

## CHAPTER 3 COMMENTS AND RESPONSES

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This chapter contains the comment letters received in response to the Draft EIR during the public review period (November 11, 2013 – January 10, 2014). Each comment letter is numbered, each comment is bracketed, and responses are provided to each comment. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project unrelated to its environmental impacts) may either be discussed or noted for the record. Where text changes in the Draft EIR are warranted based on comments received, updated project information, or information provided by City of Sacramento staff, those changes are included in the response to comment, and are also listed in Chapter 2 of this Final EIR.

The changes to the analysis contained in the Draft EIR represent only minor clarifications/ amplifications and do not constitute significant new information. In accordance with CEQA Guidelines, Section 15088.5, recirculation of the Draft EIR is not required.

A list of all commenters is provided below followed by the Master Responses prepared to address issues that were raised in numerous comment letters followed by the comment letters and responses.

Letter Number	Date of Letter	Sender Organization
<i>State and Local Agencies</i>		
1.	1/10/14 1/24/14	Tracey Frost, Interim Chief, Office of Transportation Planning – South, Caltrans
2.	12/17/13	David Stewart, Utilities Engineers, California Public Utilities Commission
3.	12/24/13	Trevor Cleak, Environmental Scientist, Water Board
4.	12/31/13	John Moody, Water Resources Control Engineer, Water Board
5.	1/9/14	Wes Mindermann, Supervising Waste Management Engineer, CalRecycle
6.	1/10/14	Mark McLoughlin, Director of Environmental Services, California High Speed Rail Authority
7.	11/14/13	Robb Armstrong, Principal Engineering Technician, Sacramento Regional County Sanitation District
8.	12/18/13 & 12/20/13	Chris Pair, Assistant Planner, Regional Transit
9.	1/8/14	John Lewis, Environmental Specialist III Sacramento County Environmental Management Department
10.	1/3/14	Larry Greene, Executive Director, Sacramento Metropolitan Air Quality Management District

Letter Number	Date of Letter	Sender Organization
<i>Organizations</i>		
11.	1/10/14	Jude Lamare, Friends of the Swainson's Hawk
12.	1/10/14	Kori Titus, Breathe CA
13.	1/10/14	Laurie Litman, Friends of the River
14.	1/8/14	Betsy Weiland, Save the American River
15.	1/10/14	Chris Holm, Walk Sacramento
16.	1/10/14	Jordan Lang, Sacramento Area Bicycle Advocates
17.	1/8/14	Richard Guerrero, ECOS
18.	1/9/14	Ellen Cochrane, East Sacramento Preservation
19.	1/10/14	Julie Murphy, Marshall School/New ERA Park
20.	No date	Terry Reed, Marshall School/New Era Park
21.	1/8/14	Deane Dana, McKinley/East Sacramento
22.	1/10/14	Laurie Litman, 350 Sacramento
23.	1/10/14	Lori Ward, Friends of Sutter's Landing Park
24.	1/10/14	Suzie Johnston, Boulevard Park
25.	1/10/14	Paul Noble, East Sacramento Improvement Association
26.	1/10/14	Rob Finley, Neighbors United for Smart Growth
27.	12/19/13	Harry Wang, Physicians for Social Responsibility
28.	1/9/14	Heather Sullivan, Love East Sac
29.	12/11/14	Daniel Fonseca, Shingle Springs Rancheria
30.	12/19/14	Gene Whitehouse, UAIC
<i>Individuals</i>		
31.	1/10/14	Ash Pirayou, Rutan & Tucker, LLP
32.	12/20/13	Elizabeth Schlegel
33.	1/10/14	Dale Steele
34.	11/22/13	Kate Lenox
35.	1/7/14	Kate Lenox
36.	12/25/13	Nicole Pardo
37.	1/10/14	Thomas Quasebarth
38.	11/18/13	Antonia Chapralis
39.	12/29/13	Antonia Chapralis
40.	12/29/13	Tim Chapralis
41.	11/18/13	Terry Kastanis
42.	12/13/13	Don and Jill Anderson
43.	12/17/13	Amy Anderson
44.	12/17/13	Kevin Baker
45.	12/17/13	Tom Meagher
46.	12/18/13	John Hickey
47.	12/18/13	William Reany

Letter Number	Date of Letter	Sender Organization
48.	12/19/13	Alan Parker
49.	12/20/13	Shelly Lusk
50.	12/26/13	Bruno R. Barreyra
51.	12/26/13	Greg deGiere
52.	12/27/13	Douglas Thompson
53.	12/27/13	Monique Melvin
54.	12/28/13	Alan and Rosemary Miller
55.	12/29/13	Rafael Rodriguez
56.	1/3/14	Susan Norris
57.	1/3/14	Tina Cerruti
58.	1/4/14	Ellen Hoffman
59.	1/6/14	Carolina Esparza
60.	1/7/14	Michael Ragusa
61.	1/7/14	Amy Anderson
62.	1/7/14	Fred Glickstein
63.	1/7/14	Kathy Kayner
64.	1/7/14	Kevin Wehr
65.	1/7/14	Ellen Trescott
66.	1/7/14	Dale Kooyman
67.	1/7/14	Donna Pozzi & Henrik Jul Hansen
68.	1/8/14	Barbara Thalacker
69.	1/8/14	Susan French
70.	1/8/14	Mike Yoshihara
71.	1/8/14	David Baumgartner
72.	1/8/14	Coral Henning
73.	1/8/14	Michael Saeltzer
74.	1/8/14	Kristin Thompson-Higgins
75.	1/9/14	Heather Phillips
76.	1/9/14	Vickie Valine
77.	1/9/14	Pamela Milchrist
78.	1/9/14	Julie Yoshihara
79.	1/9/14	Lyle Stockton
80.	1/9/14	Valerie Roberts
81.	1/9/14	Richard (Tony) VanCuren
82.	1/9/14	Aja Uranga-Foster
83.	1/9/14	Emily Wright
84.	1/9/14	Dina Cataldo
85.	1/9/14	Deniz Tuncer
86.	1/9/14	Tiffanie Simpson

Letter Number	Date of Letter	Sender Organization
87.	1/9/14	Michael Murphy
88.	1/9/14	Cheryl Sherman
89.	1/9/14	Judy McClaver
90.	1/9/14	Rhoda McKnight
91.	1/9/14	JoEllen Arnold
92.	1/9/14	Jennifer Cummings
93.	1/9/14	Laura Legrand
94.	1/9/14	Colin Crane
95.	1/9/14	Vito Sgromo
96.	1/9/14	Nancy Cornelius
97.	1/10/14	Glenn Brank
98.	1/10/14	Dave Edwards
99.	1/10/14	Pat Lynch
100.	1/10/14	Lori Ward
101.	1/10/14	Doug DeSalles
102.	1/10/14	Laurie Litman
103.	1/10/14	Mallory Marsh
104.	1/10/14	Louis Demas
105.	1/10/14	Jan Ellen Rein
106.	1/10/14	Chris Smith
107.	1/10/14	Robert Winger
108.	1/10/14	Richard Kitowski
109.	1/10/14	Nancy Yamada
110.	1/10/14	Jeremy Lockwood
111.	1/10/14	The Weide Family
112.	1/10/14	Erin Kelly Macko
113.	1/10/14	Beth Campbell
114.	1/10/14	Rose Luther
115.	1/10/14	Kristin Rapinac Graessle
116.	1/10/14	Margaret Buss
117.	1/10/14	Gary and Susan Brill-Lehn
118.	1/10/14	Tim Davis
119.	1/10/14	Rob Finley
120.	1/10/14	Susan Brank
121.	1/10/14	Ellen Cochrane
122.	1/10/14	John and Mary Lou Allen
123.	1/10/14	George Raya
124.	1/10/14	Tamarin Austin
125.	1/10/14	Susann Hadler

<b>Letter Number</b>	<b>Date of Letter</b>	<b>Sender Organization</b>
126.	1/10/14	Carl Seymour
127.	1/10/14	Janet Maira
128.	1/10/14	Linda Carpenter
129.	12/30/13	Sidney Norris

**List of Master Responses**

1. Overview of Alhambra Boulevard and Lanatt Street as Project Access
2. School Capacity
3. Traffic Count Timing/School Traffic/Utility Work Disruptions
4. 28th Street Half-Street Closure
5. Request for Additional Study Locations in Midtown and East Sacramento
6. Persons Per Household (pph rates)
7. Health Risk Assessment
8. Consistency with Applicable General Plan Policies
9. 28th Street At-Grade Train Crossing
10. Livability

## Master Response 1

### Overview of Alhambra Boulevard and Lanatt Street as Project Access

Several commenters questioned whether alternate access points at Lanatt Street, 30th Street and/or Alhambra Boulevard had been considered, and some provided their opinion that such access points would be preferable to the proposed 40th Street access or A Street access. In addition, numerous commenters requested that the Alhambra bicycle/pedestrian underpass be constructed as part of the first phase of development and inquired as to what would happen if Union Pacific (UP) does not approve construction of this underpass.

According to the Sacramento 2030 General Plan, the project site was not planned with any specific access locations other than the A Street Bridge. The Draft EIR evaluated the project as proposed by the applicant. The proposed project shows two access points to the project site which is consistent with the requirements of the City Code (City Code 15.36.050) and the 2013 California Fire Code which requires two fire apparatus access roads for every subdivision. As discussed in the Draft EIR, the traffic analysis prepared for the project concludes that both proposed project access points (the new intersection of 40th Street/C Street between Tivoli Way and 40th Street, and the 28th Street /A Street intersection) function at LOS A during the AM and PM peak hours under Existing Plus Project conditions. In the absence of a significant effect, CEQA does not require an examination of other access.

Given the interest of commenters related to other access points, below is a summary of factors that were considered related to access points:

#### Lanatt Street Access

As discussed in the Draft EIR, a new bridge structure/roadway underpass at Lanatt Street was determined to be infeasible and is not the preferred access compared to 40th Street for a number of technical, engineering, and operational reasons. These reasons were disclosed in the Draft EIR (Chapter 2- Project Description, Site Access Overview, page 2-49) and are summarized below:

- Lanatt Street serves industrial uses where large trucks back into commercial/industrial driveways on the street, temporarily blocking the street during this operation. This could cause potential safety concerns for traffic entering and exiting the McKinley Village site in addition to delaying emergency vehicles from entering the project site.
- Construction of the underpass would pose significant business disruption for existing businesses during construction.
- If the driveway to the existing industrial site south of the underpass is to remain, then there is a potential unsafe sight distance issue for vehicles exiting McKinley Village via the underpass. Traffic exiting the project site would not have sufficient sight distance to

see traffic entering and exiting this industrial driveway. Removing the driveway would impair access to the existing industrial uses.

