



Ash Pirayou
Direct Dial: (650) 320-1515
E-mail: apirayou@rutan.com

January 10, 2014

VIA OVERNIGHT AND EMAIL: Dallen@cityofsacramento.org

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

Re: Draft Environmental Impact Report for The McKinley Village Project (P08-086)

Dear Ms. Allen:

This firm represents East Sacramento Residents for a Better Community ("ESRBC"). ESRBC is a growing grassroots organization of East Sacramento residents who are committed to preserving and enhancing the quality of life in East Sacramento—in part, by ensuring that a sensible, comprehensive approach is taken to planning and land use decisions affecting East Sacramento. On behalf of ESRBC, I hereby submit the following comments on the Draft Environmental Impact Report ("DEIR") for the McKinley Village Project (the "Project").

As outlined below, and more specifically discussed in the attached comments prepared by Terra Nova Planning & Research, Inc. ("Terra Nova"), a professional planning and CEQA firm, and Hexagon Transportation Consultants, Inc. ("Hexagon"), a traffic engineering firm (attached hereto, respectively, as Exhibits A and B), ESRBC has concluded that the DEIR is deficient in a number of areas and must be substantially revised in order to permit meaningful evaluation of the Project and to comply with CEQA. Further, the DEIR fails to identify and evaluate feasible mitigation measures and alternatives to the proposed Project. As a result of these concerns, ESRBC opposes the Project, as currently defined, at this time.

We respectfully request the City revise the DEIR to address the shortcomings identified in these comments, including the attached comments prepared by Terra Nova and Hexagon, and that the DEIR be re-circulated to provide a more complete disclosure of the potential environmental consequences of the Project to the public and the City's decisionmakers. We further request that the City provide detailed responses to each of the specific comments raised herein and/or by Terra Nova and Hexagon in the City's Response to Comments.

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Five Palo Alto Square, 3000 El Camino Real, Suite 200, Palo Alto, CA 94306
650.320.1500 | Fax 650.320.9905
Orange County | Palo Alto | www.rutan.com

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The DEIR Fails to Disclose or Mitigate the Project's True Traffic Impacts

Because ESRBC members live and work and are engaged in East Sacramento, an area that already suffers from significant traffic problems, the DEIR's traffic analysis is of particular concern to ESRBC. Unfortunately, as detailed in the comments prepared by both Terra Nova and Hexagon, the DEIR's discussion of traffic impacts is technically deficient and incomplete.

For example, the DEIR fails to analyze impacts to several residential streets that are likely to experience significant increases in traffic volume due to the project. Indeed, Hexagon opined that traffic on 33rd Street could increase by as much as 67%, which would undoubtedly impact the quality of life for residents who live in that neighborhood. It is critical that the DEIR's traffic discussion be expanded to include all of the roadway segments and intersections identified by Hexagon and/or Terra Nova as inadequately analyzed. (See Hexagon Comments, p. 1, Terra Nova Comments, pp. 29-32.) To the extent such evaluation discloses additional significant impacts, the City is required to consider feasible mitigation measures and project alternatives to reduce such impacts. (CEQA Guidelines §§ 15126.4, 15126.6.)

The DEIR also fails to identify and require appropriate measures to mitigate the traffic impacts it identifies. For example, as explained by Hexagon, the DEIR fails to disclose that mitigation measures proposed to reduce significant traffic impacts at the intersections of H Street/Alhambra and E Street/Alhambra would require the elimination of bicycle lanes—an outcome that is utterly inconsistent with the stated Objective of creating a “development that promotes bicycle use and provides bicycle and pedestrian access to downtown and other surrounding neighborhoods.” (DEIR, p. 2-8.) Further, the elimination of bicycle lanes would be counter to state-mandated “Complete Streets” policies, and would itself constitute a significant transportation impact. (See, e.g., CEQA Guidelines, Appendix G, XVI (a), (f).) Mitigation measures that require the elimination of bicycle lanes should thus be considered infeasible, and alternative mitigation measures should be identified. If no feasible alternative measures exist, then the impacts to H Street/Alhambra and E Street/Alhambra constitute significant, unavoidable traffic impacts that must be properly identified and disclosed.

The issues described above are merely examples of the numerous problems with the DEIR's traffic discussion set forth in detail in the comments provided by Terra Nova and Hexagon. The DEIR's traffic section contains serious defects that have the effect of depriving the public of vital information about the Project's traffic impacts. Accordingly, we respectfully request that the City make a serious effort to address all of the concerns raised by Terra Nova and Hexagon, and thereafter re-circulate a document that more accurately discloses the true impacts of the Project.

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The DEIR Understates Numerous Other Potential Impacts

Terra Nova identified numerous other areas in which the EIR significantly understates significant impacts and/or provides insufficient mitigation measures. These include impacts associated with General Plan consistency, air quality and related health risks, flooding, and noise. Each of the deficiencies identified in the Terra Nova comments should be addressed in a revised DEIR.

31-6

The DEIR Is Required to Analyze and Mitigate All Significant Impacts to Future Occupants of the Project

The CEQA Guidelines expressly require that an EIR “analyze any significant environmental effects the project might cause by bringing development and people into the area affected.” (Guidelines, § 15126.2.) Nonetheless, the DEIR repeatedly cites *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455 (“*Ballona*”) for the proposition that the City has no obligation to consider the impacts to future residents of the Project created by placing the Project in an area subject to numerous “preexisting environmental hazards.” Reliance on *Ballona* for such a broad proposition is improper, as subsequent Court of Appeal decisions have declined to reach the issue of whether CEQA requires consideration of impacts that affect only future users of a project. (See, e.g., *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 2013 Cal. App. LEXIS 1052 [declining to “decide whether the potential effects of a physical change that poses a risk only to the people who will construct and reside in a project may ever be deemed significant”].)

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Moreover, putting aside the issue of whether CEQA requires the City to consider impacts to future residents of the Project, good public policy and transparency demand that the City do so, in order to ensure that its residents are not placed in harm’s way. As discussed in the Terra Nova comments, the Project’s proximity to I-80 and the rail lines creates numerous potential impacts to future residents—including health impacts, public safety impacts, and noise impacts—that have not been adequately analyzed or mitigated.

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Conclusion

ESRBC’s review of the DEIR leads it to the conclusion that the DEIR suffers from numerous and significant deficiencies, which necessitate revision and recirculation. “A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information.” (CEQA Guidelines Section 15088.5(a).)

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In this case, the DEIR must be revised to address the numerous deficiencies set forth in the Terra Nova and Hexagon comments. As noted above, these deficiencies include the failure to disclose that proposed traffic mitigation measures will themselves have undisclosed significant impacts and are infeasible. The DEIR likewise understates numerous significant impacts in a variety of areas. Correcting these deficiencies will generate significant new information that must be shared with the public before any final EIR is certified, or the Project is approved.

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Thank you for considering our comments and this letter.

Very truly yours,
RUTAN & TUCKER, LLP
Ash Pirayou
Ash Pirayou

AP:bpv

Attachments:

- Exhibit A: Terra Nova Planning & Research, Inc. Comment Letter
- Exhibit B: Hexagon Transportation Consultants, Inc. Comment Letter

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EXHIBIT A



TERRA NOVA PLANNING & RESEARCH, INC.

January 3, 2014

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

RE: City of Sacramento McKinley Village Environmental Impact Report (SCH #2008082049)

Dear Ms. Allen:

This letter has been prepared as a result of our review of the McKinley Village Project Environmental Impact Report (EIR) (SCH #2008082049) on behalf of the East Sacramento Residents for a Better Community. The following discussion addresses our concerns regarding the content of the EIR on a categorical basis, based on the requirements of the California Environmental Quality Act (CEQA).

Understanding of the Project

The applicant is seeking a General Plan Amendment, Rezone, Planned Unit Development, and various subdivision maps to allow the development of 328 single family units, a recreation center and ancillary facilities on a 48.8 acre site located in East Sacramento. All units are proposed to be single family detached units, on lots of varying sizes.

The site is elliptical in shape, and is entirely surrounded by Interstate Freeway 80 and the Union Pacific Railroad lines. Residential units are proposed as close as 58 feet from the edge of pavement of the freeway (30 feet from the freeway right of way), and as close as 8 feet from the railroad right of way.

Lands to the north consist of the closed 28th Street landfill site; to the south is the Cannery Business Park and single family development; to the east and west is also developed single family uses.

The project proposes access from two locations: the A Street bridge on the west, and the extension of 40th Street under the railroad embankment at the southeastern corner of the site.

Analysis and Findings

Based on our review of the project EIR, we find the following:

42835 MELANIE PLACE, SUITE 101, PALM DESERT, CA 92211 (760) 341-4800

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Limits of Analysis Throughout the EIR

Citation of CEQA thresholds should not be the limit of project assessment and impact analysis. Rather, the "rule of reason" is mandated by CEQA and must be applied by each technical discipline. This attempt to parse the impact analysis and mitigation is evidenced throughout the EIR, including air quality, hydrology, hazards and hazardous materials, noise and traffic, as exemplified in the following from Section 4.5:

"Impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of required CEQA review. "[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." (Ballona Wetlands Land Trust v. City of Los Angeles (2011) 201 Cal.App.4th 455, 473.) The impacts discussed in this section related to flooding are effects on users of the project and structures in the project of preexisting environmental hazards, as explicitly found by the court in the Ballona decision, and therefore "do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the project must be analyzed in an EIR." (Id. at p. 475.)"

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While a concern for the legal defensibility of the EIR is understandable, the EIR takes this posture too far and looks for legal and regulatory criteria that help avoid analysis or the consequences of the analysis, even when it is conducted, by emphasizing its inapplicability. The City's repeated reliance on the Ballona decision to avoid analyzing significant impacts that will be created by the project is inappropriate. If the proposed project will bring people and structures to an area that will impact those people and structures, the City is required to consider the impacts to those people and structures of polluted air, dam or levee failure, train derailments and freeway accidents, rail noise and intersection failure, and mitigate those impacts where necessary.

Land Use, Population and Housing

The EIR erroneously states that issues associated with Land Use, Population and Housing are not "CEQA issues" insofar as land use, population and housing have social or economic impacts, but no environmental impacts. This theory is invalid. Although it is true that CEQA does not require analysis of social or economic impacts, it is not true that CEQA considers land use, population and housing to be social or economic issues. This is evidenced by the CEQA Checklist (CEQA Guidelines Appendix G), which specifically includes issue areas related to "Land Use and Planning" and "Population and Housing." These categories are considered potential impact areas under CEQA, and must be addressed as such, including the quantification of impacts, and the inclusion of mitigation measures, if warranted.

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Specifically, CEQA requires that the EIR include a discussion of the impacts and mitigation measures required to answer the following questions.

Land Use and Planning

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan,

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- local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

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Cont.

Population and Housing

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

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The EIR provides only a cursory analysis of the potential impacts associated with land use, and does not analyze induced growth at all. As it relates to 'conflicting with any applicable land use plan, policy or regulation,' the EIR includes a one page evaluation of the impacts of the project on surrounding lands. There is no evaluation, however, of the impacts of surrounding lands on the project. CEQA analysis applies not only to the impacts of a project on the environment (both natural and built), but also of the natural and built environment on the project.

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The land use discussion in the EIR addresses only the compatibility of the project with surrounding land use designations. It does not address the General Plan related impacts of the surrounding environment on the project. Specifically, the General Plan's Vision statement states:

"The guiding vision of the General Plan is that Sacramento will be the most livable city in America."

The Vision statement also states:

"The Vision and Guiding Principles are applicable to the context of the city as a whole as well as its community plan areas and neighborhoods."

The General Plan specifically addresses this site, as one of only four Planned Development sites in the City, and requires that the project on this site be analyzed for conformance with the General Plan, as described in Land Use Policy 10.1.4, which states:

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"The City shall require areas designated Planned Development on the Land Use and Urban Form Diagram be developed consistent with the General Plan's Vision and Guiding Principles and obtain a General Plan Amendment to designate the area consistent with the proposed project using the appropriate designations contained in the Land Use and Urban Design Element."

However, the EIR provides no analysis on the surrounding development's impacts on the City's vision, guiding principles, goals or policies as they relate to the project. The EIR must address these issues, including:

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- 1. Will the project “promote the health and well-being of the community and...the long-term safety” of its residents? (Vision Statement, page 2) 31-17
 - 2. Will the location of medium density, single family homes within 30 feet of the BUS-80 freeway right of way provide a livable environment for residents? (Vision Statement, page 1; Guiding Principles page 3) 31-18
 - 3. Is it 'livable' to look at a 13 foot high wall or a passing freight train 20 to 30 feet above you from your back yard?
 - 4. Will traveling through an enclosed tunnel provide a safe environment for pedestrians and bicyclists? (Guiding Principles, page 3) 31-19
 - 5. Will the proposed project provide for the “equitable distribution of affordable housing throughout the City”? (Guiding Principles, page 3) 31-20
 - 6. How does the project “protect the pattern and character of Sacramento’s traditional neighborhoods”? (Land Use Policy 4.3.1) 31-21
 - 7. How will an isolated, land-locked project “integrate the area with adjacent existing neighborhoods and development”? (Land Use Policy 4.5.1) 31-22
 - 8. How will the proposed project, as a 'new neighborhood' be “within ½ mile of a central gathering place on a collector or minor arterial...that includes public space, shopping areas, access to transit, and community-supportive facilities and services”? (Land Use Policy 4.5.4) 31-23
 - 9. How will the proposed project “include transit stops that connect to and support a city-wide transit system and are within a ½ mile walking distance of all dwellings”? (Land Use Policy 4.5.6)
 - 10. Will the project meet the development guidelines for Traditional Neighborhood land use designation, including a mix of single family homes, second units, duplexes, tri-plexes, four-plexes and apartments (emphasis added); have transit and schools within walking distance; and have safe streets for pedestrians and bicyclists? (General Plan page 2-46) 31-24
- None of these policy issues have been addressed in the EIR. The “Land Use, Population and Housing” section (Section 3.0), does not quantify the impacts associated with non-conformance with General Plan vision, guiding principles or policies, and does not propose mitigation measures. Given the lack of livability; lack of connection to gathering place, schools, transit, shopping or services; lack of safety for pedestrians and bicyclists through tunnels; lack of affordable housing within the project boundaries; and lack of conformance with the Traditional Neighborhood land use designation, it is clear that impacts associated with land use, population and housing are potentially significant, and that mitigation measures must be developed. 31-25

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Air Quality and Climate Change

These comments and observations are made on the Draft EIR Section 4.1 discussion of "Air Quality and Climate Change". They also relate to issues of environmental and community health, and the Health Risk Assessment (HRA; EIR Appendix C) prepared for this project. While the CalEEMod model runs were reviewed, the greatest attention has been paid to the adverse health effects that are likely to result from placing more than 500 new residents, young and old alike, at this location of the city.

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The subject property is literally sandwiched between a high volume BUS-80 freeway on the north and rail lines of the Union Pacific Railroad on the south. The BUS-80 freeway is already planned for expansion and higher daily volumes of cars and trucks. According to Caltrans traffic data cited in the HRA, 2012 annual average daily traffic (AADT) on the Capital City Freeway within the vicinity of the project site was approximately 159,000.

Sustainable Design Omissions

It should be noted that this project provides almost none of the nearby commercial, service and other amenities that would argue that this is a sustainably conceived project. The project provides no direct connectivity to transit and forces the use of automobiles that are loaded onto local roadways that are already at or beyond capacity. The limited health risk assessment notwithstanding, it is difficult to imagine a less safe or a more unhealthy location to live or raise a family.

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The project's physical connections to the roadway network are isolated by major transportation infrastructure, including the 150-foot wide multi-lane freeway to the north and the 30-foot elevated multi-line railroad corridor to the south. Proposed "enhanced" trail access is through a 150-foot tunnel that would pose its own safety risks and in all likelihood would not be used. Neither does the project provide for bike lanes on the A Street bridge access, only further 'de-greening' the potential of this project.

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To the extent that McKinley Village should be considered at this location at all, the plan should be taken back to the drawing boards and redesigned to incorporate a mixed-use land plan that reduces trips generated outside the neighborhood. The revised plan must also address the woeful lack of access, both motorized and otherwise. This should include a bus loop through the project that provides a meaningful alternative to the car. Alternatives to the Alhambra tunnel under the railroad berm and the 40th Street access tunnel are needed to provide safe pedestrian and bicycle access.

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Consistency With SB 375 & Regional Sustainable Communities Strategy (SCS): There are numerous state legislative and regulatory mandates that are designed to address climate change through the application of transit-oriented development, principles of new urbanism and other concepts of mixed-use/interactive community planning. While the SACOG may recognize the proposed McKinley Village project as consistent with and promoting the goals of the SCS, there is no evidence of sustainable design in this project, the 2,000 square feet of planned "retail" notwithstanding.

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The Draft EIR points out that:

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"On September 23, 2010, CARB adopted the SB 375 [GHG emission] targets for the regional MPOs. The targets for SACOG are a 7% reduction in emissions per capita by 2020 and a 16% reduction by 2035." (Draft EIR, p. 4.1-22)

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Residents at this project will need to keep all windows closed year-round to ward off noise and air pollutants, resulting in higher than average energy consumption. The serious lack of access to transit and the isolation of pedestrians and bicyclists from surrounding lands and the circulation network, will only increase motor vehicle use and vehicle miles traveled, not reduce them. It is very difficult to see how this project can help the region reduce per capita GHG emissions.

Also see our comments on EIR Section 4.9 Transportation and Circulation under the heading "Bicycle, Pedestrian, and Transit Operations".

Ballona Decision & Limitations of EIR Analysis

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While a concern for the legal defensibility of the EIR is understandable, the Draft EIR continues to search for legal and regulatory criteria that help avoid analysis or the consequences of the project, even when it is conducted, by emphasizing its inapplicability. The City's reliance on the Ballona decision to avoid analyzing and mitigating air quality impacts to future project residents is improper.

CEQA Guidelines Section 15126.2(a) states *"The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected."* By way of example, this section of CEQA also states: *"The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there."* i.e. diesel and other fine particulates (some not analyzed in the EIR), oxides of nitrogen and VOCs, and other TAC hazards.

CARB Land Use Recommendations Ignored By Project Planners

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As stated in the HRA, the CARB Handbook provides evidence that diesel particulates generated by truck traffic pose a health risk to sensitive receptors, particularly children. Studies cited in the CARB Handbook identify a health risk within 500 feet of a freeway. As stated above, these studies are based on emissions generated by traffic on major interstate commerce freeways such as the BUS-80, which currently (2012) carries about 159,000 vehicles per day, many of them trucks. The recommendations identified by CARB, including siting residential uses no closer than 500 feet from freeways or other high-traffic roadways, have been argued against in both the EIR and the HRA.

The EIR and its Appendix C take pains to point out that the CARB guidelines are only advisory and that land use decisions are a local government responsibility. While the authors of the HRA and the Draft EIR point out that other parameters, such as housing and transportation needs, economic development priorities, and other quality of life issues (CARB 2005) may also have to be considered, these potentially "mitigating considerations" are nowhere discussed in either the HRA or the Draft EIR.

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Freeway Traffic Health Risk Assessment

As noted elsewhere, the entire HRA is focused on a statistical model that does not include any on-site air quality data collection. The analysis is strictly limited to a coarse-grained regional statistical model that focuses only on diesel particulate matter and its potential to cause cancer.

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As pointed out in the HRA (EIR Appendix C, p. 27), *"The potential exposure through other pathways (e.g., ingestion) requires substance and site-specific data, and the specific parameters for DPM are not known for these pathways."* (CARB 1998; emphasis added) The consultants applied the SMAQMD Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways to augment CARB Handbook guidance.

The cancer risk assessment is based on the premise that an acceptable increased level of risk for future project residents is *"corresponding to a risk that is a] 70% reduction from the highest roadway contaminant risk in Sacramento County."* (Appendix C, p. 11). Does this mean that the acceptable health risk for new residents at McKinley Village is that they will not suffer a higher risk than those known to already be most at risk in the community?

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Essentially, this approach to the health risk assessment allows the bar to be a function of the worst existing background condition for diesel particulate matter. At what absolute level of DPM should future residents start to worry that their air quality is having an adverse effect on them and their children?

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What are the actual (not modeled) air quality conditions on the site now? Is there a significant existing risk, statistical modeling notwithstanding?

The Roadway Protocol's evaluation criterion (threshold) is a cancer risk of 276 in 1 million; about 1 in 3,623 people. Based on the screening process performed by the consultant, the predicted cancer risk for future residents nearest to the freeway would be 200 in 1 million or about 1 in 5,000, deeming that with this finding the McKinley Village project evaluation criterion would not be exceeded. It is uncertain whether this abstraction will convey any real meaning to prospective homebuyers.

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The percentage of trucks assumed in the traffic mix used in calculating SR-51 (BUS-80) is less than 3.5% and would be expected to be substantially higher given the nature of the freeway. According to CalTrans' Capital City Freeway Corridor System Management Plan (2009, currently being updated), the percentage of trucks on this portion of the freeway is 4.0%. Given the current ADT on the freeway, this represents over 1,500 trucks more per day than accounted for in the EIR. This especially important factor is made even more so by the methodology used.

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The HRA states that *"It should be noted that only the truck traffic data, and not total vehicle AADT, was used to develop mobile source emission rates."* This approach implies that the emissions from the other 145,000 motor vehicles passing this site each day make no contribution to the load of local air pollutants and their adverse environmental health effects. Anyone who drives knows that it is not just diesel trucks that are significant emitters of tailpipe pollutants.

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The HRA should also have evaluated future conditions along the freeway and the rail lines with freeway expansion and a continued growth in traffic, including and especially truck traffic, not conditions as they were in 2011. Projected traffic volumes for the Year 2030 and with a realistic percentage of trucks, should be included in the analysis, which should be conducted on all traffic and not just the diesel trucks and their carbon pollutants.

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Railroad Emissions & Health Effects

CARB recommends avoiding siting new sensitive land uses within 1,000 feet of a major rail service and maintenance rail yard and, when within one mile of a rail yard, CARB recommends consideration of possible siting limitations and mitigation approaches. While the HRA notes that the proposed project is not within one mile of a rail yard and would not be subject to CARB's advisory recommendations, it fails to note the relatively slow speeds of trains on tracks adjoining the site and the projected number of future trains. Even halving the CARB recommendation to 500 feet would place about half of the subject property within this area of adverse impact.

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Again, it must be noted that only the modeled diesel particulate matter emissions from locomotives were evaluated in this HRA; no other pollutants emitted by passing trains were analyzed in the HRA. The HRA states that the average train will pass along the subject property in 3.5 minutes and that this is not a high exposure time when compared to freeway traffic. While this is correct, the emphasis seems more appropriately placed on the 3.5 hours (assumes 60 trains at 3.5 minutes per train) of exposure that will occur with planned future additional lines and train traffic.

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Comments Regarding Modeling Methodology

There are several concerns about the methodology used in conducting the Health Risk Assessment (and the associated air quality analysis). These include a lack of local data, the use of data and information that is too coarse for application to the subject analysis, and the convenience of slavishly adhering to the limits of regulations rather than assertively assessing the health risk. These are discussed categorically below.

No Local Meteorological Data: No on-site meteorological data were collected for either the air quality or HRA analyses. Rather, these analyses relied on data from the Sacramento International Airport located approximately 10 miles northwest of the subject property. On-site data are especially important given the unique conditions created by area geography and the significant source emitters (railroad and freeway).

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Summer conditions are expected to most exacerbate the degradation of air quality in Sacramento and the project site. As noted in the EIR, prevailing summer climatic conditions cut off the area from maritime air mass, causing the wind pattern in this part of the basin to circle back from the north. According to the EIR, this prevalent summer condition "exacerbates the pollution levels in the area and increases the likelihood of violating federal or state standards." This same section of the Draft EIR also states that "The mountains surrounding the valley can also contribute to elevated pollutant concentrations during periods of surface or elevated surface inversions. These inversions are most common in late summer and fall."

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Source Characteristics: The HRA notes that train traffic data came from the EIR noise consultant; no data are cited as collected first hand or provided by the Union Pacific Railroad. For instance, in the HRA the consultant states that:

"...there are additional tracks to the east of the project site. These tracks run from the south and one leg turns westward and another leg continues to the north. Insufficient data was available in the noise assessment to distinguish the trains running on the tracks adjacent to the project site from trains running on these other tracks." (EIR Appendix C, p. 22).

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The HRA goes on to say in passing, and with no substantiation, that, "Furthermore, it appears that a limited number of trains use these tracks on a typical day." The lack of concrete data on both existing and planned future facilities and number of trains argues that additional research be conducted in this area and the model run again.

Number of Contaminants Assessed Inadequate

Diesel particulate matter is far from the only significant, hazardous tailpipe emission from cars, trucks and trains. A wide range of other chemical compounds are emitted that directly impact air quality and public health, as well as those that contribute to the generation of photochemical smog and other harmful pollutants.

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The air quality analysis and health risk assessment should also examine such pollutants as mono-nitrogen oxides NO and NO₂, which react with ammonia, moisture, and other compounds to form nitric acid vapor and related particles. Small particles can penetrate deeply into sensitive lung tissue and damage it, causing premature death in extreme cases. Inhalation of such particles may cause or worsen respiratory diseases such as emphysema and bronchitis. It may also aggravate existing heart disease. A 2005 US EPA study determined that the largest emissions of NOx and also of volatile organic compounds came from on road motor vehicles, with the second largest contributor being mostly gasoline and diesel stations.

Non-cancer health effects are not analyzed and are mentioned in passing in the HRA (Appendix C, p. 21) and the EIR. On-site or other local air sampling, and modeling for volatile organic compounds, oxides of nitrogen and other pollutants should be required.

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Inadequate Declarations of Impacts

The Draft EIR inadequately addresses certain areas of impact analysis, including the health risk the project residents will suffer from exposure to pollutants emitted by the adjoining BUS-80 freeway and the UPRR lines.

Impact 4.1-5 (p.4.1-45) The Draft EIR states that "The proposed project would not result in substantial emissions or concentrations of PM10, PM2.5, or CO..." This is not correct. While the project itself may not generate what is considered a significant amount of pollutants, the project site and its residents will certainly be placed within a bounded and surrounded geographic area with significant concentrations of harmful pollutants. These include oxides of nitrogen, volatile organic gases, and unaccounted for particulate matter from train and truck bulk materials hauling. The EIR attempts to obscure the impact of living at this location by simply

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citing the project's operational emissions: "the operational emissions from the proposed project would not exceed the SMAQMD significance threshold for NOx..." The impact question is whether the project would result in the "exposure of sensitive receptors..." to significant risk. The EIR and HRA do not answer this question.

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Cont.

The response provided to the statement of impact is incomplete, inaccurate and defers to the next cited impact, which further limits the scope of the analysis, a pattern embedded in this EIR.

Impact 4.1-6 (p.4.1-46) The measure of significance, as described in the Draft EIR and HRA, is whether living at McKinley Village would significantly increase a resident's risk of cancer. As noted above, neither the question of impact nor the EIR adequately address the potential impacts of other sources of PM10 and PM2.5, including dust from bulk truck and train hauling, and from high concentrations of oxides of nitrogen and VOCs and other unhealthy air contaminants.

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The impact discussion acknowledges CARB's recommendation that homes be placed no closer than 500 feet from a freeway with 100,000 or more vehicles per day (vpd). The subject segment of BUS-80 adjoining the site already carries an average of 159,000, more than 60% more traffic than the threshold highway volume. Nonetheless, citing the fact that the CARB recommendations are guidelines, the Draft EIR and HRA work hard to create the argument that the CARB land use recommendations do not apply to this case. This argument is not credible.

Issues of Environmental Justice

Safe air and water are two of the most essential elements that we live in and take into our bodies. Knowingly placing over 500 residents at the proposed McKinley Village site would appear to violate the equal protection provision of General Plan Policy ER 6.1.4: Protect All Residents Equally, not to mention applicable state and federal law.

31-51

If Caltrans and CARB recommendations were to be applied to this project site, no portion of it would be deemed appropriate for residential development.

Hazards and Public Safety

Landfill Related Impacts

The EIR identifies the extension and improvement of the roadway connecting the A Street Bridge to 28th Street as being over an area that may contain sub-surface solid waste, based on information from the LEA, which has regulatory authority over the landfill and its post-closure requirements. However, no investigation of the subsurface conditions has been undertaken. The EIR states that geotechnical and environmental sampling will be undertaken as part of project-related improvements, as "project measures". This represents the deferral of mitigation, which is not allowed under CEQA. In order for the EIR to properly assess the impact, the geotechnical and environmental sampling should have been completed as part of the EIR preparation process, so that impacts and potential mitigation measures could be properly and comprehensively addressed in the EIR. By deferring the analysis and mitigation to a later date, the EIR does not fully assess the project's impacts, and does not incorporate required mitigation measures.

31-52

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Also associated with this issue is the possible need to make design modifications to the landfill, as stated in the EIR. Since the design of A Street from the bridge to 28th Street is known, as described in the project's documentation, that analysis and amendment should occur at the EIR level, and not be deferred to a later date. Once again, the project's potential impacts to the landfill have not been thoroughly addressed, and mitigation measures have not been incorporated into the document. The EIR should be revised to include the proper analysis, and the mitigation measures necessary to assure that impacts associated with this hazard are fully mitigated.

31-53

Dewatering Impacts

The EIR cites a potential hazard associated with dewatering the site during excavation and construction of project components below ground surface, and relies on the use of the City's Combined Sewer System (CSS) to carry dewatering flows off the site. No data is provided on the likely quantity of water that the project activities will generate. As described in our analysis of the Hydrology, Water Quality and Drainage section, however, the City's CSS is at or near capacity. The EIR must first analyze the amount of water likely to be removed from the site by dewatering activities, and then determine whether the CSS has capacity to accommodate the flows, particularly if construction were to occur during rain events which strain the system. Without this analysis, and the potential addition of mitigation measures, the proposed project's construction could result in a significant impact which has not been mitigated.

31-54

Accidents on the Railroad Tracks or BUS-80 Freeway

The EIR relies on train traffic data from the noise consultant, rather than independent data from the rail operator. It further does not consider growth in the number of trains using the lines over time, and instead assumes a static condition of up to 30 trains per day (an inconsistent assessment, when the Noise Study states that there are currently 40 trains per day on the rails). Given the continued growth in rail freight across the country, this assumption is invalid. The EIR should include estimates, based on local, regional or state-wide growth patterns, of the anticipated growth in rail trips on the adjacent rail line. This section also fails to disclose that an additional rail line is proposed north of the existing line, which will come closer to the residences, and have a potentially greater impact on resident safety.

31-55

The EIR states that derailed trains can travel 100 feet from the tracks, and that the nearest homes on the project site will occur at a distance of 90 feet from the track on the western end. Given that the momentum of a derailed car will be affected by its weight, the operating speed, the length of the train and multiple other factors, the 100 foot distance can only be considered a guide, and not a maximum potential distance. Further, the EIR considers the 90 foot distance sufficient to "minimize" the impacts of a derailment on the project site. Since the closest residences will occur closer to the tracks than a derailed train will travel, the distance does not represent "minimization," particularly since trains do not slow until they reach the east end of the project site and will therefore be operating at speeds greater than 20 miles per hour. Finally, the EIR fails to characterize the potential of airborne contamination, or of a fire's spread as a result of a derailment. Both these hazards must be addressed and mitigated.

31-56

Finally, the EIR states that it would take 122 years for trains passing the site to have a derailment, based on the national average that a derailment occurs once in every 1 million freight train miles. The analysis, and its conclusion, are invalid. First, the national average is based on

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national freight train miles, not miles on a particular length of track. Therefore, all the trains operating nationally are figured into the number. That is to say that if there are 100 trains operating 100 miles every day, they will travel 10,000 freight train miles in one day. The EIR incorrectly characterizes the risk by incorrectly interpreting the data. The EIR must accurately characterize the potential for derailment, based on sound mathematical calculations.

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As relates to accidents on the freeway, the EIR concludes that the distance between the freeway and the residences, coupled with the sound wall/berm, would prevent spills from entering the project site. Although this characterization is probably correct, it completely ignores the potential impacts associated with vapors or fire that could result from an accident on the freeway. As with the rail accident discussion, these impacts must be properly characterized, and mitigation measures described to lower the potential impacts to less than significant levels.

31-58

Impacts Associated with Evacuation Routes

The proposed project includes only two exit points. One of these can be blocked in the event of a flood, if the flood gates are closed. The EIR provides that the railroad tracks and the landfill site (across the freeway) are "safe havens" in the event of a flood (and presumed inability of residents to otherwise leave the site). The project site, at its widest, is approximately 1,000 feet. It is preposterous to think that residents would be expected to wade or swim such a distance to reach a "safe haven." The hazard associated with a potentially isolated population in an emergency has not been adequately addressed in the EIR, and an unmitigated significant impact remains. This must be corrected.

31-59

Hydrology, Water Quality and Drainage

The EIR identifies issues associated with hydrology and water quality. These include the possibility of a catastrophic flood event or levee failure along the nearby American River and the ability to safely evacuate the site; the potential effects of creating underpasses beneath the Union Pacific Railroad (UPRR) right-of-way (ROW), which provides secondary flood protection to lands to the south, and the manner in which existing and proposed flood gates would be operated; and the project's impacts to the sewer and storm drain system.

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Combined Sewer Service (CSS) System

The EIR indicates that the City's CSS is at or very near capacity throughout the system. All additional inflows are required to provide additional mitigation to assure adequate capacity. New development and redevelopment is required to pay an impact fee to pay from the CSS.

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The EIR states that, "The southwestern edge of the project site is one of several possible locations that are being considered by the City for a separate Combined Sewer Detention Project...." It appears that City-owned lands are included in the project development plan and confuse the use of lands surrounding the 28th Street access drive. Lands around the access appear to be planned for stormwater retention but it is uncertain what portion of this area would retain project on-site runoff or that from adjoining lands. The EIR does not address a number of important questions:

- Is this prospective City facility provided for in the proposed development plan?

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- Is the viability of the on-site stormwater detention system dependent on the retention facilities shown on the tentative tract map, and if so has the City explicitly granted the right of the developer to use these City-owned lands?
- The EIR should provide a detailed description of the City sewer facility and should provide a discussion of its compatibility with the proposed project.
- The EIR discussion does not provide a clear description of the combined sanitary/storm sewer system that will serve the project. How are storm and sanitary flows isolated? Is the referenced 6,500-gallon sewage detention tank for sewage or stormwater?

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Impact Analysis and Mitigation

The EIR states that impacts discussed are limited to those raised by the public. The City and public should also be able to rely upon the unbiased, professional knowledge and experience of the technical consultants who helped to prepare this EIR to ensure that all relevant potential hazards and impacts are raised and addressed. The EIR consultant should not rely on, or limit analysis to, those issues raised by the public.

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Cited Significance Thresholds Inadequate

The thresholds of significance set forth on page 4.5-30 of the EIR do not include all of those set forth in Appendix G of the CEQA Guidelines and, therefore, the EIR's claim that the thresholds are consistent with Appendix G are incorrect. While the EIR argues that 100-year floodplain issues do not apply to this project, the cited thresholds do not include that cited in Section IX.i) of Appendix G, which requires analysis associated with impacts from the failure of a dam or levee. This section of the EIR should be revised and these additional thresholds included and analyzed.

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Levee Failure Analysis

While the City and applicant have no control over the levee certification process conducted by the US Army Corps of Engineers on the American River levees, the City does have a responsibility to independently consider the adequacy of this determination. The EIR does not provide a high level of assurance that American River containment levees in proximity to the subject property are in fact certified and it is not clear that they are or should be. The EIR cites numerous failures in levee maintenance and steady increases in estimated flood volumes for the river.

For these and other reasons, the certification of the American River levees and the veracity of the current mapping of the FEMA 100-year flood plain are clearly in question (see Section 4.5, page 9 of the EIR). The EIR admits to the steady reduction in estimated efficacy (storage or containment capacity) of existing flood control facilities, including river levees and Folsom Dam. While dam improvements are under way, it is unclear what actions are being taken in the project vicinity to ensure that the levees will in fact contain a 100-year storm. This disparity between Army Corps levee management and FEMA mapping is at best inaccurate and needs to be clarified in a revised draft of the EIR.

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Further increasing the threat of unprecedented flood on the American and other rivers is how climate change is affecting the location and intensity of precipitation. Intensifying weather patterns, including the generation of progressively stronger storms, may well generate storm

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flows that exceed calculated 100-year flood volumes. Prudent and sustainable development must take into account the significant potential for an increase in flood volume and frequency on the American River. Therefore, the City should apply Standard Project Flood (SPF) volumes and a minimum of 1-foot of freeboard to levees along the American River as a prudent threshold for this and other projects so vulnerable to flooding from the river.

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UPRR Underpass Flood Gates

The EIR indicates that the proposed 40th Street underpass, which provides one of two primary access points to the site, will be fitted with flood control gates, which will be closed in the event of a levee breach along the river. While this strategy will help protect properties on the south side of the elevated UPRR embankment, it will only further ensure total flooding of the McKinley Village site. Assuming that damage is limited to inundation by the American River, the result could be the impounding of waters to a depth of 18 to 22 feet on the project site. Since the closure of the flood gates would also eliminate one of only two access points on the property, evacuation of the site would be significantly impacted. Clearly, this would be devastating both in terms of loss of property and lives. Yet the EIR provides no analysis of this impact or mitigation, and does not consider this to be a significant unavoidable impact, based on the previously discussed Ballona decision. It is contrary to sound public policy principles for the City to ignore this potential impact on the basis that impacts of the surrounding environment on the project are not to be addressed.

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On-Site Pump/Force Main System

The EIR provides two different descriptions of the planned on-site stormwater collection/management/discharge system. Specifically, Figure 4.5-4 shows the on-site force main pumping east through the site to the access road, which is the northerly extension of 40th Street, the force main passing under the rail lines at the proposed 40th Street underpass and connecting to the City's Sump 99 located southeast of the site. From here, the pumped discharge would be pumped directly to and discharged into the American River.

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However, on page 4.5-40 of the EIR states that, "The pump station would be located at the west side of the project site and pump flows south under the UPRR embankment south to Alhambra Boulevard at the intersection of McKinley Boulevard. This contradicts the description in other parts of the hydrology discussion. The revised EIR must clear up this contradiction and inconsistency.

Impacts to Water Quality and Supply

While the EIR speaks to the issues of water quality and on-site groundwater conditions, it does not speak to the long-term viability of the hydrologic basin in which it is located. The discussion regarding potential project impacts to local groundwater is presented in a confusing and contradictory manner. For instance, the EIR states:

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"Although it may interfere slightly with groundwater recharge due to an increase in impervious surfaces, the project site is not in a favorable groundwater recharge area due to the relatively shallow depth of groundwater and the hydrologic connection of the groundwater system with the adjacent American River." (p. 4.5-17; emphasis added)

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In the same paragraph it goes on to state:

"Furthermore, the project applicant has committed to implement runoff reduction LID measures, which are designed to promote groundwater infiltration."

First, it is unclear whether there is a concern that the quality of project runoff could contaminate the local groundwater. Then the EIR states that on-site percolation into the underlying aquifer will be encouraged to reduce flows to the community storm sewer system. This inconsistency and contradictory management strategy needs to be corrected in a revised draft of the EIR.

With regard to water supply, Section 4.8 - Public Utilities of the EIR provides data and information on surface and groundwater resources supplying the needs of the City. These include diversions from the Sacramento and American Rivers, which totaled 279,800 acre-feet in 2012 according to the EIR. However, nowhere in the EIR is there a discussion of "safe yield" either for the rivers or groundwater. The hydrology discussion simply states,

"In addition, the project does not propose the use of on-site groundwater wells; therefore, it would not substantially deplete groundwater supplies."

Clearly, this is an inadequate response to a CEQA threshold. At the very least, the EIR hydrology section should reference the Section 4.8 discussion on water supply. Our comments on the water supply discussion can be found below under the Public Utilities discussion.

Noise and Vibration

The following first addresses our review of the Noise Study (and its relationship to the EIR), and then describes the EIR discussion.

Noise Study Analysis

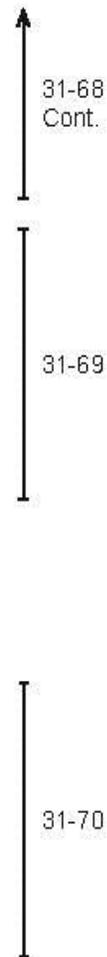
Freeway Noise

The EIR noise study (Appendix I) states that:

"The ambient noise survey results indicate that the measured noise levels at the project site are elevated well above City of Sacramento noise level standards, as would be expected of areas immediately adjacent to Business Route 80 and the UPRR tracks."¹

The project site is completely encircled by high volume/intensity transportation corridors. For instance, the entire north boundary, which comprises one-half of all project boundary, abuts the Business 80 freeway and is exposed to a constant (L_{dn}) noise level of 81 dBA. What the EIR and noise study do not make clear is that the intrusive, maximum noise levels from BUS- 80 traffic range from more than 80 dB to more than 100 dB (L_{max}). Traffic noise from BUS-80 is currently having a significant adverse impact on the subject property.

¹ "Environmental Noise Assessment - McKinley Village Project", prepared by Bollard Acoustical Consultants, Inc. October 22, 2013.



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Railroad Noise

Railroad operations noise also impacts the site on its south half. Train noise is associated with running, stopping and starting, reversing direction and braking. Warning horns are also an intrusive source of train noise and can be as loud as 110 dB. Currently, there are approximately 40 passenger and freight trains passing the site each day. It should be noted that the 28th Street at-grade crossing, which is about ¼ mile west of the site, has been designated a “Quiet Zone” and train horn use in this area should therefore be substantially reduced.

31-71

Data collected by the noise consultant indicates that noise levels as measured at 90-feet from the nearest track reached 100 dBA, with an Lmax of 90 dBA and an Ldn of 70 dBA. The planned addition of another rail line closer to the subject property and the anticipated increase in train traffic will bring rail lines to within 45-feet of homes and increase the Ldn noise level to 72 dBA. It should be noted that the combined railroad/BUS-80 traffic raises the Ldn noise levels in the southeastern portion of the site to 74 dBA (see Appendix I, Table 5). General Plan guidelines issued by the State, and long-standing practice in the field puts acceptable outdoor noise levels for sensitive receptors at 60 to 65 dBA. The existing environment at the project site is therefore inconsistent with State standards for residential noise levels. This is further supported by the fact that the UPRR has requested that future buyers sign environmental constraints sheet or declaration acknowledging that they are aware of existing and future railroad-related noise. Clearly, the railroad has identified a potential impact, which the EIR fails to fully analyze.

31-72

31-73

CEQA Noise Thresholds of Significance

The CEQA Guidelines (Appendix G) set forth specific thresholds to determine whether noise impacts to or resulting from a proposed project could have a significant adverse impact. Most relevant CEQA thresholds include the following, which are not cited either in the EIR or the EIR Appendix I noise report:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

31-74

CEQA defines a threshold of significance as follows:

“A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.” (CEQA Guidelines Section 15064.7)

31-75

Also applicable to this analysis is CEQA Guidelines Section 15065, Mandatory Findings of Significance, which directly reference:

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"The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."

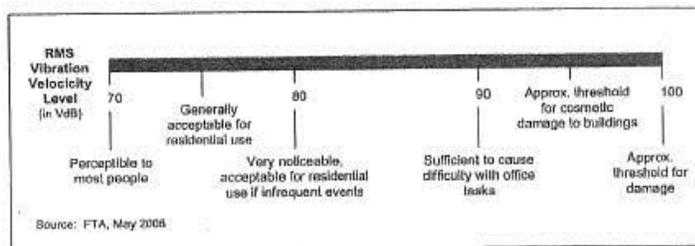
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Cont.

Noise Study Thresholds Are Substandard and Unsubstantiated

The EIR Noise Study (Appendix I) cited the following as "standards" (thresholds) of significance by which the noise impacts associated with the proposed project are to be judged.

- result in a substantial permanent increase in ambient exterior noise levels in the project vicinity that exceed standards in the City's General Plan (60 dBA standard for low density single family residential);
- result in residential interior noise levels of 45 dBA Ldn or greater caused by noise level increases due to project operation;
- result in construction noise levels that exceed the standards in the City of Sacramento Noise Ordinance;
- permit existing and/or planned residential and commercial areas to be exposed to vibration-peak-particle velocities greater than 0.5 inches per second due to project construction;
- permit adjacent residential and commercial areas to be exposed to vibration peak particle velocities greater than 0.5 inches per second due to highway traffic and rail operations; or
- permit historic buildings and archaeological sites to be exposed to vibration-peak-particle velocities greater than 0.2 inches per second due to project construction, highway traffic, and rail operations.

31-76



Train Traffic Data Needs to be Revised and Better Sourced

The acoustical engineers used their own data to establish a daily train count, which appears to substantially undercount train traffic (see Table 7 of Appendix I) by as much as 37%. This source of data is consistently referenced throughout the EIR, when the source should have been UPRR and other dependable sources.

31-77

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Noise Monitoring Equipment Locations

The Draft EIR states that the noise monitoring was conducted “along this roadway facility (BUS-80). Where precisely were these monitors and those placed along the UPRR tracks?”

31-78

Railroad Vibration Impact Assessment

The EIR noise study provides abstract information on the rate of ground acceleration (inches per second) caused by trains passing nearby but does not adequately or correctly equate the rate of ground acceleration with effects on future residents.

31-79

Railroad Single Event Noise Impacts

The EIR noise report’s analysis of railroad-related single event noise impacts is inadequate and needs to be more carefully conducted. The author admits that the modeling of train noise at and around the proposed auto-court homes is difficult and complex. The results therefore should probably be considered tentative. In part, the report states:

31-80

“As noted in Table 2, studies of sleep disturbance have indicated that an interior Sound Exposure Level (SEL) of 65 dBA resulted in an average percentage of awakening of approximately 2% of the population. Because 2% of the population can be expected to regularly awaken due to a variety of factors not related to noise, the use of an interior SEL threshold of 65 dBA for the assessment of single-event impacts within residences is both reasonable and scientifically defensible.” (EIR Appendix I, p. 26)

The ground-borne vibration associated with passing trains should also be considered an intrusive, single event, albeit one that will occur about 40 to 70 times a day (including at night).

The EIR noise report states that:

“The City of Sacramento has indicated that an appropriate vibration threshold to be applied to highway traffic and railroad operations is 0.5 inches/second peak particle velocity for proposed new residential uses and 0.2 inches/second for historic structures and archaeological sites.” (Emphasis added; EIR Appendix I, p. 26)

31-81

What form does this City “indication” take? Is it an adopted threshold? Is this an ad hoc standard adopted by staff? Where is the standard codified and what is the technical basis for it? The above attempts to set a standard that tends to serve the proposed development but may harm future buyers.

Research has shown that human perception levels for vibration are as follows:

- Vibration level less than 0.5mm/s – imperceptible (threshold of perception)
- Vibration level of 0.5mm/s to 2.0mm/s – slightly perceptible (barely noticeable)
- Vibration level greater than 2.0mm/s – distinctly perceptible (noticeable).

Vibration levels in excess of 5.0mm/s have the potential to compromise amenity values. Other sources cite a range of 0.02 to 0.05 inches/sec as a level at which vibrations begin to annoy occupants of buildings. The UPRR has already requested that future buyers sign environmental

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constraints sheet or declaration acknowledging that they are aware of existing and future railroad-related noise. Clearly, the railroad has identified a potential impact, which the EIR fails to fully analyze.

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Cont.

Assessment of Railroad Noise Impact Analysis

The following briefly summarizes the assessment of impacts set forth in the EIR and compares these conclusions to data and information provided in the EIR and the EIR noise study (Appendix I).

Railroad Ground-borne Vibration Impacts

The proposed project would be impacted by significant ground vibration ranging up to at least 0.08 inches per second, generating both ground motion and building vibrations which are well within the range of human annoyance and disturbance. Table 4 of the EIR noise study (Appendix I) cites a single Caltrans survey document as a source for human and structural response to vibration levels. This reference is grossly inadequate, and there is a broad literature on the physical, physiological and psychological responses of humans to vibrations, which should also be reviewed and cited. According to ISO 2631-1:1997, the magnitude ground-borne vibration already occurring adjacent to the UPRR lines is within the “very uncomfortable” range².

31-83

Railroad Acoustical Impacts

The second noise source associated with railroad operations is acoustical, that is sound energy conducted through air (noise). As noted earlier in our comments, railroad operations noise impacts the site on its south half. Train noise is associated with running, stopping and starting, reversing direction and braking. Warning horns are also an intrusive source of train noise and can be as loud as 110 dB. It is also important to keep in mind the following from the EIR noise study:

31-84

“In addition to the potential for increased freight rail service in the future, an expansion of the Capitol Corridor service has been proposed which could potentially affect the project site noise environment. The expansion would increase existing Capitol Corridor service from two (2) daily operations to twenty (20) daily operations adjacent to the project site. When added to the existing passenger service adjacent to the project site (California Zephyr and San Joaquin lines), a total of 26 daily passenger trains would pass the project site daily. This expansion would require the construction of a new track up to approximately 45 feet closer to the project site.” (Emphasis added)

Noise Study Impact 1 & 2 (Appendix I, p. 28 & 34): The noise study mis-states the level of impact from train noise, failing to apply the likely future condition with the addition of another rail line that will bring the nearest rail line to about 45-feet from the nearest residence. The development plan calls for homes built only 14-feet from the UPRR right-of-way. This places homes just 59-feet from trains, which will tower over these two story residences, upon completion of the anticipated railroad line expansion.

² ISO 2631-1:1997, identifies R.M.S. acceleration in millimeters per sec². Translation of 0.08 inches per second to millimeters yields an acceleration of more than 2mm per sec². Also see Guskic et al., 1999.

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The analysis graphics are not to scale and do not show the actual line of sight between noise sources and receptors. Neither does it demonstrate the efficacy of the recommended 16-foot barrier created by an outdoor room and 10-foot high wall in the gap between residences backing onto the tracks. With railroad lines being up to 30-feet above the finished grade of the adjoining homes, the angle of unobstructed radiation of noise will still be significant, and will be especially impactful for the next row of units in the auto-court, with their outdoor rooms oriented toward the tracks. The noise report modeling is complicated, as acknowledged by the authors, but the line-of-sight exposure and the existing high train noise are clear indicators of significant adverse impacts if homes are built at this location.

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Finally, the noise study concludes that the *“residential structures are predicted to provide approximately 15 dB of noise reduction in the nearest private yard areas, maximum noise levels during railroad passages would be reduced to approximately 74 dB Lmax in the yard areas....”* (EIR Appendix I, p. 29). It should be noted that this Lmax impact is calculated for the most sheltered part of the auto-court with the best line-of-sight intercept of train noise. Homes on the north side of these auto-courts will have an unobstructed (unmitigated, except by distance) exposure to this significant impact. No data is provided to quantify the impacts to these homes.

31-86

The unobstructed (unmitigated) noise levels from individual intrusive noise events were measured to range from 80 dBA to more than 100 dBA (see EIR Appendix I, appendices A-4, A-5 and A-6). The EIR noise report appears to be inconsistent in differentiating between Lmax and SEL measurements. The subject peak train-related noise events are shown as Lmax. Therefore, the conclusion that development of these homes at this and other locations within the subject property *“would not interfere with typical outdoor recreation activities and which may not even briefly interfere with outdoor communication...”* (EIR Appendix I, p. 29) is unfounded and actually understates the likely actual train-related noise impacts to residents who will live in the entire project but especially in the vicinity of the rail lines. With so many hard surfaces reflecting train and other noise, effective shielding does not seem credible.

31-87

We believe that the analysis is incomplete and not reliable as a predictive tool. Until additional analysis and documentation can be provided, the existing and future railroad noise is expected to have a significant adverse impact and will result in unacceptable outdoor and indoor noise conditions.

Noise Study Impact 4 & 7 (EIR Appendix I, p. 34 & 37): This impact discussion provides an abstract description of impacts, levels of mitigation needed to reduce impacts to acceptable levels, and interpretations of policies that rationalize higher levels of acceptable impacts. The unobstructed (unmitigated) noise levels from individual intrusive noise events were measured to range from 80 dBA to more than 100 dBA (see EIR Appendix I, appendices A-4, A-5 and A-6).

31-88

The EIR noise report argues that a 65-dB SEL is an acceptable threshold for interior noise during the passage of a train. It should be kept in mind that there will be up to 70 such events each day in the future. This unusually high threshold is only reachable with windows tightly closed. Even with numerous recommended mitigation measures, the EIR noise consultant still recommends that buyers sign and record a disclosure statement acknowledging that they have been informed

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on this environmental impact. Acknowledgement of a significant impact by a resident is not mitigation under CEQA.

Noise Study Impact 5 (EIR Appendix I, p. 36): The EIR noise report discussion skips over the substantial and significant adverse train-related noise impacts to other auto-court homes along the tracks. If the auto-court homes are considered noise attenuation devices for the rest of the project, then they do serve to help reduce impacts for those residents living farther from the tracks. As noted in the report, even deeper into the development, outdoor noise levels from passing trains would be significant;

"In terms of single-event noise and the potential for sleep disturbance, SEL values at the exterior facades of these residences are predicted to be approximately 84 dB SEL during train passages." (EIR Appendix I, p. 36)

Just as an airport approach is not an appropriate location for residences, so too is this heavily used rail corridor an inappropriate neighbor for new residential development.

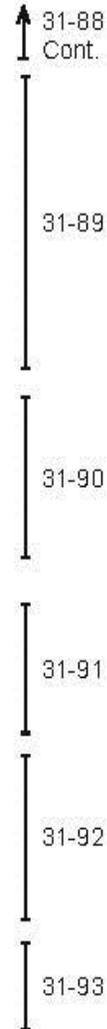
Noise Study Impact 6 (EIR Appendix I, p. 37): As noted earlier in our comments, data collected by the noise consultant indicates that noise levels as measured at 90-feet from the nearest track reached 100 dBA, with an Lmax of 90 dBA and an Ldn of 70 dBA. The planned addition of another rail line closer to the subject property and the anticipated increase in train traffic will bring rail lines 45-feet closer to homes and increase the Ldn noise level to 72 dBA. It should be noted that the combined railroad/BUD-80 traffic raises the Ldn noise levels in the southeastern portion of the site to 74 dBA (see Appendix I, Table 5).

Assessment of Vehicular Traffic Noise Impact Analysis

As noted earlier in our comments, the entire north boundary of the project, which comprises one-half of all project boundary, abuts the Business 80 freeway and is exposed to a constant (Ldn) noise level of 81 dBA. Projected future traffic volumes are calculated to result in a future Ldn of 82 dB. What the EIR and noise study do not make clear is that the intrusive, maximum noise levels from BUS-80 traffic range to more than 100 dB (Lmax). Traffic noise from BUS-80 is currently having a significant adverse impact on the subject property.

Noise Study Impact 9 (EIR Appendix I, p. 39): Ldn values for BUS-80 traffic may not accurately represent noise levels at the subject property boundary. While the convention is to model from the roadway center line, the BUS-80 is a wide freeway with an equally wide median island, which artificially places the noise generators (vehicles) farther away from the site than they will actually occur. The paved section of BUS-80 appears to occur within 50-feet of the subject property. The analysis needs to be recomputed using the actual distance and final grade elevations for the BUS-80 travel lanes and the proposed homes.

The proposed noise mitigation along BUS-80 is also equally forced and will result in an undesirable design and condition. The application of a 12-foot block wall atop a 4-foot berm will create a canyon effect that will not enhance the quality of life in this part of the proposed development, and its efficacy is questionable.



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EIR Analysis

The following comments and observations have been made on the Draft EIR noise discussion following our review of the noise report (EIR Appendix I). A review of both documents shows that the Draft EIR simply cuts and pastes large segments of the noise study without any apparent review or assessment. In this regard, the Draft EIR repeats the same errors identified in the noise report. Our comments should be considered in the context of and in conjunction with those made on the EIR noise report, above.

31-94

Off-Site Traffic Noise Discussion & Table 4.6-5: The off-site traffic noise discussions should be substantially expanded and real data and information provided to the reader. The current discussion is inadequate. This important table reproduces Table 6 of Appendix I, excepting that the most important noise contour data is deleted in the Draft EIR. These data describe the baseline noise contours generated by traffic on the BUS-80 freeway. In addition to railroad noise, BUS-80 traffic constitutes the most significant source of noise impacting the subject property. These data need to be added to this table and the Draft EIR should be re-circulated.

31-95

Figures 4.6-2 and 4.6-3 ESRI Data Inconsistent With Measured Data: The EIR noise report provides a variety of data on existing and projected future noise levels along both the rail lines and BUS-80. However, the Draft EIR includes two exhibits based on grossly more general and inadequate and inconsistent ESRI data. These figures should be removed as they misrepresent existing site conditions and should be replaced with figures based on the EIR Appendix I noise study.

31-96

Policy EC 3.1.1 and Table 4.6-9 Discussion Needs Clarification: It appears that the cited General Plan policy is meant to provide an out for projects that are proposed in locations where community noise standards cannot be met even with application of BAC methods. The project cannot achieve the City's 60 dBA Ldn exterior noise level along the railroad lines nor along the freeway. Does the application of an 8 or 12 dB Ldn noise increase mean that the City can declare 57 dB Ldn nighttime exterior noise levels to be acceptable? This discussion needs further elaboration and clarification.

31-97

Policy EC 3.1.11 Alternatives to Sound Walls: This policy states that the City will discourage the use of noise walls for noise mitigation and that in their place the City supports the use of innovative design strategies and other noise reduction methods that also enhance community aesthetics. The proposed mitigation for railroad and BUS-80 noise impacts are exactly what City General Plan policy is trying to avoid. The noise consultant and project designers should explore and evaluate other methods of noise mitigation that do not result in such significant adverse aesthetic impacts and poor community design.

31-98

Declaration of Noise Ordinance Exemption Inappropriate: The EIR noise discussion (p. 4.6-25) states that although the City has adopted noise standards for exterior residential space, these standards do not apply to such noise sources as traffic and trains. The stated logic is that the City has no control over these sources. In fact, this is a complete misinterpretation of the City's regulatory responsibility, which is to include the protection of the public from being enticed to live or work in an environmentally hazardous environment.

31-99

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The standards set forth in Table 4.6-11 of the Draft EIR are applicable to the exposure of the proposed project to intrusive traffic and train noise. CEQA specifically states:

"Would the project result in exposure of persons to...noise levels in excess of standards established in the location general plan or noise ordinance..."

The City may not knowingly allow development that will place residents in a dangerous or harmful noise environment. Therefore, the City Noise Ordinance and its standards must be fully applied to this project.

Ballona Decision & Other Declared Exemptions: As is the case throughout the Draft EIR, the authors go to great length to argue the case for the inapplicability of existing environmental conditions in the subject impact analysis.

The City's reliance on the Ballona decision to avoid analyzing and mitigating noise impacts to future project residents is improper. The CEQA Guidelines expressly require an analysis of whether a project will expose people to excessive noise or excessive ground borne vibrations (CEQA Guidelines Appendix G, XII, Noise). Therefore, the EIR must analyze the effects of these existing environmental conditions on the proposed development and its future residents, and provide mitigation consistent with all other projects, not with special exemption.

Ineffectiveness of Proposed Mitigation

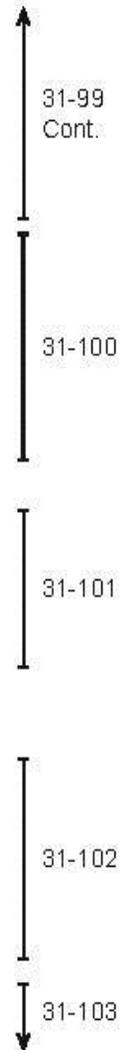
The subdivision is proposed at a location that is significantly impacted by freeway and railroad noise, which is only expected to increase with expanded freeway and rail facilities, and increased traffic volumes. The extent to which unpalatable design measures must be applied to shoehorn the project into compliance is a clear indication of the inappropriateness of this project at this location. Even with the application of unattractive design measures that will adversely affect the quality of life in the McKinley Village subdivision, the project must exempt itself from standard thresholds to be found acceptable.

Public Services and Recreation

Police Services

The EIR (page 4.7-2) states that the police department is currently operating at service ratios well below its goal of 2.5 sworn officers per 1,000 population. In the impact analysis, however, the EIR incorrectly calculates demand for police services on the basis of 2 sworn officers per 1,000, thereby underestimating project demand. The project will create a need for two sworn officers, not one. Further, although the EIR states that revenues and taxes from the project will be sufficient to fund the one officer, there is no evidence to support the statement. Given that the City currently operates at staffing ratios of 1.34 officers per 1,000, the current revenues and taxes are not sufficient to provide adequate police services. The EIR's conclusion is therefore not supported by fact.

The EIR only addresses impacts to the City's Police Department, "because it is highly unlikely the CHP...would be called upon to provide services to the site." This assumption cannot be supported, given the project's location immediately adjacent to BUS-80, and the potential for



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mutual aid calls because of the project's location. The EIR must include an analysis of the potential impacts of accidents at the site, particularly with the construction of walls, berms and other project components.

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Cont.

Finally, the cumulative impact discussion relating to police protection is inadequate. The police department is currently operating well below its standard of 2.5 sworn officers per 1,000. The proposed project will add a need for 2 additional police officers, which will in no way address the existing deficiency. The EIR must consider that the current impacts to police services is significant, and that the addition of the proposed project will add to this significant impact. This should lead to a determination of whether mitigation measures are possible, or whether a significant unavoidable cumulative impact results from implementation of the project.

31-104

Schools

The analysis of school capacity has been undertaken in a vacuum. The remaining capacity at local schools, whether in TRUSD or SCUSD, assumes no annual growth other than the addition of project residents. Given that the project will require several years to construct, the actual capacity of individual schools is likely to be considerably less than that shown in the EIR. With the addition of annual growth, for example, it is certain that Woodlake Elementary, Union High School and Theodore Judah Elementary would all be at capacity and could not accommodate project students. As a result of this miscalculation, the EIR does not address the likely impact to schools. There is no evidence in the EIR that any of the existing schools plan expansions, or that additional schools are proposed. This represents a potentially significant impact that has not been mitigated in the EIR. Further, because the impact to schools is directly tied to cumulative growth, the cumulative impact discussion relating to schools is inadequate. With the addition of an annual growth rate, schools in the immediate vicinity of the proposed project will operate beyond capacity, with or without the proposed project. Without evidence that school expansion or construction is likely, this will represent a significant cumulative impact that remains unmitigated.

31-105

Transportation and Circulation

The following describes our concerns regarding the traffic analysis in the EIR. There being no traffic study provided, as described below, we cannot base our analysis on comprehensive data. Please also see the January 8, 2014 letter from Hexagon Transportation Consultants.

31-106

Traffic Analysis Documentation Inadequate

The EIR and appendices lack a true traffic report; only the raw output from the model are provided. For example, there is no discussion of ambient growth rates used to estimate future traffic. Neither is there a discussion, much less analysis, of modal-split. For a project that has been found consistent with the local SCS, there should certainly be an effort to model the potential for use of alternative modes of travel. A complete traffic impact analysis should be provided with the EIR. Otherwise it is not possible for even the initiated to decipher the raw model output.

31-107

State Fair Grounds/Cal Expo/Future Regional Park

There is no mention of special events in the area and their effects on roadway segments and intersections studied in the EIR. The California State Fair Grounds (Cal Expo) is located a short

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distance from the subject property and will have a significant impact on area-wide traffic and congestion during the fair and other fairground events. From November 2013 through February of 2014, there are six major events booked at Cal Expo that occupy this site almost continuously over this period. Future uses and special events at Sutter's Landing Regional Park could also cause BUS-80 access ramps to fail and make the area inaccessible during peak hour periods. The effects of events at Cal Expo and the regional park on area traffic and congestion should have been analyzed in the project EIR and traffic report.

31-108
Cont.

Freeway Ramp Operations - Existing Conditions
Section 4.9 (p. 4.9-28) of the EIR states:

"Observed LOS is worse than reported. The analysis methodology does not fully capture traffic operations effects in congested locations with bottlenecks."

Table 4.9-6 indicates that most of the freeway ramp peak hour operations are at Level of Service (LOS) D. According to the EIR, the actual level of service is worse:

31-109

"As a result of these bottlenecks, actual peak hour conditions on the Capital City Freeway within the study area are LOS F during peak periods."

The EIR indicates that about 17% of in-bound and 17% of outbound project traffic will take ramp access onto and off of BUS-80. What are the long-term consequences for ramp operations in light of today's actual LOS F operations?

Freeway Ramp Impact Analysis & Mitigation Required

The EIR goes to great length to avoid the applicability of freeway impact analysis, applying the provisions of Public Resources Code Section 21159.28. Related to this posture, the EIR states that:

"Therefore, the roadway capacity utilization results contained in this section are for information purposes only, and not utilized for impact analysis."

What the author appears to have overlooked is subsection (c) of Section 21159.28 of the CEQA Statutes, which also states:

31-110

"Nothing in the foregoing relieves any project from a requirement to comply with any conditions, exactions, or fees for the mitigation of the project's impacts on the structure, safety, or operations of the regional transportation network or local streets and roads." (Emphasis added).

Therefore, arguments to the contrary notwithstanding, the subject EIR is required to analyze these impacts and to mitigate them. Because of the lack of analysis and mitigation, the EIR is inadequate.

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On-Site Project Retail

Section 02 of the EIR states that the project "recreation center may include up to 2,000 sf of retail space that could be used for a café, restaurant, shop or other retail use that would be open to the public." Would access to a restaurant in the project community center be available to the non-resident public living outside of the project? If so, what percentage of the "retail" trips would originate from outside the project? No description of these additional trips is provided in the EIR, and it is therefore impossible to gauge the potential impact to the street system, both internally or externally.

31-111

Inadequate and Potentially Dangerous Site Access

The McKinley Village site is one of the most physically isolated in this area of the city, being cut off from the surrounding roadway network by BUS-80 and the Union Pacific railroad lines.

Proposed Rail Underpass

Development of this site will necessitate the construction of a rail underpass (motor vehicle tunnel) at the north end of a realigned 40th Street. It will be especially susceptible to closure due to flooding, rail operations or accidents. This tunnel/sub-grade access road will be approximately 150-feet long and will intersect with "C" Street mid-block between Tivoli Way and 40th Street, creating a dangerous off-set intersection. This should be avoided by aligning the project access with either 40th Street or Tivoli Way.

31-112

"A" Street Access

The only other vehicular access will be the extension of "A" Street into the site, utilizing the existing bridge at this location. The EIR project description does not discuss the condition of the current "A" Street bridge, which appears to be substandard in at least the width of the bridge deck. There is no discussion in the transportation section of the EIR that addresses needed improvements to this critical facility other than to recommend "that the bridge cross-section allow for safe and convenient pedestrian travel", and that it provide sidewalks on both sides and two travel lanes. However, the EIR is inconsistent and unclear. Page 4.4-41 of the EIR describes the bridge as including bike lanes; will these in fact be provided?

31-113

The EIR should be revised to provide a useful description of this bridge and how it needs to be modified to meet project and City goals, including the provision of bicycle lanes.

Whether the project is SCS-compliant or not, there is no provision for bicycle lanes or other multi-modal facilities on this bridge. In light of the critical nature of this single facility, this discussion and "analysis" is significantly inadequate and needs to be expanded to provide an adequate bridge description and design that also includes bike lanes.

"A" Street Access and the Sutter's Landing Parkway Interchange

The proposed development plan does not appear to make provision for a new freeway interchange at the location of the existing "A" Street bridge. The EIR states,

31-114

"A roadway extending east from the intersection of 28th Street and A Street through the Landfill site and over the Capital City Freeway is currently contemplated in the City's

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2030 General Plan as part of the Sutter's Landing Parkway Interchange, and in the Sutter's Landing Park Master Plan." (p.4.4-41)

The proposed development plan appears to make no provision for, and could actually preclude the construction of the planned "A" Street/Freeway interchange. The current discussion provides almost no information on the planned interchange or how the plan accommodates it. As a reasonably anticipated future project, the potential traffic (and other) impacts of this interchange on the proposed development needs to be analyzed in this EIR.

31-114
Cont.

