Monitor Site for Hazardous Wildlife.

The project landscape architect will review the landscape plan with a qualified wildlife damage management biologist or using guidance for plants near airports from the FAA, USDA, Cooperative Extension, and/or with other recognized experts to confirm the plant list prior to construction. NUSD will maintain the detention facility so that it continues to drain within 48 hours of a 24-hour storm event, and make improvements, if necessary, to achieve this performance standard. NUSD will monitor the site for the presence of hazardous wildlife and, if necessary, retain a qualified wildlife damage management biologist to prepare and execute a management strategy, in communication with the Sacramento County Department of Airports, to discourage hazardous wildlife on-site.

### **Significance after Mitigation**

The impact is less than significant before mitigation, since the project does not have features, and the landscape plan does not include plants that are known to be a substantial wildlife attractant, but this mitigation measure has been imposed for planning purposes, and provides benefits related to long-term drainage facility management and monitoring for hazardous wildlife. The impact is **less than significant**.

**Comment A6-6:** *The commenter notes that the Draft EIR presents analysis of aircraft noise and suggests that concern by residents warrant additional consideration and regularly issued disclosure to the community.*

Please see Response to Comment A6-13. Please also see the Responses to Comment A4-7 and A4-8.

In addition, the NUSD has conducted extensive outreach and has invited input from residents in the vicinity of the project site throughout the design and environmental process. As noted in a public workshop held during the Draft EIR review period, the District maintains communication with residents in school neighborhoods, and will continue this type of outreach and communication after the Paso Verde School is operational.

**Comment A6-7:** *The commenter has provided additional information related to aircraft overflights.*

The NUSD appreciates this additional and helpful information. Please see the Responses to Comment A4-7 and A4-8.

As noted in this information, overflights are affected by wind direction. When the Airport is in north flow conditions, the site may experience few to no overflights. North flow takes place

approximately 30 percent of the year. Based on the information provided by the commenter, when the Airport is in south flow conditions, the site will experience consistent overflights as aircraft climb to their cruising altitude. South flow takes place approximately 70 percent of the year. The estimate presented in the Draft EIR was that south flow conditions occur 75 percent of the year (see page 3.11-7).

As noted in the Response to Comment A4-7, the Draft EIR presents information on single-event noise conditions, in addition to the more typical 24-hour average conditions. To support the Draft EIR, the NUSD directed single-event noise measurements at the project site and documented approximately 18 events per hour, or one every four minutes between 8:00am and 3:00pm (representative of school hours). As summarized in Table 3.11-3 (see page 3.11-9 of the Draft EIR), the average noise level during these events ranged from 60.8 to 67.6 dBA.

**Comment A6-8:** *The commenter describes observations of overflights of the project site from May of 2018 and indicates that these data would be representative of overflights at the Paso Verde School. The commenter notes that the Federal Aviation Administration regulations prohibit airport operators from implementing operational restrictions or limitations, such as curfews or limits on the number of flights, particularly for land uses determined to be compatible by the local Airport Land Use Commission.*

The NUSD appreciates this helpful information. Please see Responses to Comment A4-7, A4-8, and A6-7.

The NUSD appreciates the information regarding Federal Aviation Administration regulations. As noted by the commenter, the Federal Aviation Administration regulations prohibit airport operators from implementing operational restrictions or limitations, such as curfews or limits on the number of flights. The NUSD has no intent to suggest any such limitations or any changes to operations at Sacramento International Airport. The commenter has noted that the limitations on any changes in operation particularly apply in instances where proposed uses are consistent with the applicable Airport Land Use Compatibility Plan, as is the case here (SACOG 2018).

**Comment A6-9:** *The commenter describes single-event noise measurements presented in the Draft EIR, and notes that these are representative of conditions that could be expected on-site, except during north flow conditions. The commenter notes that the adverse effect of noise is highly subjective, and that the District may expect complaints from parents. The commenter suggests that the District should not expect the Sacramento County Department of Airports to advocate for changes that would reduce noise levels.*

The NUSD appreciates the information on single-event noise levels. The NUSD has no intent to suggest any such limitations or any changes to operations at Sacramento International Airport and has no intent to ask the Sacramento County Department of Airports to advocate on behalf of the District for changes at the Airport. Please see Responses to Comment A4-7, A4-8, and A6-7.

**Comment A6-10:** *The commenter notes that the Airport Master Plan anticipates increases in flight activity and that the Draft EIR acknowledges increases in on-site noise levels associated with such increases.*

The NUSD agrees that the Draft EIR characterizes not only existing, but also future aircraft overflight-related noise levels. The NUSD acknowledges that neither the school nor the NUSD can control operations at Sacramento International Airport. The NUSD has no intent to suggest any such limitations or any changes to operations at Sacramento International Airport and has no intent to ask the Sacramento County Department of Airports to advocate on behalf of the NUSD for changes at the Airport. Please see the Responses to Comment A4-7, A4-8, and A6-7.

**Comment A6-11:** *The commenter states that the Department recommends the review of current FM regulations in regard to hazardous wildlife attractants in FM Advisory Circular 150/5200-33B and the commenter states that the District recommends that the school curriculum not include the establishment of features (water features) or practices (agriculture) that would constitute wildlife attractants. The commenter also states that though designed to drain within 48 hours, the water in the basin during those 48 hours may still serve as an attractant to hazardous wildlife.*

As discussed in Section 3.8, Hazards and Hazardous Materials,” of the Draft, FM Advisory Circular 150/5200-33B guidance was reviewed during preparation of the Draft EIR. The proposed project does not include landscape features or any other features that could attract wildlife. As stated in Section 2-3(b) of the FM Advisory Circular, “Stormwater detention ponds should be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after the design storm and remain completely dry between storms” (Federal Aviation Administration 2007). The proposed on-site detention basin would be designed to drain within a maximum of 48 hours and would remain dry between storms consistent with Federal Aviation Administration guidance.

Please also see Response to Comment A4-9 for a discussion of the potential to attract wildlife. Please refer also the Response to A6-5.

**Comment A6-12:** *The commenter states that the Department recommends NUSD explore and document all alternatives to locate the school further away from SMF. The commenter specifically recommends that alternative sites B and C be fully investigated and reported on.*

Please see Responses to Comment A6-5 and A4-15.

**Comment A6-13:** *The commenter has provided a list of five recommendations related to aircraft noise and hazards.*

The commenter has recommended that NUSD perform a classroom disruption analyses for the project location to better understand and communicate anticipated noise levels at the site and their potential impact on the educational process. The Draft EIR provides detailed information on both the exterior and interior noise levels that would be expected. NUSD commissioned an additional exterior noise intrusion assessment for the proposed project, which found that

interior noise levels will be less than 40 dBA during the worst-case hour (Smith 2019). In addition, please see the Responses to Comment A4-7, A4-8, and A6-7.

The commenter has recommended that NUSD provide regular written notice to prospective staff and parents/guardians of all prospective students in regards to level of aircraft activity at the school location based on proximity to SMF. The District will add a statement to this effect to the school's website, which is routinely used by staff and parents/guardians.

The commenter has recommended that NUSD grant and execute an avigation easement on the parcel for the County Department of Airports in recognition of the district's choice to build a school under existing and regularly used flight paths. The District reached out to the commenter to collaborate on language that responds to this recommendation.

The following revisions have been made to Impact 3.8-3 in Section 3.8 of the Draft EIR. Please see also Chapter 3 of this Final EIR, "Errata." These edits do not change the analysis or conclusions of the Draft EIR. Rather, these revisions clarify that for planning purposes, the NUSD will prepare an avigation easement before occupancy of the school site. NUSD developed this mitigation measure based on input from the commenter's letter and revised this language in response to additional follow-up input from the commenter on the exact language.

The following mitigation measure is included for planning purposes although impacts specific to associated with safety hazards for people near the Sacramento International Airport would be less than significant.

#### **Mitigation Measures**

~~No mitigation measure is required.~~

#### **Mitigation Measure 3.8-3b: Prepare an Avigation Easement before Occupancy of the School Site and Provide Notice of Aircraft Operations.**

Prior to the occupancy of structures associated with the Paso Verde School on those parcels located wholly or partially within Airport Safety Zone 4 and 6, NUSD shall execute and record an avigation easement to the County of Sacramento as owner of Sacramento International Airport that acknowledges the location of the airport relative to the project site, acknowledges that aircraft will continue to operate, and agrees that NUSD will not install structures that would obstruct air navigation. NUSD will collaborate with the Sacramento County Department of Airports on a mutually agreeable avigation easement that addresses the interests of NUSD and the County as they relate to operation of the school and the Sacramento International Airport. A form of notice shall also be created to be provided by NUSD to notify parents of students that all land within the school site is or may be at a future date be exposed to low and frequent airport overflights, aircraft noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused or may have been caused by the operation of aircraft landing at, taking off from, or operating at or on Sacramento International Airport.

The commenter has recommended that NUSD restrict the use of the recreational fields to strictly recreational purposes and prohibit their use as part of any formal educational academic curriculum, such as physical education classes or classroom recess. This is not possible, as the playfields will be required for physical education, recess, and extracurricular activities. However, the project has been designed consistent with the ALUCP, including guidance related to safety. Please see the Responses to Comment A6-5 and A4-9.

Finally, the commenter has recommended that NUSD restrict curriculum to exclude the establishment of features (water features) or practices (agriculture) that would constitute wildlife attractants anywhere on the proposed Paso Verde school site. The curriculum at the school will not result in the development of any water features or any other wildlife attractants. As discussed in Section 3.8 of the Draft EIR, the Federal Aviation Administration's FM Advisory Circular 150/5200-33B guidance was reviewed during preparation of the Draft EIR. The proposed project does not include landscape features or any other features that could attract wildlife (see Chapter 2, "Project Description," of the Draft EIR). As stated in Section 2-3(b) of the FM Advisory Circular, "Stormwater detention ponds should be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after the design storm and remain completely dry between storms" (Federal Aviation Administration 2007). NUSD's engineer for this project prepared an analysis of the proposed on-site basin and pump station that demonstrates that the basin will drain within 24 hours following a 24-hour, 100-year rainfall event. The drainage report documenting this was provided to the County with the submittal of the off-site improvement plans in December of 2018.

2.2.7 LETTER A7 – SACRAMENTO MUNICIPAL UTILITY DISTRICT



Sent Via E-Mail

December 27, 2018

Jen Mellor
Natomas Unified School District
1901 Arena Blvd.
Sacramento, CA 95834
jmellor@natomasunified.org

Subject: Paso Verde School / 2018052079 /
Draft Environmental Impact Report

Dear Ms. Mellor:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the proposed Draft Environmental Impact Report (DEIR) for the Paso Verde School Project (Project, SCH 2018052079). 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.

A7-1

It is our desire that the DEIR 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:
• https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services
• https://www.smud.org/en/Corporate/Do-Business-with-SMUD/Land-Use/Transmission-Right-of-Way
• Utility line routing
• Electrical load needs/requirements
• Energy Efficiency
• Climate Change
• Cumulative impacts related to the need for increased electrical delivery
• SMUD infrastructure related to the potential relocation or removal of existing SMUD facilities on or adjacent to the subject property.

A7-2

SMUD CSC | 6301 S Street | P.O. Box 15830 | Sacramento, CA 95852-0830 | 1.888.742.7683 | smud.org

- SMUD easements or public utility easements on or adjacent to the subject property

↑ A7-2 cont.

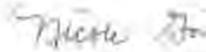
SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.

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 DEIR.

If you have any questions regarding this letter, please contact SMUD's Environmental Management Specialist, Rob Ferrera, at [rob.ferrera@smud.org](mailto:rob.ferrera@smud.org) or 916.732.6676.

A7-3

Sincerely,



Nicole Goi  
Regional & Local Government Affairs  
Sacramento Municipal Utility District  
6301 S Street, Mail Stop A313  
Sacramento, CA 95817  
[Nicole.goi@smud.org](mailto:Nicole.goi@smud.org)

Cc: Rob Ferrera

## 2.2.7.1 RESPONSE TO COMMENT LETTER A7 – SACRAMENTO MUNICIPAL UTILITY DISTRICT

**Comment A7-1:** *The commenter appreciates the opportunity for SMUD to review the Draft EIR. The commenter states that SMUD is the primary energy provider for Sacramento County and the proposed Project area. The commenter further states that 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.*

The NUSD appreciate SMUD’s review of the Draft EIR.

Impacts on SMUD’s facilities are considered in Section 3.15, “Energy,” of the Draft EIR. Section 3.15 provides an analysis of potential impacts on SMUD facilities, including those associated with the project’s demands for electricity. Section 3.14, “Utilities and Service Systems,” addresses the extension of electrical infrastructure to the project site. In addition, Section 3.14 includes Mitigation Measure 3.14-6 to ensure a less-than-significant impact.

Please see Chapter 3 of this document, “Errata” for a description of changes to Section 3.14 pertaining to this comment.

Please also see the Responses to Comments A7-2 and A7-3.

**Comment A7-2:** *The commenter asks that the Draft EIR acknowledge impacts related to the following issues: overhead and or underground transmission and distribution line easements, utility line routing, electrical load needs/requirements, energy efficiency, climate change, and cumulative impacts related to the need for increased electrical delivery.*

The impacts related to the issues listed by the commenter have been analyzed in the Draft EIR. Chapter 3.15 of the Draft EIR provides the electrical demand for the project and analyzes energy efficiency. Section 3.7 “Greenhouse Gas Emissions,” provides an analysis of potential GHG emissions impacts of the Project. Chapter 5.0, “Other CEQA,” addresses cumulative impacts related to the increased for electricity and infrastructure.

On page 3.14-8 in Section 3.14 of the Draft EIR, the following revision has been incorporated to clarify that placement of electrical infrastructure has been addressed. Please see also Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR.

Impacts related to utilities and service systems that would result from the proposed project were identified by comparing existing service capacity against future demand associated with implementation of the proposed project. Environmental impacts related to constructing the infrastructure to serve the future development, including electrical infrastructure, are analyzed throughout the various environmental topic specific sections of this EIR. The placement of these utilities has been considered in the other sections of this EIR, such as Section 3.3 of this EIR, “Air Quality,” Section 3.4, “Biological Resources,” Section 3.5, “Cultural Resources,” and other sections, which specifically analyze the potential for future development. Impact related to energy consumption are

addressed in Section 3.15, “Energy.” Impacts related to stormwater management are addressed in Section 3.10, “Hydrology and Water Quality.”

On pages 3.14-13 and 3.14-14 in Section 3.14 of the Draft EIR, the following revision has been incorporated to clarify that on-site electrical infrastructure would be required to serve the school facilities and that the NUSD would collaborate with SMUD to demonstrate adequate electrical infrastructure is available to serve the school facilities. Please see also Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR.

**IMPACT 3.14-6** Demand for New or Expanded Electrical Infrastructure. Implementation of the proposed project would require new on-site electrical infrastructure and extension of existing off-site electrical infrastructure. Because a utility service plan demonstrating adequate on-site and off-site infrastructure is available to serve the proposed project has not been prepared, this impact would be **potentially significant**.

The proposed project would include extension of electricity services by Sacramento Municipal Utility District (SMUD). The proposed project would construct a self-contained distribution system that connects to the existing off-site electrical infrastructure. The on-site service lines would be sized to meet the demands of the proposed project and public utility easements will be dedicated for all facilities. The location of this infrastructure would be planned in collaboration with SMUD and the location of infrastructure would be identified in the final project design. As part of the project approval process, the NUSD would be required to coordinate with, and meet the requirements of SMUD regarding the extension and locations of on-site and off-site electrical infrastructure.

The proposed electrical-utility improvements would be required to comply with all existing local and utility requirements, Building Energy Efficiency Standards (Title 24 of the California Code of Regulations) and applicable requirements of the California Building Standards Code.

Because a utility service plan demonstrating adequate infrastructure is available to serve the proposed project has not been prepared, this impact would be **potentially significant**.

**Mitigation Measure 3.14-6: Collaborate with SMUD to Prepare Utility Service Plans for Electrical Services and Submit Written Verification to the City that Adequate Infrastructure is Available Before Issuance of Building Permits.**

The NUSD shall prepare a utility service plan that identifies the electrical infrastructure sizing and locations to serve the school facilities. The NUSD shall provide utility service plans to SMUD for any improvements that are proposed within the SMUD transmission line easement. Before issuance of building permits, the NUSD shall submit to the City written verification that SMUD has adequate electrical infrastructure available to meet the demand of the school facilities.

### **Significance after Mitigation**

Implementation of Mitigation Measure 3.14-6 would reduce impacts associated with the demand for new on-site electrical infrastructure to a **less-than-significant** level because the NUSD would prepare a utility service plan in collaboration with SMUD that demonstrates adequate on-site and off-site electrical infrastructure would be available to serve the project site.

See also the Response to Comment A7-1.

**Comment A7-3:** *The commenter states that SMUD would like to be involved with discussing the above areas of interest, as well as discussing any other potential issues. The commenter also states that the information included in this response be conveyed to the Project planners and the appropriate Project proponents.*

NUSD has been, and will continue to coordinate with SMUD during design and at the time school facilities are constructed within project site.

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## 2.2.8 LETTER A8 – COUNTY OF SACRAMENTO, OFFICE OF PLANNING AND ENVIRONMENTAL REVIEW

Office of Planning and  
Environmental Review  
Leighann Moffitt, Director



County Executive  
Navdeep S. Gill

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Jen Mellor, Planning Technician, Facilities & Strategic Planning  
Natomas Unified School District  
1901 Arena Boulevard, Sacramento, CA 95834

December 28, 2018

**Subject: Paso Verde School Draft Environmental Impact Report**

Attached are the comments from the Sacramento County Office of Planning and Environmental Review and the Sacramento County Department of Airports in response to the Notice of Availability of a Draft Environmental Impact Report for the Paso Verde School Project. Sacramento County and its respective departments appreciate the opportunity to participate in providing comments for the Paso Verde School Project and the Draft Environmental Impact Report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Hawkins", with a small "for" written below it.

Tim Hawkins  
Environmental Coordinator

### 2.2.8.1

### RESPONSE TO COMMENT LETTER A8 – COUNTY OF SACRAMENTO, OFFICE OF PLANNING AND ENVIRONMENTAL REVIEW

**Comment A8-1:** *The commenter states that attached are the comments from the Sacramento County Office of Planning and Environmental Review and the Sacramento County Department of Airports. The commenter also states that Sacramento County and its respective departments appreciate the opportunity to participate in providing comments for the Paso Verde School Project and the Draft Environmental Impact Report.*

The NUSD appreciates Sacramento County’s review of the Draft EIR. Responses to comments provided by the Sacramento County Office of Planning and Review are addressed in Response to Comment Letter A4 and responses to comments provided by the Sacramento County Department of Airports are addressed in Response to Comment Letter A6 of this Final EIR.

**2.2.9 LETTER A9 – CITY OF SACRAMENTO, COMMUNITY DEVELOPMENT DEPARTMENT**

**Letter A9**



December 31, 2018

Jen Mellor, Planning Technician, Facilities & Strategic Planning  
Natomas Unified School District  
1901 Arena Boulevard  
Sacramento, CA 95834

**Subject: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PASO VERDE SCHOOL PROJECT.**

Dear Ms. Mellor,

On November 9, 2018, the City of Sacramento Community Development Department received the Draft Environmental Impact Report (DEIR) for the Paso Verde School (the project) from the Natomas Unified School District (NUSD).

The NUSD is proposing to construct and operate a new school (kindergarten through 8<sup>th</sup> grade [K-8]) with the capacity to accommodate up to approximately 1,000 students. The project site is located on an approximately 34-acre property owned by NUSD. The site is west of Interstate 5 (I-5) and north of Del Paso Road in the unincorporated Natomas area.

The City of Sacramento is listed as an agency that may serve as a responsible agency pursuant to Section 15381 of the CEQA Guidelines. As such, the City of Sacramento offers the following comments on the Draft Environmental Impact Report (EIR):

**Habitat Conservation Plan**

While the City recognizes that NUSD is not a party to the Natomas Basin Habitat Conservation Plan (NBHCP), activities that could affect the success of the conservation strategy established in the NBHCP and the City's ability to meet the requirements of the NBHCP are of concern to the City. The following comments are specific to the NBHCP:

- I. Biological surveys that are referenced in the Draft EIR identify survey periods that are not during the optimal survey time for determining presence of NBHCP covered species such as for example, Giant Garter Snake and Burrowing Owls that are known to occur within the study area and the vicinity of the project site. Additionally, the biological surveys cited (plant and wildlife, as well as wetland delineations) as being conducted and prepared by Foothill Associates, Inc. and AECOM were not included in the appendices of Volume 2 for the Draft EIR. Surveys conducted on January 15, 2009, February 11, 2016, and a protocol burrowing owl survey on September 25,

A9-1

December 31, 2018

- 2018 are outside the optimal survey time to determine presence of special-status plant and wildlife species (including the NBHCP 22 covered species). As such it's requested that site specific biological protocol surveys be performed by wildlife agency approved qualified biologists during the optimal survey period. We request that the survey results be provided to the City of Sacramento including those also being performed per Draft EIR Mitigation Measures 3.4-1a through 3.4-1e.
2. The Draft EIR includes various biological mitigation measures for implementation but is not clear if NUSD intends to obtain approvals from U.S. Army Corps of Engineers (Section 404 Permit) and U.S. Fish and Wildlife Service (Section 7 Consultation). The Draft EIR (page 3.4-17) does note that there will be a discharge to the nearby West Drainage Canal (a jurisdictional water of the United States). The Draft EIR notes (page 3.4-27) identifies the project would result in the permanent loss of 18 acres of Swainson's hawk foraging habitat and construction work adjacent to suitable giant garter snake habitat and in association with needed NUSD improvements to connect to the RD-100 outfall in the West Drainage Canal. As such, the project may require a USFWS Section 7 Consultation.
3. NBHCP Reserve Lands Setback Zone - the Draft EIR page 3.4-36 acknowledges that the NBHCP provides that acquisition of reserve lands should consider setback zones of at least 800 feet from existing or planned urban development. The Draft EIR addresses this issue from the perspective of the NUSD site not being suitable for ideal acquisition for the reserve system due to the proximity to residential development. The Draft EIR does not address the 800 feet setback zone as it relates to the school uses from the Conservancy owned reserve lands but rather concludes that the 275-foot buffer (200-foot wide NUSD parcel area and 75+ foot West Drainage Canal) is sufficient as an appropriate buffer. The Conservancy reserve lands were acquired as mitigation per the HCP and sited in an area that is predominately open space and agricultural uses. The 275-foot buffer provided is not consistent with the NBHCP.
4. NBHCP Implementation - the Draft EIR concludes that the development of the 34-acre school site is not in direct conflict with the NBHCP and would not reduce the viability of the plan including TNBC ability to acquire reserve lands. The Draft EIR does not quantify the actual amount of remaining available acreage in the basin that would support the conclusion that there is enough land that could be acquired in order for the requirements of the NBHCP to be met by the City of Sacramento and TNBC.
- Additionally, the Draft EIR does not acknowledge the pending application filed in September 2018 with the County of Sacramento for the Upper Westside Master Plan development project that is approximately 2,083 acres in size. This proposal along

A9-1  
(Cont)

A9-2

A9-3

A9-4

A9-5

with the North Precinct Specific Plan would eliminate approximately 7,759-acres of potential reserve lands within Natomas Basin.