- Given the industrial/commercial nature of Lanatt Street as indicated above, 40th Street would be a more direct route, particularly for walking and bicycling, to Theodore Judah School, transit (Bus Line 34), employment (Cannery Business Park), McKinley Park, and other local commercial uses.

### Alhambra Boulevard Access

A new railroad bridge structure/roadway underpass at the northern terminus of Alhambra Boulevard was considered and was determined to be infeasible and not preferred compared to 40th Street, for a number of reasons. These were documented in the Draft EIR (Chapter 2-Project Description, Site Access Overview, page 2-46) and also summarized below:

- According to UP the railroad line must be kept in operation during construction of the new railroad bridge/underpass at the Alhambra location. Maintaining operations would require building temporary tracks (“shooflys”) alongside the existing tracks for a distance dictated by railroad design criteria (e.g., acceptable radii). Because of the proximity of Alhambra Boulevard to the Capital City Freeway, constructing shooflys at this location would require the building of a new bridge over the freeway at significant cost, assuming that Caltrans and UP would approve the building of the bridge. In addition, given design requirements, the shoofly would likely extend beyond the 28th Street at-grade crossing and thus likely require construction of a new temporary at-grade crossing at 28th Street. The shoofly issue does not arise in the context of the proposed bicycle/pedestrian tunnel because that tunnel is proposed to be constructed by boring under the tracks without the need of a shoofly.
- Nearby properties along Alhambra Boulevard south of the UPRR tracks would be impacted by the construction of the Alhambra underpass as the proposed roadway elevation would be lower than existing. The parcel at the northwest corner of B Street and Alhambra Boulevard would be mostly impacted with the construction of bridge/roadway underpass and would require driveway modifications.
- Due to the proximity of A Street Bridge with a roadway underpass at Alhambra Boulevard, there will be a need to construct another bridge (A Street) over the Alhambra Boulevard extension into the project site or closure of the A Street access. The extension of Alhambra Boulevard onto the site will also be in conflict with the City’s potential surge tank location which is north of the extension of A Street.
- If the Alhambra Boulevard underpass were constructed as a second access, its close proximity to the A Street access does not provide for appropriate emergency access to the site.

There was an example provided by a commenter for a project in Merced (BNSF Railroad Underpass at G Street) where a staging approach was used. It is not feasible to use the staging approach utilized in the Merced project for a vehicular underpass alternative at the Alhambra location since the Merced and Alhambra locations have different characteristics. The staging concept used at G Street in Merced required intermittent track closures, yet there were available siding tracks that were used during construction that kept train services in operation during construction. Based on information provided by UP, they will not allow removing the tracks from service at this location, therefore this phasing/staging plan is not possible. (See e-mail from Patrick Prosocki, UP Program Manager Commuter Operations, to John Bishop, Parsons, dated December 3, 2013, attached hereto as Exhibit 1 and letter from Patrick Prosocki of UP to John Bishop of Parsons, dated February 24, 2014, attached hereto as Exhibit 2). Therefore, the project must shoofly all tracks impacted by the project unless the work remains under the tracks, as is currently proposed for the pedestrian and bike underpass.

In addition to the technical and engineering obstacles outlined above, the project applicant has indicated that an access point at Alhambra Boulevard is economically infeasible. According to an "Estimate for Full Width Roadway" prepared in November 2013, by Parsons, the cost to construct the Alhambra underpass is \$28.4 million (Alhambra Underpass at UPRR Estimate for Full Width Roadway, submitted to Encore McKinley Village LLC, prepared by Parsons, attached hereto as Exhibit 3). The estimate does not include the substantial additional costs associated with required easement and landscaping. The City has reviewed the cost estimate and determined that it was within the expected range of costs.

For each of the above reasons, a bridge/roadway underpass at Alhambra Boulevard was deemed to be infeasible and not proposed as an access point to the project site.

### 30th Street Access

The 30th Street extension was not considered as an alternative access to the project site because of the same reasons discussed above with respect to a bridge/roadway underpass at Alhambra Boulevard. Moreover, 30th Street is within very close proximity to the Capital City Freeway and there is not sufficient space or right-of-way available to construct such a bridge/roadway underpass without affecting the existing storage building located south of the UP tracks.

### 40th Street Access

Notably, while a shoofly would be needed in conjunction with the railroad bridge structure at the 40th Street extension, at the 40th Street extension, the shoofly would be constructed on temporary embankments on the project site and no bridge over the freeway would be required and disruption to train services will be minimized.

Apart from the above issues of infeasibility with respect to the Lanatt Street and Alhambra Boulevard access points, the 40th Street access has certain advantages over both those access points. The 40th Street access provides proximate and direct access, particularly for walking and bicycling, to Theodore Judah Elementary School, local grocery shopping, employment, restaurants and other businesses within East Sacramento. Additionally, it will not interrupt existing businesses or cause an access impact to any existing residential properties. (See Figure 1, Bike/Walking Distances from 40th and A Streets, in Chapter 2 of this Final EIR).

#### Phasing of Construction of the Alhambra Bicycle/Pedestrian Underpass

The underpass, if approved by UP and the appropriate government agencies, is not proposed to be constructed in Phase 1 by the applicant for several reasons: (1) the orderly and most efficient phasing of the overall project, which generally progresses from east to west, would place the construction of the tunnel no earlier than Phase 2, as the nearby house lots make up the later planned stages of Phase 2 and Phase 3, not Phase 1; (2) constructing the tunnel in Phase 1 would create potential safety and security concerns, as there would not be any "eyes on the tunnel" from residents in their houses, as Phase 1 houses are all in the central and eastern portions of the project site; and (3) the project applicant believes that delivery of the tunnel in Phase 1 would be economically infeasible in as much as Phase 1 of the project is already burdened with substantial infrastructure costs, including but not limited to the 40th Street vehicular underpass and a substantial amount of the backbone infrastructure for the project.

The proposed Alhambra pedestrian/bicycle underpass, if approved by UP and the appropriate government agencies, while preferred by the applicant, is not required mitigation. To ensure a conservative analysis of study area roadway facilities, the traffic study in the Draft EIR does not include a reduction to the vehicular trip generation estimates based upon a shift in mode split to bicycle trips (beyond the quantity already built into the ITE trip generation rates), and the estimated number of vehicle trips on study roadway facilities would not change in the absence of the proposed Alhambra bicycle/pedestrian tunnel.

The proposed Alhambra bicycle/pedestrian underpass is included in the Draft EIR in Chapter 2, Project Description (DEIR, p. 2-45). The presence of the underpass was not relied on in the Draft EIR to reduce potential significant effects, with one exception. In Impact 4.9-3, the undercrossing was referenced in the discussion of project effects on pedestrian facilities. In light of the possibility that the undercrossing, which is subject to approval by UP and the appropriate government agencies, may not be constructed, that text under Impact 4.9-3 on page 4.9-61 is changed as follows:

The project applicant will construct curb, gutter, sidewalks and planters per City standards, which will ensure that pedestrian movement is facilitated by adequate infrastructure. ~~in~~

~~addition to a new off-street bicycle/pedestrian trail and a bicycle/pedestrian undercrossing of the UPRR tracks at the northern terminus of Alhambra Boulevard. Pedestrians would be able to arrive and depart the project site via 40th Street providing access to East Sacramento and the McKinley Park neighborhood and via A Street, the A Street Bridge and the extension to 28th Street, providing access to Sutter's Landing Regional Park and Midtown.~~ The impact would be **less than significant**.

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From: Patrick G. Proski [<mailto:PGPROSOS@UP.COM>]  
Sent: Tuesday, December 03, 2013 8:16 AM  
To: Bishop, John  
Cc: Peggy J. Ygbuhay; Martin K. Rump; Chris T. Keckeisen  
Subject: Alhambra Underpass, City of Sacramento Comment, Sacramento, CA, Alhambra Blvd, MP 91.2 Martinez Sub, 38 34 54 N, 121 27 41 W

John, thank you for following up with me this morning. UPRR is willing to consider moving the proposed McKinley railroad structure as you have described below. I would need to see a proposal on paper and run it through the Omaha design team for approval if you elect to pursue this option.

It is not acceptable to UPRR to use a phasing/staging plan of any type of that would take a track out of service for any duration. Freight and passenger traffic at this location cannot not be interrupted. All tracks must remain in service at all times in this corridor.

I am not familiar with the BNSF project you referenced below. There are locations where creative staging methods can be used successfully and this is not one of them based on the operating requirements. You will need to shoofly all tracks impacted by your projects. Please call me if you have questions, concerns or we need to discuss this further.

Patrick

UPRR Program Manager Commuter Operations (See attached file: Proski\_Patrick.vcf)

[[cid:3\\_09BBF6A5DFC548EA8f9e8a93df9386909@UP.COM](mailto:09BBF6A5DFC548EA8f9e8a93df9386909@UP.COM)] "Bishop, John" ---12/02/2013 09:50:19 AM---Good morning Pat, We are continuing to design the McKinley vehicle Underpass adjacent to the existing

From: "Bishop, John"  
<[John.Bishop@parsons.com](mailto:John.Bishop@parsons.com)<<mailto:John.Bishop@parsons.com>>>  
To: "Patrick G. Proski" <[PGPROSOS@UP.COM](mailto:PGPROSOS@UP.COM)<<mailto:PGPROSOS@UP.COM>>>  
Date: 12/02/2013 09:50 AM  
Subject: Alhambra Underpass, City of Sacramento Comment, Sacramento, CA, Alhambra Blvd, MP 91.2 Martinez Sub, 38 34 54 N, 121 27 41 W

Good morning Pat,

We are continuing to design the McKinley vehicle Underpass adjacent to the existing Lanatt Street at-grade crossing and the smaller pedestrian tunnel at Alhambra with support and agreement from the City that the locations for each are the right ones, however, at a recent meeting held by the City of Sacramento, a question came up on why we could not construct a vehicular underpass (basically identical to the McKinley Underpass) at Alhambra instead of the Lanatt location and delete the pedestrian tunnel. The question and the attachment which shows a recent approved staging scheme on BNSF tracks in Merced, CA came from a local community representative and not the City. I know about the particular project shown in the attachment and BNSF actually constructed the underpass and a private contractor performed all the other civil work.