28th Street At-Grade Railroad Crossing

The project NOP indicates that the existing Union Pacific Railroad lines carry an average of 43 trains per day. The EIR indicates that during the AM and PM peak hours both passenger and freight trains will cross 28th Street. Train delays seem quite short compared to the time required for a long freight train to pass through a developed area such as this one. Could delays be substantially longer? The EIR should calculate traffic delays based on the actual current length of trains, and current wait times at existing at-grade crossings.

31-115

Page 4.9-88 states that the project would generate a net increase of about 1,400 daily trips to the at-grade railroad crossing. Alternatively, the EIR cites these volumes at 1,100 daily trips on 28th Street south of "C" Street but the allocation of project traffic as shown on EIR figures 4.9-7 and -8 identify about 1,467 daily vehicles on this road, a more than 33% increase over forecast EIR volumes on this segment. These inconsistencies must be addressed.

31-116

EIR figures 4.9-7 and -8 indicate that 52% of project in-bound and out-bound trips will access the site via A Street, with project traffic projected to total 3,507 daily trips. Based upon trip distribution and assignments in the EIR, it appears that the project will generate approximately 1,824 daily trips at the at-grade rail crossing, or 30% more than that cited in the EIR. What do these corrected volumes mean for capacity, safety and delays at this crossing?

31-117

This at-grading crossing, especially in light of only one other vehicular access to the development site and the lack of alternative access on 28th Street north of the rail lines only further decreases the viability or desirability to rely on the A Street access which is necessarily tied to rail traffic crossing 28th Street.

31-118

While the EIR speaks to the superior controls at the 28th Street/UPRR crossing, even a cursory review of existing control mechanisms shows that impatient or otherwise careless drivers can easily drive around the crossing arms and cross the rails while the controls are in operation. Given the volume of AM and PM peak traffic and the frequency and length of trains, the EIR does not accurately characterize the hazards associated with this crossing, and further quantitative and qualitative analysis should be performed.

31-118

Hazardous Isolation

Finally, the surrounding intensive transportation facilities that bound the subject property on every side are a significant potential source for vehicular and/or rail accidents, including the loss of containment of flammable, or otherwise hazardous or toxic materials. Both direct and indirect significant impacts associated with the adjoining transportation operations are more likely at this

31-119

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location than a location that is not adjacent to heavily used transportation facilities. Also see our concerns regarding restricted access, constraints on effective emergency response, and increased potential exposure to hazardous/toxic materials, above.

↑ 31-119
Cont.

Trip Distribution and Assignment

As opposed to a gravity model, which would have provided a concrete, logical connection between the proposed land use and surrounding land use, and trip distribution and assignment, the EIR appears to defer to the SACMET regional travel demand model. In proximity to the project site, the EIR recognizes several constraints to safe and efficient access, including the large number of one-way streets, the location of freeway on- and off-ramps, and the presence of traffic diverters (i.e., half street closures) within the study area.

↑ 31-120

In light of the extremely limited access options, it is also not surprising that accommodating project traffic requires that it be channeled to two or three routes, including routes through well-established single family neighborhoods such as that along 28th Street north of "E" Street, and 30th Street. Along some roadway segments, the EIR indicates the need for varying lane closures to have sufficient capacity to accommodate project traffic. The use of AM and PM peak hour lane closures, and in alternating directions, is an awkward and questionable method of capacity management. While on a strictly volume to capacity basis these machinations may provide a viable "paper solution", they will not likely be embraced by the real world neighborhoods that will be impacted by this effort to shoehorn more traffic through what are actually local streets designed to accommodate local traffic.

Traffic Forecasts & Cumulative Impacts Analysis

The EIR states that:

"The version of the model used to develop the forecasts was modified to include the most recent planned land uses and transportation projects within the City of Sacramento."

↑ 31-121

However, neither the EIR nor the traffic appendix describes any of the projects that were considered and analyzed in the cumulative impacts analysis. It is not sufficient to state that the SACMET regional travel demand model accounts for all growth in background traffic through 2035. As nearby transportation improvement plans are discussed, so too must unbuilt but reasonably anticipated area development projects be described, and their effects quantified in the cumulative impacts analysis.

NOP commentors have already pointed out that important, large projects are on the horizon that could have a profound effect on the McKinley Village roadway network. These include the new Sutter General Hospital facility, Mercy Hospital expansion, Sutter Memorial Hospital in-fill project, the Downtown Arena, Sacramento Natural Food Co-Op, and the Sutter Landing Regional Park.

General Plan LOS Policy

The EIR cites General Plan Policy M 1.2.2 (a), which it argues provides the developer and the City with a free pass to exceed reasonable level of service thresholds. Specifically, this policy finds LOS F to be an acceptable level of service for intersections within the "Core Area" of the

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city. While the City certainly can adopt such a policy, the City and the EIR cannot rely on that policy as a substitute for a rationally established threshold of significance in considering what impacts the traffic of future projects will have on that intersection. Such a policy cannot be used to give each project impacting a "covered" intersection a free pass, regardless of the amount of traffic it adds to that intersection. If a project would significantly worsen the performance of one of the intersections where LOS F is deemed "acceptable" by General Plan policy, that is a significant impact that must be disclosed and mitigated. The same applies to General Plan policies with lower LOS E, also used in the EIR to rationalize significant impacts.

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31-122
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Impacts to Roadway Segments Not Adequately Analyzed or Mitigated
The EIR declares that it did not adequately mitigate roadway segments for purposes of CEQA compliance, segment mitigation not being required because intersections are the most constraining part of the transportation network. This strange argument will be of very little comfort to the many residents living along affected roadway segments, at least one of which is forecast to operate at LOS E with the addition of project traffic and LOS F under cumulative conditions (see EIR Table 4.9-14). The EIR must provide mitigation for failing intersections, both at the project-specific level, and at the cumulative level.

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31-123

Impacted Roadway Segments Not Analyzed
Particularly impacted roadway segments include 28th, 29th and 30th Streets, C Street and McKinley Boulevard, but these are not analyzed or are analyzed to an inadequate level. For instance, 29th Street is forecast to accommodate a full 30% of the project's outbound (AM) traffic between "C" Street and freeway access to the south. However, 29th Street is not analyzed in the EIR traffic discussion. Neither is 30th Street, which also warrants analysis.

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31-124

Several major roadway segments the project depends upon are projected to operate at an unacceptable level of service. For instance, with project and cumulative traffic, 28th Street between C Street and E Street is forecast to operate at LOS F. With project plus cumulative traffic, this intersection is forecast to operate at LOS F during both the PM peak hour, with project traffic contributing 25% to the cumulative background traffic. This is a significant adverse impact that must be mitigated. The same is true for that segment of C Street west of 28th Street, which is also forecast to operate at LOS F with project and cumulative traffic. It should also be noted that both 28th Street and C Street are designated as local streets.

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31-125

Currently viable neighborhood streets would lose parking and bicycle lanes as a result of the proposed lane closures, needing to shift lane directions back and forth between 2 and 1 lane in each direction for the AM and PM traffic pattern. This "cure" is worse than the "disease" that the proposed project mitigation will inflict on these neighborhood streets, especially along 28th Street and "C" Street. The loss of bike lanes also flies in the face of the assertion in the EIR that the project supports the SCS policies relating to bicycle use.

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31-126

EIR Intersection Analysis Inadequate
As noted throughout our review of the EIR's transportation analysis, area roadway segments and intersections are already overtaxed, and only by further disturbing local residential neighborhoods and making them less accessible and less safe, can the project traffic be accommodated. Clearly, many of the area surface streets and intersections are not designed nor

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do they have the capacity to safely and efficiently accommodate the additional traffic associated with the project. The following cites weaknesses in the EIR analysis that need to be reconsidered.

E Street/29th Street/SB Capital Freeway On-Ramp: Project traffic alone will push the E Street/29th Street/SB Capital Freeway On-Ramp from LOS C to LOS E, nearly doubling the delay time on this freeway ramp. With project plus cumulative traffic, this intersection is forecast to operate at LOS E (77 second delay) in the PM peak hour.

31-127

E Street/Alhambra Blvd Intersection: This intersection is already operating at LOS E in the AM peak hour and the addition of project traffic will worsen the delay by more than 26%. With project plus cumulative traffic, this intersection is forecast to operate at LOS F (127 second delay) during both the AM and PM peak hour.

31-128

H Street/Alhambra Blvd Intersection: This intersection is already heavily impacted, operating at LOS F in the AM and E in the PM peak hours. The addition of project traffic will increase the AM delay to 110 seconds (nearly two minutes) per vehicle. With project plus cumulative traffic, this intersection is forecast to operate at LOS F with a forecast 190 second (> 3 minutes) AM delay and 380 second (6.3 minute) PM delay. These are totally unacceptable impacts and represent a complete system breakdown in operations at this intersection.

31-129

Proposed mitigation for these impacts, which are limited to payment of some unquantified or unqualified fee to the City's traffic operations center for purposes of improving signal timing, cannot possibly adequately address the current intersection failure, much less a projected 3 to 6 minute delay with cumulative impacts.

31-130

Other significantly impacted intersections include the following:

C Street/28th Street Intersection: The EIR traffic analysis indicates that a full 52% of project traffic will enter and leave the site via the A Street bridge and then via 28th Street. Given a peak hour increase of hundreds of cars at this intersection, it is hard to understand how existing plus project traffic results in at most a 1 second delay increase. With project plus cumulative traffic, this intersection is forecast to operate at LOS E during the AM and LOS F (108 second delay) in the PM peak hour. This is a significant adverse impact that must be mitigated.

31-131

H Street/28th Street Intersection: With project plus cumulative traffic, this intersection is forecast to operate at LOS F during the PM peak hour with a delay of 164 seconds. This is a significant adverse impact that must be mitigated.

31-132

H Street/30th Street/NB Capital City Freeway Off-Ramps: This intersection is forecast to operate at LOS D in the AM and LOS C in the PM peak hour. With project plus cumulative traffic, this intersection is forecast to operate at LOS F during both the AM (124 second delay) and PM (314 second delay) peak hours. This is a significant adverse impact that must be mitigated.

31-133

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McKinley Blvd/33rd Street Intersection: This intersection is forecast to operate at LOS B in both the AM and PM peak hour. With project plus cumulative traffic, this intersection is forecast to operate at LOS E in the AM and LOS F during the PM peak hours. This is a significant adverse impact that must be mitigated.

31-134

Freeway Ramp Operation: Table 4.9-22 of the EIR summarizes the project and cumulative impacts to the Capital City Freeway ramps serving the project area. As shown in the EIR, four of the five identified ramps are forecast to operate at LOS E or F in the M and/or PM peak hour.

31-135

Mitigating Impacts to Intersections

The EIR indicates that even with mitigation the level of service at study area intersections will continue to operate at unacceptable levels. The following assessment of proposed mitigation points to a need for further analysis and mitigation, or the need to adopt a statement of overriding consideration. The EIR should also include modified street diagrams (not just traffic movement schematics) to demonstrate how the mitigation will be implemented. The efficacy of proposed mitigation measures is discussed below.

H Street/Alhambra Boulevard, H Street/30th Street, and H Street 29th Street: Mitigation for impacts to these intersections include:

- The payment of a fair share amount to the City traffic operations center is meant to help pay for traffic signal optimization. What assurances can the City provide that the fees to be paid will actually be applied to mitigate impacts to these intersections?
- Lane restriping to combine through and turn lanes, which may ease some movements but may also reduce capacity for through-traffic.
- Removal of all on-street parking on the north side of "H" Street between 30th Street and Alhambra Blvd. This measure flies in the face of state-mandated implementation of "Complete Streets" strategies, removing or greatly limiting access to the existing bike lane.
- Prohibit on-street during peak periods on the south side of "H" Street and provide two eastbound lanes between 30th Street and Alhambra Blvd. The existing bike lane would be lost or seriously compromised and should be considered a significant adverse impact.

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31-138

31-139

Bicycle, Pedestrian, and Transit Operations

The EIR only addresses alternative modes of travel in the most superficial manner and actually overstates the availability and safety of bicycle and pedestrian routes through the study area. Transit is given even less consideration, as described below.

Bicycle and Pedestrian Access & Project Impacts

The EIR states that:

"All roadways within the study area would be low-volume, low-speed streets conducive to bicycle and pedestrian travel." (p. 4.9-58)

31-140

This statement is not supported by the facts. Actually, the higher vehicle volumes being pushed onto local neighborhood streets and the need for AM and PM changes in two-lane flow argue

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clearly for vehicle accommodation but not bicycle safety. Again, it is unclear what criteria were used to determine this project's consistency with any reasonable measure of applied principles of "Complete Streets" or other mitigation measures that assure accommodation of alternative modes of travel with safe vehicle operations. This is especially distressing in light of the already failing roadway network serving the project and vicinity.

31-140
Cont.

The project fails to adequately provide access to bicycles. This is further indicated by the inconsistent manner in which the issue of bicycle facilities is discussed in the EIR. On the one hand, the EIR states that the proposed project will result in the generation of more bicycle and pedestrian traffic at the 28th Street UPRR crossing. At the same time, there is absolutely no discussion of, or provision for, bicycle access into the project via the "A" Street bridge.

With complete disregard for the General Plan's policies relating to improving and encouraging bicycle trips to lower vehicle miles travelled, and after discussing at length how traffic volumes on local streets would be significantly impacted in the future, the EIR recommends the total elimination or time-of-day closure of bike lanes throughout the study area.

31-141

Without any real analysis of existing bike facilities or project impacts on these facilities, the EIR simply concludes that:

"Implementation of the project would not remove any existing bicycle facility or interfere with any facility that is planned in the 2010 City of Sacramento Bikeway Master Plan."

This statement is false, given the elimination of bicycle lanes to accommodate project traffic.

Project impacts to area bicycle facilities are significant, and remain essentially unanalyzed and unmitigated.

Transit

Principles of sustainable communities, smart growth, complete streets and new urbanism all direct the planning process toward transit, bike and pedestrian access, and in general a more diversified transportation system, as an integral part of land use planning. The proposed project does not achieve any of the transportation goals identified by state mandates or progressive planning. With regard to transit, the EIR states:

"No transit enhancements are proposed as part of the project. However, the project access points would result in connections to existing bus stops that are as direct as possible (i.e., bicycle/pedestrian access at Alhambra Boulevard would provide for a direct route to the nearest bus stop to project located at the Alhambra Boulevard/E Street intersection; C Street access roadway would provide for direct route to stop located west of 40th Street/ McKinley Boulevard intersection)." (p. 4.9-58)

31-142

The nearest bus stop is at McKinley and Alhambra (Route 34) and its accessibility is premised upon the UPRR granting an easement for, and the construction of the proposed bike/ped tunnel at the northerly extension of Alhambra. Bus stops along McKinley are also located at Meister Way,

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40th Street and San Antonio Way and are about 2,400 feet from the proposed project access tunnel at the extension of 40th Street under the UPRR lines.

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Cont.

There is no evidence that the transit authority was consulted. There is no investigation of or recommendation for the provision of a route adjustment that passes through the project or at least closer to it. The project fails to adequately provide access to transit, which is one of the General Plan criteria for tolerating LOS F operating conditions. The project should be redesigned and area roadways should be further evaluated and a real effort should be made to decrease the total dependency of this project on the automobile and more on alternative modes of travel.

31-143

Urban Design and Visual Resources

As with other sections of the EIR, the visual resources analysis precludes any discussion of aesthetic impacts relating to project residents, on the basis that the Ballona decision precludes the need for such analysis. As a result, there is no analysis in the EIR of the visual impact that trains passing 20 to 30 feet above a resident's back yard will have on that resident, or on the aesthetic environment of the project in general. There is no analysis of the impacts to the residents of 13 to 18 foot high walls adjacent to the freeway, that will block scenic vistas to the north. There is no analysis of the impacts of train headlights on residential sensitive receptors. This section of the EIR fails to provide any analysis of these impacts, contrary to professional planning practice, and, we believe, the intent of CEQA. The implementation of the project will significantly impact the scenic vistas from the project site, and will result in significant light and glare from the railroad. These impacts must be considered in the City's consideration of the project.

31-144

Project Alternatives

The Alternatives discussion in the EIR is insufficient in a number of areas, as described below.

The EIR dismisses the need to consider an alternative site for the proposed project, on the basis that the proposed project is consistent with the General Plan designation for the site. However, as stated in the General Plan, the Planned Development designation was created for

"...four areas with pending projects that are in the development review process as of March 2009. These include McKinley Village, Panhandle, Camino Norte, and Natomas Crossing.

Specific land use and urban form designations (i.e., designations outlined in this plan) will be applied to these areas once planning is complete and the City has approved the development."

It is clear that no analysis of the potential land use impacts associated with these four projects was included in the General Plan, and that consistency with the General Plan in this case does not apply. This is evidenced by Land Use Policy 10.1.5, which prohibits the use of Planned Development on any other site in the City:

"The City shall not designate any other areas Planned Development beyond those shown on the Land Use and Urban Form Diagram as of March 3, 2009."

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There clearly was no intent to use the Planned Development designation as a viable land use category beyond creating a place-holder for four specific pending projects. The issue of land use compatibility was not a consideration. Therefore, the argument that no alternative site need be analyzed is invalid. Alternative sites for the project should be considered.

31-145
Cont.

No Project/Existing Zoning Alternative

The use selected for the No Project/Existing Zoning alternative appears to be overly speculative and unrealistic, particularly since CEQA requires that alternatives selected be feasible and credible. In this case, and given the existing Cannery Business Park immediately south of the proposed project, a business park, warehousing or manufacturing use would be more likely for the site. The physical barrier created by the rail embankment makes the selection of the use as a rail yard particularly unlikely. The relatively lower impacts associated with a business park or warehousing use would be a more realistic scenario for consideration in the alternatives section. Such a use would also improve the jobs-housing balance for the area, a critical component of SB 375's Sustainable Communities Strategy; and would take advantage of the future interchange at BUS-80, limiting through-traffic on City streets.

31-146

The analysis of this and other alternatives is highly speculative, and does not provide the public, or the City's decision makers with sufficient information to make an informed decision on the project. Insufficient data has been provided to allow a meaningful analysis and evaluation of this alternative when compared to the proposed project. For example, on page 5-11, the EIR states that it is assumed that impacts associated with toxic air contaminants would be significant, pending further study. This is unacceptable under CEQA. The level of analysis must be sufficient to determine the level of impact of the alternative, and compare it to the proposed project. The EIR must provide analysis-based conclusions, not speculation based on lack of analysis. Such speculation is also used as it relates to noise. The EIR specifically states that it is not known whether the rail embankment would attenuate noise levels created by a rail maintenance yard, and that noise impacts to sensitive receptors south of the site will be higher than those of the proposed project. Since it is clear that no use-specific noise analysis of the rail maintenance alternative has been conducted, there is no basis for the statement.

31-147

Finally, the issues associated with land use compatibility and General Plan consistency are addressed in one sentence. There is no analysis of the surrounding land uses, other than the residential neighborhoods to the south and east. No discussion of the 28th Street landfill site and the Cannery Business Park in relation to an industrial use on the site is provided. As with the Land Use and Planning discussion in Section 3 of the EIR, these issues are ignored. This is contrary to the requirements of CEQA, and results in incomplete information for the public and the City's decision makers.

31-148

Lower Density Alternative

The land use assumptions under this alternative are clearly designed to make this alternative un-approvable. Specifically, the assumption is made that although the unit count would be reduced by only 30%, most of the project amenities would be removed: there would be a park but no recreation center; there would be no walls behind the homes abutting the railroad embankment; there would be no pedestrian or bicycle access to Alhambra. No explanation for eliminating all of these amenities is made other than the unsupported statement that the this alternative "would

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not include a recreation center because there would be too few units to support this type of a use." The reduction in density is insufficient grounds to eliminate all project amenities. The applicant would still be required to meet the General Plan requirements for support services and facilities within the neighborhood, and to provide safe pedestrian and bicycle routes for residents. Accordingly, a more realistic lower density alternative should be considered.

↑
31-149
Cont.

As with Alternative 2, conclusions are speculative and not based on analysis; it is assumed that the bordering residential units would not provide the same level of noise attenuation as with the proposed project, but there is no factual data to support the conclusion; it is assumed that the 'regional benefits' would be less, but there are no facts to support the conclusion.

31-150

Finally, the conclusion that this alternative would not support SACOG's SCS is completely unsupported. The lower intensity alternative provides a range of residential units at a density consistent with surrounding neighborhoods. There is no supporting information in the General Plan to conclude that the alternative would not be consistent with the 'Neighborhood Opportunity,' since there is no description of what that 'Neighborhood Opportunity' is in the General Plan.

31-151

Since neither the proposed project nor the Lower Density alternative provide for a mix of single-family, second units, duplexes, tri-plexes, four-plexes and apartments, as required for Traditional Neighborhoods, the two are consistent in land use. Conclusions reached regarding the failure of this alternative to meet project objectives are therefore inappropriate. The only alternative that meets both the SCS and the General Plan policies is the Mixed Use Alternative, whose impacts are clearly more intense than the proposed project.

31-152

Conclusion

As described above, we believe that the EIR is technically flawed, and significantly understates the potential impacts of the project on the environment. Specifically, impacts associated with General Plan consistency, air quality and related health risks, flooding, noise associated with both rail and vehicle trips, off-site improvement impacts and traffic are all significant, and must be properly mitigated.

31-153

The EIR must be corrected and re-circulated to allow a comprehensive explanation of the true impacts of the project, and the mitigation measures required to lower those impacts to less than significant levels, if possible.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,

Nicole Sauviat Criste
Principal

EXHIBIT B



January 9, 2014

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

Subject: Comments on Transportation Analysis in the McKinley Village Environmental Impact Report

Dear Ms. Allen:

Hexagon Transportation Consultants, Inc. has reviewed the transportation analysis included in the Draft Environmental Impact Report (EIR), dated November 2013, for the proposed McKinley Village project. Our review was completed on behalf of the East Sacramento Residents for a Better Community. We have identified some aspects of the analysis for which we believe additional study is necessary. We believe additional study is necessary of local street impacts, the proposed intersection mitigation, the cumulative traffic assumptions, the cumulative road network, the impact of cumulative development, transportation impacts to schools, transit access, and project alternatives.

31-154

Local Street Impacts

The project proposes an eastern access road that would connect to C Street near 40th Street. From this point, according to the EIR, some traffic would travel to and from the west, eventually accessing the Capital City Freeway or proceeding to or from the downtown area. Since C Street doesn't connect to or across the freeway, this traffic must make its way to E Street or other streets to the south. The opportunities for crossing over to E Street are limited. The closest opportunity is via 35th Street. Other opportunities are via 34th Street, 33rd Street, 32nd Street, and (farthest) Alhambra Boulevard. Alhambra is more of a major street than the others so the EIR assumed most traffic would use Alhambra. The other streets are narrower and lined with single-family homes. None of these streets are analyzed in the EIR (although some of their intersections are analyzed).

31-155

Hexagon questions whether most of the project traffic would use Alhambra, as opposed to, say, 33rd Street. Alhambra is more of a major street, but 33rd Street is closer to the project site. There are several stop signs on C Street that slow down traffic from the site to Alhambra. Based on the intersection counts, Hexagon estimates that 33rd Street carries about 1,300 vehicles per day. According to the EIR the project would add 875 vehicles per day that need to get between C Street and E Street (Figures 4.9-7 and 4.9-8). If those vehicles, or a large portion of them, were to use 33rd Street, the percentage increase in traffic on 33rd Street would be substantial (as much as 67%). Hexagon questions whether a traffic volume that high would be appropriate for a narrow street lined with homes. Certainly there would be a quality of life impact.

31-156

The EIR needs to study in more detail the existing and project volume on the following streets: Alhambra Boulevard, 32nd Street, 33rd Street, 34th Street, and 35th Street. Any impacts should be identified and mitigated based on quality of life parameters.

31-157

Proposed Intersection Mitigation



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The EIR identifies two intersections that would experience significant traffic impacts as a result of the project: E Street/Alhambra Boulevard and H Street/Alhambra Boulevard. The H Street/Alhambra intersection would experience a significant impact under existing + project conditions, and both intersections would experience significant impacts under cumulative + project conditions. The mitigation for H Street/Alhambra under existing + project conditions is stated as signal retiming.

31-158

The EIR does not explain how signal timing revisions at H Street/Alhambra would reduce the project impact to a level of insignificance. Is the existing signal timing inefficient? If so, why is it inefficient? Are there other factors influencing the timing, such as signal progression needs, pedestrian crossing times, or clearance intervals for safety? If so, then changing signal timing is not an option. If not, the signal timing could be changed independent of the project. If the timing were made efficient now, would the project impact remain? If signal retiming is not possible or if the project impact would remain, additional mitigation is necessary.

Under cumulative + project conditions, the EIR states that additional mitigation is necessary at H Street/Alhambra beyond signal timing. The mitigation is to eliminate on-street parking and restripe H Street such that it essentially has two lanes in each direction between Alhambra and 30th Street. However, H Street is only about 48 feet wide at that point, according to our measurements. In order to provide four lanes it would be necessary to also eliminate the eastbound bike lane.

31-159

The elimination of on-street parking and a bike lane would negatively affect the bicycle and pedestrian environment on H Street and, therefore, runs counter to the current Caltrans direction in California to develop and maintain streets for all modes – "Complete Streets." Thus, the proposed mitigation should be considered infeasible. Either the impact should be identified as significant and unavoidable, or alternative mitigation is needed, such as reducing the size of the project.

Similarly, a significant impact is identified under cumulative + project conditions at the intersection of E Street/Alhambra Boulevard. The mitigation is stated as removing on-street parking and a bulb-out island on Alhambra to create room for a right turn lane. There is no discussion of the purpose for the original installation of the bulb-out and how that purpose would be affected by its removal. Also, the mitigation would require the removal of a bike lane, which is not discussed.

31-160

The removal of the bulb-out, bike lane, and on-street parking would negatively affect the bicycle and pedestrian environment on Alhambra. Thus, the mitigation would run counter to Complete Streets requirements and would be directly contrary to the Project Objectives, which include creating a "development that promotes bicycle use." The proposed mitigation should be considered infeasible. The impact should be identified as significant and unavoidable, or alternative mitigation is required, such as reducing the size of the project.

Cumulative Traffic Volume

A comparison of Figures 4.9-6 and 4.9-10 shows a tremendous traffic increase on several streets in the study area as a result of cumulative development. Some of the streets are shown to have their volume increase three-fold: 28th Street, 29th Street. The following streets are shown to have volume increases of more than 200 vehicles during either peak hour: 28th Street, 29th Street, C Street, E Street, I Street, 30th Street, H Street, and McKinley Boulevard. The EIR offers no explanation as to why these volumes will increase so substantially. Most of the streets in the study area are two-lane residential streets lined with single-family homes. Residents deserve an explanation as to why the traffic volume in front of their homes is predicted to increase so substantially, even without the McKinley Village project. The EIR states that the cumulative

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volumes come from the SACMET regional travel demand model, and some explanation of the increases is given on page 4.9-64. However, this explanation is insufficient. There is no explanation for why traffic would increase on E Street, H Street, I Street, or McKinley Boulevard.

↑ 31-161
Cont.

Cumulative Road Network

The EIR states that the cumulative road network includes several significant changes in the study area: Sutter's Landing Parkway and its new interchange with the Capital City Freeway, the closure of the E Street on-ramp to the Capital City Freeway to make room for a new eastbound transition lane on the freeway. These changes to the road network would have profound impacts to local circulation. C Street would see substantial increases in traffic and so would the streets that connect C Street to the other east-west arterials (28th and 29th). The traffic currently using the E Street on ramp would be shifted to the J Street on-ramp and would need to filter through neighborhood streets to get there.

31-162

A search of Sacramento and Caltrans planning documents shows that the improvements included in the cumulative scenario are far from certain to occur. They are subject to much further study, and they are not funded. Therefore, since they are not "reasonably foreseeable" (to use CEQA parlance) they should not be included in the EIR. A new cumulative scenario should be developed and analyzed that does not include these speculative road network changes.

Also, the location of the potential new interchange at Sutter's Landing Parkway raises questions with regard to the McKinley Village project. The EIR should include a diagram of the interchange so the interface between the two projects is clear. Would the footprint of the interchange impinge on the McKinley Village property? Would the McKinley Village project, as proposed, limit or preclude certain design options for the interchange? The EIR mentions that the interchange would connect only to and from the west. It seems that a connection to the east might reduce or eliminate a lot of the traffic problems that the East Sacramento neighborhood is now experiencing. Why is a connection to the east not being considered? If the interchange could not tie into the existing C Street or Elvas on the east side, could it at least tie into the proposed McKinley Village project, thereby reducing neighborhood impacts?

31-163

Impact of Cumulative Development

The EIR shows that the cumulative + project scenario would result in 7 intersections within the study area operating at Level of Service (LOS) E or F (Table 4.9-15). Three of these intersections would have average delays of over 100 seconds (LOS F) during the peak hours: H Street/30th Street, E Street/Alhambra Boulevard, and H Street/Alhambra Boulevard. LOS E or F represents congestion and long delays for motorists trying to get into and out of the neighborhoods. They also represent long queues and vehicles idling in front of people's houses. However, Sacramento has a General Plan policy that says LOS F is OK within the Core Area and LOS E is OK within multi-modal districts. Therefore, most of these cumulative LOS deficiencies are not considered impacts under CEQA. However, Hexagon would argue that quality of life and Complete Streets issues need to be considered.

31-164

LOS E and F represent congested conditions that are not in keeping with single-family neighborhoods and detract from the utility of the streets for pedestrians, bicycles, and buses. LOS E or F may be more compatible with streets that serve industrial or commercial development, but not residential where quality of life should be considered. In Hexagon's opinion, Sacramento should reconsider the General Plan policies with regard to the Core Area and multi-modal districts and not accept poor levels of service on streets that are residential in character.

31-165
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According to Table 4.9-5 in the EIR, all but two of the intersections in the study area currently operate at LOS D or better. The two exceptions are E Street/Alhambra and H Street/Alhambra. Therefore, the poor levels of service predicted for all the other intersections under cumulative conditions are entirely due to new development, such as the proposed McKinley Village project and are not inevitable. The City could choose to restrict new development to a size or location that would result in generally acceptable levels of service.

31-165
Cont.

Transportation Impacts to Schools

Based on our past experience, Hexagon has noted that schools are often points of congestion and safety concerns due to parents dropping off and picking up students. The EIR includes an analysis of impacts to study intersections near Theodore Judah Elementary School but includes no discussion of congestion or safety in front of the school. Also, there is no analysis of operations near Sutter Middle School to which the McKinley Village project would add students. A more complete school analysis should be prepared and included in the EIR. If safety or operational problems are noted, the McKinley Village project should be required to correct them in proportion to its impact. Hexagon notes that the proposed McKinley Village project is not within comfortable walking distance of any of the schools that students would attend, and therefore, most students would be driven to and from school. This would add to the number of vehicles already dropping off and picking up students.

31-166

Transit Access

The closest bus stop to the project site is located close to a mile away. This is well beyond the typical ¼ mile walking distance that is used within the planning community to judge transit accessibility. Therefore, it must be concluded that the project is not served by transit. The EIR erroneously states on page 4.9-61 that project residents would be provided adequate access to transit. Unless the project intends to run its own shuttle buses, this statement is incorrect.

Nor would the project create a big enough potential transit market to justify the extension of service into McKinley Village. Given typical transit mode splits of around 3%, the project would generate only about 100 daily boardings and alightings (50 boardings, 50 alightings) if it had bus service. This level of ridership would not justify the expense of extending a bus route.

Page 4.9-46 of the EIR lists the criteria by which to judge significant impacts. For transit, one of the criteria states: "Fail to adequately provide access to transit." Clearly the project should be found to have a significant adverse transit impact based on this criterion. Possible mitigation could include the development providing its own shuttle bus service (this could help with school access, as well) or by reducing the size of the development.

31-167

Project Alternatives

The EIR includes project alternatives that would reduce the amount of traffic that would be generated in comparison to the proposed project. In particular there is a reduced-density residential alternative that would include 226 dwelling units (142 fewer units than the proposed project). This alternative is given only a cursory analysis. However, this alternative, or a similar reduced-density alternative, has the potential to reduce the traffic impacts to a level of insignificance. The analysis should be completed to see if this is the case. If a project with 226 units still would have significant traffic impacts, then the EIR should include an alternative that would avoid those impacts.

31-168



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Summary

The following summarizes the comments and questions raised in this letter.

- | | |
|--|---------------|
| <p>1. The analysis of roadway capacity (Tables 4.9-4, 4.9-9, 4.9-18) should be expanded to include several additional north-south streets: 29th Street, 30th Street, Alhambra Boulevard, 32nd Street, 33rd Street, 34th Street, 35th Street. The rationale for assigning project traffic to each of these streets should be explained and justified. Any impacts should be identified and mitigated. Impacts should include impacts to other modes (transit, pedestrian, bicycle) and to quality of life (air quality, noise, visual). Mitigation should include a reduced project size.</p> | <p>31-169</p> |
| <p>2. The mitigation described for the intersections of E Street/Alhambra and H Street/Alhambra are either illogical (signal timing changes), geometrically infeasible (4 lanes on H Street), or would negatively impact other transportation modes (elimination of bike lanes, on-street parking, and a bulb-cut). These mitigation measures should be considered infeasible. Either the impacts should be identified as significant and unavoidable, or the project should be reduced in size sufficient for the impacts to be less than significant.</p> | <p>31-170</p> |
| <p>3. The EIR should provide much more detail about the cumulative traffic forecasts. There needs to be a description of why traffic is expected to substantially increase on several neighborhood streets. For each street with a large increase, there should be a description of whether the increase is attributable to road network changes or land use growth. The streets in question are 28th Street, 29th Street, C Street, E Street, I Street, 30th Street, H Street, and McKinley Boulevard. For each street the reader should be informed as to why the traffic increase would happen, i.e., where does the traffic originate and where is it going to?</p> | <p>31-171</p> |
| <p>4. Two highly speculative road network changes were included in the cumulative traffic analysis: closure of the E Street on-ramp to the Capital City Freeway, and a new interchange on the Capital City Freeway at Sutter's Landing Parkway. The cumulative analysis should be rerun without these road network changes since they are not reasonably foreseeable. They are not designed or funded.</p> | <p>31-172</p> |
| <p>5. Notwithstanding the above, the EIR should include a much more complete picture of the planned Sutter's Landing Parkway interchange. Please provide diagrams of the design options. Would the McKinley Village project impinge or limit the design options? Could the interchange tie into the road network to the east in addition to the west? Could the interchange tie into the McKinley Village project? How would traffic in the study area change with each of the design options? How would the McKinley Village impacts change with each of the design options?</p> | <p>31-173</p> |
| <p>6. The EIR identifies that under cumulative conditions severe congestion will occur on the primary routes in and out of the Midtown and East Sacramento neighborhoods. The EIR excuses these cumulative impacts by stating that the City policy accepts LOS F in the Core Area. However, this congestion would have substantial impacts to residents of these neighborhoods in terms of delays, access to emergency services, noise, air quality, comfort levels for pedestrians and bicycles. The EIR should identify how Sacramento plans to avoid or mitigate these intolerable levels of congestion, to which the McKinley Village project would contribute.</p> | <p>31-174</p> |
| <p>7. Because of the distance to the closest schools, most students from the McKinley Village project would be driven to school. The EIR needs to include an analysis of potential traffic impacts to nearby schools that could result due to the McKinley Village project. The analysis should focus on operations and safety during the drop-off and pick-up time periods.</p> | <p>31-175</p> |
| <p>8. Hexagon believes that the project would have a significant transit impact (as defined in the EIR) because it is not reasonably accessible to any transit services. The EIR should acknowledge this impact and explore mitigation, including reducing the size of the project.</p> | <p>31-176</p> |
| <p>9. Many of the significant transportation impacts of the project could be reduced or eliminated by pursuing the Reduced Density alternative that is included in the EIR. A more complete analysis of this alternative should be done to determine if it would avoid any impacts.</p> | <p>31-177</p> |



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We appreciate the opportunity to submit these comments. Please do not hesitate to contact us with questions.

Sincerely,

HEXAGON TRANSPORTATION CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Gary Black".

Gary Black, President

Letter 31: Ash Pirayou, Rutan & Tucker, LLP January 10, 2014

31-1: The commenter identifies various asserted deficiencies in the Draft EIR and outlines comments that will follow in the body of its comment letter and comments submitted by Terra Nova and Hexagon, attached to Commenter's letter as Exhibits A and B. No response is required.

Please see Responses to Comments 31-11 to 31-177 for responses to commenter's subsequent comments and to comments raised by Terra Nova and Hexagon.

31-2: The commenter identifies and asserts deficiencies in the Draft EIR and outlines comments that will follow in the body of its comment letter and comments submitted by Terra Nova and Hexagon, attached to Commenter's letter as Exhibits A and B. No response is required.

See Responses to Comments 31-11 to 31-177 for responses to commenter's subsequent comments and to comments raised by Terra Nova and Hexagon.

31-3: Commenter notes that traffic issues are of particular concern and references the comments submitted by Terra Nova and Hexagon, attached to Commenter's letter as Exhibits A and B. No response is required. Commenter states the Draft EIR fails to analyze impacts from several residential streets, including for example 33rd Street. Commenter requests the traffic analysis in the Draft EIR be expanded to include all roadway segments referenced by Hexagon in Exhibit B to Commenter's letter.

Please see Responses to Comments 31-11 to 31-177 for responses to commenter's subsequent comments and to comments raised by Terra Nova and Hexagon as well as Master Response 5 regarding the scope of the traffic analysis.

31-4: Commenter alleges the Draft EIR fails to disclose that traffic mitigation measures at the intersections of H Street/Alhambra and E Street/Alhambra would require the elimination of bicycle lanes. Commenter refers to the comments submitted by Hexagon, attached to Commenter's letter as Exhibit A.

Please see Responses to Comments 31-125 to 31-127 and 31-140 to 31-141 for responses to Hexagon's comments regarding elimination of bicycle lanes.

31-5: Commenter generally alleges deficiencies in the Draft EIR's traffic analysis and refers to comments submitted by Terra Nova and Hexagon, attached to Commenter's letter as Exhibits A and B. Commenter further suggests the Draft EIR be recirculated to address all concerns raised by Terra Nova and Hexagon.

See Responses to Comments 31-11 to 31-177 for responses to comments raised by Terra Nova and Hexagon.

Where changes to the analysis contained in the Draft EIR represent only minor clarifications/ amplifications and do not constitute substantial new information, recirculation of the Draft EIR is not required. (CEQA Guidelines, Section 15088.5.) As explained in Response to Comment 11-14 and Responses to Comments 31-1 to 31-177, recirculation of the Draft EIR is not required.

- 31-6: Commenter generally alleges deficiencies in the Draft EIR's traffic analysis and refers to comments submitted by Terra Nova. The commenter further suggests the Draft EIR be recirculated to address all concerns raised by Terra Nova.

See Responses to Comments 31-11 to 31-153 for responses to comments raised by Terra Nova.

Where changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute substantial new information, recirculation of the Draft EIR is not required. (CEQA Guidelines, Section 15088.5.) As explained in Response to Comment 11-14 and Responses to Comments 31-1 to 31-177, recirculation of the Draft EIR is not required. See also Response to Comment 11-14 regarding recirculation.

- 31-7 Commenter alleges the Draft EIR's "reliance" on *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455 (*Ballona*) for the proposition that the City has no obligation to consider the impacts to future project residents from exposure to "preexisting environmental hazards" is improper.

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

Commenter cites *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 2013 Cal.App. LEXIS 1052 for the proposition that the Draft EIR's reliance on *Ballona* is improper. The commenter is incorrect. As noted by the *Parker* court, *Ballona* did not involve a project that would itself physically change the environment; there, the mixed use development at issue would not cause sea levels to rise, thus the EIR need not analyze the potential impact of sea rise on the project. In contrast, the project at issue in the *Parker* case would disturb contaminated soils and thus result in a physical change to the environment. The *Parker* court did not need to decide whether potential effects of a physical change that poses a risk only to the people who reside in a project may ever be deemed significant. Notably, however, the court expressly rejected any contention that the existence of toxic soil contamination at a project site, without any accompanying disturbance or other physical changes "is, in itself, a significant impact requiring CEQA review and mitigation." (*Parker, supra*, 2013 Cal.App. LEXIS 1052 at *22.) Thus, applying the *Parker* decision to the McKinley Village project, the presence of existing toxic air contaminants (TACs) or existing noise at a project site, without any physical changes, does not require CEQA review.

Nevertheless, for purposes of full disclosure, the Draft EIR *does* provide a complete analysis of the impacts of the environment on the proposed project. See Response to Comment 31-8.

31-8: Commenter states that, regardless of *Ballona* or CEQA's requirements, good public policy requires that the City analyze potential impacts to future residents caused by placing the project proximate to the Capital City Freeway and the UPRR rail lines.

The Draft EIR does analyze potential impacts of the environment on the project. Specifically, the Draft EIR provides as follows regarding the impacts of existing noise on the proposed project:

The impacts discussed in this section related to noise from the adjacent Capital City Freeway and the UPRR tracks are effects on users of the project and structures in the project of preexisting environmental hazards, as explicitly found by the court in the *Ballona* decision, and therefore "do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the project must be analyzed in an EIR" (*Ballona, supra*, 201 Cal.App.4th at p. 475). *Nonetheless, an analysis of these impacts is provided for informational purposes.* (DEIR, pp. 4.6-26 to 27, emphasis added.)

The noise section of the Draft EIR concludes the impacts are less than significant. (DEIR, pp. 4.6-38 to 4.6- 63)

Similarly, while not addressed by commenter, it is worth noting that the Draft EIR also provides as follows regarding the impacts of existing flood hazards on the project:

The impacts discussed in this section related to flooding are effects on users of the project and structures in the project of preexisting environmental hazards, as explicitly found by the court in the *Ballona* decision, and therefore “do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the project must be analyzed in an EIR.” (*Id.* at p. 475.) *Nonetheless, an analysis of these impacts is provided for informational purposes.* (DEIR, p. 4.5-30 emphasis added.)

The hydrology and water quality section of the Draft EIR concludes the impacts are less than significant. (DEIR, pp. 4.5-41 to 4.5-50.)

Moreover, the Draft EIR provides as follows regarding the impacts of existing hazardous materials on the project:

“The impacts discussed in this section related to potential release of hazardous materials from a potential train derailment along UPRR tracks or from hazardous cargo transported along Capital City Freeway, and potential hazards associated with the former 28th Street Landfill, are effects on users of the project and structures in the project of preexisting environmental hazards, as explicitly found by the court in the *Ballona* decision, and therefore “do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the project must be analyzed in an EIR.” (*Id.* at p. 475.) *Nonetheless, an analysis of these impacts is provided for informational purposes.* (DEIR, p.4.4-25, emphasis added.)

The hazards and public safety section of the Draft EIR concludes the impacts are less than significant. (DEIR, pp.4.4-44 to 4.4-49.)

Finally, the Draft EIR provides as follows regarding the impacts of existing air contaminants on the proposed project:

The impacts discussed in this section related to Toxic Air Contaminants associated with the existing Capital City Freeway and UPRR operations are effects on users of the project and structures in the project of preexisting environmental hazards, as explicitly found by the court in the *Ballona* decision, and therefore “do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the project must be analyzed in an EIR.” (*Id.* at p. 475.)

Nonetheless, an analysis of these impacts is provided for informational purposes. (DEIR, p. 4.1-33, emphasis added.)

The air quality and climate change section of the Draft EIR concludes the impacts are less than significant. (DEIR, pp. 4.1-46 to 4.1-51.)

As is clear from the above, the Draft EIR properly identifies the principles set forth in *Ballona*, and also analyzes the potential impacts of existing conditions the project. Nothing more is required under CEQA.

31-9: Commenter makes concluding remarks and alleges the Draft EIR must be recirculated to address the deficiencies set forth in the Terra Nova and Hexagon comments.

See Responses to Comments 31-11 to 31-177 for responses to comments raised by Terra Nova and Hexagon.

Where changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute substantial new information, recirculation of the Draft EIR is not required. (CEQA Guidelines, Section 15088.5.) As explained in Response to Comment 11-14 and Responses to Comments 31-1 to 31-77, recirculation of the Draft EIR is not required.

31-10: Commenter asserts the deficiencies articulated in its letter require recirculation. Please see Responses to Comments 31-9 and 11-14.

Response to Terra Nova Planning and Research (Exhibit A to Rutan Letter)

31-11: Commenter criticizes the Draft EIR's reliance on the *Ballona* decision and states the City must consider the potential impacts of the environment on the project.

See Responses to Comments 31-7 and 31-8 regarding *Ballona* and the Draft EIR's analysis of the existing environment's impacts on the project.

31-12: Commenter states that the Draft EIR concludes Land Use, Population, and Housing are not CEQA issues because they are social or economic issues.

The commenter misreads the Draft EIR. Chapter 3 of the Draft EIR includes a discussion of issues related to Land Use, Planning, and Population. The Draft EIR states that "[c]hanges in population (and housing) in and of themselves are generally characterized as social and economic effects and are not considered physical effects on the environment." (DEIR, p. 3-1.) However, the Draft EIR also explains that to the extent a Land Use, Population, or Housing issue has the potential to result in a

potential environmental impact “the reader is referred to the various technical sections in Chapter 4 for a discussion of any potential physical/environmental effects and potential incompatibilities that may be considered in the determination of physical environmental impacts.” (*Ibid.*) In other words, Chapter 3 contains a general discussion of Land Use, Population, and Housing issues whereas Chapter 4 includes further discussion of these issues to the extent the issues may relate to a physical impact on the environment. This approach is consistent with CEQA.

- 31-13: Commenter asserts the Draft EIR fails to consider the land use and planning questions included in the CEQA Checklist (CEQA Guidelines Appendix G).

The Draft EIR addresses each of the three land use and planning questions included in Appendix G. Specifically, the Draft EIR considers whether the proposed project will “physically divide an established community.” (CEQA Guidelines, App. G, § X.a; Draft EIR, pp. 3-21 to 22.) The Draft EIR concludes:

“Due to the project’s location and physical separation from the existing neighborhoods by the UPRR tracks, development of the project would not physically divide an established community because there is no development north of the UPRR tracks and south of the freeway. The project would, instead, provide a continuation of the East Sacramento neighborhood with development of a new residential area.” (DEIR, p. 3-22.)

The Draft EIR also discusses whether the proposed project “[c]onflict[s] with any applicable land use plan, policy, or regulation... adopted for the purpose of avoiding or mitigating an environmental effect.” (CEQA Guidelines, App. G, § X.b.) Specifically, Chapter 3 discusses Land Use Compatibility with Surrounding Uses (DEIR, pp. 3-22 to 23), Land Use Compatibility with Internal Uses (DEIR, pp. 3-23 to 24), Consistency with the Sacramento 2030 General Plan (DEIR, pp. 3-24 to 31), Consistency with the East Sacramento Community Plan (DEIR, p. 3-31), Consistency with the City of Sacramento Zoning Ordinance (DEIR, pp. 3-31 to 32), Consistency with SACOG Blueprint and MTP/SCS (DEIR, p. 3-32), Consistency with the 2010 Sacramento City/County Bikeway Master Plan (DEIR, p. 3-33), and Consistency with the Sacramento Housing Element (*ibid.*). The Draft EIR concludes that the proposed project is consistent with surrounding and internal uses as well as each of the applicable planning documents. (DEIR, pp. 3-23 to 24, 3-31 to 33.)

Finally, the Draft EIR considers whether the proposed project “[c]onflict[s] with any applicable habitat conservation plan or natural community conservation plan.” The Draft EIR explains that “the site and off-site improvement areas are not within an

approved HCP, Natural Community Conservation Plan (NCCP), or other approved conservation plan...” (DEIR, p. 4.2-31.)

31-14: Commenter asserts that the EIR fails to consider the Population and Housing questions included in the CEQA Checklist (CEQA Guidelines Appendix G).

Appendix G lists the following Population and Housing questions:

Whether a project has the potential to:

- (a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- (b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- (c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Appendix G states that these and the other questions set forth in the appendix need only be considered to the extent they “are relevant to a project’s environmental effects...” The Draft EIR demonstrates that questions (b) and (c) above are not relevant to the proposed project. As explained in the Draft EIR, the proposed project site is “currently vacant with a fallow field dominated by non-native grasses, trees, and shrubs along with four freestanding billboards and overhead utility lines and poles.” (DEIR, p. 2-2.) As the project proposes to develop vacant land, the proposed project does not require the demolition of existing housing nor require the relocation of existing populations.

With respect to question (a) above, the Draft EIR explains that the proposed project constitutes a residential or mixed-use residential project that is consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area a sustainable communities strategy (SCS) and, therefore, “is not required” to discuss growth inducing impacts. (DEIR, p. 6-4; see also Pub. Res. Code, Section 21159.28, subd. (a); Gov. Code, Section 65080, subd. (b)(2)(I).) Notwithstanding that Senate Bill 375 permits the Draft EIR for the proposed project to exclude a discussion of growth inducing impacts, the Draft EIR evaluates the potential for the proposed project to induce substantial population growth. The Draft EIR explains that population growth associated with the project is consistent with the City of Sacramento’s 2030 General Plan because the “increase in residential units and population associated with the project would not result in

changes in population or housing that were not already factored into the 2030 General Plan and Master EIR.” (DEIR, p. 3-33.)

The Draft EIR also states that “[d]ue to the location of the project site, the proposed project would not eliminate any constraints that are currently obstacles to growth in this portion of the City that would hasten development of this area.” (DEIR, p. 6-5.) In consideration of these and other factors associated with the potential for the proposed project to induce growth as set forth in the Chapter 6, the Draft EIR concludes the proposed project’s growth-inducing effects are less than significant. (DEIR, p. 6-6.)

- 31-15: Commenter states that the Draft EIR does not include an evaluation of the impacts of surrounding lands on the project.

Chapter 4 of the Draft EIR evaluates potential environmental impacts that may be directly or indirectly caused by the proposed project on a project-specific or cumulative basis. The analysis includes consideration of potential impacts of surrounding land uses on the project. See also Responses to Comments 31-7 and 31-8 regarding *Ballona* and the Draft EIR’s analysis of the existing environment’s impacts on the project.

- 31-16: Commenter argues that the Draft EIR fails to adequately address the 2030 General Plan’s Vision statement, guiding principles, goals and policies.

Determination whether a project is “in harmony” with a general plan policy is left to the decision makers – here, the Sacramento City Council. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) The role of an EIR is to identify applicable planning documents, such as the general plan, and disclose whether a proposed project “conflicts with a general plan policy that is fundamental, mandatory, and clear.” (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782.) Courts accord great deference to a local governmental agency’s determination of consistency with its own general plan, recognizing that “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.” (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142.)

As stated by the commenter, the 2030 General Plan requires that the proposed project be developed consistent with the 2030 General Plan’s Vision and Guiding Principles. The Draft EIR acknowledges this fact. (DEIR, p. 3-3 [“Policy LU 10.1.4 states that those areas designated as PD shall be developed consistent with the General Plan’s

Vision and Guiding Principles and would need to obtain a general plan amendment to designate the site consistent with proposed land uses.”].) The Draft EIR considers whether the proposed project is consistent with the 2030 General Plan’s Vision and Guiding Principles. The Draft EIR concludes the proposed project, including the required general plan amendment, is consistent with the City’s vision to develop this site with residential uses. (DEIR p. 3-31.) CEQA requires nothing more. See also Master Response 8 regarding the land use consistency analysis.

- 31-17: Commenter asks whether the proposed project promotes the health, well-being, and safety of the community.

The project includes various design measures to address, for example, noise and air emissions from the freeway and from the UPRR tracks. The environmental effects and efficacy of these and other measures implemented to promote the health, well-being, and safety of the community are evaluated in the technical sections contained in Chapter 4. See also Response to Comment 31-18.

- 31-18: Commenter asks whether the project is “livable” based on its proximity to the Capital City Freeway, UPRR train tracks, and walls separating such uses.

“Livability” is not a CEQA term. The City Council, in considering the proposed project, will evaluate the EIR and also make policy determinations such as whether the proposed project is consistent with livability standards included in the General Plan. For the purposes of CEQA, the question is whether proximity to these other uses and features will result in any potentially significant environmental impacts. Proximity to the freeway and the UPRR train tracks are evaluated throughout Chapter 4. Aesthetic impacts relating the proximity of those uses as well as associated walls are evaluated in Section 4.10, Urban Design and Visual Resources. See also Master Response 10 regarding livability concerns.

- 31-19: Commenter asks whether the bicycle/pedestrian underpass (tunnel) proposed as part of the proposed project will be safe to use.

The commenter does not explain why it believes the tunnel may not be safe to use. The Draft EIR evaluates potential impacts of the proposed project, including undercrossing of the UPRR tracks in Sections 4.4, Hazards and Public Safety and 4.9, Transportation and Circulation. No potentially significant impacts are associated with the proposed bicycle and pedestrian improvements included in the proposed project.

Moreover, the applicant has committed to the following measures and project features relating to tunnel safety if the tunnel is approved by UPRR and the appropriate government agencies:

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

31-20: Commenter asks whether the proposed project contributes to an equitable distribution of affordable housing throughout the City.

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

growth area” in the Mixed Income Housing Code and is therefore not required to include affordable housing.

31-21: Commenter asks how the proposed project protects the pattern and character of the City’s traditional neighborhoods.

As discussed in the Draft EIR, the proposed project is designed to reflect the characteristics of the older neighborhoods in Sacramento. Further, the proposed project provides sidewalks on all roadways to encourage walking and bike access on all the roadways to encourage biking. The housing styles are designed to complement the existing, established neighborhoods and to be an extension of the existing neighborhoods to the south, west, and east of the site. The proposed project incorporates four different housing types, 18 house plans, and 62 base elevations (with further material and color variations beyond the base elevations that will meet a range of housing needs). (DEIR, p. 3-24.) See also Chapter 2 of this Final EIR for more information on changes to the project housing plans.

31-22: Commenter asks whether the proposed project will be integrated into the existing community when it is isolated and essentially land locked.

The proposed project is designed to integrate into the existing community through its project design. The project includes a mix of housing types and has been designed to tie into the characteristics of the older residential neighborhoods in the City. The proposed project has also been designed to be pedestrian and bicycle friendly with a density that is consistent with the older neighborhoods in McKinley Park, East Sacramento and Midtown, and includes a proposed retail use (e.g., café) in the recreation center, which will be available to all residents of thereby connecting existing residents with the proposed project. See also Response to Comment 31-23.

31-23: Commenter asks whether the proposed project is consistent with Land Use Policy 4.5.4 and 4.5.6, which promote development of residences within ½ mile of transit, public spaces, shopping, and community supportive facilities and services.

The project’s 40th Street access and Alhambra bicycle/pedestrian underpass (if approved by Union Pacific and the appropriate government agencies) connects residents to a variety of community supportive facilities:

- Transit: approximately one half mile walk to the nearest transit route (Bus Line 34) via 40th Street, and slightly more than one quarter mile to the existing stop at Alhambra and McKinley Boulevards from the Alhambra undercrossing.

- Schools: less than one half mile to Theodore Judah Elementary School via 40th Street, and just over one half mile to Sutter Middle School via the Alhambra undercrossing.
- Employment: less than one quarter mile to the Cannery Business Park via 40th Street.
- Park: less than three quarters of a mile to McKinley park via 40th Street.
- Grocery and Restaurant: approximately one half mile via 40th Street.

(DEIR, p. 2-46; p. 4.9-19, Figure 4.9-5; p. 4.9-58; see also new Figures 1, Bike/Walking Distance from 40th and A Streets and 2, Proximity to Area Amenities, in Chapter 2 of this Final EIR.) Given the infill nature and location of the project, it is understandable that some residences may be farther than one half mile from the nearest amenities. The Draft EIR concluded that transit-related effects are less than significant. (DEIR, p. 4.9-61.) Ultimately, the City Council will determine whether the project is consistent with the City's 2030 General Plan as a whole. See also Master Response 8 regarding general plan consistency.

31-24: Commenter questions whether the proposed project meets the urban form guidelines for the Traditional Neighborhood land use designation.

First, it is important to note that the 2030 General Plan's urban form guidelines are recommendations, not required standards. (2030 General Plan, p. 2-30.) Moreover, the commenter appears to suggest that to be consistent with the Traditional Neighborhood urban form guidelines the proposed project must include a mix of single family, second units, duplexes, tri-plexes, four-plexes, and apartments. The commenter's conclusion is based on a misinterpretation of the City's 2030 General Plan. Projects proposed in the Traditional Neighborhood land use designation are not required to include each of the above-stated residential land use types. Rather, each of the above-stated residential land use types is permitted in the Traditional Neighborhood land use designation. (2030 General Plan, p. 2-46.)

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

stores, schools and other amenities. The 40th Street access provides a proximate and direct access, particularly for walking and bicycling, to the nearest school (Theodore Judah), transit route (Bus Line 34), employment center (Cannery Business Park), park (McKinley Park) and other local commercial uses. See also Response to Comment 31-23.

- 31-25: Commenter asserts that the Draft EIR improperly fails to quantify the impacts associated with non-conformance with 2030 General Plan vision, guiding principles or policies and asserts impacts associated with land use, population and housing are potentially significant.

See Responses to Comments 31-12 to 31-25. The commenter has not identified any general plan policies with which the proposed project asserts to be inconsistent. Moreover, a policy inconsistency is “merely a factor to be considered in determining whether a particular project may cause a significant environmental effect.” (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1270.) Chapter 4 for the Draft EIR considers applicable land use planning policies as part of the process of evaluating potential impacts associated with the proposed Project. (DEIR, pp. 4.10-11 to 24.) This approach complies with CEQA. See also Master Response 8 regarding consistency with 2030 General Plan goals and policies.

- 31-26: Commenter opines generally that adverse health effects will result from placing residents in the project location.

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

- 31-27: Commenter asserts, without any evidence, that the project is not sustainable and that the project site provides unhealthy living conditions.

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

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

- 31-28: Commenter asserts, without any evidence, that the project is not sustainable and that the project's enhanced trail access through the bicycle and pedestrian tunnel "in all likelihood would not be used."

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

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

- 31-29: Commenter expresses its desire that the project be redesigned to incorporate a mixed use land plan with revised access points and a bus loop.

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

- 31-30: Commenter states that alternatives to the Alhambra tunnel under the railroad berm and the 40th Street access tunnel are needed.

The opinion of the Commenter is noted and is forwarded to the decision makers for their consideration. See also Master Response 1 regarding the infeasibility of alternative access points.

- 31-31: Commenter notes SACOG has determined the project is consistent with the SACOG SCS, but opines there is no evidence of sustainable design.

The opinion of the commenter is noted and is forwarded to the decision makers for their consideration. See also Response to Comment 19-2 regarding consistency with the SCS.

- 31-32: Commenter asserts that project residents would need to keep windows closed year round to ward off noise and air pollution, which will result in higher than average energy consumption. Commenter also hypothesizes that the project will increase vehicle miles traveled (VMTs), not reduce VMTs.

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

The City of Sacramento's noise standards, like those of all cities and counties with which the Draft EIR Noise section preparer is familiar, are applied with windows in the closed position. Therefore, the evaluation of noise impacts with windows in the closed position is not unique to this project or this jurisdiction. That being said, because people's sensitivity to noise varies widely, some residents in the development may elect to leave windows open whereas others have the option of closing them should they desire additional acoustical isolation.

Commenter also refers to its comments on "Bicycle, Pedestrian, and Transit Operations." Please see Responses to Comments 31-140 and 31-141 addressing these comments.

31-33: Commenter asserts the Draft EIR's reliance on the *Ballona* decision is improper.

Please see Responses to Comments 31-7 and 31-8 regarding *Ballona* and the Draft EIR's analysis of the existing environment's impacts on the project.

31-34: The commenter correctly states that the CARB handbook is only advisory and that land use decisions are a local government responsibility. The commenter then questions why housing and transportation needs, economic development priorities and other 'quality of life issues' were not discussed in the EIR.

As explained in the Draft EIR, the CARB Air Quality and Land Use Handbook provides:

"[t]hese [land use siting] 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." However, they can be used to evaluate whether the siting of a sensitive receptor close to existing sources of toxic air contaminants could result in adverse health effects." (DEIR, p. 4.1-24.)

Consistent with CARB guidance, the City Council will balance the CARB advisory recommendations against other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues, when

considering whether to approve the project. These issues need not be included in the EIR or the HRA.

See Master Response 7 regarding the health risk assessment and application of the CARB recommendation for setback from high-traffic roadways.

- 31-35: The commenter questions the use of a “statistical model” that does not include any on-site air quality data collection. The commenter acknowledges statements made in the health risk assessment (HRA) regarding the lack of parameters for evaluating non-inhalation pathways for diesel particulate matter and the use of the SMAQMD Roadway Protocol.

The HRA was conducted using the American Meteorological Society/U.S. Environmental Protection Agency (EPA) Regulatory Model (AERMOD). AERMOD is approved for use by the EPA and the SMAQMD for air quality impact analysis. This model was chosen because the usual “line source” models used for roadway impact analysis, such as the CAL3QHCR model used in the SMAQMD Roadway Protocol, could not be used to model both the Capital City Freeway and UPRR tracks. The choice of the dispersion model was discussed with SMAQMD staff before the HRA was commenced, and staff agreed with selection of the AERMOD. AERMOD does not require “calibration” using on-site air quality data to produce reliable results.

The comment in the second paragraph does not state a question; however, as stated in the Draft EIR (DEIR p. 4.1-28):

“To evaluate the potential cancer risks to sensitive receptors near high-traffic roadways, the SMAQMD developed the Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways (Roadway Protocol, SMAQMD 2011b) to provide further guidance on the CARB Air Quality and Land Use Handbook: A Community Health Perspective.”

- 31-36: Commenter asks for clarification to explain the HRA’s premise that an acceptable increased level of risk for future project residents is “corresponding to a [risk that is a] 70% reduction from the highest roadway contaminant risk in Sacramento County.”

The discussion in question is related to the evaluation criterion in the current version of the SMAQMD Roadway Protocol. The evaluation criterion, as discussed in the Roadway Protocol, is a cancer risk value based on the reasonable worst-case siting situation within the boundaries of the SMAQMD. For 2011 and later evaluations, the evaluation criterion is a cancer risk of 276 in 1 million. It is the level of increased

individual risk corresponding to a 70% reduction from the highest roadway risk in Sacramento County: $(100\% - 70\%) \times 919$ in 1 million = 276 in 1 million.

As stated in the HRA, the evaluation criterion is not a significance threshold. The Draft EIR relies on the City's significance threshold:

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. (DEIR, p. 4.1-35.)

31-37: Commenter suggests that the worst-case background condition for diesel particulate matter (DPM) is being used as the bar for evaluating health risks and asks what level of DPM would cause an adverse effect on residents and asks for specificity regarding the actual, not modeled, air quality conditions on the project site.

As explained in Response to Comment 31-36, a 70% reduction from the worst-case condition (i.e., the highest roadway risk in Sacramento County) was used in the SMAQMD Roadway Protocol to develop the evaluation criterion. The SMAQMD evaluation criterion was not used to determine the significance of the cancer risk.

Because DPM is classified by CARB as a toxic air contaminant and a carcinogen, there is no recognized "safe" level. Health risks from carcinogens are evaluated on a risk basis (i.e., chances of contracting cancer due to a lifetime exposure) against a threshold as determined by the relevant agency. Accordingly, one cannot recommend an absolute level above which residents should worry about air quality having an adverse health effect on their children.

See Response to Comment 17-15 regarding collection of on-site air quality monitoring data and its limitations. More generally, Section 4.1.2 of the Draft EIR indicates that state and/or national ambient air quality standards are exceeded for ozone and particulate matter. Local ambient air quality data at the monitoring stations closest to the project site are provided in Table 4.1-3 in the Draft EIR.

31-38: The commenter implies that the evaluation criterion has been used as the significance threshold and speculates that homeowners may not be able to decipher the meaning of the HRA's conclusions regarding cancer risk.

The commenter has misinterpreted the use of the evaluation criterion as a significance threshold and the purpose of the initial screening. The initial screening was intended to demonstrate that a refined HRA would not have been triggered under the SMAQMD Roadway Protocol if only the vehicle emissions from the Capital

City Freeway had been considered. Specifically, the initial screening showed that the estimated cancer risk would be 200 in 1 million, which is less than the evaluation criterion of 276 in 1 million. Despite this initial evaluation, a refined HRA, including emissions from trains on the adjacent UPRR tracks, was conducted for the Draft EIR. The comment regarding the inability of homeowners to understand the conclusions of the HRA will be forwarded to the decision makers for their consideration.

Please see also Master Response 7 that provides additional clarification on the HRA and Response to Comment 31-36 regarding the significance threshold.

- 31-39: Commenter states the HRA likely underrepresented the number of trucks per day on Capital City Freeway/Business 80.

The truck data for the Capital City Freeway in the health risk assessment were based on 2011 traffic counts provided by Caltrans. The truck data used in the analysis were specifically obtained at Exposition Boulevard, just north of the project site. The 4.0% truck percentage indicated by the commenter is from 2007 counts and representative of the trucks over a longer portion of the Capital City Freeway, which does include the project site. Thus, the HRA uses more recent and site-specific than those in the cited Caltrans report. Also see Master Response 7 regarding the selection of vehicle characteristics used to analyze toxic air contaminants.

- 31-40: Commenter opines that the HRA should consider not only truck traffic data, but also total vehicle AADT, to develop mobile source emission rates.

To be consistent with the SMAQMD Roadway Protocol, only diesel particulate matter emissions were evaluated in the HRA. See Master Response 7 regarding the selection of toxic air contaminants.

- 31-41: Commenter asserts the HRA should have evaluated future conditions, with projected traffic volumes for Year 2030, rather than analyzing only 2011 conditions and that all types of motor vehicles should have been evaluated.

Traffic volumes provided by Caltrans (2011) were used to be consistent with the Roadway Protocol, which relies on 2011 traffic and emissions data. Thus, the use of traffic volumes in other years would not be appropriate for using the screening tables. SMAQMD updates their protocol every few years to accommodate changed conditions. However, the most current information available, per the Roadway Protocol, is 2011 data. (DEIR, p. 4.1-29.) See also Master Response 7 regarding the selection of motor vehicle characteristics and future conditions.

Regarding assessing future TAC emissions and potential health effects, while traffic on a given roadway would increase over time, motor vehicle emissions tend to decrease over time due to increasingly stringent state and federal air quality regulations and replacement of older vehicles. Neither traffic levels nor emissions can be accurately predicted over the 70-year TAC exposure period assumed in the SMAQMD Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways Roadway Protocol. Additionally, the Roadway Protocol's evaluation criterion (currently 276 in 1 million) is dependent upon current traffic and emissions data, and without future traffic and emissions data, it is unknown what the future evaluation criterion would be. It is not feasible to conduct an analysis of cumulative conditions, as that analysis would include yet-to-be realized emissions reductions, speculative traffic levels, and an inaccurate evaluation criterion. For these reasons, an analysis of future or cumulative conditions is not addressed. This also applies to the analysis of future locomotive emissions. (DEIR, p. 4.1-53.)

- 31-42: The commenter asserts that the trains on the railroad tracks adjoining the site travel at relatively low speeds and draws a conclusion that homes within 50 feet of the tracks would be subject to adverse impacts and draws a conclusion that the CARB recommendations regarding setbacks from rail yards should have been applied.

It is unclear what, if any, portion of the analysis the commenter finds objectionable. The commenter does not provide substantial evidence that the health effects related to trains passing a project site, even at relatively slow speeds, would be comparable to those associated with a major rail yard. As described in the CARB Air Quality and Land Use Handbook, “[rail yards] are usually located near inter-modal facilities, which attract heavy truck traffic, and are often sited in mixed industrial and residential areas.” The CARB recommendations are based on findings from an HRA conducted for the UPRR Roseville Rail Yard. Clearly, the railroad tracks in the vicinity are not comparable in terms of number of tracks, locomotives, or level of activity as the Roseville Rail Yard. Furthermore, CARB did not include any recommendations for siting sensitive receptors near rail lines in the *Air Quality and Land Use Handbook*. The purpose of including locomotive emissions in the HRA was to specifically evaluate the associated cancer risk without guessing as to their contribution.