↑  
A9-5  
(Cont)

**Transportation**

The following transportation comments have been provided per the review of the Draft EIR by the City's Department of Public Works:

- |    |   |       |
|----|---|-------|
| 1. | The trip generation forecasts in the table 3.13-9 of the Traffic and Transportation section do not match the trip generation forecasts provided in the Traffic Impact Analysis for the Paso Verde School Project EIR (Table 10). Per the Traffic Impact Analysis, the project is expected to generate 952 a.m. peak hour trips, 815 afternoon peak hour trips, and 2,034 daily trips.   | A9-6  |
| 2. | Impact 3.13-1: The traffic signal at Hovnanian Drive and Del Paso Road will have to be modified subject to review and approval of the City of Sacramento Department of Public Works.  | A9-7  |
| 3. | Impact 3.13-4: Del Paso Road street section shall be consistent with the City of Sacramento 2035 General Plan as a 4-lane arterial, which will require the section between Hovnanian Drive and Wyndview Lane along Del Paso Road to be widened to provide two westbound lanes with bike lanes per City Standards and to the satisfaction of the Department of Public Works.   | A9-8  |
| 4. | Mitigation Measure 3.13-5: Please add the following statement to the mitigation measure. "The NUSD shall be required to provide a construction traffic control plan per City Code 12.20.030 to the satisfaction of the City Traffic Engineer."  | A9-9  |
| 5. | The City requests that a Transportation Management Plan for the traffic circulation around the subject property to avoid any project-generated vehicular queuing on City streets be prepared to the satisfaction of the Department of Public Works.   | A9-10 |
| 6. | The EIR has not identified a cross-section for the proposed street providing access to the school from the intersection of Hovnanian Drive and Del Paso Road. The City recommends that the cross-section have adequate facilities to accommodate pedestrians, bicyclists, and on-street parking. Additionally, the EIR should have evaluated whether traffic calming devices are needed to enhance safety and reduce speed due to the long and straight connection between the school and the intersection. | A9-11 |
| 7. | The EIR has not evaluated if an appropriate drop-off area in front of the subject property is provided to prevent stacking/queuing and circulation issues.  | A9-12 |

8. Impact 3.13-6: Any pedestrian or vehicular connections to the adjacent neighborhoods should have been evaluated fully with community outreach. The evaluation of any connection should be to prevent having drop-off areas that may affect adjacent neighborhoods. With the off-street connection at the cul-de-sac along Westlake Parkway, there are concerns that the cul-de-sac will be used as a drop off area and can cause stacking/queueing along Westlake Parkway. This concern is also raised in the Traffic Impact Analysis for the Paso Verde School Project EIR (page 32 in the study) and an alternative approach of widening Del Paso Road and extending the existing bike lanes on the north side of Del Paso Road westerly to Hovnanian Drive intersection is offered. City of Sacramento has similar concerns that the bicycle access at Westlake Boulevard and Snelling Drive intersection will increase traffic in the neighborhood.

A9-13

9. The City of Sacramento's Bikeway Master Plan proposes future bike trail around the subject property. The City would encourage the project to provide bike connections from the subject property to the City's existing trails around the area. Please coordinate with Jennifer Donlon Wyant at 916-808-5913 regarding new bikeway facilities within City jurisdiction.

A9-14

#### **Public Services and Utilities**

Any infrastructure improvements needed (on and off-site) and any associated impacts associated with the construction and operation of those improvements will need to comply with applicable federal, state and City requirements.

A9-15

#### **Conclusion**

The City requests that the Final EIR address the comments and issues presented herein. Thank you for the opportunity to comment on the Draft EIR. If you have follow-up questions or seek clarifications on any of the above issues, please contact me at [chodge@cityofsacramento.org](mailto:chodge@cityofsacramento.org) or 808-5971.

A9-16

Sincerely,



Cheryle L. Hodge  
New Growth Manager, Community Development Department

cc: Thomas Pace, Planning Director

December 31, 2018

4

## 2.2.9.1

### RESPONSE TO COMMENT LETTER A9 – CITY OF SACRAMENTO, COMMUNITY DEVELOPMENT DEPARTMENT

**Comment A9-1:** *The commenter states that biological surveys for the DEIR were not conducted during the optimal survey time for determining presence of NBHCP covered species such as giant garter snake and burrowing owls, and that the biological surveys conducted by Foothill Associates, Inc. and AECOM were not included in the appendices of Volume 2 for the Draft EIR. The commenter requests that protocol surveys be performed by wildlife agency approved qualified biologists during the optimal survey period, and that survey results be provided to the City of Sacramento including those also being performed per Draft EIR Mitigation Measures 3.4-1a through 3.4.-1e.*

The NUSD agrees that the reconnaissance-level biological surveys conducted on January 15, 2009 and February 11, 2016 were not completed during the seasons that would meet protocol-level requirements. However, the intent of these surveys was not to conduct presence/absence surveys for special-status species, but rather to assess habitat to determine if such surveys were needed. These surveys revealed that because of the high level of disturbance at the site, on which grass hay currently grows, no habitat is present for special-status plant species, and therefore no protocol-level floristic surveys were needed. Western burrowing owls, however, could occur in the project area despite agricultural disturbance, and therefore the Draft EIR included Mitigation Measure 3.4-1c (Provide Burrowing Owl Mitigation per CDFW Protocol) to make sure protocol surveys in accordance with Appendix D of CDFW's Staff Report on Burrowing Owl Mitigation (2012) will be conducted before construction. The survey performed on September 24, 2018 was the first of a series of surveys that will be conducted for this species.

The Draft EIR includes the following mitigation measures requiring pre-construction surveys, and in some cases monitoring, for all other special-status wildlife species (Swainson's hawk, giant garter snake, other special-status nesting birds, western pond turtle) that potentially could occur on the project site:

Mitigation Measure 3.4-1a (Implement Avoidance and Minimization Measures to Protect Giant Garter Snake): *24-hours prior to construction activities, the project biologist will survey areas of suitable habitat within the project site for giant garter snakes.*

Mitigation Measure 3.4-1b (Provide Compensatory Swainson's Hawk Foraging Habitat and Conduct Biological Surveys to Avoid Active Nests during Construction): *The project biologist will conduct nesting surveys of known nests or appropriate nesting habitat adjacent to the project site. If surveys show there are no active nests within the distances specified above, then no additional mitigation will be required.*

Mitigation Measure 3.4-1d: Provide Mitigation for Other Special-Status and Nesting Birds. *The District's project biologist will conduct a preconstruction survey to identify active raptor nests on and within one-half mile of proposed construction activity no more than 14 days and no less than 7 days before any construction*

*activity begins during the breeding season - between February 15 and August 31. The biologist will also conduct a preconstruction survey for active nests on and within one-quarter mile of the project site.*

*Mitigation Measure 3.4-1e: Avoid Take of Western Pond Turtles: A qualified biologist will conduct a preconstruction survey for western pond turtle no more than 48 hours prior to work within 200 feet of suitable aquatic habitat.*

Regarding the comment about the Foothill Associates report not being included as an appendix to the Draft EIR, please note that all the relevant information from the Foothill Associates 2007 and 2016 wetland delineations were incorporated into the Draft EIR. The addition of these voluminous wetland delineation reports (which include hundreds of pages of wetland delineation data forms) as appendices to the Draft EIR would not add any relevant new information not already summarized in the Draft EIR. The District provided the requested survey information to the City electronically in an email on February 18, 2019.

**Comment A9-2:** *The commenter has indicated that it is not clear if NUSD intends to obtain approvals from U.S. Army Corps of Engineers (Section 404 Permit) and U.S. Fish and Wildlife Service (Section 7 Consultation), although the Draft EIR (page 3.4-17) notes that there will be a discharge to the nearby West Drainage Canal, which is a jurisdictional water of the United States. The commenter further notes that the Draft EIR (page 3.4-27) states the project would result in the permanent loss of 18 acres of Swainson's hawk foraging habitat and construction work adjacent to suitable giant garter snake habitat associated with connections to the RD-100[0] outfall in the West Drainage Canal, and therefore may require a USFWS Section 7 Consultation.*

The NUSD does not anticipate a need for a Section 404 permit because the proposed drainage improvements will not require work within a jurisdictional waters of the United States. As discussed on page 3.4-17 of the DEIR, the project includes construction of a stormwater drain pipe that connects to an existing outfall to the West Drainage Canal. No construction would occur within the West Drainage Canal, although construction would occur in adjacent uplands. With no 404 permit, no Section 7 consultation with the USFWS will be required. The NUSD also does not anticipate needing a take permit from USFWS for giant garter snake because with implementation of avoidance and minimization measures described in Mitigation Measure 3.4-1a (Implement Avoidance and Minimization Measures to Protect Giant Garter Snake), no take is anticipated. Similarly, the NUSD will not be seeking a take permit for Swainson's hawk from CDFW because, with implementation of Mitigation Measure 3.4-1b (Provide Compensatory Swainson's Hawk Foraging Habitat and Conduct Biological Surveys to Avoid Active Nests during Construction), potential impacts on nesting Swainson's hawk would be avoided.

**Comment A9-3:** *The commenter notes that the DEIR (page 3.4-36) acknowledges that the NBHCP provides that acquisition of reserve lands should consider setback zones of at least 800 feet from existing or planned urban development, but states that the DEIR addresses this issue from the perspective of the NUSD site not being suitable for ideal acquisition for the reserve system*

*due to the proximity to residential development. The commenter states that the DEIR does not address the 800-foot setback zone as it relates to the school uses from the Conservancy owned reserve lands but rather concludes that the 275-foot buffer (200-foot wide NUSD parcel area and 75+ foot West Drainage Canal) is sufficient as an appropriate buffer. The commenter notes that the Conservancy reserve lands were acquired as mitigation per the HCP and sited in an area that is predominately open space and agricultural use, and that the 275-foot buffer provided is not consistent with the NBHCP.*

As discussed on page IV-16 of the NBHCP, the 800-foot setback zone between urban development and reserve areas applies only to land acquisition by the TNBC and is not to be construed as a land use restriction on privately owned land within 800 feet of any land within the NBHCP reserve system. Page 3.4-36 of the Draft EIR discusses potential indirect impacts of noise and disturbance from the proposed project on the adjacent reserves, and the noise analysis indicated that noise levels would only marginally exceed existing ambient conditions that include the adjacent roadways and planes arriving at and departing from SMF. Please see also the Response to Comment O1-6.

As noted in Response to Comment O1-3, a landscape plan has been prepared for the proposed project. Native oaks would be planted along the western border of the playfields and additional native oaks and ornamental trees and shrubs would be planted along the access road and within landscaped medians within parking lots. In addition, based on coordination with TNBC staff, the District has developed other strategies to ensure against compatibility issues. The District has committed to assisting TNBC with annual reporting related to pesticide use on the site per State regulations, and has committed to assisting with public relations expertise to explain how applicable regulations avoid risks related to agricultural operations. Please see the Response to Comment O1-6. Consistent with the County's right-to-farm ordinance, the District will post a notification on the Paso Verde School website that property in the vicinity of the project site is designated for agricultural use in the General Plan, and that the District supports established agricultural operations that are operated in a manner consistent with applicable safety standards, and will not act on complaints related to lawful agricultural operations. Please see also the Response to Comment A4-5.

**Comment A9-4:** *NBHCP Implementation - the Draft EIR concludes that the development of the 34- acre school site is not in direct conflict with the NBHCP and would not reduce the viability of the plan including TNBC ability to acquire reserve lands. The Draft EIR does not quantify the actual amount of remaining available acreage in the basin that would support the conclusion that there is enough land that could be acquired in order for the requirements of the NBHCP to be met by the City of Sacramento and TNBC.*

Pages 3.4-35– 3.4-36 of the Draft EIR provides a discussion of the acreage of land that TNBC has acquired, the acreage needed to satisfy preserve requirements, and the impacts of development of 18 acres on the ability to meet those requirements. As of December 31, 2016, the TNBC had established 4,104 acres of reserves toward its requirement to preserve 8,750 acres of land as habitat reserves for covered species. TNBC would need to acquire another 4,646 acres of habitat reserves to meet the permit goals of the NBHCP. As of April 2016,

TNBC estimated that there are 11,781 acres of land within the Natomas Basin committed to agriculture (ICF 2017, Table 2). If the proposed Natomas North Precinct Specific Plan were fully developed, there would be 6,576 acres of uncommitted land remaining in the Sacramento County portion of the basin. The loss of approximately 18 acres of Swainson's hawk foraging habitat from the project site would not interfere with the ability of the NBHCP to attain its goal of 8,750 acres total of habitat reserves, or 2,187.5 acres of upland habitat suitable for Swainson's hawk foraging within the Natomas Basin.

**Comment A9-5:** *Additionally, the Draft EIR does not acknowledge the pending application filed in September 2018 with the County of Sacramento for the Upper Westside Master Plan development project that is approximately 2,083 acres in size. This proposal along with the North Precinct Specific Plan would eliminate approximately 7,759-acres of potential reserve lands within Natomas Basin.*

It does not appear as though the Upper Westside Master Plan is currently among the active projects under consideration by the County of Sacramento – at least according to the County's website: <http://www.per.saccounty.net/PlansandProjectsIn-Progress/Pages/New-Growth-Areas-and-Master-Plans.aspx>. However, the District appreciates the commenter's notification regarding this upcoming planning process. The effects of development of the Upper Westside Master Plan were not included in the Draft EIR analysis of impacts on TNBC mitigation lands, nor in the Draft EIR cumulative impact analysis (Chapter 5: Other CEQA Considerations), since this is not an approved project. However, if the Upper Westside Master Plan moves ahead, the County would direct the appropriate environmental review of the impacts, including the consistency with the NBHCP.

In addition, in response to the City's forthcoming General Plan update, a neighboring property owner sent a letter to the City requesting that some properties in the vicinity of the project site, including the project site, are considered. The letter from this property owner requested consideration of the properties for an amendment to the City's Sphere of Influence and/or future annexation to the City. NUSD did not participate in this request. Whatever development may or may not happen in the future on these properties is not reasonably foreseeable for the purposes of this Draft EIR. These properties will likely have limitations on any future development due to aircraft overflight. It is unknown whether the City will consider the properties as a part of the General Plan update. If they are studied as a part of the General Plan update, it is not known whether the City's preferred General Plan alternative will include the properties. Assuming the properties are studied as a part of the General Plan update and included as a part of the preferred alternative, it is unknown whether the City's General Plan land use designation would allow development or what type of development may be allowed. It is not known when any such development would occur, or what the scale, extent, or character of that development would be.

Please see also the Responses to Comments A4-13 and A4-14.

**Comment A9-6:** *The commenter states that the trip generation forecasts in the Table 3.13-9 of the Traffic and Transportation section of the Draft EIR do not match the trip generation forecasts provided in the Traffic Impact Analysis for the Paso Verde School Project EIR (Table 10).*

Table 3.13-9 in Section 3.13, “Traffic and Transportation,” of the Draft EIR has been corrected to indicate the correct trip generation totals, as were indicated in the traffic study and noted in the comment. Please see also Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR.

**Comment A9-7:** *The commenter refers Impact 3.13-1 and the commenter states that the traffic signal at Hovnanian Drive and Del Paso Road will have to be modified subject to review and approval of the City of Sacramento Department of Public Works.*

The project description acknowledges construction of intersection modifications to allow the school’s access to become the fourth leg of the Del Paso Road / Hovnanian Drive intersection. Thus, these improvements are not identified as a specific mitigation measure. These improvements will be funded by the NUSD and will need approval by the City of Sacramento.

**Comment A9-8:** *The commenter refers to Impact 3.13-4 and the commenter states that Del Paso Road street section shall be consistent with the City of Sacramento 2035 General Plan as a 4-lane arterial, which will require the section between Hovnanian Drive and Wyndview Lane along Del Paso Road to be widened to provide two westbound lanes with bike lanes per City Standards and to the satisfaction of the Department of Public Works.*

The Draft EIR identified the improvements needed to deliver satisfactory Level of Service on area roadways, and the discussion of Impact 3.13-4 in Section 3.13 of the Draft EIR noted that roadway improvements would adhere to applicable City and County design standards. The following revision has been made to Impact 3.13-4 to clarify that Del Paso Road will be widened to provide two westbound travel lanes and separate right turn lane and that initially the second through lane will not be available. Please see also Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR. Rather, these edits clarify proposed roadway improvements.

As shown in Exhibit 2-2 in Chapter 2.0, “Project Description,” the project site’s main access via a connection to Del Paso Road at the Hovnanian Drive intersection. The main access road would connect to on-site parking and student drop-off areas. The traffic signal at the Del Paso Road and Hovnanian Drive intersection would be modified to accommodate the school’s fourth leg of the intersection. Del Paso Road would be widened to provide two westbound travel lanes, and the curbside lane would be configured to create a separate westbound right turn lane that extends easterly to the end of the westbound Del Paso Road through lane near Wyndview Way. Del Paso Road would be restriped to create an eastbound left turn.

**Comment A9-9:** *The commenter refers to Mitigation Measure 3.13-5 and the commenter requests that the following statement be added to the mitigation measure: "The NUSD shall be required to*

*provide a construction traffic control plan per City Code 12.20.030 to the satisfaction of the City Traffic Engineer."*

The requested revision has been made to Mitigation Measure 3.13-5. Please see also Chapter 3 of this Final EIR, "Errata." These edits do not change the analysis or conclusions of the Draft EIR. Rather, these edits clarify that the NUSD will be required to provide a traffic control plan per City Code.

**Mitigation Measure 3.13-5: Prepare and Implement a Construction Traffic Control Plan.**

The NUSD shall prepare and implement a traffic control plan per City Code 12.20.030 to the satisfaction of the City Traffic Engineer for construction activities that may affect road rights-of-way, in order to facilitate travel of emergency vehicles on affected roadways. The traffic control plan must illustrate the location of the proposed work area; provide a diagram showing the location of areas where the public right-of-way would be closed or obstructed and the placement of traffic control devices necessary to perform the work; show the proposed phases of traffic control; and identify any time periods when traffic control would be in effect and the time periods when work would prohibit access to private property from a public right-of-way. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, and a flag person to direct traffic flows when needed. During construction, access to the existing surrounding land uses shall be maintained at all times, with detours used, as necessary, during road closures. The plan may be modified by to eliminate or avoid traffic conditions that are hazardous to the safety of the public.

**Comment A9-10:** *The commenter requests that a Transportation Management Plan for the traffic circulation around the subject property to avoid any project-generated vehicular queuing on City streets be prepared to the satisfaction of the Department of Public Works.*

The NUSD has worked with the City of Sacramento to develop School Transportation Management Plans (TMP) for other new or modernized NUSD facilities. TMP preparation has included neighborhood outreach. When improvement plans for the school are developed, the NUSD will prepare a TMP in consultation with the City of Sacramento.

**Comment A9-11:** *The commenter states that the Draft EIR has not identified a cross-section for the proposed street providing access to the school from the intersection of Hovnanian Drive and Del Paso Road. The commenter recommends that the cross-section have adequate facilities to accommodate pedestrians, bicyclists, and on-street parking. The commenter further states that the Draft EIR should have evaluated whether traffic calming devices are needed to enhance safety and reduce speed due to the long and straight connection between the school and the intersection.*

The applicable cross-section elements of the access road will be determined when construction plans are developed. This is a private driveway, and the requirements of Driving Standard Agency (DSA) will need to be considered. Applicable pedestrian and bicycle

facilities are anticipated. The extent to which specific on-site traffic calming measures are applicable will be determined at that time.

**Comment A9-12:** *The commenter states that the Draft EIR has not evaluated if an appropriate drop-off area in front of the subject property is provided to prevent stacking/queuing and circulation issues.*

The preliminary site plan addressed by the Draft EIR does not include an on-street drop-off area along Del Paso Road, primarily due to the distance from Del Paso Road to the school's on-site drop-off and loading zone. The District will manage traffic, as it does with other schools, making adjustments, if needed to improve traffic flow.

Please see also the Responses to Comment A4-3 and A4-12.

**Comment A9-13:** *The commenter refers to Impact 3.13-6. The commenter states that any pedestrian or vehicular connections to the adjacent neighborhoods should have been evaluated fully with community outreach. The commenter states that evaluation of any connection should be to prevent having drop-off areas that may affect adjacent neighborhoods and the commenter also states that City of Sacramento has similar concerns that the bicycle access at Westlake Boulevard and Snelling Drive intersection will increase traffic in the neighborhood.*

The project description provided in Chapter 2 of the Draft EIR includes a pedestrian/bicycle connection to the neighborhood east of the school at Westlake Parkway / Snelling Lane. The traffic impact analysis acknowledges the possibility that some parents may elect to drop off or pick up students on the local streets east of the school. The connection promotes school-neighborhood connectivity and helps to reduce dependence on motor vehicles to reach the campus. The extent to which spillover drop-off and loading occurs is dependent on the adequacy of the school's on-site drop-off and loading areas, which will be designed as improvement plans are prepared. Measures to make effective use of the connection and to minimize its effects on neighborhood streets will be considered when the school TMP is prepared. The District has already been working on a transportation management strategy that avoids pick-up and drop-off near Westlake Parkway and Snelling Lane, and will continue transportation management actions, as it does with other schools, making adjustments, if needed to improve traffic flow. Please see also the Responses to Comment A4-3 and A4-12.

In addition, the NUSD has conducted extensive outreach and has invited input from residents in the vicinity of the project site throughout the design and environmental process. As noted in a public workshop held during the Draft EIR review period, the NUSD maintains communication with residents in school neighborhoods, and will continue this type of outreach and communication after the Paso Verde School is operational.

**Comment A9-14:** *The commenter states that the City of Sacramento's Bikeway Master Plan proposes future bike trail around the subject property and the commenter states the City would encourage the project to provide bike connections from the subject property to the City's existing trails around the area. The commenter asks the NUSD to coordinate with the City regarding new bikeway facilities within City jurisdiction.*

As part of the design of the proposed project, pedestrian and bicycle facilities would be established, linking the project site with residential areas from multiple directions. The NUSD will continue to coordinate with the City regarding new bikeway facilities within City jurisdiction. As noted in the Draft EIR, the NUSD anticipates a pedestrian/bicycle connection to Egret Park, northeast of the project site, using an easement controlled by the City of Sacramento for this purpose.

**Comment A9-15:** *The commenter states that any infrastructure improvements needed and any associated impacts associated with the construction and operation of those improvements will need to comply with applicable federal, state and City requirements.*

Impacts on infrastructure improvements required to serve the proposed Project are considered in Section 3.14, “Utilities and Service Systems,” of the Draft EIR. Impact 3.14-2, states that existing City regulations require submittal, review, and compliance with City standards for water conveyance. As discussed in Impact 3.14-2, the NUSD would be required to submit a water conveyance infrastructure improvement plan that depicts the locations and appropriate sizes of all required conveyance infrastructure, in conjunction with other site-specific improvement plans. Proposed on-site water facilities would be required to be designed and sized to provide adequate service to the project site for the amount and type of proposed development, based on the City’s Standards and Specifications for Public Construction, and the Standards and Specifications for Public Construction Addendum No. 2, or the most current versions of this plan.