We feel we need to shoofly the three existing tracks at the Alhambra to construct this larger alternative underpass because of the three tracks at Alhambra and reduced clearances. I would like to get your opinion on the feasibility of the staging as shown in the attachment to put the idea to rest. Again the major differences between our location and the one shown in the attachment is that we have three tracks including two mainline tracks and a siding track and the attachment showed only one mainline and one siding existing at the G Street site. We also have less horizontal clearance between the tracks of about 14'-6" rather than 15' that existed at G street as shown in the attachment.

To your knowledge, has UP ever approved such staging as represented in the attachment and do you think it could apply at Alhambra given the three track complications and reduced clearances?

John S. Bishop, SE  
Senior Project Manager  
Bridge and Tunnel Division  
Parsons  
2495 Natomas Park Drive, Suite 600  
Sacramento, CA 95833

Cell: (916) 201-9086

[john.bishop@parsons.com](mailto:john.bishop@parsons.com)<mailto:john.bishop@parsons.com>

(See attached file: G Street UP Excerpts.pdf)

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UNION PACIFIC RAILROAD  
1400 Douglas Street Omaha, Nebraska 68179

February 24, 2014

Mr. John Bishop  
Parsons Engineering

Subject: McKinley Village, request for UPRR track outage on mainline track. Martinez Sub

John:

This letter is in response to your request for Union Pacific Railroad consideration to remove the existing mainline tracks from service to support construction activities associated with the proposed McKinley Village grade separation projects on the Martinez sub, west of the Elvas wye. As you are aware, this double mainline location supports a mixture of freight, conventional commuter service and Amtrak service. There is a passenger station west of this location and as noted above, the Elvas wye is immediately east of the proposed project. This is a critical main line route and connection for Union Pacific Railroad with heavy traffic volumes and no opportunity to re-route trains without extensive impacts to both freight and passenger operations.

Operationally, it is not acceptable to remove the tracks from service at this location to support construction activities on the railroad right of way. The Union Pacific Railroad Engineering department will continue working with your design team to review and approve a shoofly plan that will keep the existing tracks in service to support your project moving forward. Please contact me if you have questions or concerns.

Sincerely,



Patrick Prosocki, P.E

Union Pacific Railroad  
Program Manager -Commuter

1400 Douglas st

Omaha NE 68179-0910



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**ALHAMBRA UNDERPASS  
AT UPRR**

**ESTIMATE FOR FULL WIDTH  
ROADWAY**

**Submitted to:**

**Encore McKinley Village, LLC**

**Prepared by:**



*2495 NATOMAS PARK DRIVE, SUITE 600*

*SACRAMENTO, CA 95833*

*CONTACT : JOHN S. BISHOP, SE*

*916-576-2769*

**NOVEMBER 25, 2013**

Parsons has developed a preliminary estimate to construct an underpass at Alhambra providing two lanes of traffic and bicycle and pedestrian access meeting City of Sacramento standards. The cost to construct and associated engineering, review, and inspection costs are based upon our recent and on-going experience designing railroad underpasses, including the 40<sup>th</sup> Street Underpass, and recent projects on State Highways with Caltrans oversight. The items of work needed to complete the underpass include:

1. Build a temporary shoofly embankment accommodating three tracks north of the existing embankment.
2. Construct three temporary shoofly tracks extending from approximately 300 feet west of the existing 28<sup>th</sup> street at-grade crossing to 1500 feet east of the Alhambra underpass. Remove the existing 28<sup>th</sup> Street at-grade crossing and construct a temporary re-aligned at-grade crossing.
3. Construct a two-span temporary underpass structure consisting of precast concrete box girders or rolled steel wide flange girders across Business 80.
4. Lower and reconstruct Alhambra Blvd from approximately 125 feet south of the centerline of B Street (300 feet from most southerly track) to the existing roadway termination and construct new roadway from the existing termination to the northerly UP right-of-way line.
5. Relocate two fiber optic lines in UP right-of-way and sewer, gas, and water lines in Alhambra Blvd and B Street to accommodate lowering Alhambra Blvd.
6. Construct a permanent two span precast concrete box girder underpass over Alhambra Blvd.
7. Construct flood gates and associated embankments on the north side of the UP embankment.
8. Construct a grade separation structure for Alhambra Blvd to pass under A Street due to the elevation difference between Alhambra Blvd and A Street.
9. Reconstruct portions of permanent track and the 28<sup>th</sup> Street at-grade crossing removed during construction.
10. Remove the temporary shoofly tracks, structure, and embankment.

**Estimate**

FLOOD PROTECTION	GATES AND EMBANKMENTS	\$2,000,000
STRUCTURE	ALHAMBRA UNDERPASS	\$3,200,000
	A STREET GRADE SEPARATION	\$350,000
ROADWAY	ALHAMBRA BLVD	\$500,000
	A STREET MODIFICATIONS	\$400,000
SHOOFLY	TEMPORARY FILL	\$4,000,000
	TEMPORARY TRACKS	\$3,500,000
	TEMPORARY AT-GRADE CROSSING	\$1,000,000
	TEMPORARY UNDERPASS AT BUSINESS 80	\$8,000,000
SOFT COSTS	ENGINEERING	\$2,250,000
	CM	\$1,900,000
	UTILITY RELOCATION	\$500,000
	CALTRANS REVIEW AND INSPECTION	\$300,000
	UP REVIEW AND INSPECTION	\$300,000
	UP FLAGGING	\$200,000
<b>TOTAL</b>		<b>\$28,400,000</b>

Estimate does not include costs of landscaping, right-of-way acquisition, property displacements, or temporary construction easements.

Estimate includes removal costs and an industry standard 25% contingency on all items for this stage of project study.

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## **Master Response 2 School Capacity**

Several comments were received regarding the capacity of local schools, specifically Theodore Judah Elementary School and Sutter Middle School within the Sacramento City Unified School District (SCUSD).

The proposed project would result in enrollment of additional school-age children that would reside in the project area. As described in the Draft EIR (p. 4.7-5), the project site was located within the boundary of the Twin Rivers Unified School District (TRUSD) at the time of the Notice of Preparation, but the nearest schools to the project site were within SCUSD. A transfer of the site into the SCUSD was proposed, and has since been approved by the Sacramento County Committee on School District Organization (on December 17, 2013, Resolution CC-13-02). The Draft EIR examined school capacities in both districts, and estimated the number of potential students based on the approved student-generation formulas of both SCUSD and the TRUSD. SCUSD student generation rates are higher, and to employ a conservative analysis the Draft EIR uses the higher student population number. Per Table 4.7-4 in the Draft EIR, the total estimated number of students is 258 (using the higher end of the generation rates, which ranges from 230 to 258 students).

Since the publication of the Draft EIR, the number of housing units in the proposed project has been revised to 336. Using SCUSD student generation rates, this yields 265 students. Of these, 148 would be elementary school students, 40 middle school students, and 77 high school students. The slight increase in projected students does not change the results of the analysis in the Draft EIR. As discussed below, the number of potential new students would not exceed the capacity of the affected schools.

The analysis of school capacity by the City (the lead agency) under CEQA is narrowly prescribed by State law. Government Code 65996(a) specifies that the payment of school facilities fees is the exclusive method of “considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property...” Nevertheless, the Draft EIR considered impacts on the schools that would potentially experience increased enrollment related to the project.

The nearest SCUSD schools (and the “home schools” following the transfer to SCUSD) would be Theodore Judah Elementary School and Sutter Middle School. The reported 2013/2014 school year enrollment figures for these two schools are 581 and 1,115 students, respectively (see DEIR Table 4.7-2). SCUSD has since provided updated enrollment numbers for Theodore Judah Elementary School (SCUSD pers com., January 7, 2014). Current enrollment is 564

students, 17 less than reported in the Draft EIR). Some commenters asked if the Draft EIR considered the effects of the closure of Washington Elementary School on Theodore Judah. Washington Elementary School was closed at the end of 2012/2013 school year, so the 2013/2014 figures used in the Draft EIR reflect enrollment changes resulting from the closure of that school.

The reported capacities for these two schools are 859 at Theodore Judah and 1,403 for Sutter Middle School. Several commenters question these estimates, and noted from personal observation that those campuses, particularly Theodore Judah, do not appear to have excess capacity, and that those figures were generated only for purposes of school closures. These figures are reported by SCUSD facilities planners, and while they were used in the recent round of 2012/2013 school closures, they are used for a variety of planning purposes. As such, these reported capacities are not theoretical capacities, but capacities that could be achieved without major additions (see SCUSD Right-Sizing Capacity Report, January 30, 2013). SCUSD has acknowledged that some modifications and renovations may be required at Theodore Judah, and that this may cause some disruption. This is neither unusual, nor a potentially significant impact for purposes of CEQA. Sutter Middle School could accommodate the estimated number of additional students under existing conditions.

The actual enrollment effect to Theodore Judah is likely to be much less than the sudden introduction of 148 students in addition to the current 581 students. Not all of the elementary school students living within the project area would be expected to attend Theodore Judah. As an “open enrollment” district, students have the option to attend schools other than the school in their attendance area, in addition to the choice of private schools. To illustrate the potential effect of open enrollment, 65.8% of the eligible students within the Theodore Judah attendance area attended the school in 2012/2013. In the 2013/2014 school year that percentage rose to 71% (385 out of 542 potential students). Applying the higher percentage to the revised student generation figures yields 105 elementary school students (10 more than the Draft EIR estimate).

The project will be developed over a period of time and not all proposed residences would be occupied at the same time. Parents of school age children would move into the project area gradually, and younger children in the neighborhood would reach school age at different times. Thus, the potential enrollment increase would be more gradual than the student generation rates suggest. Also, over time the new students within the attendance area may replace students from outside the attendance area (due to the SCUSD’s open enrollment, local preference policies). Of the current 564 students currently at Theodore Judah, 179 are from outside the attendance area. As these students graduate, they would very likely be replaced by additional students from within the attendance area. This would serve to slow or obviate the student increases and make the transition easier (as compared to the sudden closure of a school, which occurred between the 2012/2013 and 2012/2014 school year).

The Draft EIR properly considered the effects on schools related to the increase in school-age children in the project area. The analysis found that the existing facilities could absorb the estimated increases, although some adjustment at Theodore Judah may be necessary. However, as discussed above, the potential increase is likely to be gradual, and not as disruptive as suggested by the total potential number of students (using SCUSD student generation rates).

The impact analysis in the Draft EIR adequately identified and evaluated the relevant issues related to school enrollment.