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

- 31-43: The commenter points out that no pollutants other than diesel particulate matter were evaluated in the health risk assessment. The commenter also speculates that emphasis should have been placed on a longer period during which the trains would pass the project site; specifically a total of 3.5 hours assuming 60 trains per day at 3.5 minutes per train.

To be consistent with the SMAQMD Roadway Protocol, only diesel particulate matter emissions were evaluated in the HRA. See Master Response 7 regarding the selection of toxic air contaminants.

The HRA does not state that 3.5 minutes is not a high exposure time compared to freeway traffic. It simply states, “[a]t a speed of 20 miles per hour, a train would traverse this distance [the modeled distance of 1.15 miles] in 0.058 hour or about 3.5 minutes.” The locomotive emissions were distributed throughout the day, just as the truck emissions from the freeway were. Thus, the total emissions from locomotives were accounted for regardless of the stated time that an individual train would pass the project site. It is important to note that the total length of time that trains would pass the project site and the associated emissions are distributed throughout the day; the trains and emissions are not confined to a few hours as the comment suggests.

Please see also Response to Comment 31-41, above, regarding future or cumulative conditions.

- 31-44: Commenter states no on-site meteorological data were collected for the HRA.

As is common with air quality dispersion modeling, AERMOD-ready data are not always available from locations very close to a project site. Generally, meteorological data for dispersion modeling are collected at local airports. The HRA analyst used the best available data and followed proper protocol and established methods for preparing this type of an analysis. Collection of on-site meteorological data is not required by the SMAQMD, nor is it feasible due to the length of time required to gather this type of data (at least 1 year of data and preferably 3 to 5 years of data should be collected). Accordingly, collection of on-site meteorological data would not be feasible given the time constraints for preparation of an EIR. Additionally, AERMOD adjusts the meteorological data to some extent to reflect local project conditions, such as an urban or rural mix of land uses as well as local topographic features. Furthermore, the local conditions in the Sacramento area are not that different such that meteorological data from the Sacramento International Airport would be invalid for a project located in the City of Sacramento. Meteorological data from Sacramento area airports have been used for decades to evaluate ambient air

quality and health impacts from proposed projects and permitted stationary sources in the Sacramento region. In addition, the SMAQMD reviewed a draft of the health risk assessment and had no comments regarding the selection of the dispersion model or the meteorological data.

- 31-45: Commenter alleges that on-site data, gathered during summer months, is important given the unique site conditions and the effect of regional topography on air quality.

The quoted sections of the Draft EIR were descriptions of topographic and meteorological conditions in the Sacramento Valley. The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

It should be noted, however, that five years of meteorological data were used in the HRA, which is sufficient to capture seasonal variations in the conditions. That is, the meteorological data includes wind speed, direction, and several other parameters from every season over a five-year period. As discussed in the HRA (DEIR Appendix C), cancer risk is based on a 70-year lifetime exposure to the residents of the project. Cancer risk calculations are not performed for a short-term exposure such as a month or a season. Thus, while seasonal variations in meteorological conditions are accounted for in the dispersion modeling, they are not relevant to the evaluation of the long-term health effects.

- 31-46: Commenter cites to the HRA's statement that insufficient data was available to distinguish the trains running on the tracks adjacent to the project site from trains running on the other tracks to the east of the project site.

The estimates of trains collected by the noise consultant indicated that some trains travel on the north-south tracks to the east of the project site. The *number* of trains, as determined by the noise consultant, was accounted for in the HRA. To simplify the modeling analysis, while maintaining a conservative analysis, all of the trains were assumed to operate on the east-west tracks to the south of the project site. This approach tended to place the emission sources *closer* to the project site than if some of the trains had been modeled as operating on the north-south tracks. Accordingly, the cancer risk was conservatively estimated using this approach.

The statement in question was based on a discussion with the noise consultant. During observations near the project site, few freight trains were seen using the north-south tracks. It was determined from commuter train schedules that four trains to and from the San Joaquin Valley would use part of the southern portion of this

track, but they would pass the project site while they traveled between the project area and downtown Sacramento.

Notably, in citing the HRA, the commenter appears to overlook text in the cited paragraph clarifying that “all trains were modeled as if they were running on the tracks adjacent to the site.” As noted in the HRA, this approach is “more conservative because the emissions from trains on the other tracks would contribute somewhat less to the exposure to the project’s residents because they are farther away.” (HRA, p. 22.) Having employed the most conservative analysis, no additional modeling is required to assess the potential impacts.

31-47: Commenter asserts that the HRA should have examined not only diesel particulate matter, but also mono-nitrogen oxides NO and NO₂.

See Master Response 7 regarding the selection of toxic air contaminants. Neither the City of Sacramento 2030 General Plan policies nor the SMAQMD guidance recommend that the ambient air quality impacts of criteria air pollutants (e.g., nitrogen dioxide) emitted from motor vehicles be evaluated.

31-48: Commenter asserts that non-cancer health effects are not analyzed in the HRA. The commenter reiterates previous comments regarding on-site monitoring and modeling of other air pollutants.

See Response to Comment 17-21 and Master Response 7 regarding noncancer health effects.

31-49: Commenter asserts that Impact 4.1-5 improperly focuses on impacts caused by project operations, and suggests the impact analysis must analyze the risk that residents will be exposed to as a result of placing homes proximate to existing hazardous air emissions.

Please see Responses to Comments 31-7 and 31-8 regarding the *Ballona* decision and the EIR’s adequate analysis of potential impacts of existing air quality conditions on the project site and Master Response 7 regarding the CARB recommended setback from freeways and other high-traffic roadways and associated health effects.

31-50: Commenter asserts that the potential sources of PM₁₀ and PM_{2.5} and high concentrations of oxides of nitrogen and VOCs and other unhealthful contaminants were not adequately addressed. Commenter also acknowledges the CARB recommendations are simply advisory, and do not establish any regulatory

standards, then asserts that the EIR and HRA “work hard to create the argument that CARB land use recommendations do not apply to this [project].”

See Response to Comment 31-47 regarding evaluation of other air pollutants and Master Response 7 regarding the CARB recommended setback from freeways and other high-traffic roadways. In addition, the comment provide no information or evidence relating to where such sources (of oxides of nitrogen and VOCs and other unhealthful contaminants are located relative to the project site. The comment is forwarded to the decision makers for their consideration.

See also Master Response 7 regarding the CARB recommended setback from freeways and other high-traffic roadways.

31-51: Commenter asserts the Draft EIR should have considered issues of environmental justice.

CEQA does not require that environmental justice be evaluated in EIRs. Environmental justice is not considered a physical environmental impact under CEQA and is instead a socioeconomic issue. 2030 General Plan Policy ER 6.1.4 is intended to ensure that land use decisions do not disproportionately expose disadvantaged communities to the health effects of air pollutants, such as placement of industrial facilities near residential areas inhabited by people of color, low income, or in other disadvantaged sections of the City. Refer to Master Response 8 regarding consistency with general plan policies.

31-52: Commenter asserts the Draft EIR improperly defers mitigation of potential impacts from potential sub-surface solid waste under the project’s planned improvement of the roadway connecting the A Street Bridge to 28th Street.

A roadway extending east from the intersection of 28th Street and A Street through the closed 28th Street Landfill site and over the Capital City Freeway is currently contemplated in the City’s 2030 General Plan as part of the Sutter’s Landing Parkway Interchange, and in the Sutter’s Landing Park Master Plan. The existing road that connects the A Street Bridge to 28th Street crosses the western edge of the closed 28th Street Landfill. The proposed project would upgrade this off-site roadway to a paved road to provide access to the project site. According to the LEA, the City landfill staff has stated that “the existing road connecting 28th Street to the A Street Bridge is not located over waste, but there may be pockets of waste on either side of the road.” (Closed Disposal Site Inspection Report, Sacramento City Landfill, prepared by County of Sacramento as the Local Enforcement Agency, comment 5 (July 11, 2013).) In January 2014, ten test pits were excavated within and approximately 50 to 100 feet

from the proposed A Street road. All of the material encountered in proximity to the roadway alignment either consisted of sand fill or construction rubble fill (concrete with limited construction debris), which is suitable for supporting the planned roadway (except with respect to the one exploration noted below, which was roughly 50 feet from the proposed A Street alignment). No municipal waste was found within the alignment. The one exploration, approximately 50 feet south of the proposed alignment, presented municipal solid waste (MSW) at a depth of approximately 4 feet. This was the sole evidence of MSW, and it is considered anomalous. (Memo from Wood Rodgers to Steve Harriman, January 28, 2014). These findings are consistent with a geophysical assessment using shearwave velocities (ReMi™) to differentiate soil conditions and detect anomalies conducted in December 2013. This assessment was pursuant to the City's jurisdiction with notice provided to the LEA. See Letter Report, FR; Wood Rogers Engineers, TO: Steve Harriman, City of Sacramento, McKinley Village A Street Alignment – WMUA Landfill Extents Geophysical Investigation (December 4, 2013.) The road improvements shall be undertaken, as part of the project, to achieve compliance with municipal engineering standards and requirements, ensure the integrity of the landfill and public safety, and protect public health, water and other environmental resources. Such actions to achieve these standards may include excavation, import of engineered fill or soil, compaction, and or installation of an engineered cover meeting the requirements of the LEA and CVRWQCB, as appropriate.

In accordance with Mitigation Measure 4.4-1(a), buried debris, if encountered, would be evaluated per the Construction Management Plan. If PACM material is encountered in the buried debris, if any, it will be handled in accordance with 8 CCR 1529; with implementation of Mitigation Measures 4.4-2(a) and compliance with 8 CCR 1529 and applicable requirements for disposal of asbestos containing material, impacts from, potential exposure to asbestos would be less-than-significant. Accidental spills associated with construction activities that could potentially cause soil or groundwater contamination would also be mitigated through compliance with Mitigation Measure 4.4-1(a) to less than significant. Although impacts associated with the closed 28th Street Landfill would be less than significant without mitigation, the project applicant has agreed, as an additional voluntary measure, to implement Mitigation Measure 4.4-2(b) which would require future residents to be notified of the proximity of the landfill and the need for ongoing groundwater and methane gas monitoring on the project site. This measure would further reduce the impact and the impact would remain less than significant. This impact is considered less than significant. (DEIR, p. 4.4-46.)

The required mitigation measure does not constitute deferral under CEQA. In *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 910, the court found that compliance with the California Building Code standards and other regulatory provisions provided substantial evidence that impacts would be reduced to less than significance. The court held that “when a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, and has committed to mitigating those impacts, the agency may defer precisely how mitigation will be achieved under the identified measures pending further study”. Therefore, published decisions addressing mitigation measures demonstrate that compliance with California Code of Regulations, as required by Mitigation Measure 4.1-1, complies with CEQA.

31-53: Commenter states that future design modifications to the closed 28th Street Landfill should be articulated now and a failure to do so constitutes improper deferral of mitigation.

In its July 2013 inspection of the 28th Street Landfill, the LEA stated, based on comments by City landfill staff that although the existing road connecting A Street and 28th Street does not extend over landfill waste, pockets of waste may exist on either side of the ROW. As part of the project improvements to A Street, geotechnical and environmental sampling has been conducted under the jurisdiction of the City and with notice to the LEA (see Response to Comment 31-52). The LEA and CVRWQCB may additionally determine that the landfill operator must make landfill design modifications as part of the project improvements to A Street from the A Street Bridge to 28th Street (e.g., related to landfill security, integrity of the landfill, and access to landfill monitoring equipment), which modifications may be required to be included in the Postclosure Land Use Plan. (DEIR, p. 4.4-41.) The project anticipates signage and measures, such as barriers, to ensure the security of the closed 28th Street Landfill and protection of the public. (DEIR, p. 2-63).

The required mitigation measure noted in Response to Comment 31-52 does not constitute deferral under CEQA. The impact is less than significant with implementation of mitigation and project design features. The measures to ensure security, the integrity of the landfill, and suitability of road construction could include, among others identified in the Draft EIR, barriers, street fencing, signage, and road development sufficient to meet municipal engineering standards and requirements. (See, e.g., DEIR at p. 2-63.) However, the specific measures required will be determined by other agencies (e.g., LEA, Central Valley Regional Water Quality Control Board), which implement environmental and public safety regulations under Title 27, such as those involving site security. Such measures are feasible and are identified in the Draft EIR on page 2-63.

In *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 910, the court found that compliance with the California Building Code standards and other regulatory provisions provided substantial evidence that impacts would be reduced to less than significance. The court held that “when a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, and has committed to mitigating those impacts, the agency may defer precisely how mitigation will be achieved under the identified measures pending further study”. (See also *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 412.) Therefore, published decisions addressing mitigation measures demonstrate that compliance with California Code of Regulations, as required by Mitigation Measure 4.1-1, complies with CEQA.

31-54: The commenter raises concerns about dewatering discharges during construction, and its potential effects on the capacity of the City’s CSS. Since the detention ponds would be one of the first project components installed during the site preparation phase of construction, dewatering discharges, if necessary, would most likely be made to the detention ponds and subsequently infiltrated or evaporated. Substantial dewatering is not anticipated because all but the deepest excavations are expected to be above the water table, and because the initial phases on construction (site preparation and utilities) are expected to occur during the dry season (May through November).

As acknowledged in the Draft EIR however, “the manner in which dewatering discharges would be made would depend on a number of factors, such as the season/weather, the location of the excavation, and whether space is available to infiltrate the dewatering discharges back into the shallow groundwater table.” (DEIR, p. 4.5-35.) It should also be noted that contrary to the commenter’s claim, the Draft EIR does not characterize construction-related dewatering activities as a potential hazard, nor does it claim that dewatering discharges would rely exclusively on the City’s CSS. Instead, the discussion of non-stormwater discharges under Impact 4.5-1 (DEIR, pp. 4.5-32 through 4.5-37) acknowledges the range of possibilities for how dewatering discharges might be handled and the regulatory controls that would apply in each case.

To clarify that dewatering discharges during construction, if made to the City’s CSS, would not contribute to peak wet weather flows in the sewer system, the Draft EIR is revised to read

Page 4.5-40, 3rd paragraph, is modified as follows:

Currently there are no existing sewer facilities within the project site. Dewatering discharges to the City's CSS during construction are not anticipated because the initial phases of construction, including utilities, would occur during the dry season (May through November) and because dewatering discharges, if needed, would most likely be made to another part of the site (i.e., infiltrated and evaporated). In the unlikely event that dewatering discharges would need to be directed to the CSS, such an action would require approval from the City, either through a Memorandum of Understanding (MOU) for long-term discharges or submittal and approval of a dewatering plan, as discussed in Impact 4.5-1. In either case, the submittal would specify the type of groundwater discharge, flow rates, and discharge system design, among other elements. The City would monitor and place restrictions on discharging to the CSS in peak wet weather flows. Construction-related discharges to the CSS, if required, would be short term and would become unnecessary as soon and the site's stormwater drainage system is completed. For these reasons, short-term construction site dewatering activities would not contribute to peak wet weather flows in the City's CSS.

This addition clarifies that it is unlikely that dewatering discharges into the City's CSS would be required and merely reiterates the various approvals discussed earlier in Section 4.5 (Impact 4.5-1).

31-55: Commenter asserts the Draft EIR improperly assumes 30 trains per day travel on the UPRR tracks, where the UPRR has stated there are 40 daily trains.

The "existing conditions" reflect the most accurate data available regarding the number of trains traveling on the UPRR tracks. As explained in the Draft EIR, UPRR was contacted to obtain information on freight and passenger train travel proximate to the project area. According to UPRR, homeland security concerns prevent UPRR from releasing any specific information pertaining to train schedules or frequency of train travel. UPRR verbally indicated that freight trains run on a 24 hour basis and up to 40 total trains per day pass by the project site. UPRR was unable, however, to provide specific information pertaining to the schedule of those train passages or how many of those maximum 40 daily operations occurred on each of the three routes identified on Figure 4.6-3 in the Draft EIR.

A Federal Railroad Administration (FRA) website also provides information on the estimated daily average of trains that pass through the 28th Street at-grade crossing. Pursuant to UPRR, UPRR provides the information for the FRA website. Pursuant to the State Office of Railroad Safety, the data provided on the FRA website are considered "rough estimates". Information from the FRA website, accessed in August

2013, indicated an estimated daily average of 22 total trains pass through the 28th Street at-grade crossing. Subsequent information from the FRA website, accessed in October 2013, indicated an estimated daily average of 41 total trains pass through the 28th Street crossing. Also according to the FRA website, the average speed of the trains crossing at 28th Street is between 10 and 35 miles per hour (FRA 2013). Moreover, the FRA website omits any reference to train schedules. Train schedules are critical to conducting noise analyses and assessing impacts relating to train noise. For example, the day/night average level (L_{dn}) is based upon the average noise level over a 24-hour day, with a +10 decibel weighting applied to noise occurring during nighttime (10:00 p.m.–7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. (DEIR, p. 4.6-2.) The FRA website provides no information pertaining to dates or times of train travel, and is therefore not reliable for purposes of conducting a noise study.

Because specific information regarding train schedules and frequency were not provided by UPRR or available on the FRA website, actual train counts in the project area were collected by Bollard Acoustical Consultants using noise meters, direct observations, and review of public passenger train schedules. Bollard Acoustical Consultants spent six days (4 full days and 2 partial days) conducting railroad single-event noise monitoring at the project site. The single-event monitoring was conducted concurrently with the ambient noise level monitoring program described in Table 4.6-5 of the Draft EIR. The noise meters located at sites 4-6 were programmed to log individual single-event data to capture the noise generated by individual train pass bys. The results of that analysis are presented in Table 4.6-6 of the Draft EIR, reprinted below.

Table 4.6-6
Number of Existing Railroad Operations (apparent) – August 22–27, 2013

Noise Monitoring Site ¹	Average Day ²			Peak Day		
	<i>Amtrak</i>	<i>Freight</i>	<i>Total</i>	<i>Amtrak</i>	<i>Freight</i>	<i>Total</i>
4 and 5 ³	8	15	23 ³	8	22	30
6 ³	4	23	27 ³	4	31	35

Source: See Appendix I.

Notes:

¹ Monitoring sites are shown on Figure 4.6-1.

² The noise monitoring program spanned 127 hours (4 full days and 2 partial days). The partial days were extrapolated to a 24-hour period and the average of the 6 days of monitoring is reported here.

- ³ The reason the counts from sites 4 and 5 differ from the counts at site 6 is that trains which pass by Sites 4 & 5 may not pass by Site 6, and vice versa, as shown on Figure 4.6-3.

Table 4.6-6 data, above, indicate that approximately 23–27 trains passed by the project site on average over a 24-hour period, with 30–35 trains on the busiest day of railroad activity during the monitoring period. The number of daily rail trips observed adjacent to the project site are similar to monitoring conducted over a 4-day period in June of 2007, where 30 daily train operations were registered.

As discussed in the Draft EIR and in the noise study attached thereto as Appendix I, acoustical analyses make use of annual average traffic volumes for the prediction of noise impacts and the development of noise mitigation measures. For this reason, conservative estimates of typical-daily train operations were used to define existing rail operation noise levels at the project site, rather than the higher number of train operations observed during the peak day of monitoring. Although analysis of the 2007 and 2013 single-event data indicate that daily rail activity adjacent to the project site varies, the data supports the conservative assumption of 30 existing rail operations passing the project site over a typical 24-hour period (8 Amtrak (or passenger) and 22 freight trains). (DEIR, pp. 4.6-16 to 4.6-19.)

As described above, Bollard Acoustical Consultants measured baseline train operation data based on actual observations and measurements at the project site. While the City acknowledges that daily trips may fluctuate throughout the year, the City has concluded that the Bollard Acoustical Consultants' data is the most appropriate data to be used as the baseline for train operations. (*Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049 [“lead agencies have discretion to choose methodology for determining existing conditions baseline if supported by substantial evidence”], citing *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 328.)

The commenter also states the Draft EIR fails to analyze anticipated growth in rail trips and omits reference to a proposed additional rail line that will come closer to the residences.

To provide a conservative assessment of future railroad noise exposure at the project site, the noise analysis assumed that 10 additional freight operations would occur in the future. In addition to the potential for increased freight rail service in the future, the noise study considered the proposed expansion of the Capitol Corridor service which could potentially affect the project site noise environment. The

expansion would increase existing Capitol Corridor service from two (2) daily operations to twenty (20) daily operations adjacent to the project site. When added to the existing passenger service adjacent to the project site (California Zephyr and San Joaquin lines), a total of 26 daily passenger trains would pass the project site daily. This expansion would require the construction of a new track up to approximately 45 feet closer to the project site. Thus, for future conditions, the Draft EIR analyzed the potential impacts from an additional 10 freight and 18 passenger trains, for a future combined total of 58 daily trains adjacent to the project site.

As discussed in the Draft EIR and in the noise study prepared for the project, the increase in the number of train operations (10 additional daily freight and 18 additional passenger trains, for a total of 58 trains per day) and decrease in distance to the Capitol Corridor trains would cause an overall increase in railroad noise exposure at the project site of approximately 3 dB. The increase in railroad noise exposure from the increased passenger and freight trips of 3 dB in the proposed private yards of the residences located closest to the railroad tracks would still be expected to be 60 dB L_{dn} or less. Thus, future noise levels (assuming up to 58 total trips per day) in the proposed exterior areas would continue to be in compliance with the City's noise element exterior noise exposure guideline with respect to rail operations, and the cumulative impact is less than significant. (DEIR, p. 4.6-71.)

31-56: Commenter states the Draft EIR improperly concludes that impacts from derailed trains traveling 100 feet from the tracks is less than significant.

The commenter is correct in assuming that many factors go into the likelihood and results of a derailment (see Liu, et al., "Analysis of Causes of Major Train Derailment and Their Effect on Accident Rates," 2012). The 100-foot distance is a only a guide, as the commenter suggests, but it is the most reasonable guide available, and has been previously used by the City of Sacramento (Curtis Park Village EIR, 2009, SCH#2004082020). It is not possible to demonstrate that a derailment is an impossibility, or to predict exactly what the effects would be. Per CEQA Guidelines Section 15151, an "evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible." Based on the statistical likelihood of derailment (Draft EIR, p. 4.4-45), the history of rail accidents in Sacramento, and the layout of the proposed project, a rail accident, while still a possibility, is not a significant environmental impact. The presence of train tracks, and proximity to residential uses, which is common throughout the city, state, and nation, does not indicate a significant environmental impact. Put another way, the hazard to future residents of the proposed project are no greater than those of the existing residents in nearby

areas such as River Park or B Street, near the proposed project site. In addition, “[t]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (*Ballona, supra*, 201 Cal.App.4th at p. 473.) The City has nevertheless made a good faith effort to disclose any and all potential hazards that may result from implementation of the proposed project.

The commenter also alleges the Draft EIR fails to characterize the potential of airborne contamination, or a fire’s spread as a result of derailment.

Airborne release of hazardous materials, along with contamination of soil and water, is the issue addressed in Impact 4.4-4 (DEIR, p. 4.4-44). The Sacramento County Multi-Hazard Emergency Plan, which addresses fire and hazardous spills, City of Sacramento Emergency Operations Plan, and the City of Sacramento Evacuation Plan address the possibility of a major fire (whether caused by a train accident or another source), and are discussed in Section 4.4 of the Draft EIR. Fire protection for the proposed project is discussed in Section 4.7, Public Services and Recreation of the Draft EIR. The commenter’s assertions that the Draft EIR fails to characterize these issues 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).) No additional analysis or mitigation is required. (See CEQA Guidelines, Section 15126.4, subd. (a)(3) [under CEQA, no mitigation measures are required for impacts that are less than significant].) Please see also Responses to Comments 18-73 and 18-74.

31-57: Commenter states the Draft EIR incorrectly characterizes the potential for derailment.

The study relied upon in the Draft EIR (Anderson and Barkan, 2004) does examine freight train derailment rates. This study was used because (a) the primary concern of the impact analysis is the potential for hazardous release, and hazardous materials are carried on freight trains, and (b) it is the most thorough study available to the Draft EIR preparers. While the study found the average derailment rate to be one per million miles travelled, it should be noted that this is the national average, which includes tracks with a lower Federal Railroad Administration (FRA) rating (less than Class 4). For Class 4 track and above, the derailment rates are actually 2 or 3 times lower than the one per million. This section of track is rated Class 4 according to Union Pacific. The Draft EIR assumed 30 trains to calculate the likelihood of

derailment. A reasonable estimate is that 8 passenger trains and 15 freight trains pass by the site each day on average with 8 passenger and 22 freight trains as the reasonable maximum number of pass bys. Thus, 30 trains would be a conservative assumption with respect to expected freight and passenger train trips. For purposes of the analysis, it is assumed that passenger rail derailments occur at a similar rate to freight. A review of FRA derailment data for the United States over the last three years indicates that Amtrak has an extremely small percentage of total derailments (FRA, 2014). While this is not a definitive study, it supports a reasonable assumption that the freight train derailment rates are a reasonable rate for all train derailments. Please see also Responses to Comments 18-73 and 18-74.

31-58: Commenter states that potential impacts associated with vapors or fire that could result from an accident on the freeway must be analyzed.

Impact 4.4 (DEIR, p. 4.4-44) analyzes hazardous spills associated with both the Capital City Freeway and the trains on the UPRR tracks. Please refer to Response to Comment 31-56 regarding airborne contamination and fire related to hazardous spills.

31-59: The commenter does not believe that residents would be able to reach a “safe haven” in the event of a flood, and asserts that the potential hazards associated with emergency situations have not been addressed.

Emergency evacuation in the event of a flood event is addressed in Section 4.5, Hydrology, Water Quality and Drainage under Impact 4.5-4. Which states that although “the proposed project is located outside of the 100-year flood hazard zone, it could still be subject to residual flood hazards, such as in the event of a dam failure or levee breach. As discussed in the environmental setting, the City and County of Sacramento have prepared detailed maps showing hypothetical levee breaks, inundation levels, the time it would take for waters to rise in affected neighborhoods, and rescue and evacuation zones” and “the need for rescue operations is considered a final measure of last resort as there are extensive emergency evacuation plans in place to provide advanced warning to citizens in the event of a major flood disaster. Besides current SAFCA and the U.S. Bureau of Reclamation efforts to provide a 200-year level of protection, the City of Sacramento has also conducted considerable emergency planning work in recognition of the significant flood hazards it faces.” (DEIR pp. 4.5-41 to 45.)

The commenter’s assertions are based solely upon speculation are not supported by substantial evidence. Substantial evidence includes “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Pub. Resources Code,

Section 21080, subd. (e)(1).) Substantial evidence does not include mere “[a]rgument, speculation, unsubstantiated opinion or narrative,” or evidence that is “clearly inaccurate or erroneous.” (Guidelines, Section 15384, subd. (a).) Commenter’s opinion will be forwarded to the decision-makers for their consideration.

- 31-60: Commenter makes introductory comments related to the Hydrology, Water Quality and Drainage chapter of the Draft EIR. No further response is required.
- 31-61: Commenter raises questions regarding the potential interplay between the project site and a nearby City-owned property planned for stormwater detention uses.

The project applicant will purchase any City real estate or purchase property rights as appropriate (or real estate from other persons or entities as necessary). It should be noted, that the City is planning for stormwater detention. It should be noted, that the City is planning a Combined Sewer Detention Project that is a separate City funded project that would undergo a separate environmental review process. To clarify the independence of the proposed project from the City’s planned Combined Sewer Detention Project, the Draft EIR is revised to read as follows.

Page 4.5-29 (4th paragraph) is modified as follows:

If eventually constructed, this sewer detention project would be adjacent to the proposed project site, but consist of a large diameter pipeline (about 10 feet wide) located underground, beneath the portions of the A Street access drive and detention ponds, within City-owned on the project site or on property that the project applicant shall acquire in fee or through the purchase of property rights. The Combined Sewer Detention Project is a compatible use that would not affect the capacity of the on-site detention ponds. And if the City decides to pursue the project, it would undergo a separate environmental review process. The project applicant will make an Irrevocable Offer of Dedication (within the aforementioned area) for those lands necessary for the City to construct the Combined Sewer Detention Project.

To clarify that the City and the project applicant are working on a real estate transaction of the City-owned properties for detention of on-site stormwater flows, the first paragraph of Draft EIR page 4.5-47 is modified as follows:

The project’s proposed drainage collection infrastructure would include a drainage pump station that would be constructed adjacent to the proposed ~~8~~10 acre-foot detention basins. The two detention basins would be located on the western end of the project site—one north of the A Street entrance and one

south of it. Both detention basins would function as one large basin during peak runoff periods, because both would be connected by a 2-foot pipe culvert beneath the A Street entrance to the project site. The detention basins would be located partially on City-owned property (the project applicant shall acquire in fee or through the purchase of property rights), as set forth in the conditions of project approval and the development agreement.

Because the Combined Sewer Detention Project is a potential future project, is not proposed by the Applicant, and is outside the scope of the analysis, the Draft EIR is not required to (nor can it) provide a more detailed description.

31-62: Commenter asks for additional details regarding the design of the combined sanitary/storm sewer system that will serve the project.

The commenter is referred to Impact 4.5-3 on pages 4.5-40 and 4.5-41 in the Draft EIR for a description of the project's on-site sewer system. The location of the intertie to the off-site sewer/storm drain pipe is also provided. To clarify for the commenter, the on-site storm and sanitary sewer systems are entirely separate systems, and will flow in separate pipes. The sewage would be collected on the western end of the site and pumped off-site to a 42-inch pipe that is part of the City's CSS at the intersection of Alhambra Boulevard and McKinley Boulevard. On-site stormwater would be directed to Sump 99 via the extension of 40th Street.

31-63: The commenter claims the Draft EIR addressed only issues raised by the public. This is not correct. For example, the Hydrology, Water Quality and Drainage section explicitly states that it:

“...describes the existing hydrology, water quality, and drainage of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed McKinley Village Project (proposed project). The potential for both localized and regional flooding to occur and emergency evaluation in the event of a regional flood event are also evaluated.” (DEIR, p. 4.5-1.)

The section also addresses concerns raised by the public in comments on the Notice of Preparation. (*Ibid.*) The EIR's analysis was not limited to concerns only raised by the public.

31-64: The commenter asserts the Draft EIR includes an inadequate set of significance thresholds related to hydrology, and the Draft EIR should have addressed impacts from failure of a dam or levee.

As explained in the Draft EIR, the project is not located within a 100-year flood zone and is protected from the 100-year flood by a system of levees; therefore issues associated with construction within a 100-year flood zone were not required to be addressed. (DEIR, p. 4.5-30.) The Draft EIR also explains that flooding due to dam or levee failure was discussed under Impacts 4.5-4 and 4.5-5 in the Draft EIR. (*Ibid.*, citing discussion on pp. 4.5-41 to 4.5-46.) In addition, the City has discretion under CEQA to set thresholds of significance for a project. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal. App. 4th 1059, 1067-1068.)

- 31-65: Commenter questions the Draft EIR's analysis of levees in proximity to the project and requests the City to apply Standard Project Flood volumes and minimum of 1-foot of freeboard to levees along the American River.

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

Regarding the status of the American River levees, the Draft EIR provides for the readers' benefit ample discussion of the history and status of the levees. (DEIR pp. 4.5-8 through 4.5-10.) However, the discussion neither contradicts the current FEMA flood hazard zone for the project, nor does it suggest the levees are inadequate to protect the project site in a 100-year flood. Instead it describes the ACOE issues as being maintenance issues (not capacity issues), that they are focused elsewhere (Natomas and Knight's Landing), and that there are currently efforts underway to *increase* flood protection to a 200-year level of protection.

Regardless, the project would not physically affect the American River levee, and because the analysis of the project includes potential exposure to several levee failure scenarios (see Impact 4.5-4), the analysis has adequately addressed potential flood issues. See also Responses to Comments 31-7 and 31-8 regarding the Draft EIR's analysis of the existing environment's impacts on the project.

- 31-66: Commenter alleges that placement of flood control gates at the proposed 40th Street underpass will cause flooding on the project site and affect evacuation of the project site.

The information provided by the commenter is discussed and disclosed in the Draft EIR under Impact 4.5-4, including the fact that flood gates would preserve the flood

control function of the UPRR embankment. The analysis of levee failure scenarios presented in the Draft EIR (which makes numerous worst case assumptions about the location and magnitude of the levee breach) is provided expressly to inform decision makers and the public about the potential effects such an event could have; even though the proposed project would have no effect on the timing or magnitude of flood events, or the location and likelihood of a levee failure. Impact 4.5-4 provides a lengthy analysis of why implementation of the City's Emergency Operation Plan, Flood Management Plan and the project's conditions of approval (i.e., preparation and periodic update of an evacuation route plan) are adequate to reduce the risk to residents from a significant flood event.

See also Responses to Comments 31-7 and 31-8 regarding the *Ballona* case and the Draft EIR's analysis of the existing environment's impacts on the project.

- 31-67: Commenter alleges inconsistencies in descriptions of the planned on-site stormwater collection/management/discharge system. However, the two sections referenced are not in conflict; the text on page 4.5-40 is referring to the sewer system, whereas Figure 4.5-4 presents the on-site stormwater system and its relationship to existing Sump 99.
- 31-68: Commenter requests clarification regarding whether project runoff could contaminate local groundwater.

As discussed under Impact 4.5-1 on page 4.5-31 of the Draft EIR, "stormwater runoff and non-stormwater discharges (i.e., construction site dewatering) from construction activities have the potential to affect both groundwater quality and—when water is pumped to Sump 99—the American River." However, the analysis goes on to explain the various regulatory permits and approvals required, associated best management practices, and how they would reduce the potential impacts to a less-than-significant level. For example, stormwater generated during project construction will be managed under a Stormwater Pollution Prevention Plan (SWPPP), including Best Management Practices to protect water resources. This SWPPP will be submitted to the Sacramento Regional Water Quality Control District. In addition, as discussed in the Draft EIR on pages 4.5-36 and 4.5-37, a provision is made for the potential discharge of construction dewatering to the Combined Sanitary Sewer system under an NPDES permit, rather than the stormwater system, if volumes or water quality present an issue

With respect to stormwater discharges once the project is developed, the text the commenter quotes on page 4.5-50 of the Draft EIR is not conflicting because LID

measures can be designed to retain and infiltrate stormwater runoff even in areas known to have shallow groundwater.

To clarify potential paths for pollutants, Draft EIR page 4.5-32, 4th paragraph is modified as follows:

This could create a direct path for contaminants in groundwater, if present, to enter the ~~groundwater~~ surface water system.

The contractor would be required to monitor any groundwater that is discharged from dewatering activities. If the groundwater is found to have any contaminants that are harmful to surface waters, the contractor would be required to identify how the groundwater would be treated and discharged.

To clarify the discussion and add details on indirect impacts, Draft EIR page 4.5-50 is modified as follows:

Furthermore, the project applicant has committed to implement runoff reduction LID measures, which are designed to promote retention and eventual infiltration of stormwater runoff into the groundwater infiltration table. For these reasons the impact of the project on groundwater supplies and recharge would be less than significant.

31-69: Commenter requests additional explanation regarding “safe yield” for surface and groundwater sources.

The concept of safe yield is not applicable to the proposed project because it would not be supplied using groundwater sources. The commenter is referred to Response to Comment 31-68.

31-70: Commenter alleges that existing traffic noise from Capital City Freeway/Business 80 is currently having a significant adverse impact on the project site, as indicated in the Noise Study done for the project.

The Draft EIR properly identified existing conditions at the project site. Specifically, in order to characterize on-site noise levels resulting from existing traffic volumes on Capital City Freeway, sound level meters were positioned along this roadway facility and continuous noise monitoring was conducted over a 4-day period spanning August 23–26, 2013. Figure 4.6-1 depicts the location of the noise measurements along Capital City Freeway. (DEIR, p. 4.6-7.)

The Draft EIR and supporting noise study clearly disclose that the project site is exposed to elevated traffic noise levels. The commenter’s assertion that the noise

study does not provide maximum noise level data for existing traffic is incorrect. Appendices B-1 through B-3 of the project noise study (DEIR Appendix I) provide graphic illustrations of the average *and maximum* noise levels measured at each of the three (3) monitoring sites located immediately adjacent to I-80 for each hour of the 4-day ambient noise monitoring program.

CEQA requires the EIR to assess whether there will be a significant impact under Existing Plus Project and Cumulative Plus Project conditions. Consistent with CEQA, the noise study and EIR analyzed the potential traffic noise impacts caused by existing plus project and cumulative plus project scenarios, and determined that all impacts were less than significant with mitigation. (DEIR, pp. 4.6-38 through 63.) Prior to site development, which includes several design features which will dramatically reduce traffic noise exposure at the project site, the undeveloped project site is clearly impacted by traffic noise and the Draft EIR fully discloses this condition. However, after consideration of those design features, and inclusion of additional noise mitigation measures identifies in the Draft EIR, all traffic noise impacts are mitigated to a less than significant level. No additional analysis is required.

31-71: Commenter summarizes its understanding of existing railroad operations and the designated "Quite Zone" near the project site. The comment does not allege any deficiencies in the EIR and does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

31-72: Commenter summarizes its understanding of the data collected by the noise consultant.

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

31-73: Commenter states the existing railroad noise at the project site exceeds General Plan standards and alleges that UPRR's request for noise disclosures in residential sales documents identifies a potential noise impact that is not analyzed in the Draft EIR.

The commenter is correct in that the *existing* ambient noise environment at the project site exceeds the adopted City of Sacramento noise standards, which are consistent with the State of California Guidelines. However, CEQA requires the EIR to assess whether there will be a significant impact under Existing *Plus Project* and Cumulative *Plus Project* conditions. Consistent with CEQA, the noise study and EIR analyzed the potential railroad noise impacts caused under Existing Plus Project and Cumulative Plus Project scenarios. Without the noise reducing features included in the project design and the mitigation measures developed for the project, the site would remain impacted. However, the Draft EIR fully evaluated noise impacts due to

and upon the project, and determined that all impacts were less than significant with mitigation. (DEIR, pp. 4.6-38 to 4.6-63.) No additional analysis is required.

The fact that UPRR requested noise disclosures is not evidence of an impact. Moreover, the commenter overlooks the fact that disclosures are required mitigation for the project, as follows in Mitigation Measure 4.6-4 on page 4.6-51:

4.6-4 (f) Disclosure statements shall be provided to all prospective residences, as well as recorded against the land, notifying of the presence of the UPRR tracks and the accompanying elevated noise environment associated with existing and projected increased future rail activity.

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

In addition, although railway and roadway vibration levels at future proposed residences were found to be less than significant, the following Mitigation Measure is recommended, pursuant to the request by UPRR (DEIR, p. 4.6-60):

4.6-6 Disclosure statements shall be provided to prospective homebuyers for homes located adjacent to the UPRR right-of-way, informing them of the presence of the UPRR tracks and that vibration may be periodically perceptible during train pass bys.

31-74: Commenter asserts that the Draft EIR is faulty for failing to include the following thresholds from the CEQA Guidelines Appendix G: (1) exposure of persons to noise in excess of General Plan or zoning code standards, (2) exposure of persons to excessive ground borne vibration and (3) substantial permanent increase in ambient noise levels.

As explained in the Draft EIR, the City developed its significant thresholds “consistent with Appendix G of the CEQA Guidelines, the City’s thresholds, and professional judgment.” The thresholds in the Draft EIR provide that a significant impact would occur if the project would (DEIR, p. 4.6-37):

- result in a substantial permanent increase in ambient exterior noise levels in the project vicinity that exceed standards in the City’s General Plan;
- result in residential interior noise levels of 45 dBA L_{dn} or greater caused by noise level increases due to project operation;

- result in construction noise levels that exceed the standards in the City of Sacramento Noise Ordinance;
- permit existing and/or planned residential and commercial areas to be exposed to vibration-peak-particle velocities greater than 0.5 inch per second due to project construction;
- permit adjacent residential and commercial areas to be exposed to vibration peak particle velocities greater than 0.5 inch per second due to highway traffic and rail operations; or
- permit historic buildings and archaeological sites to be exposed to vibration-peak-particle velocities greater than 0.2 inch per second due to project construction, highway traffic, and rail operations.

Each of commenter's suggested thresholds are included in the City's significance thresholds.

The above notwithstanding, it is important to note that the City is not required to adopt the Appendix G checklist as its CEQA significance thresholds. Under CEQA, the lead agency has considerable discretion to decide which significance threshold to apply to a given impact. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal. App. 4th 1059, 1067-1068.) So long as the selected threshold is supported by substantial evidence, that threshold will be deemed adequate, regardless of whether the petitioning party proposes an alternative measure of significance. (See *CREED, supra*, 197 Cal.App.4th at pp. 335-336 [rejecting petitioner's argument that the City erred by failing to apply a different significance threshold]; *California Oak Foundation, supra*, 188 Cal.App.4th at p. 282 [rejecting petitioner's argument that a lead agency used the incorrect significance threshold in evaluating the biological significance of tree impacts]; *National Parks & Conservation Assn. v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1356-1357 [upholding a biological significance threshold used by Riverside County as supported by substantial evidence].)

Standards of significance used in the Draft EIR include those set forth in CEQA Guidelines Section 15065 (Mandatory Findings of Significance) and those derived from questions set forth in Appendix G to the CEQA Guidelines; criteria based on regulatory standards of local, state, and federal agencies; and criteria based on goals and policies identified in the City of Sacramento 2030 General Plan. In fashioning criteria based on these sources, City staff has also relied on its own professional judgment and experience in applying noise and vibration standards to other recently CEQA documents. The City's thresholds are supported by substantial evidence.

- 31-75: Commenter states that CEQA Guidelines Section 15065 must be used in the Draft EIR analysis.

The Draft EIR does rely on Section 15065 in its analysis. Standards of significance used in the Draft EIR include those set forth in CEQA Guidelines Section 15065 (Mandatory Findings of Significance) and those derived from questions set forth in Appendix G to the CEQA Guidelines; criteria based on regulatory standards of local, state, and federal agencies; and criteria based on goals and policies identified in the City of Sacramento 2030 General Plan (City's thresholds). In fashioning criteria based on these sources, City staff has also relied on its own professional judgment and experience in some instances. In determining the level of significance, the analysis assumes that the proposed project would comply with relevant federal, state, and local regulations and ordinances. (DEIR, p. 4.6-37.)

- 31-76: Commenter recites the significance thresholds used in the Draft EIR for the noise analysis. The commenter does not allege any deficiencies in the body of its comment and does not cite any evidence or advance any argument to support the title of its comment "noise study thresholds are substandard and unsubstantiated." The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

Please see Response to Comment 31-74, above, regarding the City's use of proper thresholds under CEQA.

- 31-77: Commenter alleges the noise study substantially undercounts train traffic by as much as 37%. The commenter does not provide any support for this assertion. Please see Response to Comment 31-55, above, regarding the adequacy of the train counts assumed in the Draft EIR.

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

- 31-78: Commenter questions where the noise monitors were placed along the UPRR tracks. The monitoring sites are shown on Figure 4.6-1 on page 4.6-7 of the Draft EIR.

- 31-79: Commenter asserts the noise study does not adequately equate the rate of ground acceleration with effects on future residents.

Table 4.6-3 on page 4.6-6 (General Human and Structural Response to Vibration Levels) of the Draft EIR clearly equates the rate of ground acceleration with effects on future residents. The responses identified in that table are provided in terms of peak particle velocities measured in inches-per-second, which is the same metric reported in Table 4.6-8 on page 4.6-21 (Vibration Measurement Results – Various Distances from UPRR Tracks). Therefore, the vibration measurement results provided in Table 4.6-8 can be directly correlated with expected human and structural responses to vibration.

- 31-80: Commenter asserts the single event noise impact analysis is inadequate because the project Noise Study identified the complexity involved with the noise barrier modeling at the lots proposed adjacent to the railroad tracks.

The acknowledgement that the noise barrier modeling was complex does not detract from the accuracy of that modeling. Specific ground, structure, and railroad track elevations obtained from the project engineers were used with industry standard barrier analysis algorithms to predict the degree of noise reduction provided by the proposed structure and barrier configurations. The detailed noise barrier analysis results are included in Appendix E of the project noise study. In addition, the commenter cites information from the noise report (DEIR Appendix I). No further response is required.

- 31-81: Commenter asserts that the ground borne vibration associated with passing of trains should be considered an intrusive single-event, and questions the technical basis for the City's selected vibration threshold of 0.5 inches/second peak particle velocity for proposed new residential uses and 0.2 inches/second for historic structures. The commenter also provides research into the form of human perception for vibration.

The Draft EIR did, in fact, evaluate vibration impacts associated with the passage of trains as potentially intrusive single-events. The commenter is referred to Table 4.6-8 on page 4.6-21 of the Draft EIR where single-event vibration measurement results for 11 train pass bys are reported. Impact 4.6-6 specifically addresses single-event vibration levels associated with railroad passages, and found the impact to be less than significant (DEIR, p. 4.6-59).

Regarding the vibration thresholds of 0.5 inches/second for new residential uses and 0.2 inches per second for historic structures, these standards are recommended by the FTA and are regularly used by the City of Sacramento for assessment of vibration impacts. As examples, these exact thresholds have recently been used in the Sutter Park Neighborhood Project Draft EIR (SCH# 2012112036), the City of

Sacramento Master EIR for the Sacramento 2030 General Plan (SCH# 2007072024), the Greenbriar Development Draft EIR (SCH# 2005062144), the Entertainment and Sports Center Draft EIR (SCH# 2013042031), the City of Sacramento Housing Element Initial Study, and the Aspen 1 – New Brighton Project Draft EIR (SCH# 2010072058) to name a few recent City projects.

- 31-82: Commenter asserts that ground-borne “vibration levels in excess of 5.0 mm/s have the potential to “compromise amenity values”. The commenter also states that “other sources” cite a range of 0.02 to 0.05 inches/second as a level at which vibrations begin to annoy occupants of buildings, and notes that the UPRR has already requested future buyers sign disclosure statements acknowledging that they are aware of existing and future railroad related noise.

Please see Response to Comment 31-73, above, regarding UPRR’s request for disclosure statements and the EIR’s mitigation measures requiring the same.

The commenter’s assertions are not supported by technical citations or other 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).)

- 31-83: Commenter asserts the Draft EIR’s reliance on Caltrans surveys as a source for ground-borne vibration impacts is inadequate and alleges the vibration levels would be up to 0.08 inches per second and the City should review “broad literature” on human vibration. The commenter also states that, according to ISO 2631-1:1997, the magnitude of ground-borne vibration already occurring adjacent to the UPRR lines is within the “very uncomfortable” range.

The referenced ISO document is a Swedish standard developed in 1997. A more recent evaluation of potential impacts associated with exposure to transit noise and vibration has been prepared by the United States Federal Transit Administration (FTA-VA-90-1003-06). This document is incorporated by reference in the City of Sacramento General Plan Noise Element policies which pertain to vibration. As noted in Response to Comment 31-81, the City of Sacramento routinely uses the FTA standards in CEQA evaluations, and those same standards were used for the assessment vibration impacts for this evaluation. Table 4.6-3 of the Draft EIR does reference a Caltrans study which reported the general threshold of human annoyance as being 0.1 inches/second peak particle velocity. As noted in Table 4.6-8, due to the

very low speeds of passing trains at the project site, the highest measured vibration level of any train pass by registered 0.08 inches/second ppv, and that was at a distance of only 45 feet from the nearest track. Because railroad vibration levels were measured at the project site to be below both the Caltrans threshold of annoyance and the FTA guidelines for damage to structures, the Draft EIR correctly concluded that vibration impacts associated with passing trains are less than significant.

- 31-84: Commenter asserts the noise study mis-states the level of impact from train noise by failing to apply the likely future condition with the addition of another rail line that will bring the nearest rail line to about 45 feet from the nearest residences.

As explained in Section 4.6, Noise and Vibration starting on page 4.6-26, Methods of Analysis, and also in the Impact Analysis, future train operations were assumed to include 10 additional daily freight trains and, if the Capitol Corridor expansion project is completed, 18 additional Capitol Corridor (passenger) trains per day. In addition, the Capitol Corridor expansion would add a new track on the rail lines adjacent to the southern boundary of the site. This new track would be up to 45 feet closer to the project site. The increase in the number of train operations and decrease in distance to the Capitol Corridor trains would cause an overall increase in railroad noise exposure at the project site of approximately 3 dB. The increase in railroad noise exposure from the increased passenger and freight trips of 3 dB in the proposed private yards of the residences located closest to the railroad tracks would still be expected to be 60 dB L_{dn} or less. Thus, future noise levels in the proposed exterior areas would continue to be in compliance with the City's noise element exterior noise exposure guideline with respect to rail operations, and the cumulative impact is less than significant. (DEIR, p. 4.6-71.)

- 31-85: Commenter states the noise study graphics are not to scale and thus failed to demonstrate the efficacy of the recommended noise barriers. The commenter also alleges that proper graphics with properly disclosed line of sight exposure would reveal significant adverse impacts. The commenter provides no authority for this assertion.

Although the graphics shown on Figures 4.6-6 through 4.6-8 (DEIR pp. 4.6-43-45) use different vertical and horizontal axis scaling, the proportions are, in fact, to scale. The distances and elevations indicated on these figures were used as inputs to the noise barrier insertion loss prediction model. The input sheet for cross-section B-B (Draft EIR Figure 4.6-7) is provided in Appendix E of the project Noise Study.

- 31-86: Commenter asserts that homes on the north side of the auto courts will have unmitigated exposure to significant noise impacts during railroad passages.

The level of shielding provided by the Courtyard residences and proposed noise barriers will vary depending on the location of the receptor within the outdoor yard areas. As noted on page 29 of the project Noise Study (Draft EIR Appendix I), the Courtyard residences would be constructed with either an outdoor room or 16-foot tall noise barrier connecting the residences. The residences themselves would be approximately 25 feet in height at their apex, with widths ranging from 48 to 53 feet at that height. The 25-foot tall residences account for approximately 75% of the shielding provided to the outdoor yard areas, with the 16-foot tall outdoor room or noise barrier accounting for the remaining 25% of the railroad noise shielding. When factored together, the combined barriers are predicted to be adequate to reduce railroad noise exposure at the outdoor areas of both the northern and southern Courtyard residences to a state of compliance with City of Sacramento 2030 General Plan noise standards. As a result, this impact was considered to be less than significant (DEIR Impact 4.6-7, p. 4.6-61).

- 31-87: Commenter states the noise study is inconsistent in differentiating between L_{max} and SEL measurements, and as a result the Draft EIR understates likely actual train related noise impacts.

The Draft EIR Noise Section evaluated railroad noise exposure in terms of two (2) different noise descriptors; day/night average level (L_{dn}), and Sound Exposure Level (SEL). The L_{dn} descriptor was used to compute railroad noise exposure in terms of the City of Sacramento 60 dB L_{dn} exterior and 45 dB L_{dn} interior noise level standards applicable to new residential uses. The SEL was used to assess the potential for sleep disturbance within residences during nighttime train pass bys.

The Noise Study prepared for the project (DEIR Appendix I) also computed maximum noise levels in the outdoor areas of the nearest proposed residences to the railroad tracks to generally assess the potential for interference with outdoor activities during train pass bys. Appendices B-4 through B-6 of the Noise Study clearly present the measured maximum noise levels at each of the three monitoring sites located adjacent to the railroad tracks (Sites 4-6). Those figures indicate that, during the 96-hour railroad noise monitoring period, maximum noise levels of 100 dB were measured during only three (3) hours at Site 4, during zero (0) hours at Site 5, and during five (5) hours at Site 6. Furthermore, during the very infrequent occurrences of maximum railroad noise levels approaching 100 dB L_{max} at the project site, it was concluded that those few elevated maximums were due to trains sounding their warning horns as they approached either the Lanatt Street private crossing or public crossing at 28th Street. Because the City implemented a Quiet Zone after the railroad noise monitoring was completed, which has further reduced

the occurrence of warning horn usage in the area, actual maximum noise levels at the project site are currently lower than reported in the Draft EIR. The mean of the measured maximum noise levels associated with train pass bys was below 90 dB L_{max} at all three monitoring sites, including the pass bys where warning horns were used. Based on typical maximum noise levels of less than 90 dB and approximately 15 dB of shielding by the first row of residences and barriers, the Noise Study prediction of 74 dB maximum noise levels during train pass bys is correct (DEIR Appendix I, p. 29), and there was no confusion between maximum noise levels and sound exposure levels in the Draft EIR or supporting Noise Study.

- 31-88: Commenter speculates that the 65 dB SEL threshold is “unusually high” and expresses an opinion that mitigation measures requiring disclosure statements do not constitute adequate mitigation.

The commenter does not provide any citations or studies supporting the assertion that an interior sleep disturbance threshold of 65 dB SEL is “unusually high”. On the contrary, pages 4.6-4 and 4.6-5 of the Draft EIR explain the relationship between SEL and sleep disturbance, and provide scientific test results which indicate that fewer than 2% of the population are awakened on average by an interior SEL of 65 dBA.

While disclosure statements are required (Mitigation Measure 4.6-4(f), 4.6-5(e) and recommended (Mitigation Measure 4.6-6), those measures are simply one of many measures identified in the Draft EIR. Railroad noise impacts are reduced to less than significant with implementation of the project design features and all mitigation measures, not with only implementation of the disclosure measures.

The City of Sacramento’s noise standards, like those of all cities and counties with which the Draft EIR Noise Section preparer is familiar, are applied with windows in the closed position. Therefore, the evaluation of noise impacts with windows in the closed position is not unique to this project or this jurisdiction. That being said, because people’s sensitivity to noise varies widely, some residents in the development may elect to leave windows open whereas others have the option of closing them should they desire additional acoustical isolation.

- 31-89: Commenter asserts the project will have significant noise impacts to the auto court homes along the UPRR tracks.

The reference to “other auto-court homes along the tracks” in this comment is unclear. The Draft EIR carefully evaluated traffic and railroad noise impacts at both exterior and interior spaces of all of the residences in the development, with

particular attention paid to the proposed Courtyard residences which would be located nearest to the railroad tracks.

The commenter's statement that, "As noted in the report, even deeper into the development, outdoor noise levels from passing trains would be significant", is incorrect as no such statement was made in the Noise Study. Page 36 of the Draft EIR Appendix I clearly describes the distances to the second tier residences, the railroad noise exposure at those locations after inclusion of shielding by first tier residences, and concludes that the noise levels at those residences would be satisfactory without additional noise mitigation. Disclosure statements were recommended simply to make prospective residents of the development aware of the local railroad activity, including nighttime passages of trains and the likelihood of increased operations in the future.

31-90: The comment summarizes information contained in the Noise section of the Draft EIR (Section 4.6).

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

31-91: Commenter states that traffic noise from Capital City Freeway/Business 80 is currently having an adverse impact on existing conditions at the project site, with an existing L_{dn} of 81 along the entire project boundary.

The commenter is directed to Response to Comment 31-70 regarding existing conditions and Existing Plus Project impacts. In addition, while the Draft EIR clearly recognizes and discloses that the existing ambient noise environment at the project site is elevated due to proximity to the freeway, Table 4.6-4 in the Draft EIR indicates that the existing noise environment along the freeway varies from 73 dB L_{dn} at Site 1 to 80 dB at Site 3. These differences were due to changes in the distance to the Caltrans right-of-way and the elevation of the roadway (due to the difference in width of the Caltrans right-of-way along this section freeway) which occurs across the freeway frontage. These differences were accounted for in the Draft EIR grading and barrier analysis, and appropriate noise mitigation measures were developed to reduce existing and cumulative traffic noise impacts upon the project to a less-than-significant level. (DEIR, pp. 4.6-36 to 63.)

31-92: Commenter asserts that noise values for Capital City Freeway/Business 80 traffic were improperly modeled from the roadway centerline, and should be remodeled using the actual distance and final grade elevations for the freeway travel lanes and proposed homes.

While it is true that the near travel lanes are closer than the freeway centerline, so too are the far travel lanes further from the roadway centerline. The net effect is typically negligible when the roadway is modeled from the centerline. Of course, noise prediction model results are only as valid as the input data and depend heavily on the experience of the modeler. The author of the Noise Study has 27 years of experience in modeling traffic noise levels, and the model input data were based on the most up to date information available, including Caltrans classification counts, speed surveys, and accurate data pertaining to the relative elevations of the freeway and the project site. Actual distances and final grade elevations, including the travel lanes and proposed residences, were included in the study. In addition, the model results were checked for accuracy against the four days of traffic noise measurement data collected at the three locations along the freeway right-of-way.

Table 4.6-12 (DEIR p. 4.6-27) indicates that the existing (baseline) traffic noise level for the freeway was modeled to be 81 dB L_{dn} at the reference distance of 75 feet from the highway centerline. This modeled level shows very good agreement with the 80 dB L_{dn} measured average noise level for monitoring Site 1 (DEIR Table 4.6-4, p. 4.6-9), which was located 80 feet from the freeway centerline

31-93: The commenter provides its opinion that the sound wall along the Capital City Freeway/Business 80 will “create a canyon effect” that will not enhance quality of life.

Aesthetic impacts were evaluated in Section 4.1-10 of the Draft EIR, which address all aspects of the project. The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

31-94: Commenter states the Draft EIR simply cuts and pastes large segments of the noise study and thus repeats the same errors that commenter alleges appear in the noise report.

Please see Responses to Comments 31-70 through 31-101 that address commenter’s concerns on the Noise Study prepared for the project.

31-95: Commenter states the off-site traffic noise discussion in the Draft EIR should be substantially expanded to include Table 6 of the Noise Study (DEIR Appendix I) in its entirety. Commenter states that failure to include the entire Table 6 requires recirculation.

The noise study is included as an appendix to the Draft EIR (Appendix I), and CEQA does not require that all appendices be reproduced in full in the EIR. In fact, CEQA Guidelines Section 15147 provides that “placement of highly technical and

specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses....” Consistent with CEQA, the Draft EIR includes references to supporting analyses and technical reports, but does not include all technical data within the body of the Draft EIR.

Moreover, although the noise contour distances contained within Table 6 of the Noise Study were not included in the Draft EIR Noise Section, Figure 4.6-2 includes a graphical representation of the theoretical freeway contours at the project site. In addition, the L_{dn} values shown in Table 6 of the Noise Study are reproduced in Table 4.6-12 under the “Baseline Plus Project” column. So, despite the fact that Table 6 from the Noise Study was not included verbatim in the Draft EIR, the critical data was provided in the Noise Section and the table was available in its entirety as an Appendix to the Draft EIR. Where changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute substantial new information, recirculation of the Draft EIR is not required. (CEQA Guidelines, Section 15088.5.) As explained in Response to Comment 11-14, recirculation of the Draft EIR is not required.

31-96: Commenter alleges that Figures 4.6-2 and 4.6-3 in Section 4.6, Noise and Vibration misrepresent site conditions and should be replaced with figures from the noise study.

It is likely that the commenter is referring to Figures 4.6-2 and 4.6-4, which show generalized noise contours for Capital City Freeway/Business 80 and the existing UPRR operations, respectively. Because of excess ground attenuation, these figures do overstate traffic and railroad noise exposure with increasing distance from the noise sources. However, they are intended to provide a general illustration of the magnitude of the existing traffic and railroad noise exposure at the project site, rather than precise predictions. Section 4.6, Noise and Vibration in the Draft EIR provides a specific analysis of noise levels for both traffic and railroad noise sources at discrete locations, and does not use these more general figures for the specific impact assessments.

31-97: Commenter requests further clarification on the Draft EIR’s discussion of 2030 General Plan Policy EC 3.1.1 and Table 4.6-9.

The commenter’s assertion that the general plan policies are intended to provide an “out” to projects that are proposed in locations where community noise standards cannot be met is incorrect. The City’s 2030 General Plan noise standards provide responsible protection for the City’s residents while recognizing that it is not possible for General Plan noise policy to anticipate every contingency. To allow flexibility in dealing with unusual or unforeseen circumstances, most city and county General

Plan Noise Elements include policy language which affords a measure of latitude in the interpretation of the policy implementation. It should be noted, however, that no such latitude has been applied to Section 4.6, Noise and Vibration in the Draft EIR nor is requested. The Draft EIR is consistent in its application of the City's 60 dB L_{dn} exterior and 45 dB L_{dn} interior noise standards to the outdoor activity areas and interior spaces of the proposed residential uses within this development.

The commenter's assertion that the project cannot achieve the City's 60 dB L_{dn} exterior noise level along the railroad lines nor along the freeway is unsupported by either data or analysis. Conversely, the project Noise Study thoroughly analyzed all noise and vibration impacts due to and upon the project using a combination of extensive noise and vibration monitoring with accepted sound prediction and propagation algorithms. The monitoring data and model inputs and results are provided in the Draft EIR in Appendix I as supporting information.

31-98: Commenter believes that mitigation measures other than sound walls should be explored, consistent with City 2030 General Plan Policy EC 3.1.11.

See Master Response 8 regarding consistency with general plan policies. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

31-99: Commenter alleges the Draft EIR misinterprets the City's 2030 General Plan noise standards for exterior residential space.

The City of Sacramento has the responsibility to protect its citizens from excessive noise levels, and the goals and policies of the General Plan Noise Element serve that function. The City can mandate that developers include adequate noise mitigation measures to reduce traffic or railroad noise levels to acceptable noise levels in new developments. However, the City cannot pre-empt State or Federal law by requiring railroad locomotives, aircraft in flight, or traffic on public roadways to lower their noise emissions. Although those sources of noise are pre-empted from local control, the requirement that the project mitigate traffic and railroad noise exposure to a state of compliance with the standards included in Table 4.6-9 in the Draft EIR would ensure the City is not knowingly allowing development that will place residents in a dangerous or harmful noise environment.

31-100: Commenter alleges the Draft EIR improperly relied upon the *Ballona* decision to exclude analysis of the effects of the environment on the project.

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

31-101: Commenter provides its opinion that the project is inappropriate at this location.

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

31-102: Commenter states the Draft EIR underestimates project demand for additional officers because it does not use 2.5 officers per 1,000 residents as the goal.

As stated on page 4.7-2 of the Draft EIR, the Sacramento Police Department (SPD) maintains an *unofficial* goal of 2.5 sworn officers per 1,000 residents and in 2012 was funded for 1.38 officers per 1,000 residents. The EIR "evaluates the ability of the SPD and the SFD to serve the proposed project through a qualitative review of project characteristics, such as location, land uses, and access routes. The analysis also addresses whether the proposed project would require construction of additional facilities, including space for new staff and communication equipment."(DEIR p. 4.7-24). The City's threshold to assess potential impacts to the SPD is concerned with the need to "result in, the construction of new, or the expansion of existing, facilities related to the provision of police protection, the construction of which could cause significant environmental impacts."(DEIR p. 4.7-25.) As noted in Master Response 6, an increase in residential population would not result in the need for the project to increase the demand for police officers such that a new facility would be required, or the existing facility expanded. The SPD has not indicated that there is a need for additional space and the Central Command Richards Police Facility is inadequate. The impact would remain less than significant. In addition, the project complies with General Plan policies PHS 1.1.2, Response Time Goals, PHS 1.1.3, Staffing Standards, PHS 1.1.4, Timing of Services and PHS 1.1.8, Development Fees for Facilities and Services.

The text in the first paragraph on page 4.7-26 is revised to reflect the SPD's correct unofficial staffing ratio.

Based on the SPD's unofficial staffing goal of 2.5 sworn officers per 1,000 residents and 1 civilian support staff per 2 sworn officers, the increased residential population associated with the proposed project would require the addition of approximately 1 sworn police officer and no additional civilian support staff members.

- 31-103: Commenter questions the assumption that it is unlikely the California Highway Patrol (CHP) would be called upon to provide services to the site, and states the EIR must analyze potential impacts of accidents at the site.

The project site is not directly accessible from Capital City Freeway and as stated on page 4.7-1 of the Draft EIR, the “CHP provides law enforcement services for all traffic-related incidents in unincorporated Sacramento County. Additionally, the CHP responds to all incidents on the state highways, state-owned buildings, and state property within the City.” The project site is accessible only from local City streets and does not include any state buildings or state property. Therefore, it is reasonable to assume the CHP would only be required to assist if there were an accident or law enforcement actions required on Capital City Freeway, which is proximate to the project site. However, it is not reasonable to assume the CHP would be called upon by the SPD, unless in a rare circumstance, to assist for any local law enforcement actions associated with the project. Therefore, the Draft EIR did not evaluate a scenario where the SPD would require assistance from the CHP, which would be highly speculative and unlikely to occur.

- 31-104 Commenter suggests the project will create a significant cumulative impact to police services.

As stated in the Draft EIR on page 4.7-31, the increase in the demand for police protection service within the City of Sacramento has been evaluated in the General Plan MEIR, which concluded that cumulative impacts to police protection services would be less-than-significant with implementation of City goals and policies that ensure availability of adequate services for buildout. The project’s contribution of the need for one additional officer would not be considerable because the City has already evaluated future growth associated with buildout of the 2030 General Plan and determined the impact was less than significant. As noted in the Draft EIR impact analysis, “the project’s contribution to this less-than-significant cumulative impact would not be considerable and the cumulative impact would be less than significant.”

- 31-105: Commenter disagrees with the EIR’s analysis regarding school capacity.

Please see Master Response 2 that addresses school capacity issues.

Transportation and Circulation

- 31-106: The commenter states that their concerns regarding the traffic analysis in the Draft EIR are not based on comprehensive data since no traffic study was provided.

A comprehensive traffic study was prepared and complete documentation is provided in Section 4.9 of the Draft EIR. In addition, detailed technical calculations related to the traffic analysis are included in Appendix O.

- 31-107: The commenter states that the EIR and appendices “lack a true traffic report,” and that no discussion of “ambient growth rates used to estimate future traffic” or “modal-split” is provided, and therefore it is not possible “to decipher the raw model output.”

As described in Response to Comment 31-106, Appendix O contains detailed calculation worksheets for all traffic analyses conducted for the Draft EIR, and Section 4.9 provides 100 pages of traffic analysis including discussion surrounding the methodologies, assumptions, and results pertaining to the transportation analyses.

Rather than utilizing “ambient growth rates,” the cumulative year analyses relied upon a much more sophisticated approach to forecast future year travel patterns. As documented on page 4.9-63 of the Draft EIR, the cumulative scenarios incorporate forecasts developed using the most recent version of the SACMET regional travel demand model, which incorporates the effects of planned land use growth and transportation infrastructure projects throughout the City of Sacramento as well as the surrounding region. The Cumulative Plus Project scenario included in the Draft EIR is based upon traffic forecasts created using this model, and accounts for projected traffic increases resulting from both the proposed project as well as from other planned developments within the City and the SACOG region. The SACMET model includes a sophisticated mode-choice step that predicts modal split and provides route specific assignments of background and project traffic for base year and future year conditions.

- 31-108: The commenter states that the Draft EIR does not account for the effects of special events at the California State Fair Grounds (Cal Expo) on roadway segments and intersections within the study area, and that these events could cause ramps on the Capital City Freeway (Business 80) to fail during peak hours and “make the area inaccessible.”

The City of Sacramento and Caltrans rely on typical weekday peak hour traffic conditions to determine road sizing and traffic impacts. Engineering practice focuses on these hours because sizing transportation facilities for extreme peaks would be inefficient and not cost effective. Further, as explained on page 4.9-1 of the Draft EIR, the City of Sacramento, in conjunction with support from the Sacramento Area Council of Governments (SACOG), has concluded that the proposed project is consistent with the Sustainable Communities Strategy (SCS) prepared and adopted by SACOG (see Appendix N). Under Senate Bill 375, projects that are determined to

be SCS consistent are granted certain CEQA streamlining benefits. These include relief from analysis of project impacts on passenger vehicle greenhouse gas emissions, the regional transportation network, and growth inducement. In this context, the “regional transportation network” refers to all roadways contained in the regional SACOG model, which includes all State highway facilities, local arterials and many local collectors. Therefore, in accordance with the Public Resources Code Section 21159.28, it is not necessary to determine project impacts to the state transportation system (i.e., Capital City Freeway).

Despite no requirement to identify impacts to State highways, Section 4.9 of the Draft EIR does include analysis of the Capital City Freeway for informational purposes. This information is made available to assist Caltrans since it is responsible for evaluating State highway traffic operations and identifying future improvement needs especially within SCS areas where development projects are no longer required to perform independent impact analysis.

- 31-109: The commenter questions the long-term consequences of the addition of project traffic to freeway facilities within the study area, given the current peak hour operations of the Capital City Freeway (Business 80).