Please also see Response to Comment A1-1 that addresses wastewater collection and conveyance infrastructure required to serve the proposed project and Response to Comment A7-1 that addresses electrical infrastructure.

**Comment A9-16:** *The commenter states that the City requests that the Final EIR address the comments and issues presented in their comment letter. The commenter thanks the NUSD for the opportunity to comment on the Draft EIR.*

The NUSD appreciates the City’s review of the Draft EIR. The responses to comments submitted by the City in this letter are provided herein.

## 2.2.10 LETTER A10 – STATE CLEARINGHOUSE



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

January 2, 2019

Jen Mellor  
Natomas Unified School District  
1901 Arena Blvd.  
Sacramento, CA 95834

Subject: Paso Verde School  
SCH#: 2018052079

Dear Jen Mellor:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 31, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

  
Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
1-916-322-2318 FAX 1-916-558-3184 [www.opr.ca.gov](http://www.opr.ca.gov)

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2018052079  
**Project Title** Paso Verde School  
**Lead Agency** Natomas Unified School District

**Type** EIR Draft EIR  
**Description** Note: Review Per Lead

NUSD proposes to construct and operate a new school (Kindergarten through 8th grade [K-8]) west of I-5 and north of Del Paso Rd with the capacity to accommodate up to approx 1,000 students. The school would have a footprint of approx 18.3 acres. The remaining approx 15.6 acres would not be developed. The school will have approx 82,000 sf of total building space. The school will have 40 classrooms with 2 special education spaces, along with a classroom for music and a classroom for art. There is no outdoor lighting proposed for the sports fields, but the pedestrian/bicycle/emergency access to the east and the primary access road will be lit for safety and security.

**Lead Agency Contact**

**Name** Jen Mellor  
**Agency** Natomas Unified School District  
**Phone** 916-567-5467 **Fax**  
**email**  
**Address** 1901 Arena Blvd.  
**City** Sacramento **State** CA **Zip** 95834

**Project Location**

**County** Sacramento  
**City** Sacramento  
**Region**  
**Lat / Long** 38° 39' 40.12" N / 121° 33' 11.32" W  
**Cross Streets** Del Paso Road and Wyndview Way  
**Parcel No.**  
**Township**

<i>Range</i>	<i>Section</i>	<i>Base</i>
--------------	----------------	-------------

**Proximity to:**

**Highways** I-5  
**Airports** Sacramento Int'l  
**Railways** UPRR  
**Waterways** Sacramento River, West Drainage Canal  
**Schools** Natomas Pacific Pathway  
**Land Use** General Plan land use designation is Agricultural Cropland. Zoning is AG-80 (Agricultural, 80-acre minimum lot size).

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Growth Inducing; Cumulative Effects; Other Issues; Aesthetic/Visual; Tribal Cultural Resources

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Caltrans, Division of Aeronautics; Caltrans, District 3 N; California Department of Education; Department of General Services; State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Delta Stewardship Council; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

**2.2.10.1**

**RESPONSE TO COMMENT LETTER A10 – CALIFORNIA OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT**

**Comment A10-1:***The commenter states that the State Clearinghouse has submitted the Draft EIR to selected state agencies for review and attaches the comments received.*

The NUSD appreciates the State Clearinghouse circulating the Draft EIR among State agencies.

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2.2.11 LETTER O1 – THE NATOMAS BASIN CONSERVANCY

**Letter O1**

2150 RIVER PLAGA DRIVE  
 SUITE 100  
 SACRAMENTO, CA 95833  
 PHONE: 916 684-4331  
 FAX: 916 619-4322

December 28, 2018

SENT VIA EMAIL (jmellor@natomasunified.org) and MAIL.

Jen Mello, Planning Technician, Facilities & Strategic Planning  
 Natomas Unified School District  
 1901 Arena Boulevard  
 Sacramento, CA 95834



Re: Draft Environmental Impact Report for the Natomas Unified School District Paso Verde School (SCH No. 2018052079)

Dear Ms. Mello:

The Natomas Basin Conservancy (Conservancy) appreciates this opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Natomas Unified School District (NUSD) Paso Verde School Project (Project).

The Natomas Basin Conservancy

The Conservancy is a California non-profit public benefit corporation entrusted with ensuring the goals of the Natomas Basin Habitat Conservation Plan (Plan) and Metro Air Park Habitat Conservation Plan (collectively, the Plans) are met. The Plans promote biological conservation along with economic development and the continuation of agriculture within the Natomas Basin. The Plans establish a multi-species conservation program to mitigate the expected loss of habitat values and incidental take of protected species that would result from urban development. The goal of the Plans is to preserve, restore, and enhance habitat values found in the Natomas Basin while allowing urban development to proceed according to local land use plans.

O1-1

The Project

The Project, proposed by the NUSD, proposes construction and operation of a new 82,000 sf school (Kindergarten through 8th grade) west of I-5 and north of Del Paso Road with the capacity to accommodate up to approximately 1,000 students on a 34-acre site (Project Site). The school would have a footprint of approximately 18.3 acres, with the remaining approximately 15.6 acres maintained with low lying vegetation.

O1-2

The Project Site has historically been used for agricultural crop productions, including wheat, barley, and rice. Agricultural lands are found north and south of the Project Site; to the east is a residential development; to the west are lands managed by the Conservancy as habitat for species covered under the Plan, including the Swainson's Hawk and Giant garter snake.

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REGULATIVE OFFICER  
 John R. Roberts  
*Executive Director*

The Draft Environmental Impact Report

As explained further below, the Conservancy believes that the DEIR falls short of meeting CEQA's requirements.

*Aesthetic impacts*



The Natomas Basin is not only a refuge for animals, it is a refuge from the human "built environment." The visual character and scenic resources are highly valued by the community. Constructing the Project in an area with significant habitat lands in a near-urban setting could severely damage the visual resources enjoyed by those that live in and visit the Natomas Basin. Thus, it is vital that the Project's aesthetic impacts be fully mitigated in the EIR, particularly in the context of the Plans and the view shed afforded by the Plans' mitigation lands. The EIR should consider additional mitigation, such as vegetation screening, tree plantings, and green rooftops to mitigate the aesthetic impacts. It is insufficient to simply claim the impact is significant and unavoidable without at least exploring potential mitigation measures to reduce the impact to less than significant.

O1-3

*Agricultural Impacts*

As acknowledged in the DEIR, many Natomas Basin lands, including the Project Site, have been used for rice farming and other agriculture. Such land is considered a key element in mitigation activities for the Giant garter snake, one of the two primary species covered by the Plans.

O1-4

The DEIR explains that the Project Site is considered Farmland of Local Importance, adjacent land designated as Prime Farmland, and outside the County's current Urban Services Boundary (USB). Nevertheless, the DEIR concludes that the Project's impact on agricultural resources will be less than significant. This determination ignores the County's General Plan policy AG-1, which states that "the County shall protect prime, statewide importance, unique and local importance farmlands located outside of the USB from urban encroachment." Developing the Project Site with urban uses, such as the proposed school, will permanently eliminate Farmland of Local Importance, conflicting with the County's express policy. With no explanation, the DEIR's thresholds of significance focus on the County's General Plan policy AG-5, while giving no weight to policy AG-1, which explicitly states County policy is to protect farmland of local importance. General Plan Policy AG-1 must be considered a threshold in the same manner as General Plan Policy AG-5, and the Project's significant impact disclosed.

O1-5

Further, the encroachment of urban uses will significantly impact the agricultural uses on the Prime Farmland to the Project Site's west (the land managed by the Conservancy). The DEIR acknowledges that potential conflicts exist, but concludes that an approximately 300-foot buffer between the agricultural uses on the Conservancy's lands and the Project Site will suffice to reduce any impacts to

O1-6



less than significant. This conclusion relies on incomplete information and is unsupported.

↑ O1-6  
(Cont)

To maintain the Conservancy's mitigation land free from non-native, exotic and pernicious weed species, and to comply with the State of California's Department of Fish and Wildlife assertion that mitigation lands must control non-native vegetation, herbicides are regularly used on the lands to Project Site's west. Indeed, contrary to the DEIR's statement, the Conservancy sometimes uses aerial application to, among other functions, plant seed, apply fertilizer, and apply crop protection materials to agricultural crops planted, grown and harvested to comply with mitigation requirements under the Plans. In addition to the burdens caused by new state laws regulating pesticide use near school sites (see sections 6690, 6691, 6692, and 6693 of Title 3, California Code of Regulations), the Conservancy is well familiar with strong community opposition when those communities encroach on the Conservancy's agricultural lands and are then notified that pesticides, herbicides, insecticides, and fungicides are being used nearby. This is especially true when, as is the case with the Project, school children are involved. The DEIR trivializes the significant encroachment of urban uses on agricultural uses, and does not adequately discuss the significant indirect effects on Prime Farmland that will occur as a result of the Project bringing school children within close proximity to active agricultural operations, particularly in light of new regulations that severely limit such applications. As a result, the Project will cause a significant impact on the Prime Farmland managed by the Conservancy as habitat.<sup>1</sup>

O1-7

#### *Biological Resources Impacts*

A primary Covered Species under the Plan is the Swainson's hawk. The Swainson's hawk is known as a soaring forager, meaning that it typically flies above terrain looking for prey as opposed to perching while looking for prey. Multiple Swainson's hawk experts, including Michael Bradbury and Jim Estep have noted that Swainson's hawks are adversely affected by urban disturbances. The DEIR concludes that the increased noise and vibrations from the Project will not have a significant effect on Swainson's hawks, but this conclusion is not supported by substantial evidence, and is refuted by extensive testimony from Swainson's hawk experts. The DEIR's conclusory statements about increased noise/vibration impacts on Giant garter snakes also suffer from the same lack of substantial evidence. Experts indicate that habitat for these species require refuges and sanctuaries away from urban disturbance and urban activity, such as the

O1-10

O1-11

<sup>1</sup> Other related questions raised by the Project include: Will NUSD indemnify the Conservancy against public and neighbor pressure to eliminate entirely the use of pesticides employed in a normal course of managing mitigation lands? When the mitigation lands near the proposed school become unusable as habitat due to pressure from neighbors to stop current agricultural practices, will NUSD compensate the Conservancy to obtain replacement lands?

O1-8

O1-9



proposed Project. This is why the Plans contain a requirement of a setback of 800 feet of any mitigation land from land designated for urban use. O1-11 (Cont)

Further, the DEIR explains that the Plan “assumed that existing agricultural lands in the basin, outside of the Permit Areas, would remain in agricultural uses that would continue to provide habitat values to covered species.” (DEIR at 4-22.) The Project will conflict with the Plan by eliminating such existing agricultural lands, thereby diminishing the ability of the Plan to succeed. This significant impact has not been fully addressed by the DEIR. O1-12

The DEIR concludes that the Project Site is not “an ideal acquisition for the [Conservancy’s] reserve system because it is adjacent to residential development.” (DEIR at 3.4-36.) But this rationale essentially allows potential habitat to be eliminated in a thousand small cuts because after the Project is built, the same rationale can be applied to the acreage next to the new school. The permanent elimination of agricultural lands that provide foraging habitat for Swainson’s hawk is a significant impact, conflicts with the Plan’s goals and objectives, and must be analyzed as such. It is incorrect to conclude that no mitigation is required to offset the Project’s impacts on the Plan. Moreover, the mitigation measure provided (3.4-1 b) does not explain whether adequate mitigation habitat is available or what happens when the proposed alfalfa fields of habitat are rotated to another crop (the mitigation value will surely diminish). Thus, the mitigation measure is inadequate to fully mitigate the impact. O1-13

*Greenhouse Gas Impacts*

Impact 3.7-1 states that the Project will have a “less than cumulatively considerable contribution to the significant cumulative impact.” (DEIR at 3.7-14.) The DEIR is inadequate here for two reasons. First, the DEIR fails to explain the “significant cumulative impact” from greenhouse gas emissions. Second, considering that there are already significant cumulative impacts, the DEIR’s analysis is deficient because it ignores existing/ambient significant greenhouse gas emissions and does not determine whether any additional amount of emissions from the Project should be considered significant in light of the serious nature of greenhouse gas emissions and climate change. Because the DEIR downplays the possibility of a serious cumulative impact, the DEIR is flawed and must be revised and recirculated. O1-14  
O1-15  
O1-16

Further, Impact 3.7-2 gives short-shrift to the fact that the Project is outside the area identified in the SACOG MTP/SCS for development during the planning horizon. The Project therefore significantly conflicts with the assumptions and policies developed in the MTP/SCS to achieve greenhouse gas emission reduction goals. Greenfield development, such as the Project, expands urban interfaces outward, resulting in additional sprawl and increased greenhouse gas emissions. The Project’s impact should be deemed significant and mitigation should be incorporated. O1-17



The DEIR is also unclear as to whether the offsite work associated with the Project have been fully accounted for in the GHG emissions analysis (as well as the air quality analysis).

O1-18

*Land Use Impacts*

The Plans call for acreage inside the Natomas Basin not already urbanized or included in the HCP Permit Area to be available for use in mitigating impacts to the Plans' Covered Species. Given that the Project is proposed for property that is in the heart of the Plans' mitigation area, the acreage used by the Project will be unavailable for the purpose outlined in the Plans.

O1-19

The concern about protecting and preserving certain lands, including lands that will be impacted under the Project, was discussed in a decision by the United States District Court for the Eastern District of California in *National Wildlife Federation v. Norton*.<sup>2</sup> As the Court noted: "The NBHCP, BiOp, EIR/EIRS, and Findings and Recommendations are all predicated on the assumption that development in the Basin will be limited to 17,500 acres and that the remaining lands will remain in agriculture."<sup>3</sup> If the Project moves forward, extensive mitigation lands will be lost, and the Conservancy's ability to implement the Plans may be impaired. Thus, it is essential that the Project's land use impacts and potential conflict with the Plans be fully disclosed, analyzed, and mitigated.

O1-20

*Alternatives*

DEIR Section 4.2.1 discusses alternatives considered but rejected from detailed analysis in the EIR. Two alternatives that were rejected from further consideration stand out as superior to the proposed Project: sites B and C. These sites were rejected because they "would likely have similar or greater environmental impacts than the proposed project" (DEIR at 4-6), but the reasoning to support this determination is conclusory and arbitrary. Both sites are within City limits and served by City utility infrastructure and public services, which alone would seem to make them superior to the proposed Project. Further, both sites are surrounded by urban development on three sides (versus the proposed Project which is surrounded by urban development on only one side). Impacts on Aesthetics, among others, would surely be less than the impacts caused by the proposed Project. Rather than consider these (or any off-site alternatives) in detail, the DEIR fully eliminates them from further consideration. The failure to consider Sites B or C is arbitrary and violates CEQA.

O1-21

*Cumulative Impacts*

For the reasons discussed above as to impacts that were incorrectly deemed in the DEIR to be less than significant, the cumulative impacts of those same impacts

O1-22

<sup>2</sup>*National Wildlife v. Norton*, 2005 U.S. Dist. LEXIS 33768 (E.D. Cal. Sept. 7, 2005).

<sup>3</sup> *Id.* at \*42 n.13.

also need to be deemed significant and mitigation must be implemented. Further, because the DEIR downplays the possibility of a serious cumulative impact, the DEIR is flawed and must be revised and recirculated.

O1-22  
(Cont)

*Growth Inducing Impacts*

The DEIR fails to fully evaluate the Project's potential growth-inducing impacts. Although the DEIR asserts there is a "need" for new schools, the DEIR lacks actual numbers or data that support this proposition. Indeed, the Project's overall need is unclear and not supported by substantial evidence. The Project may very well provide *excess* capacity. Regardless, it is clear that the Project will remove "an obstacle to additional growth and development" by increasing school capacities and opening the proverbial floodgates for additional development in the area.

O1-23

Conclusion

The Conservancy asks that the DEIR be revised and recirculated to fully disclose all significant impacts, and analyze and mitigate to less than significant all impacts that can be feasibly mitigated, that the Project may have on, in and near the Natomas Basin.

O1-24

The Conservancy believes that the introduction of a school in the proposed location would adversely impact: (1) the efficacy of the mitigation lands to serve their purpose under the Plans because of urban activity and disturbance, (2) the Conservancy's ability to manage the mitigation lands for the maximum benefit of the Plans' Covered Species, and (3) the Covered Species themselves, as here yet again, mitigation land that was a part of the "land committed for agriculture" gets urbanized and therefore is forever unavailable to the Plans' Covered Species as habitat. To the extent a new school is warranted, the Conservancy strongly urges NUSD to select another site, such as Site B or C from the alternatives section, for a new school.

O1-25

O1-26

O1-27

The Conservancy greatly appreciates NUSD's thoughtful consideration of these comments and concerns and requests that the Conservancy be added to the list for all notifications, meetings and hearings regarding the Project.

O1-28

Sincerely,

The Natomas Basin Conservancy, a California  
Non-profit Public Benefit Corporation



By: John Roberts, Executive Director



### 2.2.11.1

## RESPONSE TO COMMENT LETTER O1 – THE NATOMAS BASIN CONSERVANCY

**Comment O1-1:** *The commenter states that The Conservancy is a California non-profit public benefit corporation entrusted with ensuring the goals of the Natomas Basin Habitat Conservation Plan (Plan) and Metro Air Park Habitat Conservation Plan (collectively, the Plans) are met. The commenter states that the Plans promote biological conservation along with economic development and the continuation of agriculture within the Natomas Basin and establish a multi-species conservation program to mitigate the expected loss of habitat values and incidental take of protected species that would result from urban development. The commenter states that the goal of the Plans is to preserve, restore, and enhance habitat values found in the Natomas Basin while allowing urban development to proceed according to local land use plans.*

The commenter provides information on The Natomas Basin Conservancy's (TNBC's) goals and purpose of the Plans. This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR.

**Comment O1-2:** *The commenter provides a brief summary of the proposed school facilities and surrounding land uses.*

The NUSD appreciates this information related to the project and the context within which this project is proposed. This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project.

**Comment O1-3:** *The commenter expresses the opinion that the visual character and scenic resources of the Natomas Basin provide a refuge from the human “built environment” and are highly valued by the community. The commenter further expresses the opinion that constructing the project in an area with significant habitat lands in a near-urban setting could damage the visual resources enjoyed by those that live in and visit the Natomas Basin. The commenter states that the Draft EIR should consider additional mitigation to mitigate the aesthetic impacts. The commenter also states that it is insufficient to claim the impact is significant and unavoidable without at least exploring potential mitigation measures to reduce the impact to less than significant.*

Section 3.1, “Aesthetics,” of the Draft EIR presents an analysis of the change in the perceived visual character and quality of the physical environment from implementation of the proposed project. As explained in Section 3.1, key observations points (KOPs) were identified and these photographs are representative of the existing regional and local landscape character from sensitive viewer groups in the project vicinity. Section 3.1 recognizes that sensitive viewers include recreationists engaged in hiking, bicycling, and bird watching along the City of Sacramento greenbelt and pedestrian/bicycle trail to the northeast in Egret Park, West Drainage Canal embankment to the west, and Fisherman’s Lake Parkway to the southwest.

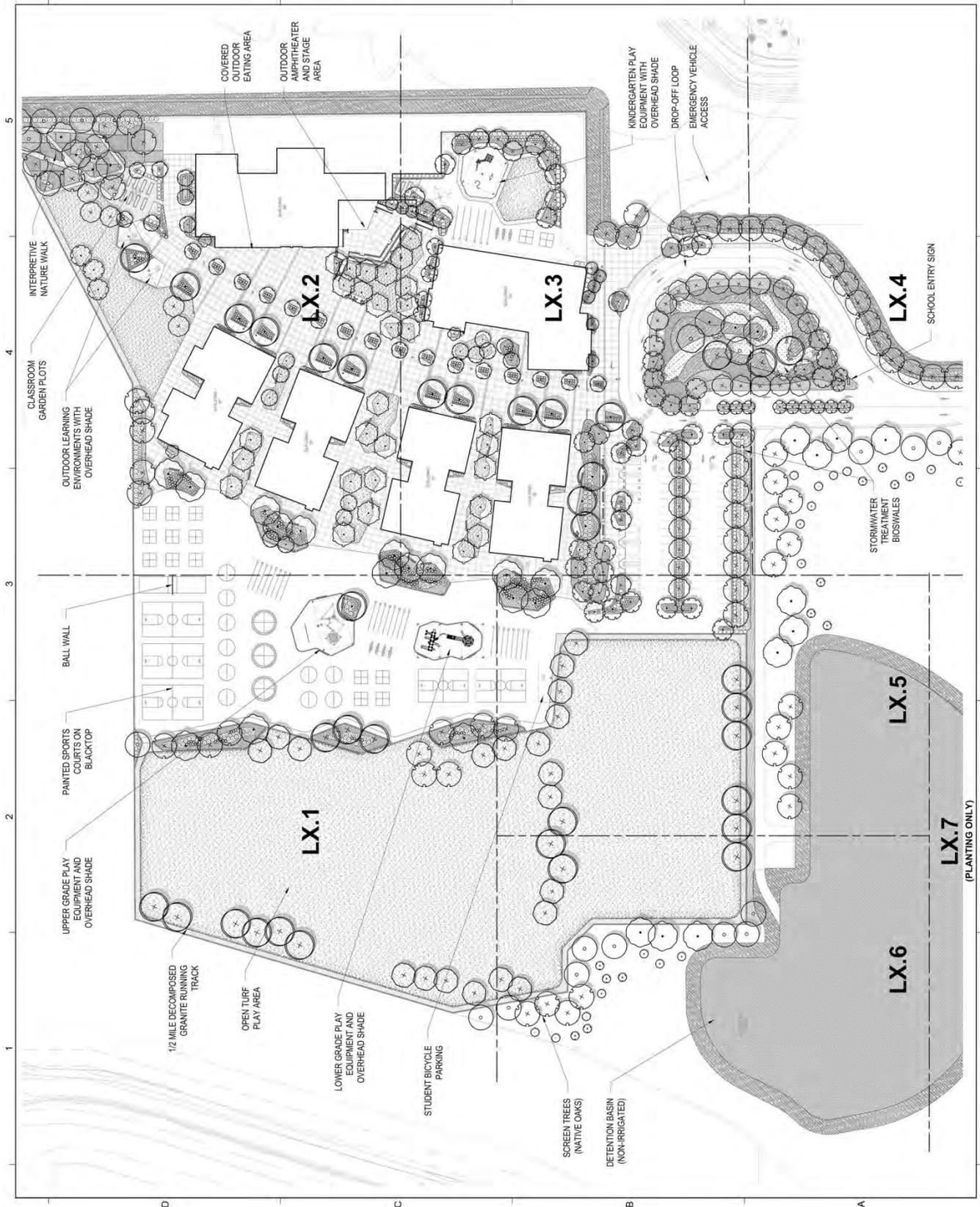
Impact 3.1-1 specifically addresses changes in views of the project site by recreationists at the northern end of the Fisherman's Parkway Trail and recreationists informally using the levee crown along the West Drainage Canal. As stated in Impact 3.1-1, the project's existing moderate degree of visual quality and high degree of visual sensitivity for surrounding residents and recreationists, and considering the site's continuity with adjacent open space and agricultural land to the west and north, conversion of the project site from open space and the resulting blockage of views of rural agricultural land and managed wetlands to the southwest, west, and north would degrade the existing visual character and quality.