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### **Master Response 3**

#### **Traffic Count Timing/School Traffic/Utility Work Disruptions**

Several comments have been received indicating that the traffic counts used for analysis of impacts in the Draft EIR were conducted during summer months when school was not in session, and the Draft EIR should be revised to include traffic counts taken when Theodore Judah Elementary School is in session.

As explained in the Draft EIR, daily roadway segment and AM (7:00–9:00) and PM (4:00–6:00) peak period intersection turning movement counts used for the existing conditions analysis were conducted by Caltrans several days in April 2013 (April 17–19 and 23–25) for the E Street On Ramp Closure project and by the City’s transportation consultant, Fehr & Peers, on May 30, 2013, and on several days in October 2013 (October 2, 3, and 10). During all counts, weather conditions were generally dry and the Sacramento City Unified School District was in full session. (DEIR, p. 4.9-23.)

Traffic counts were also conducted in the eastern portion of the study area on July 31, 2013, when the Sacramento Unified School District was not in session, and were utilized to quantify the effect of school-related traffic upon traffic patterns on local roadways within the study area (DEIR, p. 4.9-23). These counts were not used in the analyses of study facilities contained in Section 4.9. The July 31, 2013 counts were utilized solely to conclude that school travel patterns increase traffic in the vicinity of Theodore Judah Elementary School by approximately 21% during the AM peak hour.

During the collection of the October counts (October 2, 3 and 10), utility work was on-going in the eastern portion of the study area as part of the City’s East Sacramento Water Main Project. This work involved street closures that generally affected one road per day. Roads affected by closures on October 2 and 3 during the collection of traffic counts were recounted on a later date October 10 when they were fully open to traffic. In all cases, the higher of the two traffic counts was used for the analysis. (DEIR, p. 4.9-23.)

The traffic counts utilized in the Draft EIR were conducted with the knowledge that various activities and seasons, including school attendance, can affect traffic volumes and patterns. The traffic counts for the project were conducted in such a manner as to ensure that events that could substantially affect the counts were taken into proper account. The comments relating to traffic counts do not identify substantial evidence that alters the accuracy of the counts themselves, the circumstances under which they were obtained, or the conclusions regarding traffic impacts that are based on such counts.

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#### **Master Response 4 28th Street Half-Street Closure**

Several comments have been received indicating support for a half-street closure on 28th Street at the intersection of C Street or B Street to direct southbound 28th Street traffic eastbound to 29th Street, where it would continue southbound.

As documented in Table 4.9-9 in Section 4.9, Transportation and Circulation (DEIR, p 4.9-51), implementation of the proposed project would add approximately 1,100 daily trips to the segment of 28th Street between C Street and E Street under Existing Plus Project conditions. This increase does not constitute a significant impact. However, as discussed on page 4.9-94, 28th Street is categorized as a local street within the 2030 General Plan and has homes facing the street. For this reason, the Draft EIR includes a recommendation that the City monitor traffic volumes on 28th Street after implementation of the proposed project to determine if a half-street closure is necessary at the C Street/28th Street intersection to divert southbound 28th Street traffic onto eastbound C Street. The discussion below identifies some of the relevant factors that would be considered as part of this process.

Monitoring of this location would utilize criteria set forth as part of the City's Neighborhood Traffic Management Program (NTMP) to determine the necessity and appropriateness of a range of potential traffic calming devices, including a half-street closure, the most restrictive form of traffic calming employed by the City. Installation of a half-street closure at this location would result in lower southbound traffic volumes on 28th Street by diverting traffic onto C Street (eastbound) where traffic would then continue to southbound 29th Street (which is designated as an arterial roadway in the 2030 General Plan).

The Draft EIR (p. 4.9-94) also states that while B Street provides a parallel connection between 28th Street and 29th Street located 400 feet to the north of C Street, C Street would be a preferable location for a half-street closure due to numerous factors, including the proximity of B Street to the 28th Street at-grade railroad crossing (approximately 135 feet), the vertical curvature of the B Street approach to 28th Street, and the fact that B Street currently lacks standard improvements including curb, gutter, and sidewalks (DEIR, p. 4.9-94). Additional signage and conversion of B Street from two-way to one-way operation as recommended by some commenters would not alleviate these factors.

The slope of southbound 28th Street between the railroad crossing and B Street is -10.3%, a steep downgrade that exceeds the maximum grade percentage for a 30 mph design speed (7% per AASHTO Green Book, Exhibit 5-4). This roadway segment also handles heavy truck traffic to/from industrial land uses located north of the railroad crossing. Introducing a diverter that would require heavy vehicles to decelerate to make a left turn on a steep downgrade is not

advisable. Further, the City of Sacramento Department of Public Works conducted an evaluation of the proposed half-street closure at the 28th Street/B Street intersection, and concluded that “the proposed half-street closure of the southbound 28th Street approach at the B Street intersection is not recommended for the safety purposes related to the queuing/stopping sight distance and operational complications” (Evaluation of Proposed Half-Street Closure at the 28th Street and B Street Intersection, January 30, 2014).

A half-street closure on 28th Street at C Street would introduce additional traffic into a short weave segment located on 29th Street immediately north of E Street (due to the fact that the half-street closure would divert southbound 28th Street traffic onto southbound 29th Street). At this location, one southbound lane of 29th Street merges with a two-lane off-ramp from the Capital City Freeway to form the northern approach to the E Street/29th Street intersection.

Southbound vehicles on 29th Street desiring to turn left onto eastbound E Street must make two lane changes in a distance of 180 feet, less than half the distance of a city block, while crossing through the generally higher-speed traffic stream exiting the freeway. Similarly, drivers exiting the freeway and desiring to turn westbound onto E Street must make one lane change to do so in a distance of 180 feet or less (the distance is reduced by approximately 25 feet for every vehicle queued in the right-most lane while the traffic light is red).

In summary, a half-street closure on 28th Street at C Street to divert southbound 28th Street traffic onto C Street may be utilized subject to criteria set forth as part of the City’s Neighborhood Traffic Management Program (NTMP). As documented in the Draft EIR on page 4.9-94, the City should monitor 28th Street traffic after the construction of the project to determine if a half street closure is necessary. Additional traffic calming measures would most likely be needed at C Street west of 28th Street.

## **Master Response 5**

### **Request for Additional Study Locations in Midtown and East Sacramento**

#### **Midtown**

Several comments have been received expressing concern that the traffic study did not include analysis of roadways within the northern portion of Midtown, especially facilities on F Street or G Street.

According to the traffic model utilized for the traffic analysis, project trips to/from destinations located in Midtown and Downtown to the west of the project site are more likely to utilize east-west roadways that provide for convenient travel and faster travel times (e.g. roads that lack of half-street closures, fewer stop-controlled intersections, coordinated traffic signal timing plans, multiple travel lanes). Output from the SACMET regional travel demand model used to assist in the development of the project trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 4.9-41, 4.9-43) indicates that of the project's 52% trips utilizing the A Street access, about 40% of trips to/from the proposed project (55 AM trips and 70 PM trips) will utilize the Capital City Freeway and/or one-way arterial streets located further to the south to access job centers located in Downtown Sacramento, while the rest of the project trips (82 AM trips and 106 PM trips) will utilize the Midtown roadways such as C,D,E,F,G, H Streets and the north south streets west of 28th Street to access Downtown.

Within the Midtown area, F Street and G Street are two-lane local roadways that run east-west through Midtown. Between 16th Street and 28th Street (within Midtown), F Street and G Street primarily serve to provide access to single-family housing and limited commercial land uses. Neither F Street nor G Street provide direct access to the Capital City Freeway, unlike E Street and H Street which run parallel to the north and south, respectively. F Street and G Street feature bi-directional vehicle travel lanes, bi-directional on-street bicycle lanes, and on-street parallel parking on both sides of the roadway. Both streets are stop-controlled at multiple intersections within Midtown, and also feature multiple traffic calming devices including bulb-outs, raised pedestrian islands, traffic circles, and half-street closures.

Half-street closures, the most restrictive form of traffic calming device employed by the City of Sacramento, prohibit through vehicular travel in one direction. Half-street closures on F Street are currently in place at the intersections of 16th Street (in the eastbound direction) and 25th Street (in the westbound direction). Half-street closures on G Street are currently in place at the intersections of 19th Street (in the eastbound direction) and 29th Street (in the westbound direction). In addition to the numerous other features of these streets discussed above, the half street closures assist with limiting through-traffic on F Street and G Street and maintaining low

traffic volumes consistent with the thresholds identified in the City of Sacramento 2030 General Plan for local roadways.

In summary, for all these reasons, the amount of additional traffic generated by the proposed project that would travel on F Street or G Street (only 3% of outbound trips [6 trips in the AM and 4 trips in the PM peak hour]) would not be projected to cause a significant impact and affect the operations of these roadways; based on that analysis F Street and G Street were not evaluated as part of transportation study.

### **East Sacramento**

Several comments have been received expressing concerns that several roadways and intersections within East Sacramento were not adequately analyzed in the Draft EIR, particularly 30th Street, C Street, McKinley Boulevard, Elvas Avenue, 36th Street, 37th Street, 38th Street, 39th Street and H Street

As discussed on page 4.9-3 of the Draft EIR, the study area was selected based on the project's expected travel characteristics (i.e., project location and amount of project trips) as well as facilities that could be impacted by the project. The traffic study included key intersections along most of the roadway segments identified by the commenters. As discussed on page 4.9-38 of the Draft EIR, intersections govern traffic operations in urban environments such as East Sacramento. Therefore, because roadway segments were included in the traffic analysis for the 2030 General Plan, the roadway capacity utilization results contained in the traffic analysis are for information purposes only.

The key intersections along each of the streets are analyzed in the Draft EIR (refer to page 4.9-4 and 4.9-5 of the DEIR for a complete listing). Further, some of the locations identified in the comment letters are far from the project and would have little to no project traffic.

Several comments requested that additional intersections within East Sacramento be analyzed such as 56th Street and H Street, Alhambra and McKinley, 39th Street and H Street, C Street and Alhambra and McKinley and 39th Street.