Please refer to Response to Comment 31-108, which explains that the project is consistent with SACOGs MTP/SCS and not required to identify impacts to the regional transportation network.

- 31-110: The commenter states that the EIR is inadequate because it is required to mitigate freeway impacts under subsection (c) of Section 21159.28 of the Public Resources Code.

As described in Response to Comment 31-108 the project is consistent with the SCS and not required to *identify impacts* to the regional transportation network. The commenter is correct that the project must comply with ‘any conditions, exactions, or fees’ that may be related to impacts on the regional transportation network. Within the City of Sacramento, regional transportation network mitigation programs such as a traffic impact fee program do not exist so subsection (c) of Section 21159.28 and therefore does not apply at this time.

- 31-111: The commenter questions if the 2,000 square feet of retail space included as part of the proposed project would be open to the public, and then states that the Draft EIR provides no description of the additional trips associated with this retail component.

The retail component of the project would be open to the public, as documented in Chapter 2 of the Draft EIR, and Section 4.9 clearly documents the estimated number of

trips associated with this retail component. According to Table 4.9-8 on page 4.9-39, the proposed neighborhood retail component of the project is estimated to generate 85 daily trips. These trips are accounted for in all intersection and roadway analysis.

- 31-112: The commenter states that the 40th Street undercrossing included as part of the proposed project would be susceptible to closure due to “flooding, rail operations, or accidents” and that its alignment will result in a mid-block intersection with C Street, “creating a dangerous off-set intersection.”

Evaluation of the proposed vehicular access location to C Street found that it would be within the City of Sacramento standards regarding intersections and would operate acceptably during both peak hours under both the Existing Plus Project and Cumulative Plus Project scenarios (DEIR, p. 4.9-93). Please see Response to Comment 31-66 for concerns relating to flooding and Responses to Comments 31-56, 31-57, 18-73 and 18-74 regarding rail safety.

Please refer to Master Response 1 for information pertaining to alternative project access locations.

- 31-113: The commenter questions the condition of the A Street Bridge and improvements necessary to this bridge to provide access to the project site. The commenter goes on to state that analysis of this bridge is inadequate, and that the design should include bicycle lanes.

Please refer to Chapter 2, Project Description, of the Draft EIR for information on the A Street Bridge structure and bicycle and pedestrian access to the project site. Caltrans completed a bridge inspection report dated 03/09/2011 that identifies the bridge has a sufficiency rating of 88.0. Adding bike lanes on both sides of the bridge is not proposed as part of the project since traffic volumes do not warrant adding such lanes and the bridge width is not sufficient to support these lanes. Currently, there is an existing five foot sidewalk on the south side of the bridge. Any changes to the bridge are subject to City and Caltrans approval.

- 31-114: The commenter states that the Draft EIR does not provide sufficient discussion of the planned Sutter’s Landing Parkway Interchange including how the project would accommodate it, and goes on to state that the potential traffic impacts of this interchange need to be analyzed in the EIR.

As documented on page 4.9-63 of the Draft EIR, the cumulative analyses account for the planned Sutter’s Landing Parkway Interchange project. Please refer to pages 4.9-73 through 4.9-92 for the analyses pertaining to the Cumulative Plus Project

scenario, which accounts for the cumulative effects of the Sutter's Landing Parkway Interchange and the proposed project, in addition to other planned infrastructure projects and land development projects in the area.

As depicted in the City of Sacramento 2030 General Plan, this roadway would not connect through the site of the proposed project and the proposed project would not interfere with, or preclude, the planned interchange. This is a planned future project unrelated to the development of the proposed project.

- 31-115: The commenter questions potential traffic delays associated with the 28th Street at grade track crossing.

Please refer to Master Response 9 (28th Street At-Grade Train Crossing).

- 31-116: The commenter questions the estimate of project traffic on 28th Street on page 4.9-88 of the Draft EIR due to different values reported for portions of 28th Street in other parts of the EIR.

Page 4.9-88 of the Draft EIR states that the project would generate a net increase of about 1,400 daily trips at the at-grade rail crossing of 28th Street under Cumulative Plus Project conditions. Table 4.9-18 of the Draft EIR shows the project adding approximately 1,100 vehicle trips to the section of 28th Street between C Street and E Street, which is south of the rail crossing. Some of the 1,400 estimated trips crossing the rail line turn onto or from B and C Street so are not included in 1,100 trip estimate for the section of 28th Street south of C Street (refer to Figures 4.9-7 and 4.9-8 for specific allocation of project trips). Further, some project traffic is projected to use the new Sutter's Landing Parkway under cumulative conditions as shown in Figure 4.9-12, which contains the Cumulative Plus Project peak hour traffic volumes for the 28th Street/A Street intersection. For more information, please see Response to Comment 87-3.

- 31-117: The commenter states that the project will add 1,824 daily trips to the 28th Street rail crossing based on trip generation and trip distribution information contained in the Draft EIR and that this value is higher than the 1,400 stated on page 4.9-88 of the Draft EIR.

The Draft EIR contains estimates of 3,507 total daily vehicle trips being generated by the proposed project with 52% of these trips (i.e., 1,824 trips) using 28th Street under Existing Plus Project conditions. The reference on page 4.9-88 about the project's effect on the 28th Street rail crossing was based on cumulative conditions. Page 4.9-88 states, "[t]he project would result in a net increase of about 1,400 daily trips to the

at-grade railroad crossing on 28th Street under Cumulative Plus Project conditions.” Under cumulative conditions, new planned roadways are included in the analysis such as Sutter’s Landing Parkway that would extend from 28th Street to Richards Boulevard. Some project trips would use this new roadway under cumulative conditions so the full 1,824 project trips using A Street to enter or exit the project site would not all use 28th Street.

- 31-118: The commenter questions the desirability of the A Street access due to the limited connectivity to other routes and the 28th Street at grade rail crossing and the safety of using an at-grade crossing.

Please refer to Master Response 9 (28th Street At-Grade Train Crossing). The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 31-119: The commenter states that proximity of the project site to the freeway and the UPRR rail lines create the potential for vehicular or rail accidents.

Please see Responses to Comments 31-56, 31-57, 18-73 and 18-74 for more information on safety concerns.

- 31-120: The commenter questions the traffic forecasting method used to determine project volume changes on the study area network. In particular, the commenter notes that a gravity model should have been used instead of the regional SACMET model. The commenter also makes statements suggesting the local roadway network does not have sufficient capacity to accommodate project trips and that local neighborhoods will be impacted by project traffic.

The regional SACMET model does use a gravity model formulation in its trip distribution step along with a more sophisticated destination choice model for the specific purpose of home to work trips. In addition to the SACMET model, a variety of other factors were considered in developing the project’s trip distribution estimates as described on page 4.9-40 of the EIR. For more information, also refer to Response to Comment 65-4.

As to whether the local roadway network has sufficient capacity to accommodate project traffic, the Draft EIR analysis indicated that very few impacts would occur and for those that were identified, mitigation to reduce the impact was identified such as the impact at Alhambra Boulevard and H Street intersection.

As to local neighborhoods experiencing an impact simply due to increases or changes in traffic, the Draft EIR explains on pages 4.9-37 and 4.9-38 that the City of Sacramento has a Neighborhood Traffic Management Program (NTMP) in place that allows neighborhoods to petition the City to install traffic calming devices if warranted. However, project impacts are less than significant as explained in Section 4.9 of the Draft EIR. Therefore, if local residents want to petition the City to install traffic calming devices that is their right to pursue, but is not a requirement of this project. Also refer to Master Response 10 (Livability) for more information.

- 31-121: The commenter states that use of the SACMET regional travel demand model to forecast 2035 cumulative conditions is not adequate and that specific individual development projects must be identified and accounted for in the cumulative analysis.

The Draft EIR cumulative analysis relied on the regional SACMET model that contains demographic and socioeconomic growth projections based on the most recent SACOG Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The City of Sacramento collaborated with SACOG staff in developing the projections to reflect previously approved projects, planned development projects known to the City, and growth allowed by the general plan and likely to occur within the timeframe of the MTP/SCS. This approach not only captures background traffic from projects in the vicinity of the project, but includes background growth from the entire SACOG region and is specifically cited in the Section 15130(b)(1)(B) of the CEQA Guidelines (see below) as one of the accepted methods to be used for cumulative analysis.

Section 15130 (b)(1)(B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions.

Since the MTP/SCS is the regional transportation plan for the SACOG region, the cumulative analysis adheres to the CEQA requirements.

- 31-122: The commenter questions the City's discretion in establishing its own level of service (LOS) significance thresholds for purposes of CEQA analysis and references General Plan 2030 Policy M1.2.2.

Section 15064.7 of the CEQA Guidelines provides lead agencies the discretion to establish their own thresholds of significance. This flexibility is important to recognize the unique values that different agencies may have when it comes to what

constitutes a significant impact. Further, cities and counties are allowed to establish their own goals, policies, and thresholds as part of general plans to determine the long-term physical infrastructure necessary to support planned population and employment growth. As part of the general plan, Government Code Section 65302(b)(2) requires that the circulation element, "...plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan." The City of Sacramento complied with Section 65302(b)(2) when they developed their 2030 General Plan goals and policies and made explicit tradeoffs between modes in the downtown area such that capacity needs for vehicles were balanced against network space needs for bicyclists and pedestrians.

The City uses the general plan policies, metrics, and thresholds as the basis for setting significance thresholds for use in CEQA. By doing so, the environmental review reflects the community values recognized in the general plan and ensures that development projects are consistent with the general plan, which is a fundamental requirement of individual project entitlement review. Neither the CEQA Statute nor Guidelines contain any mandatory thresholds for traffic analysis that would conflict with the City's approach. Further, in the recent *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal. App.4th 1059 decision, the court affirmed the lead agency's discretion in establishing its own significance thresholds.

31-123: The commenter questions the use of relying on intersection analysis for purposes of CEQA analysis and not identifying mitigation for roadway segments that operate at LOS E and F.

Page 4.9-38 of the Draft EIR explains the City's reasoning in basing impacts on intersection operations, which is copied below.

"In urban environments, such as the study area, roadway capacity is governed by the operations of intersections. For this reason and because roadway segments were included in the traffic analysis for the 2030 General Plan, the City of Sacramento determines impacts to the roadway system based upon the operations of intersections. Therefore, the roadway capacity utilization results contained in this section are for information purposes only, and not utilized for impact analysis."

Intersections are the critical nodes that connect and interconnect all individual roadway segments of the system and are usually the critical elements in ensuring

that the roadway system operates adequately. Further, the number of through lanes required at an intersection approach determines how many through lanes are required on the connecting roadway segment. As a result, a separate roadway segment analysis in the Draft EIR is not required for purposes of identifying impacts.

Had roadway segments within the Core Area been included in the impact analysis, the segments noted by the commenter would not have been identified as impacts because the City's LOS policy allows for LOS F conditions in the Core Areas (e.g., street segments in Downtown Sacramento).

- 31-124: The commenter states that segments of 28th Street, 29th Street, 30th Street, C Street, and McKinley Boulevard were not adequately analyzed in the Draft EIR.

The key intersections along each of the streets are analyzed in the Draft EIR (refer to DEIR, pp. 4.9-4 and 4.9-5 for a complete listing). As explained in Response to Comment 31-123 above, these are the critical nodes that connect the roadway segments and determine whether traffic operations are acceptable. Several roadway segments along 28th Street, C Street and McKinley Boulevard are included in the traffic analysis (see Tables 4.9-9 and 4.9-18 in the Draft EIR).

- 31-125: The commenter states that several major roadway segments are projected to operate at an unacceptable LOS and cites 28th Street between C and E Street as an example.

As defined in the City of Sacramento 2030 General Plan, 28th Street is located within the Core Area and the LOS is acceptable within this area. As the commenter mentioned, 28th Street in the Cumulative analysis would operate at LOS F with and without the proposed project due to the increase in the background traffic, which includes Sutter's Landing Parkway and interchange. A comparison of daily traffic volumes forecasts for several scenarios (with Sutter's Landing Parkway, and with and without the interchange) under Cumulative Plus Project conditions is provided in Table 4.9-19 for informational purposes only. Please see also Responses to Comments 31-123 and 31-124.

- 31-126: The commenter states that neighborhood streets will lose parking and bicycle lanes as a result of proposed network modifications.

No evidence is provided in the comment to support the assertion of parking or bicycle lane losses on neighborhood streets proposed by the project or occurring due to the project. The Draft EIR does contain Mitigation Measure 4.9-6(a) that would affect parking on H Street, which is an arterial. The project applicant would be required to contribute a fair share toward modification of the segment of H Street

located between 30th Street and Alhambra Boulevard; this improvement would result in the prohibition of on-street parking on the south side of H Street during peak periods (7–9 AM and 4–6 PM) to allow for two eastbound travel lanes between 30th Street and Alhambra Boulevard while maintaining the same lane configurations on the east approach to the H Street/Alhambra Boulevard intersection (DEIR, p. 4.9-90). This measure would assist in improving traffic flow along H Street.

- 31-127: The commenter indicates that the study area roadways and intersections do not have the capacity to accommodate the addition of project trips and makes specific reference to the change in delay at the E Street/29th Street intersection.

The Draft EIR documents the changes in delay and LOS at study intersections. The determination of whether these changes can be adequately accommodated by the study area intersections is subject to analysis that considers capacity and the operational expectations of the City of Sacramento in the form of a LOS threshold. Further the LOS threshold considers the land use context surrounding study intersections and allows for greater levels of vehicle delay in those areas where other community values and travel modes have a higher priority than vehicle travel. In most cases, delay increases are allowed unless they cause the LOS threshold to be exceeded. The Draft EIR identified impacts and proposed mitigation to reduce those impacts for intersections where the LOS/significance threshold was exceeded due to the addition of project trips. The Draft EIR did not identify an impact at the E Street/29th Street intersection; therefore, no mitigation was required.

- 31-128: The commenter indicates that the study area roadways and intersections do not have the capacity to accommodate the addition of project trips and makes specific reference to the change in delay at the E Street/Alhambra Boulevard intersection.

Mitigation Measure 4.9-6 (b) on page 4.9-90 of the Draft EIR mitigates the impact of the project at the E Street/Alhambra Boulevard intersection under Cumulative Plus Project conditions. Please see Response to Comment 31-127.

- 31-129: The commenter indicates that the study area roadways and intersections do not have the capacity to accommodate the addition of project trips and makes specific reference to the change in delay at the H Street/Alhambra Boulevard intersection.

Please see Response to Comment 31-126. Mitigation Measure 4.9-1 on page 4.9-61 of the Draft EIR mitigates the impact of the project at the H Street/Alhambra Boulevard intersection under the Existing Plus Project conditions while Mitigation Measure 4.9-6(a) mitigates the impact of the project at this intersection under Cumulative Plus Project conditions.

- 31-130: The commenter questions the effectiveness of mitigation proposed for the H Street/Alhambra Boulevard intersection.

Mitigation Measure 4.9-6(a) on page 4.9-90 of the Draft EIR includes signal timing changes plus restriping that will result in an expansion of intersection through lanes. These changes will reduce the incremental delay caused by the project under Existing Plus Project conditions. Mitigation Measure 4.9-1 will effectively improve the AM peak hour operations at the H street and Alhambra Boulevard intersection from LOS F with 110 seconds of delay (Table 4.9-10) to LOS D with 40.8 seconds of delay. Additionally, under Cumulative Plus project conditions, Mitigation Measure 4.9-6(a) will effectively improve peak hours operations at the H street and Alhambra Boulevard intersection from LOS F with 208 seconds of delay in the AM peak and 407 seconds in the PM peak hour (Table 4.9-20) to LOS F with 159 seconds of delay in the AM peak hour and 356 seconds of delay in the PM peak hour. Please see Appendix O in the Draft EIR for the technical calculations.

- 31-131: The commenter indicates that the study area roadways and intersections do not have the capacity to accommodate the addition of project trips and makes specific reference to the change in delay at the C Street/28th Street intersection.

The increase in traffic delay at this intersection is due to the increase in the background traffic due to the planned Sutter's Landing Parkway and interchange. The project will not cause or result in a cumulatively considerable contribution to an impact at this location. Therefore no mitigation measure is required. Please see Response to Comment 31-127.

- 31-132: The commenter indicates that the study area roadways and intersections do not have the capacity to accommodate the addition of project trips and makes specific reference to the change in delay at the H Street/28th Street intersection.

The increase in traffic delay at this intersection is due to the increase in the background traffic due to the planned Sutter's Landing Parkway and interchange. The Draft EIR did not identify an impact of the project at this location, therefore no mitigation measure is required. Please see Response to Comment 31-127.

- 31-133: The commenter indicates that the study area roadways and intersections do not have the capacity to accommodate the addition of project trips and makes specific reference to the change in delay at the H Street/30th Street intersection.

The increase in traffic delay at this intersection is due to the increase in the background traffic due to the planned Sutter's Landing Parkway and interchange.

The project will not cause or result in a cumulatively considerable contribution to an impact at this location. Therefore no mitigation measure is required. Please see Response to Comment 31-127.

- 31-134: The commenter indicates that the study area roadways and intersections do not have the capacity to accommodate the addition of project trips and makes specific reference to the change in LOS at the McKinley Boulevard/33rd Street intersection.

Mitigation Measure 4.9-6(c) mitigates the impact of this project at McKinley Boulevard/33rd Street intersection to less than significant. Please see Response to Comment 31-127.

- 31-135: The commenter repeats results contained in Table 4.9-22 of the Draft EIR related to freeway ramp LOS.

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

- 31-136: The commenter requests that the City provide assurance that the fair share amount collected for traffic signal optimization at H Street/Alhambra Boulevard, H Street/30th Street, and H Street/29th Street intersections will actually be applied to mitigate impacts to these intersections.

Fair share contributions collected from a project are required to be used for the purpose it was collected for and cannot be applied to other purposes. If the project is approved by the City of Sacramento, the fair share contributions, defined as mitigation, will be collected at the plan check review phase. Monies collected for this purpose will be placed in a special fund and will be used to fund improvements required at that location.

- 31-137: The commenter states that lane restriping could reduce capacity for through traffic. This comment is relevant to the H Street/Alhambra Boulevard intersection.

The restriping effects on through traffic movements are considered in the intersection traffic operations analysis. This analysis demonstrated that the mitigation was effective in reducing the project's contribution to intersection delay.

- 31-138: The commenter states that removing on-street parking along H Street as intersection mitigation is inconsistent with complete streets strategies and would affect the existing bike lane.

The City of Sacramento actively pursues complete streets strategies when modifying existing streets. Mitigation Measure 4.9-6(a) would not result in the loss of a bike lane. Instead, it shifts street space dedicated to parked vehicles to moving vehicles.

- 31-139: The commenter states a request to prohibit on-street parking during peak periods on the south side of H Street and provide two eastbound lanes between 30th and Alhambra Boulevard.

Prohibiting on-street parking during peak periods on the south side of H Street and providing eastbound lanes between 30th and Alhambra Boulevard would impact the existing bike lane. Mitigation Measure 4.9-6(a), would require the project applicant to contribute a fair share toward modification of the segment of H Street located between 30th Street and Alhambra Boulevard; this improvement would result in the prohibition of on-street parking on the south side of H Street during peak periods (7–9 AM and 4–6 PM) to allow for two eastbound travel lanes between 30th Street and Alhambra Boulevard while maintaining the same lane configurations on the eastbound approach to the H Street/Alhambra Boulevard intersection (DEIR, p. 4.9-90). The bike lane would be shared for a portion of the eastbound travel lane just west of 30th Street. Please see Response to Comment 31-138, above.

- 31-140: The commenter questions the accuracy of statements in the Draft EIR regarding bicycle and pedestrian access and impacts.

The statement on page 4.9-58 of the Draft EIR that, “All roadways within the study area would be low-volume, low speed streets conducive to bicycle and pedestrian travel”, is in reference to the project site only. Evidence of the low volumes within the project site is provided in Figure 4.9-13 of the Draft EIR. As to off-site impacts to bicycle and pedestrian facilities, the project will not disrupt any existing facilities or interfere with planned facilities so no impacts were identified. Please see also Response to Comment 31-164 regarding complete streets.

- 31-141: The commenter questions the analysis of bicycle impacts in the Draft EIR including impact significance criteria and impact conclusions. The commenter also makes statements about bicycle access using A Street and elimination of bike lanes associated with Draft EIR recommendations.

The project proposes to provide for bicycle access as explained on page 4.9-3 of the Draft EIR and in the project description contained in Chapter 2 of the Draft EIR. With respect to A Street in particular, page 2-10 of the Draft EIR states that the A Street Bridge would provide vehicular, bicycle and pedestrian access to the site. The Draft EIR also clearly describes the impact significance thresholds for bicycle facilities on

page 4.9-46 and contains an analysis of bicycle conditions on page 4.9-58. This analysis is consistent with standard City of Sacramento practices for similar projects. Further, neither the project nor any mitigation measures would result in the elimination of bike lanes as indicated by the commenter.

- 31-142: The commenter states the project does not achieve transportation goals associated with state mandates or progressive planning related to topics such as sustainable communities, smart growth, complete streets, and new urbanism. The commenter also notes that transit access is dependent upon UPRR granting an easement for the project's proposed bicycle and pedestrian tunnel to Alhambra.

The commenter does not provide evidence of any specific state mandates or regulations that would apply to the project. The Draft EIR; however, explains on page 4.9-1 that the project has been deemed consistent with the SACOG Sustainable Communities Strategy (SCS) by both the City and SACOG. The SCS is a state mandated component of regional transportation plans. Further, the City's 2030 General Plan was developed in consideration of all the topics listed by the commenter. The Draft EIR transportation analysis found the project largely consistent with the general plan. The City is also supportive of the project's multi-modal access plan and will work with UPRR to help obtain approval of the proposed bicycle and pedestrian underpass. This underpass will provide a relatively direct link to local transit stops that are within about a 10-minute walk of the project site.

- 31-143: The commenter questions the accessibility to transit and the level of coordination with transit providers.

Regional Transit information was consulted in preparing the Draft EIR transportation analysis including mapping and describing the existing bus service as exhibited in Figure 4.9-5 of the Draft EIR. Changing existing transit routes would improve transit accessibility to the project site and can still occur in the future once the population or activity levels support them. However, this does not constitute an impact of the project nor would the project preclude these types of future transit route changes.

Urban Design and Visual

- 31-144: Commenter states that the visual resources analysis precludes discussion of aesthetic impacts relating to project residents, relying on the *Ballona* decision. Nowhere in the discussion of visual resource impacts in the EIR is the *Ballona* case discussed or cited. Nor does the analysis rely on *Ballona* to preclude analysis of aesthetic impacts.

The comment goes on to state that the project will significantly impact scenic vistas from the project site and will result in significant light and glare from passing trains.

As stated in the Draft EIR, the project site does not contain any scenic vistas and development of the project would have no effect on any scenic vistas. (DEIR, p. 4.10-18.) While Sutter's Landing Regional Park is located to the north, the six-lane Capital City Freeway is located between the project site and the Park. (DEIR, p. 4.10-2.) Views to the north of the site would be limited by two-story residences located adjacent to the northern boundary of the project site as well as by proposed landscaping adjacent to the freeway and along project roadways. There are no scenic vistas to the north of the project site so there is no impact associated with the project.

Regarding train headlights, due to the height of the embankment which ranges from 18 to 30 feet above the project site, and the orientation of the railroad tracks in relation to proposed residences lights from passing trains would not shine directly into any proposed residences. (DEIR, p. 4.10-21) Light created by passing trains is addressed under Impact 4.10-2 on page 4.10-21 which explains existing light sources would not create any significant impacts to proposed residences.

The commenter does not provide any evidence that supports his claim that the Draft EIR does not meet the CEQA Guidelines and scenic vistas would be impacted by the project resulting in significant environmental effects

Project Alternatives.

- 31-145 Commenter asserts that the EIR's discussion of the off-site alternative and 2030 General Plan consistency is improper and the EIR was required to analyze off-site alternatives.

As discussed in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 (*Goleta II*), where a project is consistent with an approved general plan, no off-site alternative need be analyzed in the EIR. The EIR "is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy." (*Goleta II, supra*, 52 Cal.3d at p. 573.) In approving a general plan, the local agency has already identified and analyzed suitable alternative sites for particular types of development and has selected a feasible land use plan. "Informed and enlightened regional planning does not demand a project EIR dedicated to defining alternative sites without regard to feasibility. Such ad hoc reconsideration of basic planning policy is not only unnecessary, but would be in contravention of the legislative goal of long-term, comprehensive planning." (*Goleta II, supra*, 52 Cal.3d at pp. 572-573.) The

project is designated Planned Development and is consistent with the City's 2030 General Plan goals and policies, including policies promoting infill development (e.g. LU Policy 1.1.1, 1.1.4, 1.1.5, 2.1.5), diverse compact energy efficient residential development (e.g. LU Goal 2.6, LU Policy 2.6.1, 2.6.3, 4.1.10, 4.5.1, and 4.5.2), well-connected neighborhoods (e.g. Goal LU 2.5 and Policies LU 2.5.1 and 2.5.2), and smart growth and sustainable development concepts (e.g. Goal LU 4.5 and Policies LU 4.5.1 through LU 4.5.6).

Goal LU 1.1 and Policies LU 1.1.5 and LU 1.1.9 support infill development and growth in existing urbanized areas where City services are in place to support new uses. In addition, development within the City also increases housing diversity, promotes pedestrian and bicycle friendly neighborhoods, and enhances community character. The project is located in a developed area of the City where City services are available, provides a variety of housing options, and is close to downtown Sacramento and Midtown and other employment nodes such the Cannery Business Park and local hospitals, enabling a wider variety of transportation choices for future residents. See Figures 1 and 2 in Chapter 2 of this Final EIR for distances to local businesses and services.

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

Goal LU 2.4 and Policies LU 2.4.1 and LU 2.4.2 promote high-quality design and architectural and landscape design for projects that incorporate qualities and characteristics that make Sacramento unique and respect the local context. The proposed project would use high-quality building materials to create homes that last,

reflective of the older homes built in the adjacent neighborhoods. The project also includes an extensive landscaping plan with trees planted along all roadways to create shade and an environment conducive to pedestrians. Over 2,000 trees would be planted throughout the site.

Goal LU 2.5 and Policies LU 2.5.1 and 2.5.2 promote development that is well-connected and maximizes connections between neighborhoods and minimizes barriers. To address this policy, the project proposes to construct a bicycle/pedestrian connection under the UPRR embankment to connect to Alhambra Boulevard and A Street (if approved by UP and the appropriate government agencies), and a roadway, bicycle/pedestrian underpass and an extension of 40th Street to connect the project to the neighborhoods to the south at C Street. The 40th Street access enables residents to easily access the adjoining neighborhood and will promote walking and biking to nearby stores, schools and other amenities. See Figures 2 and 3 in Chapter 2 of this Final EIR for distances to local businesses and services.

Goal LU 2.6 and Policies LU 2.6.1 and LU 2.6.3 promote development that is more compact with a higher density that uses land more efficiently to help reduce the demand for energy and fossil fuels. In addition, Policy LU 2.6.3 encourages new development to be more energy efficient and sustainable. The average density of the project is 11.2 du/ac, which is higher than the 7 du/ac average density in the nearby McKinley Park neighborhood. The increase in density enables the project to develop a broader mix of unit types and creates a neighborhood that is more compact. The project includes energy conservation features with a goal to exceed the state's Title 24 requirements by meeting current Tier 2 Energy Efficiency Standards. Homes would be pre-wired for solar and electric vehicle chargers and would incorporate sustainable materials such as low or zero volatile organic compound (VOC) paint and carpet. Energy required for the recreation center would be offset with on-site solar panels or other energy efficiency technology. The project has been designed with a higher density which is considered more appropriate near the more urbanized core of the City.

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

effects and efficacy of these measures is evaluated in the technical sections contained in Chapter 4.

Goal LU 4.1 and Policies LU 4.1.1 through LU 4.1.6 address neighborhood design and mix of uses. Policy LU 4.1.1 requires new neighborhoods provide a complementary mix of uses that address the basic needs of the residents. The project includes three parks, two pocket parks, and a neighborhood recreation center. Retail uses beyond those included within the recreation center were not included as part of the project because it was determined that there would not be sufficient vehicle trips through the project and/or sufficient residences to support additional retail, especially since neighborhood-serving retail uses are located within close proximity to the project site. In response to LU Policy 4.1.2, the project includes parks and a neighborhood recreation center. Policy LU 4.1.3 encourages neighborhoods to be pedestrian friendly with sidewalks, street trees, and alleys. Policy LU 4.1.4 encourages alleys to limit the number of driveway curb cuts. As described in Chapter 2, Project Description, the project includes sidewalks along all new roads, including the roadway underpass, and includes a robust landscaping plan with street trees to provide shade for pedestrians. Alleys are provided for a portion of the residences.

The proposed landscaping plan includes planting street trees in the parkways between the curb and sidewalk along roadways, except the A Street Bridge and other limited locations, per Policy LU 4.1.8. As noted above, the project includes three parks that are easily accessible and within walking distance of all residences, per Policy LU 4.1.7 and LU 4.1.12.

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

The application of the PUD designation allows for a mixture of reduced and increased densities within an overall project area. The average project density is

consistent with the goals and policies of the 2030 General Plan. Overall, the project would be consistent with the 2030 General Plan Land Use goals and policies for new residential development.

Goal LU 10.1 and Policy LU 10.1.4 encourage the City to plan comprehensively for growth and change in Special Study Areas consistent with the Regional Blueprint principles and the City's Vision and Guiding Principles. Policy LU 10.1.4 requires those areas designated Planned Development to be developed consistent with the General Plan and to obtain a General Plan Amendment to designate the area consistent with the proposed project using the appropriate designations contained in the Land Use and Urban Design Element. The project is requesting a General Plan Amendment to ensure the land use designation is consistent with City's vision to develop this site with residential uses.

The EIR need not analyze an off-site alternative. As noted in Response to Comment 26-9 and in Chapter 6 of the Draft EIR, the purpose of an alternatives analysis is to develop alternatives to the proposed project that substantially lessen at least one of the significant environmental effects identified as a result of the project, while still meeting most, if not all, of the basic project objectives. Here, the project does not result in any significant and unavoidable impacts.

- 31-146: Commenter provides its opinion that the no project/existing zoning alternative is speculative because the Cannery Business Park would provide a better and "more realistic" location for this type of alternative.

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

- 31-147: Commenter states the no project/existing zoning alternative is speculative because it does not provide specific project level analysis of each potential impact; for example, the EIR concludes impacts associated with toxic air contaminants (TACs) are assumed to be significant and the EIR states it is unknown whether the rail embankment would attenuate noise levels created by a rail maintenance yard. Commenter alleges the lack of site and use specific analysis at a project level of detail renders the alternatives analysis deficient.

An EIR must contain sufficient information about each alternative to allow for meaningful evaluation, analysis, and comparison; however, CEQA does not require lead agencies to describe alternatives with the same level of detail as the proposed project. (CEQA Guidelines Section 15126.6.) "No ironclad rules can be imposed

regarding the level of detail in required in considering alternatives." (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745; see also *N. Coast Rivers Alliance v. Marin Mun. Water Dist. Bd. Of Dirs.* (2013) 2013 Cal.App.LEXIS 401.) The alternatives analysis in the Draft EIR provides adequate detail of each alternative to allow for meaningful analysis, including quantitative analyses across several key impact areas. (See DEIR, Chapter 6.) The detailed descriptions and comparisons of the alternatives exceeds CEQA's requirements for plan level environmental review. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745.

- 31-148: Commenter asserts the alternatives analysis inadequately addresses compatibility with General Plan policies. See Response to Comment 31-147, above, regarding the level of detail required for an alternatives analysis.

CEQA does not include a requirement that EIRs examine whether the Project would be consistent with existing zoning, plans and other applicable land use controls. In *North Coast Rivers Alliance v. Marin Mun. Water Dist. Bd. of Dirs.* (2013) 216 Cal.App.4th 614, ("*North Coast Rivers*") the court determined that while CEQA requires an EIR to discuss inconsistencies between a project and applicable plans, it does not require an EIR to provide a detailed discussion of a project's consistency with such plans. (Id. at p. 633, citing CEQA Guidelines, § 15125, subd. (d).) Indeed, "[d]etermining whether a project is consistent with general plan policies is left to the lead agency; '[i]t is emphatically, not the role of the courts to micromanage...' such decisions." (*North Coast Rivers, supra*, 216 Cal.App.4th at pp. 632-633, quoting *Sequoiah Hills, supra*, 23 Cal.App.4th at p. 719 (emphasis in *Sequoiah Hills*)). Thus, the final determination regarding the project's (or the alternatives') actual consistency with such plans will be made by the City Council as the CEQA lead agency. Notably, inconsistency with a land-use policy does not require a finding that an impact is significant under CEQA; rather, a policy inconsistency is "merely a factor to be considered in determining whether a particular project may cause a significant environmental effect." (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207.)

- 31-149: Commenter speculates that the Lower Density Alternative was designed to be "Unapprovable."

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

- 31-150: Commenter suggests the alternatives analysis is speculative and not based on analysis to provide project-level detail and analysis for the Lower Density Alternative.

EIRs must contain sufficient information about the each alternative to allow for meaningful evaluation, analysis, and comparison; however, CEQA does not require lead agencies to describe alternatives with the same level of detail as the proposed project. (CEQA Guidelines Section 15126.6.) "No ironclad rules can be imposed regarding the level of detail in required in considering alternatives." (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745; see also *N. Coast Rivers Alliance v. Marin Mun. Water Dist. Bd. Of Dirs.* (2013) 2013 Cal.App.LEXIS 401.) The alternatives analysis in the Draft EIR provides adequate detail of each alternative to allow for meaningful analysis, including quantitative analyses across several key impact areas. (See DEIR, Chapter 6.) The detailed descriptions and comparisons of the alternatives exceeds CEQA's requirements for plan level environmental review. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745.

- 31-151: Commenter questions the EIRs conclusion that the Lower Density Alternative would not be consistent with SACOG's SCS.

City staff finds the Lower Density Alternative is not consistent with SACOG's Sustainable Community Strategy and would not make efficient use of an opportunity for infill development. The Lower Density Alternative proposes over 100 fewer residential units than the project (or over a thirty percent reduction in total residential units). The City of Sacramento's General Plan designates the McKinley Village Project site as Planned Development. No density or intensity requirements are expressly set forth in the General Plan for Planned Development designated parcels. However, the City's General Plan was developed to be "consistent with the Regional Blueprint principles..." (2030 General Plan, Goal LU 10.1.) Therefore, the City gives significant weight to the densities considered by the Sacramento Region Blueprint for the project site.

The Blueprint contemplates two types of residential development densities on the project site: Low-Density Mixed-Use Center or Corridor and Single-Family Small Lot. As set forth in the Blueprint, the Low-Density Mixed-Use Center or Corridor designation contemplates a net density of approximately 2,024 units per 160 net acres (or 12.65 units per net acre) and the Single-Family Small Lot designation contemplates a net density of approximately 1,220 units per 160 net acres (or 7.63 units per net acre). The project proposes a density of approximately 11.2 residential units per acre, which City staff finds to be an appropriate balance between the

densities envisioned in the Blueprint for a Low-Density Mixed-Use Center or Corridor (~12.65 du/ac) and Single-Family Small Lot (~7.63 du/ac). The Lower Density Alternative proposes approximately 7.5 residential units per acre, which falls below the densities envisioned in the Blueprint for either the Low-Density Mixed-Use Center or Corridor or Single-Family Small Lot designations. Therefore, the City Council finds that the Lower Density Alternative is inconsistent with both the City's General Plan and the Blueprint.

Moreover, to be consistent with SACOG's SCS, a project located within the City's Center and Corridor Community (such as this project) must be proposed at a density that is at least 80% of the density envisioned by the City. (SCS, App. E-3, p. 35.) The Lower Density Alternative proposes a density below 80% of the densities envisioned in the Blueprint for a Low-Density Mixed-Use Center or Corridor (~12.65 du/ac). Therefore, the City Council finds that the Lower Density Alternative is not consistent with SACOG's SCS. Similarly, because the Lower Density Alternative proposes over 100 fewer residential units than the project, the City Council finds the Lower Density Alternative is less consistent with the SCS goal to add "significant new housing to the central city area [to] provide a better jobs-housing ratio and [to] help in reducing regional VMT." (SCS, App. E-3, p. 54.)

- 31-152: Commenter indicates the lower density alternative and the proposed project were required to provide for a mix of single family, second units, duplexes, tri-plexes, four-plexes and apartments and, because these uses are not included, the project and the Lower Density alternative both fail to meet the City's 2030 General Plan policies for Traditional Neighborhoods.

First, it is important to note that the 2030 General Plan's urban form guidelines are recommendations not required standards. (2030 General Plan, p. 2-30.) Moreover, the commenter appears to suggest that to be consistent with the Traditional Neighborhood urban form guidelines the proposed project or project alternatives must include a mix of single family, second units, duplexes, tri-plexes, four-plexes, and apartments. The commenter's conclusion is based on a misinterpretation of the City's General Plan. Projects proposed in the Traditional Neighborhood land use designation are not required to include each of the above-stated residential land use types. Rather, each of the above-stated residential land use types are permitted in the Traditional Neighborhood land use designation. (2030 General Plan, p. 2-46.)

- 31-153: Commenter provides its opinion that the only alternative that meets both the SCS and General Plan Policies is the Mixed Use Alternative.

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

Response to Hexagon Transportation Consultants (Exhibit B to Rutan Letter)

31-154: Commenter provides introductory comments and indicates concerns with the traffic analysis.

Please see Responses to Comments 31-155 through 31-177. The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No evidence is provided as part of this specific comment that the Draft EIR analysis is inadequate or requires modification. No further response is required

31-155: Commenter discusses impacts to local streets and questions the EIR's trip distribution assumptions.

The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required. Please see Response to Comment 31-156, below.

31-156: The commenter questions whether most of the project trips using the eastern access would use Alhambra Boulevard. Instead, the commenter suggests that more trips may use local residential streets, such as 33rd Street and cause quality of life impacts.

Figure 4.9-7 in the Draft EIR displays the expected distribution of inbound project trips, and Figure 4.9-8 displays the project trip distribution of outbound project trips. Figure 4.9-7 shows that 5% of the inbound project trips would utilize Alhambra Boulevard and 4% would utilize 33rd Street. Additionally, Figure 4.9-8 shows that 18% of project's outbound traffic would utilize Alhambra Boulevard and 4% of project's trip would utilize 33rd Street.

Please see Master Response 10, Livability, for more information.

31-157: The commenter suggests that more trips may use local residential streets and cause quality of life impacts.

Please see Master Response 5 Request for Additional Study Locations in Midtown and East Sacramento. As discussed on page 4.9-38 of the Draft EIR, intersections govern traffic operations in urban environments such as East Sacramento therefore, the key intersections along the roadways listed in the comment letter are included in the traffic analysis such as Alhambra Boulevard/ C Street, Alhambra Boulevard/

McKinley Boulevard, 33rd Street/ C Street, 33rd Street/ McKinley Boulevard, 35th Street/ C Street, etc. (for a complete list of study intersections see pages 4.9-4 and 4.9-5 of the Draft EIR).

Please see Master Response 10, Livability, for more information.

- 31-158: The commenter raises questions about the effectiveness of mitigation proposed for the H Street/Alhambra Boulevard intersection under Existing Plus Project conditions.

Under Existing Plus Project conditions, Mitigation Measure 4.9-1 will effectively improve the AM peak hour operations at the H Street and Alhambra Boulevard intersection from LOS F with 110 seconds of delay (Table 4.9-10) to LOS D with 40.8 seconds of delay. Please see Appendix O in the Draft EIR for the technical calculations. This mitigation measure has been reviewed by the City of Sacramento and has been deemed feasible for engineering purposes. However, final decisions on mitigation feasibility and impact findings will be made by the City Council.

- 31-159: The commenter raises questions about the desirability of mitigation proposed for the H Street/Alhambra Boulevard intersection under Cumulative Plus Project conditions due to potential loss of bike lanes.

Mitigation Measure 4.9-6(a) in the Draft EIR identifies the removal of on-street parking to create more space for a vehicle travel lane and does not propose to eliminate existing bike lanes, but there will be 'share the road' signs in the most western segment of H Street since the eastbound number 2 lane will be a right turn lane at the intersection of Alhambra Boulevard and H Street. This mitigation measure has been reviewed by the City of Sacramento and has been deemed feasible for engineering purposes. However, final decisions on mitigation feasibility and impact findings will be made by the City Council.

- 31-160: The commenter raises questions about the desirability of mitigation proposed for the E Street/Alhambra Boulevard intersection under Cumulative Plus Project conditions due to potential loss of bike lanes and a bulb out.

Mitigation Measure 4.9-6(b) in the Draft EIR identifies the removal of bulb-out on the southbound approach to the E Street/Alhambra Boulevard intersection but does not propose to eliminate existing bike lanes. This mitigation measure has been reviewed by the City of Sacramento and has been deemed feasible for engineering purposes. However, final decisions on mitigation feasibility and impact findings will be made by the City Council.

- 31-161: The commenter describes traffic volume increases on residential streets based on information from the Draft EIR and requests more information to explain the increases.

As noted by the commenter, the Draft EIR describes background traffic volume increases on page 4.9-63 of the Draft EIR. As described on page 4.9-63, the cumulative scenarios incorporate forecasts developed using the most recent version of the SACMET regional travel demand model, which incorporates the effects of planned land use growth and transportation infrastructure projects throughout the City of Sacramento as well as the surrounding region. The cumulative analysis assume several roadway improvements within the study area such as Sutter's Landing Parkway and interchange, Capital City Freeway Eastbound Transition Lane and E Street Ramp Closure proposed by Caltrans. All of these roadway projects are expected to change traffic patterns within the study area and increase traffic on the local roadways such as E Street, H Street, I Street and McKinley Boulevard, as detailed in Section 4.9 of the Draft EIR.

- 31-162: The commenter questions the inclusion of planned roadway network projects in the cumulative analysis.

The planned roadway network projects in the cumulative analysis are based on the currently adopted SACOG Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The MTP/SCS contains the region's list of financially constrained transportation projects and was used as the basis for the cumulative analysis. This approach is consistent with the cumulative analysis requirements of CEQA as specified in Section 15130(b)(1)(B) of the CEQA Guidelines (see below).

Section 15130 (b)(1)(B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions.

Since the MTP/SCS is the regional transportation plan for the SACOG region, the cumulative analysis adheres to the CEQA requirements.

- 31-163: Commenter questions whether the Sutter's Landing Parkway interchange can be redesigned and the effects on the project.

The Sutter's Landing Parkway interchange is not a component of the proposed project, and the project is not in a position to redesign that proposed City/Caltrans

facility. Pages 4.9-75 and 4.9-76 of the Draft EIR contain information about cumulative scenarios with and without the Sutter's Landing Parkway interchange including how volumes on local streets would change. The proposed project would not interfere with, or preclude, the planned interchange. Other questions about interchange design or alternative connections are speculative at this time given that appropriate Caltrans/City planning and design studies have not yet been conducted.

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

- 31-164: Commenter discusses the impacts of cumulative development, and suggests the City revise its General Plan policies allowing Level of Service (LOS) E and F in certain contexts.

The City of Sacramento actively promotes the development of complete streets as part of street modification projects and in the design of new streets. Evidence of providing a complete streets network is provided in Section 4.9 of the Draft EIR, which includes Figures 4.9-2, 4.9-3, 4.9-4, and 4.9-5 showing the accommodation of multiple modes on City Streets and modifications that have been made through traffic calming to create a network that balances a wide variety of interests and users.

Also, refer to Master Response 10 regarding livability for more information.

Revisions to the City's General Plan policies related traffic levels of service are not part of the proposed project and are beyond the scope of the EIR. As the commenter notes, for the majority of roadway segments, Cumulative Plus Project conditions are within acceptable levels of service under the General Plan. Mitigation Measures 4.9-6(a) through 4.9-6(c) would reduce the identified impacts at H Street/Alhambra, E Street/Alhambra, and McKinley Boulevard/33rd Street to less than significant. The comment is forwarded to the decision makers for their consideration. No further is response required.

- 31-165: The commenter suggests changes to the City of Sacramento 2030 General Plan LOS policy.

Please see Response to Comment 31-164, above. This comment will be forwarded to the decision makers for their consideration.

- 31-166: Commenter discusses transportation impacts to schools, and requests additional analysis of safety and congestion near the two schools in the project vicinity.

The Draft EIR traffic analysis captures potential traffic operations impacts at Theodore Judah Elementary School and Sutter Middle School. The analysis includes AM peak hour conditions at the intersections near the schools when school traffic tends to be highest. In addition, a sensitivity analysis was included for Theodore Judah Elementary School where it was assumed 95 children projected to attend the school would travel to school by vehicle and no carpooling, biking or walking would occur. The traffic study recommended adding a stop control on two intersections in close proximity within the school area (36th Way/San Antonio and 36th Way/40th Street) as discussed on page 4.9-94 of the Draft EIR. If safety or operational problems currently exist around the school, the State of California has a 'Safe Route to School' program that could be utilized to improve traffic around the school. More information about this program can be found at <http://www.dot.ca.gov/hq/LocalPrograms/saferoutes/saferoutes.htm>. Please see Master Response 3 regarding additional traffic counts.

- 31-167 Commenter discusses the proximity of the project to transit access and contends that the project would result in a significant transit impact because it is more than one quarter mile from existing transit facilities.

The project's 40th Street access connects residents to an approximately one half mile walk to the nearest transit route (Bus Line 34). (DEIR, p. 2-46; p. 4.9-19, Figure 4.9-5; see also new Figure 1 (Bike/Walking Distance from 40th and A Streets) in Chapter 2 of this Final EIR.) The proposed bicycle/pedestrian underpass at Alhambra would provide a direct route of slightly more than one quarter mile to the existing stop at Alhambra and McKinley Boulevards, if approved by Union Pacific and the appropriate government agencies. (See generally DEIR, p. 4.9-58.) There is no basis for applying a one-quarter mile distance from transit as a threshold of significance. The EIR concluded that transit-related effects are less than significant. (DEIR, p. 4.9-61.) General Plan Policy LU 4.5.6 promotes development of residences within ½ mile of transit, but even that policy is not properly applied as a threshold, because general plan consistency is only one factor to consider when evaluating potential impacts to the environment. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207.) See also Master Response 8 regarding general plan consistency.

The commenter's recommendation to consider greater transit accessibility by offering a shuttle service will be forwarded to the decision makers for their consideration.

31-168: Commenter discusses project alternatives, and suggests that additional analysis of a reduced development alternative is warranted.

As stated in the Draft EIR, under the provisions of SB 375, an EIR prepared for a residential or mixed-use residential project that is consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the Sustainable Communities Strategy (SCS) prepared by the Sacramento Area Council of Governments (SACOG) is not required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project as part of its alternatives analysis (Pub. Res. Code, Section 21159.28, subd. (b)). SACOG has provided a letter stating that the project is consistent with the assumptions for this site contained in the MTP/SCS. The SACOG letter is included in the Draft EIR as Appendix N. (DEIR, p. 5-4.) Thus, because the project is consistent with the SCS, the Lower Density Alternative is included in the EIR for informational purposes only. Commenter's suggestions related to alternatives are not relevant in this SCS-consistent context.

31-169: Commenter summarizes the above comments, please see Responses to Comments 31-154 through 31-168.

31-170: The commenter summarizes prior comments 31-158 through 31-160.

Please see Responses to Comments 31-158 through 31-160.

31-171: The commenter summarizes prior comment 31-161.

Please see Response to Comment 31-161.

31-172: The commenter summarizes prior comment 31-162.

Please see Response to Comment 31-162.

31-173: The commenter summarizes prior comment 31-163.

Please see Response to Comment 31-163.

31-174: The commenter summarizes prior comments 31-164 and 31-165.

Please see Responses to Comments 31-164 and 31-165.

31-175: The commenter summarizes prior comment 31-166.

Please see Response to Comment 31-165.

31-176: The commenter summarizes prior comment 31-167.

Please see Response to Comment 31-167.

31-177: The commenter summarizes prior comment 31-168.

Please see Response to Comment 31-168.

Comment Letter 32

From: Elizabeth Schlegel <eregan06@gmail.com>
Sent: Friday, December 20, 2013 8:30 AM
To: Dana Allen
Subject: Letter re. Comments on McKinley Village Draft EIR
Attachments: McKinley_Village_DEIR_Response.pdf

Good Morning Ms. Allen,

I've attached a PDF copy of my letter detailing my outstanding questions after reviewing the McKinley Village Draft EIR (hardcopy to follow via US postal mail). Thank you for being in the difficult position of facilitating the interface between the public and the EIR team; I have been generally impressed with the diplomacy that the project team has shown to the residents around the project area, and am sure that the team will continue to address the public's concerns with equal consideration and tact.

Thanks, and happy holidays,
Elizabeth Schlegel, PE

Elizabeth Schlegel, PE C73999
 3272 C Street
 Sacramento, CA 95816
 707-206-8593
 eregan06@gmail.com

December 20, 2013

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

Dear Ms. Allen,

As both a practicing registered civil engineer and a resident of the study area included within the Draft Environmental Impact Report (DEIR) for the McKinley Village Project (P08-086). I have reviewed the DEIR, and found that many of my concerns were addressed within the document, such as how the project would address impacts to the existing combined sewer & storm drain system. However, I do have several remaining concerns relating to traffic through the eastern portion of the study area that I do not feel that the EIR has sufficiently considered and/or addressed.

Inadequate Roadway Width on C Street from Alhambra Boulevard to 33rd Street

In various sections of the DEIR, C Street from Alhambra Boulevard to 33rd Street is identified as a major collector street, which per the roadway classifications provided on page 2-197 of the City of Sacramento’s 2030 General Plan requires a right of way width of approximately 60 to 120 feet. The street right-of-way width provided on the Sacramento County Assessor’s Parcel Map for this area is 80 feet for C Street, meeting this requirement, however, the measurable roadway from curb to curb is approximately 34 feet along C Street including the width available for bike traffic and parking, as measured from Google Earth.

To give perspective to the existing inadequacy of C Street as a “major collector” street, standard parking stalls are 9 feet wide. This means that C Street is not as wide as 4 standard-size parking stalls, yet this street currently supports 1,000 trips per day, with traffic in both directions and with parking allowed on both sides of the street. The DEIR suggests that the “cumulative plus project” condition would add over an additional 1,000 peak hour trips per day down C Street, and calls this impact “Less than Significant”. Even the project-only increase of 12% of peak hour traffic will be a notable impact to the residents, regardless of the Level of Service (LOS) projected at the affected intersections under post-project conditions.

Traffic Impact Study Trip Count/Projections, Intersection of C Street & 33rd Street	AM Peak, Volume Total				PM Peak, Volume Total				AM Peak Total	PM Peak Total	Daily Peaks Total	% Increase over Existing
	EB 1	WB 1	NB 1	SB 1	EB 1	WB 1	NB 1	SB 1				
Existing Conditions	192	264	96	10	151	267	41	100	562	559	1121	-
Existing Plus Project Conditions	203	308	99	10	186	295	51	100	620	632	1252	12%
Cumulative Conditions	485	410	115	15	425	400	70	130	2050	1025	2050	83%
Cumulative Plus Project Conditions	496	442	118	15	460	421	80	130	2162	1091	2162	93%

32-1

32-2

Ms. Dana Allen
December 20, 2013

In various sections of the DEIR, McKinley Boulevard from Alhambra Boulevard to 33rd Street is identified as a minor collector street, requiring a right of way width of 40 to 80 feet. The measurable roadway along McKinley Boulevard from Alhambra Boulevard to 33rd Street from curb to curb including the width available for striped Class II bike paths and parking, but not including frontage and sidewalk, is approximately 56 feet, and if the sidewalks and frontage are included, McKinley Boulevard is approximately 75 feet wide. This existing street width makes McKinley Boulevard a much better candidate for a major collector street than C Street, and the EIR should consider the impact of rerouting traffic through the more-appropriate route, rather than propose to maintain existing, inadequate traffic patterns.

32-3

Additionally, in various sections of the DEIR, 33rd Street is identified as a bicycle route, with no further classification. Section 4.9.2 begins to describe existing traffic conditions on 33rd Street, but does not separate the street into two separate study segments at McKinley Boulevard after describing how the street narrows adjacent to McKinley Park. At no point does the DEIR identify the roadway classification of 33rd Street. The street right-of-way widths provided on the Sacramento County Assessor’s Parcel Maps is 64.5 feet for 33rd Street, making 33rd Street a candidate for a major or minor collector street.

32-4

Finally, Section 4.9.3 of the DEIR identifies the McKinley Park neighborhood, including McKinley Boulevard, 33rd Street, and C Street, as a Neighborhood Traffic Management Program (NTMP) area. I am regularly stuck in my driveway by eastbound traffic queuing at the stop sign at 33rd Street in the mornings under existing traffic conditions, and will petition my neighborhood to move to Phase II NTMP measures to avoid the 258% increase in eastbound morning peak hour “cumulative plus project” traffic projected in the DEIR. This will entirely alter the routes studied by the DEIR. The DEIR does not sufficiently address the potential impacts of the NTMP classification of these neighborhoods, since neighborhood action can re-route all traffic studied within the neighborhood boundaries.

32-5

Please address the following in the EIR:

- Appropriate roadway classifications for C Street, McKinley Boulevard, and 33rd Street based on existing street widths, including the reasoning for the classification.
- Study appropriate paths of travel, using continuous and appropriate roadway classifications, with no dead-ends of arterial or collector routes.
- Include discussion of how the additional traffic will impact the narrow, residential portion of C Street in the long term.
- Address the feasibility and impacts of widening C Street to accommodate traffic and the resultant environmental impacts, including the number of trees to be included in the urban deforestation of an established neighborhood due to the locations of the existing, established street trees within the roadway right of way.
- Include discussion of how traffic can be removed from the residential portion of C Street, given that regardless of the right of way width, the current street improvements cannot support 1,000 additional daily peak hour trips.
- Study alternative traffic routes to avoid the need for future NTMP area improvements.
- Include a map of available routes for cumulative plus project traffic if NTMP areas move to Phase II traffic calming measures.
- Study differing portions of 33rd Street independently, identifying the roadway classification of each segment.

32-6

32-7

32-8

32-9

32-10

32-11

32-12

32-13

Ms. Dana Allen,
December 20, 2013
Page 3

- The City’s long-term traffic routing plans where known, including a color-coded map of planned improvements.

32-14

Changes in Traffic Patterns Due to Signalization

Mitigation Measure 4.9-6(c) proposes a traffic signal at the McKinley Boulevard/33rd Street intersection to address Level of Service F (LOS F) conditions under cumulative conditions. Much of the non-residential traffic currently impacting the McKinley Boulevard/33rd Street intersection would likely choose alternate routes as a perceived “time savings” to avoid the traffic signal, thereby increasing the total number of trips at the surrounding intersections. Also, as a resident, I have observed that the peak hour delays at this intersection are typically caused by park users such as joggers, not by vehicular traffic; studying this would require a detailed on-site study, rather than a typical traffic study without a physical observer present. Please incorporate the following into the EIR:

- Include an observational study of why the McKinley Boulevard/33rd Street intersection currently meets LOS D and F conditions.
- Include detailed discussion of how installing a traffic signal at the McKinley Boulevard/33rd Street intersection will change the LOS at this intersection.
- Include detailed discussion of the impacts of installing the McKinley Boulevard/33rd Street traffic signal on the surrounding portions of the study area.
- Address the LOS of the signalized intersection and adjacent intersections after this improvement is installed.

32-15

Project Access to Area Freeways

Caltrans is considering closing the E Street northbound onramp to Interstate Business 80 to mitigate existing traffic problems, which will substantially alter traffic patterns through the McKinley Park neighborhood, which is used by many commuters as a shortcut to avoid traffic. If traffic pattern alterations due to the closure of this onramp are unacceptable through East Sacramento via H and J Streets and Folsom Boulevard, either the closure will not be feasible, or traffic rerouting will require an additional interchange, which would alleviate traffic impacts on City streets in the eastern part of the project areas, particularly at peak hours. Please address the following in the EIR:

- How the project will reach the area freeways both if the E Street onramp remains open, and if it closes, and the subsequent study area and LOS impacts.
- The feasibility of incorporating a highway interchange to serve existing traffic on Elvas Avenue including a widening and extension of Lanatt Street to Interstate Business 80.

32-16

Truck Routes

The DEIR identifies several streets considered to be truck routes through the study area, including 29th Street, 30th Street, Alhambra Boulevard, and C Street (from 16th Street to Alhambra Boulevard). Three of these streets are parallel, and the C Street truck route identified is discontinuous. The City’s truck routes are available through the City of Sacramento’s transportation department website. The easterly-most north-south truck route identified on the City’s map is Alhambra Boulevard. As a resident, I have observed that many of the non-STAA length trucks navigating East Sacramento use C Street as a preferred route, although it is not a designated truck route and likely does not have an adequate structural section to support this traffic,

Ms. Dana Allen,
December 20, 2013
Page 4

particularly with the addition of construction traffic for McKinley Village. Please include the following in the EIR:

- A map of all truck routes throughout the study area.
- A map showing possible construction routes overlaid on the existing truck routes in the study area.
- The number of trucks identified during the traffic studies travelling on non-truck routes.
- The projected increase in truck traffic both during and after construction, not based on Caltrans' percentages as is currently discussed in the DEIR, since Caltrans is based on highway traffic, not local truck route traffic.

32-17

If you or the EIR team would like to follow up with me, I can be reached at 707-206-8593. Thank you for your time, and for the very impressive public outreach efforts that have been a part of this project. I am confident that this project can provide a benefit to the existing and future residents of the affected area, and that the City and the project team are committed to making this project successful.

Sincerely,



Elizabeth Schlegel, PE C73999

Letter 32: Elizabeth Schlegel, PE, December 20, 2013

32-1: The commenter states that C Street between Alhambra Boulevard and 33rd Street is classified as a “major collector” in the Draft EIR, and does not have adequate right-of-way for this classification.

To address this comment the description of C Street/Elvas Avenue on page 4.9-9 the Draft EIR is revised as follows:

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

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

32-2: The commenter states that increases in traffic on the segment of C Street between Alhambra Boulevard and 33rd Street will be a notable impact to residents that use this roadway, regardless of the level of service projected at intersections under Plus Project conditions.

As suggested by the commenter, the Draft EIR did not identify any significant impacts to study facilities located on C Street under Existing Plus Project or Cumulative Plus Project conditions per the City of Sacramento’s impact significance criteria. Please refer to Master Response 10 regarding livability as it relates to traffic.

32-3: The commenter states that C Street between Alhambra Boulevard and 33rd Street is classified as a “minor collector” in the Draft EIR, and that the parallel segment of McKinley Boulevard has more available right-of-way, making this roadway a better candidate for handling project-generated traffic. The commenter goes on to state that the EIR should consider the impact of re-routing traffic to McKinley Boulevard from C Street, and not maintain existing “inadequate traffic patterns.”

Please refer to Response to Comment 32-1, which explains that C Street from Alhambra Boulevard to 33rd Street is classified as a local street.

The distribution of project-generated traffic, which takes into account a variety of factors, did not result any significant impacts to study facilities located on C Street under Existing Plus Project or Cumulative Plus Project conditions, per the City of Sacramento's impact significance criteria. Hence, re-routing traffic is not necessary as CEQA mitigation.

- 32-4: The commenter states the Draft EIR does not separate 33rd Street into multiple study segments nor does it identify the roadway classification of 33rd Street.

The comment does not pertain to any particular analysis conducted in the Draft EIR. Per the City of Sacramento General Plan, all segments of 33rd Street located within the study area are classified as "local" streets.

- 32-5: The commenter states she will petition her neighborhood to move forward with the installation of additional traffic calming measures through phase II of the City's Neighborhood Traffic Management Program (NTMP), and that the Draft EIR's evaluation of travel patterns is not sufficient since it does not address the potential re-routing of traffic that could occur through the NTMP process.

Per CEQA Guidelines Section 15125(a), "An EIR must include a description of the physical environmental condition in the vicinity of the project, as they exist at the time of the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." Since additional traffic calming measures referenced by the commenter are not currently in place, the Draft EIR analysis correctly studied a baseline scenario that does not include these measures.

Further, the additional traffic calming measures referenced by the commenter are not included as part of the proposed project (beyond those included in the project description or included in conditions upon the project's approval), and therefore the Plus Project scenarios studied in Section 4.9 of the Draft EIR correctly did not assume any additional traffic calming measures in place.

- 32-6: The commenter states the Draft EIR should utilize appropriate roadway classifications for C Street, McKinley Boulevard, and 33rd Street and include the reasoning for each classification.

Please refer to Responses to Comments 32-1 and 32-4, above. Roadway classifications are determined based upon the City of Sacramento 2030 General

Plan, and are used to help determine roadway sizing and access control to achieve desired operational conditions.

- 32-7: The commenter states the Draft EIR should “study appropriate paths of travel, using continuous and appropriate roadway classifications, with no dead-ends of arterial or collector routes.”

Output from the SACMET regional travel demand model that was 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) accounts for roadway attributes including distance, travel speed, and capacity. Therefore, the trip distribution estimates for the project account for these factors, and project trips are assigned to roadways based upon the relative travel time provided by competing routes.

- 32-8: The commenter states the Draft EIR should discuss how additional traffic will impact the narrow, residential portion of C Street in the long term.

The commenter is presumably referring to the segment of C Street located between Alhambra Boulevard and 33rd Street. The Draft EIR did not identify any significant impacts to study facilities located on C Street under Existing Plus Project or Cumulative Plus Project conditions per the City of Sacramento’s impact significance criteria.

Please refer to Response to Comment 32-2.

- 32-9: The commenter states the Draft EIR should address the feasibility and impacts associated with widening C Street to accommodate traffic.

Widening C Street is not a required mitigation for this project. No widening of C Street is included as part of the project description, nor is it included in the mitigation measures identified in Section 4.9 of the Draft EIR. The comment is forwarded to the decision makers for their consideration.

- 32-10: The commenter states the Draft EIR should discuss how traffic can be removed from the residential portion of C Street given that it cannot support 1,000 additional peak hour trips.

The commenter is presumably referring to the segment of C Street located between Alhambra Boulevard and 33rd Street. Please refer to Responses to Comment 32-1 through 32-3. The Draft EIR did not identify any significant impacts to study facilities located on C Street under Existing Plus Project or Cumulative Plus Project

conditions, per the City of Sacramento's impact significance criteria. Please refer to Responses to Comments 32-1 through 32-3.

- 32-11: The commenter states that the Draft EIR should study alternative traffic routes to avoid the need for future NTMP improvements.

The Draft EIR analysis did not identify any significant impacts that would require alternative traffic routes as mitigation. The NTMP process is specifically designed to address the need for traffic calming improvements only after sufficient evidence exists that actual traffic problems are occurring.

- 32-12: The commenter states that the Draft EIR should include a map of the distribution of project-generated traffic under the assumption that additional NTMP improvements are in place under cumulative conditions.

Please refer to Responses to Comments 32-5 and 32-11.

- 32-13: The commenter states that the Draft EIR should study "differing portions of 33rd Street independently" and identify the roadway classifications for each segment.

Please refer to Response to Comment 32-4.

- 32-14: The commenter states the Draft EIR should identify the City's long-term traffic routing plans, and include a color-coded map of planned improvements.

The City of Sacramento 2030 General Plan includes a long-term vision of transportation improvements planned throughout the City, and includes maps of these improvements. The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

- 32-15: The commenter states the Draft EIR should include study of the McKinley Boulevard/33rd Street intersection under current conditions, a discussion of changes and impacts associated with the installation of a traffic signal at this location, and identify the LOS at this location and other nearby locations after the installation of a traffic signal.

While no project specific impacts were identified to the McKinley Boulevard/33rd Street intersection, the Draft EIR analysis found that this location would be significantly impacted under Cumulative Plus Project conditions during both the AM and PM peak hours (DEIR p. 4.9-76). The mitigation measure included in the Draft EIR includes a fair share contribution toward the installation of a traffic signal at the McKinley Boulevard/33rd Street intersection, which would improve peak hour

operations to LOS A during both peak hours (DEIR p. 4.9-90). The installation of a traffic signal at this location would not have secondary impacts to adjacent intersections. The installation of the traffic signal is a requirement for implementation of the project, but would be installed when warranted subject to further future evaluations. Please see Response to Comment 89-3.

- 32-16: The commenter requests an evaluation of how project traffic would access the Capital City Freeway (Business 80) if the E Street on-ramp remains open or if it closes, and should identify the LOS impacts associated with each scenario.

Please refer to Draft EIR pages 4.9-38 through 4.9-62 for the analyses pertaining to the Existing Plus Project scenario, which layers project-generated traffic on top of existing traffic levels within the study area and does not assume the proposed E Street on-ramp closure in place. As documented on page 4.9-63 of the Draft EIR, the cumulative analyses account for the planned closure of the E Street northbound on-ramp to the Capital City Freeway (Business 80). Please refer to pages 4.9-73 through 4.9-92 for the analyses pertaining to the Cumulative Plus Project scenario, which evaluates the cumulative effects of both the closure of the E Street on-ramp as well as the proposed project, in addition to other planned infrastructure projects and land development projects in the area.

The commenter requests an analysis of the feasibility of incorporating a highway interchange that would relieve traffic on Elvas Avenue via a connection to Lanatt Street through the site of the proposed project.

The commenter is presumably referring to the planned Sutter's Landing Parkway project, which is included in the City's 2030 General Plan. As documented on page 4.9-63 of the Draft EIR, the cumulative analyses accounts for the planned Sutter's Landing Parkway project. Please refer to pages 4.9-73 through 4.9-92 for the analyses pertaining to the Cumulative Plus Project scenario, which accounts for the cumulative effects of Sutter's Landing Parkway and the proposed project, in addition to other planned infrastructure projects and land development projects in the area.

As depicted in the City of Sacramento 2030 General Plan, Sutter's Landing Parkway would not extend beyond the Capital City Freeway (Business 80), and would not connect through the site of the proposed project.

- 32-17: The commenter requests that the EIR include a map of all truck routes throughout the study area, the number of trucks that currently travel on non-truck routes, and the projected increase in truck traffic both during and after construction.

Please refer to the City's website for a map of all truck routes located within the City limits: http://www.cityofsacramento.org/transportation/dot_media/engineer_media/pdf/city-truck-routes.pdf.

The number of trucks within the study area travelling on non-truck routes is an existing condition unrelated to the implementation of the proposed project. Further, City law allows trucks to deviate from legal truck routes for a specified distance for the purpose of making deliveries.

The Draft EIR includes proper mitigation for construction impacts. As documented on page 4.9-62 of the Draft EIR, prior to the beginning of construction, the project applicant shall prepare a construction traffic and parking management plan to the satisfaction of City Traffic Engineer and subject to review by all affected agencies. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include:

- Description of trucks including: number and size of trucks per day, expected arrival/departure times, truck circulation patterns.
- Description of staging area including: location, maximum number of trucks simultaneously permitted in staging area, use of traffic control personnel, specific signage.
- Description of street closures and/or bicycle and pedestrian facility closures including: duration, advance warning and posted signage, safe and efficient access routes for emergency vehicles, and use of manual traffic control.
- Description of driveway access plan including: provisions for safe vehicular, pedestrian, and bicycle travel, minimum distance from any open trench, special signage, and private vehicle accesses.

The proposed project consists primarily of residential land uses, which would not add a significant amount of truck traffic to the study area during project operation.

Comment Letter 33

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

January 10, 2014

Re: Comments regarding the (Revised) - Draft Environmental Impact Report (DEIR) for the McKinley Village Project (P08-086)

Dear Ms. Allen:

Thank you for the opportunity to submit comments on the DEIR for the proposed McKinley Village project. This project would be located adjacent to Midtown where I live and Sutter's Landing Park which I use nearly daily for recreation. I am familiar with the biological resources of the area including the proposed project area and am also a daily bicyclist in the greater area. I reviewed the DEIR primarily from these perspectives and also previously provided comments on the NOP for the proposed project.