A landscape plan has been prepared for the proposed project (see Exhibit 2.2.11-1). Native oaks would be planted along the western border of the playfields and additional native oaks and ornamental trees and shrubs would be planted along the access road and within landscaped medians within parking lots. This landscaping would soften the visibility school facilities and other improvements from off-site views. In addition, the proposed project would incorporate gently sloping roofs and an exterior color scheme that complements the natural landscape and agricultural forms. However, even with implementation of these building designs and landscaping, there are no feasible mitigation measures available that would eliminate entirely the change to existing visual character, while still achieving the project objectives.

The following revision has been made to Impact 3.1-1 in Section 3.1 of the Draft EIR. Please see also Chapter 3 of this Final EIR, "Errata." These edits do not change the analysis or conclusions of the Draft EIR. Rather, these revisions clarify that the project's design and landscaping plan would reduce visual impacts associated with the proposed project.

A landscape plan has been prepared for the proposed project. Native oaks would be planted along the western border of the playfields and additional native oaks and ornamental trees would be planted along the access road and within landscaped medians within parking lots. This landscaping would soften the visibility school facilities and other improvements from off-site views. In addition, the proposed project would incorporate gently sloping roofs and an exterior color scheme that complements the natural landscape and agricultural forms.

However, considering the project's existing moderate degree of visual quality and high degree of visual sensitivity for surrounding residents and recreationists, and considering the site's continuity with adjacent open space and agricultural land to the west and north, conversion of the project site from open space and the resulting blockage of views of rural agricultural land and managed wetlands to the southwest, west, and north would degrade the existing visual character and quality. Therefore, this impact is considered **significant**.



Source: Lionakis and Roach + Campbell Landscape Architects 2018

Exhibit 2.2.11-1

Landscape Plan

**Comment O1-4:** *The commenter states that many Natomas Basin lands have been used for rice farming and other agriculture and the commenter states that such land is considered a key element in mitigation activities for the giant garter snake, one of the two primary species covered by the plans.*

Please see Response to Comment O1-9 and O1-11 related to giant garter snake.

**Comment O1-5:** *The commenter states that the Draft EIR explains that the project site is considered Farmland of Local Importance, adjacent land designated as Prime Farmland, and outside the County's current Urban Services Boundary (USB). The commenter states that the Draft EIR's thresholds of significance focus on the County's General Plan policy AG-5, while giving no consideration to policy AG-1, which states County policy is to protect farmland of local importance. The commenter also states that General Plan Policy AG-1 must be considered a threshold in the same manner as General Plan Policy AG-5, and the project's significant impact disclosed.*

As stated in Section 3.2, "Agricultural Resources," of the Draft EIR, the analysis of agricultural impacts relies on Appendix G of the CEQA Guidelines, which focuses the analysis on conversion of agricultural land on Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The Draft EIR states that any conversion of these lands would be considered a significant impact under CEQA. In addition, the Draft EIR considered Sacramento County's policy, which specifically defines the conversion of over 50 acres of prime, statewide importance, unique, local importance, and grazing farmlands located outside the Urban Services Boundary to nonagricultural uses as a significant environmental effect. Conversion of 18 acres of Farmland of Local Importance would not approach the County's threshold of 50 acres (Policy AG-5). Furthermore, the proposed project would not encroach upon prime, statewide importance, unique, or local importance farmlands in a way that would result in indirect conversion of Important Farmland.

The project site is not in agricultural production, but is characterized by the Department of Conservation as "Farmland of Local Importance." Farmland of Local Importance is land of importance to the local economy, as defined by each county. Sacramento County defines Farmland of Local Importance as lands which do not qualify for the Prime, Statewide, or Unique designation, but are currently irrigated crops or pasture or nonirrigated crops; lands that would be Prime or Statewide designation and have been improved for irrigation but are now idle; and lands that currently support confined livestock, poultry operations, and aquaculture. It appears as though the Farmland of Local Importance designation is not accurate for the project site – the property is not used for agricultural production and does not have irrigation improvements (Mellor, pers. comm. 2019).

In addition, Section 3.10, "Land Use, Planning, Population, and Housing," of the Draft EIR addresses the school property's location adjacent to the County's current USB and UPA, as well as the proposed project's consistency with the County's General Plan policies. Section 3.10 summarizes the intent of the Urban Services Boundary (USB) and Urban Policy Area (UPA) as explained on page 19 of the County's General Plan Land Use Element. As stated in

Section 3.10, with respect to the intent statement, “[t]he UPA and the USB are designed to promote maximum efficiency of land uses,” the development of the Paso Verde Elementary School does not represent inefficient use of land – the school site would be proximate to areas it would serve and is directly adjacent to existing development with access to existing transportation, water, and wastewater infrastructure. In addition, with respect to the intent statement, “the UPA concentrates and directs growth within previously urbanized areas, limiting arbitrary and sprawling development patterns,” the school would serve existing needs of existing residential development in the City, and the site is adjacent to existing development, so the school would not introduce the “sprawling development patterns” referenced in the intent statements for the USB and UPA.

As noted in the County’s Agricultural Element, “[i]t is important to note that the Agricultural Element must be read and understood in the context of the rest of the General Plan. The Plan does provide for the planned conversion of some agricultural land to urban uses.” This statement is confirmed in the County’s Development Code, which allows by-right development of certain uses in areas with agricultural zoning. This is true for the project site, which is zoned AG-80 (Agricultural, 80-acre minimum). Under the Sacramento County Development Code, K–12 public schools are a permitted use.

**Comment O1-6:** *The Draft EIR acknowledges that potential conflicts exist but concludes that an approximately 300-foot buffer between the agricultural uses on the Conservancy’s lands and the project site will suffice to reduce any impacts to less than significant. The commenter states that this conclusion relies on incomplete information and is unsupported.*

Impact 3.2-1 in Section 3.2 of the Draft EIR, school facilities and agricultural uses on TNBC lands would be separated by the West Drainage Canal and the parcel that is adjacent to and west of the project site. The West Drainage Canal and adjacent property to the west provides a physical buffer of approximately 300 feet between agricultural uses on TNBC lands and the school facilities. Impact 3.2-1 further states that this buffer would reduce noise exposure associated with machinery and trucks used for agricultural uses. Impact 3.2-1 considered existing applicable regulations, current practices, the distance between the project site and agricultural operations, and the lack of shared transportation routes by school traffic and agricultural equipment movements.

As noted in the Response to Comment O1-3, a landscape plan has been prepared for the proposed project. Native oaks would be planted along the western border of the playfields and additional native oaks and ornamental trees and shrubs would be planted along the access road and within landscaped medians within parking lots. In addition, based on coordination with TNBC staff, the District has developed other strategies to address any future compatibility issues.

The following mitigation measure has been incorporated in Section 3.2 of the Draft EIR for planning purposes. Please see also Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR. Rather, these revisions clarify that the District has committed to assisting TNBC with annual reporting related to pesticide use on

the site per State regulations, and has committed to assisting with public communications to explain how applicable regulations avoid risks related to agricultural operations. Further, this mitigation measure clarifies that consistent with the County's right-to-farm ordinance, the District will post a notification on the Paso Verde School website that property in the vicinity of the project site is designated for agricultural use in the General Plan, and that the District supports established agricultural operations that are operated in a manner consistent with applicable safety standards, and will not act on complaints related to lawful agricultural operations.

**Mitigation Measure 3.2-1: Assist with Conservancy Agricultural Operations.**

- The NUSD will assist TNBC with annual reporting requirements to the NUSD related to pesticide use at TNBC property within one-quarter mile of the Paso Verde School.
- If the NUSD determines necessary, NUSD will assist with public communications to promote understanding of how State regulations ensure against public health effects related to lawful agricultural operations.
- Consistent with the County's right-to-farm ordinance, the District will post a notification on the Paso Verde School website that property in the vicinity of the project site is designated for agricultural use in the General Plan, and that the District supports established agricultural operations that are operated in a manner consistent with applicable safety standards.
- The NUSD will not take actions to stop or limit lawful agricultural operations conducted on TNBC property within one-quarter mile of the Paso Verde School.

**Significance after Mitigation**

This mitigation measure is provided for planning purposes. There is no potentially significant effect. The impact is **less than significant**.

Please see also the Responses to Comment A2, which is a letter from the California Department of Fish and Wildlife.

**Comment O1-7:** *The commenter states that the Draft EIR trivializes encroachment of urban uses on agricultural uses and the commenter also states that the Draft EIR does not adequately discuss the significant indirect effects on Prime Farmland that will occur as a result of the project bringing school children within close proximity to active agricultural operations, particularly in light of new pesticide regulations that limit such applications. The commenter states that as a result, the project will cause a significant impact on the Prime Farmland managed by the Conservancy as habitat.*

The NUSD reached out to Conservancy staff prior to the release of the Draft EIR to ensure that any issues were addressed in September of 2018 and October of 2018 (in addition to a

meeting in 2017 to review the proposed project). The NUSD greatly appreciates the time and expertise offered by Conservancy staff to ensure that any issues were addressed prior to the release of the Draft EIR.

Conservancy staff also retained an agricultural pest control advisor (PCA) to review current and historic applications at Conservancy lands across the West Drainage Canal from the project site. The NUSD's consulting partner conducted research into regulations related to buffer areas between agricultural applications and school sites. Conservancy staff advised that aerial applications are not used on this property since there is sensitivity to this type of application with existing residences in the area. Based on the Conservancy's confirmation, the NUSD let the Conservancy know that, in the Draft EIR, the NUSD will explain how the recent regulations would apply in this context. The NUSD let the Conservancy know that, in the Draft EIR, the NUSD will explain that current and planned practices on Conservancy lands west of the Drainage Canal do not trigger the ¼ mile buffer as outlined in applicable regulations, but that the agricultural practices do require a 25-foot buffer and annual notification to the District regarding agricultural practices. The NUSD confirmed with the Conservancy that this is factually correct based on the information provided by the Conservancy on agricultural practices and confirmation with the PCA retained by the Conservancy. This information is reflected in the analysis provided in Impact 3.2-1 in Section 3.2 of the Draft EIR, and the Draft EIR used this information in determining that impacts related to pesticide use near the school site would be less than significant.

Based on the confirmation of current and historic agricultural practices at the Conservancy lands in the vicinity of the project site, the required 25-foot buffer, and the required annual notification requirement, the NUSD understands that agricultural operations may continue indefinitely on this property.

Please see also the Response to Comment O1-6.

**Comment O1-8:** *The commenter has asked whether the District will indemnify the Conservancy against public and neighbor pressure to eliminate entirely the use of pesticides employed in a normal course of managing mitigation lands.*

Please see also the Responses to Comment O1-6 and O1-7.

**Comment O1-9:** *The commenter suggests that mitigation lands may become unusable as habitat if neighbors complain about agricultural practices and asks whether the District will compensate for the purchase of additional land to replace the current land.*

The Draft EIR commits the District to several mitigation measures that are related to this comment. Mitigation Measure 3.4-1a on page 3.4-26 and 3.4-27 of the Draft EIR includes all relevant avoidance and minimization measures consistent with the HCP, as well as project-specific avoidance and minimization measures for giant garter snake. Mitigation Measure 3.4-1b addresses potential impacts to Swainson's hawk foraging habitat and ensures against any impact during construction to this species (see page 3.4-28 and 3.4-29). Mitigation Measure 3.4-1c (page 3.4-30 of the Draft EIR) ensures against an impact to burrowing owl,

Mitigation Measure 3.4-1d (page 3.4-31 and 3.4-32) addresses other special-status species and nesting birds, and Mitigation Measure 3.4-1e ensures against any impact to western pond turtle. As necessary, the Draft EIR calls for compensatory mitigation for all potential impacts related to construction and operation of the proposed school.

Please see also the Responses to Comment O1-6 and O1-7.

**Comment O1-10:** *The commenter notes that Swainson’s hawk is a primary Covered Species under the NBCP, and is a species that typically flies above terrain looking for prey as opposed to perching while looking for prey, and also states that multiple Swainson’s hawk experts indicate that Swainson’s hawks are adversely affected by urban disturbances. The commenter states that the DEIR concludes that the increased noise and vibrations from the Project will not have a significant effect on Swainson’s hawks, but this conclusion is not supported by substantial evidence, and is refuted by extensive testimony from Swainson’s hawk experts.*

Swainson’s hawk experts have concluded that this species is generalist that has adapted to agriculture and development (Fleishman et al. 2016; England, A.S., J.A. Estep, and W. R. Holt 1995; and Estep, J.A. 2009). Swainson’s hawks have been recorded nesting in suburban areas, and will use lands that are immediately adjacent to urban areas. The increased noise and disturbance from the project is not likely to have a significant effect on the nesting and foraging activities of nearby Swainson’s hawks relative to this project.

**Comment O1-11:** *The commenter states that DEIR’s conclusions about noise/vibration impacts on giant garter snakes lack substantial evidence, and that experts on this species require refuges and sanctuaries away from urban disturbance and urban activity, including a requirement of a setback of 800 feet of any mitigation land from land designated for urban use.*

As discussed on page 3.4-14 of the DEIR, the West Drainage Canal adjacent to the project site provides only marginal quality habitat for giant garter snake because it lacks some requisite habitat components, such as emergent vegetation that provides cover from predators. This portion of the West Drainage Canal could be used by giant garter snakes for dispersal between more suitable habitat patches, and therefore likely is used only infrequently by this species. Furthermore, the noise and vibration associated with construction would only marginally exceed existing ambient conditions that include the adjacent roadways and planes arriving at and departing from the Sacramento International Airport. See also the Response to Comment O1-9.

**Comment O1-12:** *The commenter notes that the DEIR explains that the Plan “assumed that existing agricultural lands in the basin, outside of the Permit Areas, would remain in agricultural uses that would continue to provide habitat values to covered species.” (DEIR at 4-22.) The commenter states that the Project will conflict with the Plan by eliminating such existing agricultural lands, thereby diminishing the ability of the Plan to succeed. The commenter shares the opinion that this significant impact has not been fully addressed by the DEIR.*

The project would not substantially reduce habitat availability in the basin or diminish opportunities to establish additional TNBC reserves. The NBHCP goal is to provide 0.5 acre

of habitat reserve land for every acre of land that is developed within the Plan Area. At ultimate buildout projected under the NBHCP, 17,500 acres of land could be developed in the permit areas, requiring a total of 8,750 acres of habitat reserves, of which 25 percent is to be marsh habitat, 25 percent is to be upland habitat, and 50 percent is to be rice. The conversion of approximately 18 acres of former agricultural lands is a relatively minor loss of potential mitigation lands, and would not interfere with the ability of the NBHCP to attain its goal of 8,750 acres total of habitat reserves, or 2,187.5 acres of upland habitat suitable for Swainson's hawk foraging within the Natomas Basin.

The NBHCP was based on the assumption that development within the Basin would be limited to a maximum of 17,500 acres. This maximum development acreage was based on the adopted land use plans at the time the NBHCP was drafted (i.e., at the 2001 baseline year) and consists of 8,050 acres within the City of Sacramento, 7,467 acres within Sutter County, and the 1,983-acre Metro Air Park. The project site is in an area that was and still is designated in the Sacramento County General Plan as Agriculture (AG-80) and, therefore, was not accounted for in the total development acreage identified in the NBHCP. The NBHCP is intended to operate within the context of preserving habitat, while portions of the Natomas Basin are developed, and the loss of 18 acres does not pose an immediate threat to the ability of the Conservancy to secure sufficient lands to meet the NBHCP conservation goals and objectives.

**Comment O1-13:** *The commenter states that the DEIR concludes that the Project Site is not “an ideal acquisition for the [Conservancy’s] reserve system because it is adjacent to residential development.” (DEIR at 3.4-36.), and notes that this rationale essentially allows potential habitat to be eliminated in a thousand small cuts because after the Project is built, the same rationale can be applied to the acreage next to the new school. The commenter states that the permanent elimination of agricultural lands that provide foraging habitat for Swainson’s hawk is a significant impact, conflicts with the Plan’s goals and objectives, and must be analyzed as such, and that it is incorrect to conclude that no mitigation is required to offset the Project’s impacts on the Plan. The commenter also notes that the mitigation measure provided (3.4-1b) does not explain whether adequate mitigation habitat is available or what happens when the proposed alfalfa fields of habitat are rotated to another crop (which would diminish its mitigation value).*

As discussed above in the response to Comment O1-12, the conversion of 18 acres of agricultural land is not a significant impact on Swainson's hawk and does not conflict with the Plan's goals and objectives. The NBHCP provides incidental take coverage for plan participants (permittees) provided they comply with the conditions of the plan, including payment of mitigation fees to fund acquisition of habitat reserve lands at a ratio of 0.5 to 1. For development activities carried out outside of the permit areas by entities that are not covered under the NBHCP (non-plan participants), the NBHCP states that those projects would require CEQA compliance and would have to consider the effects of the action on federal and State-listed species and the effects of the actions on the effectiveness of the NBHCP. Therefore, as long as the project complies with State and federal laws regarding covered species and provides adequate measures to avoid and minimize take of covered

species and offset the loss of habitat for covered species, the project is consistent with the NBHCP.

Although NUSD is not a permittee under the NBHCP, the project would include avoidance, minimization, and other measures consistent with those described in the NBHCP. With implementation of these measures, the project would avoid take of species covered in the NBHCP, including Swainson's hawk, and other listed species and species of special concern. Mitigation for loss of Swainson's hawk foraging habitat would go beyond what is required in the NBHCP. Regarding the comment concerning what might happen if proposed alfalfa fields of mitigation habitat are rotated to another crop (which would diminish its mitigation value), please note that Mitigation Measure 3.4-1b specifies that the replacement mitigation habitat will be managed for Swainson's hawk foraging values in perpetuity, and allows for rotating other crops, as required to maintain viability for the primary intended crop types, so long as the crop rotated in has value, as well.

**Comment O1-14:** *The commenter alleges that the Draft EIR's analysis of cumulative greenhouse gas emissions is inadequate.*

Section 3.7 of the Draft EIR, "Greenhouse Gas Emissions" details the existing environmental setting and state-of the science related to greenhouse gas (GHG) emissions and climate change, explains the federal, State, regional, and local regulatory setting and policy context, details the analysis methodology used for this impact analysis, and describes the potential impacts associated with construction and ongoing operation of the proposed project. The section is consistent with the CEQA statutes, the CEQA Guidelines, and relevant case law on this topic. While the commenter alleges that the Draft EIR fails to describe the significant cumulative impact, this section of the Draft EIR, in fact, does explain this. For example, on the first page of the section, the Draft EIR explains (Draft EIR, page 3.7-1):

"[a]nthropogenic (e.g., human caused) emissions of these GHGs lead to atmospheric levels in excess of natural ambient concentrations and have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to global climate change. The Intergovernmental Panel on Climate Change (IPCC) concluded that variations in natural phenomena, such as solar radiation and volcanoes, produced most of the warming of the earth from pre-industrial times to 1950. Some variations in natural phenomena also had a small cooling effect. From 1950 to the present, increasing GHG concentrations resulting from human activity, such as fossil fuel burning and deforestation, have been responsible for most of the observed temperature increase (IPCC 2013). Global surface temperature has increased by approximately 1.53 degrees Fahrenheit (°F) over the last 140 years (IPCC 2013); however, the rate of increase in global average surface temperature has not been consistent. The last three decades have warmed at a much faster rate per decade (IPCC 2013). During the same period when increased global warming has occurred, many other changes have occurred in other natural systems. Sea levels have risen; precipitation patterns throughout the world have shifted, with some areas becoming wetter and others drier; snowlines have increased elevation, resulting in

changes to the snowpack, runoff, and water storage; and numerous other conditions have been observed. Although it is difficult to prove a definitive cause-and-effect relationship between global warming and other observed changes to natural systems, there is a high level of confidence in the scientific community that these changes are a direct result of increased global temperatures caused by the increased presence of GHGs in the atmosphere (IPCC 2013).”

The referenced documents from the first page, as well as referenced documents throughout this section of the Draft EIR detail the cumulative impacts associated with greenhouse gas emissions.

**Comment O1-15:** *The commenter alleges that the Draft EIR analysis ignores existing greenhouse gas emissions and does not determine whether any additional emissions from the project should be considered in light of existing greenhouse gas emissions and climate change.*

Section 3.7 of the Draft EIR is comprehensively focused on existing and future greenhouse gas emissions concentrations and the potential for global climate change. This section details the existing environmental setting and state-of the science related to greenhouse gas emissions and climate change, explains the federal, State, regional, and local regulatory setting and policy context, details the analysis methodology used for this impact analysis, and describes the potential impacts associated with construction and ongoing operation of the proposed project. The section is consistent with the CEQA statutes, the CEQA Guidelines, and relevant case law on this topic.

Section 3.7 of the Draft EIR details existing sources of GHG emissions, their global warming potential, and the statewide and local inventories of GHG emissions on pages 3.7-2 through 3.7-5). The Draft EIR does not ignore existing emissions and the cumulative context of GHG emissions and climate change. Instead, this section of the Draft EIR presents a detailed analysis of existing emissions, future emissions, and the cumulative context of GHG emissions and climate change. As noted in the Draft EIR (pages 3.7-14 and 3.7-5):

“as GHGs are considered in the context of a cumulative impact due to their persistence in the environment and broad region in influence, it is also appropriate to consider the net regional impact the proposed project is having on GHG emissions. As described in greater detail in the traffic report prepared for this EIR (Appendix G), it is anticipated that the proposed project would reduce the travel that might otherwise occur if the Paso Verde School was not constructed and students were required to travel to other NUSD schools. Travel to alternative school sites could result in 3,664 daily VMT, which would be 2,139 more VMT than anticipated as a result of the proposed project. This additional level of VMT results in approximately 152 MT CO<sub>2</sub>e/year greater emissions than would result from implementation of the proposed project. With consideration of this reduction in GHG emissions from mobile sources, the proposed project’s total annual emissions, including amortized construction emissions and annual operational emissions, would be a net regional reduction in GHG emissions for school transport within the NUSD school district.”

The Draft EIR presents a quantified estimate of the project's construction-related and operational emissions and, as noted, the project would *reduce* mobile source emissions.

**Comment O1-16:** *The commenter alleges that the Draft EIR downplays cumulative GHG emissions impacts.*

See the Responses to Comments O1-14 and O1-15. See also the comment letter from the Sacramento Metropolitan Air Quality Management District (SMAQMD). This is letter A3. This is the entity that lead agencies in Sacramento County rely on for expertise in GHG emissions impact analysis methodology. While SMAQMD sometimes comments on GHG emissions impact-related topics in EIRs in Sacramento County, this responsible agency reviewed the Draft EIR and provided a comment letter, but did not make any comment related to the adequacy of the analysis in this Draft EIR.

**Comment O1-17:** *The commenter expresses the opinion that the Draft EIR conflicts with the assumptions and policies in SACOG's MTP/SCS.*

While the Sacramento Area Council of Governments (SACOG) sometimes comments on EIRs released for review in the Sacramento region in relation to the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), the District received no such comment on the proposed project. Instead, SACOG reviewed the proposed project and found it consistent with the Sacramento International Airport Land Use Compatibility Plan (ALUCP) (SACOG 2018).