As discussed above, key intersections along the study roadways are analyzed in the Draft EIR. Two of the intersections listed (Alhambra/McKinley and C Street/Alhambra) are included in the Draft EIR analysis while some of the other intersections are far from the project and would have little to no project traffic (see Figures 4.9-7 and 4.9-8 for project trip distribution patterns). For example, several comments questioned why the McKinley Boulevard/39th Street intersection was not included in the analysis. As shown in Figures 4.9-7 and 4.9-8, one percent or less of project trips are projected to use the McKinley Boulevard/39th Street intersection, which equates to less than 40 daily trips and about 3 or 4 peak hour trips. This level of volume would

not change traffic operations at the intersection or be noticeable by drivers. Therefore, inclusion of the intersection in the study area was not justified.

In summary, intersections are the critical nodes that connect the roadway segments and determine whether traffic operations are acceptable. The amount of additional traffic generated by the proposed project that would travel to locations which are far from the project site is not anticipated to significantly affect the operations of these roadways/intersections and these locations were, therefore, not evaluated as part of transportation study.

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### **Master Response 6 Persons Per Household (pph rates)**

Some commenters assert the Draft EIR is flawed for allegedly failing to use the proper “per household” rate to determine the anticipated population for the project. According to the comments, the City’s determination to use the “per household” rate of 2.0 persons per household (pph) rather than the rate of 2.7 pph (or 2.54 pph) renders the environmental analysis inadequate.

An EIR evaluates physical changes to the environment attributed to a project. (CEQA Guidelines, Section 15358, subd. (b) [“[e]ffects analyzed under CEQA must be related to a physical change”].) Physical changes result from land disturbance due to project construction and development of the overall project “footprint.” In addition, physical changes can also include an increase in demand for services and/or increased traffic associated with generating a new population. An EIR also evaluates physical changes due to project operation that can include generation of air pollutants, noise, and use of hazardous materials.

Population changes alone, do not, in and of themselves, constitute a physical effect on the environment. (CEQA Guidelines, Section 15126.2, subd. (d) [CEQA does not assume that “growth in any area is necessarily beneficial, detrimental, or of little significance to the environment”].) The population estimate cited in the Draft EIR is based on the City’s pph rate used for planning purposes and has little bearing, if any, on the evaluation of environmental effects. The projection of the number of people a project would generate is only an estimate, and has limited utility because environmental impacts are primarily evaluated using a different metric based on the specific issue being evaluated.

The City’s rate of 2.0 pph for determining population is a blended rate used by the City’s Community Development Department to determine increases in population (email Tom Pace 6/25/13). As noted by some commenters, other rates are used in various City documents for different purposes. The City’s 2008-2013 Housing Element Update states the average household size for existing residential units in the City of Sacramento is 2.54 pph. (2008-2013 Housing Element, p. H3-8.) The City’s draft 2013-2021 Housing Element Update states the average household size in the City of Sacramento is 2.6 to 2.7 pph. However, the Master EIR for the City’s 2030 General Plan uses the rate of 2.0 pph for new growth. (Sacramento 2030 General Plan Master EIR, p. 5-13.) The pph rate identified in the City’s General Plan Master EIR is both a byproduct of differences between existing and new housing stocks (e.g., smaller lots and floor plans) and changes in demographics including an increase in senior headed households. (See, e.g., Draft 2013-2021 Housing Element, p. H3-11.) In consideration of these factors and consistent with the Master EIR for the 2030 General Plan, the City determined that, for purposes of the McKinley Village EIR, the rate of 2.0 pph was most appropriate, given the proposed land uses and densities. For the purposes of CEQA, the City is accorded substantial

deference in its determinations relating to topics within its authority and expertise, such as population issues within its jurisdiction. (*North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 643, quoting *Sonoma County Water Coalition v. Sonoma County Water Agency* (2010) 189 Cal.App.4th 33, 42.)

Some commenters suggest the Draft EIR should have used a rate of 2.7 pph or 2.54 pph, rather than the selected rate of 2.0 pph. Assuming a pph rate of 2.54 (as used in the 2008-2013 Housing Element Update) or a rate of 2.7 pph (as used in the 2013-2021 Housing Element Update adopted November 18, 2013) would increase the project's population by between approximately 181 to 235 residents, for a total of between 853 to 907 residents, respectively.<sup>1</sup> As explained below, the increase in population under either scenario would not change any of the significance findings in the Draft EIR.

Physical impacts associated with an increase in population are evaluated by analyzing increased demand for services. The Draft EIR properly evaluated the increase in demand for each potentially impacted resource based on industry standard demand rates provided either by the City or the service provider based on the specific land use. In other words, the Draft EIR did not rely upon the population rate of 2.0 pph to analyze potential environmental impacts caused by the proposed project.

To assess the increase in demand for parks, the City of Sacramento Code, Chapter 16, requires 5 acres of neighborhood and community park facilities per 1,000 residents. The City's parks department uses an assumption of 2.7 pph to calculate the number of acres of parks required for a project. The pph rate used by the parks department to calculate demand for parks is a rate developed specifically by the parks department to calculate increase in demand for parks for planning purposes. The project's overall population estimate (based on 2.0 pph) was not used to calculate the demand for park acreage required by the project. Rather, the Draft EIR used the rate of 2.7 pph to analyze potential impacts to parks (see DEIR pp. 4.7-25, 4.7-29-4.7-30).

To assess the increase in demand for schools based on an increase in students, each school district provides a generation rate based on the type of residential land use to determine the number of students a project will generate. The increase in demand for students is provided by the type of school (elementary, middle, high school). The project's overall population estimate was not used to calculate the increase in students generated by the project; rather, the Draft EIR used the generation rates provided by the Twin Rivers and Sacramento City Unified School

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<sup>1</sup> As discussed in Chapter 2 of this Final EIR, the project description has been revised to include 8 additional residential units, an increase from 328 to 336 units (a 2.4% increase). This Master Response compares the project population level based on the project residential unit count as revised (336 units) at 2.0, 2.54, and 2.7 pph.

Districts to analyze potential impacts to schools (see DEIR p. 4.7-24). Specifically, the Draft EIR relied upon the rates shown in the table below (see also Table 4.7-4, DEIR p. 4.7-24).

### Student Generation Estimates

Type of School	Single-Family Generation Rates		Number of Single-Family Units		Increase of Student Enrollment Generated by the Proposed Project	
	TRUSD	SCUSD	TRUSD	SCUSD	TRUSD	SCUSD
Elementary School (K-6)	.40	.44	336	336	134	148
Middle School (7-8)	.10	.12	336	336	34	40
High School (9-12)	.20	.23	336	336	67	77
<b>Total</b>	<b>.70</b>	<b>.79</b>	<b>336</b>	<b>336</b>	<b>235</b>	<b>265</b>

**Sources:** TRUSD 2013 and SCUSD 2013.

The increase in demand for police services resulting in the need to expand existing facilities to accommodate additional police personnel is based on the Sacramento Police Department's unofficial staffing goal of 2 sworn officers per 1,000 residents and 1 civilian support staff per 2 sworn officers (see DEIR p. 4.7-26). Assuming an increase in population of the project using a pph of 2.54 rather than 2.0 pph, the project would result in a population of 853 residents (197 more than assumed in the DEIR). Assuming this population, the project impact would be less than significant as disclosed in the Draft EIR and would still require the addition of approximately 1 sworn police officer and no additional civilian support staff members. According to Sergeant Matt Young at the Sacramento Police Department, the project would not require additional police personnel if the population assumption increased to 853 residents (pers comm. Sergeant Matt Young, 12/11/13). Similarly, assuming an increase in population of the project using a pph of 2.7 rather than 2.0, the project would result in a population of 907 residents and the project impact would remain less than significant as disclosed in the Draft EIR. According to Sergeant Young, the project would not require additional police personnel if the population assumption increased to 907 residents (pers comm. Sergeant M. Young, 12/11/13). Therefore, the finding of a less than significant impact in the Draft EIR (DEIR, p. 4.7-26) would not change if the project's population estimate was increased to reflect 2.54 pph or 2.7 pph.

The Sacramento Fire Department determines adequate service by response time and not by the number or ratio of firefighters per 1,000 persons (or population) (see DEIR p. 4.7-27). Assuming an increase in population of the project using a pph of 2.54 rather than 2.0 pph would not change the response time to the site because it is not affected by the number of people, but rather the time it takes to reach the site. Similarly, assuming an increase in population of the project using a pph of 2.7 rather than 2.0, response times to the project site would not change, because the response time to the site is not affected by the number of people. Therefore the

significance conclusions would not change if the EIR were to rely on a rate of 2.54 or 2.7 pph rather than the selected rate of 2.0 pph.

Similarly, the project's overall population estimate was not used to calculate the increase in demand for water, wastewater or landfill services. Rather, the project's potential to increase demand for water supply and treatment, wastewater treatment, and solid waste disposal were evaluated in the Draft EIR using specific generation rates developed by the City to determine the increase in demand based on the number of residential units and/or acreage amount (see DEIR pp. 4.8-26, 4.8-27). Specifically, the City uses the following demand factors to quantify increase in demand for water:

- Residential 3.05 acre-feet/year by acre
- Parks and recreation 3.89 acre-feet/year by acre
- Public Streets .09 acre-feet/year by acre.

To quantify the increase in demand for wastewater the City uses the following demand factors that were used in the Draft EIR to quantify the project's increase in wastewater (note: the slight decrease in single family units and addition of 24 multi-family units may result in a slightly lower demand):

- Residential 1.0 Equivalent Single Family Dwelling (ESD) (1 ESD = 400 gpd) per residential unit
- Recreation Center 6.0 ESD per acre.

To quantify the increase in demand for solid waste the City uses the following demand factors. The City does not have a separate demand rate for attached multi-family units; therefore, the increase in demand associated with a total of 8 new units would not change the less-than-significant impact identified in the Draft EIR.

- Single-family residential 1.1 tons/unit/year
- Recreation center 3.12 lbs/100 sf/day.

The change in demand for water, wastewater conveyance and treatment, and solid waste would not result in a significant new impact based on the new unit count; 24 multi-family units and 312 single-family units. However, since release of the Draft EIR the City has provided a new demand factor to quantify the increase in water demand, as shown in the table below. As shown in the table, the project's demand for water would be greater than what was assumed in the Draft EIR of 91.8 AFY (see DEIR Table 4.8-8, p. 4.8-26) for residential uses, but the impact would remain less than significant.

### Proposed Project Water Demand

Proposed Use	Demand Factor (Gallons per Day per Unit)	Demand Factor Equivalent (AFY)	Units	Total Demand (AFY)
Single-Family Residential	400	.448	312	139.75
Multi-Family Residential	225	.252	24	6.05
<b>Total</b>			<b>336</b>	<b>145.8</b>

The increase in wastewater is shown in the table below. The project's demand for wastewater treatment would increase 10,560 gpd from what was assumed in the Draft EIR (see DEIR Table 4.8-9, p. 4.8-26), but this slight increase would not change the finding of less than significant.