As proposed, the McKinley Village project would have significant impacts to Sutter's Landing Park and the parkway. These include both temporary and long-term impacts to sensitive wildlife species, their nesting and foraging habitat, and open space that provides a corridor for their movement throughout the parkway. The enjoyment and recreational values the public receives from these natural resources would also be impacted, which is not adequately mitigated by the proposed project.

Local non-profit organizations including Friends of the River Banks, Friends of the Swainson's Hawk, Friends of Sutter's Landing Park and others are actively educating the public about the natural resource and wildlife values present at Sutter's Landing Park. The Park and adjacent open space areas including the proposed project area lands all contribute to these important values for the public and the American River Parkway. I support these efforts and believe the city should avoid unnecessary impacts to the park and require all project activities that impact Sutter's Landing Park to be fully mitigated for them onsite and endorse the long term vision for the Park.

The DEIR should be recirculated to address important issues that were raised during the NOP process as shown in the public record. The DEIR failed to analyze the potentially significant cumulative impacts from adjacent/nearby current and future developments already approved and contemplated by the City of Sacramento on the American River and Parkway in regards to, but not limited to public safety and the ability of the Parkway's natural and recreational resources to withstand a potentially significant increase in use. The DEIR also failed to address the already significant impacts on the River and Parkway's natural and recreational resources from increased use at Sutter's Landing Park as a result of the proposed project.

The DEIR for the proposed project has done an inadequate job of identifying existing

33-1

33-2

natural resource values at Sutter’s Landing Park and the Parkway or included actions to avoid unnecessary impacts to those values. The DEIR has not done an adequate job of fully mitigating when this is deemed not possible.

The introduction and scope section of the DEIR section indicates that regulatory agencies may make the landfill operator make design modifications in connection with improvements to A Street and integrity of the landfill, and access to monitoring equipment. Any requirement for such modifications that are the result of the proposed project should be the responsibility of the project developer unless it can be shown that the changes would have been required in any case.

33-3

The introductions and scope section also indicates that the proposed project would not result in significant and unavoidable impacts so the City Council would not be required to adopt a Statement of Overriding Considerations if it approves the proposed project. This statement is poorly written and seems premature at this stage of the DEIR assessment.

33-4

The DEIR indicates that the most current information available was used to evaluate impacts from the project. This is not accurate as there was little or no effort to make use of data collected onsite by local organizations and individuals.

33-5

Throughout the DEIR Sutter’s Landing Park is not accurately described or represented. “...the former City of Sacramento 28th Street Landfill to the north across Capital City Freeway (the former landfill site has been designated as a regional park-Sutter’s Landing Regional Park...” It is more accurate to identify it as a park and former landfill, not the reverse which unnecessarily downplays this designation and the long-term vision for it.

33-6

The proposed project identifies a mix of evergreen, deciduous, and coniferous trees (redwood, pine) to be used as a landscape buffer. This is not appropriate as these trees are not native to the area or compatible with Sutter’s Landing Park and the parkway resources. Trees planted as landscape buffers around the project site should be native and adapted to the immediate area as well as representative of the adjacent parkway and serve to support the area as a gateway to the American River Parkway.

33-7

The use of City-owned land on the proposed project parcel for stormwater infrastructure is inappropriate unless those features would be needed for Sutter’s Landing Park and/or the existing landfill. Any conversion of this land for project use must be adequately mitigated within the immediate area. The area in question now serves as wildlife habitat and a corridor connecting the parcel the Sutter’s Landing Park.

33-8

Delaying the construction of the pedestrian/bicycle tunnel until the third phase of the project would lessen the effectiveness of this feature. It should be constructed in the initial phase of the project to maximize the time the residents have to make use of it. This feature should also be a requirement of the project, not left to being a possible feature as determined by UPRR.

33-9

The “off-site” improvements described for A Street are not adequate and don’t include the loss of this area as open space serving as a wildlife corridor connecting the property with the rest of Sutter’s Landing Park. It would also eliminate plans to restore this area for increased wildlife nesting and foraging habitat consistent with the long-term vision for this area of the park. Mitigation is necessary to fully mitigate for this impact and should be required to return these natural resource values to Sutter’s Landing Park.

33-10

The DEIR does not do an adequate job of describing the long-term vision for Sutter’s Landing Park including conserving and restoring sensitive wildlife species habitat. To say the area is “slated for development as a park” is not accurate and actually misleading. It also downplays the need to fully mitigate for impacts to these values at Sutter’s Landing Park, and limits the options for the long-term vision for the Park if the proposed project is approved as described now. As proposed, the project is not consistent with the SACOG Blueprint and would actually be a development into “greenfields” such that Sutter’s Landing Park and the American River Parkway provide a richer biodiversity by conserving natural resources in sensitive areas.

33-11

Alternative 2 for no project assumes the site would be developed consistent with existing zoning. This should be modified or expanded to include an alternative or option that looks at zoning changes that would add the parcel to Sutter’s Landing Park. Project alternative analysis should include an option to rezone the property as an addition to Sutter’s Landing Park directly adjacent to it and enhance habitat conservation, restoration and recreation values. Such an alternative would clearly be preferred as superior from an environmental standpoint and would not require any mitigation. These lands could serve as mitigation for other proposed projects in the area and previous impacts in the area as well. There are opportunities to secure public funds as grants for such a purpose. The proposed project, as described, is certainly not environmentally superior when alternative zoning is considered as should have been done.

33-12

The CDFG Special Animals List January 2011 may not be the latest or most up to date source for this information. There is often a backlog of information submitted to CNDDDB including observations from the project area and vicinity that must be considered. Local observations made at Sutter’s Landing Park and the project area and vicinity have not been included or adequately addressed. This information is available but was not requested or referred to in the DEIR.

33-13

The biological survey for the proposed project was very limited and incomplete. Species commonly seen onsite such as jackrabbits and others were not noted. Instead of facts, speculation was made about the level and type of activity by sensitive species. These assumptions conflict with actual observations made by those who frequent the area during events at Sutter’s Landing Park and other times.

33-14

Field observations have shown that sensitive raptors including Swainson’s hawks and white-tailed kites frequent the project area especially during the nesting season. Both of these species and other raptors are known to nest annually in the immediate area and

33-15

rely heavily on foraging habitat at Sutter’s Landing Park and the adjacent project area which is effectively a single area for mobile species. The biological consultant agreed in personal discussions onsite that more field work would be necessary to adequately understand the value of the area to these species.

33-15
Cont.

A second active Swainson’s hawk nest is known near the proposed project and was monitored by myself and others in 2013. This was discussed with the biological consultant during survey work. This site is along the river directly adjacent to Sutter’s Landing Park and the adult Swainson’s hawks commonly foraged there and at the project site. This information was not acknowledged in the DEIR or biological report. Similar nesting and foraging has been noted and monitored in previous years.

33-16

The DEIR and biological report makes assumptions about prey availability based on a single visit last year. Assumptions are made about management activities on the site including mowing and discing but these are not documented. These assumptions do not agree with observations made by myself and others.

33-17

The DEIR includes an analysis of suitable foraging habitat within 10 miles of the project site. This analysis does not take into consideration that there are multiple Swainson’s hawk and White-tailed kite nests documented in the immediate area. The American River Parkway, including Sutter’s Landing Park and the project area, provide valuable foraging and nesting opportunities. The area functions as a viable wildlife corridor important to mobile species such as these raptors and other species. The analysis provided in the DEIR is flawed. The fact that there is limited suitable foraging habitat within 5 miles of the project site actually increases the value of what is present including at the project site. Further reduction of such habitat as would result from the proposed project threatens the continued nesting of raptor species in this area and the Parkway.

33-18

The DEIR indicates that the project site is not part of a regional wildlife corridor. This statement is certainly inaccurate for mobile species such as sensitive raptor species which are seen to move between the project area, Sutter’s Landing Park and other areas of the Parkway on a daily basis. The value of the project area as a corridor for other wildlife species is likely under estimated by the biological consultant for the project. There are open space and structures in place that connect the project area with Sutter’s Landing Park and the Parkway. These bridges are commonly used for movement between these areas. Open space such as this on the south side of the American River Parkway is particularly important in regards to serving as a corridor for wildlife. There is less available open space and habitat available for this purpose on the south side of the parkway. A study across several seasons or years would be required to accurately measure the value of the project area as a wildlife corridor which it functions as now.

33-19

The claim that existing conditions serve as a barrier to wildlife is not adequately documented. Are there increased road kills, carcasses, or other observations that support this conclusion? Further study is needed or it must be assumed that corridor function exists and mitigation should include enhancement of these values on adjacent

33-20

<p>Sutter's Landing Park. This is consistent with observations made by those who spend time there. Tree mitigation planting underway at the triangle parcel to the north of the project site will increase the use and effectiveness of this corridor.</p>	 33-20 Cont.
<p>The long-term vision for Sutter's Landing Park includes preserving and restoring habitat and natural resource values. Restoration and enhancement could be done in such a way to increase the values provided for wildlife at the project site and surrounding area. Maintaining the existing values is an important and necessary step to implement this vision. The DEIR does not discuss this vision or any options to help implement it.</p>	 33-21
<p>It is well known and documented that the project area was previously part of the American River floodplain and flooded regularly including in recent years. The DEIR doesn't adequately discuss how these conditions have been modified by previous activities.</p>	 33-22
<p>The DEIR estimates the project would impact approximately 50 acres of foraging habitat on and off site for sensitive raptor species. This is a significant impact To Sutter's Landing Park and the American River Parkway which also provide foraging habitat for these sensitive species. Potential significant impacts are also identified for other sensitive species. Proposed off-site mitigation would not be adequate or fully mitigate for impacts to these species or areas. These impacts would also occur at Sutter's Landing Park and within the Parkway. Mitigation for such impacts must occur so that these areas are not impacted and include restoration and enhancement at each location. There are options to improve habitat conditions by relocating existing structures at Sutter's Landing Park as well as securing and restoring habitat on lands immediately adjacent to the park. This also fits with the long-term vision for Sutter's Landing Park and the Parkway. Any off-site mitigation should be secondary only and used to buffer from the impacts in the Park and Parkway from increased recreation and disturbance by those residing at the project site later. Long term monitoring and oversight will be necessary to ensure the success of mitigation at the Park.</p>	 33-23
<p>The DEIR indicates that the heavily disturbed nature of the project site makes it unlikely that the project would contribute to a cumulative impact to common wildlife species. This does not take into account that residents would likely increase recreation and disturbance activities at Sutter's Landing Park and the Parkway. What about increased human activities in adjacent high-value wildlife areas including the Parkway? These would include direct and indirect impacts and reduction of available habitat and nesting success among other things as well as pets kept by McKinley Village residents or released as feral animals—cat, dogs, etc. that kill wildlife—which will add to the threats to wildlife along the Parkway. Disturbances are increasing now due to the popularity of accessing the parkway via Sutter's Landing Park. This is well documented in reports submitted to City and Parkway staff. The proposed project would be expected to increase such incidents.</p>	 33-24
<p>Sutter's Landing Park supports an incredible diversity of wildlife species. Documentation of this diversity can be found on the Friends of the River Banks website. This</p>	 33-25

information includes observations made at and adjacent to the proposed project site. A recent example of the interest in viewing wildlife at this location can be seen on this record of the FORB annual New Years Day 2014 event which included observations of a peregrine falcon and coyote as well as other species. Both peregrines and coyotes are known to make use of the area around the park including the proposed project area. The Sutter's Landing Park area is included in the annual American River Natural History Association wildlife count and often records species little seen in other parts of the parkway. The diversity of habitats present on the Park, adjacent Parkway and other open space such as the project site all contribute to these observations. Any impacts to the existing habitat and open space must be fully mitigated within this same area to preserve wildlife diversity and sensitive species.

33-25
Cont.

The DEIR indicates that approximately 20,000 cubic yards of stockpiled soils were removed from the project site and that sampling detected dieldrin. After recommendations to do so, the soils were apparently removed from the site but there is no indication as to the source of these soils or where the stockpile was relocated. Additional sampling on site showed more soil to be contaminated with dieldrin which was later relocated but no location or adequate explanation is given for the presence of this contamination on site.

33-26

The DEIR notes that the CPUC has requested vandal-resistant signs and fencing be required along the southern boundary of the site. Similar measures have been in place for some time along the landfill at Sutter's Landing Park but the fence is cut in many places and there are frequent signs of trespass and disturbance. How will this be any different for the measures to be taken by the proposed development project?

33-27

The DEIR indicates that a roadway extending east from the intersection of 28th and A Street is "contemplated in the 2030 General Plan as part of the Sutter's Landing Parkway Interchange, and in the Sutter's Landing Park Master Plan. Public meetings on this subject have included elected officials stating that this interchange is no longer likely and it will be dropped from the General Plan. Likewise, the master plan for Sutter's Landing Park is out of date and needs revision before further development proceeds. Previous identification of a road across the landfill is not consistent with the current vision for enhancing and restoring natural resource values there. An update to the master plan is needed before it is assumed that a road across the landfill is appropriate for the park.

33-28

City-owned land at the southwestern edge of the proposed project has been identified as the site for possible storm detention. This land was identified previously as part of Sutter's Landing Park which it is directly connected with. Long-term decisions regarding this City-owned land should be considered in a revision to the master plan for Sutter's Landing Park. These lands also have the potential to be enhanced as part of the restoration of the Park in the future. Any loss of these lands is a lost opportunity and impacts the future of the Park. In earlier public meetings it was stated by City staff that these lands would serve to handle drainage for the proposed project. Questions were raised by the public about how decisions were made regarding these City lands. Now

33-29

the DEIR states that this would be a separate project and that the proposed development would handle all drainage on site. The potential use of City lands for storm detention still appears to be linked to the proposed project and impacts from constructing such infrastructure here must be considered in the DEIR. To do otherwise, would be segmenting the project and not considering all potential environmental impacts associated with it.

33-29
Cont.

The DEIR indicates that wildlife in the area have adapted to an urban environment including noise from traffic, airplanes, and trains. This statement is not adequate for sensitive wildlife species or particular activities such as nesting that may be disturbed or destroyed during temporary or ongoing activities associated with the proposed project. Further discussion and consideration is needed. Construction-related noise ordinance exemptions need to consider such potential issues too.

33-30

The DEIR doesn't discuss impacts to Sutter's Landing Park public services and recreation although comments and questions were submitted on this subject during the NOP. On page 4.7-11 the statement regarding Sutter's Landing Park is inaccurate or poorly written. It is unclear.

33-31

The DEIR discussion on potential impacts to parks emphasizes new activities resulting from development. What about direct and indirect impacts to existing park values? The loss of passive recreation activities including wildlife viewing, photography and related activities would be impacted by the project as proposed. There is no discussion of the loss of existing habitat/open space that provides value to Sutter's Landing Park. The A Street construction and drainage features on the City-owned portion of the project parcel would result in losses to the Park and Parkway and must be mitigated on-site and in advance.

33-32

The proposed project currently includes dedication of 2.4 acres of parkland which is less than currently required by the city. The use of fee payment to the City is not adequate, unless the fee is increased and used specifically for Sutter's Landing Park. As described now the fees and land provided would not fully mitigate for impacts to existing park values let alone for the new demands that would be put on them due to the project.

33-33

The DEIR does not discuss the need to update the existing master plan for Sutter's Landing Park and factor the new impacts from the proposed project into it.

33-34

The DEIR discussion regarding water to serve the project is not adequate for the current severe drought situation facing the city of Sacramento. Updated information and attention must be paid to this detail including impact of in-stream natural resources that would be impacted by further reduction to scarce water in the American River. Extremely severe drought conditions are more likely than that stated in the DEIR. The City's Climate Action Plan predicts that there may be more drought and flooding in the future due to climate change, which needs to be more adequately addressed in relation to the proposed project. The information provided in the DEIR is incomplete and inadequate.

33-35

The DEIR indicates that potential impacts to wildlife in the area associated with an increase in lighting was not evaluated due to the urbanized environment that does not contain any federal or state protected wildlife species except for potentially Valley Elderberry Longhorn Beetle. This is incorrect and provides inadequate analysis. This statement does not address the confirmed presence of Swainson’s hawks, White-tailed Kites and other raptors that forage on site and are known to nest nearby.

33-36

The DEIR states that the public would not have access to the portion of Sutter’s Landing Park immediately north of the freeway (the mound) until after 2027. The public can and often does view these areas of the park now including passive wildlife viewing, open space and other recreation values. I and many others do so now on a daily basis.

33-37

The DEIR states that the site supports non-native vegetation. The landscape screening plan proposes to use redwood trees which are not native to the area are shown rather than using appropriate local native tree species. This should be changed to use local vegetation consistent with the Parkway and the vision for Sutter’s Landing Park.

33-38

The project as proposed is expected to generate 1800 vehicles daily exiting A Street through Sutter’s Landing Park. This would pose safety issues for Park users and the Park is not now ADA compliant. The steep grade leaving the Park on 28th compounds this problem.

33-39

There were no studies of westbound traffic using F and G Streets which is a likely scenario given existing conditions. Therefore, it is not possible to understand the impacts that would result. Traffic impacts to C Street have not been adequately studied. There is much pedestrian, bike, and similar movement along C Street that would be exposed to increased risk from project traffic.

33-40

Cumulative analysis for the project includes assumptions about potential roadway improvements in the study area that are not likely now. These include a Sutter’s Landing Parkway which would be incompatible with existing uses and long-term vision for the Park and surrounding area. The same is true for a Capital City Freeway/Sutter’s Landing Parkway Interchange. Recent statements by public officials indicate that these are not likely viable transportation projects and are likely to be dropped from consideration. The discussion of cumulative plus project conditions for the “without Sutter’s Landing Parkway or Interchange” is unclear and appears to be incomplete in the DEIR.

33-41

The NOP for this DEIR includes over 1000 pages of materials mostly received as comments and questions regarding the project. The DEIR does not adequately describe or document the range and breadth of comments received. These include a number of comments regarding potential impacts to biological resources that were not addressed in the DEIR. This was certainly a substantial input by the public and more attention and response is needed in the DEIR.

33-42

There are possibly missing appendices identified in the Biological Resources Assessment report. All material needs to be included and available for review and comment which may not be currently possible. There is commonly a backlog in CNDDDB observations. The consultant should contact CDFW to find out how that would affect the information reviewed for this project.

33-43

There is ongoing local research regarding Purple Martins by Dan Airola and others. It is not clear whether or not the consultant considered this information as part of the project evaluation. It was noted that suitable habitat is present for Purple Martins within the project area but a single site visit could easily miss the occurrence of this mobile species. Further documentation or coordination and consideration are needed.

33-44

The project footprint doesn't include City-owned lands on the west end of the parcel but it should given that construction on these lands is being proposed. This area will be the primary access for construction operations and would be impacted by modifications to the A Street Bridge. The same is true for the other side of the A Street Bridge on the landfill within Sutter's Landing Park. In addition, there was a fire on the cCty-owned area on the project site during 2013. None of this information is adequately considered in the DEIR or biological evaluation.

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In conclusion, the DEIR for the proposed project has not done an adequate job of identifying existing values at Sutter's Landing Park or taking actions to avoid unnecessary impacts and fully mitigating the Park and its natural resources when this is deemed not possible. As proposed, the McKinley Village project would have significant impacts to Sutter's Landing Park and the Parkway. These include both temporary and long-term impacts to sensitive wildlife species including nesting and foraging habitat, and open space that provides corridor for their movement throughout the Parkway. The enjoyment and recreation the public receives from these natural resources would also be impacted and not adequately mitigated by the proposed project. Requiring a transportation solution for the project that does not include access across Sutter's Landing Park via 28th Street is the best way to avoid unnecessary impacts to the Park.

33-47

The City should require the following as required conditions of approval for this project:

- All direct or indirect impacts to Sutter's Landing Park must be fully mitigated so as to restore and enhance Park values. This can include removal of existing infrastructure and development elsewhere within the Park or by adding additional lands with funding to restore and enhance and monitor natural resource values. Requiring a transportation solution for the project that does not include access across Sutter's Landing Park via 28th Street is the best way to avoid unnecessary impacts to the Park.

33-48

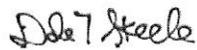
- The loss of foraging habitat for sensitive species on the project site also impacts those wildlife species and natural resource values at Sutter's Landing Park and the American River Parkway. Mitigation for these impacts must benefit the Park, not off-site locations.

33-49

- The loss of open space/habitat on the project site would impact the mobility of wildlife species at Sutter's Landing Park and the American River Parkway. Mitigation for these impacts must directly benefit the Park and Parkway, not off-site locations. 33-50
- Recirculate the DEIR to address inadequate consideration and mitigation of significant impacts to Sutter's Landing Park and the Parkway's natural and recreational resource values as well as potentially significant impacts on the Park and Parkway from cumulative development already approved or being considered. 33-51

Thank you for the opportunity to comment on the DEIR for the proposed McKinley Village Project.

Sincerely,



Dale T. Steele
301 27th Street,
Sacramento, Ca 95816

Letter 33: Dale Steele, January 10, 2014

33-1: The commenter states that the proposed project would have significant impacts to Sutter's Landing Park, the American River Parkway, to sensitive wildlife species, and open space that serves as a movement corridor through the Parkway.

To address impacts to Sutter's Landing Park and the American River Parkway, please see Responses to Comments 33-18, 33-19, 33-21, 33-23, 33-24, and 33-25 below, and Response to Comment 11-5. Section 4.2.4 of the Draft EIR thoroughly addresses potential impacts on special-status species, including Swainson's hawk. As noted in Responses to Comments 11-1 and 13-2, the proposed project site is relatively fragmented and isolated from the closed landfill to the north, Sutter's Landing Park, and the American River Parkway. Specifically, the project site surrounded by railroad tracks on the south and east, the freeway on the north and west, and urban development on the east, south, and west. Thus, ground-based wildlife moving between the project site and Sutter's Landing Park, and the American River Parkway, all of which lie to the north and east, would have to either cross Capital City Freeway to access these open space areas or access the A Street Bridge. Consequently, the project site does not serve as a meaningful movement corridor to, or within, the Parkway. See also responses to comments provided to Letters 11, 13, 14, and 23.

33-2: The commenter states its opinion that the Draft EIR needs to be recirculated to address issues raised during the NOP and potentially significant impacts associated with cumulative development on American River and American River Parkway.

Please see Response to Comment 11-14 regarding recirculation and Response to Comment 33-1, and Letter 13 regarding impacts to the American River Parkway.

33-3: The commenter states the Draft EIR has done an inadequate job of identifying natural resource values at Sutter's Landing Park and the American River Parkway and not fully mitigating impacts. The commenter also makes the statement that any design modifications in connection to A Street and the landfill are the responsibility of the project applicant.

The commenter is referred to Response to Comment 33-1 regarding Sutter's Landing Park and the American River Parkway.

As noted in the Draft EIR in Chapter 1, Introduction and Chapter 2, Project Description, the project applicant may need to obtain permits or approvals from agencies with jurisdiction over a specific resource that may be affected by the project. These permits or approvals are required to be obtained by either the City of

Sacramento or by law and the project applicant will be responsible for obtaining these permits or approvals and will pay any required fees. The City has not indicated that the project is requiring any changes be made to the closed landfill that the project is not already doing (e.g., installing fencing along the A Street extension through the landfill portion). It is not clear from the comment what modifications the commenter is referring to.

- 33-4: The commenter states that Chapter 1, Introduction and Chapter 4.0, Introduction to the Analysis, indicate that the Draft EIR did not identify any significant and unavoidable impacts and a Statement of Overriding Considerations is not required. The commenter states his opinion that this is poorly written and premature.

Chapter 1, Introduction, provides an overview of the CEQA process starting on page 1-4. The discussion on page 1-6 provides the reader with background on the approval process and it clearly states that after the City Council reviews information in the EIR the “City Council also would be required to adopt Findings of Fact. Because the proposed project would not result in significant and unavoidable impacts (assuming the City Council finds all proposed mitigation measures to be feasible), the City Council would not be required to adopt a Statement of Overriding Considerations if it approves the proposed project (See also Public Resources Code Section 21081).” The information and the requirements are clearly spelled out for the reader to understand. The CEQA Guidelines describe when the lead agency is required to prepare a Statement of Overriding Considerations (CEQA Guidelines Sections 15091 and 15093). The Draft EIR provides a comprehensive overview of all potential impacts associated with construction and operation of the proposed project and no significant and unavoidable impact were identified, thus, a Statement of Overriding Considerations is not required, per CEQA.

- 33-5: The commenter states the Draft EIR indicates the most current information available was used to evaluate impacts and states his opinion that there “was little or no effort to make use of data collected onsite by local organizations and individuals.”

The commenter is referred to Responses to Comments 23-10, 33-13 and 33-14 for more information. The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 33-6: The commenter states that Sutter’s Landing Park is not accurately described or represented throughout the EIR.

Please see Response to Comment 23-4 that addresses this comment.

33-7: The comment indicates that the planting of trees proposed within the landscape buffer in the northern portion of the site is not appropriate and any trees should be native to Sacramento's climate and representative of the American River Parkway. Please see also Response to Comment 14-12 that addresses this comment.

33-8: The commenter states the use of City-owned land for proposed detention is inappropriate unless these features would be needed for Sutter's Landing Park or the closed landfill.

The proposed detention basin would accept stormwater from the project and a portion of Capital City Freeway and the closed landfill site that drain onto the project site. The applicant's engineer will work with the City's Public Works Department to determine whether the stormwater from the closed landfill will continue to drain to the project site or utilize existing and or proposed drainage facilities within the closed landfill. The City-owned land would be used for detention of stormwater from Caltrans, the City, and the project lands. Please see also Responses to Comments 23-5 and 23-16 that address this comment.

33-9: The comment requests that construction of the bicycle/pedestrian underpass should occur in the first phase of project construction.

Please see Master Response 1 that addresses the timing of this proposed facility.

33-10: The commenter states impacts associated with the extension of A Street through a small portion of the closed landfill were not adequately addressed.

Please see Response to Comment 23-7 that addresses the same comment.

33-11: The commenter states the Draft EIR does not describe the long term vision of Sutter's Landing Park and the description of the park is misleading. The commenter also states the project is not consistent with the SACOG Blueprint.

Please see Responses to Comments 23-8, 23-12 with respect to Sutter's Landing Park and Response to Comment 19-2 regarding consistency with SACOG goals.

33-12: The comment requests an additional project alternative be included that evaluates adding this parcel to Sutter's Landing Park.

Please see Responses to Comments 23-9 and 23-30 that address the same comment.

- 33-13: This comment suggests that the 2011 CDFW Special Animals List may not be up-to-date, and that local observations at Sutter's Landing Park have not been included in this list. The commenter indicates that "local observations made at Sutter's Landing Park and the project area have not been included or adequately addressed" and that this information is available but was not requested during preparation of the Draft EIR.

This CDFW Special Animals List has not been updated since 2011, so this list represents the latest version. As discussed in Section 4.2 of the Draft EIR, in addition to several field visits and surveys of the site and several resources that were reviewed, the latest version of the California Natural Diversity Database (CNDDDB) was queried for reported occurrences of special-status species in the region and a search for existing biological reports for the project site and adjacent properties was conducted to gather information pertinent to the site. While it is widely acknowledged that the CNDDDB does not always contain the most up-to-date observation information, it serves as a credible source of information as to the various special-status species known to historically occur in the project region. It is not clear where the information to which the commenter refers regarding local species observations in the project area is available and if it is anecdotal information or contained in a published document. As noted previously, the 'mound' section of Sutter's Landing Park is separated from the project site by the Capital City Freeway and closed to public access. Only accessible areas were included within the biological site survey and because the project was physically separated from this area only the portion where A Street would be extended was surveyed. Nevertheless, the biologists that conducted the site visits and field surveys have extensive knowledge regarding the types of species known or expected to occur in the project area. Therefore, substantial evidence supports the conclusion that the Draft EIR accurately identifies all common and protected species that have the potential to use Sutter's Landing Park.

- 33-14: The commenter suggests that the biological survey effort conducted on the project site was very limited and incomplete and speculative, since common species such as jackrabbits were not noted and long-term studies of special-status species were not performed.

Long-term studies of special-status species occurring or potentially occurring on the project site is beyond the scope necessary to determine significance for CEQA purposes. As noted throughout Section 4.2 of the Draft EIR, the site is substantially fragmented from nearby open space areas (surrounded by railroad tracks on the south and east, the freeway on the north and west, and urban development on the east, south and west) and is heavily disturbed (disked and mowed on a consistent

basis). Furthermore, and as noted in Response to Comment 33-13 above, the biologists that conducted the site visits and field surveys have extensive knowledge regarding the types of species known or expected to occur in the project area. Section 4.2 of the Draft EIR describes both the common flora and fauna observed on the site and notes that other common wildlife species not observed during the surveys could potentially occur on the site. The Draft EIR also discusses at length the potential for various special-status plant and wildlife species known to occur in the region to actually occur or otherwise use the project site. This evaluation is based on field visits to the project site and an expert characterization of the potential of the site to support various species, review of the CNDDDB and other biological documentation of the region, and on the expert opinion of the project biologists based on their extensive experience with, and knowledge of, special-status species and their habitat requirements in this region. In fact, one of the biologists has been a long-term member of the state Swainson's Hawk Technical Advisory Committee that has conducted various research studies on the species in the Sacramento region for over 15 years. See also Response to Comment 11-3 with respect to the potential of various special-status species to occur or use the project site. Because the 'mound' section of Sutter's Landing Park is separated from the project site by the Capital City Freeway and closed to public access, local wildlife observations (including common wildlife not protected under CEQA) made at the Park, as noted in the comment, are unlikely to represent wildlife use of the project site.

- 33-15: The commenter states that field observations have shown that both Swainson's hawks and white-tailed kites frequent the project area during the nesting season and that more field work would be necessary to adequately understand the value of the area to these species.

The Draft EIR (DEIR, pp. 4.2-11,4.2-12) reported that the CDFW, CNDDDB, and BIOS database research found several known Swainson's hawk nests along the American River Parkway to the north of the project site, and known white-tailed kite nests within five miles of the site, as shown in Figure 4.2-2. The Draft EIR also addresses an additional active Swainson's hawk nest (not reported in the agency databases, but known to several local environmental organizations and individuals) occurring in a conifer tree in a residential area approximately 1,000 feet south of the project site, as shown in Figure 4.2-3. The location and status (active) of this nest was confirmed by a Dudek biologist on a site visit on July 11, 2013. Section 4.2.2 of the Draft EIR concurs that the project site has some foraging value to Swainson's hawks and other raptor species and thoroughly discusses the overall habitat value of the project site to Swainson's hawk and other raptors. However, because of the highly disturbed, managed, and fragmented nature of the site, the site was determined to only provide

intermittent value to Swainson's hawks and other raptors. Nevertheless, the Draft EIR identified the loss of approximately 50 acres of on-site foraging habitat as a result of development of the project site as a significant impact. An additional 1.5 acres was included since release of the Draft as described in Chapter 2 of this Final EIR. See also Response to Comment 11-3 with respect to the value of the project as foraging habitat for raptor species.

- 33-16: The comment identifies a second Swainson's hawk nest on the American River Parkway near Sutter's Landing Park, states that this nest is not acknowledged in the Draft EIR, and stated that members of this pair commonly forage at the project site.

While not specifically discussed in the Draft EIR, this nest is depicted in Figures 4.2-2 and 4.2-4. Please see Response to Comment 33-15 above and Response to Comment 11-3 with respect to the value of the project site as foraging habitat for Swainson's hawks.

- 33-17: The commenter states that the Draft EIR makes assumptions about prey availability at the project site based on a single site visit and makes further undocumented assumptions that the site is mowed and disked that are contrary to observations made by the commenter.

The value of the site with respect to foraging habitat for Swainson's hawks, including the potential for prey species to occur, is thoroughly discussed in Section 4.2.2 of the Draft EIR. According to information provided by the current landowner, the entire project site is typically disked twice a year - once in late spring or early summer, and a second time around early fall. Depending on the frequency, such ground-disturbing activities can drastically reduce the ability of a site to support small mammal and other wildlife populations which, in turn, serve as prey for Swainson's hawks and other raptors. The Draft EIR acknowledges that depending on the timing of the management activities, some prey species can be made more accessible to raptors, especially immediately after such activities. However, taken as a whole, ongoing management of the site reduces overall habitat values for raptor species. See also Response to Comment 11-3 with respect to foraging habitat values.

- 33-18: The comment states that the American River Parkway, including Sutter's Landing Park and the project site, provide important foraging opportunities to Swainson's hawks and white-tailed kites nesting in the immediate area, and that the analysis in the Draft EIR of suitable foraging habitat within 10 miles of the project site underestimates the importance of the limited foraging habitat closer to the project

site. The comment also states that the area serves as an important wildlife movement corridor.

Please refer to Response to Comment 11-4 with respect to the 10-mile foraging habitat assessment and Responses to Comments 33-1 above and 11-5 with respect to the site's potential as a wildlife movement corridor.

- 33-19: The commenter again suggests that the project site is part of a regional wildlife corridor, that the Draft EIR underestimates the value of the project site as part of this regional corridor, and recommends more studies across to determine its value as a wildlife movement corridor.

While it is acknowledged that the American River Parkway serves as an important wildlife corridor, the project site is south and west of the Parkway and south of Sutter's Landing Park, separated by Capital City Freeway and existing residential development. Furthermore, the site is surrounded to the east, west, and south by development and, consequently, does not connect to any open space areas in these directions from which the project site would be used as a corridor to connect to other open space areas. See Responses to Comments 33-1 above and 11-5 with respect to the site's potential as a wildlife movement corridor.

- 33-20: The comment suggests that the claim in the Draft EIR that existing conditions (i.e., the Capital City Freeway) between the project site and open space areas to the north represent a barrier to wildlife movements needs further study and documentation; absent that, the comment suggests that the assumption should be made that the site is part of a wildlife corridor and that mitigation should be included in the Draft EIR to offset the loss of the site as a corridor.

The Capital City Freeway was constructed in the early 1950s and is a main thoroughfare through the City that supports high traffic volumes (day and night) and, consequently, represents a significant barrier to wildlife movement. See Responses to Comments 33-1 and 33-19 above, and Response to Comment 11-5, with respect to the site's potential as a wildlife movement corridor.

- 33-21: The comment notes that the long-term vision for Sutter's Landing Park includes preserving and enhancing habitat values for wildlife as well as overall natural resource values.

This park is not within or adjacent to the proposed project development site, but potential impacts of extending A Street from 28th Street to the A Street Bridge on special-status raptors and other species (e.g., Swainson's hawk, Cooper's hawk, white-tailed kite, and

purple martin) were discussed in individual species accounts in the Draft EIR. These impacts were included as project impacts in the recommended Mitigation Measures 4.2-1(a) (b) of the Draft EIR. See also Response to Comment 11-6.

- 33-22: The commenter states that it is “well known and documented that the project site was previously part of the American River floodplain and flooded regularly” and the Draft EIR does not address how these conditions have been modified.

A discussion of the prior hydrology of the project site and how the conditions have been changed is included in the Draft EIR on pages 4.5-2 through 4.5-3 in Section 4.5, Hydrology, Water Quality and Drainage.

- 33-23: The commenter suggests that the loss of 51.5 acres of foraging habitat for raptor species on and off the project site is a significant impact to Sutter’s Landing Park and the American River Parkway which also provide habitat for sensitive species. The comment suggests that proposed off-site mitigation for Swainson’s hawk would not be adequate to fully mitigate impacts associated with this loss of habitat. The comment further suggests that mitigation should include restoration and enhancement of habitat within the Park and Parkway.

As stated previously, the loss of 50 acres (or 51.5 acres) of foraging habitat on the project site will not adversely affect foraging habitat values at Sutter’s Landing Park and the American River Parkway as these areas are to the north and east of the project site and separated from the project site by the Capital City Freeway and existing developed areas. Please see Chapter 2 of this Final EIR for updated acreage for off-site mitigation and Response to Comment 11-6 with respect to off-site impacts to Sutter’s Landing Park. As noted in Mitigation Measure 4.2-1(b) in the Draft EIR, the selected mitigation land will be determined to be suitable as Swainson’s Hawk foraging habitat and will be required to meet the approval of both the City and the CDFW. See Response to Comment 11-5 (and Chapter 2 of this Final EIR) with respect to the location and value of proposed mitigation for the loss of Swainson’s hawk foraging habitat and minor changes to the language of the mitigation measure.

- 33-24: The commenter suggests that residents of McKinley Village would increase recreation and human disturbance activities at Sutter’s Landing Park and in the American River Parkway and thus result in increased disturbance to wildlife within the Park and Parkway.

As discussed above, because the project site is separated from Sutter’s Landing Park and the American River Parkway by the Capital City Freeway and existing developed areas. In addition, the Parkway receives visitors throughout the greater

Sacramento area and it is unlikely that any disturbances to wildlife and other natural resources along the Parkway nearest the project site can be attributed to residents living at the project site. Please see responses to comment Letter 23, Friends of Sutter's Landing Park.

- 33-25: The comment states that the Sutter's Landing Park supports a high diversity of wildlife and that any impacts to the Park area must be fully mitigated.

The diversity of wildlife species at the Park is noted. Please refer to Responses to Comments 33-23 and 33-24 above, and Response to Comment 11-5 with respect to potential impacts on Sutter's Landing Park as a result of development of the project site as well as responses to Letter 23, Friends of Sutter's Landing Park.

- 33-26: The commenter states information from the Draft EIR regarding soils removed from the project site and inquires as to the source of the contaminated soils and where the soils were relocated to off site.

Information referenced by the commenter is included on page 4.4-14 of the Draft EIR in Section 4.4, Hazards and Public Safety. Dieldrin is an insecticide and a by-product of the pesticide Aldrin. From 1950 to 1974, dieldrin was widely used to control insects on corn and citrus crops. Also, dieldrin was used to control locusts and mosquitoes (US EPA). It is assumed dieldrin was used in agriculture when the project site was under active cultivation dating back to the 1940s. The soil in the stockpiles originated from off of the project site and was stockpiled there by a contractor. The contractor subsequently removed the stockpiles and some surrounding soils at the request of the landowner until soil samples did not contain concentrations of dieldrin above the laboratory reporting limits.

- 33-27: The commenter asks how the vandal resistant fencing and signs along the southern boundary of the project site with the UPRR right-of-way will be maintained to prevent trespassing and disturbances.

The homeowners association will be responsible for maintaining all fences and barriers on the project site. Anyone accessing the UPRR tracks will be considered trespassing, which is illegal. Anyone caught trespassing will be handled by the Sacramento Police Department.

- 33-28: The commenter states the proposed Sutter's Landing Parkway and interchange project are not likely given input from City officials and that an update to the Sutter's Landing Master Plan is required before the A Street extension is approved.

Please see Response to Comment 23-15 that addresses the same comment.

- 33-29: The commenter is raising a concern that City-owned land proposed for the detention basins is land within Sutter's Landing Park any decisions regarding this land need to be included in the Sutter's Landing Park Master Plan.

Please see Responses to Comments 19-8 and 23-5 regarding land within Sutter's Landing Park and 23-5 and 23-16 regarding the proposed stormwater infrastructure.

- 33-30: The commenter notes that the Draft EIR states that wildlife on the site and in the area have adapted to an urban environment but that this statement was not adequate for special-status species.

As stated in Section 4.2 of the Draft EIR, because the project site is surrounded by railroad tracks and the freeway, which supports the conclusion that most of the wildlife likely utilizing the site are those that have become adapted to life in proximity to human activity and the urban environment, as also reiterated in Response to Comment 11-8. This includes special-status species such as the Swainson's hawk (the Draft EIR includes a discussion about the nearest Swainson's hawk nest that is located in the front yard of a residence to the south of the project site), white-tailed kite, and western burrowing owl, all of which are widely known to occur in urban and semi-urban environments.

- 33-31: The commenter states the Draft EIR does not discuss impacts to Sutter's Landing Park public services and recreation and information provided on page 4.7-11 is inaccurate and poorly written.

Please see Response to Comment 23-17 that addresses the same comment.

- 33-32: The commenter states that potential impacts to passive recreational activities and loss of habitat within Sutter's Landing Park need to be addressed.

Please see Response to Comment 23-18 that addresses the same comment.

- 33-33: The commenter states the in-lieu park fee is not adequate to mitigate for not meeting the City's parks requirement.

Please see Responses to Comments 14-5 and 23-19 that address the same concern.

- 33-34: The commenter states the Draft EIR does not discuss the need for the City to update the Sutter's Landing Park Master Plan.

Please see Response to Comment 23-20 that addresses the same comment.

- 33-35: The commenter indicates the discussion in the Draft EIR that addresses water supply is not adequate given the current drought situation and the information in the Draft EIR is incomplete and inadequate.

Please see Responses to Comments 14-11 and 14-12 that address the same concerns.

- 33-36: This comment suggests that the Draft EIR does not address impacts on wildlife due to the potential increase in lighting from the project because no state- or federally listed species, other than the Valley elderberry longhorn beetle, are likely to occur on the site.

As noted above, because the project site is surrounded on the south and east by the UPRR tracks and the north and west by the Capital City Freeway, no special-status species, including the Swainson's hawk and white-tailed kite, are expected to occur adjacent to the site such that nighttime lighting could have an adverse effect. The active Swainson's hawk nest closest to the project site is already located in a residential neighborhood and is presently subject to a substantial amount of nighttime lighting from residences and commercial uses. The next closest active nest is located along the American River to the north and would not be affected by nighttime lighting from the project due to the distance and the presence of existing developed areas closer to the Parkway. The nearest known white-tailed kite nest is approximately 2 miles to the east of the site and would not be affected by nighttime lighting from the project site due to the distance.

- 33-37: The commenter indicates that people currently access the closed portion of the landfill for wildlife viewing.

Please see Response to Comment 23-21 that addresses the same comment.

- 33-38: The commenter states the landscape screening proposed along the freeway should be changed to be consistent with the American River Parkway and Sutter's Landing Park.

Please see Response to Comment 14-12.

- 33-39: The comment states that up to 1,800 vehicles will exit using A Street through the Park that will result in public safety issues.

Please see Response to Comment 23-22 that addresses the same comment.

- 33-40: The commenter states that the traffic study did not address traffic on F and G Streets and traffic impacts on C Street have not been adequately studied.

Table 4.9-9 in the Draft EIR includes estimates of daily vehicle traffic on the segments of C Street west of 28th Street and 28th Street south of C Street under Existing and Existing Plus Project conditions. This data reveals an increase of 1,122 daily trips on 28th Street south of C Street and an increase of 158 trips on C Street west of 28th Street. The Draft EIR did not identify significant impacts to any study transportation facilities located on C Street under Existing Plus Project or Cumulative Plus Project conditions.

Please see Master Response 5 regarding traffic on F and G Streets and Master Response 4 regarding a proposed half street closure along 28th Street.

- 33-41: The commenter is referencing the proposed Sutter's Landing Parkway and interchange project and indicate these are not likely to be constructed.

Please see Response to Comment 23-15.

- 33-42: The commenter states his opinion that comments received in response to the NOP are not adequately addressed in the Draft EIR. However, the commenter does not indicate what specific comments or concerns were not addressed.

The Draft EIR provides a summary of the NOP comments received starting on page ES-9 of the Draft EIR. In addition, the introduction in each section in Chapter 4 of the Draft EIR includes a brief summary of the general comments and concerns received in response to the NOP. Many of the NOP comments raised issues or concerns that were repeated in many of the Draft EIR comment letters. The Draft EIR captures the general issues and concerns submitted in comments on the NOP.

- 33-43: The commenter suggests that there are possibly missing appendices in the Biological Technical Report that need to be included and made available for review, and that the applicant's consultant should contact CDFW to determine how the alleged backlog in CNDDDB observations would affect the information reviewed for the project.

All appendices cited in the Biological Technical Report are attached at the end of the report (see DEIR Appendix D). The City is not aware of any additional appendices that are missing and the comment does not cite any that should be included. See Response to Comment 33-13 above with respect to the CNDDDB data.

- 33-44: The commenter asks whether the ongoing local purple martin research conducted by Dan Airola was consulted as part of the evaluation of the project.

All records included in the CNDDDB (including those by Mr. Airola) were reviewed. As noted in the Draft EIR on page 4.2-19: “[s]mall populations of the species are known to nest under highway and street overpasses and bridges, under billboards, and within tree cavities in the Sacramento region. CNDDDB records for the species exist within 5 miles of the project site (CDFG 2011). While a few billboards are located on the project site, and the A Street and UPRR bridges (off site) are considered potential nesting habitat, no purple martins were observed on the site during surveys, and no historical breeding is known to occur on or adjacent to the site or under the A Street or UPRR bridges. Therefore, purple martins are considered to have a low potential of occurring within the project site and off-site improvement areas.”

- 33-45: The comment states that the project doesn’t include City-owned land on the west end of the parcel but construction is proposed in this area and is not addressed in the biological resources section of the EIR.

Off-site detention facilities are proposed on land owned by the City adjacent to the western portion of the project site. The detention basins are partially on City-owned land, and partially on land owned by the project applicant. However, the project applicant is currently working with the City to acquire the City-owned land and deed such land back to the City upon completion of the detention facilities. See also Response to Comment 31-61. Response to Comment 11-5 addresses the concern that impacts to this land was not addressed in the Draft EIR.

- 33-46: The comment notes that there was a fire on City-owned land in 2013 and this was not addressed in the EIR.

It is not clear from the comment exactly what fire is being referenced. However, wildland fires are addressed in Response to Comment 28-6.

- 33-47: The comment states that the Draft EIR did not adequately address existing habitat values at Sutter’s Landing Park and the project would have adverse impacts on the Park and the American River Parkway. The comment also notes that eliminating access via the A Street Bridge to 28th Street would avoid these impacts.

Please see Response to Comment 33-1 and Master Response 1 regarding the infeasibility of a bridge/roadway underpass at Alhambra Boulevard.

33-48: The commenter is requesting that the City require, as a condition of approval, that all impacts to Sutter's Landing Park be mitigated.

Please see Response to Comment 33-1 that addresses this comment.

33-49: The commenter is requesting that the City require, as a condition of approval, that the replacement of foraging habitat benefit the Park and not an offsite location.

Please see Response to Comment 33-23 that addresses this concern.

33-50: The commenter is requesting that the City require, as a condition of approval, that the loss of mobility for wildlife species at the Park and the American River Parkway directly benefit the Park and not an off-site location.

Please see Response to Comment 33-20 that addresses this issue as well as Response to Comment 11-5.

33-51: The commenter states its opinion that the Draft EIR needs to be recirculated to address potentially significant impacts associated with project specific and cumulative development on Sutter's Landing Park and the American River Parkway.

Please see Response to Comment 11-14 regarding recirculation and Response to Comment 33-1, and Letter 13 regarding impacts to the American River Parkway.

Comment Letter 34

From: Kare Lenox <klenox@earthlink.net>
Sent: Friday, November 22, 2013 1:36 PM
To: Dana Allen
Subject: Comments son the McKinley Village draft EIR
Attachments: McKinley Village Draft EIR comments 112213.pdf

Nov. 22, 2013

McKinley Village Draft EIR Comments

I'm a graduate of the City Planning Academy. I don't believe that McKinley Village fits the city's definition of smart growth. It is not a mixed use neighborhood. Nor does it have access to public transportation. It is essentially a bedroom community dropped into the city. It will be car oriented not walk/bike oriented. That will not just be because of the limited access to and from the site. It's because the railroad levee tunnel access on either end of the project will create a psychological barrier as well as a physical barrier that will make it uncomfortable for residents to walk to neighborhood destinations like Compton's and Theodore Judah School.

34-1

I believe that the development should have an affordable housing component. This exists in the neighborhoods of Meister Terrace and Coloma Terrace. There are duplexes and small apartment complexes scattered throughout the area. If McKinley Village wants to emulate the existing neighborhoods it should include similar housing for low income residents. My children should be able to rent housing in the neighborhood they grew up in, even if they may not be able to afford to purchase a home.

34-2

I'm commenting specifically on the Transportation and Traffic study portion of the draft EIR. I find that the study ignores a great deal of the potential traffic problems that may occur if McKinley Village is built out.

Those conducting the study only examined potential traffic on neighborhood streets from C Street/Elvas through to McKinley Blvd. They seem to believe that the only neighborhood destinations that new residents will be driving to are Compton's and Theodore Judah Elementary. **They made the assumption that no one would drive through neighborhood streets to reach the commercial corridors of H St., J St. and Folsom Blvd. between Alhambra Blvd. and Elvas Ave.**

34-3

This is very short sighted and ignores human behavior. The developer has made much of the fact that the "Village" will be a part of East Sacramento. **So why does the study seem to think that they won't patronize local businesses on these streets? They undoubtedly will and they won't drive all the way around the neighborhood to get to them. Neighbors use the streets that will take them on the shortest route. It's human nature to take the shortest distance between two points.**

Because the grid breaks down in the Meister Terrace-Coloma Terrace neighborhoods, very few streets go all the way through from McKinley to Folsom. There are streets that dead end or jog and don't run straight through. **Therefore the few streets that do go through to the commercial corridors will be impacted by new car trips generated by McKinley Village. 39th Street from C Street to Folsom Blvd., 41st Street from McKinley to H Street, 45th Street from Elvas to J Street and Coloma Way from Elvas to J Street are the only streets through the neighborhood. They will see more traffic. Two of those streets already have speed bumps because they are used by residents to drive through. 39th Street has bumps from C to McKinley, 45th Street has bumps between H street and D Street.**

34-4

More car trips generated by the development will mean that all these streets will be used more heavily. City staff should study this and include it in the final EIR.

Thanks, Kate Lenox,
4823 C St. Sacramento, 95819

Letter 34: Kate Lenox, November 22, 2013

34-1: The commenter states her opinion that the project does not meet the City's definition of smart growth; is not a mixed-use neighborhood; does not have access to public transportation; and is a car-oriented project.

The commenter's desire to see affordable housing included within the proposed project does not raise an issue regarding physical effects on the environment, and no further response is required. The comment relates to issues that are relevant to the planning process for the project. No further response is required.

34-2: The commenter requests that the project include an affordable housing component.

As noted on page 3-20 of the Draft EIR, the City's Mixed-Income Housing Ordinance requires projects in new growth areas to include an affordable housing requirement. The project is not located in a new growth area; therefore, affordable housing is not required.

As indicated in Chapter 2, Text Changes to the Draft EIR, since circulation of the Draft EIR the project applicant has added 24 condominium units around the Central Park.

The commenter's desire to see affordable housing included within the proposed project does not raise an issue regarding physical effects on the environment, and no further response is required. The comment is forwarded to the decision makers for their consideration.

34-3: The commenter states that the transportation study assumes that no residents of McKinley Village would drive through neighborhood streets to reach locations on H Street, J Street, and Folsom Boulevard between Alhambra Boulevard and Elvas Avenue.

Contrary to the assertions of the commenter, 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 clearly show that trips generated by the proposed project are anticipated to utilize multiple local streets to travel north/south within the study area. These streets include 33rd Street, 35th Street, 36th Way, 39th Street, San Miguel Way, San Antonio Way, 40th Street, and Meister Way, in addition to multiple other local streets located outside of the study area.

The streets listed above are projected to carry only a portion of the trips between the project site and commercial areas located to the south along H Street, J Street, and Folsom Boulevard. Output from the SACMET regional travel demand model used to

assist in the development of the project trip distribution, including estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 41, 43) indicates that a substantial portion of the trips to/from these commercial areas will use non-local streets, including Alhambra Boulevard and Elvas Avenue due to the fact that these roadways allow for quicker travel times to many locations on these roadways.

- 34-4: The commenter states that select streets that allow for direct through travel between the project site and Folsom Boulevard will experience more project traffic than streets that provide for less direct routes, and the transportation study should account for this in its analysis.

Output from the SACMET regional travel demand model that was used to assist in the development of the project trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 41, 43) accounts for roadway attributes including distance, travel speed, and capacity. Therefore, the trip distribution estimates for the project account for these factors, and project trips are assigned to roadways based upon the relative travel time provided by competing routes.

Comment Letter 35

From: Kate Lenox <klenox@earthlink.net>
Sent: Tuesday, January 07, 2014 3:04 PM
To: Dana Allen
Subject: McKinley Village draft EIR comments
Attachments: McKinley VillageDraft EIR Comments addendum 010714.pdf

January 7, 2014

Draft EIR for McKinley Village

I would like to post further comments on the Draft EIR for McKinley Village. These concern the traffic study. My previous comments focused on through traffic through the neighborhood to reach the commercial corridors on H St. , J St. and Folsom Blvd. These comments concern traffic on Elvas through the H St./56th St. intersection.

The area Elvas Blvd. goes through is almost completely residential. Because the streets are wide and in some cases two lanes, drivers tend to speed above the posted limit. Most residents on Elvas have to back out into traffic. More cars on the street will make this more problematic. It will also create quality of life impacts for those residents. Traffic study should go beyond the level of service for drivers using the roads and include the effect the traffic has on residential areas goes through.

35-1
 35-2
 35-3
 35-4

In addition, at the transition from C St. to Elvas near Lanatt, there are a series of curves. These make visibility entering and exiting the intersections near there more difficult. Visibility of oncoming westbound traffic is poor at Meister turning onto C St./Elvas. Visibility of oncoming traffic is also poor in both directions at the intersections of Elvas and Lupine and at Elvas and 36th Way. At the intersection of Elvas and C St. (segment 32) southbound traffic on Elvas approaches C St. around a curve and up a hill. It's very difficult for drivers at the stop sign on C St. to see approaching southbound cars. I speak from personal experience as I live on C St. Given that the traffic volume would increase a stop sign might be necessary at that intersection to prevent accidents.

The increase in volume of traffic on Elvas should require the study of the H St. Elvas Blvd/56th St. intersection. No study was made of this intersection which handles quite a bit of traffic through the neighborhood. This seems to be a glaring omission that should be rectified in the final EIR.

Please consider these comments in the final McKinley Village EIR.

Thank you,

Kate Lenox
 4823 C ST.
 Sacramento 95819

Letter 35: Kate Lennox, January 7, 2014

35-1: The commenter states that Elvas Avenue in East Sacramento has wide traffic lanes and that this results in speeding traffic. The commenter goes on to state that additional traffic on this roadway generated by the proposed project would exacerbate existing difficulties that residents on this street have exiting their driveways, which will create quality of life impacts.

It is acknowledged that wide vehicle travel lanes are correlated with higher travel speeds, however this is an existing condition present within the study area and not an impact associated with the proposed project. The Draft EIR did not identify significant impacts to any study transportation facilities located on Elvas Avenue under Existing Plus Project or Cumulative Plus Project conditions.

This comment does not raise concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is forwarded to the decision makers for their consideration.

Please also refer to Master Response 10 regarding neighborhood livability.

35-2: The commenter states that existing curves on C Street/Elvas Avenue in East Sacramento result in reduced sight distance and visibility of on-coming traffic.

This comment relates to an existing condition present within the study area and not an impact associated with the proposed project. The Draft EIR did not identify significant impacts to any study transportation facilities located on the portion of C Street/Elvas Avenue referenced by the commenter under Existing Plus Project or Cumulative Plus Project conditions.

These roadways comply with the applicable design standards at the time they were constructed. Traffic control devices, signing, and striping are installed and maintained in compliance with applicable standards and guidelines.

This comment does not raise concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is forwarded to the decision makers for their consideration.

35-3: The commenter states that a stop sign might be necessary on C Street to prevent accidents.

Presumably, the commenter is referring to the new access location that would be constructed as part of the proposed project, located near the existing C Street/40th

Street intersection. As shown on Figure 4.9-12 and described on page 4.9-93 of the Draft EIR, all-way stop control is recommended at this location.

35-4: The commenter states that the Draft EIR transportation study should have included analysis of the H Street/Elvas Boulevard/56th Street intersection.

The amount of additional traffic generated by the proposed project at the H Street/Elvas Boulevard/56th Street intersection is too low to significantly affect operations at this location. The intersection the commenter refers to is located approximately two miles away from the proposed project site. As stated on page 4.9-3 of the Draft EIR, study facilities were selected based on the project's expected travel characteristics (i.e., project location and amount of project trips) as well as facilities susceptible to being impacted by the project. During the NOP comment period, the study area was expanded to include several additional local street facilities in response to comments received. The Draft EIR includes evaluation of 32 intersections, 19 roadway segments, and 8 freeway facilities.

Comment Letter 36

December 25, 2013

Dana Allen, Associate Planner (dallen@cityofsacramento.org)
City of Sacramento, Community Development Department
300 Richards Blvd., 3rd Floor
Sacramento, California 95811

Re: McKinley Village Project (P08-806)
Draft Environmental Impact Report
State Clearinghouse Number: SCH 2008082049

Thank you for the opportunity to comment on the above-referenced Draft Environmental Impact Report (EIR). I was troubled to read that that EIR concluded that McKinley Village would have no significant impacts after mitigation in multiple important domains. Based on the pro-project tone of the document, I believe the entire document should be peer reviewed by specialists that have no political ties to Sacramento. The peer review findings should be available to the public and decision-makers before the EIR is considered for certification.

36-1

To begin, the EIR contains an assumption of 2 persons per unit with no basis of how this determination was derived. Per the California Department of Finance, the City of Sacramento has 2.66 persons per unit (1/1/2013). Not only does this assumption fall below the current average for Sacramento (which boasts a wide variety of housing units including studio and single bedroom apartments to smaller homes), this project proposes only 3-5 bedroom units, with an option to add a second unit over the garage. Clearly the 2 persons/unit grossly underestimates the project impacts. This underestimation affects multiple public service usage/demand impact assumptions including but not limited to water, sewer, storm drainage, fire, police, traffic and air quality impacts.

36-2

In regard to traffic, the underestimation based on persons per unit could significantly affect the degree of impact to current neighborhoods, especially in light of the limited access. I have multiple concerns in this domain. First, several intersections and streets were excluded in assessing the significance of impact. Second, the degree to which a street may support a given level of service does not necessarily reflect the impact on a given neighborhood. Not only are there gross underestimations in number of vehicles to accommodate the project, but the EIR also appears to arbitrarily divide the traffic between routes. Given the freeway access and access to proximity to commercial would anticipate that traffic would be much more concentrated near the 28th and E St area than currently mapped. In regards to "mitigation," the EIR includes recommendations that should be included as mitigations subject to annual mitigation monitoring. For example, currently Sutter's Landing is effectively a dead end and it is accessed for river access, bicycle trail access, the dog parks or the skate board park. There is limited use for former land fill monitoring. It is not a thoroughfare that it would become with the project. The EIR recognizes the gap of sidewalks and bike lanes near and within the railroad rights-of-way and yet it only recommends off-site improves to the pedestrian and bicycle facilities. This safety issue is a significant impact for the many cyclists and pedestrians,

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including children and pets, that currently use this road for access to the dog park, skate park, and river access. Moreover, the project claims to promote alternative transportation measures for future residents of the project. Not only would a lack of mitigation make crossing unsafe for current residents, it would also limit potential transportation "alternatives" for future project residents. The EIR should recognize the potential significant impact of the project impacts to include improvements as a mitigation measure. Given the traffic impacts of the project, the Traffic study should also be peer reviewed for its travel assumptions and forecasted residential count.

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The report also cited no environmental impacts after "mitigation." Chapter 4.4 HAZARDS AND PUBLIC SAFETY specifically mentioned utilizing a report from the proponent, and I question how many of the reports/studies were supplied by the proponent instead of being prepared by an objective specialist who was not receiving payment directly by the developer. Some examples of troubling assessments include the following: The EIR references a 2007 study of soil samples documenting lead "in excess of the residential California Human Health Screening Levels (CHHSLs) of 80 mg/kg, established by the California Department of Toxics Substances Control." Nevertheless, the EIR later includes a Phase I ESA study prepared by the *applicant* of *only four* soil samples taken 6 inches below the surface. The EIR concludes that lead concentration impacts from adjacent freeway are NOT in excess of the residential "CHHSL" as per the project proponent's environmental consultant. I am concerned that there was indeed evidence of excess lead in the more robust initial studies. Second, the proponent's study results are not only less robust than the initial studies, but I also question the scientific justification for ignoring the surface lead levels in favor of samples from 6 inches under. Finally, that the report ultimately concludes a lack of significant impact based on the proponents study results despite evidence to the contrary from an independent analysis raises concerns about the bias of the EIR document. I believe the entire section should be peer reviewed by an environmental firm that has no political ties to Sacramento. These peer review findings should be available to the public and decision-makers before the EIR is considered for certification.

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In addition, as "the project area was not assigned a specific land use and relied on growth forecasting" the cumulative impact section should include a more in depth discussion about the General Plan Amendment impacts of increased service demands (based on factual population estimates) to provide more residential land than what the 2030 General Plan accounts for and for the conversion of an industrial (employment) land use. In other words, the growth forecasting of residential units was never included in the Housing Element for this site. A case in point, the EIR states that the City has a level of service goal of 2.5 police staff at 1,000 persons and the City currently has 1.34 police staff per 1,000 persons. The impacts of additional residents, *above and beyond* the General Plan assumptions, should be viewed as a significant impact and appropriate annual funding to mitigate this impact should be included in the document.

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Finally, the preparers of the EIR frame McKinley Village as an ideal vacant lot ripe for residential development. The project is also misrepresented as an "in-fill" development that is touted as providing regional benefits of varied housing opportunities near employment. With this so-called "in-fill" determination, the proponents are exempted from providing affordable housing. The loss of affordable housing is potentially significant and should be properly evaluated. Instead, this

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site should be treated like new development in a new growth area. The area should not be categorized as an “in-fill development” given its non-existent infrastructure:

- No existing roadway network
- Roadway access requires off-site improvements/approvals
- No existing sewer
- Sewer services requires off-site improvements/approvals
- No existing water
- Water services requires off-site improvements/approvals
- No existing storm drainage or telecommunications
- Storm drainage and telecommunications require off-site improvements/approvals

36-7
Cont.

The EIR also touts the broad housing mix. According to the diagrams, all 328 units are two-story units with a minimum of three bedrooms and up to five bedrooms – with the option of a second unit over the garage. Development of exclusively two-story single-family homes is certainly not a broad mix. The development does not serve elderly persons or residents that wish to age in place, nor does it provide handicapped persons the ease of a unit without installing require expensive retrofits to access a second floor. Again, there is no “required” affordable housing units due to the so-called in-fill status; the only hope for affordability is that some may wish to build second units on the second floor and rent the unit at affordable prices. The second (granny) units will not be handicap accessible without major retrofits or marketable for the elderly. The EIR should contain an objective discussion about the consistency of the City of Sacramento 2030 General Plan and policies and craft appropriate mitigation measures to address this housing mix and affordability deficiency.

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As mentioned above, the pro-project EIR which concludes that there would be no significant impacts whatsoever after minimal mitigation measures, does not seem objective. Other paradoxes or oversights which support this include the following:

- The project is described as maximizing solar access (i.e., for generating electricity) and yet it has a “robust tree plan” of conifers and deciduous trees. It is unclear how solar energy production and the urban forest will both be achieved, but it sounds good if you don’t question the end result. Although it is hard to imagine robust tree plan with 3’ side yards, 7-8’ front yards and 5’ rear yards, it is easy to imagine problems with sidewalks and foundations being lifted, and water and/or sewer pipes being impacted by the future growth of the roots of a robust tree plan. The EIR should identify the potential significant impact of tree uprooting as a safety concern and include specific root barrier planting requirements.
- The EIR mentions having operable windows for energy efficient environmental control on one hand and also concludes that the significant noise impacts for lots 1-80 (due to the Capital Freeway require noise attenuation) require specialized windows which must remain closed, on the other hand.
- The project requires the construction of 13-18.5’ high walls for noise attention. The visual impact of the future residents viewing a walled neighborhood within a bowl should also be assessed. The project renderings did not show that perspective and should be provided in the document.

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36-11

- The EIR dismisses the loss of Farmland of Local Importance status without seeking mitigation of any form. Since the City cannot limit of the conversion of farmland outside of the City, which the EIR claims it is encouraging by approving this project, it can require mitigation in the form of purchasing open space easements or paying into a farmland trust. That is appropriate mitigation for loss of Farmland status. 36-12
- The EIR includes notifying future residents of odor and other landfill nuisances as mitigation. Notifying someone of a nuisance doesn't eliminate/mitigate the nuisance, it only provides a notice. Instead, the EIR should recognize this issue as a significant and unavoidable impact. 36-13
- The EIR doesn't describe the outcome if off-site improvements for water and waste water force mains aren't approved as currently proposed. 36-14
- The EIR includes Alternative 4 which has equal or higher impacts than the proposed project which serves no meaningful propose. 36-15
- The EIR should have included another alternative recognizing the current zoning and General Plan designation. In addition, one alternative should have been developed that would only require a driveway from A Street. 36-16
- The EIR should contain a mitigation measure that phases project improvements so air quality impacts are occurring sequentially under the threshold (and not simultaneously exceeding the threshold) if that can be practically achieved. Otherwise, if No_x emissions with mitigation exceed 85 pounds a day, the impact should be considered significant and unavoidable as the impact is not truly mitigated by payment of an off-site mitigation fee. 36-17

I would like to add for the record that completion of this residential project as currently planned would NOT be an enhancement to Sacramento for the following reasons:

- Limited access dramatically changes the nature of the surrounding neighborhoods in terms of increasing local traffic. 36-18
- Project area is subject to flooding, and accordingly the project will put more people in risk. This additional risk adds more responsibility to City staff to address in an emergency. 36-19
- Locating future residents next to the railroad where they are exposed to vibrations reflects the poor quality of this project. 36-20
- Modifying A Street to provide access to the site will require City staff demands to secure the former land-fill facility. (The former land-fill facility is currently not assessable to the public.) 36-21
- The tunnel access is an attractive nuisance and is neither pedestrian, nor bicycle friendly. 36-22
- Students will not be within walking distance to their schools. 36-23
- The project area contains detectable methane from the former landfill. 36-24
- The project is directly adjacent to a railroad and there is always a risk of exposure of hazardous materials from a rail accident. 36-25
- The project opens another hole in a secondary flood control structure and puts East Sacramento residents at risk of flooding. 36-26

- Residents will essential live within a walled perimeter, be surrounded by two-story structures with minimal yards, and served by park acreage below Quimby standards of 5 acres/1000 persons.
- Relocated land fill monitoring wells and storm drainage areas are included within the park sites.
- Residents will be exposed to freeway related air quality impacts and risk future health problems.

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I would like to reiterate the importance of addressing population underestimates, and utilizing independent peer review for important domains such as environmental and traffic impacts. Again, these findings should be available to the public and decision-makers before the EIR is considered for certification. Also, there are important areas of mitigation to address such as pedestrian and cyclist access at 28th street, traffic impacts and potential new access sites (or decreased density), and environmental concerns. Finally, the project should contribute to the surrounding community (e.g. a private park for McKinley Village residents only is not consistent with the "character" of the surrounding neighborhoods; small green spaces doubling as outlets for methane gas or storm mater detention certainly does not add to the community in any meaningful way). And without important mitigations as mentioned above, the project would only serve to detract from the current character of surrounding neighborhoods with increased traffic, decreased walkability and/or safety impacts, and increased in noise and air pollution, to name a few.

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Finally, I would like to add that I am not altogether opposed to development of this property. However, there are a myriad of problems with this particular proposal as outlined above. If this project was a good candidate for residential development, the City should have zoned it for that use years ago. If it were to go forward without much more extensive mitigations, it would be a disservice to the community. Thank you for the opportunity to comment on the EIR and the merits of the project.

36-31

Sincerely,

Nicole Pardo

Letter 36: Nicole Pardo, December 25, 2013

36-1: The comment expresses concern that the Draft EIR did not identify significant impacts and that the Draft EIR should be peer-reviewed by specialists with no political ties to Sacramento.

The analysis contained in the Draft EIR was compiled by a local environmental consulting firm that represented the City and prepared an objective review of the potential environmental effects associated with construction and operation of the proposed McKinley Village project. City staff reviewed the Draft EIR before it was released for public review and reviewed the preparation of responses to comments and text changes in this Final EIR. Staff has determined that the Draft EIR and Final EIR represent an objective analysis of the proposed project. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

36-2: The comment states that the persons per household assumption used in the Draft EIR to determine project population is low. Please see Master Response 6 that addresses this issue.

36-3: The comment indicates that the low persons per household estimate could affect the traffic analysis and roadways evaluated.

This concern is addressed in Master Response 6.