The relationship between the proposed project and SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) is detailed on pages 3.7-15 through 3.7-17 of the Draft EIR.

As noted, the proposed project is outside of the area identified in the SACOG MTP/SCS for development during the planning horizon. Consistent with the MTP/SCS objective to reduce passenger vehicle-related GHG emissions, regional VMT with implementation of the proposed project is anticipated to be less than half of what it would otherwise be for the purposes of school transportation if the project were not to be constructed. The project would have a net benefit for travel demand (VMT) and VMT-related GHG emissions. The school would be developed immediately adjacent to existing residential development to serve existing residents within the city of Sacramento located close to the proposed project site, consistent with Strategy 6.4 in the MTP/SCS: "continue to pursue regulatory reform at the state and national levels to remove barriers to greenfield developments when appropriate at the edges of existing urbanization." The project includes pedestrian and bicycle facilities linking the project site with the residential neighborhood to the east, as well as sidewalk and roadway improvements along Del Paso Road. These improvements are in alignment with the MTP/SCS policy to encourage locally determined developments consistent with Blueprint principles and local circulation plans to be designed with walking, bicycling, and transit use as primary transportation considerations. Specifically, Strategy 29.1 states SACOG's intent to "invest in safe bicycle and pedestrian routes that improve connectivity and access to common destinations, such as connections between residential areas and schools. Also, invest in safe

routes to and around schools so trips can be made by bicycling or walking.” There is no significant adverse physical environmental effect related to the MTP/SCS that is not already fully addressed in the Draft EIR, which comprehensively covers all environmental topics from air quality to GHG emissions to transportation.

**Comment O1-18:** *The commenter states that the Draft EIR is unclear as to whether off-site work related to the project is addressed by the GHG emissions analysis.*

All aspects of the proposed project were included in the analysis. As noted in Section 3.3, “Air Quality,” construction-related emissions were modeled using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 (California Air Pollution Control Officers 2016) and the Road Construction Emissions Model Version 8.1.0 maintained by SMAQMD. Project-specific construction parameters (e.g., construction schedule, total acres disturbed, quantity of import material, amount of development per land use) were used as inputs in the air quality and GHG emissions analysis. The Road Construction Emissions Model was used to estimate construction-related emissions associated with the proposed access roads, frontage road improvements, bicycle and pedestrian access improvements, drainage, and all other on- and off-site components of the project. The off-site improvements were assumed to be constructed in parallel with the school site.

**Comment O1-19:** *The commenter states that the Plans call for acreage inside the Natomas Basin not already urbanized or included in the HCP Permit Area to be available for use in mitigating impacts to the Plans’ Covered Species. Given that the Project is proposed for property that is in the heart of the Plans’ mitigation area, the acreage used by the Project will be unavailable for the purpose outlined in the Plans.*

Please see responses to Comments O1-12 and O1-13.

**Comment O1-20:** *The commenter states that concern about protecting and preserving certain lands, including lands that will be impacted under the Project, was discussed in a decision by the United States District Court for the Eastern District of California in National Wildlife Federation v. Norton. As the Court noted: “The NBHCP, BiOp, EIR/EIS, and Findings and Recommendations are all predicated on the assumption that development in the Basin will be limited to 17,500 acres and that the remaining lands will remain in agriculture.” The commenter states that if the Project moves forward, extensive mitigation lands will be lost, and the Conservancy’s ability to implement the Plans may be impaired. Thus, it is essential that the Project’s land use impacts and potential conflict with the Plans be fully disclosed, analyzed, and mitigated.*

The United States District Court of the District of Columbia upheld, in its decision on National Wildlife Federation (NWF) et al. v Norton, the Secretary’s finding that failure of other jurisdictions to participate in the NBHCP does not undermine its effectiveness. The court found that the plan does not assume or require participation of third parties to be effective and that the Plaintiff’s claim that the plan depends on voluntary actions by non-participants in the plan is without merit because, as the plan explains, development or action

by non-permittees would require additional state and federal approvals and environmental review. NUSD has conducted a thorough environmental review, as required under CEQA, and would comply with all applicable State and federal laws protecting species covered under the NBHCP. To that end, NUSD will implement Mitigation Measures 3.4-1, 3.4-2, 3.4-3, 3.4-4, and 3.4-5 to avoid, minimize, and compensate for impacts on species covered under the NBHCP. Therefore, the proposed project is consistent with the NBHCP, biological opinion, findings, NBHCP EIR, and Federal District Court findings and would not reduce the effectiveness of the NBHCP.

**Comment O1-21:** *The commenter states that Sites B and C were rejected from further consideration but stand out as superior to the proposed project. The commenter states that impacts on aesthetics, among others, would be less under Sites B and C than the impacts caused by the proposed project and the commenter states that rather than consider Sites B and C in detail, the Draft EIR eliminates them from further consideration. The commenter expresses the opinion that the failure to consider Sites B or C is arbitrary and violates CEQA.*

Please see Responses to Comments A4-15 and A6-3 related to alternatives.

**Comment O1-22:** *The commenter states that for the reasons discussed in this comment letter as to impacts that were incorrectly deemed in the Draft EIR to be less than significant, the cumulative impacts of those same impacts also need to be deemed significant and mitigation must be implemented. The commenter further states that because the Draft EIR downplays the possibility of a cumulative impact, the Draft EIR is flawed and must be revised and recirculated.*

Please see Response to Comment O1-3 related to aesthetics, Response to Comment O1-6 related to agricultural resources, and Response to Comment O1-16 related to greenhouse gas emissions. Please also see Response to Comment O1-24.

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to the EIR after the lead agency gives public notice of the availability of the Draft EIR but before certification. “Information” may include project changes, changes to the environmental setting, or additional data or other information. The Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

Section 15088.5 states “significant new information” requiring recirculation may include:

- (1) A new significant environmental impact that had not previously been disclosed in the Draft EIR would result from the project or from a new mitigation measure;
- (2) A substantial increase in the severity of an environmental impact that had already been identified unless mitigation measures would be adopted to reduce the impact to a level of insignificance;

- (3) A feasible project alternative or mitigation measure would considerably lessen the significant environmental impacts of the project, but the proponents will not adopt it; or
- (4) The Draft EIR was so inadequate and conclusory that meaningful public review and comment were precluded.

In response to comments from the public and other public agencies on the Draft EIR, the project has incorporated changes into the Final EIR, which are described in Chapter 3, “Errata,” of the Final EIR. The changes to the Draft EIR make typographical corrections, provide clarifications, or provide additional supportive information. No significant new information has been added to the EIR since public notice was given of the availability of the Draft EIR. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

**Comment O1-23:** *The commenter states that the Draft EIR fails to fully evaluate the project’s potential growth-inducing impacts. The commenter states that the project will remove an obstacle to additional growth and development by increasing school capacities.*

Please see Responses to Comments A4-13 and A4-14 related to growth-inducing impacts.

**Comment O1-24:** *The commenter asks for a revised and recirculated Draft EIR.*

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to the EIR after the lead agency gives public notice of the availability of the Draft EIR but before certification. “Information” may include project changes, changes to the environmental setting, or additional data or other information. The Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

Recirculation is not required if new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications to an otherwise adequate EIR (CEQA Guidelines Section 15088.5[b]). The changes to the Draft EIR do not substantively change the Draft EIR. No significant new information is required to be added to the EIR and recirculation is not required.

Since release of the Draft EIR, minor changes were made to certain mitigation measures. No new impacts were identified as a result of these changes, and no impacts identified in the Draft EIR would be substantially increased in severity as a result of changes to the proposed project or mitigation measures. There are no new feasible alternatives or mitigation measures that are considerably different from those considered in the EIR that the District has declined to adopt. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required. The revisions are shown in underline and deleted text shown in strikethrough in Chapter 3, “Errata,” of the Final EIR.

**Comment O1-25:** *The commenter states that the introduction of a school in the proposed location would adversely impact: (1) the efficacy of the mitigation lands to serve their purpose under the Plans because of urban activity and disturbance.*

Page 3.4-36 of the Draft EIR discusses potential indirect impacts of noise and disturbance from the proposed project on the adjacent reserves, and the noise analysis indicated that noise levels would only marginally exceed existing ambient conditions that include the adjacent roadways and planes arriving at and departing from SMF. As noted in Response to Comment O1-3, a landscape plan has been prepared for the proposed project. Native oaks would be planted along the western border of the playfields and additional native oaks and ornamental trees and shrubs would be planted along the access road and within landscaped medians within parking lots. In addition, based on coordination with TNBC staff, the District has developed other strategies to ensure against any compatibility issues. Please see the Response to Comment O1-6.

The project does not conflict with the goals and objectives of the NBHCP and is not inconsistent with the overall management of the neighboring preserve; however, the District will continue to coordinate with the TNBC to ensure against any potential future management conflicts.

**Comment O1-26:** *The commenter states that they believe the introduction of a school in the proposed location would adversely impact the Conservancy's ability to manage the mitigation lands for the maximum benefit of the Plans' Covered Species.*

As discussed above in response to Comment O1-3, a landscape plan has been prepared for the proposed project. Native oaks would be planted along the western border of the playfields and additional native oaks and ornamental trees and shrubs would be planted along the access road and within landscaped medians within parking lots. This landscaping would create a vegetation buffer to minimize the effects of the school's management activities on adjacent Conservancy lands. Please see also the Response to Comment O1-25.

**Comment O1-27:** *The commenter states that they believe the introduction of a school in the proposed location would adversely impact the Conservancy's ability to manage the Covered Species themselves because mitigation land that was a part of the "land committed for agriculture" gets urbanized and therefore is forever unavailable to the Plans' Covered Species as habitat. The commenter strongly urges NUSD to select another site, such as Site B or C from the alternatives section, for a new school.*

Please see responses to Comments O1-12 and O1-13. Please see Responses to Comments A4-15 and A6-3 related to alternatives.

**Comment O1-28:** *The commenter states that Conservancy appreciates the NUSD's consideration of their comments and the commenter requests the NUSD that the Conservancy be added to the list for all notifications, meetings and hearings regarding the proposed project.*

The NUSD greatly appreciates the time spent in coordination by TNBC prior to release of the Draft EIR and the additional time and expertise following release of the Draft EIR to address issues of mutual interest. The NUSD will provide information regarding notifications, meetings, and hearings to the Conservancy.

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## 2.2.12 LETTER I1 – PUBLIC WORKSHOP COMMENTS



AECOM  
2020 L Street, Suite 400  
Sacramento, CA 95811  
www.aecom.com

916.414.5800 tel  
916.414.5850 fax

**Letter I1**

### Public Workshop Verbal Comments

**To:** Paso Verde School Team  
**From:** Matthew Gerken  
**Date:** December 17, 2018  
**Subject:** Public Workshop Verbal Comments

While not required, the Natomas Unified School District noticed the entire Westlake development area and interested agencies, and held a public workshop at the interim Paso Verde site on December 17<sup>th</sup>, 2018 to invite additional comments on the Public Review Draft Environmental Impact Report (EIR). This memo summarizes comments received at this workshop.

#### COMMENT SUMMARY

Discussion of existing traffic in the Westlake development area. The peak traffic occurs over a very short period. This involves some of the high school students at the Natomas Pathways Preparatory school using parking in the neighborhood. Discussion of a bus and some other vehicles using a private driveway in the Westlake development area periodically. Concern that could have the same scenario with the new school of parents using Westlake development area streets to drop students off where they would walk through the secondary bicycle and pedestrian access area to access school, in order to avoid congested conditions at the primary access route.

The District Facilities Master Plan will address parking at the Natomas Pathways Preparatory school. There will be additional parking available, also, once the interim Paso Verde School is relocated to the proposed site. Also, the staggered drop off will be very helpful, and will avoid the temptation of parents to use Westlake development area streets to drop off children. The District uses a system to automate the pick-up process and send students out to their parents when they arrive to avoid congestion.

Discussion related to short-term versus longer-term conditions related to the high school students using the Westlake development area parking – if it is just short-term, that's ok, but if it happens longer term, will need to put signs in the area and look at enforcement.

The Paso Verde School location and design is also intended to make walking and bicycling easier for a larger number of students, so this is anticipated to improve conditions.

11-1

***Questions about use of a public address system.***

Typically, announcements are indoors and only bells are located outside. Discussion about hearing announcements at the “Candela” school in the Westlake development area under existing conditions. At the interim Paso Verde School, they are having to use a megaphone outside because they do not currently have the equipment to make announcements inside. This will be another improvement with the proposed project.

| 11-2

***Question about the character of bells – are they muted? Are they shrill? Can the school adjust the volume?***

Yes, the volume can be adjusted and they are not a shrill tone.

| 11-3

Concern about PA system and bells, would be good to have exterior volume controls. Could be good to limit outdoor PA use to the side of the school where the buildings will attenuate noise.

***Question about plans for future for lands located to the south of the school property.***

This property is owned by a separate party and we are unaware of the plans for that property.

| 11-4

***Discussion about getting infrastructure and services.***

Paso Verde School will have School Resource Officers. The City Police Department currently provides service to school south of Del Paso Road. The Sacramento Fire Department will provide fire suppression services. Sacramento Area Sewer District will serve the site and water will come through an agreement with the City of Sacramento.

| 11-5

***Question about whether there can be a notification system for special events.***

Yes, this can be arranged through contacting the District through the website and signing up for community notifications.

| 11-6

***Question about how many students are coming from different areas.***

NP3 is on East Commerce now, and would move to the NP3 site with this project. Many students are siblings of existing students and if the parents choose to have them drive or drive them, there can be carpooling. NP3 is entire system and will be separate from Paso Verde.

| 11-7

***What are the parking regulations at NP3 now? Why do they park in the neighborhood and not on campus?***

In the future, providing the new Paso Verde School will open additional parking at the Natomas Pathways Preparatory school.

| 11-8

***Question about the opening date.***

August 2020 or 2021 is the start date. Not a year-round school.

| 11-9



## 2.2.12.1 RESPONSE TO COMMENT LETTER I1 – PUBLIC WORKSHOP COMMENTS

**Comment I1-1:** *The text provides a summary of the comments received at the public workshop.*

The comments received at the public workshop are addressed herein.

**Comment I1-2:** *The commenter asks about use of a public address system.*

Typically, announcements are indoors and only bells are located outside. Megaphones are used outside at the interim Paso Verde School because there is currently not equipment to make announcements inside.

**Comment I1-3:** *The commenter asks if bells are they muted, are the bells shrill, and can the school adjust the volume.*

The volume of the PA system and bells can be adjusted and neither have shrill tones.

**Comment I1-4:** *The commenter asks about plans for future for lands located to the south of the school property.*

This property is owned by a separate party and the NUSD is unaware of the plans for that property.

**Comment I1-5:** *The commenter asks about infrastructure and services.*

The Sacramento Police Department would provide police services to school site. The Sacramento Fire Department would provide fire suppression services. Please see Section 3.12, “Public Services and Recreation,” of the Draft EIR for further discussion of fire and police services.

The Sacramento Area Sewer District would provide wastewater conveyance and water would be obtained through an agreement with the City of Sacramento. Please see Section 3.14, “Utilities and Service Systems,” of the Draft EIR for further discussion of water and wastewater services.

**Comment I1-6:** *The commenter asks about whether there can be a notification system for special events.*

The NUSD provides community notifications their website.

**Comment I1-7:** *The commenter asks about how many students are coming from different areas.*

Please see Response to Comment I2-5.

**Comment I1-8:** *The commenter asks about the parking regulations at NP3 now and the commenter asks about why they park in the neighborhood and not on campus.*

Please see Response to Comment I3-1.

**Comment I1-9:** *The commenter asks about the opening date.*

It is anticipated that the Paso Verde School will open in August 2020 or 2021.

**Comment I1-10:** *The commenter asks about emergency access.*

The project has provided secondary emergency access. There are several options for emergency access routes, after leaving the school site on the local and regional transportation network. Please also see Section 3.12 of the Draft EIR.

**Comment I1-11:** *The commenter asks about the lead agency.*

NUSD is the lead agency. Please see Chapter 2, “Project Description,” of the Draft EIR for a list of federal, State, and local agencies that may serve as responsible and trustee agencies.

**Comment I1-12:** *The commenter asks about Egret Park.*

The NUSD is intending to allow for a bicycle/pedestrian connection to Egret Park. Please see Section 3.13, “Traffic and Transportation,” of the Draft EIR.

**Comment I1-13:** *The commenter asks about final meeting.*

The NUSD’s Board of Trustees will hold a final meeting February 27<sup>th</sup>, 2019 at the NUSD’s office.

**Comment I1-14:** *The commenter asks about airport flight paths.*

Please see Responses to Comments in Letter A6 for information.

**Comment I1-15:** *The commenter asks about fencing in the Egret Park area.*

The NUSD is not going to fence the Egret Park area. The City of Sacramento has an easement for this area.

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## 2.2.13 LETTER I2 – JOEL LEONG AND LAURIE HUDSON

**Letter I2**

**From:** [Jennifer Mellor](#)  
**To:** [Gerken, Matthew](#)  
**Subject:** Fwd: New Paso Verde School Draft EIR Public Comments  
**Date:** Tuesday, December 18, 2018 11:25:23 AM

---

Hi Matthew,

See comments from meeting attendee.

-Jen

Jen Mellor  
Planning Technician  
Facilities & Strategic Planning  
916-567-5468  
1901 Arena Blvd  
Sacramento, CA 95834

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

**From:** Joel Leong <[joel-h-leong@sbcglobal.net](mailto:joel-h-leong@sbcglobal.net)>  
**Date:** Tue, Dec 18, 2018 at 11:07 AM  
**Subject:** New Paso Verde School Draft EIR Public Comments  
**To:** [jmellor@natomasunified.org](mailto:jmellor@natomasunified.org) <[jmellor@natomasunified.org](mailto:jmellor@natomasunified.org)>  
**Cc:** Laurie Hudson <[mojitomom.lh@gmail.com](mailto:mojitomom.lh@gmail.com)>

Dear Ms. Mellor:

My wife and I attended the Public Workshop last night. With the large amount of homes and residents affected, we were surprised by the sparse attendance. Particularly affected are those homes whose back yards currently face an open field, but will in the future face an active and noisy school.

As stated last night, we are most concerned about the INCREASE of traffic along Del Paso Road that will surely impact the major intersections heading east--especially El Centro Road.

Being residents of Westlake for 16 years, we have witnessed all traffic mitigation efforts to be reactionary to actual conditions instead of proactive due to EIR/traffic studies.

Examples of these are:

(1) Traffic signals installed instead of stop signs at Del Paso Rd & El Centro Rd

I2-1

I2-2

Intersection AFTER traffic impacts due to full build out of Westlake homes.

(2) I-5 & Del Paso Rd Ramp & Signal improvements installed AFTER numerous accidents.

(3) Speed Bumps installed along Westlake Parkway in Westlake AFTER excessive speeding observed.

What will be the reactionary traffic mitigation measure(s) due to the completion of the Paso Verde School?

We would like some assurance that the traffic impacts have been properly studied and accounted for without wearing rose colored eyeglasses.

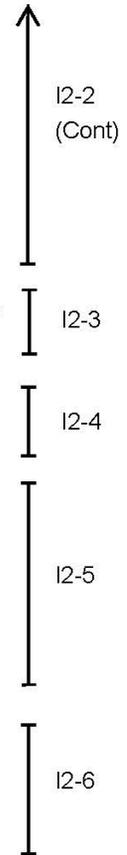
Your Comment Card states an addition of 1,000 students, but the NUSD spokeswoman last night stated "only an increase of 400 students."  
Where are the additional 600 students coming from?  
Transferred from existing schools that already impact Del Paso Road in our neighborhood or from outside the area?  
Please don't use smoke and mirrors here.

Another impact not discussed last night is the affect of construction.  
What is the anticipated construction duration?  
What are the plans to handle the large trucks that will be involved with dirt hauling, concrete pours, steel delivery, etc.?

Thank you for your time and consideration,

Joel Leong  
Laurie Hudson

270 Vista Creek Circle  
Westlake  
Sacramento, CA 95835



## 2.2.13.1 RESPONSE TO COMMENT LETTER I2 – JOEL LEONG

**Comment I2-1:** *The commenter is most concerned about the increase of traffic along Del Paso Road. The commenter expresses the opinion that the increase in traffic will impact the major intersections heading east--especially El Centro Road.*

The school's potential impacts to the major intersection on Del Paos Road east of the site, including the El Dentro Road intersection, have been addressed under the criteria adopted by the NUSD and City of Sacramento guidelines. As noted in Chapter 3.13, "Traffic and Transportation," of the Draft EIR, the proposed project's impact was determined to be less than significant in this area, and no mitigation was required.

**Comment I2-2:** *The commenter states that they have witnessed traffic mitigation efforts to be reactionary to actual conditions instead of proactive due to EIR/traffic studies. The commenter also provides examples of traffic mitigation measures.*

Improvements to the project area's circulation system fall under the jurisdiction of Sacramento County and the City of Sacramento, and not NUSD. Traffic signals are typically installed when actual traffic conditions reach the level that satisfies the Manual on Uniform Traffic Control Devices (MUTCD) traffic signal warrants, as unwarranted signals can lead to safety problems. Thus, traffic signals may not be installed with initial area development and would be installed, as conditions warrant. Traffic calming devices can be installed as part of the design of new development or are retrofitted in neighborhoods in response to actual traffic conditions.

**Comment I2-3:** *The commenter asks what will be the reactionary traffic mitigation measure(s) due to the completion of the Paso Verde School.*

No Draft EIR mitigation has been "deferred." Applicable school access improvements have been included in Chapter 2, "Project Description," of the Draft EIR, including modification of the Del Paso Road / Hovnanian Drive intersection and Del Paso Road widening will occur concurrent with the school. Development of the proposed project's Transportation Management Plan and Construction Traffic Control Plan will accompany development of final improvement plans.

**Comment I2-4:** *The commenter asks for assurance that the traffic impacts have been properly studied and accounted.*

Section 3.13 of the Draft EIR and the accompanying traffic impact analysis have been reviewed by the City of Sacramento, Sacramento County, and Caltrans, and their comments have been addressed. The Draft EIR and traffic impact analysis were prepared under the responsible charge of a registered Traffic / Civil Engineer, as this is required for traffic studies completed in the Sacramento metropolitan area.

**Comment I2-5:** *The commenter states that the comment card identifies an addition of 1,000 students, but the NUSD spokeswoman at the workshop stated "only an increase of 400 students." The commenter asks where are the additional 600 students coming from and will the students be transferred*

*from existing schools that already impact Del Paso Road in our neighborhood or from outside the area.*

The Draft EIR considers the impact of operating a 1,000-student school on the project site. To provide a “worst case” assessment, the analysis of “Existing plus Project” impacts presented in Section 3.13 of the Draft EIR assumes that all school traffic is new to the study area, and the analysis did not attempt to account for the relocation of any existing traffic on Del Paso Road to the new school which might reduce traffic volume.