### Proposed Project Wastewater Generation

Proposed Use	Units	ESD Equivalent Factor (1 ESD = 400 gpd) <sup>1</sup>	Average Wastewater (gpd)	Peak Flow (gpd) (Peaking Factor = 3.3) <sup>1</sup>
Single-Family Residential	312	1.0 ESD	124,800	411,840
Multi-Family Residential	24	.75 ESD	9,600	31,680
Recreation Center	1.0 acre	6.0 ESD/acre	2,400	7,920
<b>Totals</b>			<b>136,800 gpd</b>	<b>451,440 gpd</b>

The increase in traffic and number of daily trips generated by a project is determined based on the type of land use (residential units) using trip rates assigned by the Institute of Transportation Engineers (ITE) land use designations (see DEIR pp. 4.9-38, 4.9-39 and text changes reflective of the slight increase in residential units in Chapter 2 of this Final EIR). This is the industry standard used by all traffic engineers to determine trip rates associated with a project. The project's overall population estimate (based upon 2.0 pph) was not used to calculate the increase in daily vehicle trips generated by the project; rather, the ITE industry standards were used for purposes of the traffic analysis in the Draft EIR. Specifically, to determine the trip rate associated with the project the traffic consultant calculated the number of daily trips using the ITE manual which generally equates to the following:

- Single family residential 9.55 trips/household
- Secondary units 7.25 trips/unit

- Neighborhood retail 42.7 daily trips per 1,000 square feet
- Multi-Family/Secondary Units 6.82

The new breakdown of units, 312 single-family and 24 multi-family units would slightly change the trip generation from 3,507 daily trips (see Table 4.9-8, Chapter 2, Text Changes to the Draft EIR) 3,513 daily trips. The increase of 6 trips would not change the significance finding of any impacts.

Lastly, exposure of future residents to toxic air contaminants was evaluated in the Draft EIR and in the Health Risk Assessment (DEIR p. 4.1-48 and Appendix C). Increasing the population of the project to between 853 to 907, assuming either a 2.54 pph or 2.7 pph, and conservatively using the maximum estimated cancer risk of 120 in 1 million would change the cancer burden from 0.05 to between 0.10 and 0.11. Therefore, even assuming a 2.54 or 2.7 pph potential cancer burden for residents of the proposed project remains minimal. Therefore, the finding of a less-than-significant impact in the Draft EIR (DEIR, p. 4.1-51) would not change if the project's population estimate were increased to reflect 2.54 pph or 2.7 pph.

## Master Response 7 Health Risk Assessment

Several commenters stated that it was not clear why the recommendation regarding siting of sensitive receptors near high-traffic roadways in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB Handbook) was not followed.

### **CARB Recommendations for Siting Sensitive Receptors Near Roadways**

In understanding the California Air Resources Board's (CARB's) recommendations regarding siting of sensitive land uses near sources of toxic air contaminants, it is important to note that CARB functions as a "trustee agency" under CEQA. As defined in Public Resources Code Section 21070, a "trustee agency" is a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California." CARB has general responsibility for protection of air quality in California, but it does not have permitting or approval authority over local land use decisions, which is retained by local government.

As indicated in the Draft EIR, the CARB Handbook, provides CARB's recommendation<sup>2</sup> to site residential uses no closer than 500 feet from freeways or other high-traffic roadways. Specifically, the CARB Handbook recommends, "[a]void siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day."

The introduction to the CARB Handbook clarifies these guidelines are strictly advisory recognizing that: "[I]and use decisions are a local government responsibility. The Air Resources Board Handbook is advisory and these recommendations do not establish regulatory standards of any kind." Also, CARB recognizes that there may be land use objectives as well as meteorological and other site specific conditions that need to be considered by a governmental jurisdiction relative to the general recommended setbacks, specifically stating, "[t]hese recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues" CARB Handbook, p. 4). The CARB Handbook further emphasizes the advisory nature with the statement:

These recommendations are advisory and should not be interpreted as defined "buffer zones." We recognize the opportunity for more detailed site-specific analyses always exists, and that there is no "one size fits all" solution to land use planning (CARB Handbook, p. ES-3).

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<sup>2</sup> Note that the column heading in Table 1-1 of the CARB Handbook indicates that CARB's recommendations are "advisory recommendations."

The Sacramento Metropolitan Air Quality Management District's (SMAQMD's) *Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* (Roadway Protocol) further points out, "[l]ocal land use jurisdictions retain all authority and decide after considering all relevant factors whether the land use project is appropriate" (Roadway Protocol, p. 2). The City will evaluate all relevant factors when considering whether to approve the project and certify the EIR.

### **Use of SMAQMD Roadway Protocol Screening Cancer Risk**

Several commenters cited the cancer risk of 200 in 1 million, which was obtained from the screening tables in the SMAQMD's Roadway Protocol, and misunderstood the use of this value. (This value is the estimated cancer risk assuming a 70-year exposure<sup>3</sup> to diesel particulate matter (DPM) emissions from a high-traffic roadway with conditions similar to those for the proposed project, as explained below.) Commenters then assumed this cancer risk would be used to represent vehicles traveling on the Capital City Freeway and that the health risk assessment (HRA) addressed only the added cancer risk resulting from locomotives operating on the Union Pacific Railroad (UPRR) tracks to the south of the project site. Due to this misunderstanding, some commenters assumed that the cancer risk contribution from locomotives was either 80 or 120 in 1 million. Some commenters also suggested that the HRA results were somehow inconsistent with this cancer risk value.

The value of 200 in 1 million was based on the screening tables provided in the Roadway Protocol. The screening values are based on conservative estimates of cancer risk for high-traffic roadways in Sacramento County. The purpose of the Roadway Protocol is to determine if the estimated cancer risk near a high-traffic roadway would exceed the "evaluation criterion" thus requiring a quantitative HRA. The user of the Roadway Protocol is directed to use conservative selections of vehicle trips per hour and distance to the nearest roadway lane from the "screening" tables where the estimated cancer risk is a function of the roadway orientation (e.g., east-west), the location of sensitive receptors relative to the roadway (e.g., north or south), distance from the closest lane of the roadway to the sensitive receptors, and hourly vehicle trips on the roadway. For the McKinley Village project, the hourly vehicle trips on Capital City Freeway are 11,700, per California Department of Transportation data for 2011. The closest, but higher, value is 12,000 in Table 1, 2011 Diesel PM Cancer Risk (Potential Incremental Cancer Chances per Million People) North and South of an East-West Roadway, of the Roadway Protocol. The applicable distance of any residence to the closest lane in Table 1 is 50 feet, but the actual distance is 58 feet; again, the more conservative value of 50 feet was applied. Therefore, the cancer risk is based on

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<sup>3</sup> A 70-year exposure period assumes that a residential receptor would be exposed to a carcinogenic TAC continuously (24 hours per day, 7 days per week) for 70 years while residing at one location.

conservative values. For these reasons, the estimated cancer risk of 200 in 1 million is an upper-end estimate. This value was not used further in the HRA.

A quantitative HRA was performed for the project using more appropriate data and refined modeling methodologies compared to those used to develop the “screening” tables in the Roadway Protocol. The Roadway Protocol recognizes that “[a] site specific HRA allows the cancer risk to be based on more precise site specific characteristics than are available through the screening tables” (Roadway Protocol, p. 5). Accordingly, the cancer risk resulting from the combined impacts of DPM from trucks on the Capital City Freeway and locomotives on the UPRR rail lines was determined using a refined analysis and the maximum estimated cancer risk was found to be 120 in 1 million. Thus, contrary to assertions by some commenters, the HRA *did not* determine the combined impacts by adding together the value from the Roadway Protocol and the modeled cancer risk associated with locomotive emissions. Specifically, the HRA did not determine a cancer risk of 80 or 120 in 1 million for the locomotives on the UPRR tracks, as stated in some comments, to be added to 200 in 1 million for vehicles on the Capital City Freeway from the Roadway Protocol.

### **Evaluation of Future Conditions**

Several commenters stated that the HRA should have reflected future conditions including increases in vehicle traffic on the Capital City Freeway, the proposed additional lane on the Capital City Freeway, increases in freight train traffic on the UPRR tracks, and increases in commuter train traffic on the UPRR tracks.

The use of future conditions is addressed on page 13 of the HRA, which discusses the potential for speculative future conditions (e.g., traffic volumes, vehicle emissions reflecting implementation of standards) over 70 years as well as consistency with the SMAQMD Roadway Protocol). However, to restate the HRA’s approach to using current conditions, the HRA preparers strived to emulate the methodologies used in the Roadway Protocol as much as possible for consistency. The desire for consistency with the Roadway Protocol reflects that there is no universally accepted approach to evaluating the effects of emissions from roadways, or even those from locomotive emissions for that matter. Because the SMAQMD’s methodology has been refined over several years since it was first proposed, the Roadway Protocol represents the most relevant guidance for a project in Sacramento County. The Roadway Protocol was based on 2011 traffic data and emission factors and does not account for future traffic volumes or emission factors. Furthermore, the cancer risk calculations in the HRA were based on a lifetime, 70-year exposure to sensitive receptors. While it is likely that traffic on local roadways will increase over time state and national emissions standards for future motor vehicles (which require more fuel efficient and cleaner burning engines) and the CARB in-use standards for heavy-duty diesel trucks and buses, along with normal fleet (vehicle) turnover, will

tend to result in decreased (and cleaner) motor vehicle emissions over time. Similarly, federal regulations mandate lower emissions for new and remanufactured locomotive engines and CARB continues in its efforts to reduce emissions from locomotives and rail yards in cooperation with railroad companies operating in California. Some of the potential increases in train traffic (e.g., new commuter trains) remain uncertain. For these reasons, the HRA was based on the assumption that the current conditions with respect to truck and locomotive emissions would continue for the full 70 years evaluated in the HRA.

### **Noncancer Health Effects**

Several commenters stated that the HRA should have assessed noncancer health effects, both in terms of a quantitative assessment of noncancer health effects and a discussion of the potential health effects associated with living near high-traffic roadways.