36-4: The commenter states that recommended off-site bicycle and pedestrian improvements included in the Draft EIR at the 28th Street at-grade railroad crossing and within Sutter's Landing Park should instead be required mitigation for the proposed project.

Implementation of the project would involve the construction of curb, gutter, and sidewalks per City standards, and would not remove any existing bicycle facility or interfere with any facility that is planned in the 2010 City of Sacramento Bikeway Master Plan. The project applicant will construct bicycle facilities per City standards. Therefore, impacts to pedestrian and bicycle facilities are less than significant. Improvements to the existing park are out of the scope of this EIR. Off-site improvements will be included in the conditions of approval, if needed. See Response to Comment 36-1 regarding commenter's request that the EIR be peer reviewed.

36-5: The comment questions the validity and objectiveness of technical reports prepared by the project applicant. Specifically, the Phase 1 Environmental Site Assessment (ESA) and the Aerially Deposited Lead Site Investigation Report, Highway 51 Post Mile 1.07 to 3.68, Sacramento County, California (GEOCON, July 2007). The commenter asks that these reports be peer reviewed by an environmental firm with no political ties to Sacramento.

The project applicant typically retains consultants to prepare a variety of technical reports in the process of preparing an EIR. The professionals preparing the analysis possess the professional qualifications required for the work, and are employed to document their findings according to accepted industry standards. Reports are reviewed by City staff. The commenter cites no substantive reason to believe the experts retained by the project applicant would not report their findings in an ethical and professional manner. Additionally, the Aerially Deposited Lead Site Investigation Report was not prepared for the project applicant, but for Caltrans and was only referenced in Aerially Deposited Lead Site Investigation Report, Highway 51 Post Mile 1.07 to 3.68, Sacramento County, California. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

36-6: The comment states that since the project site was not assigned a land use designation as part of the City's 2030 General Plan the cumulative impacts associated with an increase in service demands was not accurately addressed in the Draft EIR.

The Draft EIR evaluated the proposed project on a project-specific basis, as well as on a cumulative basis. See page 4.0-4 of the Draft EIR for an explanation of the cumulative analysis. The cumulative service demand for City services has been considered based on the standard approach utilized by the City.

36-7: The comment disagrees with the City's determination that the project site is considered infill and states its opinion that the project should be treated as new development in a new growth area. The comment also does not agree that the project should be exempt from providing affordable housing.

Regarding affordable housing, the project site is not located within an area defined by the City as a new growth area subject to the Mixed Income Housing Policy. Please see Response to Comment 18-48 that addresses the issue of infill. The commenter's opinions do not raise issues regarding the physical effects on the environment. The comment is forwarded to the decision makers for their consideration.

36-8: The comment states that the project does not include a broad mix of residential units because it does not provide housing for seniors or affordable housing. The comment also indicates that the Draft EIR should include a consistency analysis with the City's 2030 General Plan to address the mix of housing and need to provide affordable units.

Please see Response to Comment 28-2 that also addresses this concern as well as Master Response 8.

36-9: The comment questions the ability of the project to maximize solar access if it is also planting so many trees.

The project would be "pre-wired for solar" as stated on page 2-56 of the Draft EIR. The project is proposing to provide solar panels or solar roof tiles. The homes are pre-wired for solar, rather than constructed as "fully solar" to provide the homebuyer with the choice of whether to have solar installed, the type of system or technology, method of financing, and timing of capital expenditure for installation. The homebuilder intends to make solar panels an option. See also response to comment 18-24.

The project site plan and buildings are configured and designed to maximize solar access, to the extent feasible, taking into account the physical limitations and orientation of the project site and the goal of creating tree-lined streets in a grid pattern consistent and compatible with the design and character of nearby existing neighborhoods. See also Response to Comment 18-117.

Regarding the landscaping plan, the project applicant is working with the City arborist to ensure the project's palette of trees and other plants is consistent with City requirements and adjacent residential neighborhoods, as stated on page 2-49 of the Draft EIR. The City has a list of trees acceptable for residential neighborhoods that don't have invasive roots that can lead to property damage. The project applicant is aware of these concerns and as part of the planning process is working with City staff to address.

36-10: The comment states that the project includes windows that are operable and can be opened, but that some windows will need to remain closed for noise concerns.

As discussed in Section 4.6, Noise and Vibration, windows would have the ability to be opened, but for those residences adjacent to Capital City Freeway and the Union Pacific rail road tracks, maximum noise attenuation is achieved if the windows remain closed. Windows in homes most proximate to the UPRR tracks and on the back side of those homes facing the tracks cannot be opened. .

- 36-11: The comment notes that the visual impacts of the project need to be assessed due to the fact it will include a sound barrier adjacent to Capital City Freeway.

The visual effects of the project are evaluated in the Draft EIR in Section 4.10, Urban Design and Visual Resources. CEQA requires an evaluation of sites that contain scenic vistas or are visible from roadways designated as scenic. The project site does not contain any scenic vistas and there are no designated scenic highways in the project vicinity. However, a detailed analysis of the potential changes in visual character and the addition of new sources of light and glare are addressed in Section 4.10. As noted under Impact 4.10-1, the site is visually isolated from the existing McKinley Park and East Sacramento neighborhoods located to the south; views from Sutter's Landing Park to the north would be limited due to the existing topography; and views from vehicles traveling along the freeway are limited to eastbound travelers who have views of the site for 20-30 seconds in free-flowing traffic.

The project includes a sound barrier set back approximately 15 feet from the Caltrans right-of-way with trees and other landscaping provided on both sides of the sound barrier. Views of this sound barrier from the project residences would only be visible to residents in homes that back up to the northern boundary of the project site. The residences along this frontage would block views from the rest of the project site. Trees and other landscaping is proposed on both sides of the barrier, as noted above, therefore, once the trees mature views would be obscured by vegetation as well as any fences along the rear property line of the residences.

Because the project site does not contain any scenic resources and is not visible from a scenic highway, nor is the site visible to any sensitive receptors (the UPRR embankment and the steep hill on the north side of Capital City Freeway act as visual barriers that impede views of the project site from recreational and residential uses to the north and south) visual simulations were not required for the project.

- 36-12: The comment addresses the discussion on farmland and questions why the project does not require mitigation for the loss of this land.

The Draft EIR addresses the loss of agricultural or farmland on page ES-7. The project site is designated as Farmland of Local Importance on the Department of Conservation Important Farmland Maps (DOC 2012). Under CEQA, the conversion or loss of lands designated by the Department of Conservation as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance are significant. Farmland designated as Local Importance is not afforded the same protection. As noted in the discussion, "the City of Sacramento intends to develop all land within its boundaries.

Although the City still contains agricultural land or land designated as Important Farmland, much of this land within the City has been designated and zoned for development, and in many instances, has been entitled for future development. It is the City's policy to limit the conversion of agricultural lands outside of the City limits. By keeping development within established growth areas, the City seeks to limit urban sprawl into other agricultural regions, thereby helping to minimize or reduce impacts on agricultural resources and operations in more agriculturally productive areas. Infrastructure already exists or is planned for undeveloped areas within the City, signaling the City's intention for urban growth to occur. As stated in the MEIR, the City's contribution to the state's inventory of Important Farmland is insubstantial, and the City has determined that the remaining agricultural land within the City boundaries is not considered viable or suitable for large scale agricultural operations." The loss of this land is not considered significant and no mitigation is required.

Please see also Response to Comment 26-3.

- 36-13: The comment requests that the Draft EIR designate odors and other landfill nuisances as significant and unavoidable impacts of the project.

As discussed on page 4.4-40 of the Draft EIR under, "California State regulation (CCR Title 14 Chapter 3) the closed 28th Street Landfill is required to minimize potential for odors and other nuisances such as dust and noise. However, these regulations do not require the closed landfill to reduce these nuisances to zero. There is no evidence of any odor, dust or noise nuisances from the landfill to the site." Mitigation Measure 4.4-2(b) requires that all new residents be notified of the proximity to the closed 28th Street Landfill and the existence of landfill gas and the potential for odors and other nuisances from the closed landfill to be present. However, based on 16 years of on-site monitoring there have been issues reported with landfill gas (see Response to Comment 37-29). Because these 'nuisances' are currently not an issue on the project site but may occur in the future, Mitigation Measure 4.4-2 provides future homebuyers with this information to ensure all potential homebuyers are aware of the adjacent uses and the potential nuisances that may occur, similar to locating residential uses adjacent to active farmland where dust, noise, and pesticide use can create an intermittent nuisance. However, the impact was determined to be less than significant. Mitigation Measure 4.4-2 is required because of the potential to be asbestos in the soil. As noted on page 4.4-40, there is no evidence of odors, dust or noise on the landfill site yet compliance with this mitigation would further reduce an impact that is already less than significant. The significance of the impact is not considered significant and unavoidable and the analysis in the Draft EIR is adequate.

- 36-14: The comment states that the Draft EIR does not describe what would happen if the off-site improvements were not approved.

The project requires numerous off-site improvements discussed in detail starting on page 2-58. With the exception of the proposed Alhambra bicycle/pedestrian underpass, it is assumed these off-site improvements are required in order for the project to be approved and constructed. With the exception of work on the A Street Bridge and on land owned by Union Pacific all of the other improvements are under the City's jurisdiction. Please see Master Response 1 that addresses the bridge/roadway underpass.

- 36-15: The comment questions why Alternative 4, (Higher Density Alternative), was included since it results in greater impacts.

Alternative 4 was included to address numerous comments received from the public that requested a project that could support commercial development within the project site and also was representative of smart growth principles, which typically require higher density residential development.

- 36-16: The comment requests that another alternative should have been included with the underlying zoning and land use designation and another alternative that would require only one access point.

CEQA requires that a reasonable range of project alternatives be considered that reduce, lessen or avoid any significant impacts created by the project. Because Caltrans had recently stated publicly that they were considering developing the project site with a train repair and maintenance facility the City determined it would be reasonable to evaluate this type of use, which is consistent with the underlying zoning and land use designations. Typically, for the analysis of an existing zoning project alternative, a maximum level of development, or an amount feasible given the location, allowed under the existing zoning, is used to evaluate potential impacts. Assuming development proposed by Caltrans provides the City and the public with a sense of the impacts associated with development of this type, intensity and use that could be developed. Per the State Fire Code, two access points are required for residential projects so evaluating an alternative with only one access is infeasible. Please see also Response to Comment 26-9.

- 36-17: The comment states that mitigation measures should be included that phase project improvements so air emissions associated with project construction could be kept to below the threshold.

For estimating purposes a computer model is used to quantify air emissions associated with construction and operation of a project. Because the project's construction emissions are effectively mitigated to a less-than-significant level through payment of the SMAQMD mitigation fee, it is not necessary to consider a mitigation measure that would alter the proposed construction phasing schedule. Please see Response to Comment 19-67.

- 36-18: The comment states an opinion that the project's limited access changes the nature of the surrounding neighborhoods by increasing traffic.

Please see Master Response 10 that addresses livability in regards to traffic. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 36-19: The comment expresses an opinion that the project will increase risk associated with flooding and will add more responsibility to City staff to address.

The Draft EIR addresses flooding and emergency evacuation on the event of a flood in Section 4.5, Hydrology, Water Quality and Drainage. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 36-20: The comment indicates that locating future residents near the existing railroad tracks will expose residents to vibration and reflects the poor quality of the project.

Noise and vibration associated with the adjacent railroad tracks and the potential impacts to future residents is addressed in the Draft EIR within Section 4.6, Noise and Vibration. Impacts were reduced to less than significant with mitigation. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 36-21: The comment states that modifying A Street to provide access to the site will require the City to acquire the closed landfill.

- The 1,200 foot extension of A Street from the A Street Bridge to 28th Street crosses a portion of the City's closed 28th Street Landfill. The City currently owns the road right-of-way (ROW) in this area and improving the existing dirt road access does not require acquiring the closed landfill. Please see Response to Comment 31-52 regarding findings from a recent survey to determine is landfill waste is located in this area.
- 36-22: The comment states an opinion that the bicycle/pedestrian tunnel (underpass) would be a nuisance and is not bicycle or pedestrian friendly.
- See Response to Comment 17-28 regarding safety measures proposed for the bicycle/pedestrian underpass. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.
- 26-23: The comment states an opinion that students will not be within walking distance of schools.
- The distance to schools that would serve the project site within the Sacramento City Unified School District (see Chapter 2, Text Changes to the Draft EIR for updated information on the school territory transfer as well as figures that show the walking distances to nearby schools and other amenities) is discussed in the Draft EIR within Section 4.7, Public Services and Recreation. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.
- 36-24: The comment states an opinion that the project site contains detectable methane from the closed 28th Street Landfill.
- Section 4.4, Hazards and Public Safety addresses the status of methane gas and reports data from the soil and water probes that monitor the presence of methane gas in the soil and groundwater on the project site. Please see also Responses to Comments 37-29 through 37-46.
- Commenter's assertions are based solely upon speculation are not supported by substantial evidence. Substantial evidence includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." (Pub. Resources Code, Section 21080, subd. (e)(1).) Substantial evidence does not include mere "[a]rgument, speculation, unsubstantiated opinion or narrative," or evidence that is "clearly inaccurate or erroneous." (Guidelines, Section 15384, subd. (a).)

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

- 36-25: The comment states that the project site is adjacent to railroad tracks and there is the potential for a hazardous materials spill if a train were to derail.

Issues associated with train derailment and the potential for an accident involving hazardous materials is addressed on page 4.4-44 in Section 4.4, Hazards and Public Safety. The EIR determines impacts associated with a hazardous waste spill would be less than significant. Please see also Responses to Comments 31-56 and 31-57 and 18-73 and 18-74.

- 36-26: The comment states that the project creates additional holes in the Union Pacific embankment and puts East Sacramento at risk for flooding.

Concerns associated with flooding have been addressed in Section 4.5, Hydrology, Water Quality and Drainage and mechanisms and procedures are in place in the event of a flood. Impacts associated with flooding are less than significant. To clarify, the UPRR embankment it is not defined as a secondary levee because it has not been designed, constructed or maintained according to the state standards for secondary levees. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 36-27: The comment expresses an opinion that residents of the project will live in a walled community, surrounded by two-story structures with minimal yards and parks.

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

- 36-28: The comment states that the groundwater monitoring wells and soil gas probes will be relocated within park sites.

As indicated on page 2-67 in Chapter 2, Project Description, the County LEA along with the CVRWQCB will approve the design and relocation of the six soil gas probes and two groundwater monitoring wells on the project site with concurrence by CalRecycle. The exact location of the monitoring wells and the soil gas probes has not yet been determined, but will be determined by the appropriate regulatory agencies in accordance with existing laws and regulations.

36-29: The comment states that residents will be exposed to health risks due to proximity to the freeway.

Issues associated with air quality and exposure of future residents to toxic air contaminants was addressed in the Health Risk Assessment prepared for the project and included in Appendix C and also in Section 4.1, Air Quality and Climate Change. Please see also Master Response 7 that provides more information pertaining to the health risk assessment.

36-30: The comment reiterates issues and concerns raised in prior comments.

Please see Responses to Comments 36-1 through 36-29. Concerns regarding bicycle and pedestrian safety along 28th Street are addressed in Master Response 9. The request that the project contribute to the surrounding community is an opinion and does not raise any issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

36-31: The comment states that it does not support the current project as proposed and without adding more mitigation to the project it is a disservice to the community. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 37

January 10, 2013

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

**RE: McKinley Village Project (P08-806) Draft Environmental Impact Report State Clearinghouse
Number: SCH 2008082049**

Dear Ms. Allen:

I am a resident of Sacramento at 621 28th St. While I generally favor responsible infill development over suburban sprawl, I have serious concerns about the proposed McKinley Village development. This "orphan" parcel is located "cheek by jowl" to the former City landfill which has experienced known and recurring methane gas migration issues. Currently the landfill gases present an acceptable risk since the parcel is vacant and it provides a buffer to adjacent developed area. The Draft EIR documents that as recently as 2008; a fire north of the American River (see p. 4.4.16 paragraph 3) jumped back across the American River and damaged the Methane Gas Extraction piping. Had this occurred at the site with 328 residential units occupied by more than 600 residents, the results could have impacted public safety.

37-1

Intensive urban development in the immediate proximity of a former landfill which requires a 24-7 landfill gas collection system to control gas migration presents an unacceptable risk. I believe the full extent of the potential landfill gas migration risk has been inadequately evaluated in the Draft EIR, as well as the supporting technical analyses and monitoring studies.

37-2

Further, one of the two access routes to the parcel requires crossing the heavily utilized at-grade Union Pacific railroad crossing at 28th St. It is clear that as proposed, the project does not provide adequate access to this site in the absence of a third access route along Alhambra Blvd. I believe that the consideration and analysis of an Alhambra Blvd. tunnel access was inadequate.

37-3

Unfortunately, this site is squeezed between a rock (the landfill to the north) and a hard place (UPRR railroad to the south) and isn't really an ideal location for a major residential infill project.

37-4

My detailed comments are attached.

Sincerely


Thomas F. Quasebarth
621 28th St
Sacramento, CA 95816

Chapter 2 Project Description

- p. 2-10. The draft EIR states that Caltrans performed a structural review of "A" Street Bridge in March 2011. The results of the structural review should be included as an Appendix. The Caltrans Maintenance and Investigations database indicates this bridge was built in 1954 and is therefore 60-years old. The bridge is rated as "structurally obsolete." The reasons for this designation should be defined and evaluated. The Transportation for America report entitled "*The Fix We're In The State of Our Nation's Bridges 2013*" <http://t4america.org/docs/bridgereport/bridgereport-national.pdf> notes that the average service life of a bridge is 50 years and the structurally deficient bridges are 65 years old on average. The Draft EIR should consider likelihood of the "A" Street Bridge becoming structurally deficient in the next several years should be evaluated with estimated costs for repairs and resultant impacts on residents of McKinley Village. There is a high likelihood that major repairs (either routine or emergency) will result in shutdowns to this bridge which could eliminate adequate emergency access to the site for an extended period.
- p. 2-46. The draft EIR summarily dismisses a new bridge structure/roadway underpass at Alhambra Boulevard without adequate analysis. Alternatives for the Alhambra Blvd tunnel should be devised and evaluated and the results should be presented in the environmental documents for public review. In general the Alhambra Blvd tunnel access does not appear to have received serious consideration and there was no supporting technical study or documentation provided in the Draft EIR materials.

37-5

The McKinley Village website does provide a brief 2-page summary entitled "*The Facts about a Roadway Crossing of the Union Pacific Railroad Tracks at Alhambra Boulevard*" <http://mckinleyvillage.com/pdfs/AlhambraUPUnderpass.pdf>. This brief analysis, which was not included in the draft EIR, presents an estimated cost of \$28.4M for the Alhambra Blvd. tunnel without any backup or itemization. The Draft EIR should include feasibility and cost information with necessary supporting studies and analysis in order to credibly evaluate the Alhambra Blvd. tunnel alternative

37-6

The City of Dixon performed a similar alternative analysis of a grade separation of the existing Union Pacific Railroad (UPRR) tracks and existing Porter Road which passed through UPRR, Solano County, and City of Dixon rights-of-way (R/W). The Dixon evaluation is available on the following website: http://www.buethethecommunications.com/project-websites/parkway-boulevard-railroad-grade/docs/ATT8-Tunnel%20Alternative%20Assessment_Final.pdf

The City of Dixon analysis estimated only a \$3-6M cost for the bore & jack roadway tunnel construction approach for a tunnel project with very similar attributes. This is far less than the \$28.4M cited by the McKinley Village project. The basis for the Alhambra Blvd. tunnel cost estimate should be provided and planning level itemized costs should be detailed. In addition,

incremental feasibility and costs for expanding the proposed bike/pedestrian tunnel at Alhambra Blvd. should be included for comparison.

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37-6

- The draft EIR presents a brief (~1/2 page) summary of four (4) reasons why the Alhambra Tunnel option is considered infeasible. These reasons are copied verbatim in italics below. Detailed comments follow each reason:

1. *“First because the railroad line must be kept in operation, construction of such a structure 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, this would require the building of a new bridge over the freeway and likely the relocation of the 28th Street crossing to accommodate the shooflys, assuming that Caltrans and UPRR would approve the building of the bridge, and UPRR would approve the crossing relocation.”*

- The use of ‘shooflys’ to construct an Alhambra Blvd roadway underpass is likely the most difficult and expensive construction approach. The analysis should look at the feasibility of other more innovative tunnel construction methods such as ‘bore and jack’ which are likely to be much more cost-effective.

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37-7

- Alternatives to the “cut and cover”(i.e., shoofly) construction approach should be devised and evaluated. The Draft EIR proposes a *“pedestrian and bike underpass that would be constructed under the existing UPRR raised embankment at the northerly end of Alhambra Boulevard, if approved by UPRR. This underpass must provide a minimum width of 12 feet to accommodate City maintenance vehicles for maintenance activities.”* The Alhambra Blvd. tunnel alternatives analysis should consider the feasibility and incremental costs of expanding the underpass to accommodate traffic.

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37-8

2. *“Second, due to the grade differentials, and depending on final project design, changes to B Street, the alley, and access to existing homes would result. The roadway underpass would eliminate access from Alhambra Boulevard to B Street (and potentially the B/C Street alley) and to parcels on the south side of the UPRR embankment, as well as likely cause significant utility relocation issues.”*

- These grade differentials should be quantified in detailed analyses of the Alhambra Blvd roadway underpass including schematic plans and profiles. The analysis should consider alternative approaches to the tunnel using either sloped faces or some form of retaining walls. Sloped faces are typically at 2H: 1V and will have a maximum impact on adjacent right-of-way. Retaining walls are typically vertical and could reduce impacts on the adjacent right-of-way.

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37-9

- The UPRR railroad is at least 15 feet above the ground surface elevation which will limit the depth of excavation that will be required. Estimates of cut should be provided and approaches to minimize the grade differentials should be evaluated. 37-10
 - The west side of Alhambra Blvd. between B and C streets is primarily commercial (Extra Space Storage) and there is a vacant parcel between the UPRR embankment just north of Extra Space Storage. The analysis should consider the impact of closing the B/C Street Alley and use of retaining walls along the west side of Alhambra Blvd. 37-11
 - Utilities requiring relocation should be identified and their current alignment(s) should be shown on a map. Overhead utilities (power, telephone) can be temporarily supported. Alternatives for underground utility relocations should be analyzed and presented. 37-12
3. *Third, the proximity of Alhambra Boulevard to the A Street Bridge/access to the site poses two issues: (1) their proximity would mean that an underpass at Alhambra would not functionally provide a second access to the site for emergency purposes, and (2) their proximity and the grade differential between the Alhambra underpass roadway and A Street would require either construction of a new A Street Bridge over Alhambra Boulevard on the site or the closure of the A Street access.*
- There appears to be approximately 200 feet of separation between the A Street Bridge and the UPRR embankment. The tunnel and extension of Alhambra Blvd. could be curved to the right (east) as is now shown for the bike path alignment. Similarly the A Street extension is currently sharply curved to the left (north). The approximate alignments and separation between A Street and Alhambra Blvd extension should be quantified and shown in schematic maps. 37-13
 - Schematic roadway (re)alignments and cross sections should be prepared to demonstrate these alignments and grade differentials. 37-14
 - The potential impact of closing, replacing the A Street Bridge, or restricting its use to bicycle and pedestrian should be evaluated since this bridge is 60 years old and has been determined to be functionally obsolete. The remaining useful service life of the A Street Bridge should be evaluated and the impact of its replacement and/or relocation should be considered in the analysis of this site. It is likely that this bridge will need to be replaced or receive substantial structural repairs during the foreseeable future and this will have a significant impact on site access. 37-15
4. *Fourth, the extension of Alhambra Boulevard onto the site would be in conflict with the City's potential location of a surge tank to serve its combined sewer system*

- The draft EIR (p. 4.5-29) identifies this as “one of several possible locations that are being considered by the City for a separate Combined Sewer Detention Project, which could be constructed to mitigate combined sewer surcharging in the CSS within East Sacramento by providing extra storage during peak wet weather flows.
- The future location of these surge tanks has not been decided and there appears to be some flexibility in determining their location. These surge tanks could be located along the Alhambra Blvd ROW to provide maintenance access. This does not appear to be a major conflict or constraint the tunnel.

37-16

Chapter 4

Air Quality

- p. 4.1-24. The draft EIR states that “The recommendations identified by CARB, including siting residential uses no closer than 500 feet from freeways or other high-traffic roadways, are consistent with those adopted by the State of California for location of new schools. Specifically, the CARB Handbook recommends, “Avoid 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” (CARB 2005). The proposed site is located between a major freeway (AADT 159,000) and a major railroad line (approximately 20 trains per day) and a rationale should be provided for ignoring the CARB recommendations.
- p. 4.1-6 The Air Quality impact analysis did not include fine particulate matter (PM_{2.5}) emissions even though the Sacramento Valley Basin is in nonattainment classification for state and Federal PM_{2.5} standards (see Table 4.1-6). Other toxic air contaminants are also excluded from the analysis (Ozone). These impacts should be included in the modeling analysis as they may impact public health.

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37-18

Hazards and Public Safety

The Draft EIR does not adequately describe the post-project risks of methane gas migration from the former 28th Street Landfill. Currently the site serves as a buffer between the 28th landfill and surrounding development. Siting a highly populated urban development along the border of a former landfill with known and recurring methane migration issues presents a major public safety risk which is inadequately addressed in the Draft EIR. Attachment #1 is a checklist of “Questions To Consider When Reviewing Soil Gas Monitoring Data From Landfills” prepared by the Agency for Toxic Substances and Disease Registry – Landfill Gas Primer (<http://www.atsdr.cdc.gov/HAC/landfill/html/ch4.html>). This checklist should be completed for all monitoring studies used in evaluating landfill gas impacts to identify and subsequently address monitoring deficiencies.

37-19

- p. 4.4-16, paragraph 4. The draft EIR states that “EKI notes that the lack of detections on the project site could be due to a lack of gas migration in the subsurface from the landfill to the project site or due to gas probe completion to a depth of 2 feet. Soil gas samples collected at less

37-20

than 5 feet bgs are prone to breakthrough of ambient air into the sample, potentially diluting the sample concentration (DTSC 2012).” This suggests the consultants (EKI) had a high level of uncertainty with the adequacy of the monitoring results to properly characterize existing conditions. While this uncertainty may be acceptable under existing conditions since methane gas migration, if any, is being safely vented away since the site is currently vacant. The reliability, representativeness, and accuracy of the methane gas monitoring data collected for the analysis should be re-evaluated and additional monitoring should be conducted pending the results. The “stakes” are much higher relative to landfill gas migration with a planned 348 unit development than a vacant parcel.

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The landfill gas monitoring results do not appear to include any QA/QC review or scrutiny. A thorough review of the existing monitoring plans and data collection should be conducted. Of serious concern is the spike of methane concentration which appeared at site E-3 during 2007 (see p. 4.4-13). While this spike was below the LEL, it clearly indicates the potential for methane gas migration into the site. This also clearly indicates that the six (6) gas monitoring locations located along I-80 are inadequate to provide an ‘early warning’ of methane gas migration into the site. Mitigation measures should include consideration of deployment of a tightly-spaced perimeter of gas monitoring “sentinel” sites to protect the residences from methane gas migration.

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37-21

- The McKinley Village project would significantly impact existing conditions by essentially capping the parcel with high levels of impervious cover (e.g., foundations and streets). This impervious cover would remove any natural methane venting that is occurring from the parcel under existing conditions. The post-project impact of capping the site with impervious surfaces needs to be evaluated relative to methane gas migration from the 28th Landfill. The Agency for Toxic Substances and Disease Registry –Landfill Gas Primer notes that “It is difficult to predict the distance that landfill gas will travel because so many factors affect its ability to migrate underground; however, travel distances greater than 1,500 feet have been observed. Computer models that use data about the landfill and surrounding soil conditions can predict the approximate migration patterns from existing landfills.” The spacing of any gas monitoring probes should include both the perimeter of the site and the interior.

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37-22

- p. 4.4-3 Figure 4.4-1 shows the locations of six (6) landfill gas probes along the northern portion of the site along I-80. While these probes may have been adequate to determine risk of methane migration from the landfill into a vacant parcel, they are inadequate to monitor potential methane migration into a highly developed urban/residential setting. Additional probes locations along I-80 especially in the vicinity of A Street are needed and additional depths need to be monitored. The interior of the site especially along the 28th St side requires additional monitoring locations as well. The monitoring should be conducted using EPA and California Integrated Waste Management Board (CIWMB) approved methods and should be supported by a rigorous Quality Assurance Project Plan (QAPP).

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37-23

- p. 4.4-10 Sacramento County acting as the Local Enforcement Authority (LEA) inspected the Landfill in July 2013. The Draft EIR states that *“Areas of concern identified by the LEA that were located on the former 28th Street Landfill, which is not within the project site boundary, included several open landfill gas probes with unsecured housing lids and exposed tubing with damaged valves...”* This documented sloppy maintenance of the landfill gas probes is another serious concern especially since the environmental impact analysis relies on monitoring data collected under these poor conditions. The monitoring program may have been considered reasonable and prudent since the parcel was vacant and the risks of property damage or public safety were minimal. However, basing the conclusion of no significant impacts on this data is not acceptable since the methane gas migration would have serious consequences (e.g., 348 units and 600+ residents) under post-project conditions.

37-24
- p. 4.4-13 and Figure 4.4-4. The Draft EIR states that *“Methane was detected in only one sample which was at 6,400 ppmv. This sample was collected at location E-3, shown on Figure 4.4-4, Soil Gas Sampling Locations.”* This sample is located approximately 500 feet inside the southeast portion of the site indicating the potential extent of methane migration. RCRA requires that owners and operators of MSW landfills ensure that the concentration of methane gas generated by the facility does not exceed 25% of the lower explosive limit (LEL). This monitoring result presents a serious concern as it indicates that there already is a strong potential for landfill gas migration into the interior of the site. Additional monitoring and study is required especially since the existing network of monitoring sites was inadequate to characterize risk levels for an intensive urban development.

37-25
- p. 4.4.16, paragraph 3. The Draft EIR notes that *“Since 2007, one large-scale increase in methane concentrations on the landfill property occurred in September, 2008. This excursion was caused by a fire at the former 28th Street Landfill. The City of Sacramento reported that the fire started on the north side of the American River, jumped the river onto the landfill, and destroyed approximately 16,000 feet of landfill methane gas extraction piping. During this single event, eleven contiguous landfill gas probes located on the landfill site, across the freeway from the project site, registered methane concentration from 5.7% to 44.5%.”* These concentrations are well in excess of the LEL (and the UEL) and could have resulted in serious, if not catastrophic, results had the site been fully developed. While the Draft EIR notes these measurements were across the freeway, this would be only a couple of hundred feet from the proposed residence located along I-80. Moreover, the rapidity and degree (e.g., from non-detect to 44.5%) with which the methane concentrations increased indicates that perpetual, highly vigilant, monitoring and management of the landfill gas system will be required in order to protect public safety. The EIR must clearly document how this impact can be mitigated.

37-26
- Grading and excavation activities during construction could significantly alter the soil properties and potentially allow dangerous concentrations of methane to accumulate within the site. The impacts of grading and excavation should be evaluated. In addition, drains, trenches, and buried utility corridors (such as tunnels and pipelines) can act as conduits for methane gas

37-27

- movement. The EIR must evaluate the impacts of site development (both construction and post construction) on the post-project risk of methane migration from the landfill.

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Cont.
- p. 4.4.24, The “A” St Bridge will provide one of two access routes to the site. The Draft EIR states that “Based on the Caltrans Bridge Inspection Report, the bridge is structurally sound and has a weight limit of 90 tons (Caltrans 2011). The Caltrans Structure Maintenance Investigation shows that the “A” St Bridge was constructed in 1954 and is 60 years old. The bridge is rated as “functionally obsolete.” The Transportation for America report entitled “The Fix We’re In The State of Our Nation’s Bridges 2013” <http://t4america.org/docs/bridgereport/bridgereport-national.pdf> notes that the average service life of a bridge is 50 years and the structurally deficient bridges are 65 years old on average. The likelihood of the “A” Street Bridge becoming structurally deficient in the next several years should be evaluated with estimates costs for repairs. Further, the impact of a protracted bridge closure during construction periods should be evaluated.

37-28
- p. 4.4.29. Ammonia was also detected at the 28th landfill site according to the Central Valley RWQCB Waste Discharge Requirements Order #R5-2004-0039 (see Appendix H PDF p. 522). The Draft EIR notes that “Ammonia is an example of an acutely hazardous material (AHM) that is regulated by the California Office of Emergency Services under the California Accidental Release Program (CalARP)” The draft EIR needs to include ammonia and other gases (e.g., Hydrogen Sulfide, VOCs) in the analysis of potential Landfill Gas impacts.

37-29
- p. 4.4.40. The six gas probes and two monitoring wells are inadequate to provide sufficient protection for the proposed development from landfill gas migration. Furthermore the data previously collected by these probes has been identified as suspect due to the shallow monitoring depths (2.5 ft. bgs) and the potential breakthrough of ambient air thereby diluting the presence of landfill gases. The interior of the site has already seen elevated methane concentrations approaching 25% of the LEL. The conclusion that the impact of methane gas on future resident is less than significant has not been adequately analyzed and supported by sufficient monitoring data.

37-30
- p. 4.4.40. The Central Valley RWQCB detected ammonia and other gases at the landfill site. The conclusion that other odors, gases, or dust from the landfill to the site is less than significant impact has not been adequately analyzed and supported by monitoring data.

37-31
- p. 4.4.41. The “A” Street access to the site is serviced by a 60-year functionally obsolete bridge and an unimproved road crossing portions of the landfill. The draft EIR concludes that the “A” Street access impacts are potentially contingent on the Local Enforcement Authority (LEA) and the Central Valley RWQCB may be required to make modifications to the Landfill Postclosure Land Use Plan, the Closure/Postclosure Maintenance Plan and the Postclosure Maintenance and Corrective Action Order. While these plans and orders are clearly not the responsibility of the McKinley Village proposed project, an environmental review of must be conducted prior to

37-32

project approval. Therefore, it is pre-mature to state that these impacts are less than significant.

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- p. 4.4.45. The draft EIR presents a simplistic and biased statistical analysis regarding the risk of railroad derailments based on the length of track (0.75) adjacent to the McKinley Village site. According to the Federal Railroad Administration, *“in an average year in the United States, more than 3,000 train accidents occur leading to death, injury and property damage. National statistics show that every two hours there is a train accident in the USA. Almost all of these accidents involve some type of property damage—and in some cases injury and death. Half of all railroad accidents occur at crossings...”* The draft EIR also ignores other types of train accidents including collisions, highway–rail grade crossing accidents, and other minor accidents that could have an impact by blocking access to the site for protracted periods.

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The draft EIR only considers trains carrying “hazardous materials” in the ‘risk’ assessment. In reality, any train derailment would likely result in significant spillage of diesel fuel or other liquid non-hazardous cargo and would present a significant hazard and impact on public safety. The analysis should include assessment of post-accident recovery periods and address whether closure of one of the access routes for a protracted period (e.g. weeks, months) presents an unacceptable risk. The reported frequency of approximately 1 accident in 1,000 years is misleading and not based on standard risk analyses procedures and should be removed from the EIR

37-34

The draft EIR should include a standard risk analysis including a “worst case scenario” which might be a derailment of a train blocking both the 40th St access route and the “A” St access route.

37-35

Hydrology Water Quality and Drainage

- p. 4.5-3. The description of surface water quality needs to be revised to include discussion of Total Maximum Daily Loads (TMDLs) currently in effect or development including the American River TMDL for methylmercury and central valley TMDLs for organochlorines, pyrethroids and other pesticides. The impacts and mitigation measures for these pollutants need to be included in the project specific impacts and mitigation measures (e.g., controls on application of landscape chemicals, collection of CFL light bulbs [containing mercury]), and other Best Management Practices (BMPs).
- p. 4.5-38. The Low Impact Development (LID) design features are described as being under development and were not analyzed in the draft EIR. The environmental review should be extended to allow review of these project features since they are described as potentially significantly reducing water quality impacts from the site.
- p. 4.5-39. The draft EIR states that *“the proposed project would have a low potential to substantially degrade water quality due to the type of development being proposed, the existing*

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drainage characteristics, and implementation the City's SQIP." This is not substantiated but any analysis. The site is located adjacent to a critical receiving water, the American River. Currently the site is vacant and generates very little, if any runoff. Under the post-project conditions, the site will have 60-70% impervious cover and will generate a large amount of stormwater runoff which will be pumped into the American River via Sump 99. Stormwater runoff has been demonstrated to contribute significant pollutant loading of metals, organics, and pesticides.

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Cont.

- p. 4.5-47. Drainage from the site during extreme storm events is dependent on proper operation of two pumping system; one onsite and the other at Sump 99. The impact of failure or upset conditions of the pumps at Sump 99 is described qualitatively in the draft EIR as follows *"rainfall rates in excess of this standard, or failure of the drainage system due to improper maintenance or an accident, could still result in localized flooding within the project site."* These upset conditions should be included in the modeling analysis and quantified rather than dismissed. The need for redundant pumps, or independent power generation systems, or additional detention pond capacity should be evaluated and included in the mitigation measures as necessary. Rainfall rates associated with the 200- and/or 500- year storm events should be analyzed because potential flooding impacts have been identified (due to potential drainage system failures) and the likelihood that climate change will alter the recurrence interval for extreme flooding events.

37-39

Appendix J. Master Stormwater Management Plan.

- p.3. The Plan states that *"Since McKinley Village drainage is contained on-site and connected to Sump 99, the pump system was designed to shut off when peak stages occur in Sump 99 in order to minimize any impact to the off-site drainage system. To mitigate the storm water runoff when the pumps are shut off, McKinley Village includes two detention basins to contain peak runoff volume when the pumps are turned off."* In effect, drainage from the site during extreme storm events is dependent on proper operation of two pumping systems; one located onsite and the other at Sump 99. Figures 9A, 9B, and 9C show the pump shut down periods. The plan should describe how this operating rule will be implemented since conditions at Sump 99 have to be communicated back to the site. Will this be done manually or with SCADA telemetry? The impact of failure or upset conditions of the pumps at Sump 99 should be included in the analysis. The need for redundant pumps or fail safe power generation systems should be evaluated.

37-40

- p. 5. No model calibration was performed, instead results from the existing City model from 1996 (SSWMM96) were compared to a more hydraulic modeling code (XPSWMM) in order to *"get an overall confidence in the XPSWMM model"*. The Master Drainage Plan should include hydrologic and hydraulic calibration and verification of the model used for the analysis (XPSWMM). As noted by the City of Sacramento SSWMM User's Manual *"calibration or verification of a model is an important step that leads to more trust in the model results."*

37-41

- p. 6. Total rainfall depths for the 10- and 100- year storms should be provided in addition to the 5-minute and hourly tabular summaries in Appendix D. Rainfall and runoff volumes should be reported in “inches” to facilitate checking. 37-42

- p. 12 and Figures 5.a and 5.b. The comparison of SWMM96 and XPSWMM modeling results show rapidly oscillating flows which range from 60 cfs to negative 20 cfs. The report notes that “Flow oscillation due to low flows. Pumps turn on/off to discharge low flow.” An explanation for the occurrence of “negative flows” should be provided. These results should be checked to make sure they are not actually the result of model instabilities or incorrect pump sizing. 37-43

Noise and Vibration

- The Draft EIR states that “The project design includes connecting the residences located adjacent to the UPRR tracks through the creation of an outdoor room with a 16-foot tall wall adjacent to the UPRR right-of-way. These outdoor rooms, shown on Figure 4.6-5”. Figure 4.6-5 does not depict a 16 –foot wall. How desirable will “outdoor rooms” with 16 foot walls be? 37-44

- p. 4.6-49. Not surprisingly the draft EIR does identify potentially significant interior noise impacts at elevated second-floor façades of those residences located adjacent to Capital City Freeway. 37-45

Appendix L. Hazardous Material Documentation

PDF pp. 11-70. A quick review of the well water quality data presented in Appendix L finds no QA/QC data (e.g., field duplicates, matrix spike) nor any laboratory data usability review. 37-46

Attachment #1

Source: The Agency for Toxic Substances and Disease Registry –Landfill Gas Primer

<http://www.atsdr.cdc.gov/HAC/landfill/html/ch4.html>

Questions To Consider When Reviewing Soil Gas Monitoring Data From Landfills

<p>Gases Selected for Monitoring</p> <ul style="list-style-type: none"> • What gases are routinely monitored? • Do these include the chemicals of concern identified by the community, regulators, and public health officials? • Do routine reports include oxygen and carbon dioxide when methane levels are reported? • Do the chemicals selected for monitoring include those expected to be present in the greatest quantities and/ or those that are the most toxic? • Are there any data gaps in the chemicals selected for monitoring? <p>Pressure Monitoring</p> <ul style="list-style-type: none"> • Are atmospheric (barometric) and well/probe pressures included in routine reports? • Do any of the soil gas wells/ probes have dedicated pressure gauges? <p>Sampling Methods</p> <ul style="list-style-type: none"> • Were EPA-approved sampling methods selected? If not, why? • Are the sampling methods the same or comparable to methods recommended by the Solid Waste Association of North America and/ or state regulatory programs such as the one operated by the Missouri Department of Natural Resources (see Appendix E)? • Are the selected methods recommended for measuring the chemicals selected for monitoring? • Are water levels within the soil gas well/ probe measured after taking the gas samples? <p>Sampling Equipment</p> <ul style="list-style-type: none"> • Was the sampling equipment designed to operate under the conditions in which it was used? • Were the manufacturer's limitations on the environments in which the equipment would give accurate readings followed?

Monitor Well Construction and Depth of Screened Intervals

- How far below land surface is the bottom of the boreholes for wells and probes?
- How far below land surface does the well/ probe screen begin and end (top and bottom of screen interval)?
- How does the well/ probe depth and screen interval compare to the top and bottom of buried waste and the top of the groundwater surface (water table)?
- Does the routine or periodic monitoring indicate if the well/probe is dry or partially filled with water?
- Is there a geologic report associated with the well construction report?
- Has there been a geologic analysis to predict and investigate possible subsurface pathways?

Monitoring Locations

- Is there a perimeter monitoring program with adequate spacing between permanent soil gas monitoring wells?
- Are there monitoring wells adjacent to on- site buildings?
- Are there monitoring wells between landfill boundaries and adjacent properties with occupied buildings?
- Are there passive vents on the landfill that are routinely monitored?
- Has a surface sweep survey with handheld instruments been performed to locate "hot spots" at the surface of the landfill that may be the best location for permanent monitoring wells/probes?

Other Sources

- Are there other possible sources of contaminated soil gases such as underground storage tanks, spilled petroleum products, or leaking natural gas pipes?

Monitoring Schedules

- How often are the monitoring wells/ probes sampled (daily, weekly, monthly, quarterly)?
- Are wells adjacent to occupied buildings on the landfill sampled at least monthly?
- How often is sampling performed on gas collection and venting systems?
- If significant levels of NMOCs have been historically reported, has monitoring continued frequently enough to determine historical trends of high and low concentration areas across the landfill or at property boundaries?
- Does the monitoring schedule include provisions for sampling during worst-case climatic periods (e.g., when the surface of the landfill is frozen or

saturated)?

Data Quality Parameters

- What percent of attempted sampling events were successful?
- How accurate were the reported sampling results?
- How precise were the reported sampling results?
- Do oxygen levels in samples approach atmospheric levels, indicating a leaking well casing or faulty sampling equipment?
- What percent of the monitoring wells/probes are either saturated with water or do not provide a consistent methane reading?
- Is there regulatory oversight of sampling team performance?

Letter 37: Thomas Quasebarth, January 10, 2014

37-1: The comment indicates concerns regarding the location of the project site in proximity to the closed 28th Street Landfill and the presence of methane gas and the potential risks to future residents.

Please see Responses to Comments 37-19 through 37-35 that address these concerns.

37-2: The commenter believes that the potential for landfill gas migration to affect the project site has not been adequately addressed in the Draft EIR or the supporting technical studies.

Please see Responses to Comments 37-19 through 37-35 that address these concerns.

37-3: The comment indicates that the project does not provide adequate access and supports consideration of the Alhambra Boulevard underpass for vehicles.

Please see Master Response 1 that addresses the infeasibility of a bridge/roadway at Alhambra Boulevard and Master Response 9 that addresses traffic and safety concerns along 28th Street.

37-4: The commenter expresses an opinion that the project site is not ideal for residential development.

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

37-5: The comment alleges that the A Street Bridge may become structurally deficient in the next few years and should be evaluated for the costs and repairs required for the bridge and the Caltrans report be provided.

As indicated on page 2-10 of the Draft EIR, "[t]he bridge is owned and maintained by the California Department of Transportation (Caltrans) and is routinely checked to ensure it is structurally sound. A structural review of the bridge was conducted by Caltrans in March 2011, and the review concluded the bridge is structurally sound (Caltrans 2011)." A copy of the Caltrans documentation is provided in Chapter 2 of this Final EIR. Any future repairs to the bridge would be the responsibility of Caltrans.

37-6: The commenter states that the Draft EIR does not adequately analyze the feasibility of constructing a vehicle underpass at Alhambra Boulevard.

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

37-7: The comment suggests that construction of the Alhambra underpass should look at bore and jack methods as opposed to the use of a shoofly.

Please see Master Response 1 that addresses the infeasibility of constructing a bridge/roadway underpass at this location, including construction methods.

37-8: The commenter suggests that a vehicle access at Alhambra Boulevard should be considered along with the costs.

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

37-9: The comment specifies additional detail associated with the vehicle access at Alhambra Boulevard should be quantified and addressed.

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

37-10: The comment provides information on the height of the UPRR embankment as it relates to engineering of a vehicle underpass at Alhambra Boulevard.

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

37-11: The comment suggests the analysis should evaluate closing B/C Street alley and using retaining walls along Alhambra Boulevard to construct a vehicle underpass at Alhambra Boulevard.

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

37-12: The comment states that utilities should be mapped in this area as it relates to a vehicle underpass at Alhambra Boulevard.

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

37-13: The commenter raises some engineering concerns associated with locating a vehicle underpass at Alhambra Boulevard in close proximity to the proposed A Street Bridge access point.

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

37-14: The comment states that roadway alignments and cross sections should be prepared to show how a vehicle underpass at Alhambra Boulevard would work given proximity to A Street.

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

37-15: The comment indicates that the A Street Bridge should be restricted to bicycles and pedestrians due to the age of the bridge and asserts the bridge is functionally obsolete.

Please see Response to Comment 37-5 and Master Response 1.

37-16: The comment indicates that the location of the City's proposed surge tank could be moved in order to construct a vehicle underpass at Alhambra Boulevard.

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

37-17: The commenter states that a rationale should be provided for ignoring the CARB recommended setback from freeways and other high-traffic roadways.

Please see Master Response 7 regarding application of the CARB recommendations for setback from high-traffic roadways.

37-18: The comment states that the Draft EIR does not address $PM_{2.5}$ despite the region's nonattainment status for this pollutant. The comment also states that ozone is not excluded from the analysis.

Particulate matter ($PM_{2.5}$) is described as a pollutant of concern in the Draft EIR on pages 4.1-4 and 4.1-5; monitoring data for this pollutant is provided in Table 4.1-3 on pages 4.1-7 and 4.1-8; and the project's $PM_{2.5}$ emissions are evaluated in Impact 4.1-8 on pages 4.1-56 and 4.1-57.

As discussed on page 4.1-3 of the Draft EIR, ozone is "formed through reactions between reactive organic gases (ROGs) and nitrogen oxides (NO_x)."

impact analysis evaluates the project's emissions of ROG and NO_x to determine whether the project would result in significant increases in ozone concentrations, consistent with the methodologies recommended by SMAQMD. The project's emissions of ROG and/or NO_x associated with project construction are evaluated in Impact 4.1-1 on pages 4.1-36 through 4.1-42. Impact 4.1-2 on pages 4.1-42 through 4.1-43 addresses impacts associated with project operation and Impact 4.1-8 on pages 4.1-56 and 4.1-57 addresses cumulative impacts. Based on the analysis the impacts are all mitigated to less than significant.

- 37-19: Commenter asserts that the Draft EIR does not adequately describe both project risks of methane migration from the closed 28th Street Landfill, and requests a checklist produced by the Agency for Toxic Substances Disease Registry (ATSDR) be completed.

The issues raised in the ATSDR checklist, "Questions to Consider when Reviewing Soil Gas Monitoring Data From Landfills," (e.g., "Gasses Selected for Monitoring," "Pressure Monitoring", "Monitoring Well Construction and Depth of Screen Intervals") are substantially covered through prescriptive State statutes and regulations implemented at the closed 28th Street Landfill through permit terms and conditions, and post closure plan obligations. The evaluation performed in conjunction with the Draft EIR utilized data developed under these regulatory requirements. Additional analysis is not necessary to assess conditions or project impacts.

- 37-20: Commenter suggests that based on the shallow depth of the monitoring probes as identified by environmental consultants, the reliability, representativeness, and accuracy of the monitoring data collected for the analysis should be reevaluated and additional monitoring should be conducted pending results.

The data collected from the landfill probes located on the project property (the "Lennane" probes) was corroborated by two independent soil gas assessments, which showed non-detected levels of soil gas at locations proximate to the probes. Based on these findings no additional evaluation or monitoring is required.

Moreover, an evaluation of the landfill probe network, including the Lennane probes located on the project site, has been conducted by the landfill operator at the request of the County Local Enforcement Agency (LEA). See Report, *Landfill Gas Migration Monitoring System Evaluation City of Sacramento 28th Street Landfill Sacramento, California* (Facility No. 34-AA-0018) (SCS January 2014). The report includes a summary of site conditions affecting landfill gas monitoring, an inventory of landfill gas

monitoring probe depths and construction details, results of field inspections and testing, and findings with respect to the status of compliance with regulatory standards.

The evaluation found that the depth of the Lennane landfill gas probes is approximately ten feet, rather than two feet identified by environmental consultants referenced by the commenter. Moreover, the evaluation report concluded that, "[g]iven the construction details for these probes, we have no reason to question the validity of historic monitoring at the 'Lenane' [sic] property probes." *Id.* at 9.

Based on the conclusions of the evaluation and the independent testing, no additional verification is required.

- 37-21: The commenter states that no quality assurance review has been applied to the 28th Street landfill gas data, and a thorough review of the existing monitoring plans and data collection should be conducted. Based on asserted short comings, the commenter requests deployment of a tightly-spaced perimeter of gas monitoring "sentinel" probes.

Please see Response to Comment 5-2 with respect to the compliance monitoring and landfill network evaluation. With respect to the spacing of landfill gas probes, the proposed project and existing residential neighborhoods are at comparable distances from the closed 28th Street Landfill. Nonetheless, apart from the project, the landfill operator has committed to installing additional soil gas probes, as recommended in the evaluation report, discussed in Response to Comment 37-20. The installation of these additional probes is the responsibility of the landfill operator. In addition, while not required by CEQA and as a voluntary matter, the project applicant will install two additional landfill gas probes on the project site at the same time that it works with the landfill operator and regulatory agencies to relocate the existing 6 Lennane probes. Please see also Chapter 2 of this Final EIR for current changes to the project.

- 37-22: Commenter states that the project would significantly impact existing conditions by capping the parcel with high levels of impervious cover (e.g., foundations and streets). The commenter also states the impervious cover would remove any natural methane venting that is occurring from the parcel under existing conditions and recommends that the post-project impact of capping the site with impervious surfaces needs to be evaluated relative to methane gas migration from the closed 28th Street Landfill.

The commenter's statements and recommendation appears to be predicated on the condition that landfill gas is migrating in an uncontrolled manner from the landfill to the project site. As stated in Response to Comment 5-2 and again in Response to

Comment 37-20, methane gas has not been detected at the site at concentrations that would trigger a regulatory action level. The landfill has an active landfill gas collection and monitoring system that has been operating under regulatory oversight for over 16 years. As a point of reference, the current project design would result in approximately 19 acres of the total 48.75 acres of developed land that is not covered by an impermeable cover. This includes a 30-foot-wide buffer strip of uncovered land between the Capital City Freeway and the nearest structures. The available uncovered and permeable open space is considered sufficient to allow any venting of gas that would migrate to the project site, should this unlikely event ever occur. Based on the lack of documented gas migration and the existence of 39% of planned permeable area, further analysis of this condition is not necessary.

37-23: Commenter recommends that additional probes and depths be added to the monitoring probe network in particular locations. The commenter also recommends that monitoring be conducted following EPA and CalRecycle methods and supported by a quality assurance plan.

As discussed in Response to Comment 37-20, the landfill operator conducted a landfill monitoring network evaluation. See Report, *Landfill Gas Migration Monitoring System Evaluation City of Sacramento 28th Street Landfill Sacramento, California (Facility No. 34-AA-0018)*" (SCS Engineers January 2014). The report of the evaluation found that,

"[a] reasonably comprehensive LFG [(landfill gas)] monitoring system has been in place at the 28th Street Landfill and a monitoring program has been ongoing... under agency oversight. Results of our review of historic monitoring data and our field investigation show no evidence that combustible gas concentrations in soils at or near the site boundary exceed regulatory thresholds, or that a public safety hazard currently exists.

While a reasonably comprehensive monitoring system is in place, it was installed in accordance with previous regulatory/permit requirements and agency approvals. We consider the monitoring network to be generally in compliance with 27 CCR requirements, but not all elements of the monitoring network meet current standards." *Id.* at 10.

Independent of the project and not required by CEQA, the landfill operator has committed to implementing the recommended measures under the oversight of the applicable agencies. No action is required by the project applicant.

37-24: The commenter asserts that based on an inspection report of the LEA, which found issues with certain probes, questions are raised about the landfill gas monitoring data upon which the Draft EIR concludes there is no significant impact.

The conclusion that landfill gas does not significantly impact the project property is based on two independent assessments of landfill gas conditions, in addition to data collected over the approximately 16 years of monthly monitoring by the landfill operator and quarterly inspections by the LEA. The results of the independent soil gas assessments are wholly consistent with the data generated through the Landfill's monitoring system, including landfill gas data reported by the LEA as late as July 2013. (DEIR p. 4.4.-16.)

In 2007, environmental consultants, Erler and Kalinowski Inc. (EKI), collected and had analyzed 23 soil gas samples from across the project site. Sample locations included points close to the landfill operator's six Lennane probes as well as locations across the project site. No methane was detected, except for one location, which was near the western perimeter of the property. The sole detection registered no pressure (i.e., 0.00 inches of water) and was approximately eight times lower than the lower explosive limit (LEL). For site planning reasons the area including the location of the detection has been planned to be developed as an area without structures (roadway).

In 2013, EKI performed a second soil gas assessment. Twelve samples were collected and analyzed, including sample locations near the sole 2007 detection and also near several of the Lennane probes. Two samples were not included in the assessment because of quality assurance concerns. Out of this sampling (ten samples) suite, EKI found a single methane detection near the 2007 detection location, at a concentration approximately thirty-two times lower than the LEL. Like the 2007 sample, soil gas pressure was measured at 0.00 inches of water (i.e., no recordable pressure) indicating that the methane was not migrating under pressure from the landfill to the project site. For site planning reasons, the area including the location of the detection has been planned to be developed as an area without structures (detention basin).

These data are consistent with the data collected by the landfill operator and the LEA, and provide an independent basis for drawing conclusions about site conditions.

Moreover, the landfill operator's record of monitoring compliance at the closed 28th Street Landfill creates substantial evidence on which to conclude that there are no significant impacts from landfill gas at the project site. With respect to the July 11,

2013 LEA report, which is referenced by commenter, that document does not identify any concern related to the Lennane soil gas probes. In fact, the LEA inspection report of July 26, 2013, documents that the Lennane 7 probe, which was sampled during the site inspection, showed the absence of methane (0.0%) on both the landfill operator's and the LEA's inspection meters, respectively. No concern regarding the condition of the Lennane probes was raised.

Further, while the July 11, 2013 LEA inspection report identified that gas probe #22 and other nearby landfill gas probes were or may have been vandalized, the follow-up July 26, 2013 LEA inspection report, documents the rapid repair of the impacted probes by the landfill operator. The July 26, 2013 report states, that gas probe #22 was re-inspected "to look at a recent repair made to replace the valve that had been possibly damaged by vandalism. It was noted that the hose connecting the valve to the probe casing was also damaged. Landfill staff replaced the hose later and submitted photo-documentation." Therefore, within approximately two weeks of the issue having been raised by the LEA, the landfill operator resolved the issue to the satisfaction of the LEA.

It is also noted that the LEA inspection report of May 7, 2013, did not identify any issues or concerns regarding the condition of the probe #22 or any other probe at that time, indicating that referenced impact to the subject monitoring probes was likely of limited duration.

Based on the independent landfill gas assessment of 2007 and 2013, absence of any concern raised by the LEA regarding the Lennane probes, the absence of concern expressed by the LEA regarding gas probe #22 as late as May 7, 2013, and the evaluation of the landfill probe monitoring network, as discussed in response to comment 5-2, substantial evidence supports the conclusion identified in the Draft EIR.

37-25: The commenter requests additional sampling based on the detection of a methane detection of 6,400 ppmv on the project site.

No additional sampling is required. The referenced detection is approximately 8 times lower than the LEL, and when the area was resampled in 2013 it was found to have a concentration approximately 32 times lower than the LEL and was under no pressure. Therefore, substantial evidence exists to conclude that the detection, when taken in the context of other monitoring data, does not represent a significant impact. Moreover, due to the project design no structures will be located at the subject location.

- 37-26: The commenter asserts that the fire (2008) at the landfill, as documented in the Draft EIR, requires the EIR to establish how impacts from fire can be mitigated.

The City of Sacramento, as the landfill operator, is already under a legal obligation to maintain the closed 28th Street Landfill in a safe manner consistent with its legal obligations. Among these obligations is the requirement to maintain and establish financial assurances to address potential contingencies, including fire. Contingency measures for responding to unexpected disasters, such as fire damage, are presently in place, as documented in the recently approved June 2013 Closure/Post Closure Maintenance Plan. It is also noted that no landfill gas was detected on the project site as a result of the 2008 fire. No additional mitigation is necessary.

- 37-27: Commenter asserts that grading and other subsurface work at the project site could allow dangerous concentrations of methane gas to accumulate. The commenter also asserts that piping and other utility conduits could create a pathway for methane gas movement and that both of these issues should be analyzed in the EIR.

Years of methane gas monitoring and inspections conducted by the landfill operator and LEA, respectively, consistently show no detection of methane at Lennane probes. Moreover, independent testing also shows the absence of methane gas at the Project site, except for one area where methane was detected at very low levels and where no structures will be located. Further, within this single area methane gas was detected under no pressure, indicating that the gas was not migrating to the site under pressure from the landfill. These findings constitute substantial evidence that grading or the presence of underground utilities would not create a significant impact.

- 37-28: The comment is referencing the structural condition of the A Street Bridge and whether it has the potential to become 'structurally deficient' in the next few years. Please see Response to Comment 37-5.

- 37-29: The commenter notes that ammonia was detected at the closed 28th Street Landfill according to the Central Valley RWQCB and states that the Draft EIR needs to include ammonia and other gases (e.g., hydrogen sulfide, VOCs) in the analysis of potential landfill gas impacts.

The Regional Water Quality Control Board (RWQCB) reported in the Waste Discharge Requirements (WDR - Order R5-2004-0039; paragraph 30) that in 1987, prior to closure of the landfill, landfill gas, including elevated levels of ammonia, had been detected in certain areas of the landfill. The WDR also reported that in 1990, the landfill gas collection and monitoring system was installed and has been

operating since that time to mitigate the pre-closure conditions. In 1997, the landfill was closed.

The WDR states in paragraph 49, “Since completion of landfill closure in 1997, concentrations of VOCs, including vinyl chloride, in compliance wells at the site have declined to low to trace levels.”

The RWQCB has established a list of the chemicals of potential concern for groundwater and leachate (based on several factors including toxicity, hazard potential, and chemical properties) and has required the City to analyze for the presence of these chemicals in accordance with the post closure monitoring program as documented in the WDR. The LEA and CalRecycle have established chemicals of potential concern for soil gas and have required the City to analyze for the presence of these chemicals in accordance with the Post Closure Monitoring Plan. These chemicals include the following: methane, oxygen, nitrogen, and, carbon dioxide. The list of Constituents of Concern that are monitored at the closed 28th Street Landfill in accordance with Waste Discharge Requirement No. R5-2004-0039 is included in Appendix L-1 of this Final EIR.

The LEA, Cal Recycle, and the RWQCB have previously determined that ammonia is not a chemical of potential concern in landfill gas and ammonia is not a required analyte in the post closure monitoring program. The City analyzes the gas collected from the landfill gas monitoring probes, as required by the LEA and applicable regulations. As stated in responses to comments above, constituents that have been monitored by the City at the landfill perimeter are in compliance with the post closure monitoring requirements and have not been detected at concentrations of concern in the 16 year post-closure history. This body of data is sufficient to conclude that landfill gas collection system is operating effectively and landfill gas is not impacting the project site and further analysis is not necessary.

37-30: The commenter asserts that data from the six gas probes and two monitoring wells are inadequate to provide sufficient protection for the proposed development from landfill gas migration, and that the conclusion that impacts to residents is less than significant is not adequately supported.

The number, spacing, and location of the Lennane probes are consistent with current regulations that apply to monitoring landfill gas conditions at closed landfills. The conclusion that landfill gas would not create significant impacts is based not only on 16 years of landfill gas monitoring by the landfill operator and inspections by the LEA, but also on two independent landfill gas assessments as discussed in

Response to Comment 37-24 and elsewhere. The conclusion that the impact is less than significant is supported by substantial evidence.

As a voluntary measure, not required by CEQA, the project applicant will pay for the installation of two additional soil gas probes along the perimeter of the project site. These probes will be installed under the direction of the LEA and other oversight agencies, as necessary, and monitored by the the landfill operator on an ongoing basis. This voluntary measure will further reduce impacts below the significance threshold.

- 37-31: Commenter notes that the Central Valley RWQCB detected ammonia and other gases at the landfill site and asserts that the Draft EIR conclusion that other odors, gases, or dust from the landfill to the site is a less-than-significant impact has not been adequately analyzed and supported by monitoring data.

As stated in Responses to Comment 37-29 above, ammonia detections were observed prior to landfill closure and installation/operation of the landfill gas collection system. In addition, post-closure monitoring has been ongoing for over the past 16 years for a full suite of landfill gas constituents in accordance with Central Valley RWQCB and LEA requirements. Throughout this monitoring period, monitoring results have not indicated landfill gas migration onto the site at concentrations of concern. The City believes that 16 years of monitoring data, combined with other independent studies (see Response to Comment 37-27), is sufficient data upon which to draw the conclusion and further analysis is not necessary.

- 37-32: Commenter asserts that it is premature to conclude that the development of the A Street access would not create significant impacts because approval may be required by oversight agencies.

Specific approaches to mitigating potential impacts and performance guidelines have been identified in the Draft EIR Chapter 2, Project Description. (DEIR, p. 2-63.) Any required approvals or modifications of existing plans or permits is regulated under Title 27 of the California Code of Regulations, and is under the jurisdiction of another agency. Therefore, it is not premature to conclude on the basis of substantial evidence that any impact will be mitigated to below the significance threshold.

- 37-33: The comment alleges that the Draft EIR provides a simplistic analysis of risk associated with a rail derailment and the Draft EIR ignores other types of train accidents at the at-grade rail crossing on 28th Street.

Please see Responses to Comments 18-73, 18-74, 28-8 and Master Response 9 that addresses increased vehicle traffic and safety along 28th Street.

- 37-34: The commenter states that the Draft EIR only evaluates trains carrying hazardous materials in the health risk assessment and not in the hazards and public safety section. The comment also indicates that the analysis should include an assessment of a post-accident recovery period and address closure of one of the access points presents an unacceptable risk. In addition, the comment requests that the frequency of approximately 1 accident in every 1,000 years is misleading and should be removed from the Draft EIR.

Impact 4.4-4 in Section 4.4, Hazards and Public Safety addresses the potential for a release of hazardous materials to occur from a potential train derailment along the UPRR tracks. The analysis indicates that based on data collected in 2012, only 0.002% of all rail hazardous materials shipments are involved in train accidents (Association of American Railroads 2012, DEIR p. 4.4-45). Based on this information, it is unlikely that a hazardous materials rail accident would occur along the project site. The possibility this scenario would occur is so remote it is not addressed in the Draft EIR. CEQA does not require that every possible scenario be evaluated, but rather an “EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision...an evaluation of effects need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.” (CEQA Guidelines Section 15151). However, if a release of hazardous materials did occur associated with a train derailment or due to a truck accident on Capital City Freeway, the City’s Emergency Operations Plan provides evacuation-specific supporting information in the event of an emergency or an accidental release of hazardous materials from trains or the freeway, procedures would be immediately implemented to ensure effective response, recovery, and mitigation (City of Sacramento 2005a; City of Sacramento 2008). In the event one of the access points was closed for a short period of time it is not likely this would present an unacceptable risk to the residents and the City would ensure steps are taken to prevent any hazardous conditions.

The commenter’s suggestion that information regarding train derailments be removed from the document is noted.

- 37-35: The commenter indicates that the Draft EIR should include a worst case scenario that assumes a train derailment blocking both the A Street access and the 40th Street access.

It is highly improbable that there would be a train derailment that would block both the at-grade crossing at 28th Street as well as the vehicle underpass at 40th Street. The possibility this scenario would occur is so remote it is not addressed in the Draft

EIR. Since 1980 there have been a total of 9 freight train derailment accidents reported in California, which equates to a very low probability a train derailment would occur in an area where both freight and passenger trains are traveling at low speeds. (http://www.nts.gov/investigations/reports_rail.html)

CEQA does not require that every possible scenario be evaluated, but rather an “EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision...an evaluation of effects need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.” (CEQA Guidelines Section 15151). If there was a train derailment that blocked access at 28th Street there are evacuation plans and procedures in place to safely evacuate residences. As discussed under Impact 4.4-5, the project would prepare an evacuation route plan that establishes an exit route from the project site and will provide the evacuation route plan to residents at the time of home purchase. The HOA would also review the evacuation route plan referenced above at least every 3 years and provide any updates or changes to residents. (DEIR p. 4.4-46, 47).

Please see also Master Response 9 that addresses traffic concerns on 28th Street.

37-36: Commenter states surface water quality needs to include discussion of Total Maximum Daily Loads (TMDLs) for methymercury, organochlorides, pyrethroids and other pesticides and impacts and mitigation measures for these pollutants need to be included in the project specific impacts and mitigation measures.

The City of Sacramento operates under a municipal storm water permit issued by the Central Valley RWQCB. The permit identifies Stormwater Quality Improvement Plans and New Development Standards. The proposed project will submit project studies and plans to the City of Sacramento for review and approval consistent with the permit.

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

37-37: Commenter states Low Impact Development (LID) design features were not analyzed.

The City has adopted a Stormwater Design Manual and the project’s LID design features are consistent with the City’s existing Stormwater Design Manual.

37-38: The commenter states the Draft EIR does not adequately analyze stormwater quality.

The discussion under Impact 4.5-2 adequately discloses the potential effects of residential development and increases in impervious surfaces on water quality. The low potential for substantial degradation of water quality is based on numerous submittal and approval requirements associated with the City's discharge control ordinances, the NPDES municipal stormwater discharge permit, and the LID features proposed in the storm drainage master plan. The permits, approvals and drainage plan requirements are all described under Impact 4.5-2 (DEIR pp. 4.5-37 through 4.5-40) and in the regulatory setting section (DEIR Section 4.5.2).

To further clarify the discussion on long-term water quality impacts, and to update the discussion to reflect the completion of a Draft Drainage Study, the following text edits have been made to the Draft EIR pp. 4.5-38 and 4.5-39:

The pre- and post-project watershed area would be the same, and stormwater would flow in the same general direction (to the west). Instead of ponding on-site, stormwater would be directed through a force main to Sump 99 and eventually discharged into the American River. During peak periods of rainfall, the force main would be closed and stormwater would accumulate in the detention ponds, so as to avoid a reducing the available capacity of Sump 99. The project would also increase the amount of impervious surfaces by approximately 42 acres due to rooftops, driveways, sidewalks, and streets. [...]