As a practical matter the opening of new NUSD schools is always accompanied by changes in school attendance areas and re-distribution of students attending existing schools. NUSD anticipates that about 600 students will move to this site from the interim Paso Verde school location at Natomas Pacific Pathways Preparatory site (i.e., 3800 Del Paso Road). Concurrently, about 400 students from the Natomas Pacific Pathways Preparatory Elementary School will move from their temporary location on East Commerce to take the place of students leaving Paso Verde School’s interim facility. The background condition caused by the relocation of students to the Natomas Pacific Pathways Preparatory site would be similar to have less traffic than the “Existing” background condition assumed in the Draft EIR, and project impacts and mitigation requirements would be the same.

**Comment I2-6:** *The commenter asks what is the anticipated construction duration and what are the plans to handle the large trucks that will be involved with dirt hauling, concrete pours, steel delivery, etc.*

The project will generate automobile and truck traffic during construction, but as the volume of traffic generated during construction is less than that accompanying school operation. Construction activities will be short-term and occur from April 2019 to July 2020 (or 2021). Construction equipment would use the primary access road and Del Paso Road. As noted in the response to comment A9-9, a construction traffic control plan will be prepared when final improvement plans are developed.

Letter I3

Paso Verde School  
Draft Environmental Impact Report  
Public Workshop Comment Card

December 17, 2018

NUSD proposes to construct and operate a new school (Kindergarten through 8th grade [K-8]) west of Interstate 5 (I-5) and north of Del Paso Road with the capacity to accommodate up to approximately 1,000 students. In accordance with procedures set forth in the California Environmental Quality Act (CEQA), NUSD has determined that an Environmental Impact Report (EIR) is required for this project. NUSD is the lead agency for the preparation of the EIR. In accordance with Section 15105 of CEQA, the written public review period for the DEIR commences on Friday, November 9th, 2018 and ends at 4:30 p.m. on Monday, December 31st, 2018.

The Draft EIR is available for review at the Natomas Unified School District offices at the address listed below during business hours, Monday through Friday 8:00 a.m. to 4:30 p.m., through December 21st, 2018. The Draft EIR can be viewed online on the School District's website at <https://natomasunified.org/departments/facilities-strategic-planning/ceqa-documents/> between December 22, 2018 and December 31, 2018. If you would prefer to take this card with you and provide comments later, please send by December 31, 2018 at 4:30 p.m. to:

Natomas Unified School District  
Jen Mellor, Planning Technician  
Facilities and Strategic Planning  
1901 Arena Boulevard  
Sacramento, CA 95834  
E-mail: [jmellor@natomasunified.org](mailto:jmellor@natomasunified.org)

Please write clearly and note that all comments received become a part of the public record. If you'd like to provide your name or contact information, please do so:

Name: TIM KIERNAN  
Organization/Address: 470 CANDELA CIR  
Email: ~~KIERNAN@CCS.LOSRIOS.EDU~~ KIERNAN@SCC.LOSRIOS.EDU

Please add me to the e-mail list for this project.

TRAFFIC ON DEL PASO, and ON WESTLAKE Parkway  
PARKING IN CANDELA & THE PARK

The lane or alley way for 6 houses has  
many problems with traffic. There are signs  
posted that this is not a thorough fare for  
Candela residents only. Many students drive  
through this lane and also parents drive

I3-1

through taking their children to school - they then park by the park and walk their children to school.

13-1  
(Cont)

Some of the drivers drive way too fast even though speedbumps were put in to deter drivers. Two of the houses <sup>have</sup> <sup>steps</sup> that <sup>step</sup> right out of their front door to the lane. ~~They~~ <sup>There</sup> are children that live on this lane, so it makes it dangerous for the children and adults too when people are late picking and dropping off children. <sup>driving east</sup> We are very concerned that many more people will use this lane as a shortcut to bypass part of Del Paso.

13-2

This lane isn't made for lots of traffic - bedroom windows also face out to the alley way. Even though the window of time is short for these problems - it is still a large problem.

13-3

Also, when students and parents park on Candela by the park all day there isn't parking for people coming to visit the park. Why are high school students parking there?

13-4

## 2.2.14.1 RESPONSE TO COMMENT LETTER I3 – TIM KIERNAN

**Comment I3-1:** *The commenter states that Candela Circle provides parking for residents only and the commenter states that parents and student use Candela Circle to access the school. The commenter also states that parent park and walk their children to school.*

The NUSD recognizes the commenters concerns regarding parent and student use of Candela Circle to access the school. NUSD anticipates that about 600 students will move to the new Paso Verde School from the interim Paso Verde location at Natomas Pacific Pathways Preparatory site. This will provide more parking for parents and visitors to the Natomas Pacific Pathways Preparatory school. As shown in Exhibit 2-2 in Chapter 2.0, “Project Description,” the project would have a main access that connects to Del Paso Road at the Hovnanian Drive intersection. This main access road would connect to on-site parking and student drop-off areas at the new Paso Verde School and potentially reduce traffic in the vicinity of Candela Circle.

This comment does not raise specific questions, make comments, or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. No further response is required.

**Comment I3-2:** *The commenter expresses the opinion that drivers drive too fast on Candela Circle and that this endangers children and adults. The commenter further expresses the opinion that more drivers will use this roadway to bypass Del Paso Road.*

The NUSD recognizes the commenters concerns regarding drivers driving too fast on Candela Circle. This comment does not raise specific questions, make comments, or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. No further response is required.

**Comment I3-3:** *The commenter states that bedroom windows face Candela Circle and have views of the traffic.*

The NUSD recognizes the commenters concerns regarding views of traffic on Candela Circle from bedroom windows that face Candela Circle. This comment does not raise specific questions, make comments, or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. No further response is required.

**Comment I3-4:** *The commenter states that parents and students park on Candela Circle and asks why do high school students park there.*

The NUSD recognizes the commenter’s statements that parents and students park on Candela Circle. This comment does not raise specific questions, make comments, or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. No further response is required.

Please also see Response to Comment I3-4.

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2.2.15 LETTER I4 – BENJAMIN FRIES

Letter I4

Comment on the Environmental Impact Report of the Proposed Paso Verde School Location

Submitted December 26, 2019 by Benjamin J. Fries

Page 1 of 6

C/O Jen Mellor
Natomas Unified School District
1901 Arena Boulevard
Sacramento, CA 95834

Comment on the Environmental Impact Report of the Proposed Paso Verde School Location

The proposed location is a very bad site for the proposed Paso Verde School (PVS) for several reasons. The proposed location is adverse to the economic potential of Sacramento International Airport (SMF). The site is also dangerous because of high risk over the long term of an airliner crash landing into the school. The learning and health of students could also be impacted by the aircraft noise.

I 14-1

Summary of 4 Reasons

Reason 1: Major adverse economic impact on the long-term economic promise and potential of SMF. Constructing PVS at the proposed site would have adverse economic impact on SMF flight operations. That would result in adverse economic impact on Sacramento and northern California.

I 14-2

Reason 2: Safety hazard to students, teachers, and others at the school because of the risk of an airliner crash-landing into the school.

I 14-3

Reason 3: Adverse health and learning impact on students, teachers, and others at the school would occur. That is because of the long-term, incessant noise from low-flying overhead aircraft during scheduled aircraft take-off from SMF. The website https://thequietcoalition.org/airplane-noise-health-hazard/ has details. Google for "airport noise and health" and "airport noise and learning" to get a listing of abundant online evidence of this adverse impact.

I 14-4

Reason 4: Long-term failure of the PVS school because concerned parents would relocate their children to some other school because of concern about student health, learning, and safety. Also because of the obvious and pressing need for future SMF expansion and constructing additional future runways, could result in SMF purchasing the school and its land, then relocating the school and its students.

I 14-5

Reason 1: Adverse Immediate Economic Impact Upon SMF Operations

1. If Paso Verde School is constructed there, the proposed site of PVS would have serious adverse economic impact on short-term and long-term SMF commercial airliner operations.

I 14-6

2. The public outcry from concerned parents and teachers of low flying aircraft noise disturbance over the school would force severe curtailment of southbound SMF takeoffs during weekday school hours.

I 14-7

**Reason 1 continued: Adverse long-term economic impact on future SMF expansion of flights schedule**

3. To best serve Sacramento and northern California, SMF must be free to construct additional runways and grow into the 21<sup>st</sup> century as an airline hub for all of northern California. The proposed new PVS location would severely hobble the ability of SMF to expand and pursue that maximum economic potential.

14-8

4. Additionally, because of noise and safety issues, SMF would surely be prevented from expanding air service operations for flights that would occur during school hours.

14-9

5. if PVS were poorly located at that site which is under the southbound takeoff pattern of the SMF east runway, the environmental impact of overhead air traffic upon the school would seriously diminish SMF prospects of getting CEQA approval in future years. That would damage the opportunity for SMF to expand commercial airline flights for passenger and cargo air traffic.

14-10

**Reason 2: Safety issues include the risk of an airliner crashing into the school:**

6. The proposed school site would be a grave danger to students, teachers, and others. That existing open agricultural field would be a very dangerous place to locate and build a school, homes, or work place. That is because an airliner could crash into the school during take-off, killing hundreds of students and faculty in the school.

14-11

7. The site is nearby the take-off path of a SMF airport runway. That makes the site a very dangerous place to have a school. Prominent causes and examples of airliner crashes during take-off are listed below.

14-12

8. **Wind shear** -- a sudden change in wind speed or direction over a short distance -- has been a factor in many air disasters during take-off because there is insufficient altitude for the pilot to correct the disturbance. Prominent examples of wind shear crashes can be found online.

14-13

9. **Crashes can occur during takeoff because of aircraft structural failure** when the airframe is under maximum stress due to maximum lift loading and maximum engine thrust. On **May 25, 1979, a DC-10 crashed just moments after takeoff from Chicago** when an engine completely broke off from the wing. In **March 1974 a Turkish Airlines DC-10 crashed in Paris** when a rear cargo door which was improperly closed blew out. In **September 1985 a DC-9 crashed in Milwaukee WI** when an engine exploded during takeoff.

14-14

10. In February 2000 shortly after takeoff at Mather Airport Sacramento CA, a DC-8 airfreighter crashed into an auto salvage yard (fortunately not a school) because of "a loss of pitch control resulting from the disconnection of the right elevator control tab."
11. Listed below are more examples, including pilot error, crashes on takeoff, and extreme maneuvers causing the airframe to rupture or causing the aircraft slipping sideways. Numerous other examples can be found online, of takeoff crashes and other crashes from low altitude:
- a. **French supersonic Concorde airliner crashed on takeoff** from Paris in 2000, when its left tires were fragmented by metal debris on the runway, causing a left-side engine fire and crash.
  - b. **Soviet Russian supersonic TU144 airliner crashed when its left wing broke off** during tight low-level maneuvers at the 1973 Paris Air Show, while 350,000 attendees watched in horror. Caused by rupture of the airframe that was overstressed by the tight maneuvers.
  - c. **While trying to extinguish a wild fire, a C-130 tanker loses both wings** mid-air and crashes. (2006) The firefighting aircraft was doing tight maneuvers while fully loaded with firefighting liquid, resulting in rupture of both wings and crashing. Both wings breaking off mean it was too much G-force, and not because of the aircraft being "too old." It exceeded its low altitude stress capacity.
  - d. On Friday, 24 June 1994, a United States Air Force **Boeing B-52 Stratofortress crashed** near Fairchild Air Force Base in Washington state after its pilot maneuvered the bomber beyond its operational limits and lost control. The crash occurred because the tight turn caused the aircraft to slip sideways and stall. **The pilot did not have sufficient altitude to recover from the side slip, so that the bomber fell sideways and crashed into the ground.**
  - e. **Japanese Air Lines airliner crashed into San Francisco Bay while attempting to land at SFO. Pilot error misjudged the location of the runway** in the foggy weather. Japan Airlines Flight 2 was a flight piloted by Captain Kohei Asoh on November 22, 1968.<sup>[1]</sup> The plane was a new Douglas DC-8 named "Shiga", flying from Tokyo International Airport (Haneda) to San Francisco International Airport. Due to heavy fog and other factors, Asoh mistakenly landed the plane near Coyote Point in the shallow waters of San Francisco Bay, two and a half miles short of the runway.
  - f. **A US Airways plane crashed into the Hudson River in New York January 15, 2009 as a water crash landing of US Airways Flight 1549 on the Hudson River off Manhattan** after the both engines were disabled by striking a flock of Canada geese immediately after takeoff.

14-15

14-16

**The danger zone includes the vicinity adjacent to the takeoff flight path.** The vicinity is dangerous because when an aircraft crashes on takeoff, often it will veer to the right or left depending upon which side of the aircraft the disruption occurred, or which direction(s) the wind shear came from.

**Aircraft Design Safety Margin: To prevent airframe rupture and side slip, commercial pilots (and their computer surrogates) are trained to maintain smooth steady flight.** That is because a commercial aircraft is designed with very little safety margin. The safety margin is minimized to maximize the aircraft payload, which means the aircraft design must minimize airframe weight.

- 12. **A bird strike** can also cause a takeoff to result in a crash. Abovestated is the January 2009 crash at New York City. A safe crash landing occurred after striking a flock of Canada geese. That bid strike occurred after take-off, fortunately the pilot had the Hudson River as a safe place to crash-land the A-320 Airbus airliner. SMF commonly has Canada geese flocks in its take-off flight paths, and very high rate of bird strikes compared to other airports. 14-17
- 13. If any of these mishaps occur during aircraft take-offs at SMF, **the aircraft pilot can minimize loss of life if he/she has a clear open path for an emergency crash landing.** 14-18
- 14. **Currently, SMF does have a clear path for an aircraft crash landing** because of a failed takeoff. That includes the flight paths southbound from the east and west runways of SMF, which both have a clear open agricultural field for an emergency crash landing. 14-19
- 15. **However in the proposed location, the PVS school would be in the path of an emergency crash landing.** That could cause hundreds of students, teachers, and airliner passengers to lose their lives. 14-20
- 16. Accordingly, the **proposed PVS school site would have serious adverse environmental impacts upon the safety of students and teachers** that would attend the school. 14-21
- 17. Safety Concern by Parents: **If the school were to be built there, just one near-miss that could have been a crash into the school would motivate many parents to take their kids out of the school and demand that the school be closed and a new school be built somewhere else. Or, a headline news report of an airliner crashing into a school during takeoff somewhere else in the world would alarm NUSD parents.** 14-22
- 18. If a school were to be built on that site, **it would be a catastrophe waiting to happen.** 14-23

**Reason 3: Adverse Impact upon Student Health and Learning:**

- 19. There would be adverse health impacts upon students and teachers from incessant noise of low overhead aircraft taking off from SMF at full power. Abundant evidence is available online. 14-24
- 20. **Natomas Unified School District (NUSD) currently proposes the Paso Verde School site which is nearby the southbound takeoff pattern for the east runway at SMF.** For the proposed school site, the noise disturbance of very frequent low-flying aircraft under full power while taking off from SMF would have overwhelming adverse impact upon student learning and student health. **Often the aircraft takeoff frequency is less than a minute apart, for several take-offs in a row.** 14-25

21. While waiting for the airliner crash catastrophe to occur, **the incessant overhead aircraft noise would be stressful to the health of students and teachers**, ruin the teaching environment for the teachers, and cause failing grades for some students. Students struggling with Attention Deficit Disorder (ADD) and other learning disorders could be adversely impacted by the distraction and disruption of incessant aircraft noise. 14-26

22. Learning disorders are often genetic and reflect underlying brain dysfunction. However, **ADD will certainly be exacerbated by exposure to noise as these children are more distractible and will interfere with their ability** to get their work done and pay attention to what the teacher is saying. So children in the school with learning disabilities of this sort will not progress as well which will be unfortunate. 14-27

**Reason 4: Long-term failure of the PVS school because of the impact on students**

23. **Adverse impact upon student occupancy: Parents concerned about safety, learning, and student health** would take their kids out of PVS school and enroll their kids in some other school. 14-28

24. **The better teachers frustrated by the noise would leave** and teach at some other school, resulting in a substandard PVS school. 14-29

**Reason 4 continued: Long-term failure of the PVS school because of need for future SMF expansion**

25. **Future expansion could result in SMF purchasing the school and its land**, then relocating the students to a school somewhere else, and removing the school so the SMF flight pattern would no longer be impaired by safety and noise complaints from the school. 14-30

26. **If PVS school were built on the proposed site, NUSD would surely oppose any future SMF expansion** of flights because of the adverse impact on student learning and health. 14-31

27. **That NUSD opposition might make it necessary for SMF to buy out and close the school** so that SMF can expand its flights and become a northern California hub for passenger air travel and cargo flights. To do that, SMF might need to pay to close and relocate the school, so that SMF can accommodate unopposed and unencumbered expansion of its long-term operations. 14-32

Conclusion

**We all love our beautiful SMF International Airport, and we all must protect the long-term future opportunities of SMF to freely grow** its air traffic as Sacramento grows, without having the school or other obstacles as barriers to SMF air traffic growth.

14-33

Surely Sacramento International Airport (SMF) would be concerned about the proposed PVS school location near the flight path of south-bound takes-offs from the east SMF runway.

**A dedicated air corridor is needed for SMF.** To protect the future of our SMF to serve us by expanding with many more flights with more runways, we must all support and establish a dedicated corridor of open unbuilt land zoned for agriculture. That would include an air corridor for southbound SMF takeoffs under which no homes, hotels, schools, nor other facilities can be constructed. All of that open unbuilt agricultural landspace currently exists, and is available to be set aside to accommodate the long-term economic promise and potential of SMF to become a major regional hub for northern California.

14-34

With a dedicated SMF corridor we could all welcome more SMF domestic flights any time of day or night.

With a dedicated SMF corridor, we could all welcome more international flights at all hours of the night.

With a dedicated SMF corridor, we could all welcome more cargo flights at all hours of the night.

A dedicated air corridor would allow SMF to become a great air service hub for northern California.

**Surely most of us welcome a new school for NUSD. However the school should find a good location that is good for teaching and learning.** The proposed PVS school site is a poor location because of safety, learning, and student health reasons. The school should find a good location that does not interfere with the long-term future of SMF commercial airliner operations.

14-35

If you have questions, please email me at [bfries@dtsc.ca.gov](mailto:bfries@dtsc.ca.gov) or phone me at 916-255-3667.

Respectfully,

Benjamin J. Fries, P. E., M.B.A.

## 2.2.15.1

### RESPONSE TO COMMENT LETTER I4 – NATOMAS UNIFIED SCHOOL DISTRICT

**Comment I4-1:** *The commenter has expressed that they do not favor the location of the school due to the proximity to the Sacramento International Airport in relation to safety and noise.*

The Draft EIR evaluates the location of the school relative to the airport. Please see, for example, pages 3.8-4 and 3.8-5, 3.8-12 and 3.8-13, and 3.8-19 of the Draft EIR.

As noted, the school is proposed approximately two miles southeast of the Sacramento International Airport. The Sacramento Area Council of Governments (SACOG) Airport Land Use Commission (ALUC) is responsible for the preparation of an Airport Land Use Commission Plan (ALUCP) to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports. The ALUCP establishes a set of compatibility criteria that are used to evaluate the compatibility of land use and airport proposals within the Airport Influence Area (AIA). The ALUCP considers risks both to people and property in the vicinity of an airport, as well as land use characteristics that can be the cause of an aircraft accident.

The project site is located within the AIA and is within Referral Area 1, Safety Zone 4 (Outer Approach/Departure Zone), and Safety Zone 6, according to the ALUCP. Referral Area 1 encompasses locations where noise and/or safety represent compatibility concerns. Safety Zone 4 (Outer Approach/Departure Zone) identifies area within the community noise equivalent level (CNEL) 60 dB contour and where there is a low to moderate risk of aircraft accidents. Safety Zone 6 (Traffic Pattern Zone) is the area near the airport within which aircraft are engaged in initial climb-out, final descent, or closed-circuit flight training (SACOG 2013).

The proposed project does not include landscape features or any other features that could attract birds. In addition, the on-site detention basin would drain within a maximum of 48 hours and would remain dry between storms consistent with FAA guidance. Furthermore, buildings would be one story and not exceed 35 feet.

The project site is located in Zone 4 and Safety Zone 6. The playing fields would be located in Safety Zone 4. The ALUC considers the playing fields as "Group Recreation," and the ALUCP conditionally allows athletic fields under this land use category (Chew, pers. comm. 2018). All buildings would be placed in Safety Zone 6 where K-12 schools are a normally compatible use.

Consistent with Section 17215 of the Educational Code, the California Department of Transportation Division of Aeronautics reviewed the proposed project. This included review of the Sacramento International ALUCP, the California Airport Land Use Planning Handbook, and other publications relating to aircraft operations at Sacramento International Airport. The Division of Aeronautics conducted an aerial inspection of the site on January 31, 2006. In addition, the Division of Aeronautics requested comments from SACOG and the Operations Manager of Sacramento International Airport, and their responses were considered in the final determination. The Division of Aeronautics concluded that based on review of existing

conditions and planned development, the school site provides an appropriate level of safety suitable for a school (Miles 2006).

The proposed project does not include uses that could create safety hazards or place buildings within Safety Zone 4 of the Sacramento ALUCP. In addition, the Division of Aeronautics concluded that the school site provides an appropriate level of safety suitable for a school.

Section 3.11, “Noise and Vibration,” of the Draft EIR addresses noise compatibility associated with the proposed project. Please see, in particular, pages 3.11-35 through 3.11-39. As noted, the Draft EIR has a particular focus on potential effects of the proposed project on the environment, not the significant effects of the environment on the proposed project. Although identifying the environmental effects of attracting development and people to an area is consistent with CEQA’s legislative purpose and statutory requirements, identifying the effects on the proposed project and its users of locating the project in a particular environmental setting is neither consistent with CEQA’s legislative purpose nor required by the CEQA statutes. Nonetheless, for disclosure purposes, the District has elected to provide analysis of relevant impacts of existing environmental conditions relative to the proposed project, including existing and future noise.

Exhibit 3.11-4 (page 3.11-36 of the Draft EIR) depicts the airport’s future noise contours and demonstrates that the project site would be within the 60 to 65 dB CNEL contour. For the 60–65 CNEL noise contour, the ALUCP identifies schools as a Conditional Use. The conditions for schools in areas above 60 dB CNEL are identified in Policies 3.2.2(a) and 4.1.5. Policy 3.2.2 discusses special circumstances and special measures that can address adverse consequences, with reference to Section 4.2. Section 4.2 then references Policy 4.1.5. Under Policy 4.1.5, the ALUCP explains that the Airport Land Use Commission can find a normally incompatible use to be compatible with findings that the land use will neither (1) create a safety hazard to people on the ground or aircraft in flight nor (2) result in excessive noise exposure for the proposed use. The school will not create a safety hazard with the revised site plan. (Please see Section 3.10, “Land Use, Planning, Population, and Housing” of the Draft EIR for further details related to the project project’s land use compatibility with the ALUCP.) The proposed site plan does not place buildings within Safety Zone 4 of the Sacramento International Airport Land Use Compatibility Plan, and instead any buildings would be placed in Safety Zone 6, where K–12 schools are a normally compatible use (SACOG 2018).