First, the HRA did evaluate the chronic noncancer health effect of DPM and also particulate matter with an aerodynamic diameter less than or equal to 2.5 microns (PM<sub>2.5</sub>). Increases in concentrations of the latter *criteria air pollutant* are associated with some noncancer health effects (e.g., asthma) to sensitive receptors living near high-traffic roadways or in areas with high levels of soot and air pollutants. Second, the HRA acknowledges these health effects on page 31 and provides citations to the CARB Handbook, and a more recent CARB document, Status of Research on Potential Mitigation Concepts to Reduce Exposure to Nearby Traffic Pollution. These documents are in the administrative record and are available to the decision makers for more information regarding these health effects.

The City uses the following threshold to determine if emissions of toxic air contaminants (TACs) would result in significant air quality impacts:

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

The City, which has the discretion to choose appropriate significance thresholds under CEQA, has decided that the health effects related to mobile source emissions should be evaluated in terms of cancer risk.

In addition, the Roadway Protocol states:

Currently, the Protocol provides some limited information on the non-cancer acute and chronic health risks, but does not recommend that those risks be quantified. Instead, project documents should include a qualitative discussion of the non-cancer acute and chronic health risks.

Accordingly, the focus of the HRA was to estimate the potential increase in cancer risk for residents living near the Capital City Freeway and UPRR tracks. Despite its focus on cancer risk, the HRA prepared for the project (DEIR Appendix C) includes a summary of noncancer health effects related to living near high-traffic roadways, and in response to NOP comments, the HRA did evaluate noncancer risks health effects of diesel particulate matter and evaluated PM<sub>2.5</sub> concentrations relative to a significance threshold recommended by the Bay Area Air Quality Management District. These assessments found the impacts would be less than significant. (HRA, pp. 31-33.) The HRA thus concludes “the residents of the proposed project are not anticipated to be exposed to significant noncancer health effects from DPM or PM<sub>2.5</sub>.” (HRA, p. 33.)

### Other Toxic Air Contaminants

Several commenters requested that the HRA assess the health effects of other TACs associated with motor vehicles.

The primary TAC associated with heavy-duty trucks and locomotives is DPM. Other TACs associated with diesel trucks, locomotives, and gasoline-fueled vehicles include benzene, 1,3-butadiene, and other toxic organic compounds. Some of these TACs are carcinogens (i.e., they cause cancer), and exposure to some of these TACs may result in acute or chronic noncancer health effects (see Noncancer Health Effects above). In the interest of consistency with the Roadway Protocol, the HRA focused on DPM as an indicator of the health effects associated with living near high-traffic roadways. While the evaluation criterion from the Roadway Protocol was not used as a significance threshold, the intent of the HRA was to follow the methodologies provided in the Roadway Protocol closely.

The Roadway Protocol discusses the assessment of other TACs. It says:

The cancer risk due to diesel PM exposure is more significant than the other carcinogenic MSATs [mobile source air toxics]. Because the cancer risk posed by vehicle MSAT emissions is dominated by diesel PM exposure, the screening tables are based on diesel PM cancer risk.

The appendix to the Roadway Protocol explored the benefits of including other TACs, specifically benzene and 1,3-butadiene from gasoline vehicles. It found “increased cancer risk due to PM [particulate matter] emissions at any distance from the roadway is over a factor of 40 larger than the corresponding cancer risk due to benzene emissions” and “[a] similar calculation shows that the cancer risk due to 1,3-butadiene emissions is comparable to that of benzene.” Assuming a maximum cancer risk due to DPM of 120 in 1 million, the contribution from benzene and 1,3-butadiene would be less than 10 in 1 million. With respect to other TACs from diesel-fueled trucks or locomotives, the Office of Environmental Health Hazard Assessment’s *Air*

*Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* provides some direction. Appendix D, Risk Assessment Procedures to Evaluate Particulate Emissions from Diesel-Fueled Engines, states “[the] noncancer and cancer health factors were developed based on whole (gas and particulate matter) diesel exhaust. The surrogate for whole diesel exhaust is diesel PM.” That is, when an HRA is performed for diesel engine sources, only the DPM emissions are analyzed. There is no need to evaluate the cancer risk of other TACs associated with diesel engine exhaust.

Accordingly, the overall cancer risk would not be substantially different if these other TACs were included than that assessed in the HRA, and the conclusion that the impact would be less than significant would remain the same.

### **Cancer Burden**

Some commenters believed that the cancer burden was incorrectly calculated either based on an underestimate of the project’s population or use of the nominal cancer risk instead of the maximum cancer risk.

As stated on page 31 of the HRA, “cancer burden uses the cancer risk estimates to compute the estimated number of theoretical cancer cases in a defined population resulting from a lifetime exposure to carcinogenic TACs.” The estimated cancer burden is the product of the cancer risk and the exposed population. For the proposed project, the exposed population is that which would reside within the project site. The HRA based on the cancer burden calculation on a nominal cancer risk of 80 in 1 million, representing the upper-end cancer risk over of the majority of the project site and a population of 656 persons. As detailed in the Persons Per Household Master Response 6, the number of residential units has been increased from 328 to 336 units, and the persons per household could be as high as 2.7, depending on the source of this value. These values would equate to a project population of 907. When multiplied by the *maximum* cancer risk of 120 in 1 million, the cancer burden would be 0.11. It should be noted that the entire project site would not be exposed to a cancer risk of 120 in 1 million; however, to be conservative this value has been used to recalculate the cancer burden. The revised cancer burden still indicates that less than one person could contract cancer assuming a 70-year exposure under the modeled scenario of DPM emissions.

### **Use of Pre-Project Monitoring Data**

Some commenters suggested that conducting pre-project monitoring for TACs at the project site and calculating health effects based on the collected data would be a better approach than an HRA based on vehicle and locomotive emission calculations and dispersion modeling. One commenter specifically suggested that on-site monitoring of PM<sub>2.5</sub> including DPM should have been conducted as the basis for the HRA.

Monitoring of PM<sub>2.5</sub> at the project site may not indicate whether the PM<sub>2.5</sub> is associated with vehicles on the Capital City Freeway, the trains on the UPRR tracks, or simply indicative of PM<sub>2.5</sub> present in the larger Sacramento region. PM<sub>2.5</sub> is a regional air pollutant that reflects the influence of many sources of emissions besides directly emitted PM<sub>2.5</sub>. It may be composed of directly emitted PM<sub>2.5</sub>, finely-divided organic aerosols, and salts from secondary reactions, such as ammonium nitrate and ammonium sulfate. Additional monitoring for a DPM surrogate, such as elemental carbon, would be required to further characterize the PM<sub>2.5</sub>. As indicated elsewhere in this response, the health risk assessment was conducted in a manner consistent with industry standards and the SMAQMD's Roadway Protocol. Health risk assessments of the type conducted for the proposed project have been conducted for stationary source permitting and CEQA documentation for more than 25 years. The methodologies are well established by air districts and the Office of Environmental Health Hazard Assessment. The air quality dispersion model, AERMOD, has been rigorously evaluated to ensure that it predicts ambient concentrations of air pollutants as accurately as possible. The SMAQMD, which is the local agency responsible for air quality, has not recommended in either its Roadway Protocol or its *CEQA Guide to Air Quality Assessment in Sacramento County* that pre-project on-site monitoring of criteria air pollutants or TACs be performed.

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## Master Response 8 Consistency with Applicable General Plan Policies

Some commenters have questioned whether the project is consistent with the City's applicable 2030 General Plan Goals and Policies.

As stated in the Draft PUD Guidelines for the proposed project (see DEIR Appendix M), "[t]he overarching goal of the McKinley Village project is the orderly and systematic development of an integrated, sustainable residential community that is consistent with the goals and policies of the City of Sacramento 2030 General Plan and the SACOG Blueprint Plan." (DEIR, Appendix M, p. 7.) The Draft EIR identifies applicable goals and policies including policies in the 2030 General Plan, the East Sacramento Community Plan, the Sacramento Regional Blueprint, SACOG's MTP/SCS, City of Sacramento Infill Strategy, and the 2010 Sacramento City/County Bikeway Master Plan. The Draft EIR identifies applicable policies relevant to each environmental topic area and considers those applicable policies in the context of potential impacts associated with the proposed project. (See, e.g., DEIR, pp. 3-3 – 3-20, 3-24 – 3-33 [considering policies in the context of land use planning and population]; DEIR, pp. 4.1-24 – 4.1-32 [discussing policies applicable to potential air quality issues]; DEIR, pp. 4.2-27 – 4.2-29 [discussing policies applicable to potential biological resource issues]; DEIR, pp. 4.3-12 – 4.3-13 [discussing policies applicable to potential cultural resource issues]; DEIR, pp. 4.4-31 – 4.4-34 [discussing policies applicable to potential hazards and public safety issues]; Draft EIR, pp. 4.5-22 – 4.5-29 [discussing policies applicable to potential hydrology, water quality, and drainage issues]; DEIR, pp. 4.6-22 – 4.6-26 [discussing policies applicable to potential noise and vibration issues]; DEIR, pp. 4.7-15 – 4.7-24 [discussing policies applicable to potential public services and recreation issues]; DEIR, pp. 4.8-22 – 4.8-25 [discussing policies applicable to potential public utilities issues]; DEIR, pp. 4.9-34 – 4.9-38 [discussing policies applicable to potential transportation and circulation issues]; DEIR, pp. 4.10-11 – 4.10-14 [discussing policies applicable to potential urban design and visual resource issues]; DEIR, pp. ES-7 – ES-8 [discussing policies applicable to agricultural resource issues]; DEIR, pp. ES-8 – ES-9 [discussing policies applicable to geology, soil, and mineral resource issues].) The Draft EIR does not identify any inconsistencies between the proposed project and any applicable mandatory land use planning goals or policies.

The Draft EIR "concludes that the proposed project would be consistent with the intent of the City's 2030 General Plan and East Sacramento Community Plan and would be compatible with the existing adjacent uses." (See, e.g., DEIR, p. ES-2.) "In addition, the project is consistent with the Sacramento Area Council of Governments' (SACOG's) Blueprint and Metropolitan Transportation Plan/Sustainable Communities Strategy." (*Ibid*; see also DEIR, App. N [letter from SACOG confirming the proposed project is consistent with the MTP/SCS].) The Draft EIR's consideration of potential land use planning inconsistencies complies with the requirements of

CEQA and represents a good faith effort by City staff to advise the City Council of their opinion that the proposed project is consistent with all applicable land use plans.