The project applicant has developed ~~is in the process of developing~~ detailed on-site drainage designs and is including Low Impact Development (LID) applications to implement runoff reduction measures based on the Stormwater Quality Design Manual for the Sacramento and South Placer Regions (Appendix J Wood Rogers 2013a; Sacramento Stormwater Quality Partnership 2007). The Draft Drainage Study preliminary plans calls for LID runoff reduction features in the "T-Court" driveways, seven open space parcels to include stormwater planters, and three park sites which would be designed to collect local stormwater and drain to depressed on-site locations. [...] As the proposed project and subdivision maps proceed to final design, the applicant will continue to refine LID measures to be in compliance with City standards.

Overall, the proposed project would have a low potential to substantially degrade water quality due to the type of development being proposed (i.e., residential as opposed to industrial or service commercial), the existing drainage characteristics (i.e., low slopes and low potential for excess erosion and

sedimentation), and the LID features being proposed as part of the project that are consistent with ~~implementation~~ the City's SQIP. [...]

Detailed design of lot-level LID measures are provided in Appendix J and are in compliance ~~currently in development and have not been finalized to date, the project applicant would be required to comply with the City Stormwater Management and Discharge Control Code (Ord. 2004-042 Section 1; Ord. 98-007 Section 1), Grading and Erosion and Sediment Control Ordinance No. 93-068, and must implement BMPs to the maximum extent practicable, as outlined in guidance within the Stormwater Quality Design Manual for the Sacramento and South Placer Regions.~~

- 37-39: Commenter states the need for redundant pumps or independent power generation systems or additional detention capacity should be evaluated and 200 year and/or 500 year storm events should be analyzed.

The City of Sacramento drainage standards require redundant pumps and backup generators; the proposed project will be providing both in the on-site pump station. The existing Sump 99 has a redundant pump and the City's Department of Utilities has identified a Sump 99 Electrical Upgrade project to provide redundant power. The City standards do not require 200 year and 500 year storm events be analyzed for local on-site drainage systems. The localized 200 year and 500 year storm events are typically stored in the freeboard that is provided in the drainage detention basin, open space and park and streets that are at elevations below the proposed home structures.

- 37-40: The commenter questions the design of multiple pump stations described in the Master Stormwater Management Plan (see Appendix J) and asks if the pump stations will communicate by SCADA telemetry.

The commenter is correct, the pump stations will utilize SCADA telemetry to shut off during peak storm events to avoid overwhelming Sump 99. The on-site detention basins will contain peak flows when the pumps to Sump 99 are turned off.

The following modifications to the Draft EIR pages 4.5-47 and 4.5-48 more clearly describe the design of the on-site stormwater system and its relationship to the off-site Sump 99:

To minimize any impact to the existing off-site watershed (see Figure 4.5-4), a flap gate would be installed in the force main between the proposed on-site pump station and Sump 99. The intent of the flap gate is to halt stormwater flow from the project site to Sump 99 during times when off-site stormwater flows are high

and Sump 99 is near or at its design capacity. Specifically, when the stage (i.e., water level) within Sump 99 reaches 13 feet, the flap gate will close and on-site runoff would begin to accumulate within the detention basin (see Appendix J). The proposed on-site basin volume is designed to accommodate discharge from the proposed site for ~~an extended duration~~the duration that water levels within Sump 99 would remain above 13 feet under a 10-year 24-hour, 100-year 24-hour and 100-year 10-day storm event.

According to the project applicant's engineer, the 810 acre-feet of detention is sufficient to accommodate a 100-year, 24-hour storm (~~Appendix J~~Wood Rogers 20113a). ~~The City of Sacramento indicated that Sump 99 needed to be modified to include an electrical upgrade project (Wood Rogers 2013a).~~ The on-site pump station is expected to have a capacity of approximately two 5 cfs pumps for a total capacity of 108 cfs; a third pump would also be installed to serve as a backup. Under normal conditions, drainage from the site would be pumped to the existing Sump Station 99 (storm drainage pump station) located southeast of the project site at the northeast corner of Lanatt Street and C Street/Elvas Avenue. The additional flows from the project site are not expected to require capacity upgrades to the existing Sump 99. However, the City plans to modify Sump 99. However, the City plans to modify Sump 99 (or providing funding to the City for such modifications) to include backup power and telemetry for monitoring the pump system during storm events, to the extent that the City has not already undertaken such modification. ~~(or providing funding to the City for such modifications) to include backup power and telemetry for monitoring the pump system during storm events, to the extent that the City has not already undertaken such modification.~~

- 37-41: Commenter states model calibration of hydraulic models should be done as part of the Master Stormwater Plan and that the Master Stormwater Plan should include hydrologic and hydraulic calibration and verification of the model.

The project's drainage study will be reviewed and approved by the City's Department of Utilities, consistent with adopted City Standards.

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

- 37-42: The commenter asserts rainfall and runoff volumes for the 10 and 100-year storm events should be reported in “inches”.

The Master Stormwater Plan has been prepared consistent with the City’s Department of Utility requirements.

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

- 37-43: Commenter states the modeling results of the Master Stormwater Plan should be checked to ensure they are the result of model instabilities and not incorrect pump sizing.

The Master Stormwater Plan has been prepared consistent with the City’s Department of Utilities requirements and reviewed by the City.

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

- 37-44: The comment states Figure 4.6-5 does not depict a 16-foot tall wall and asks how desirable “outdoor” rooms will be with 16-foot tall walls.

The desirability of the project is not something evaluated in an EIR. It is the commenter’s opinion that a space enclosed by a 16-foot tall wall may not be desirable. The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 37-45: The comment notes that the Draft EIR identifies potentially significant interior noise levels within the residences located adjacent to Capital City Freeway.

The commenter is correct, however the Draft EIR concludes this potentially significant impact is less than significant after mitigation. The noise analysis indicates that at elevated second-floor façades of those residences located adjacent to Capital City Freeway, which would not be shielded by the proposed berm/wall combination, standard construction would be insufficient to provide the degree of noise attenuation necessary to achieve compliance with the City’s 45 dB L_{dn} interior noise level standard. Compliance with Mitigation Measure 4.6-5 would achieve compliance with the City’s interior noise level reducing the impact to less than significant.

37-46: The comment states that a review of the well water quality data contained in Appendix L finds no QA/QC data nor any laboratory data review.

The City has attached an example Analytical Laboratory report which presents the required Quality Control data on pages 11 through 22. The Laboratory report is presented in Appendix L-1.

Comment Letter 38

From: Antonia Chapralis <paraskaki@sbcglobal.net>
Sent: Monday, November 18, 2013 6:36 PM
To: Dana Allen
Subject: DEIR: proposed Mckinley Village

I'm responding to the DEIR for the proposed McKinley Village:

4.3 The Nisenan Indians should be honored and featured and showcased, not only protected, in this development as they are the core of our local history and heritage.

38-1

4.6 The noise study was not done during the State Fair. That's odd!

At the time it was done were any significant activities going on at Cal Expo like horse races, demolition derbies, or rock concerts? I live nearby and when there's an event at Cal Expo and the wind is just right, it sounds like everything is happening down the street!

38-2

4.7 The report failed to mention that the schools that the children in this proposed housing development could walk to, namely Theodore Judah and Sutter Middle School, are filled to capacity. It makes no sense whatsoever to make a territory transfer just so that there is less travel time to school when in fact these schools are impacted. SCUSD just closed 7 schools! I think that the numbers on Table 4.7-2 are simply incorrect.

38-3

4.9 I also doubt and question the timing of the traffic studies for two reasons:

- 1. It was done before the calming changes on J St. and Folsom Blvd. were completely implemented.
- 2. It was done from May through October which encompasses summer vacation. That's odd.

38-4

So many people are gone during that time that it skews the report! To really get a good count it should be done from September through December at least, and maybe even from January through Spring.

4.10 The proposed housing does not match nor correspond to East Sac or Midtown. No where in those two areas are there 3-car garages nor such an onslaught of BIG houses!

38-5

With sincere concern,
Antonia Chapralis

Letter 38: Antonia Chapralis, November 18, 2013

- 38-1: The comment states that the Nisenan Indians should be “honored and featured...not only protected.”

This is the commenter’s opinion regarding the protection of cultural resources. As indicated in Section 4.3, Cultural Resources in the Draft EIR, no recorded resources have been identified on the site (see Appendix E). In addition, no prehistoric resources have been located in previous archaeological surveys of the site (Maniery 1987, AES 2008, as cited in Appendix E). Based on an archeologist’s assessment, the site is likely not suitable for Native American occupancy. If any resources are unearthed during construction, Mitigation Measures 4.3-1(a) and (b) require that if any resources are encountered management recommendations would be developed to address handling the resource and if a Native American site is discovered the appropriate Native American representatives will be consulted. Under CEQA there is no requirement that cultural resources unearthed during construction be featured and showcased in some fashion.

- 38-2: The comment states that the noise report prepared for the project site was not done during the time the State Fair is held at Cal Expo or when other events were happening at Cal Expo that generate an increase in ambient noise levels.

The noise report prepared for the project (see Appendix I, Environmental Noise Assessment McKinley Village Project) measured ambient noise levels in various locations throughout the site and continuous noise monitoring was conducted over a 4-day period spanning August 23–26, 2013. Table 4.6-4 on page 4.6-9 of the Draft EIR provides the monitoring results. The existing ambient noise environment in the immediate project vicinity is defined primarily by traffic on Capital City Freeway and UPRR train operations. It is unlikely that intermittent noise from events at Cal Expo would significantly change the ambient noise levels at the site. In addition, CEQA does not require, nor is it feasible to capture all potential situations where noise could be generated, on a given day, with the correct weather conditions. Events at Cal Expo typically comply with the City’s Noise Ordinance that requires loud events to be over by 10 p.m. These types of infrequent events are short-term and do not contribute to the ambient noise environment.

- 38-3: The comment asserts that the Draft EIR fails to mention schools that are closest to the project site are at capacity and disagrees with school enrollment data provided by the Sacramento City Unified School District.

The project applicant requested a territory transfer from the Twin Rivers Unified School District (TRUSD) to the Sacramento City Unified School District (SCUSD), as described in Chapter 2, Project Description and Section 4.7, Public Services. The project applicant requested this transfer because schools within the SCUSD are located very close to the project site and would allow children to either walk or ride their bikes to schools within their neighborhood. The territory transfer was approved on December 17, 2013 (Resolution CC-13-02).

Please see Master Response 2 that addresses concerns regarding schools.

- 38-4: The comment questions the timing of the traffic study that was done for the project because it was done before the traffic calming measures on J Street and Folsom Boulevard were completed, and because it was done during summer break.

Please refer to Master Response 3 which explains that all traffic counts used in the Draft EIR analysis appropriately account for school-related traffic.

The commenter correctly states that some counts were completed before recent lane modifications on J Street and Folsom Boulevard, however this does not raise issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Per CEQA Guidelines Section 15125(a), "An EIR must include a description of the physical environmental condition in the vicinity of the project, as they exist at the time of the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." Select counts conducted in the eastern portion of the study area in October 2013 were completed after the implementation of these projects.

Although these projects were not in place during the collection of all baseline traffic counts (and therefore not fully accounted for in the Existing scenario), the projects were included in the cumulative year (2035) SACMET travel demand model. Therefore, the Cumulative and Cumulative Plus Project scenarios properly account for the reduction in travel lanes on J Street and Folsom Boulevard.

38-5: The comment asserts the proposed housing plans are not compatible with the East Sacramento or Midtown neighborhoods; which also do not include 3-car garages.

The project includes various housing plans (see Figures 2-4 through 2-19 in Chapter 2, Project Description) that provide a range of architectural styles derived from examples of existing homes in the older neighborhoods in Sacramento that include East Sacramento and McKinley Park. None of the proposed home plans include garages that are the main focal point of the home or include 3-car garages. Since release of the Draft EIR the project applicant has added 24 attached housing units and slightly reduced the overall number of single-family homes. Please see Chapter 2, Text Changes to the Draft EIR for more specific detail.

Comment Letter 39

From: Antonia Chapralis <paraskaki@sbcglobal.net>
Sent: Sunday, December 29, 2013 12:03 AM
To: Dana Allen
Subject: Proposed McKinley Village

Dear Mr. Allen,

I have some major problems with the proposed McKinley Village but I'd like to address two major issues that were erroneously covered in the draft EIR.

Number one would be TRAFFIC! The traffic study was partially done over the summer months when school traffic at Sutter Middle School and Theodore Judah School is non-existent. It did not cover holiday times when there is more activity and more car trips at the schools. It was also done during construction at Sutter Hospital. During that time, many people like me, I assume, avoided that general area and approached Alhambra Blvd. from Folsom Blvd. In addition, that traffic study was done before J Street and Folsom Blvd. were changed from 4 lanes to two. One only needs to drive on Alhambra, J Street, and Folsom Blvd. during peak hours, for example noon and 5:00, to experience the change in traffic. It has become very congested and slow and will only get much worse with all the extra traffic from the proposed

39-1

McKinley Village spilling onto our small East Sacramento streets. The result of all of those people driving to work and/or schools from this auto-centric proposed development (with no mass transportation) will be awful.

39-2

Number two is the issue of schools! When we moved into the Theodore Judah area many years ago we were sent to Caleb Greenwood school because Judah was impacted. Guess what. . . It still is. Children come from all over the district to attend Sutter and it works.

39-3

And it's full. That model situation should not be altered to satisfy a developer. Please note that his current EIR was done before Sac. City Unified closed seven schools!

This proposed development is NOT a good idea for many reasons but I've highlighted two major issues that will negatively affect the quality of life in our established Midtown and East Sacramento neighborhoods.

39-4

Sincerely,
Antonia D. Chapralis

Letter 39: Antonia Chapralis, December 29, 2013

39-1: The comment expresses a concern that the traffic study was done during times that did not capture the traffic issues in the adjacent areas.

Please refer to Master Response 3, Traffic Count Timing/School Traffic/Utility Work Disruptions for a response to this comment.

The commenter also expresses concern that recent lane modifications on J Street and Folsom Boulevard were not in place during the collection of the traffic count data.

The commenter is correct that some counts were completed before recent lane modifications on J Street and Folsom Boulevard, however this does not raise issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Per CEQA Guidelines Section 15125(a), "An EIR must include a description of the physical environmental condition in the vicinity of the project, as they exist at the time of the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." It should also be noted that select counts conducted in the eastern portion of the study area in October 2013 were completed after the implementation of these projects.

Additionally, although these projects were not in place during the collection of all baseline traffic counts (and therefore not fully accounted for in the Existing scenario), the projects were included in the cumulative year (2035) SACMET travel demand model. Therefore, the Cumulative and Cumulative Plus Project scenarios properly account for the reduction in travel lanes on J Street and Folsom Boulevard.

39-2: The comment expresses an opinion that the auto-centric nature of the project will contribute more cars on streets in East Sacramento.

The traffic analysis prepared for the project and included as Section 4.9, Transportation and Circulation evaluates traffic associated with the project and identifies mitigation to address potential impacts. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

39-3: The comment indicates that Theodore Judah Elementary School is at capacity and that the Sacramento City Unified School District has closed seven schools.

Please see Master Response 2 that addresses concerns associated with school capacity.

39-4: The comment expresses an opinion that the project will negatively affect the quality of life in the Midtown and East Sacramento neighborhoods. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Please see Master Response 10 that addresses livability as it relates to traffic.

Comment Letter 40

From: Tim Chapralis <tischapralis@sbcglobal.net>
Sent: Sunday, December 29, 2013 1:27 AM
To: Dana Allen
Subject: Proposed "village"

Dear D. Allen,

This is in regards to the proposed McKinley Village.

Why doesn't the developer put in entrances and exits off of the freeway? Because it's too expensive? Too bad! Do not spill all of those extra cars onto the streets of East Sacramento because they just can't handle more traffic. It's bad enough already.

The density of houses per acre does not match the nearby neighborhoods. That along with the proposed low building costs will hurt property values there and in surrounding neighborhoods. East Sacramento has been so great for so long. Please don't destroy it now. Make that parcel of land surrounded by the river, Cal Expo, the train tracks, the freeway, and the former dump, a continuation of the Sutter Landing Park.

Best regards,
Mr. Tim S. Chapralis

40-1
40-2

Letter 40: Tim Chapralis, December 29, 2013

- 40-1: The commenter questions why the proposed project does not include direct ramps to/from the Capital City Freeway (Business 80), and goes on to state that the project should not put additional cars onto the streets of East Sacramento.

The Draft EIR analysis contained in Section 4.9 does not include the provision of direct access between the proposed project and the Capital City Freeway (Business 80). However, as documented on page 4.9-63 of the Draft EIR, the cumulative (year 2035) traffic volumes account for planned transportation improvements in the vicinity of the proposed project. These improvements include the construction of Sutter's Landing Parkway, a planned east-west roadway extending between Richards Boulevard and 28th Street, and a new interchange between Sutter's Landing Parkway and the Capital City Freeway (both located to the west of the proposed project site). The construction of this new interchange would allow for trips generated by the proposed project to access the freeway via 28th Street and Sutter's Landing Parkway, and would not necessitate travel through existing neighborhoods in East Sacramento or Midtown.

- 40-2: The comment states that the project's density does not match the adjacent neighborhoods.

As discussed in the Draft EIR in Chapter 3, Land Use, Planning and Population, the approximate density in the nearby McKinley Park neighborhood near the project site is 7 du/ac and 14+ du/ac in the Midtown neighborhoods most proximate to the project. Since release of the Draft EIR the project applicant has added 24 attached units and slightly reduced the number of single-family residences thereby increasing the project density to 11.2 du/ac, see Chapter 2, Text Changes to the Draft EIR. There is no requirement that the project density match the adjacent neighborhoods in order to be compatible.

The comment also expresses an opinion that the quality of the project will hurt property values in the area and suggests developing the project site as a continuation of Sutter's Landing Park. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 41

Terry Kastanis
1400 41st Street
Sacramento, CA 95819-4041
Phone: ((16) 455-5682, tkastanis@comcast.net.

November 18, 2013

Dana L. Allen, Associate Planner
Environmental Planning Services
Community Development Department
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Regarding: **McKinley Village**

Dear Mr. Allen:

After reviewing the executive summary of the Draft Environmental Impact Report, there is no question in my mind that the CEQA guidelines have not been met and that there will be substantial negative impacts on the environment and these cannot be adequately mitigated if the project is approved. A **"No Project, No Development"** alternative should be adopted.

41-1

Significant negative impacts will result in poor air quality, noise and vibrations from automobile and train traffic, lack of public transportation, inadequate vehicular circulation and flooding from the combined sewer and storm water drainage if this project is built.

41-2

One merely needs to visit the site and observe the lack of access, the noise and air pollution from the automobile and train traffic, and the lack of connectivity to the surrounding neighborhood to realize that the DEIR was written in complete isolation of any physical observations or even a brief visit to the site. In other words, this DEIR is a textbook example of unsubstantiated plethora of technical jargon taken from any boilerplate CEQA document and applied to this project.

41-3

The thought of people living, children playing, and humans inhabiting this site as proposed by the developer is unacceptable. McKinley Village as proposed should be denied outright by the City of Sacramento.

41-4

Again, I urge the **"No Project, No Development"** alternative in this DEIR for reasons outlined above.

Sincerely,

Terry Kastanis

Letter 41: Terry Kastanis, November 18, 2013

- 41-1: The commenter states an opinion that the Draft EIR does not meet the CEQA Guidelines and that the project will result in substantial negative impacts on the environment and supports the No Project/No Development Alternative.

The commenter does not provide any evidence that supports the claim that the Draft EIR does not meet the CEQA Guidelines or that that project would result in significant environmental effects. The Draft EIR was prepared in compliance with the requirements set forth in the Public Resources Code 21000-21177 and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 1500-15387). The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 41-2: The comment states that the project will result in significant negative impacts on air quality, noise and vibration from cars and trains, lack of public transit, inadequate vehicle circulation and flooding from the City's combined sewer and storm drain system.

The commenter does not provide any evidence to support this claim nor indicate where the Draft EIR is deficient. The Draft EIR evaluates the effects of existing uses (e.g., adjacent freeway and rail lines) on future project residents as well as the effects of the project on existing resources. All potential impacts associated with the project are evaluated in Sections 4.1 through 4.10 in Chapter 4. Specifically, effects associated with air emissions and access to toxic air contaminants are evaluated in Section 4.1, Air Quality and Climate Change; effects associated with noise and vibration from cars and trains is evaluated in Section 4.6, Noise and Vibration; public transit and vehicle circulation is addressed in Section 4.9, Transportation and Circulation; and potential effects associated with the City's utility infrastructure are addressed in Section 4.8, Public Utilities.

- 41-3: The commenter indicates that the Draft EIR did not evaluate the feasibility of locating a residential development on this site and that the authors of the report did not visit the project site to observe access, noise from cars and trains, train activity, and lack of connectivity to the adjacent neighborhood.

The authors of the Draft EIR as well as the experts that prepared the various technical studies all visited the project site on numerous occasions to document the existing conditions present on the site and in the area in order to evaluate the change associated with construction and operation of the project, per CEQA Guidelines Section 15125 (a), that requires an EIR include a description of the

existing physical environmental conditions in the vicinity of the project site as they exist at the time when the Notice of Preparation is published. This “environmental setting” establishes the “baseline condition” against which project-related impacts are compared. The Draft EIR provides the required substantial evidence necessary to evaluate potential impacts associated with project construction and operation.

- 41-4: The commenter expresses the opinion that the project should be denied by the City and supports adoption of the No Project/No Development project alternative. The commenter’s opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 42

From: Jil Anderson <djsrdl5@comcast.net>
Date: Friday, December 13, 2013 10:38 AM
To: Bonnie Pannell <bpannell@cityofsacramento.org>, City of Sacramento <dfong@cityofsacramento.org>, "shansen@cityofsacramento.org" <shansen@cityofsacramento.org>, City of Sacramento <jschenirer@cityofsacramento.org>, Kevin McCarty <kmcCarty@cityofsacramento.org>, City of Sacramento <jschenirer@cityofsacramento.org>, Steve Cohn <scohn@cityofsacramento.org>, Allen Warren <AWarren@cityofsacramento.org>, "aashby@cityofsacramento.org" <aashby@cityofsacramento.org>
Subject: McKinley Village

Dear City Council:

We write today to once again address our concerns about the traffic through quiet neighborhoods, created by the McKinley Village project. No study was conducted to show the impact on F and G Streets. While we can appreciate the revenue stream from new property taxes and new residents who will spend money in Midtown, shouldn't the livability of Midtown as it currently exists be given weight in your decision. Because we live on F Street, we know what hazards exist in both parking and attempting to cross F Street during peak traffic hours. My wife has been nearly struck twice on F Street, pulling back as a speeding car did not appear to see her and our pets. There is also an increase in bicycle traffic in Midtown. God bless their initiative in biking to work, but understand more traffic will impact them as well.

42-1

We realize City Council is not in charge of how smoothly our Business Loop Freeways (Hwy 50 and 80 Business Loop) operate in terms of traffic flow. That you cannot control. What you can control is the traffic from new cars into Midtown. 1800 car trips per day is a pretty big number considering that the streets through the neighborhoods of Midtown are single lane roads.

42-2

We do not have all the answers, and it looks like already the owners are doing their site preparation work under the probable viewpoint their project has a total green light. Please carefully consider your options. . diverting traffic onto 29 or 30 roads, fewer units, frankly we don't know how you solve this. But we do know this: This project is not like reversing the traffic considerations for K Street and allowing cars. Once those homes are built, you have locked in a traffic situation forever, and most importantly permanently altered the livability of Midtown.

42-3

Thank you for your careful consideration,

Sincerely,

Don and Jill Anderson
 2619 F Street

Letter 42: Don and Jill Anderson, December 13, 2013

- 42-1: The commenter expresses concerns regarding “traffic through quiet neighborhoods” that would be generated by the proposed project, and goes on to state that the study did not include evaluation of F Street and G Street. The commenter also states concerns regarding neighborhood livability and bicycle safety.

Please refer to Master Response 5 for a response regarding why study facilities on F Street and G Street were not included in the Draft EIR and Master Response 10 regarding neighborhood livability.

As stated on page 4.9-61 of the Draft EIR, implementation of the project would not remove any existing bicycle facility or interfere with any facility that is planned in the 2010 City of Sacramento Bikeway Master Plan. The project applicant will construct bicycle facilities per City standards. Therefore, impacts to bicycle facilities are less than significant.

- 42-2: The commenter states that the City Council has the ability to prevent 1,800 car trips per day on single lane roadways through neighborhoods in Midtown.

As shown in the trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 41, 43), 52% of trips generated by the proposed project are projected to use the A Street access point, located at the western end of the proposed project. As documented on page 4.9-39, the total daily estimate of project-generated vehicle trips is 3,507. Therefore, approximately 1,800 trips will use the A Street access on a daily basis (52% of 3,507), and continue south into Midtown. The commenter is correct that the project approximately 1,800 additional trips within the Midtown neighborhood.

The impact of the project on local transportation has been analyzed and documented in Section 4.9 of the Draft EIR. The Draft EIR traffic analysis fully accounts for the effect these trips will have on Midtown streets and intersections consistent with the requirements of the City of Sacramento.

- 42-3: The comment states an opinion that the project is already approved but cautions that traffic is still a concern. The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. See Master Response 10 regarding neighborhood livability.

Comment Letter 43

From: Amy <aadeliti@gmail.com>
Sent: Tuesday, December 17, 2013 11:05 AM
To: Dana Allen; Steve Cohn
Subject: letter of concern about the proposed McKinley Village project

To: Dana Allen
Associate Planner, City of Sacramento
dallen@cityofsacramento.org

To: Steve Cohn
Councilmember District 3, City of Sacramento
scohn@cityofsacramento.org

From: Amy Anderson
1321 40th Street, Sacramento
aadeliti@gmail.com

Ms. Allen & Mr. Cohn:

I'm writing to express my opposition to the proposed McKinley Village housing development as designed.

The project is a car-oriented -- not a pedestrian-oriented -- development, and it will bring increased and harmful vehicle traffic to the supporting streets around it. The budding pedestrian nature of existing Midtown and East Sacramento neighborhoods should be valued, not threatened. Any sensible urban planner or architecture student should be well versed in the preciousness of walkable communities, even more so considering how very difficult they are to produce. Long before Jane Jacobs wrote her treatises that inspired New Urbanism, common sense taught people that walkable communities with a mix of commercial, artistic, and residential structures are livable, compelling communities. Adding more cars and requiring residents to drive even further to reach

43-1

amenities will severely and irrevocably harm the area. Sacramento should be protecting one of its most valuable resources and expanding upon its recent successes, not endangering it and them.

↑
43-1

The streets that would shuttle cars into the McKinley Village development are already over-taxed by cars; additional traffic would make them unpleasant and inhospitable to the types of new businesses and culture that have started to take root in our area. While I love riding my bike instead of driving my car, recent traffic increases have made many nearby roads congested, intimidating, and dangerous, making even simple errands a hassle unless done during the few non-congested times of day. I regularly hear people from tract-house communities in Natomas and West Sacramento express that they wished they lived in an area where they would walk to amenities. I've never heard anyone mention they wanted to live in an area where they could drive more, where they could sit in traffic more, where they could dodge more vehicles, inhale more exhaust, or navigate more parking lots. Your decision on McKinley Village can make the difference between encouraging a budding community and creating yet another block of houses besieged by traffic, isolation, and sterility.

43-2

Sacramento is long overdue to shine as the state capitol. It should look to cities that have succeeded in urban transformation -- like Portland, OR and Boulder, CO -- for how to do this. Strategies like reducing car-fed projects, supporting walkable communities with a mix of commercial and residential amenities, funding safe, clean, convenient public transportation -- all of these the items are well known and well proved recipes for urban success, and McKinley Village does absolutely none of them. Instead, it compounds the problem that so often, and so-unnecessarily makes Sacramento lackluster. Our city is blessed with a great climate, easy access to San Francisco, Lake Tahoe, the riches of Napa & Sonoma valleys, and proximity to world-class education in both Davis and Berkeley. We should be doing far better as a city. And we are not, in good part, because tract housing suppresses vitality.

43-3

Please help protect our community. Please help Sacramento grow into something that we -- and California -- can be proud of. Please help stop McKinley Village and set the precedent that new development must be quality development.

43-4

Amy Anderson

1321 40th Street, Sacramento

Letter 43: Amy Anderson, December 17, 2013

43-1: The comment asserts that the project is car-oriented versus pedestrian-oriented and additional traffic associated with the project will harm the area by requiring people to drive farther to reach various amenities.

Please see Response to Comment 18-53. The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

43-2: The comment states that the existing roadway infrastructure that serves the project site is already overburdened with cars and riding a bike in the neighborhood is becoming more dangerous.

The project applicant will construct bicycle facilities per City standards. Therefore, impacts to pedestrian and bicycle facilities are less than significant. The commenter's opinions regarding existing road congestion as it relates to bicycle travel does not raise issues regarding the physical effects of the project on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

43-3: The commenter is expressing the opinion regarding the City's overall approach to development and refers to Portland, Oregon and Boulder, Colorado as examples of cities she considers to be well-planned. The commenter's opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

43-4: The commenter is stating her opinion that the project not be approved. The commenter's opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 44

From: KB <quebeen@ymail.com>
Sent: Tuesday, December 17, 2013 9:56 AM
To: Dana Allen
Subject: McKinley Village EIR project question

Hello Dana ~

I understand you are the person to whom I should direct comments on the draft EIR regarding the proposed McKinley Village project.

I would like to know how the project may potentially affect the need/demand for a proposed Richards Boulevard Connector road between the I-5 and Business 80 highways, as I believe is envisioned by the City's General Plan, and how the McKinley Village Project may affect the potential technical or financial feasibility of constructing the connector road.

|
44-1
|

Thank you.

Kevin Baker
2225 C Street
Sacramento, CA 95816

Letter 44: Kevin Baker, December 17, 2013

44-1: The commenter questions how the proposed project would affect the need/demand for a planned east-west roadway extending between Richards Boulevard and Business 80 (Capital City Freeway), and how the project would affect the feasibility of constructing this roadway.

The commenter is presumably referring to the planned Sutter's Landing Parkway project, which is included in the City's 2030 General Plan. As documented on page 4.9-63 of the Draft EIR, the cumulative analyses accounts for the planned Sutter's Landing Parkway project. Please refer to Draft EIR pages 4.9-73 through 4.9-92 for the analyses pertaining to the Cumulative Plus Project scenario, which accounts for the cumulative effects of Sutter's Landing Parkway and the proposed project, in addition to other planned infrastructure projects and land development projects in the area.

As depicted in the City of Sacramento 2030 General Plan, this roadway would not extend beyond the Capital City Freeway (Business 80), and would not connect through the site of the proposed project.

Comment Letter 45

From: Tom M <gr8jibe@yahoo.com>
Sent: Tuesday, December 17, 2013 12:08 PM
To: Dana Allen
Cc: Steve Hansen; Tom Buford
Subject: Re: McKinley village - Alhambra tunnel

Hello Dana - Yes , this is my comment on the McKinley Village draft EIR.
 I will do a little more research on the cheaper tunnel construction alternative - so I will be prepared for the developers response.
 Thanks , Tom Meagher Sacramento

SEE: CITY OF DIXON, DEPARTMENT OF PUBLIC WORKS
 PARKWAY BLVD GRADE SEPARATION PROJECT
 City Project No. 2003-12
 TUNNEL(UNDERPASS) ALTERNATIVE ASSESSMENT
 Executive Summary

The extension of Parkway Blvd includes a grade separation of the existing Union Pacific Railroad (UPRR) tracks and of existing Porter Road, passing through UPRR, Solano County, and City of Dixon rights-of-way (R/W). Structure types considered for use at this project location are an overhead and an underpass (tunnel alternative). Based on preliminary investigations, the overhead was selected as the most feasible alternative. However, as a result of comments received during public outreach meetings, the feasibility of a tunnel crossing was further investigated.

Two tunnel construction methods were investigated:

1. Cut-and-cover construction: Cut-and-cover construction consists of building the entire tunnel in place in an open pit while UPRR traffic is detoured along temporary tracks (shooflies) and existing utilities are relocated or temporarily supported.
2. Bore-and-jack construction: Bore-and-jack construction consists of building the tunnel in segments in a pit adjacent the crossing location and jacking the segments into the final configuration under the live UPRR tracks and existing utilities

Tunnel Alternative Assessment
 Parkway Boulevard Grade Separation Project
 City Project No. 2003-12
 PRINTED 11/7/2006 14

PAGE 14:

Jacking beneath the UPRR tracks requires extensive coordination with UPRR, including several plan review periods, which can delay the beginning of construction by ten to eighteen months. However, once construction begins and a reserve of segments is cured, tunnel bore-and-jack operations should proceed at a moderate pace.

Based on discussions with contractors, review of the site conditions, and comparative costs from similar type construction, it is estimated that the tunnel will cost anywhere from \$3,000,000 to \$6,000,000.

45-1

From: Dana Allen <DAllen@cityofsacramento.org>
To: Tom M <gr8jibe@yahoo.com>
Cc: Steve Hansen <SHansen@cityofsacramento.org>; Tom Buford <TBuford@cityofsacramento.org>

Sent: Tuesday, December 17, 2013 9:40 AM
Subject: RE: McKinley village - Alhambra tunnel

Hello Tom,

I received your email. We are currently taking comments in writing on the analysis in the Draft EIR for the project. Is this your comment on the EIR? All of the comments are reviewed by the city staff team, consultants, and the applicant team. They will be inserted into the Final EIR with responses to each comment. Please let me know if this is your comment and I will process the comments in accordance with our standard procedures.

Thank you,
Dana

From: Tom M [mailto:gr8jibe@yahoo.com]
Sent: Saturday, December 14, 2013 6:29 PM
To: Dana Allen
Cc: Steve Hansen
Subject: Fw: McKinley village - Alhambra tunnel

Please let me know via email if you received this email and exactly how you will follow up with the developers.

Thank you Tom Meagher Sacramento

----- Forwarded Message -----

From: Tom M <gr8jibe@yahoo.com>
To: "SHansen@cityofsacramento.org" <SHansen@cityofsacramento.org>
Sent: Thursday, December 12, 2013 11:35 AM
Subject: McKinley village - Alhambra tunnel

Hello Steve - I attended the Dec 11 meeting but did not get a chance to speak.
As an engineer, I am concerned about the lack of information available to the public.

I heard from many meeting attendees that an Alhambra tunnel would solve a lot of problems.
But the developers say its infeasible and would cost about \$30 million.
City staff believe this number , but I question if this is an honest cost estimate.

The developer claims a cut and cover approach is needed and that a temporary bridge over I-80 is needed to build the tunnel.
A tunnel boring approach would be much cheaper and less disruptive. A similar project in Dixon using boring is estimated at 6 million.
The CSUS pedestrian underpass at elvas was constructed with out disturbing tracks..in spite of initial protest by UPRR.
If the 40th st tunnel is feasible , why not Alhambra?

Please ask the developer for a study of alternatives of the Alhambra tunnel including a bore and jack approach to the Alhambra tunnel.

Thank you Tom Meagher Sacramento

Letter 45: Tom Meagher, December 17, 2013

45-1: The comment is referring to the undercrossing at Alhambra Boulevard for vehicles and cites a construction method used for a project in the City of Dixon that also required construction of an underpass.

Master Response 1 addresses the infeasibility of a bridge/roadway underpass and also addresses the infeasibility of the construction methods noted in the comment.

Comment Letter 46

Hi Ms. ALAGOZIAN -

AS PER THE REQUEST BY City Staff @ the meeting of 12/12/13 RE THE MCKINLEY VILLAGE EIR, I AM SUBMITTING MY ^{mitigation proposal} COMMENT IN WRITING - SEE THE ATTACHED MAP AND SUGGESTED REALIGNMENT OF ALHAMBRA BLVD AT 'B' Street.

AT AN EARLIER MEETING RE THE PROPOSED DEVELOPMENT - I POSED THE ~~REALIGNMENT~~ BORING OF A TUNNEL AT ALHAMBRA AS THE MOST PRACTICAL SOLUTION TO PROVIDE A SECOND MEANS OF ACCESS TO THE DEVELOPMENT RATHER THAN THE 'A' Street Bridge. AT THAT TIME MR ANGELIDES (SP) SAID A TUNNEL @ ALHAMBRA WAS PROHIBITIVELY EXPENSE SINCE ALHAMBRA Blvd. WAS TOO CLOSE TO BUSINESS 80 FOR THE PROPER SHORING & SAFETY MEASURES TO BE PUT IN PLACE.

I FEEL THAT A REASONABLE REALIGNMENT OF Alhambra Blvd @ 'B' Street could/would reduce the prohibitive EXPENSE TO A "REASONABLE EXPENSE" AND ALLOW A TUNNEL TO BE BORED AT ALHAMBRA.

Alhambra is an 80' street; The realigned & of Alhambra would be MOVED A MINIMUM OF 70' EASTWARD. This ≈ 70± FEET MIGHT JUST BE ENOUGH TO ALLOW ^{the} reasonable cost for ~~the~~ ^{an} Alhambra Tunnel BORE. NOTE THAT THE TWO SINGLE FAMILY HOMES MOST EFFECTED BY THE REALIGNMENT ~~would~~ NOT HAVE TO BE DEMOLISHED. BOTH COULD BE "MOVED" TO GENEROUSLY SIZED LOTS CREATED FROM WHAT WILL PROBABLY BE AN ABANDON PORTION OF ALHAMBRA Blvd.

gardengirlie att.net
 ✓ cc: STEVE HANSEN
 John Hickey
 2508 'E' Street, 95816
 (916) 446-1768

46-1

Letter 46: John Hickey, December 18, 2013

46-1: The comment is referring to the undercrossing at Alhambra Boulevard for vehicles and suggests using a boring method to construct the undercrossing which would be less expensive.

Please see Master Response 1 that addresses the infeasibility of a bridge/roadway underpass and also provides an evaluation of the “jack and bore” method suggested in the comment.

Comment Letter 47

William E. Reany

432 Lovella Way / Sacramento, CA 95819-2410 / [916] 452-7252 / <werlin@macnexus.org>

December 18, 2013

Statement to Community Development Department, City of Sacramento, in regards to the McKinley Village proposal DEIR Traffic Study. Specific Area discussion: 40th Street between McKinley Blvd. and "H" Street.

Specific issue: Cumulative traffic load effects of McKinley Village proposal upon the portions of 40th Street directly to the North of "H" Street and Mercy Hospital.

Personal introduction: Retired from career as a regional economic analyst. Resident of 566 - 40th for 33 years [between 1979 and 2011], and former representative of record for the East Sacramento Improvement Association on traffic matters relating to the then-proposed Centrage project during the early '90's.

I write today as a long-standing resident of 40th Street, and to register my contention that the proposed DEIR traffic study for the McKinley Village project has skirted an area which deserves a mitigation plan for the Village's cumulative traffic effects. In large part, this has occurred simply because the Traffic Study staff initially chose a restrictively small traffic study area to the South of "C" St., despite the well known and long-standing traffic problems of "H" Street to the East of its intersection with Alhambra Blvd. [This is touched on briefly in DEIR Table 4.9.10] and the residential streets to the North of Mercy Hospital which end there.

47-1

The need for special attention to the segments of 40th Street to the South of McKinley Blvd. and north of "H" St. is not an issue for conjecture but instead a long-standing fact of history. Parking demands relating to Mercy Hospital fill the neighborhood, both from hospital staff and individuals visiting patients in the Mercy Hospital's convalescent center [which is directly across the street from the local end of 40th St. This in turn causes peak-hour congestion around the intersection of 40th and "H", particularly before 10 AM and after 4 PM, when off-day shift Mercy parkers have no fear of two-hour parking zone violations and park more closely to "H" than the existing parking regulation allows during business hours. Although 40th Street -- as shown in the DEIR -- is a two-lane road by design, the location of two parked cars directly opposed to each other on the street effectively reduces the width of the road to only one lane. This requires motorists to stop-and-go -- on a first-come, first-served basis -- in order to pass each other while driving in the opposite direction. In addition, 40th Street is located roughly half-way between the traffic signal @ 39th Street and the sharp "S" turn on "H" Street between 42nd and 43rd Streets. This allows speeds higher than the 30 MPH limit on "H" St., making left-hand turns from 40th and pedestrian traffic across "H" both difficult and even hazardous. Similar problems of lesser but nonetheless demonstrable degrees are experienced during peak hours on both San Antonio and San Miguel Ways and 41st St. as well.

47-2

Recommendations:

I don't see changes in parking policy to be a substantial help in the peak hour traffic problems here, since there isn't justification for parking enforcement for would-be parkers arriving before 8 AM or after 4 PM: It would surely prove to be wasteful and expensive to patrol such a limited area around the hospital. Nor do I think that anyone who lives in the affected part of 40th would wish to punish visitors to the Mercy Rehabilitation Center for their desire to find parking close to the beds of their friends and loved ones.

47-3

Page Two

Accordingly, I would like to suggest the addition of a single traffic diverter designed to prevent entry of southbound traffic onto 40th Street at its intersection with "D" Street [which serves as a parallel arterial to "H" St. between McKinley Blvd. and ultimately over "C" St. to Elvas Ave. to the West]. Similar diverters would not be required for either San Antonio or San Miguel Ways, since both already have disconnections between "C" Street and "H" Streets and neither directly flows from the entry roadway of *McKinley Village* from the "C" Street side. And residents of 40th south of the diverter can return home reasonably easily via the short "E" St. connection between San Antonio Way and 41st St.

Such a diverter with the appropriate signage would be a one-time expenditure, and one of relatively modest cost at that.

Thank you for your consideration of my thoughts on this matter. I would be quite interested in discussing my ideas further with you, and request that you keep me apprised of any actions taken on the issue as events unfold.

Yours truly,

// [Signature]

William E. Reany

↑
47-3
Cont.

Letter 47: William E. Reany, December 18, 2013

47-1: The commenter states that the Draft EIR includes a small study area “despite the well-known and long-standing traffic problems of H Street to the east of its intersection with Alhambra Boulevard.”

As stated on page 4.9-3 of the Draft EIR, study facilities were selected based on the project’s expected travel characteristics (i.e., project location and amount of project trips) as well as facilities susceptible to being impacted by the project. During the NOP comment period, the study area was expanded to include several additional local street facilities in response to comments received. The Draft EIR includes evaluation of 32 intersections, 19 roadway segments, and 8 freeway facilities.

These studied facilities include the H Street/Alhambra Boulevard intersection. As stated on page 4.9-25 of the Draft EIR, The H Street/Alhambra Boulevard intersection currently has the highest level of delay within the study area, and operates at LOS F during the AM peak hour under existing conditions. The westbound approach to this intersection is the most heavily delayed approach during the AM peak hour, consistent with field observations that identified substantial queuing on westbound H Street adjacent to McKinley Park, extending from the H Street/Alhambra Boulevard intersection.

The Draft EIR fully accounted for potential project impacts to the portion of H Street located east of Alhambra Boulevard. The project was found to have a significant impact to the H Street/Alhambra Boulevard intersection under both the Existing Plus Project and Cumulative Plus Project scenarios, and mitigation measures are included in the Draft EIR. As documented on pages 4.9-60 and 4.9-90, these mitigation measures would reduce impacts at this location to a less-than-significant level.

47-2: The commenter states that the segments of 40th Street located to the south of McKinley Boulevard and north of H Street require attention due to parking demands associated with Mercy Hospital. The commenter goes on to state that these parking demands result in peak hour congestion at the H Street/40th Street intersection, and that high speeds on H Street reduce the ability of drivers to make left turns from side streets and make it difficult for pedestrians to cross the street.

The commenter’s concerns focus upon existing issues that are unrelated to the implementation of the proposed project. The comment is forwarded to the decision makers for their consideration.

47-3: The commenter states that he does not believe that parking enforcement in the area surrounding Mercy Hospital would be an effective use of resources to address parking/traffic concerns in that area, and that instead, a “single traffic diverter designed to prevent entry of southbound traffic onto 40th Street at its intersection with “D” Street” should be installed. He goes on to state that similar diverters would not be necessary on San Antonio Way or San Miguel Way.

As documented on pages 4.9-37 and 4.9-38 of the Draft EIR, the City of Sacramento has a Neighborhood Traffic Management Program (NTMP) in place that allows neighborhoods to petition the City to install traffic calming devices. The Meister Way neighborhood, which encompasses portions of 40th Street and D Street, has completed this process in the past. Additional traffic calming devices in this area would be evaluated through the NTMP process after the identification of new issues related to safety, traffic speed, etc.

Comment Letter 48

From: Alan Parker [mailto:enggraphx@comcast.net]
Sent: Thursday, December 19, 2013 2:42 AM
To: Jerry Way
Subject: Alhambra/UPRR Undercrossing/Bus I-80 Onramp and McKinley Village West Access

Dear Mr. Way,

Please find attached:

- 1. One (1) text file – P1-Will McKinley Village Obstruct Essential State Highway and Rail Projects.pdf – Questions future highway and rail easement expansion requirements.
- 2. One (1) text file – McKinley Village West Access-6.pdf – Introduces the Alhambra option as a viable access alternative for McKinley Village.
- 3. One (1) drawing file – Caltrans Ramps 11-19-RV5.pdf - The drawing file demonstrates the proposed partial and full Caltrans Bus I-80 widening projects that incorporates the Alhambra option and is the electronic version of the drawing you received during our meeting with Steve Cohn in his office.
- 4. One (1) text file – Proposed Extension of Alhambra Boulevard-5JW.pdf – A support document that briefly describes the Caltrans Ramps drawing and comments on a few general Alhambra related issues.

48a-1

We understand this is a very hectic time for your department and do not wish to distract you from your other tasks at hand. We appreciate your consideration and interest in reviewing the Alhambra option as a viable alternative. We are well aware that there several cards under the table, but also understand that their implementation may be 15 to 20 years out due to the land fill cap.

Wishing you and your family all the best this holiday season,

Alan Parker
East Sacramento
916-452-0186
enggraphx@comcast.net

I do not believe what follows requires any explanation, as you have been in the business long enough to recognize it immediately.

This is a profound quote from a state agency official during an informal interview:
"It is a known fact that once a perfect idea passes into the body of the political dialectic, it will reemerge unrecognizable,... if it reemerges at all."

McKinley Village West Access:

The 28th Street Surface Crossing of UPRR via the ‘A’ Street Bridge Overpass of Bus I-80 vs. an Alhambra Connection Undercrossing of UPRR

Introduction

The comments, recommendations and scenarios presented herein are the result of a collaboration of likeminded impartial to pro-infill development professionals. All participants have dedicated their time and expertise in analyzing a multitude of factors associated with the McKinley Village project, with a specific focus on improving site access. Our objective was to take a fresh nonbiased approach in developing a realistic scenario that would drastically improve the overall traffic ingress/egress balance expected from the McKinley Village development.

All participants concur that the primary flaw in the current McKinley Village proposal is its failure to adequately address alternate access options that would substantially improve the development’s access and drastically reduce its anticipated East Sacramento/Midtown impacts. The access modification(s) that we are recommending vastly improve traffic flow by promoting balanced traffic dispersion through the opening of access locations that are destination specific. In other words, our recommendations indicate a method by which McKinley Village ingress/egress will be kept to the periphery of East Sacramento and thereby drastically reduce the use of residential streets, as is anticipated with the currently proposed access configuration using 40th Street and 28th Street.

What follows addresses what we have found to be the most critical unresolved McKinley Village issue. The issue under scrutiny is improved connectivity that would be realized with an Alhambra Blvd connection to McKinley Village and Bus I-80. We respectfully request that you consider our argument and proposal in full.

Identifying McKinley Village’s Access Imbalance

As currently proposed, McKinley Village designates two site access locations, a 28th Street surface crossing of the UPRR via the ‘A’ Street Bridge overcrossing of Bus I-80 and a newly created 40th Street/‘C’ Street false intersection via a newly constructed UPRR undercrossing structure.

Based on an impartial independent analysis of these two proposed access points, it is estimated that 35% of future McKinley Village residents would initially use the 28th Street access, with 65% opting to use the 40th Street access. In the event of repetitive delays, injuries or fatalities occurring at the 28th Street/UPRR access, use of that location would decrease with a corresponding increase of use occurring at the 40th Street/‘C’ Street access.

We propose the elimination of the unsafe 28th Street/UPRR access option in favor of an Alhambra access option that would also serve as the new Bus I-80 onramp, when Caltrans removes East Sacramento’s existing ‘E’ Street onramp with their current (partial) or future (full)



plan to widen Bus I-80. If the onramp issue is not addressed and resolved at this juncture, the land required for an Alhambra onramp easement will be lost with the construction of the McKinley Village development.

↑
48-2

Alhambra Undercrossing Access and Bus I-80 Onramp – Serves a Dual Purpose

Riverwest (the McKinley Village developer), has stated that the construction of an Alhambra undercrossing of the UPRR is cost prohibitive and technically infeasible. This would be an accurate statement only if an Alhambra access connection to McKinley Village were to remain its only stated purpose.

↑

An Alhambra undercrossing is the only viable option that would jointly function as a McKinley Village access point and serve as a replacement for the Bus I-80/'E' Street onramp. As stated previously, the Bus I-80/'E' Street onramp is scheduled for Caltrans removal with both the 'partial' or 'full' Bus I-80 widening projects. It is an obvious fact that the removal of the existing 'E' Street onramp without providing a replacement onramp at an alternate location would result in serious traffic problems for all of East Sacramento. What we urgently suggest is that the City of Sacramento formally designate the Alhambra Blvd extension undercrossing of the UPRR as the location for the replacement Bus I-80 onramp. With that declaration of intent, additional funding options would become available in sharing the construction costs. Riverwest would then be responsible for only a negotiated percentage of the total Alhambra undercrossing costs, which could easily be recouped by a small increase of their development's density.

48-3

A future Alhambra onramp connection to Bus I-80 must be given the highest priority by the City of Sacramento. We advise that the City recognize and declare the need for a future Alhambra/Bus I-80 onramp and that it be represented in the current McKinley Village proposal. We recommend that it be incorporated within the McKinley Village proposal prior to any serious consideration of the project's approval.

Direct Benefits of an Alhambra / Bus I-80 Onramp Connection

Please consider the many advantages associated with the construction of an Alhambra/Bus I-80 onramp occurring in conjunction with the McKinley Village development:

1. An Alhambra access would facilitate balanced traffic dispersion via destination specific access points:

- a. McKinley Village ingress/egress using Alhambra south to destinations: Bus-I-80 south to Hwy 99, Hwy 50, US I-5, Midtown, Downtown and all points south & west. Est. use: 40%
- b. McKinley Village egress using Alhambra/Bus I-80 north onramp to destination: Bus I-80 north & east, US I-80, Cal Expo, Arden Fair and points north and east. Est. use: 30%
- c. McKinley Village ingress/egress using 40th Street/'C' Street east to destination: 'C' Street, Elvas Ave, McKinley Boulevard, 65th Street, 'H' Street, 'J' Street, CSUS, Hwy 50 and points south and east. Est. use: 30%

48-4

- With access at 28th Street and at 40th Street, as currently proposed, traffic dispersion is not destination specific and, rather than promoting access at the periphery of East Sacramento, it promotes the use of residential streets in both Midtown and East Sacramento as a means of migrating to the easiest route to gain access to a specific destination.

48-5
- 2. East Sacramento and Midtown will be guaranteed a convenient future east-bound Bus I-80 access when the existing ‘E’ Street onramp is eliminated by Caltrans.

48-6
- 3. The UPRR surface crossing at 28th Street/’A’ Street bridge overcrossing of Bus I-80 would not be used for McKinley Village vehicular access, therefore Midtown would not experience any traffic increase from the new residential development. The dangers and potential inconvenience posed by the UPRR surface crossing at 28th Street for McKinley Village residents would be eliminated. If the UPRR surface crossing at 28th Street remains a point of access for McKinley Village, several rail representatives have commented frankly that it would be a matter of time before an injury or fatal incident occurs at that rail crossing.

48-7
- 4. With the elimination of motorized vehicle use of the ‘A’ Street bridge overcrossing of Bus I-80, its use would be restricted to pedestrians and bicycles only. The existing east approach ramp embankment to the ‘A’ Street Bridge would be removed and reconfigured in such a manner so as to provide safe pedestrian and bicycle access to Sutter’s Landing Park and 28th Street via the ‘A’ Street Bridge. Funding expenditures currently earmarked by the developer for the ‘A’ Street Bridge/28th Street improvements and the proposed Alhambra pedestrian and bicycle undercrossing of the UPRR can be redirected to the construction of the Alhambra vehicular, pedestrian and bicycle undercrossing of the UPRR.

48-8
- 5. An Alhambra connection will facilitate improved fire, police and ambulance access/response to the McKinley Village site.

48-9
- 6. The western end of ‘A’ Street located within McKinley Village would connect directly to Alhambra extension. Its connection with the Alhambra extension would offer future McKinley Village residents two options of egress (Alhambra south, to Bus I-80 south to Hwy 50/Hwy 99, Midtown, Downtown and, via the onramp, to east-bound Bus I-80 and destinations to the north and east).

48-10
- 7. With the construction of an Alhambra connection and the elimination of the 28th Street surface crossing of the UPRR, mass transit would be provided safe access and an incentive to provide future service to the residents of McKinley Village.

48-11
- 8. When the expected traffic increase from the McKinley Village development is considered in combination with the impending loss of the Bus I-80/’E’ Street onramp, East Sacramento / Midtown residents, neighborhood groups, businesses and political representatives should immediately recognize the importance of an Alhambra option and strongly support the inclusion of an Alhambra/McKinley Village/Bus I-80 connection within the framework of the McKinley Village proposal.

48-12

9. By adopting an Alhambra Boulevard/Bus I-80 onramp connection and the elimination of the 28th Street/UPRR surface crossing, we conclude that a strong majority of Midtown and East Sacramento residents would be more receptive to the McKinley Village development concept.

48-13

Site access, which has historically been the Achilles-heel of the McKinley Village parcel, remains inadequate and reflects substandard planning. The question remains, is the City of Sacramento prepared to approve a highly desirable project with inferior access in order to accommodate the project developer's bottom-line? This is the scenario that the City must evaluate carefully. The development is not the issue, achieving safe access with balanced connectivity is.

48-14

Thank you for your close consideration of this proposal. We believe it represents a vastly improved method by which a desirable McKinley Village project can be seamlessly integrated into the northern portion of East Sacramento.

If you have any questions, concerns or suggestions regarding the information presented in this document please contact:

Alan L. Parker
East Sacramento, CA 95819
(916) 452-0186
eMail: enggraphx@comcast.net

File: McKinley Village West Access-6
Rev. Date: 11-04-2013, 12:259 AM

Drawing Summarization with General Comments
McKinley Village: Alhambra Boulevard / 40th Street Access Based on a Proposed Unconventional Bus I-80 Interchange

Introduction

What follows is a summarization of several project parameters associated with the extension of Alhambra Boulevard. The extension of Alhambra would serve the dual purpose of providing an improved western access point for the proposed McKinley Village development and also function as a future onramp to Bus I-80 (to northeast), based on a proposed unconventional Bus I-80 Interchange. **The full concept is schematically illustrated on the drawing entitled: McKinley Village – Alhambra Blvd/40th Street Access Based on Proposed Unconventional Bus I-80 Interchange, File ID: Caltrans Ramps 11-19-RV5.cdr, Dated: December 07, 2013. (See Attached)**

The Drawing

The background used in the drawing is based on a Google aerial photograph from 2010. Also shown is the proposed configuration of the Sutter’s Landing Park, as it is envisioned to develop within a 2015 – 2030 timeframe.

Overlaid on the background are two conceptual scenarios that illustrate the two phases of construction that would be required to fully implement an unconventional Business I-80 interchange adjacent to the existing Bus I-80/’A’ Street Bridge.

Phase 1 - to be constructed in 2014-2015, is represented in yellow. This phase would coincide with the Caltrans partial expansion project of Bus I-80 and include an Alhambra Bus I-80 onramp.

Phase 2 - to be constructed in 2025-2030, is represented in orange. This phase would coincide with the Caltrans full expansion project of Bus I-80 and include a 29th Street offramp.

Line segments shown in white indicate the McKinley Village eastern access at 40th/’C’ Streets and east to west internal circulation. Construction of the McKinley Village elements would occur within the Phase 1 2014-2015 timeframe.

Phase 1 Description

The proposed Phase 1 improvements would occur exclusively on the south and east side of Bus I-80 during the currently proposed Caltrans partial widening project, anticipated for 2014-2015. Construction of the extension Alhambra Boulevard would occur during this phase and start at the alleyway between ‘B’ and ‘C’ Streets. It would proceed north, pass under the existing UPRR alignment via an undercrossing structure and connect to the western terminus of McKinley Village’s ‘A’ Street. From this new intersection of ‘A’ Street/Alhambra Blvd., the alignment would arc to the north/east and connect to Bus I-80 via a new merge lane that would parallel Bus I-80 along the northern boundary of McKinley Village.



This new alignment, between the new 'A' Street/Alhambra intersection and the freeway, would become the new one-way Alhambra onramp and replace the existing Bus I-80/'E' Street onramp.

With the implementation of Phase 1, all vehicular access to the 'A' Street Overcrossing of Bus I-80 would be eliminated. The extended Alhambra Boulevard would then provide two points of egress and one point of ingress and would eliminate 28th Street/UPRR at grade crossing as a McKinley Village's west access point. From the McKinley Village side of Bus I-80, the existing earth ramp, currently used to access the 'A' Street Bridge Overcrossing of Bus I-80, would be removed and reconfigured to provide a paved trail for pedestrian and bicycle access only.

It must be emphasized that the Alhambra / Bus I-80 onramp cannot coexist with an 'A' Street/Bus I-80 Bridge vehicle overcrossing; Elevation differences and space constraints render such a concept infeasible.

With the completion of the Alhambra Bus/I-80 onramp during the Caltrans partial widening project, the existing 'E' Street/Bus I-80 onramp would then be abandoned and removed. Prior to the removal of the existing 'E' Street Bus I-80 onramp, Caltrans would have to complete construction of the Alhambra onramp alternative. The extension of Alhambra appears to be the least expensive and most viable option to provide McKinley Village with an improved western access location and facilitate a future Bus I-80 onramp.

As stated in a previous document, **"An Alhambra Connection will vastly improve traffic flow by promoting balanced traffic dispersion through the opening of access locations that are destination specific. McKinley Village ingress/egress would be kept to the periphery of East Sacramento and thereby drastically reduce the migratory traffic use of residential streets to access primary destination arterials, which is anticipated to occur with the current proposed access configuration of 40th Street and 28th Street."**

Phase 2 Description

The proposed Phase 2 improvements would occur exclusively on the north and west side of Bus I-80 during the Caltrans full widening project, anticipated to begin in 2025-2030. Construction of this phase would be contingent on the degassing/stabilization status of the Sutter's Landing Park landfill.

Construction would be initiated with a new Bus I-80 offramp that would be located directly opposite of the Alhambra onramp. An offramp transition alignment from Bus I-80 would arc to the southwest and then arc to the west to intersect the existing 'A' Street right-of-way easement. The one-way offramp would terminate to create a new intersection with the extension of 29th Street. From this intersection going south, the alignment would pass under the existing UPRR rail easement and connect to the existing 29th Street, with new construction terminating at the existing intersection of 29th and 'C' Streets. From the new intersection of 29th Street and the Bus I-80 offramp, the existing 'A' Street alignment would continue to the west until it intersects the existing 28th Street/Sutter's Landing Park access road.

With the completion of the 29th Street/ Bus I-80 offramp during the Caltrans full widening project, the existing 'E' Street/Bus I-80 offramp could then be abandoned and removed.



48-15
Cont.

Due to the existing ground surface grades, extensive excavation would be required to facilitate the construction of the 29th Street/UPRR undercrossing and the 29th Street/I-80 Offramp/'A' Street intersection. The excavation would require the construction of substantial retaining wall structures adjacent to the landfill cap and the UPRR embankment. From the new sub-grade 29th Street/I-80 Offramp intersection, the 'A' Street alignment would meet existing grade at the 28th Street/'A' Street intersection to access Sutter's Landing Park.

Upon completion of the Bus I-80 offramp, 29th Street undercrossing of the UPRR and the connection of 'A' Street to the Sutter's Landing Park access at 28th Street, the existing 28th Street at grade (surface) crossing of the UPRR would be abandoned and removed.

The Caltrans full Bus I-80 widening project (2025-2030) would afford an opportunity to abandon and remove the existing substandard 'A' Street Bridge structure. Pedestrian and bicycle access over Bus I-80 could be provided with a dedicated independent structure or as an added attachment to the UPRR rail alignment expansion/ Bus I-80 overcrossing anticipated to occur within the same time frame as the full Bus I-80 expansion.

Potential Intersections Requiring Traffic Signal Installation

Phase 1- 40th Street / 'C' Street, Alhambra Blvd / 'A' Street / Alhambra Blvd Onramp and Alhambra Blvd / 'C' Street.

Phase 2 – 29th Street / 'A' Street / 29th Street Offramp.

48-15
Cont.

General Comments:

It must be reiterated that we are not opposed to McKinley Village or any other Sacramento infill/single family residential development. There is opposition when viable alternatives that would benefit the project and existing neighborhoods are shunned or misrepresented with an active public relations campaign. The City of Sacramento must take the lead and the responsibility to insure that this or any project will be compatible with the adjacent established neighborhoods and make every effort to adequately evaluate all viable options that could potentially reduce or redirect any anticipated project impacts.

48-16

Future Railroad and Highway Easement Requirements

As covered in an article posted to the Sacramento Press over four months ago, the McKinley Village parcel is surrounded by several proposed State and City infrastructure projects. In order to avoid a major lapse of civic judgment, it is imperative that future easement requirements are clearly defined and specific planning/design documents are drawn up and recorded prior to moving forward with the McKinley Village approval process. With the McKinley Village parcel being located adjacent to critical highway and rail alignments vital to the future of Sacramento transportation, a rush to approve McKinley Village may ultimately return to haunt the City for years to come. While the project is still at the paper and DEIR

48-17

stage, City and State agencies are afforded the opportunity to thoroughly vet the future plans for highway and rail projects, in and adjacent to the McKinley Village/Sutter’s Landing Park area.

↑
48-17
Cont.

Who Would Pay for an Alhambra Undercrossing

The Alhambra undercrossing is a prime example of a viable solution that has been spun by public relations to appear infeasible due to technological and/or financial limits. The claim of being technologically infeasible is ludicrous and the financial infeasibility would be true only if the developer were held responsible for the entire cost of the construction of an Alhambra extension.

We have never inferred that the funding of an Alhambra extension and Bus I-80 onramp would be the sole responsibility of the developer. With a declaration of intent, by the City of Sacramento, that the future extension of Alhambra Boulevard would be required to serve as a replacement onramp for Business I-80, project funding sources would then be accessible from many diverse public/private sources. With active public relations and negotiation efforts the number of participating cosponsors is unlimited. Riverwest would ultimately be responsible for only a percentage of the total Alhambra costs, with that percentage directly dependant on the efforts expended by participating interests in securing cosponsors.

Potential participating cosponsors may initially include the developer (Riverwest), Caltrans, Union Pacific Railroad, the City of Sacramento, environmental groups, business interests, etc. This presents an opportunity for the City, the developer and East Sacramento/Midtown residents to participate in identifying and securing Alhambra project cosponsor funding.

If it becomes evident that the construction of McKinley Village and the construction of the Caltrans/Bus I-80 partial widening project will not coincide, Caltrans, in conjunction with Riverwest should determine and design the easement that would be required for the construction of an Alhambra undercrossing and onramp. With the easement defined and established, the Alhambra undercrossing and onramp could then be constructed in conjunction with the Caltrans partial Bus I-80 widening project (2014-2015), with Riverwest responsible for only a negotiated cosponsor percentage of the estimated Alhambra construction cost total.

48-18

A Shoofly (Temporary Rail Bypass)

A railroad shoofly facilitates the temporary rerouting of rail traffic where major construction projects may prove disruptive to the primary railroads service/schedules. A shoofly insures uninterrupted rail service operation and can be a costly method that Union Pacific normally requires. Again, the temporary construction and then removal of a rail shoofly can be a costly procedure, especially when required to pass directly over an existing highway, such as Bus I-80.

Video that shows a shoofly in operation while a rail undercrossing is being constructed:
http://www.youtube.com/watch?v=5YsxMwuw_W8 .

There are substantial contractor costs involved in getting equipment, materials and personnel on site to begin the construction of a rail undercrossing(s). With the proximity of Alhambra to the proposed 40th Street access tunnel, the costs to construct two undercrossings at the same time would be considerably less than constructing each independently and at different times. Should the McKinley Village development be approved and built prior to the construction of the Alhambra undercrossing, the shoofly that is currently required by Union Pacific may be render the Alhambra tunnel impossible.

Alternative Tunneling Methods Not Requiring a Shoofly

There are currently three rail tunneling methods being used extensively in Europe, the Midwest and Eastern United States that require no shoofly. One method used is known as the New Austrian Tunneling method (NATM), which is also known as Sequential Excavation Method (SEM) <http://www.youtube.com/watch?v=HCyz5xMp9gQ>. The use of this method within Union Pacific easements is strictly forbidden.

Another method, known as ‘Top-Down’ method of tunnel construction, has been used on rail alignments throughout the World and U.S... This method has been permitted for pedestrian and bicycle undercrossings of Union Pacific alignments, but has not yet been permitted for vehicle undercrossings within rail easements that are under the exclusive jurisdiction of Union Pacific. Anyone of these alternative methods can reduce rail tunnel construction costs from 25 to 50%. The Alhambra undercrossing would be an ideal application for the Top-Down method, but currently not permitted by Union Pacific.

Surface/at grade railroad alignment crossings are rapidly becoming obsolete. Surface/at grade railroad crossings will not be permitted to exist on any California High Speed Rail alignment. The Union Pacific Railroad alignment/easement that exists along the southern boundary of McKinley Village will be shared with high speed rail. There is a growing incentive and demand among most railroad interests that Union Pacific may be forced to adopt one or more of the undercrossing techniques, in order to cut costs and reduce construction time. It may prove worthwhile to intensively lobby Union Pacific to permit the use of the ‘Top-Down’ method in the construction of an Alhambra/UPRR vehicle undercrossing.

Addressing the Unknowns:

If it is determined that one of the primary reasons an Alhambra / Bus I-80 onramp cannot be constructed is because the resulting Caltrans easement expansion would require additional acreage from the McKinley Village parcel to make room for a Bus I-80 merge lane; the City, Caltrans and the developer should evaluate and deal with this conflict now, at the DEIR stage, rather than ignoring the conflict and pushing the problem forward.

If another primary reason an Alhambra / Bus I-80 onramp cannot be constructed is because it would conflict with future City/Caltrans plans to construct a Sutter’s Landing Parkway and an associated Bus I-80 Interchange; the City should publically reveal what those plans are so that the overall concept can be fully evaluated by all interested parties at the DEIR stage, rather than ignoring potential future conflicts and delegating the problems forward for the next generation to resolve.

If you should have any questions, criticisms or suggestions, please contact me. Thank you Mr. Way for your consideration and interest.

Alan Parker
916-452-0186
enggraphx@comcast.net



48-18
Cont.

Will McKinley Village Obstruct Essential State Highway and Rail Projects?

By: Alan Parker - Civil Engineering Design/Municipal Planning/Mapping Consultant (Retired - 2008)
 Opinion: Originally Published to The Sacramento Press on August 8, 2013

Development of the proposed McKinley Village on a 48 acre parcel of land located in East Sacramento may ultimately prove to be an obstruction for several of our region’s future highway and rail system improvement projects. Any permanent development permitted on this parcel prior to a full understanding of the future easement requirements for each of these proposed projects could result in severely limiting or obstructing their implementation.

There are currently three known State level transportation improvement projects being proposed that are directly adjacent to the McKinley Village parcel. Each project will be dependent on critical easement adjustments that would require additional land from the McKinley Village site which could substantially reduce the parcels developable acreage.