With respect to future aircraft noise impact, the proposed school will be designed to provide an appropriate setting for classroom instruction, including noise exposure. Under Policy 4.1.5, the ALUCP explains that the ALUC can find a normally incompatible use to be compatible with findings that the land use will neither (1) create a safety hazard to people on the ground or aircraft in flight nor (2) result in excessive noise exposure for the proposed use. The proposed site plan does not place buildings within Safety Zone 4 of the Sacramento International ALUCP, and instead any buildings would be placed in Safety Zone 6, where K–12 schools are a normally compatible use. Based on State standards, the school is required to be designed so that interior noise levels are appropriate for the function of classrooms (SACOG 2018). By following procedures and State regulations, the NUSD cannot acquire title to a property that

would conflict with findings of the DOT Aeronautics Program, which has regulations limiting the exterior and interior noise exposure to sensitive uses in the vicinity of airports.

Sacramento County and ALUC have established interior noise standards for school uses or for uses where speech intelligibility is essential and where communication may be affected by transportation noise. The interior noise standards are 45 dB  $L_{eq}$  in the County General Plan, and 45 dB  $L_{eq}$  in the Sacramento International Airport LUCP.

Hourly exterior noise levels during school hours (8 a.m. to 3 p.m.) ranges from 48.2 dB  $L_{eq}$  to 64.7 dB  $L_{eq}$  (see page 3.11-37 of the Draft EIR). To reduce interior (classroom) noise, NUSD will design and use building materials necessary to provide acceptable classroom environments. According to EPA, the average sound-level reduction from typical building construction would be 15 dB with windows open and 25 dB with windows closed (EPA 1974). With these measures incorporated, classrooms would be exposed to interior noise levels of 23.2 to 39.7 dB  $L_{eq}$  with windows closed (assumed noise reduction of 25 dB). In this way, the interior classroom noise would be below the Sacramento International ALUCP guidelines for noise of 45  $L_{eq}$ .

Pursuant to Section 5.507,4.2 of the Project Submittal Guidelines, DSA requires that interior noise attributable to exterior sources not exceed an hourly equivalent noise level of 50 dBA in occupied areas during any hour of operation. Additionally, Section 5.507,4 of the Project Submittal Guidelines prescribes certain types of building materials based on how effective the material is at attenuating sound for interior learning spaces. Section 5.507,4.1 of the Project Submittal Guidelines establishes prescriptive requirements for projects within the 65 CNEL noise contour of an airport.

Please see also the Responses to Comments A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-2:** *The commenter discusses economic effects related to the airport.*

Please see the Responses to Comments A6-8 through A6-10.

**Comment I4-3:** *The commenter references safety concerns related to the proximity of the airport.*

Please see the Response to Comment I4-1.

**Comment I4-4:** *The commenter makes reference to aircraft noise.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-10.

**Comment I4-5:** *The commenter makes reference to the potential that parents would relocate their children and the airport purchasing the school and relocating the students.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10. The NUSD regularly communicates with parents and had several broad notifications of this project and this Draft EIR, and is not aware of concerns expressed by parents that would lead to parents removing their children from school.

**Comment I4-6:** *The commenter discusses economic effects related to the airport.*

Please see the Responses to Comments A6-8 through A6-10.

**Comment I4-7:** *The commenter makes reference to concern of parents and teachers related to noise leading to curtailment of southbound takeoffs at the airport when school is in session.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-8:** *The commenter discusses the ability of the airport to construct future runways.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-9:** *The commenter discusses future expansion of air service at the airport.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-10:** *The commenter discusses the ability of the airport to expand commercial flights in the future.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-11:** *The commenter references safety issues related to the airport.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-12:** *The commenter discusses safety related to the take-off path at the airport.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-13:** *The commenter references wind shear for aircraft.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-14:** *The commenter references aircraft structural failure.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-15:** *The commenter references an incident in 2000 involving an airfreighter at Mather Airport.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-16:** *The commenter lists examples of problems with aircraft, the issues related to the vicinity of the flight path, and aircraft design safety margins.*

Please see the Responses to Comments I4-1, A4-7, A4-8, and A6-8 through A6-10.

**Comment I4-17:** *The commenter references bird strike hazards related to airports.*

Please see the Responses to Comments I4-1, A4-9, and A6-11.

**Comment I4-18:** *The commenter discusses the need for a clear path if there is an issue.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

While the project site is consistent with the ALUCP, this plan does map out safety zones in the vicinity of the airport where development would be inconsistent with this plan. These areas, which are largely in agriculture and managed natural resources lands, are anticipated to remain undeveloped.

**Comment I4-19:** *The commenter notes that the airport has a clear path.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, A6-8 through A6-11, and I4-18.

**Comment I4-20:** *The commenter suggests that the proposed school site would be in the path of an emergency crash.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, A6-8 through A6-11, and I4-18.

**Comment I4-21:** *The commenter expresses the opinion that the proposed project would have environmental effects related to safety.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, A6-8 through A6-11, and I4-18.

**Comment I4-22:** *The commenter discusses safety issues leading parents to remove their children from the school.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, A6-8 through A6-11, and I4-18. The NUSD regularly communicates with parents and had several broad notifications of this project and this Draft EIR, and is not aware of concerns expressed by parents that would lead to parents removing their children from school.

**Comment I4-23:** *The commenter expresses their concern related to safety and the airport.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, A6-8 through A6-11, and I4-18.

**Comment I4-24:** *The commenter expresses their concern related to aircraft noise.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

**Comment I4-25:** *The commenter references aircraft noise and the southbound take-off pattern at the airport.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

**Comment I4-26:** *The commenter expresses their concern related to aircraft noise.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

**Comment I4-27:** *The commenter discusses learning disorders and aircraft noise.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

**Comment I4-28:** *The commenter references parents removing their children from the proposed school.*

As noted in Chapter 2 of the Draft EIR, “Project Description,” analysis throughout the Draft EIR assumes an ultimate capacity to accommodate up to 1,000 students and approximately 60 staff members. With regard to airport noise and safety, please see Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11. The NUSD regularly communicates with parents and had several broad notifications of this project and this Draft EIR, and is not aware of concerns expressed by parents that would lead to parents removing their children from school.

**Comment I4-29:** *The commenter references teachers leaving the school and teaching at other schools.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

**Comment I4-30:** *The commenter references the airport purchasing the school and relocating it.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

**Comment I4-31:** *The commenter suggests that the District would oppose future airport expansions.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

**Comment I4-32:** *The commenter references the airport purchasing the school.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

**Comment I4-33:** *The commenter expresses their appreciation for the airport and concern for the location of the school relative to the airport.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

**Comment I4-34:** *The commenter references the need for a dedicated air corridor for the airport.*

Please see the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

**Comment I4-35:** *The commenter expresses support for a new school in a different location.*

The NUSD spent significant time and resources examining different locations for schools, as detailed in Chapter 4, “Alternatives,” of the Draft EIR using guidance from the California Department of Education (CDE) School Facilities Planning Division, among other criteria. Among the considerations were properties within NUSD boundaries and west of Interstate 5 (I-

5) for potential development of a combined elementary and middle school (please see pages 4-3 through 4-6 in Chapter 4 of the Draft EIR for a summary). These alternative sites would have similar environmental effects, would not avoid a significant impact, are infeasible according to CDE siting criteria, would increase environmental effects, or a combination of these factors.

Please see also the Responses to Comments I4-1, A4-7, A4-8, A4-9, and A6-8 through A6-11.

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2.2.16 LETTER A11 – CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

Letter A11

STATE OF CALIFORNIA – CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 634-7616
FAX (530) 741-4111
TTY 711
www.dot.ca.gov/district3



Making Conservation
a California Way of Life.

December 28th, 2018

GTS# 03-SAC-2018-00332
SCH#: 2018052079

Jen Mellor
Planning Technician, Facilities & Strategic Planning
Natomas Unified School District
1901 Arena Boulevard
Sacramento, CA 95834

Paso Verde School – Draft Environmental Initial Report (DEIR)

Dear Jen Mellor:

Thank you for including California Department of Transportation (Caltrans) in the application review 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 (SHS) in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the state's mobility goals that support a vibrant economy and build communities.

A11-1

The Natomas Unified School District (NUSD) proposes to construct and operate the Paso Verde School (Kindergarten through 8th grade) west of Interstate 5 (I-5) and north of Del Paso Road with the capacity to accommodate up to approximately 1,000 students on approximately 18.3 acres of land. The school will have approximately 82,000 square feet of total building space with 40 classrooms and 2 special education spaces, along with classrooms for music and art.

A11-2

The school will operate from 8:00 in the morning until 3:00 in the afternoon, with some after-school activities occurring outside these hours. There is no outdoor lighting proposed for the sports field, but the pedestrian/bicycle/emergency access to the east will be lit for security. Based on the DEIR received, Caltrans provides the following comments:

Traffic Operations/Forecasting

DEIR Traffic Study (Appendix G)

Traffic Model Forecasts (Page 34) – Please clarify why the Modeled baseline year volumes used 2005 data. Data from 2012 is available and should be used as the base year for the analysis.

A11-3

' Provide a safe, sustainable integrated and efficient transportation system
to enhance California's economy and livability "

Jen Mellor  
Natomas Unified School District  
December 28<sup>th</sup>, 2018  
Page 2

- Please clarify if the nearby schools were in session when the existing traffic counts were collected.
- Caltrans review of the cumulative traffic forecasts on the I-5 mainline revealed growth rates that are inconsistent with current trends per the Sacramento Activity-Based Travel Simulation Model (SACSIM) travel forecasting model. Please explain and provide backup documentation for the growth rates.

A11-4

A11-5

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.

A11-6

If you have any questions regarding these comments or require additional information, please contact Uzma Rehman, Intergovernmental Review Coordinator for the City of Sacramento, by phone (530) 741-5173 or via email to [uzma.rehman@dot.ca.gov](mailto:uzma.rehman@dot.ca.gov).

Sincerely,



Alex Fong, Branch Chief  
Office of Transportation Planning  
Regional Planning Branch South

CC: State Clearinghouse

*Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

## 2.2.16.1 RESPONSE TO COMMENT LETTER I4 – NATOMAS UNIFIED SCHOOL DISTRICT

**Comment A11-1:***The commenter presents Caltrans’ new mission that signal a modernization to the agency’s approach to the State transportation system that is focused on sustainability, livability, economy, safety, and health.*

NUSD appreciates the commenter’s review of the Draft EIR.

**Comment A11-2:***The commenter summarizes the project description.*

The commenter’s summary of the proposed project is accurate.

**Comment A11-3:***The commenter asks for clarification on the year of baseline data used in the Draft EIR.*

The reference to a year 2005 baseline model is a typographical error in the traffic study (Appendix G to the Draft EIR) and is incorrect. Instead, the year 2012 baseline model was used in the analysis summarized in the Draft EIR.

**Comment A11-4:***The commenter asks whether area schools were in session when traffic counts were taken to document existing conditions.*

As noted in the traffic study (see pages i, 5, 6, 12, and 13 of Appendix G to the Draft EIR), the traffic counts were conducted in April 2016 when area schools were in session. The intersection turning movement counts were conducted on Thursday April 21, 2016.

**Comment A11-5:***The commenter’s review of the cumulative traffic forecasts on the I-5 mainline revealed growth rates that are inconsistent with current trends per the Sacramento Activity Based Travel Simulation Model (SACSIM) travel forecasting model. The commenter has asked for an explanation and backup documentation for the growth rates.*

The comment does not indicate what growth rates are suggested from “current trends per the SACSIM model,” so it is difficult to explain the difference between the rates suggested in the Paso Verde School traffic study and those implied by the comment.

Table 2.2.16-1 below clarifies the approach to creating the cumulative no project morning and afternoon peak-hour volumes presented in the traffic study. Current peak hour and 3-hr, 5-hr volumes were identified from Caltrans’ Performance Measurement System (PeMS) for locations on both northbound and southbound I-5. SACSIM traffic model three-hour and five-hour forecasts were then identified for these locations under Year 2012 and Year 2035 conditions. A growth rate was identified for each location by adding the incremental change in model volume to the current volume to create an adjusted future total and then comparing the adjusted total to the current volume to create the growth rate. The growth rate was then applied to the PeMS peak hour volume. Subsequent volumes at other locations were created by adding or subtracting ramp volumes.

**Table 2.2.16-1  
Derivation of Cumulative Mainline Interstate 5 Levels of Service**

Location	AM Peak Hour						Afternoon Peak Hour					
	Current Peak Hour Volume	3-hr Volume				Year 2035 Peak Hour Volume	Current Peak Hour Volume	Midday 5-hr Volume				Year 2035 Peak Hour Volume
		Current PeMS	2012	2035	Factor			Current PeMS	2012	2035	Factor	
<b>Southbound</b>												
Del Paso Road off-ramp to Del Paso Road on-ramp	4,070	11,539	16,423	23,367	1.60	7,065	3,685	17,122	16,989	23,367	1.37	5,720
<b>Northbound</b>												
Del Paso Road off-ramp to Del Paso Road on-ramp	2,780	8,739	11,352	22,841	2.31	6,425	3,950	17,752	16,523	22,841	1.36	5,375
PeMS = Performance Measurement System												

**Comment A11-6:***The commenter asks for information about further action related to this project, and notes that they would appreciate the opportunity to review and comment on any changes related to the school. The commenter also provides contact information.*

NUSD currently anticipates consideration of the Final EIR at a regular Board of Trustees meeting on Wednesday, March 13th, starting at 5:30pm or thereafter at 1901 Arena Boulevard, Sacramento, CA 95834.

Again, NUSD is appreciative of the commenter's detailed review and will provide additional notification, as appropriate.

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### 3 ERRATA

Chapter 3 identifies revisions to the Draft EIR. The changes are presented in the order in which they appear and identified by page number. Text deletions are shown in ~~strikeout~~ and additions are underlined (underlined). These edits provide clarifications or additional supportive information and do not change the analysis or conclusions of the Draft EIR.

#### EXECUTIVE SUMMARY

On page ES-11, the following revision has been incorporated into Table ES-1:

3.4-1. Impacts on Special-Status Species	PS	3.4-1c: Provide Burrowing Owl Mitigation per CDFW Protocol	PSLTS
--	----	--	-------

NUSD also made revisions to mitigation measures as they were summarized in the Draft EIR Executive. These revisions are shown below along with other revisions to Chapter 3 of the Draft EIR.

#### CHAPTER 2, PROJECT DESCRIPTION

On page 2-6, the following revisions have been made to reflect that the water supply agreement may be with the City or with another water supply provider. NUSD has been, and continues to coordinate closely with the City regarding the eventual arrangement.

##### WATER SUPPLY

Potable and fire protection water supply are available to the school by extending existing infrastructure in Westlake Parkway (Exhibit 2-5). The City will provide water through an agreement with NUSD, along with encroachment permit conditions, maintenance easements, and compliance with relevant City improvement standards. With approval of the City’s Director of Utilities, irrigation water will also be provided by the City. Alternatively, the water supply agreement may be with another water service provider or with the City and another water service provider. Regardless, water supply will come from existing, adjacent water lines.

#### CHAPTER 3, ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

##### SECTION 3.1, AESTHETICS

On page 3.1-13, the following revision has been made to Impact 3.1-1:

A landscape plan has been prepared for the proposed project. Native oaks would be planted along the western border of the playfields and additional native oaks and ornamental trees would be planted along the access road and within landscaped medians within parking lots. This landscaping would soften the visibility school facilities and other improvements from off-site views. In addition, the proposed project

would incorporate gently sloping roofs and an exterior color scheme that complements the natural landscape and agricultural forms.

## **SECTION 3.2, AGRICULTURAL RESOURCES**

On page 3.2-10, the following mitigation measure has been incorporated into Impact 3.2-1.

### Mitigation Measure 3.2-1: Assist with Conservancy Agricultural Operations.

- The NUSD will assist TNBC with annual reporting requirements to the NUSD related to pesticide use at TNBC property within one-quarter mile of the Paso Verde School.
- If the NUSD determines necessary, NUSD will assist with public communications to promote understanding of how State regulations ensure against public health effects related to lawful agricultural operations.
- Consistent with the County's right-to-farm ordinance, the District will post a notification on the Paso Verde School website that property in the vicinity of the project site is designated for agricultural use in the General Plan, and that the District supports established agricultural operations that are operated in a manner consistent with applicable safety standards.
- The NUSD will not take actions to stop or limit lawful agricultural operations conducted on TNBC property within one-quarter mile of the Paso Verde School.

### **Significance after Mitigation**

This mitigation measure is provided for planning purposes. There is no potentially significant effect. The impact is **less than significant**.

## **SECTION 3.3, AIR QUALITY**

On page 3.3-22, the following mitigation measure has been incorporated into Impact 3.3-1:

Mitigation Measure 3.3-1c: Use Current Phase Equipment for all Construction Off-Road Vehicles and Equipment.

NUSD shall require that the construction contractor use current phase off-road construction vehicles and equipment (currently Tier 4) for construction-related activities, if commercially available.

### Mitigation Measure 3.3-1d: Off-site Mitigation Fee.

If, after application of the above pollutant control measures, emissions would still exceed the SMAQMD-recommended threshold for NO<sub>x</sub> during construction, NUSD shall participate in SMAQMD's off-site mitigation fee program. The mitigation fee, if needed, will be set at a level that would bring NO<sub>x</sub> emissions to a less-than-significant level (i.e., less than 85 lbs/day). The off-site mitigation fee may be needed if there is limited availability of equipment that meets or exceeds ARB's standard (currently Tier 4) for heavy-duty diesel engines use, and if the application of other mitigation measures would not bring

NO<sub>x</sub> emissions below the SMAQMD threshold during construction. Calculation of fees, if needed, shall occur in consultation with SMAQMD prior to initiating construction.

### **Significance after Mitigation**

Implementation of Mitigation Measures 3.3-1a through 3.3-1c would reduce on-site construction-related air quality emissions. Implementation of Mitigation Measure 3.3-1b would achieve a project wide fleet-average of 20 percent NO<sub>x</sub> reduction and 45 percent particulate reduction compared to the most current California Air Resources Board (ARB) fleet average that exists at the time of construction. A 20 percent reduction of NO<sub>x</sub> from off-road equipment and vehicles would not achieve SMAQMD thresholds of significance. However, as shown in Table 3.3-5, implementation of Mitigation Measure 3.3-1c would reduce NO<sub>x</sub> emissions to below SMAQMD thresholds of significance. However, if after application of Mitigation Measures 3.3-1a through 3.3-1c, emissions would still exceed the SMAQMD-recommended threshold for NO<sub>x</sub> during construction, NUSD shall participate in SMAQMD's off-site mitigation fee program. Thus, with implementation of mitigation, this impact would be **less than significant**.

On page 3.3-27, the following revisions were incorporated into Impact 3.3-4 and the following mitigation measure has been added:

The project site is consistent with all the recommendations described above per the ARB Handbook. The new school would be located more than one-half mile from the nearest freeways (i.e., I-5/SR 99), which exceeds the 500 feet buffer recommended by ARB. In addition, the new school would not be located within 1,000 feet of a major service or maintenance rail yard, 300 feet of a large gasoline station, 50 feet of a typical gasoline dispensing facility, or 500 feet of any dry-cleaning operation using perchloroethylene. Therefore, the siting of the new school would be consistent with all of the ARB recommendations listed above to avoid and minimize impacts from TACs and thus would not result in the exposure of sensitive receptors to TACs that exceed the recommended thresholds. Across a 200-foot buffer and the West Drainage Canal from the proposed school site is agricultural land owned by The Natomas Basin Conservancy for natural resources and currently planted with alfalfa. State regulations control the application of pesticides, with specific provisions for school sites to protect human health and the environment. California Department of Pesticide Regulations' evaluation of toxicity and exposure indicate that the risk to children from agricultural pesticides applied near schools is low for most pesticides (Department of Pesticide Regulation 2016). For pesticide application at The Natomas Basin Conservancy land west of the proposed school site, State regulations require at least a 25-foot buffer and the buffer for the proposed project would be approximately 300 feet (Roberts, pers. comm. 2018; California Department of Pesticide Regulations 2018). As a result, this impact would be **less than significant**. However, the following mitigation measure has been added for planning purposes.

### **Mitigation Measures**

~~No mitigation measure is required.~~

#### Mitigation Measure 3.3-4: Install Air Filtration.

NUSD shall require its contractor(s) to install air filtration for all classroom spaces with air filtration with a Minimum Efficiency Reporting Value (MERV) of 13 or greater for heating, ventilation and air conditioning (HVAC) systems.

#### **Significance after Mitigation**

Impact 3.3-4 is less than significant before mitigation, since the project site is consistent with all the recommendations described above per the ARB Handbook; however, Mitigation Measure 3.3-4 has been imposed for planning purposes, and ensures compliance with the 2019 Minimum Efficiency Reporting Value standards. The impact is less than significant.

### **SECTION 3.4, BIOLOGICAL RESOURCES**

On page 3.4-22 of the Draft EIR, the following revisions have been made to a description of the Natomas Basin Habitat Conservation Plan:

The NBHCP is a regional conservation plan for mitigating impacts on covered species from covered activities carried out by the permittees over the 50-year term of the ITPs. ~~The primary goal of the NBHCP is to create a system of habitat reserves that would support giant garter snake, Swainson's hawk, and the other 20 species covered under the plan.~~ The NBHCP establishes a multispecies conservation program to minimize and mitigate the expected loss of habitat values and incidental take of covered species that could result from urban development, operation and maintenance of irrigation and drainage systems, and certain activities associated with TNBC management of its system of reserves established under the NBHCP. The goal of the NBHCP is to minimize incidental take of the Covered Species in the Permit Areas and to provide mitigation for the impacts of Covered Activities on the Covered Species and their habitat. TNBC manages these reserves, which serve as mitigation lands for covered activities carried out in the Permit Areas. The NBHCP provides coverage for TNBC activities in Sacramento County related to management of these conservation lands. Sacramento County is not a permittee under the NBHCP, and the NBHCP does not provide incidental take permit coverage for development in the unincorporated portions of Sacramento County within the Natomas Basin.

On page 3.4-26, the following revision has been incorporated into Bullet 5 of Mitigation Measure 3.4-1a:

- 24-hours prior to construction activities, the project biologist will survey areas of suitable habitat within the project site for giant garter snakes. Survey of the project area will be repeated if there is a lapse in construction activity of two weeks or greater. If a snake is encountered during construction, construction will cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Any sightings will be reported to the USFWS at (916) 414-6600, and to the CDFW at (916) 358-2384.

On page 3.4-27, the following revision has been incorporated into Bullet 1 of the Project-Specific Avoidance and Minimization Measures:

- Once the biologist determines there are no giant garter snakes present in the construction area, NUSD will install temporary exclusion fencing around work areas that are within 200 feet of aquatic habitat where suitable upland habitat is present, to prevent giant garter snakes from entering the work area during construction. The fencing will be maintained for the duration of the construction activities. If exclusion fencing is not installed, a qualified biological monitor will be present during all activities in suitable habitat within 200 feet of giant garter snake aquatic habitat. A qualified biological monitor will be present during any work within the West Drainage Canal.

On page 3.2-27, the following revisions have been incorporated into Bullet 1 of Mitigation Measure 3.4-1a:

- No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes will be used anywhere in the project area. ~~placed when working within 200 feet of snake aquatic habitat.~~ Acceptable erosion control materials include coconut coir matting, tackified hydro-seeding compounds, or other material approved by CDFW and USFWS.