The final determination regarding potential land use planning inconsistencies will be made by the City Council as the CEQA lead agency. (*North Coast Rivers Alliance v. Marin Mun. Water Dist. Bd. of Dirs.* (2013) 216 Cal.App.4th 614, 632-633 (NCRA quoting *Sequoyah Hills, supra*, 23 Cal.App.4th at p. 719 [“Determining whether a project is consistent with general plan policies is left to the lead agency; ‘[i]t is emphatically, *not* the role of the courts to micromanage...’ such decisions.”] (emphasis in *Sequoyah Hills*); *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142 [“the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity”].)

The role of the local agency’s decision-making bodies with regard to interpretation of the general plan has been the subject of litigation, and the decisions of the courts provide guidance in this regard.

- “A general plan must try to accommodate a wide range of competing interests -- including those of developers, neighboring homeowners, prospective homebuyers, environmentalists, current and prospective business owners, jobseekers, taxpayers, and providers and recipients of all types of city-provided services -- and to present a clear and comprehensive set of principles to guide development decisions. Once a general plan is in place, it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be ‘in harmony’ with the policies stated in the plan.” (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719-720 (*Sequoyah Hills*).)
- “A project is consistent with the general plan ‘if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.’ [Citation.] A given project need not be in perfect conformity with each and every general plan policy. [Citation.]” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238 (*Clover Valley*) [a lead agency must consider whether a project is “‘compatible with’ the objectives, policies, general land uses and programs specified in the general plan”].)
- For the purposes of CEQA, land use inconsistencies generally result from irreconcilable conflicts with unambiguous environmental mandates set forth in applicable land use plans. (See *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1341-1342; see also *Clover Valley, supra*, 197 Cal.App.4th at pp. 239 [holding strict enforcement of a policy is not required where a deviation would better fulfill a general plan’s objectives and requirements].) However, “an inconsistency between a project and other land use controls does not in itself mandate a finding of

significance” under CEQA; rather, a planning inconsistency is “merely a factor to be considered in determining” the significance of changes in the physical environment caused by the project. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207.)

To the extent commenters argue the Draft EIR is inadequate for failing to examine whether the project would be consistent with existing zoning, plans and other applicable land use controls, CEQA includes no such requirement. In *NCRA, supra*, 216 Cal.App.4th 614, the court determined that while CEQA requires an EIR to discuss inconsistencies between a project and applicable plans, it does not require an EIR to provide a detailed discussion of a project’s consistency with such plans. (*Id.* at p. 633.) Here, as discussed above, the Draft EIR identifies applicable land use plans and addresses potential inconsistencies with those plans.

Some of the issues raised by commenters in this context relate to policy issues that may be brought to, and considered by, the City’s Planning and Design Commission and the City Council. While these may be legitimate areas of inquiry for policy, CEQA focuses on potential impacts on the physical environment, and the Draft EIR has accomplished that objective.

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### Master Response 9 28th Street At-Grade Train Crossing

Multiple comments have been received asserting the EIR's analysis of traffic delays caused by trains blocking 28th street is flawed because the EIR improperly assumes a low average of 30 daily total trains pass the project site on the Union Pacific Railroad (UPRR tracks); Commenter states the number of trains passing the project site is actually 41, per the Federal Railway Administration (FRA) website data, thus the impact analysis should be adjusted accordingly.

Please see Response to Comment 31-55 addressing the EIR's proper assumptions regarding the number of daily total trains travelling on the UPRR tracks adjacent to the project site.

Multiple comments have been received stating that the traffic study failed to address the fact that freight trains routinely stop at (and block) the 28th Street at-grade crossing for long periods of time.

No freight trains were observed to stop and block the 28th Street crossing during site visits conducted for the transportation study. Further, the commenter's assertions are not supported by substantial evidence. Substantial evidence includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." (Pub. Resources Code, Section 21080, subd. (e)(1).) Substantial evidence does not include mere "[a]rgument, speculation, unsubstantiated opinion or narrative," or evidence that is "clearly inaccurate or erroneous." (Guidelines, Section 15384, subd. (a).)

The Draft EIR includes an analysis of vehicle queuing at the 28th Street at-grade crossing under Existing Plus Project and Cumulative Plus Project conditions that is based upon six days of field-measured train duration data (DEIR p. 4.9-59). Using this data, the average gate closure time associated with a passenger train crossing is 36 seconds, and the average gate closure time associated with a freight train crossing is 89 seconds (DEIR p. 4.9-60). Additionally, in the event that a train movement resulted in the blockage of the 28th Street crossing, the *Union Pacific General Code of Operating Rules* states that "When practical, a standing train or switching movement must avoid blocking a public crossing longer than 10 minutes" (UP General Code of Operating Rules 6.32.6).

Multiple comments state that a train crossing the track at the 28th Street railroad crossing will discourage use of the A Street access (located to the southwest of the proposed project), and instead will encourage use of the 40th Street access (located to the southeast of the project).

It is important to note that at-grade railroad crossings are a common phenomenon throughout the City of Sacramento, including the Midtown neighborhood. Many of those crossings have

traffic volumes in excess of those at the 28th and A Street crossing. The following is a list of examples of roadways with at-grade crossing within the City of Sacramento:<sup>4</sup>

- J Street between 19th and 20th Streets: Average daily traffic 17,939 vehicles with 13 trains<sup>5</sup> using this crossing daily.
- T Street between 19th and 20th Streets: Average daily traffic 5,758 vehicles in 2004, with 146 trains per day (including light rail).
- W Street between 19th and 20th Streets: Average daily traffic 8,845 vehicles with 146 trains per day (including light rail)

The center of the region's urban core, encompassing Downtown and Midtown Sacramento as well as the region's central business district, is located to the southwest of the proposed project site. This area contains the highest concentration of employment in the Sacramento region, and also serves as the cultural hub for the region. The closest access to the regional freeway system (via ramps located off of E Street and H Street), is also located to the southwest of the proposed project. For these reasons, there is a higher propensity for travel to/from the west of the project than to/from the east.

A trip made from the center of the proposed project site to the E Street/28th Street intersection, located to the southwest, would be approximately 0.8 mile in length assuming the trip is made via the A Street access point; the same trip would be approximately 1.4 miles in length if the trip is made via the 40th Street access point. As documented in the Draft EIR, the average gate closure time associated with a passenger train crossing 28th Street is 36 seconds, and the average gate closure time associated with a freight train crossing this location is 89 seconds (DEIR p. 4.9-60). The average frequency of freight trains at this crossing is less than one per hour, and no more than two passenger trains are currently scheduled to use the crossing within a peak hour (DEIR 4.9-60). Based on this information and assuming that two passenger trains and one freight train cross within the peak hour, the total duration of train crossings within the peak hour would be 161 seconds, or less than 4.5% of the peak hour. While train activity could result in some trips utilizing a longer travel path to travel to/from the west (i.e., diverting to the 40th Street access location), the effect is likely to be relatively small when considering the frequency/duration of train crossings and the shorter travel distance provided by the A Street access.

The trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 4.9-41, 4.9-43) and incorporated into the traffic analysis take into account these considerations. While there is a higher propensity for travel to/from the west of the project and the A Street access provides a

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<sup>4</sup> City of Sacramento online Traffic Count Database  
(<http://www.cityofsacramento.org/transportation/traffic/>)

<sup>5</sup> FRA

more direct travel path to the west, the trip distribution estimates for project trips reveal a relatively balanced utilization of the A Street access (52%) and the 40th Street access (48%).

As has been noted, decisions as to travel routes are dependent on a number of factors, apart from the existence of at-grade railroad crossings. As just one example, two major parallel travel routes to/from the Land Park neighborhood and downtown Sacramento have similar traffic volumes, despite the fact that one route has an at grade railroad crossing and one does not. Land Park Boulevard (at Vallejo Way) had 10,274 average daily trips in 2011 according to the City of Sacramento Freeport Bike Lane Project Traffic Study. Land Park Boulevard does not have an at-grade crossing at or near that location. 21st Street (at 4th Avenue), which runs parallel (north/south, to the east) to Land Park Boulevard had 9,325 average daily trips according to the same study, despite the existence of an at grade crossing with a significant number of trains (146, including light rail, according to the FRA; 86, including light rail, according to the Curtis Park Village DEIR).

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## Master Response 10 Livability

Several comments assert that the EIR should have evaluated ‘neighborhood livability’ within existing neighborhoods in Midtown and East Sacramento once the project is completed. Primarily these comments refer to traffic concerns as they relate to the project site itself or the effects of increased traffic on surrounding streets and neighborhoods. Other issues raised in this regard include exposure of future residents of the proposed project to noise from the freeway and railroad, and the noise barriers that would separate the project from adjacent noise sources.

“Livability” is not a CEQA term. The City Council, in considering the proposed project, will evaluate the EIR and also make policy determinations such as whether the proposed project is consistent with livability standards included in the General Plan.

As required by CEQA, the EIR identifies the physical changes in the environment that would occur with project approval, mitigation that could reduce significant environmental impacts, and alternatives to the project. The EIR for the project evaluates various areas in which physical effects could occur, including traffic, noise, air quality and visual resources. As an example, for traffic impacts CEQA requires the EIR to analyze whether the additional traffic that would be generated by the proposed project would exceed the applicable thresholds of significance, and, if so, what steps may be taken to reduce such impacts. As another example, the EIR considers proximity to other uses (e.g., freeway, railroad) and features (e.g., sound walls) and evaluates whether such proximity will result in any potentially significant environmental impacts. Proximity to the freeway and the UPRR train tracks are evaluated throughout Chapter 4 (see, e.g., Sections 4.4, Hazards and Public Safety, 4.5, Hydrology, Water Quality, and Drainage, 4.6, Noise and Vibration, Section 4.9, Transportation and Circulation). Aesthetic impacts relating to the proximity of those uses as well as associated walls are evaluated in Section 4.10, Urban Design and Visual Resources. Transportation issues are discussed and evaluated in Section 4.9.

The City’s 2030 General Plan includes goals and policies that relate to numerous aspects of life in the City, and new development, including consideration of existing neighborhoods, transportation issues, noise, air quality and climate change. The purpose of the EIR is not to resolve these various policy issues, but to provide, as required by CEQA, information for use by decision-makers in determining whether a project should be approved.

The comments that raise concerns regarding ‘livability’ raise issues not related to the adequacy of the EIR, but rather related to the City’s implementation of its various goals and policies. These concerns are focused on policy and balancing of interests, and are properly committed to the deliberations of the City Council in its review of all of the project components, impacts, and

consistency with the City's long-term interests. The EIR provides relevant information, but is not the vehicle for a determination as to whether "livability" goals, however they may be described, have been achieved.