On page 3.4-32, the following revision has been incorporated into Bullet 2 of Mitigation Measure 3.4-1d:

- If active nests are found, impacts will be avoided by establishing appropriate buffers, in consultation with CDFW. No project activity will commence within the buffer area until the biologist confirms that the nest is no longer active. If the biologist determines that construction activities threaten to destroy an occupied nest or significantly disrupt breeding or rearing of young, a no-construction buffer zone (e.g., 50-foot diameter for passerines and 300-foot diameter for raptors) would be designated by the biologist; construction may only resume within this zone after it has been determined that breeding has ceased and any young birds have fledged.

On page 3.4-28, the following revisions have been incorporated into Mitigation Measure 3.4-1b:

Because of the high value of foraging habitat within the Natomas Basin to the recovery and survival of the Central Valley population of Swainson's hawk, the likely presence of active nests within 1 mile of the project site, and the County ordinance ~~requirement~~ guidance to mitigate loss of AG-80 lands at a minimum 1:1 ratio, NUSD will replace each acre of foraging habitat lost (~~18 acres~~) as a result of implementing the project by creating 1 acre of higher quality ~~alfalfa~~ foraging habitat on lands that are currently used for lower foraging quality crops such as ~~oat, wheat,~~ corn, ~~cotton,~~ safflower, and sunflower, or unsuitable crops such as orchards and vineyards, rotating in, as necessary, to other field and grain crops that still provide high-quality foraging value. The total acreage of foraging habitat lost shall be calculated based on final designs, but shall not exceed 20 acres. Rice fields will not be used for conversion to alfalfa because that would potentially result in an adverse effect on giant garter snake. The mitigation habitat will be located within 1 mile of suitable nesting habitat and within 2 miles of an active nest. This mitigation would result in greater compensation than under the NBHCP, which only requires mitigation at a ratio of 0.5:1. NUSD's proposed mitigation also goes beyond what is ~~required under~~ described in the County ordinance and CDFW guidelines, which ~~require~~ specify only that applicants replace lost foraging habitat with similar habitat and not that they provide higher quality foraging habitat. The replacement habitat will be managed for Swainson's hawk foraging values in perpetuity. NUSD will provide for the long-term management of the habitat management lands by funding a management endowment (the interest on which will be used for

managing the lands) at the applicable rate. The funds will be provided to CDFW in a manner consistent with CDFW policy for land acquisition.

## **SECTION 3.8, HAZARDS AND HAZARDOUS MATERIALS**

On page 3.8-19, the following revisions have been incorporated into Impact 3.8-3:

The Sacramento ALUCP indicates that the project site is located within the AIA and is within Referral Area 1. Land uses in Referral Area 1 are subject to height limitations for airspace protection based on criteria set forth in FAR Part 77. Furthermore, the ALUCP reviews land uses proposed in Referral Area 1 that could attract wildlife; create light or glare; or cause electronic hazards (see Section 3.8.2, “Regulatory Context” above). The project does not propose land uses that create light and glare which could be mistaken for airport lighting or visually impair pilots, and does not propose any antennas or communications facilities that could interfere with radio communications. The proposed project does not include landscape features or any other features that could attract birds. In addition, the on-site detention basin would drain within a maximum of 48 hours and would remain dry between storms consistent with FAA guidance (FAA 2007). Wildlife is currently associated with waterbodies in the area, including Fisherman’s Lake and the West Drainage Canal. There are no features of the detention basin that would increase bird use of the area. When the detention basin is full after storm events, there is also standing water throughout the area. There is nothing particular to the detention basin that would attract a disproportionate number of birds to the school’s detention basin.

In addition, the ACLUP defines six airport safety zones that identify locations where certain types of proposed development and infrastructure may be restricted on the basis of safety compatibility. The project site is located in Zone 4 and Safety Zone 6. Most of the proposed outdoor recreational facilities are in Zone 6. The playing fields would be located in Safety Zone 4. However, there is a portion of an open turf play area in Zone 4, along with parking, a detention basin, and landscaping. SACOG considers the playing fields as “Group Recreation,” and the ALUCP conditionally allows athletic fields with limited spectator stands under this land use category so as long as athletic fields are more than one-half mile from the airport runway and an alternative site outside the zone would not serve the intended function (SACOG 2013a, Chew, pers. comm., 2018).<sup>1</sup> Because playfields need to be on the same site as the school to serve their intended function and the playfields are more than one-half mile from the airport runway and no spectator seating is proposed, SACOG has indicated that the playfields would be an allowable use Zone 4 (Chew, pers. comm., 2018). All buildings would be placed in Safety Zone 6 where K–12 schools are a normally compatible use.

The project landscape plan does not include planting that is known to represent a significant hazardous wildlife attractant. The FAA and U.S. Department of Agriculture document, “Wildlife Hazard Management at Airports,” recommends against use of millet and other large-seed producing grasses, fruit trees, and other plants that will not be used on-site.

The following mitigation measures has been added for planning purposes.

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<sup>1</sup> Limited spectator stands are defined by the ALUC as the amount of seating to accommodate a maximum of 100 people.

## Mitigation Measures

~~No mitigation measure is required.~~

### Mitigation Measure: 3.8-3a: Prohibit Plants That Would Attract Hazardous Wildlife, Maintain Detention Facility, and Monitor Site for Hazardous Wildlife.

The project landscape architect will review the landscape plan with a qualified wildlife damage management biologist or using guidance for plants near airports from the FAA, USDA, Cooperative Extension, and/or with other recognized experts to confirm the plant list prior to construction. NUSD will maintain the detention facility so that it continues to drain within 48 hours of a 24-hour storm event, and make improvements, if necessary, to achieve this performance standard. NUSD will monitor the site for the presence of hazardous wildlife and, if necessary, retain a qualified wildlife damage management biologist to prepare and execute a management strategy, in communication with the Sacramento County Department of Airports, to discourage hazardous wildlife on-site.

### Mitigation Measure 3.8-3b: Prepare an Avigation Easement before Occupancy of the School Site and Provide Notice of Aircraft Operations.

Prior to the occupancy of structures associated with the Paso Verde School on those parcels located wholly or partially within Airport Safety Zone 4 and 6, NUSD shall execute and record an avigation easement to the County of Sacramento as owner of Sacramento International Airport that acknowledges the location of the airport relative to the project site, acknowledges that aircraft will continue to operate, and agrees that NUSD will not install structures that would obstruct air navigation. NUSD will collaborate with the Sacramento County Department of Airports on a mutually agreeable avigation easement that addresses the interests of NUSD and the County as they relate to operation of the school and the Sacramento International Airport. A form of notice shall also be created to be provided by NUSD to notify parents of students that all land within the school site is or may be at a future date be exposed to low and frequent airport overflights, aircraft noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused or may have been caused by the operation of aircraft landing at, taking off from, or operating at or on Sacramento International Airport. NUSD will also provide the Sacramento County Department of Airports an opportunity to review and comment on the proposed language of such notice prior to distributing it to parents.

### Mitigation Measure: 3.8-3c: Use of Site Consistent with the Airport Land Use Compatibility Plan.

The NUSD will restrict use of areas of the project site that are in Safety Zone 4, consistent with the guidance in the Sacramento International Airport Land Use Compatibility Plan. NUSD will ensure that the site plan and the ongoing operation of the school will avoid use of any school-curriculum-related use within Safety Zone 4, including physical education and recess. In addition, the emergency procedures developed for the Paso Verde School will include evacuation drills that do not involve the use of any areas within Safety Zone 4.

### **Significance after Mitigation**

The impact is less than significant before mitigation, since the project does not have features, and the landscape plan does not include plants that are known to be a substantial wildlife attractant, but this mitigation measure has been imposed for planning purposes, and provides benefits related to long-term drainage facility management and monitoring for hazardous wildlife. The impact is **less than significant**.

On page 3.8-20, the following revisions have been incorporated into Mitigation Measure 3.8-4:

**Mitigation Measure 3.8-4: Demonstrate Compliance with the California Fire Code, California Building Code, and City of Sacramento Fire Department Requirements and Standards.**

Prior to the approval of project designs and issuance of grading permits, the NUSD shall demonstrate to compliance with California Fire Code requirements and City of Sacramento Fire Department standards, including those related to defensible space; fuel breaks; access road length, dimensions, and finished surfaces for firefighting equipment; fire hydrant placement; and fire flow availability. The NUSD shall further demonstrate that ignition-resistant building materials have been incorporated into project designs consistent with the California Building Code. The NUSD shall keep grasses and weeds on the undeveloped portion of the property mowed to a height of 4 inches or less.

### **SECTION 3.9, HYDROLOGY AND WATER QUALITY**

On page 3.9-17, the following revisions have been incorporated into Mitigation Measure 3.9-1a:

**Mitigation Measure 3.9-1a: Acquire Appropriate Regulatory Permits and Prepare and Implement a SWPPP and BMPs.**

Prior to the ~~issuance of grading permits~~ start of grading, NUSD shall obtain coverage under the SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ as amended by Order No. 2012-0006-DWQ), including preparation and submittal of a project-specific SWPPP at the time the NOI is filed with the CVRWQCB. The SWPPP and other appropriate plans shall identify and specify:

On page 3.9-21, the following revisions have been incorporated into Mitigation Measure 3.9-2:

**Mitigation Measure 3.9-2: Coordinate with RD 1000 ~~and CVRWQCB~~, Prepare and Submit a Drainage Plan, and Implement Requirements Contained in the Plan.**

NUSD shall coordinate with RD 1000 to design a drainage system that limits peak discharges into the RD 1000 drainage system per RD 1000 requirements. In addition, before the approval of grading plans and building permits, NUSD shall prepare a final drainage plan that incorporates CVRWQCB requirements to appropriately convey off-site upstream runoff through the project site, and demonstrate that project-related on-site runoff would be appropriately contained in detention basins and managed with through other improvements (e.g., source controls) to reduce flooding and hydromodification impacts. The drainage plan shall include, but is not limited to, the following items:

- an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods (which may consist of those contained in the *Sacramento City/County Drainage Manual Volume 2: Hydrology Standards*), that accurately evaluates potential changes to runoff, including increased surface runoff;
- runoff calculations for the 10-year and 100-year (0.01 AEP) storm events (and other, smaller storm events as required) shall be performed and the trunk drainage pipeline sizes confirmed based on alignments and detention facility locations finalized in the design phase;
- a description of the proposed maintenance program for the on-site drainage system;
- project-specific standards for installing drainage systems;
- a description of on-site features designed to treat stormwater and maintain stormwater quality before it is discharged from the project site (e.g., vegetated swales, infiltration trenches, and constructed wetland filter strips); and
- stormwater management BMPs that are designed to limit hydromodification ~~and maintain current stream geomorphology~~. These may include, but are not limited to, the following:
  - use of LID techniques to limit increases in stormwater runoff at the point of origination (these may include, but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; impervious surfaces disconnection; and trees planted to intercept stormwater);
  - the use of detention basin inlet and outlet water control structures that are designed to reduce the rate of stormwater discharge;
  - enlarged detention basins to minimize flow changes and changes to flow duration characteristics;
  - minimize slope differences between any stormwater or detention facility outfall channel with the existing receiving channel gradient to reduce flow velocity; and
  - minimize to the extent possible detention basin sizes, embankments, culverts, and other encroachments into the channel and floodplain corridor, and utilize open bottom box culverts to allow sediment passage on smaller drainage courses.

On page 3.9-23, the following revision has been incorporated into Mitigation Measure 3.9-3:

**Mitigation Measure 3.9-3: Develop and Implement a Best Management Practice and Water Quality Maintenance Plan.**

Before final approval of improvement plans, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by NUSD. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs and LID features proposed for the project. The plan shall include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features, which shall include final water quality basin sizing and design configuration.
- Pre-development and post-development calculations demonstrating that the proposed water quality BMPs and LID features meet or exceed requirements established by RD 1000 and Sacramento County and including details regarding the size, geometry, and functional timing of storage and release. Pollutants are removed from stormwater in detention basins through gravitational settling and biological processes depending on the type of basin.
- Source control programs to control water quality pollutants on the project site, which may include but are not limited to recycling, street sweeping, storm drain cleaning, hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of trash collection areas.
- A pond management component for the proposed basin that shall include management and maintenance requirements for the design features and BMPs.
- LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees or other types of landscaping planted to intercept stormwater runoff.

On pages 3.9-26 and 3.9-27, the following revisions have been incorporated into Mitigation Measure 3.9-5c:

Mitigation Measure 3.9-5c: ~~Obtain a CLOMR from FEMA and~~ Implement Requirements of Sacramento County Floodplain Management Ordinance.

Before the approval of grading plans, NUSD shall submit for, and obtain, a Floodplain Management Permit from the County Floodplain Administrator.

~~Before the approval of grading plans, site improvements, and/or building permits, NUSD shall submit final drainage plans demonstrating to the satisfaction of the County Floodplain Administrator that the proposed project would appropriately accommodate 10 year, 100 year (0.01 AEP), and 200 year (0.005 AEP) flood flows.~~

NUSD shall comply with the standards set forth in the Sacramento County Floodplain Management Ordinance (Sacramento County Zoning Code, SZC-2014-0007), which includes obtaining a Floodplain Management Permit (Chapter 5, Section 95.01). The NUSD shall provide all information identified in Section 905.01 and as is prescribed by the Floodplain Administrator. ~~In support of the permit application, NUSD shall provide the County with the following:~~

- ~~Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the property, existing or proposed structures, fill, storage of materials, and drainage facilities.~~
- ~~Proposed elevation in relation to currently adopted Vertical Datum of the lowest floor of all buildings, elevation of highest adjacent preconstruction natural grade and proposed elevation of lowest floor of all buildings.~~
- ~~Proposed elevation in relation to currently adopted Vertical Datum to which any structure will be flood proofed, if required in Chapter 6.~~
- ~~Location and elevation of the base flood and the floodway, both before and after proposed development.~~
- ~~Location, volume and depth of proposed fill and excavation within the 100-year floodplain and the floodway.~~
- ~~Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.~~

In addition to the above, as part of the Floodplain Management Permit, NUSD shall comply with any other conditions imposed by the Sacramento County Floodplain Administrator including the dedication of easements. The Floodplain Administrator may also require that NUSD enter into a written agreement with the County holding the County of Sacramento and the Sacramento County Water Agency free from liability for any harm that may occur to any real or personal property or person by flooding (Chapter 5, Sections 905-06 and 905-07).

~~NUSD shall also comply with the new construction standards set forth in Chapter 6 of the Sacramento County Floodplain Management Ordinance, which include, but are not limited to, the following (Section 906-06):~~

- ~~Identify special or local flood hazard areas and the elevation of the base flood.~~
- ~~Provide the elevation of proposed buildings and pads, and assure the proposed pads will be at least 1 foot above the base flood elevation.~~
- ~~Be designed in accordance with the Floodplain Management Ordinance and the County Improvement Standards to minimize flood damage.~~
- ~~Provide a drainage system report in accordance with the County Improvement Standards with a narrative describing the existing and proposed stormwater management system, including all discharge points, collection, conveyance, and stormwater storage facilities.~~
- ~~Provide a drainage system map including, but not limited to, sub watershed boundaries and the property's location within the larger watershed, predevelopment and post development terrain at 1-foot contour intervals and the location of all existing and proposed drainage features. Include a plan~~

~~of the parcel showing applicable proposed revisions to pre-development and postdevelopment surface drainage flows.~~

- ~~• Stormwater calculations by a professional civil engineer shall be submitted to the Floodplain Administrator, including but not limited to, detention basin sizing, storm drain pipe sizing and overland flow path design.~~
- ~~• No new construction or substantial improvements or development may occur without the approval of the Floodplain Administrator and without demonstrating that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not have adverse impacts to downstream, upstream, or adjacent properties.~~

### SECTION 3.13, TRAFFIC AND TRANSPORTATION

On page 3.13-12, the following revisions have been incorporated into Table 3.13-9:

Description	Mode	Quantity	Auto Occupancy Rate	Auto's	Trip Generation						
					Daily	AM Peak Hour			Afternoon Peak Hour		
						In	Out	Total	In	Out	Total
Staff	Auto	50	1.10	45	180	45	0	45	0	30	30
K-8 students regular day	Auto (75%)	683	1.75	390	1,560	390	390	780	390	390	780
	Bike / Ped (25%)	227	N/A	N/A	--	--	--	--	--	--	--
K-8 students extended day	Auto (75%)	22	1.75	13	52	13	13	26	0	0	0
	Bike / Ped (25%)	8	N/A	N/A	--	--	--	--	--	--	--
TK students	Auto (100%)	60	1.25	48	192	48	48	96	0	0	0
	Bike / Ped (0%)	0	N/A	N/A	--	--	--	--	--	--	--
Volunteers / visitors	Auto	25	1.00	0	50	5	0	5	0	5	5
<b>Total</b>					<b>762,034</b>	<b>81501</b>	<b>56451</b>	<b>60952</b>	<b>60390</b>	<b>15425</b>	<b>15815</b>
Equivalent trip generation rate per student					2.03	53%	47%	0.95	48%	52%	0.82
Notes: TK = Transitional kindergarten											

On page 3.13-17, the following revision has been incorporated into Impact 3.13-4:

As shown in Exhibit 2-2 in Chapter 2.0, "Project Description," the project site's main access via a connection to Del Paso Road at the Hovnanian Drive intersection. The main access road would connect to on-site parking and student drop-off areas. The traffic signal at the Del Paso Road and Hovnanian Drive intersection would be modified to accommodate the school's fourth leg of the intersection. Del Paso Road would be widened to provide two westbound travel lanes, and the curbside lane would be configured to create a separate westbound right turn lane that extends easterly to the end of the westbound Del Paso Road through lane near Wyndview Way. Del Paso Road would be restriped to create an eastbound left turn.

On page 3.13-18, the following revision has been incorporated into Mitigation Measure 3.13-5:

**Mitigation Measure 3.13-5: Prepare and Implement a Construction Traffic Control Plan.**

The NUSD shall prepare and implement a traffic control plan per City Code 12.20.030 to the satisfaction of the City Traffic Engineer for construction activities that may affect road rights-of-way, in order to facilitate travel of emergency vehicles on affected roadways. The traffic control plan must illustrate the location of the proposed work area; provide a diagram showing the location of areas where the public right-of-way would be closed or obstructed and the placement of traffic control devices necessary to perform the work; show the proposed phases of traffic control; and identify any time periods when traffic control would be in effect and the time periods when work would prohibit access to private property from a public right-of-way. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, and a flag person to direct traffic flows when needed. During construction, access to the existing surrounding land uses shall be maintained at all times, with detours used, as necessary, during road closures. The plan may be modified by to eliminate or avoid traffic conditions that are hazardous to the safety of the public.

### **SECTION 3.14, UTILITIES AND SERVICE SYSTEMS**

On page 3.14-8, the following revision has been incorporated under “Methodology”:

Impacts related to utilities and service systems that would result from the proposed project were identified by comparing existing service capacity against future demand associated with implementation of the proposed project. Environmental impacts related to constructing the infrastructure to serve the future development, including electrical infrastructure, are analyzed throughout the various environmental topic specific sections of this EIR. The placement of these utilities has been considered in the other sections of this EIR, such as Section 3.3 of this EIR, “Air Quality,” Section 3.4, “Biological Resources,” Section 3.5, “Cultural Resources,” and other sections, which specifically analyze the potential for future development. Impact related to energy consumption are addressed in Section 3.15, “Energy.” Impacts related to stormwater management are addressed in Section 3.10, “Hydrology and Water Quality.”

On pages 3.14-13 and 3.14-14, the following impact and mitigation measure have been added:

**IMPACT**      **Demand for New or Expanded Electrical Infrastructure.** Implementation of the proposed project  
**3.14-6**            **would require new on-site electrical infrastructure and extension of existing off-site electrical infrastructure. Because a utility service plan demonstrating adequate on-site and off-site infrastructure is available to serve the proposed project has not been prepared, this impact would be potentially significant.**

The proposed project would include extension of electricity services by Sacramento Municipal Utility District (SMUD). The proposed project would construct a self-contained distribution system that connects to the existing off-site electrical infrastructure. The on-site service lines would be sized to meet the demands of the proposed project and public utility easements will be dedicated for all facilities. The location of this infrastructure would be planned in collaboration with SMUD and the location of infrastructure would be identified in the final project design. As part of the project approval process, the

NUSD would be required to coordinate with, and meet the requirements of SMUD regarding the extension and locations of on-site and off-site electrical infrastructure.

The proposed electrical-utility improvements would be required to comply with all existing local and utility requirements, Building Energy Efficiency Standards (Title 24 of the California Code of Regulations) and applicable requirements of the California Building Standards Code.

Because a utility service plan demonstrating adequate infrastructure is available to serve the proposed project has not been prepared, this impact would be **potentially significant**.

Mitigation Measure 3.14-6: Collaborate with SMUD to Prepare Utility Service Plans for Electrical Services and Submit Written Verification to the City that Adequate Infrastructure is Available Before Issuance of Building Permits.

The NUSD shall prepare a utility service plan that identifies the electrical infrastructure sizing and locations to serve the school facilities. The NUSD shall provide utility service plans to SMUD for any improvements that are proposed within the SMUD transmission line easement. Before issuance of building permits, the NUSD shall submit to the City written verification that SMUD has adequate electrical infrastructure available to meet the demand of the school facilities.

### **Significance after Mitigation**

Implementation of Mitigation Measure 3.14-6 would reduce impacts associated with the demand for new on-site electrical infrastructure to a **less-than-significant** level because the NUSD would prepare a utility service plan in collaboration with SMUD that demonstrates adequate on-site and off-site electrical infrastructure would be available to serve the project site.

## **CHAPTER 5, OTHER CEQA CONSIDERATIONS**

On page 5-33, the following revisions have been incorporated into Section 5.2.1:

In addition, development of the school site would not indirectly induce growth by providing new water ~~and wastewater~~ infrastructure or roadway improvements that could be used to serve new development beyond the school site. Water ~~and sewer~~ systems would be constructed specifically to serve the school site and not have capacity to serve areas outside the site. If public water ~~and sewer~~ systems are used, water ~~and wastewater~~ infrastructure would be connected to existing facilities with the capacity to serve the amount of proposed development.

The onsite wastewater infrastructure would be sized to accommodate the sewer flows of only the school site ~~and would not have capacity to serve areas outside the site~~. The on-site sewer flows would be conveyed through an off-site pipeline and discharge to the existing trunk sewer on Hovnanian Drive. The off-site sewer infrastructure has been designed consistent with SASD's Standards and Specifications, which requires off-site sewer systems be sized to serve future development within the sewer shed regardless of current zoning or land use (SASD 2013). For the proposed project, the off-site pipeline would include capacity to serve the project site; adjacent undeveloped parcels; and areas contributing flows to the Westborough lift station, which is anticipated to be abandoned in the future (Wood Rodgers

2018). SASD has stated that the on-site and off-site sewer infrastructure meets SASD requirements (Murray, pers. comm., 2018). Therefore, the sewer infrastructure would not induce unplanned growth.

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