The Proposed State Highway and Rail Projects

1. Future Business I-80 (or Caltrans Hwy SR-51) / American River Bridge Widening (from Arden Interchange to E Street)



**STATE ROUTE 51
 PRELIMINARY INVESTIGATION**



The future widening of Business I-80 (Hwy SR-51) from Arden Way to E Street will require a corresponding expansion of the highway right-of-way easements. Due to the sensitivity of the Sutter’s Landing landfill (earth-encapsulation) cap located to the north along the southern boundary of Sutter’s Landing Park, a majority of the easement expansion would have to be acquired from the McKinley Village parcel to the south.

The expansion of Bus I-80 (Hwy SR-51) has been urgently needed for many years. Its construction would help to alleviate the traffic bottlenecks and pollution currently associated with this problematic section of Highway Bus I-80 (Hwy SR-51).

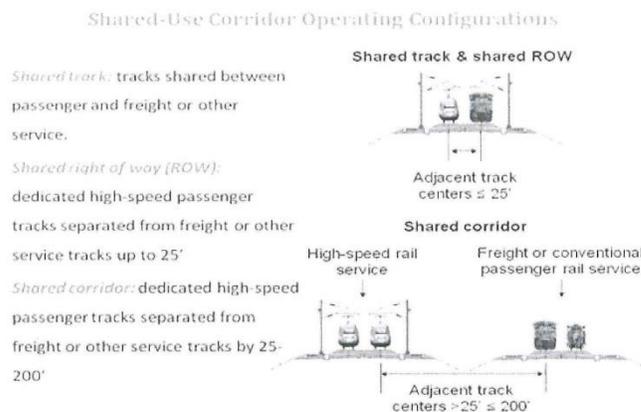
Options for future Highway SR-51 (Bus I-80) improvements are currently under study by Caltrans: See “State Route 51 Preliminary Investigation – Dated 01-08-2013”:
<http://www.dot.ca.gov/dist3/departments/planning/csm/2012%20SOTC%20Reports/SR%2051%20PI%20Final.%20Signed.%2001-08-13.pdf>

2. Future Capital City commuter ‘Third Rail Project’

There are pending plans for the construction of a new dedicated track alignment for exclusive use by the Capital City commuter train and would extend from the Sacramento Station east to Roseville/Auburn. It would run parallel to the existing Union Pacific Railroad (UPRR) tracks and would require a minimum track separation of 25 feet from the existing UPRR freight track alignments. The new commuter track alignment is proposed to be constructed to the north and west of the existing UPRR track alignments along the southern and eastern boundary of the McKinley Village site. Any potential expansion of the elevated rail bed would have to occur toward the McKinley Village’s southern boundary.

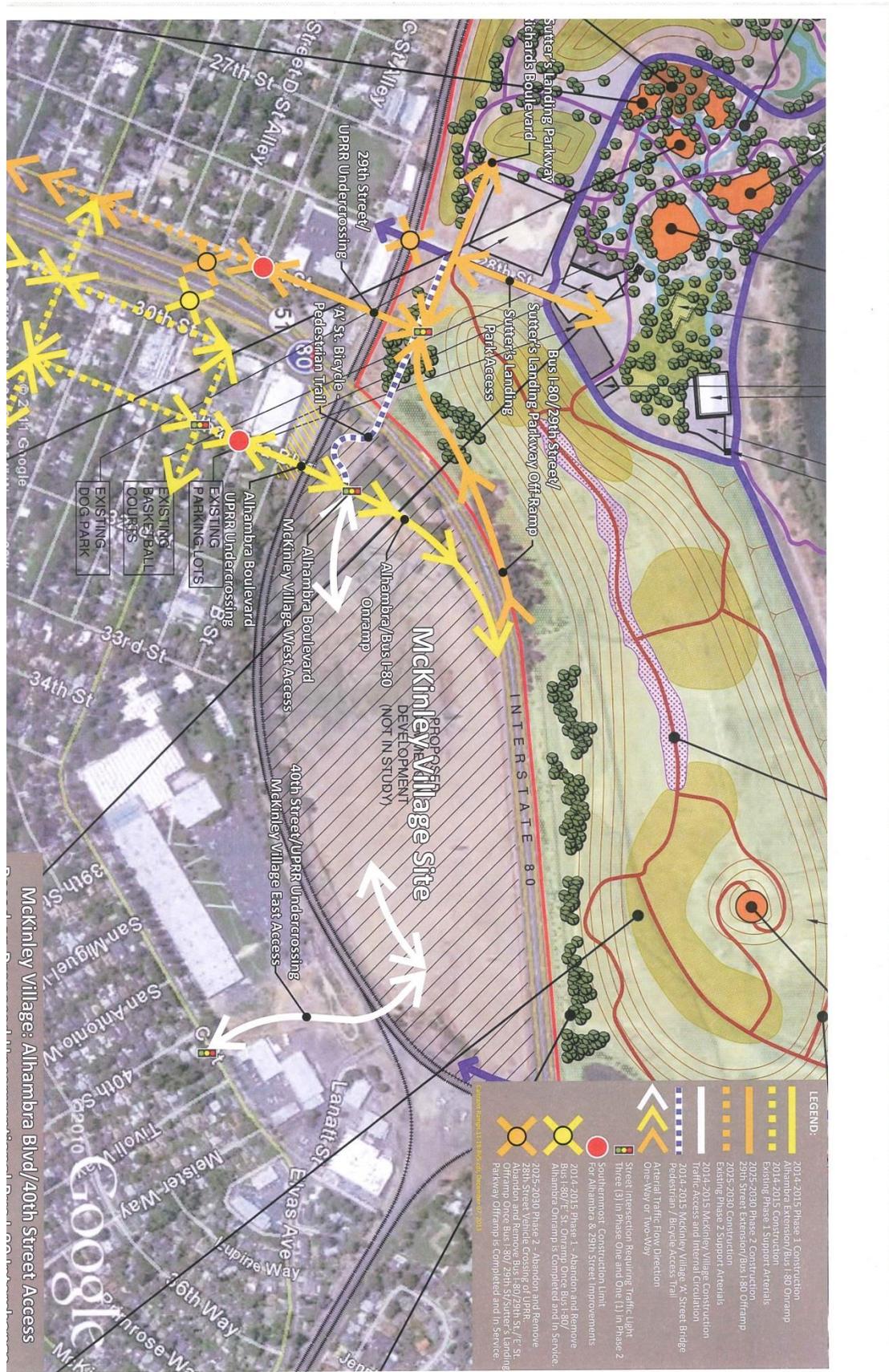
Declarations of intent and design criteria for the Future Capital City commuter ‘Third Rail Project’:
http://www.dot.ca.gov/hq/transprog/ctcbooks/2011/0611/045_2.1a8_Sac-Roseville_Track.pdf
http://www.capitolcorridor.org/included/docs/business_plans/13_15_Business_Plan.pdf
http://www.uprr.com/aboutup/operations/specs/attachments/grade_separation.pdf

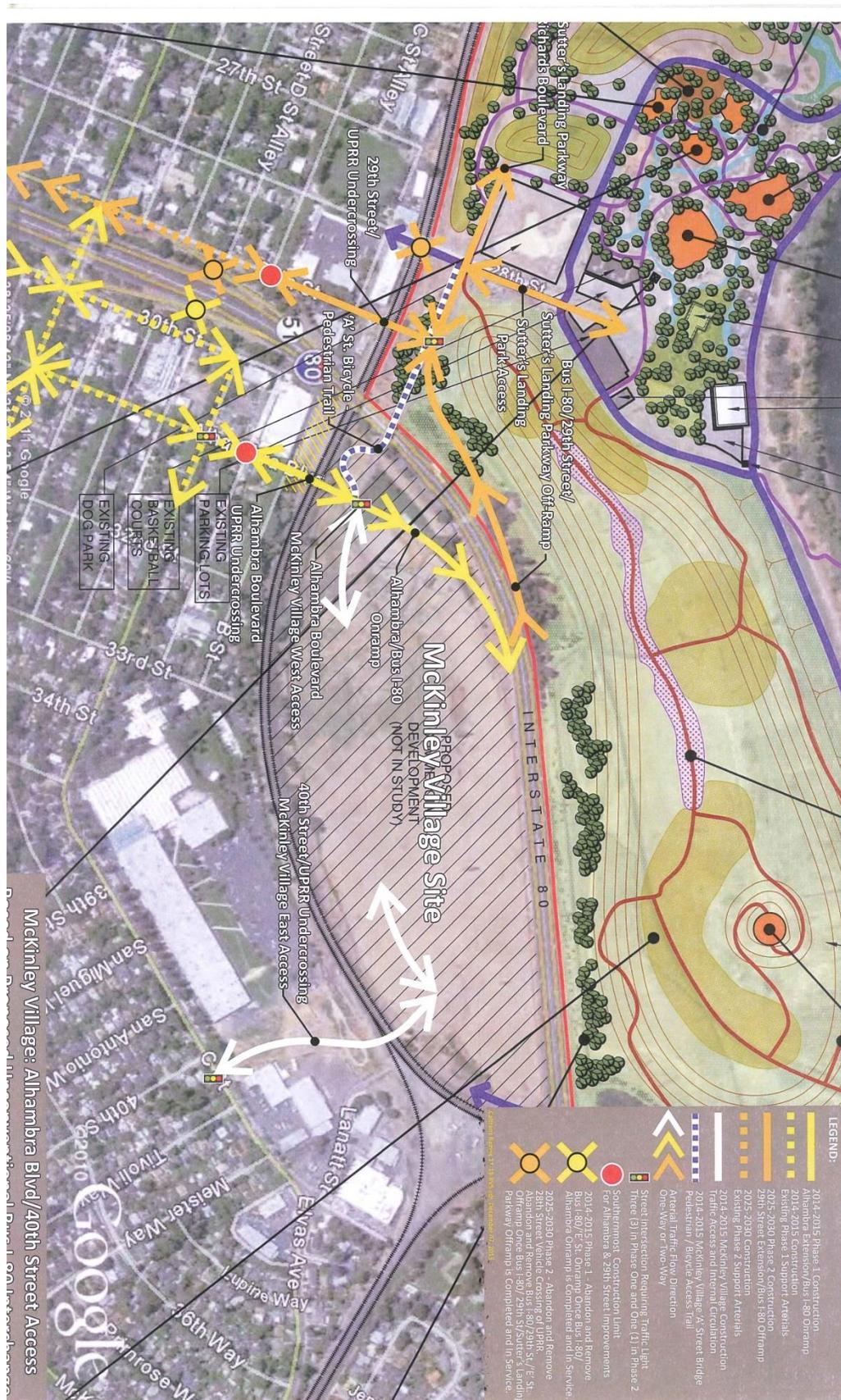
3. Future California High Speed Rail Project – Phase 2 Merced Station to Sacramento Station



One major easement consideration that appears to have been overlooked or completely ignored by all parties is that of the future alignment for the proposed California High Speed Rail (CHSR). This alignment has been slated to occupy the same elevated rail bed that is currently being used and maintained by Union Pacific Railroad (UPRR) and parallels Elvas Avenue, continues around the Lanatt curve adjacent to the McKinley Village site and terminates at the proposed Sacramento Station to be located downtown. California High Speed Rail (CHSR) would require two track alignments for unobstructed travel from south to north and north to south. The CHSR/UPRR operating configuration will be that of a ‘Shared Corridor’ thereby insuring adequate alignment separation and intrusion protection of freight rail from high speed rail. As an example: The CHSR/UPRR alignment separation that would be required at the Lanatt curve could vary from 50 feet to 200 feet, depending on the final design requirements.

It is my sincere hope that City officials will fully address these project requirement issues in order to insure that each future project can be successfully implemented without costly obstructions or hindrances. By failing to do so, the City of Sacramento will demonstrate a lack of foresight and misguided priorities that would result in the delay or obstruction of essential regional and state-wide transportation improvement projects.





Letter 48: Alan Parker, December 19, 2013

48-1a: The comment lists attachments to the letter. No further response is required.

48-1: The commenter correctly states that the proposed project includes two vehicular access points, one to 28th Street via the existing A Street Bridge, and one to C Street via an extension of 40th Street that would travel beneath the UPRR tracks via an undercrossing. The commenter goes on to state that “based on an impartial independent analysis of these two proposed access locations, it is estimated that 35% of future McKinley Village residents would initially use the 28th Street access, with 65% opting to use the 40th Street access.

As shown in the trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 41, 43), 52% of trips generated by the proposed project are projected to use the A Street access point, and 48% are projected to use the C Street access.

According to page 4.9-40 of the Draft EIR, the trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 41, 43) and incorporated into the traffic analysis relied upon multiple analytical techniques, including the following:

- Project-only traffic assignment using the Base Year SACMET regional travel demand model.
- Location of schools that would serve study area (Theodore Judah Elementary, Sutter Middle, and Hiram W. Johnson High).
- Relative travel time/speed comparisons between the project and key destinations (e.g., Capital City Freeway) for various travel routes.
- Review of existing traffic count data.
- Relative ease of travel on parallel routes (e.g., coordinated signals and one-way traffic using multiple lanes on 29th and 30th Streets versus bi-directional traffic and frequent stops on 28th Street and Alhambra Boulevard).

In summary, a comprehensive analytical approach was undertaken to develop the project’s expected inbound and outbound trip distribution percentages. Independent review of these calculations and analysis methods by City of Sacramento staff confirmed their reasonableness and validity for use in the Draft EIR. The trip distribution percentages are considered appropriate by the City and the City’s transportation consultants, Fehr & Peers, based on their professional judgment and experience in dealing with similar projects.

- The commenter's assertions that the split between the two accesses will be 35% and 65%, respectively, 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).)
- 48-2: The commenter states support for the elimination of the proposed A Street access location, and replacement of this access with a new motor vehicle access point located at the northern terminus of Alhambra Boulevard.
- Please refer to Master Response 1 regarding the infeasibility of placing a bridge/roadway underpass at this location.
- 48-3: The commenter lists traffic distribution estimates for facilities within the study area associated with the construction of an extension of Alhambra Boulevard and an on-ramp to the Capital City Freeway (Business 80).
- Please refer to Master Response 1 regarding the infeasibility of placing a bridge/roadway underpass at this location. Additionally, Caltrans rejected any additional on-ramps to Capital City Freeway from the Alhambra extension as proposed by the commenter.
- This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is forwarded to the decision makers for their consideration.
- 48-4: The commenter states that the vehicular access points included as part of the proposed project, one to 28th Street via the existing A Street Bridge, and one to C Street via an extension of 40th Street that would travel beneath the UPRR tracks via an undercrossing, would promote the use of residential streets in Midtown and East Sacramento.
- Section 4.9 of the Draft EIR quantifies projected increases in traffic on local roadways within the study area as a result of the implementation of the proposed project under both Existing Plus Project conditions as well as under Cumulative Plus Project conditions. As discussed in the Draft EIR, traffic impacts are all less than significant with mitigation.

This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. No further response is required.

- 48-5: The commenter states that “East Sacramento and Midtown will be guaranteed a convenient future” eastbound access to the Capital City Freeway (Business 80) when the existing on-ramp from E Street is closed.

The commenter is referring to the on-going Caltrans planning process evaluating the closure of the E Street northbound on-ramp to the Capital City Freeway (Business 80). The E Street On-Ramp Closure project is a Caltrans project; additional information on this project may be obtained from the Caltrans website.

The proposed eastbound on-ramp from the extension of Alhambra Boulevard is not supported by Caltrans as an alternative to the E Street on-ramp closure proposed by Caltrans. Caltrans staff reported on this issue that “The purpose of extending the transition lane on NB Rt-51 is to relieve congestion. The Alhambra onramp proposed in the drawings (provided in the comment letter), would add significant traffic to that section of freeway which we are trying to relieve. It would negate most of the benefits of extending the transition lane. For the new Sutter Interchange project, proposed years ago, Caltrans stated that a NB onramp would not be permitted, because it would add a large amount of traffic to NB Rt-51.”

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

- 48-6: The commenter states that an access to the proposed project located at the northern terminus of Alhambra Boulevard would eliminate the need for the A Street access, which would reduce the amount of project-generated traffic using the 28th Street at-grade railroad crossing. The commenter also provides opinions about safety at this crossing.

According to the Federal Railroad Administration online database, the last reported accident at the 28th Street railroad crossing occurred in March 1981.

As documented on page 4.9-59 of the Draft EIR, “[t]he at-grade crossing currently has crossing arms, warning bells, overhead flashing lights, signage, and pavement markings.”

Please see also Master Response 9 that addresses the issues of the at-grade crossing. This comment does not raise issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. No further response is required.

48-7: The commenter is providing their opinion of the benefits of not using A Street as an access because it would not require vehicles to cross the railroad tracks at 28th Street.

The project will be required to construct improvements along 28th Street from B Street to A Street to provide bike lanes, curbs and a sidewalk on the west side of the road. Additionally, pedestrian cross walks will be provided as part of this improvement. The 28th Street/UPRR at-grade crossing would include improvements to the existing railroad crossing for bike/pedestrian facilities. See also Master Response 9 for more information on the at-grade crossing.

48-8: The commenter states that if the use of A Street by vehicles is removed and only available to bicycles and pedestrians the ramp leading to the bridge can be reconfigured using funds that were earmarked for other improvements that would no longer be necessary.

This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. No further response is required. Please see Master Response 1 regarding the infeasibility of a bridge/roadway underpass at Alhambra Boulevard.

48-9: The comment states that providing a vehicle connection at Alhambra Boulevard will provide improved response time for emergency vehicles.

The Draft EIR determined that impacts to facilities and access for police and fire were less than significant. Please see Master Response 1 regarding the infeasibility of a bridge/roadway underpass at Alhambra Boulevard.

48-10: The commenter identifies that a vehicle connection at Alhambra Boulevard would provide other options for motorists to access major roadways.

This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. No further response is required. Please see Master Response 1 regarding the infeasibility of a bridge/roadway at Alhambra Boulevard.

48-11: The commenter states that using Alhambra Boulevard for vehicle access will also provide better access to transit for residents.

Please see Responses to Comments 31-23 and 31-143 regarding transit accessibility. Providing a bicycle/pedestrian access at Alhambra Boulevard would provide access to transit even if it is not a vehicular access, if approved by Union

Pacific and the appropriate government agencies. Please see also Chapter 2 of this Final EIR for figures that show the distance to surrounding businesses and transit stops. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. No further response is required. Please see Master Response 1 regarding the infeasibility of a bridge/roadway underpass at Alhambra Boulevard.

- 48-12: The commenter states that with the removal of the E Street on ramp the public should realize the importance of creating vehicle access at Alhambra Boulevard.

As documented on page 4.9-63 of the Draft EIR, the cumulative analyses account for the planned closure of the E Street northbound on-ramp to the Capital City Freeway (Business 80). Please refer to pages 4.9-73 through 4.9-92 for the analyses pertaining to the Cumulative Plus Project scenario, which evaluates the cumulative effects of both the closure of the E Street on-ramp as well as the proposed project, in addition to other planned infrastructure projects and land development projects in the area. Under both Existing Plus Project and Cumulative Plus Project scenarios, traffic impacts were found to be less than significant.

This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. No further response is required. Please see Response to Comment 48-5 and Master Response 1 regarding the infeasibility of a bridge/roadway underpass at Alhambra Boulevard. The removal of the E Street on ramp is not part of the proposed project. Caltrans is the responsible agency for that project and is responsible for considering the impact of that project on the existing neighborhoods.

- 48-13: The commenter expresses its opinion that by requiring a vehicle connection at Alhambra Boulevard a majority of local residents would be more receptive to the project.

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

- 48-14: The comment expresses an opinion that the site access proposed by the commenter, using Alhambra Boulevard undercrossing for vehicles, is superior to the current project access.

Please see Master Response 1 regarding the infeasibility of a bridge/roadway underpass in this location. The commenter's opinion does not raise issues regarding

the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 48-15: The comment is providing a general overview of the approach to construct the Alhambra Boulevard undercrossing.

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

- 48-16: The comment is expressing an opinion that this project must be compatible with the adjacent neighborhoods and all viable options that can reduce project impacts must be evaluated. In addition, the commenter states they are not opposed to seeing the site developed providing all viable alternatives have been evaluated.

The commenter's opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Please see Response to Comment 26-9 regarding evaluation of a reasonable range of project alternatives.

- 48-17: The comment notes that future easement requirements be identified with Caltrans and Union Pacific for proposed expansion projects to avoid any costly mistakes.

The City and the project applicant have been in communication with Caltrans and Union Pacific in regards to their expansion plans and the project has been designed to accommodate these potential future projects (see Response to Comment 1-9 that specifically addresses this issue).The commenter's opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 48-18: The comment addresses financing options to construct the Alhambra underpass.

Please see Master Response 1 that addresses the infeasibility of constructing a bridge/roadway undercrossing at Alhambra. Comments regarding financing do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 49

Dear Councilmember Hansen:

At the December 11 Town Hall Meeting you had asked that additional comments be submitted in writing. Please forward this to the EIR committee.

I was the individual who asked about the access being along 30th street, since there is talk of Caltrans eliminating that onramp. Two objections were brought up: The first was that it was unknown if Caltrans would actually remove the onramp. I have worked in the field of development, and I am aware that projects can be held up for years waiting for Caltrans to decide what kind of right-of-way they want at a highway intersection. This land has always been undeveloped, and it would be in the interest of the community if development were postponed until Caltrans commits to its freeway design. The second argument had to do with multiple track crossings. I propose the entire Sutter's Landing Park be accessed along the same 30th street route. Because of the one-way configuration that currently exists on 30th street, not to mention the overhead freeway in the front yards of the buildings located on 30th street, the area has little residential charm. The current access, 28th street, is still a residential street that is already heavily impacted due to the traffic calming project that was initiated about 15 years ago. Both impacted neighborhoods would benefit by having the access along a recognized thoroughfare.

49-1

49-2

I would like to say that I was disappointed at the tone of the Town Hall meeting, and I can understand why some residents are frustrated. Many serious ideas were floated at this meeting, and every one of them was shot down. At no point was it mentioned that the way to mitigate the traffic is to have less of it by reducing the number of proposed units in the development. I understand I am now getting into planning issues, but I think it is time to bring them up.

49-3

This development would not be feasible if it had not been designed with multiple variances. Furthermore, the density appears to be much higher in this area than in the surrounding neighborhoods. I propose the city establish an average density of the neighborhoods being impacted by this project and request the developer to resubmit the design using that same average density, and the same zoning code the rest of the city must adhere to.

49-4

As Sean Ward said at the meeting, the city wins, the developer wins, even the new residents win-but without a doubt there is absolutely nothing in this development that will benefit those of us who should have been able to reasonable assume a development on the other side of the freeway would not be dumping traffic in our front yards.

49-5

Thank You,
Shelly Lusk,
2502 D Street

Shelly.lusk@sbcglobal.net.

Letter 49: Shelly Lusk, December 20, 2013

The comments from Shelly Lusk appear to be in response to a Town Hall meeting held on December 11, 2013 and not on the Draft EIR. However, because this letter was received by Environmental Services staff during the public review period City staff has chosen to provide responses.

49-1: The commenter is inquiring about the feasibility of a project access location via 30th Street on the east side of the Capital City Freeway that would utilize land vacated by the proposed closure of the E Street On-Ramp.

The proposed project does not include project access via 30th Street. Therefore, this access was not evaluated in the Draft EIR and the potential impacts associated with this access have not been identified or evaluated as part of this project. The E Street On-Ramp Closure project is a Caltrans project; additional information on this project may be obtained from the Caltrans website.

49-2: The commenter is inquiring about the feasibility a future access point to Sutter's Landing Park located off of 30th Street. The commenter goes on to state that this would alleviate traffic on 28th Street, which is a residential street that is heavily impacted by previous traffic calming projects.

The evaluation of a future access to Sutter's Landing Park is beyond the scope of this EIR. The commenter does not provide any evidence that supports a claim that the Draft EIR does not meet the CEQA Guidelines or that that project would result in significant environmental effects.

49-3: The commenter is expressing disappointment that the tone of the meeting was not more supportive of input from the residents.

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

49-4: The commenter would like to see the City establish an average density of the surrounding neighborhood and require that the project be redesigned to meet that density. In addition, the comment states that the project would not be feasible if it did not require so many variances.

The City establishes acceptable density ranges based on the residential land use designation. The approximate density in the McKinley Park neighborhood near the project site is 7 du/ac and 14+ du/ac in the Midtown neighborhoods most proximate

to the project. Since release of the Draft EIR the project applicant has added 24 attached units and slightly reduced the number of single-family residences thereby increasing the project density to 11.2 du/ac, see Chapter 2, Text Changes to the Draft EIR. There is no requirement that the project density match the adjacent neighborhoods in order to be compatible.

The project is requesting a rezone, a General Plan Amendment and establishment of Planned Unit Development Guidelines. The number of approvals required for the project is typical.

- 49-5: The commenter is expressing her opinion that the project does not benefit existing residents in the adjacent neighborhoods. The commenter's opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 50

From: Bruno Barreyra <barreyra@gmail.com>
Sent: Thursday, December 26, 2013 10:32 PM
To: Dana Allen; Steve Cohn
Subject: About the McKinley Village project

Dear Ms. Allen and Mr. Cohn,

I am writing you to protest against the construction of the so-called "McKinley Village" in the outskirts of East Sac. This project not only does not follow the character of the region, but it would also harm the existing community. It is but a cheap attempt to try to cash in on one of Sacramento premier neighborhoods.

50-1

Before I go on, I feel it's important to make it clear that I grew up in a very high density city (Rio de Janeiro) and I'm a great proponent of urban density and, especially, of walkable communities. I have recently moved from the suburbs in Folsom to East Sac precisely to escape the homogenous, characterless and car-centric developments that plate so much of the modern American landscape. I believe that McKinley Village follows this model of development.

My major concerns with the project are related to transportation: it is absolutely unfeasible to add that number of houses in that space, have no commerce, and add only two access points to boot. East Sacramento already has a traffic problem. If you don't believe me, I suggest you try driving on Folsom Boulevard during early evening rush hour traffic. Or, try to navigate around the business 80 and 50 corridor highway junctions. The area is already saturated with cars. Having no commerce there requires for all residents to jump into their cars if they so much as run out of toilet paper. Having two access points (and no direct highway access into the already busy business 80) will add even more traffic to the region. I live on 40th street, and we already see more through traffic on this street than one would deem appropriate for a residential neighborhood. As the main thoroughfares (Elvas, Folsom, J, Alhambra), start choking up due to excess of traffic, it is the smaller streets that will pay the price.

50-2

And pay the price we will, as not only the added traffic will further undermine our peace here (I can hear the highway traffic at all hours of the day from my house, silence is not a commodity I enjoy), but also the value of our houses. The flooding of cheap housing into the area will also have a similar effect, and I haven't touched upon the impact on the local schools.

50-3

I would love to see that area developed. But please let's do it responsibly. This is the wrong project for our city. If the city takes a stand and says no to careless development, the right development will happen. Sacramento can and should be a lot nicer than it is right now, please help us make this small step to make it so.

50-4

Cordially,

Bruno R. Barreyra

Letter 50: Bruno Barreyra, December 26, 2013

50-1: The commenter is stating he does not support the project and that the project does not follow the character of the region and would harm the existing neighborhood.

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

50-2: The commenter is expressing his opinion that the project would generate more traffic in the region and cites the lack of on-site commercial uses and limited vehicular access points will contribute to an increase in traffic to an infeasible project. The commenter goes on to state that East Sacramento already experiences traffic issues, and that smaller neighborhood streets will experience increased traffic as major thoroughfares approach capacity.

Evaluation of the two proposed vehicular access points found that both would operate acceptably during both peak hours under both the Existing Plus Project and Cumulative Plus Project scenarios (DEIR, pp. 4.9-92 – 4.9-93). The commenter's opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

50-3: The commenter is expressing his opinion that the added traffic from the project will affect the solitude of the neighborhood as well as the value of the existing residences.

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

50-4: The comment indicates support for developing the project site, but does not support this project.

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

Comment Letter 51

From: Greg deGiere <greg.degiere@gmail.com>
Date: Thursday, December 26, 2013 9:41 PM
To: "shansen@cityofsacramento.org" <shansen@cityofsacramento.org>
Subject: McKinley Village - please submit for EIR

Steve

Here is another alternative

Totally close 28th Street at B Street, routing all traffic to 29th Street, an almost entirely commercial street. This would avoid putting large numbers of vehicles onto 28th, an entirely residential street, as either a half- or full-closure of 28th would do. It also would relieve C Street between 28th and 29th of some of the existing traffic, including trucks. It also would avoid putting more traffic onto C, as a closure of 28th at C would do.

51-1

A half closure of 28th, on the other hand, would still put much more traffic onto 28th and also onto C. A half-closure also would create a safety hazard as some drivers drive around the half barrier.

51-2

Greg deGiere
PO Box 163192
Sacramento, CA 95816

Letter 51: Greg deGiere, December 25, 2013

51-1: The comment is referencing closing 28th Street and routing all traffic to 29th Street or putting in a half closure on 28th Street.

Please see Master Response 4 that addresses this concept.

51-2: The comment relates to the safety of putting a half closure on 28th Street.

Please see Master Response 4 for more information.

Comment Letter 52

From: Douglas Thompson <olivebranch2@gmail.com>
Sent: Friday, December 27, 2013 11:54 AM
To: Dana Allen
Cc: Doug Thompson
Subject: Draft EIR for the McKinley Village Project (P08-086) Section 4.9, Transportation and Circulation

27 December 2013

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

Re: Draft EIR for the McKinley Village Project (P08-086)
Section 4.9, Transportation and Circulation

Caltrans is in preliminary planning for a permanent closure of the E Street on-ramp to Business 80. It is unclear how the traffic studies for the McKinley Village project (project) account for this scenario. The Draft EIR includes the statement, "Section 4.9.5 considers the cumulative impacts of the proposed project as well as planned transportation projects (and land use development) within the study area, including the closure of the E Street on-ramp to the Capital City Freeway (Business 80), improvements to the Capital City Freeway, and the construction of Sutter's Landing Parkway." At the same time, SACMET output is provided for E Street on-ramp volumes and delay times with and without the project. Seventeen percent of outbound trips are projected to access the on-ramp (Figure 4.9-8), while none are shown for the J Street on-ramp.

52-1

Please clarify whether, how, and at what point in time the E Street on-ramp closure has been incorporated into the project traffic studies. At what point in the future is the on-ramp assumed closed? What are the specific impacts of the project on traffic circulation and access to the J Street on-ramp under a closed E Street on-ramp scenario? Have these impacts also been included in the study of localized air quality effects?

52-2
52-3

If a scenario that includes E Street ramp closure as early as 2015 has not been fully analyzed, an analysis that includes traffic and localized air quality impacts should be completed and released for public review prior to project approval.

52-4

Thank you for the opportunity to comment.

Douglas Thompson
529 40th Street
Sacramento, CA 95819
olivebranch2@gmail.comdth

Letter 52: Douglas Thompson, December 27, 2013

52-1: The commenter correctly states that, as documented on page 4.9-63 of the Draft EIR, the cumulative analyses account for the planned closure of the E Street northbound on-ramp to the Capital City Freeway (Business 80). The commenter then references Figure 4.9-8 and states that this figure shows 17% of outbound project are projected to use the E Street on-ramp, and states that it is unclear how this accounts for the closure of the E Street On-ramp.

The trip travel paths shown on Figure 4.9-8 are for the Existing Plus Project scenario. Under this scenario, only the implementation of the proposed project upon existing conditions is considered. Please refer to pages 4.9-73 through 4.9-92 of the Draft EIR for the analyses pertaining to the Cumulative Plus Project scenario, which evaluates the cumulative effects of the proposed project in addition to other planned infrastructure projects and land development projects in the area, including the closure of the E Street on-ramp. All traffic volumes and analyses presented in this section of the document properly account for the E Street on-ramp closure.

52-2: The commenter requests clarification regarding how the E Street on-ramp closure has been incorporated into the Draft EIR analyses, inquires at what point this closure is assumed to occur, and inquires as to the specific impacts of the project on traffic circulation and access to the J Street on-ramp under a scenario that includes the closure of the E Street on ramp.

Please refer to Response to Comment 52-1 for clarification on which scenarios of the Draft EIR include the proposed closure of the E Street on-ramp. The exact date of the proposed closure of the E Street on-ramp remains unknown at this point in time, however, it is assumed to occur prior to the year 2035 (the year of the cumulative scenarios included in the DEIR). The E Street On-Ramp Closure project is a Caltrans project; additional information on this project may be obtained from the Caltrans website.

The Draft EIR does not contain information regarding the operations of the J Street on-ramp. Please refer to forthcoming Caltrans studies that will include an analysis of impacts associated with the closure of the E Street on-ramp.

52-3: The comment asks if air quality impacts of the closure of the E Street Ramp have been studied.

The closure of the E Street Ramp is addressed under cumulative in Section 4.9 in the Draft EIR. The change in traffic patterns associated with the closure of this ramp

was included in the cumulative traffic assumptions which were used to evaluate cumulative air emissions associated with the proposed project.

The closure of the E Street ramp is a separate project proposed by Caltrans and is not a component of this project. If Caltrans decides to pursue this project they will be required to conduct their own project specific environmental review, if required under CEQA.

52-4: The comment is requesting that an analysis of the E Street ramp be analyzed, including impacts associated with traffic and air quality.

Please see Responses to Comments 52-1 through 52-3, which answers this question.

Comment Letter 53

Re: Proposed McKinley Village,

M.Dana Allen,

When I think of the proposed McKinley village I see an ungraded compound surrounded by two 20 or 25 feet tall walls : one on the freeway side and one on the railroad side with few exits on the railroad side only.

To tell you the truth what it reminds me of is a Prison.

I don't like it and don't think that it enhances my neighborhood.

Sincerely,

Monique Melvin

moniquemelvin @ Comcast.net

53-1

Monique Melvin
4177 C St.
Sacramento, CA 95819

Letter 53: Monique Melvin, December 27, 2013

53-1: The commenter is expressing her opinion that the project will be surrounded by 20 to 25-foot tall walls and will be like a prison.

The project includes a sound barrier adjacent to the freeway that is approximately 13 to 18.5 feet tall. Adjacent to the UPRR railroad embankment is a 6-foot-tall tubular steel fence, or fence of a similar design, is proposed as well as a 16-foot tall barrier or wall between residences, as shown on Figure 4.6-9. The commenter's opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 54

From: miller396@comcast.net
Sent: Saturday, December 28, 2013 4:32 PM
To: Dana Allen
Subject: McKinley Village

My wife and I retired to East Sacramento nearly 10 years ago because of its ambiance, which is being menaced by the latest developer menace. While the previous failed attempts were derailed by the facts, this one worries us because of the clout of Phil Angelides. As a former opinion writer for two major metro dailies, I am acutely aware of the juice that politically connected individuals can have on dubious projects.

We have attended the dog and pony shows wherein Riverview Capital Investments and the developer have blithely avoided answering specific concerns raised by residents and are reflected in the draft report. We've also received slick mailers from the company suggesting that this proposed village will have no adverse effects whatsoever.

The salient question is whether the city has the spine to reject this latest bad idea to negatively impact a very special community.

Alan & Rosemary Miller
396 36th Way
Sacramento, CA 95816

54-1

Letter 54: Alan and Rosemary Miller, December 28, 2013

54-1: The comment is expressing opposition to the project.

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

Comment Letter 55

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

Re: Public comments regarding Mckinley Village

I am a homeowner living on the north side of Mckinley park and feel I have the potential to be directly impacted by the proposed development of Mckinley Village. I am in support of the project and feel that the city of Sacramento needs to move forward doing what is best for the city at large.

In coming to this conclusion, I recognize that there may be immediate negative impacts to the surrounding area. But these are speculative at the moment and the recent traffic study seems to indicate that at least the traffic component would not be a major impact. Simply put, the city needs to decide where to put additional housing. We can choose to move housing farther away from the city (suburbs), but using the areas that are in the immediate vicinity is probably a better long term solution. Here are some of my current thoughts:

Pedestrian friendly: although the plan is not ideal, it does provide for at least one pedestrian walkway to Mckinley Park. There is also the potential for access and increased use of Sutter's landing. The plan also includes a new park and pool that could be used by the adjacent neighbors, not just the residents of Mckinley Village.

Traffic: the recent traffic study indicates that the traffic to the surrounding community would be minimal. It is no secret that the people living in the village would have to contend with railroad and freeway noise. But there are many residences around Sacramento, the state, and other cities that have similar designs and people manage just fine. I don't see this as a major negative.

Density: personally, I like thriving and active communities. I walk Mckinley park regularly and I enjoy seeing the residents use the park and its many amenities. When I travel to other cities, it's those dense areas that have the potential to thrive and bring in new energy. That's a benefit to the neighborhood and the city. I think Mckinley Village has the potential to help this vision.

Property values: I've saved this one for last. There are many who believe that property values may be negatively affected. That could certainly be the case and given where I live, I would definitely feel that. But I didn't buy my house to make sure my property appreciates. I bought it because I enjoy the park, the neighborhood, the city, etc. Additionally, as I alluded to before, the City of Sacramento needs to do what's in the best interest of the city, not just East Sacramento or a subset of its residents.

Thank you for allowing me to address some of my thoughts regarding this project. I hope that the project moves forward.



Rafael Rodriguez
3165 Mckinley Blvd.
getrodriguez@gmail.com
916-440-6097

55-1

Letter 55: Rafael Rodriguez, December 29, 2013

55-1: The comment indicates support of the project.

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

Comment Letter 56

From: Susan Norris <sunorris@ziprealty.com>
Sent: Friday, January 03, 2014 10:24 AM
To: Dana Allen
Subject: You R so far up Phil's Butt

Dear Mr. Allen,

Is the city so desperate for money that they will build a new neighborhood that they will destroy an older, established neighborhood? One of the best Sacramento has. 56-1

The new neighborhood is crammed with 358 homes. No yards. Windows that open in the back of the house. Right up to a freeway, which is stalled all the time, and a train track with (we counted in one day) 65 trains. 56-2

Is this really a good place to build houses? All you have to do is look at the site./Common sense. This is an Elk Grove/Natomas project. 56-3

Why is the freeway not in the traffic report? Does the city take in consideration the hospital is going to have 150 new homes? Tastefully done, I might add. 56-4

With the new Arena coming, this is going to add alot of new traffic to East Sac on game nights. 56-5

You think this new neighborhood will add revenue, but did you stop to think with all the traffic to East Sac, this will drop property values and property tax? 56-6

The streets surrounding the opening of McKinley Village will be doomed, and their streets will become flooded with cars, and their values right off will go down. 56-7

You people are so far up Phil's butt!!!!

Susan Norris, Realtor, Lic #01328937
Zip Realty Lic#01441810
Cell: (916) 849-6421
Toll Free: 1-800-CALL ZIP x 5969
Fax: 888.262.5996
sunorris@ziprealty.com

Letter 56: Susan Norris, January 3, 2014

56-1: The comment questions if the City is desperate for money and will destroy an older neighborhood.

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

56-2: The comment states that the project includes 358 homes, has no yards, or operable windows, and is adjacent to a freeway and railroad tracks.

To clarify, the project analyzed in the Draft EIR included 328 homes. However, since release of the Draft EIR the project applicant has revised the number of residences to include 24 attached units and a slight reduction in single-family homes for a total of 336 homes (see Chapter 2, Text Changes to the Draft EIR for more detail on project changes). As described in Chapter 2, of the Draft EIR, the project includes small yards but also includes parks and open spaces, as well as a recreation center. In addition, windows will open and be operable on all of the residences except for windows on the back side facing the UPRR tracks on the units closest to the tracks. However, for sound attenuation it will be recommended that in the homes facing the freeway the windows be kept shut in order to maintain acceptable indoor sound levels.

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

56-3: The comment questions if this is a good location to build residences.

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

56-4: The commenter asks why the freeway is not in the traffic report and if the proposed Sutter Park project was considered.

Section 4.9, Transportation and Circulation in the Draft EIR addresses traffic on area roadways including Capital City Freeway. It is unclear what information the commenter is asking for in the comment. The cumulative impact analysis prepared for traffic included growth projections for development within the City, which included the Sutter Park project.

56-5: The comment states that with the new Sports and Entertainment Center (ESC) it is going to add a lot of traffic in East Sacramento during game nights.

The City recently completed the Draft EIR for the Sports and Entertainment project and a copy of the report is available on the City's website, <http://portal.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports.aspx>. Traffic associated with the new ESC is evaluated within that document.

56-6: The commenter indicates that the increase in traffic will adversely affect property values and property tax revenues.

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

56-7: The comment indicates that the streets around the project site will be congested with traffic and property values will decline.

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

Comment Letter 57

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

January 3, 2014

Re: McKinley Village DEIR Response

Dear Ms, Allen

My concerns with this project are the traffic it will generate on narrow residential streets that were not designed for thoroughfare traffic and the impact this increased traffic will have on safe routes to schools. I do not see that the DEIR adequately or objectively addresses these issues as explained below.

Section 4.6 Existing Railroad Noise Environment

The railroad noise study commissioned by the developer, via Dudek, was performed by Bollard Acoustical Consultants for six days in 2013 (Sect. 4.6). The conclusions from this study significantly differs from the numbers provided to the City by Union Pacific Railroad and the Department of Transportation as to the of the number of trains passing the 28th street at grade crossing on a 24 hour basis.

All trains crossing at points 4, 5 and 6 per Fig 4.6-1 will stop traffic at the at grade 28th Street. According to the Bollard Noise Study (Table4.6-6) that would be 23-27 trains per day. Section 4.6 of the study states "according to UPRR, homeland security reasons prevent UPRR from releasing any specific information pertaining to train schedules or frequency of train travel (pers comm. Jim Smith)." However, "UPRR verbally indicated that freight trains run on a 24 hour basis and that up to 40 total trains pass by the project site." Section 4.6 also cites information posted on July 10, 2013 on the Federal Railroad Administration (FRA) website indicating that an average of 41 total trains pass through the 28th Street crossing per day.

57-1

Both UPRR and the FRA state that 40-41 trains per day cross at 28th Street, twice as many as the Bollard Study claims. Yet the Bollard Noise Study, the statistical outlier by almost 50%, is used as the basis to determine noise within the project and traffic impact at the 28th Street crossing. Using only the outlier statistics rather than those provided by both the FRA and UPRR create an unrealistic projection of noise and traffic patterns and provides an unreliable and skewed determination of traffic patterns and noise impact.

57-2

A fair statistical analysis would not rely on a study that used primarily outlier information as the basis of a report. To create a fair and accurate projection the information obtained from UPRR and the FRA should at the very least be factored in.

If the FRA numbers and the UPRR numbers are accurate, the 28th Street crossing will be blocked twice as often as the traffic study suggests thus creating heavier use of the 40th street access.

57-3

The traffic and noise models should be rerun to include the UPRR and FRA numbers.

57-4

Chapter 2, Project Description- -Site Access Overview

This section of the DEIR concludes that a vehicle underpass at Alhambra is infeasible due to several reasons. All of the potential obstacles cited, (need for a shoofly, utility relocation, eliminating B Street access to Alhambra, need for a surge tank for water runoff, are all similar issues encountered by the City of Merced when building a railway underpass two years ago. (Information on the Merced project has been provided to Greg Bitter for distribution to City staff.) The DEIR does not provide any substantiating evidence as to why these obstacles cannot be overcome. The City and the developer need to substantiate why these obstacles cannot be overcome.

57-5

An Access at Alhambra is the logical connection from the project to commercial services. It would best serve the City to revitalize the north end of Alhambra Blvd and would address the traffic issues that will be created by creating a vehicle access at 40th Street.

The City and the developer need to show why the methods used in Merced cannot be used at the Alhambra site.

Sources Cited at the end of Chapter 2 include Federal Railroad Administration (FRA) 2013 "U.S. DOT Crossing Inventory Information as of 8/14/2013: Crossing No. 753497W.

57-6

How and where is this crossing reference used?

Chapter 5 Alternatives

The alternative for an underpass at Alhambra was not included or considered in Chapter 5 Alternatives. This alternative would significantly reduce the impact on the existing neighborhood around 40th Street where the proposed access is to be placed, it could be done without the costly, time consuming, disruptive construction of a shoofly. Information on this alternative has been provided to the City as noted above.

57-7

The Alhambra access alternative should be reviewed and thoroughly evaluated as were other alternatives contained in Chapter 5.

Appendix O Sub-appendix F School Traffic Analysis

The school traffic analysis was done prior to the 2013-2014 school year. In September of 2013 Theodore Judah absorbed the students from the recently closed Washington School in midtown. The addition of these additional 40+ students, whom we welcome, has had a very visible impact on the traffic around the school which is not reflected in the traffic report since it was conducted prior to that time.

57-8

The study needs to reflect this increase in traffic, it's direction and duration, particularly during the morning drop off period at Theodore Judah, to ensure that all students have a safe route to school.

Maps

- Figure 2-23 shows the aerial map with the access between Meister and Tivoli while Figure 2-24 shows the access between Tivoli and 40th. This is confusing. Is the access at 40th and Tivoli or Meister and Tivoli?
- All of the maps in Appendix O, Sub Appendix F, School Traffic Analysis have the number of cars exiting the project obscured by the street name having been printed directly over it. It is impossible to see how many vehicles will come out of the project during the morning peak hour for schools.

This needs to be clarified and more time allowed for public review once the traffic information at the proposed 40th Street extension is clearly provided.

57-9

57-10

Building of a Shoofly

The DEIR contains detailed information about the tunneling, trenching, estimated numbers of trucks per day, and approximate time for building the tunnel at 40th street. Nowhere could I find any information that addressed the construction of a shoofly. To build an elevated shoofly, which is what will be needed, would require either extensive earth moving to construct an elevated support similar to the embankment that currently exists or an trestle.

Any method of constructing the shoofly will have significant noise, dirt and traffic impacts which I do not see addressed.

I look forward to the City's response to my concerns,

Sincerely,

Tina Cerruti

440 San Miguel Way

Sacramento, CA 95819

57-11

Letter 57: Tina Cerruti, January 3, 2014

57-1: The comment indicates that the number of trains assumed in the noise analysis differs from information provided by Union Pacific and the Department of Transportation.

The “existing conditions” described in the Draft EIR reflect the most accurate data available regarding the number of trains traveling on the Union Pacific Rail Road (UPRR) tracks currently. As explained in the Draft EIR, UP was contacted to obtain information on freight and passenger train travel proximate to the project area. According to UP, homeland security concerns prevent them from releasing any specific information pertaining to train schedules or frequency of train travel. UP verbally indicated that freight trains run on a 24 hour basis and up to 40 total trains per day pass by the project site. UP was unable, however, to provide specific information pertaining to the schedule of those train passages or how many of those maximum 40 daily operations occurred on each of the three routes identified on Figure 4.6-3 in the Draft EIR.

A Federal Railroad Administration (FRA) website also provides information on the estimated daily average of trains that pass through the 28th Street at-grade crossing. UP provides the information for the FRA website. Pursuant to the State Office of Railroad Safety, the data provided on the FRA website are considered “rough estimates”. Information from the FRA website, accessed in August 2013, indicated an estimated daily average of 22 total trains pass through the 28th Street at-grade crossing. Subsequent information from the FRA website, accessed in October 2013, indicated an estimated daily average of 41 total trains pass through the 28th Street crossing.¹ Also according to the FRA website, the average speed of the trains crossing at 28th Street is between 10 and 35 miles per hour (FRA 2013). Moreover, due to the above-referenced homeland security concerns, the FRA website omits any reference to train schedules. Train schedules are critical to conducting noise analyses and assessing impacts relating to train noise. For example, the day/night average level (L_{dn}) is based upon the average noise level over a 24-hour day, with a +10 decibel weighting applied to noise occurring during nighttime (10:00 p.m.–7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. (DEIR, p. 4.6-2.) The FRA website provides no information pertaining to dates or times of train travel, and is therefore not reliable for purposes of conducting a noise study.

¹ The FRA website accessed in October 2013 indicated 38 of the 41 trains were passenger trains. However, based on direct on-site observations by the noise consultant and a review of the Amtrak schedules, up to 8 passenger trains per day pass by the site. Therefore, it further questions the accuracy of the data reported on the FRA website of train activity in this area.

Because specific information regarding train schedules and frequency were not provided by UP or available on the FRA website, actual train counts in the project area were collected by Bollard Acoustical Consultants (BAC) using noise meters, direct observations, and review of public passenger train schedules. BAC spent six days (4 full days and 2 partial days) conducting railroad single-event noise monitoring at the project site. The single-event monitoring was conducted concurrently with the ambient noise level monitoring program described in Table 4.6-5 of the Draft EIR. The noise meters located at sites 4-6 were programmed to log individual single-event data to capture the noise generated by individual train pass bys. The results of that analysis are presented in Table 4.6-6 of the Draft EIR.

The data in Table 4.6-6 indicate that approximately 23–27 trains passed by the project site on average over a 24-hour period, with 30–35 trains on the busiest day of railroad activity during the monitoring period. The number of daily rail trips observed adjacent to the project site is similar to monitoring conducted over a 4-day period in June of 2007, where 30 daily train operations were registered.

As discussed in the Draft EIR and in the noise study (see Appendix I), acoustical analyses make use of annual average traffic volumes for the prediction of noise impacts and the development of noise mitigation measures. For this reason, conservative estimates of typical-daily train operations were used to define existing rail operation noise levels at the project site, rather than the higher number of train operations observed during the peak day of monitoring. Although analysis of the 2007 and 2013 single-event data indicate that daily rail activity adjacent to the project site varies, the data supports the conservative assumption of 30 existing rail operations passing the project site over a typical 24-hour period (8 Amtrak (or passenger) and 22 freight trains). (DEIR, pp. 4.6-16 to 4.6-19.)

As described above, BAC measured baseline train operation data based on actual observations and measurements at the project site. While the City acknowledges that daily trips may fluctuate throughout the year, the City has concluded that the BAC data is the most appropriate data to be used as the baseline for train operations. (*Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049 [“lead agencies have discretion to choose methodology for determining existing conditions baseline if supported by substantial evidence”], citing *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 328.)

- 57-2: The comment questions why the noise report is used as the basis for the noise analysis when it is not consistent with data from UP and the FRA.

The noise analysis conducted for the proposed project provides a conservative assessment of future railroad noise exposure at the project site. The noise analysis assumed that 10 additional freight operations would occur in the future. In addition to the potential for increased freight rail service in the future, the noise study considered the proposed expansion of the Capitol Corridor service which could potentially affect the project site noise environment. The expansion would increase existing Capitol Corridor service from two (2) daily operations to twenty (20) daily operations adjacent to the project site. When added to the existing passenger service adjacent to the project site (California Zephyr and San Joaquin lines), a total of 26 daily passenger trains would pass the project site daily. This expansion would require the construction of a new track up to approximately 45 feet closer to the project site. Thus, for future conditions, the Draft EIR analyzed the potential impacts from an additional 10 freight and 18 passenger trains, for a future combined total of 58 daily trains adjacent to the project site.

As discussed in the Draft EIR and in the noise study prepared for the project, the increase in the number of train operations (10 additional daily freight and 18 additional passenger trains, for a total of 58 trains per day) and decrease in distance to the Capitol Corridor trains would cause an overall increase in railroad noise exposure at the project site of approximately 3 dB. The increase in railroad noise exposure from the increased passenger and freight trips of 3 dB in the proposed private yards of the residences located closest to the railroad tracks would still be expected to be 60 dB Ldn or less. Thus, future noise levels (assuming up to 58 total trips per day) in the proposed exterior areas would continue to be in compliance with the City's noise element exterior noise exposure guideline with respect to rail operations, and the cumulative impact is less than significant. (DEIR, p. 4.6-71.) See also Response to Comment 57-1.

- 57-3: The commenter states that train volumes provided by the Federal Railroad Administration and the Union Pacific Railroad differ from the numbers used in the Draft EIR.

Please see Response to Comment 57-1 addressing the EIR's proper assumptions regarding the number of daily total trains travelling on the UPRR tracks adjacent to the project site.

57-4: The comment states that the traffic and noise models should be rerun to include the UP and FRA train numbers. Please see Response to Comment 57-2 in which it is explained that 58 trains were assumed for the modeling of future railroad noise exposure at the project site.

57-5: The comment expresses support for using the Alhambra undercrossing for vehicle access.

Please see Master Response 1 that addresses this issue and also addresses the Merced project example noted in the comment.

57-6: The comment is asking how information from the Federal Railroad Administration was used in Chapter 2, Project Description.

The Federal Railroad Administration (FRA) website was accessed to gather information on trains passing through the 28th Street at-grade crossing.

57-7: The comment states that the alternatives analysis did not include a vehicle access at Alhambra Boulevard.

See Response to Comment 26-9 regarding CEQA requirements for analyzing a reasonable range of alternatives. Please see also Master Response 1 that addresses the infeasibility of constructing a bridge/roadway undercrossing at Alhambra Boulevard.

57-8: The commenter states that the school traffic analysis contained in the Draft EIR was completed prior to the 2013-2014 school year, and that since the collection of the traffic counts, traffic has increased due to additional students at Theodore Judah Elementary School and the closure of Washington Elementary School.

The commenter correctly states that some traffic counts used in the Draft EIR analysis were completed prior to the 2013-2014 school year; however traffic counts within the vicinity of Theodore Judah Elementary School were recounted in October 2013 when the 2013-2014 school year was in session, therefore the traffic analysis is considered adequate and represents existing conditions. Please see also Master Response 3 for more information on traffic counts and Master Response 2 for more information on school capacity due to the recent closure of schools in the district.

The comment also wants to ensure students have a safe route to schools. Access to Theodore Judah Elementary School is shown on Figure 1, Bike/Walking Distance from 40th and A Streets, in Chapter 2 of this Final EIR. As noted on page 4.7-5 of the

Draft EIR and on Figure 1, children would be able to access Theodore Judah Elementary School via sidewalk along with other children in the neighborhood walking or riding their bikes to school.

- 57-9: The comment raises a question regarding 40th Street access shown on Figures 2-23 and 2-24 in Chapter 2, Project Description.

Figure 2-23 is showing the conceptual phasing plan. The 40th Street access shown on the map is just for illustrative purposes and does not include the entire roadway. Figure 2-24 shows the proposed off-site improvements, which includes the extension of 40th Street. At this time it is anticipated 40th Street would connect to C Street between Tivoli Way and 40th Street, as shown on Figure 2-24. However, the exact location and design of the road will be finalized once the engineering is complete.

- 57-10: The commenter states that the School Traffic Analysis maps contained in Appendix O, Sub Appendix F have the number of cars exiting the proposed project at C Street obscured.

In addition to maps of traffic volumes, Appendix O, Sub Appendix F also contains the detailed level of service calculation worksheets for all intersections studied as part of the School Traffic Analysis which clearly display the volumes on all intersection approaches.

As shown, the number of vehicles exiting the project driveway to C Street during the AM peak hour under Existing Plus Project conditions is 155, and is 141 under Cumulative Plus Project conditions.

- 57-11: The comment is requesting information on construction of a shoofly required for the 40th Street underpass.

To construct the 40th Street underpass a temporary track realignment or shoofly will be required to keep the railroad tracks accessible during construction of the underpass. The earthwork material required for the shoofly embankment (19,000 cubic yards) will be generated from the project site and no soil would be imported. The soils will be replaced within the project site when the shoofly is no longer required. The shoofly embankment grading is expected to occur concurrently with project site grading. The shoofly embankment placement will be in place for approximately fourteen months. Construction of this component was assumed in the analysis of traffic, noise and air emissions attributed to the number and type of construction equipment and to construction-related traffic assumptions, and no new significant effects would result.

Chapter 2, Project Description, is revised to reflect this additional construction component. This information is inserted on page 2-58 following the first paragraph. The text is revised by adding the following:

To construct the 40th Street underpass a temporary track realignment or shoofly will be required to keep the railroad tracks accessible during construction of the underpass. The earthwork material required for the shoofly embankment (19,000 cubic yards) will be generated from the project site and no soil would be imported. The soils will be replaced within the project site when the shoofly is no longer required. The shoofly embankment grading is expected to occur concurrently with project site grading. The shoofly embankment placement will be in place for approximately fourteen months.

Comment Letter 58

From: Ellen Hoffmann
Sent: Saturday, January 04, 2014 11:27 AM
To: SHansen@cityofacramento.org
Subject: McKinley Village

Dear sir,

First, I would thank you for holding a forum at the B Street Theater. I am a 14+ years resident of New Era Park and have specific concerns about the proposed McKinley Village project.

1. Traffic increases on the west side, on 28th Street, will be tremendous. Walking to the dog park at Sutter's Landing requires walking up 28th Street to the RR crossing where there is no sidewalk, very little shoulder and a steep drop to the B Street Theater building. Increasing the traffic flow here would make this a dangerous place to walk with grandchildren and dogs.
2. Caltrans has announced plans to close the E Street on ramp to east-bound Business 80. This closure will require traveling through more of the neighborhood along the 29-30th Streets corridors in order to get access for crossing the American River. Adding thousands more to the already heavily impacted freeway will only add to the gridlock.

58-1
58-2

Sincerely,
Ellen Hoffmann
215 25th Street Apt A
Sacramento, CA 95816

Letter 58: Ellen Hoffmann, January 4, 2014

58-1: The comment is concerned about traffic on 28th Street and pedestrian safety.

Please see Master Response 9 that addresses these concerns.

58-2: The comment notes that if Caltrans closes the E Street ramp traffic will impact 29th and 30th streets and create gridlock.

The closure of the E Street on-ramp to eastbound Capital City freeway was addressed in the cumulative impact analysis in Section 4.9, Transportation and Circulation. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 59

*Carolina Sanchez Esparza
28 16 C Street
Sacramento, CA 95816*

January 6, 2014

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

Dana Allen:

This letter is to voice my concern regarding the McKinley Village Project. I was born and raised in Mid-town and have lived on C Street since 1993. My parents have lived in their home on 28th and E streets since 1967. Currently, when we pick up our children after work from our parents' home (between 4:30-5:30pm), it can on occasions take us several minutes to back out of their driveway due to the amount of traffic turning north to 28th Street. The McKinley Village Project will only add to our frustration, due to the additional 1800 cars that will use A Street to access McKinley Village. Also, our children walk to my parents' home after school. We have witnessed many cars carelessly running through stop signs and ignoring pedestrian crossings in our neighborhood. The additional traffic the McKinley Village Project will add to the neighborhood will cause additional safety issues for pedestrians, bicyclists & skateboarders.

59-1

Keeping the A Street Bridge as a pedestrian/bicycle access and adding car access via Alhambra Boulevard will help cut down on the amount of traffic on 28th Street and C Street.

59-2

I am also concerned about the impact to Sutter's Landing Park and the effect on wildlife. I enjoy being in my yard or house and being able to hear the hawks call out. The McKinley Village site currently offers foraging habitat for Swainson Hawks and other raptors, which would no longer be available. It does not explain adequately how the project will compensate for the loss of habitat for the Swainson Hawks and other raptors.

59-3

Perhaps lowering the amount of homes to be built, adding a "green belt" area, keeping the A Street Bridge as a pedestrian/bicycle access, and providing car access via Alhambra Boulevard for the McKinley Village access may help with my concerns and those of other Mid-Town/East Sac residents.

59-4

Thank you,

Carolina S. Esparza
Carolina S. Esparza

cc: shansen@cityofsacramento.org

Letter 59: Carolina S. Esparza, January 6, 2014

59-1: The comment expresses concern that the increase in vehicles on 28th Street will cause safety issues for pedestrians, bicyclists and skateboarders in the area.

Please see Master Response 4 that addresses the increase in traffic along 28th Street.

59-2: The comment is requesting that the A Street Bridge be maintained as a pedestrian and bicycle bridge and vehicle access use Alhambra Boulevard underpass to reduce vehicle trips on 28th and C streets.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Please see Master Response 1 regarding the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard.

59-3: The comment is concerned that the project will adversely affect foraging habitat for the Swainson's hawk as well as Sutter's Landing Park.

The loss of foraging habitat for protected raptors is addressed in the Draft EIR in Section 4.2, Biological Resources. The project includes mitigation to offset the loss of foraging habitat. Please see Responses to Comments 11- 1 through 11-5 for more information.

59-4: The comment is suggesting that the number of homes be reduced, A Street be used only for pedestrian and bicycle access, Alhambra Boulevard be used for vehicle access, and a green belt added to the project.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Please see Master Response 1 regarding the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard.

Comment Letter 60

1-7-14

I oppose ideas for a resident development in the McKinley Village area. This area has no access, and now you state that there can be only one access point, sending all traffic into one area. This area is better suited for industrial or office use during the weekdays and not on weekends. Who would want to buy property located next to a freeway, then surrounded by a rail line? Go look somewhere else. I point out an accident with photos from Nov 13, 2013....showing cars speeding through neighborhood which happens too much, now you want to introduce more people who will want to take short cuts through our quiet area.

60-1

Tell me how does a car roll over in photo at a blind intersection when speed should be zero---10 mph? that is because people are rushing through the neighborhood and not caring about anyone but themselves! Have you seen the traffic stalls at Alhambra Blvd/McKinley Blvd, 28th street, etc. at 3-5 pm in eve?

60-2

Have you been held up with Elvis Blvd/St. Francis Girls school traffic? Is there no public transport or better ideas to solve these problems, now you want to introduce more cars? Need housing? That is what the world in sacramento needs, try downtown, that nice piece of property at 3/L street, how about a high rise condo units? Surely something marketable could be built there for small family housing.

Back here in McKinley Park area, the Canteen Corp is a nice neighbor, you never see or hear about them, they come and go from 6am---3pm, then they close up. A car storage lot(self storage, campers, boats) park, business park would be great in this old farm land, but you need 2 entries, and cut it in half, so people can not cut through. Again who would want to live circled in by rail and car pollution? Would Pope, Pane or Miller want to live there? Can you imagine all the daily visits by babysitters, handymen, window washers, UPS trucks, gardeners.....etc, all using one entry point?

If you can not make 2 openings as you first said there would be, I would move to the idea of a park there, with no car entrance, people park outside and walk in and bike, take their pets.

60-3

*First you said 2 Access Drivels, ...
Now one, NOT ACCEPTABLE
ARE you going to keep changing
the RULES ... ?*

60-4

I ride my bike downtown, stroll the streets recalling better times in 1960's---80's. hoping things will return downtown. I use to go by bus from River park and shop K street and go to movies as a teen. I would like to see a program set up to get people to go downtown, and give them a reason to do so! A basketball arena is not answer. Surely some city planners in Europe or elsewhere can design some ideas that will bring people downtown. I shop downtown as much as possible and still go there to see a movie. Maybe some housing, parks, shopping and events can bring people there....why not some housing instead of McKinley village. Give those who work downtown some housing so they can live near work and keep cars off street during the weekdays.

I realize my vote is worthless but I am expressing my view...I do not see a successful housing dev in McKinley Village....I would not live there. I would much rather live downtown, and there is surely many buildings and land needing restoration down there. I walked home from Amtrak one Sunday night Nov 2? Too late 11 pm to get a bus,so did the city walk down J street to my house on San Antonio way....it was cold and no one was out, only street people and cops....oh a few people coming out of the bars, just a couple. I never realized this town just shuts down and is so quiet at 11 pm. Just an observation. I grew up in River Park, went to college in Bay area, and now live around the corner from my grandfather's house, which I use to visit on my bike as a teen. It is a nice neighborhood and care should be given so as not to ruin things. Bringing I-5 right through downtown Sacramento was a mistake, it should have been put west of West Sacramento...I hope more mistakes are not made.

The McKinley Village parcel is good for something, it should not just sit idle...agreed; but housing would be a mistake. Doug Pope made his living working for a developer, so naturally he would like to see things go upward in this area.

If a vote takes place and somebody is really interested in what Sacramento natives feel, then call me up! Sincerely, Michael Ragusa PO Box 19151, Sac, Ca. 95819 tel 731-8090

Mike

close executive Airport... And Build housing there, make A new private mall Airport somewhere else. How many people use EXECUTIVE Airport?

60-5

60-6



How can you turn a car upside down?

I can't help in
 car's most likely
 pushing to school
 8 AM

36th way / SAU Anderson
 way

Nov 13 2013

We get speeding state
workers heading to
Cannery + Parents
to Theo. Jvd. school,
great ! ,

Letter 60: Michael Ragusa, January 7, 2014

60-1: The commenter is opposed to developing a residential project in this area because there is no access and indicates that the project includes only one access point.

The project is proposing two access points, as required under the State Fire Code, at 40th Street and the extension of A Street. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

60-2: The comment expresses an opinion that the site is better suited for industrial or office use; speeding traffic is a problem in the area; and traffic in general is an issue.

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

60-3: The commenter appears to be under the impression that the project includes one access point.

As noted in Response to Comment 60-1, the project is proposing two access points, in compliance with the State fire code. The comment also indicates support for a park on the project site. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

60-4: The comment is again referring to access points. Please see Response to Comment 60-1.

60-5: The commenter is questioning the value of developing a residential project in this location and sharing his opinion that this is not the right project.

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

60-6: The comment is suggesting closing Executive Airport to build housing and relocating the airport.

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

Comment Letter 61

Ms. Allen, Mr. Cohn--

I'm writing with a follow-up comment to my earlier letter of objection about McKinley Village. During our drive home from work yesterday at 6:30 p.m. (we carpoled), I was reminded yet again by how badly we need relief from car traffic in East Sacramento.

For over 30 minutes, I watched car traffic nearly bring Folsom Blvd between 65th Street and 45th Street to a stop. Cars stood in line in the roadway trying to turn in and out of parking lots. Cars backed up in the roadway to swerve around them. People honked their horns, made rude gestures at each other. Then, saddest of all, I watched a line of cars turn right out of Trader Joe's to detour to pedestrian-friendly M street for their highway, because Folsom Blvd was too congested to drive on.

Please, we don't need more cars in East Sac. They are already eating away at our quality of life.

Amy Anderson
1321 40th Street, Sacramento

61-1

Ms. Allen & Mr. Cohn:

I'm writing to express my opposition to the proposed McKinley Village housing development as designed.

The project is a car-oriented -- not a pedestrian-oriented -- development, and it will bring increased and harmful vehicle traffic to the supporting streets around it. The budding pedestrian nature of existing Midtown and East Sacramento neighborhoods should be valued, not threatened. Any sensible urban planner or architecture student should be well versed in the preciousness of walkable communities, even more so considering how very difficult they are to produce. Long before Jane Jacobs wrote her treatises that inspired New Urbanism, common sense taught people that walkable communities with a mix of commercial, artistic, and residential structures are livable, compelling communities. Adding more cars and requiring residents to drive even further to reach amenities will severely and irrevocably harm the area. Sacramento should be protecting one of its most valuable resources and expanding upon its recent successes, not endangering it and them.

61-2

The streets that would shuttle cars into the McKinley Village development are already over-taxed by cars; additional traffic would make them unpleasant and inhospitable to the types of new businesses and culture that have started to take root in our area. While I love riding my bike instead of driving my car, recent traffic increases have made many nearby roads congested, intimidating, and dangerous, making even simple errands a hassle unless done during the few non-congested times of day. I regularly hear people from tract-house communities in Natomas and West Sacramento express that they wished they lived in an area where they would walk to amenities. I've never heard anyone mention they wanted to live in an area where they could drive more, where they could sit in traffic more, where they could dodge more vehicles, inhale more exhaust, or navigate more parking lots. Your decision on McKinley Village can make the difference between encouraging a budding community and creating yet another block of houses besieged by traffic, isolation, and sterility.

61-3

Sacramento is long overdue to shine as the state capitol. It should look to cities that have succeeded in urban transformation -- like Portland, OR and Boulder, CO -- for how to do this. Strategies like reducing car-fed projects, supporting walkable communities with a mix of commercial and residential amenities, funding safe, clean, convenient public transportation -- all of these the items are well known and well proved recipes for urban success, and McKinley Village does absolutely none of them. Instead, it compounds the problem that so often, and so unnecessarily makes Sacramento lackluster. Our city is blessed with a great climate, easy access to San Francisco, Lake Tahoe, the riches of Napa & Sonoma valleys, and proximity to world-class education in both Davis and Berkeley. We should be doing far better as a city. And we are not, in good part, because tract housing suppresses vitality.

61-4

Please help protect our community. Please help Sacramento grow into something that we -- and California -- can be proud of. Please help stop McKinley Village and set the precedent that new development must be quality development.

61-5

Amy Anderson

1321 40th Street, Sacramento

Letter 61: Amy Anderson, no date

- 61-1: The commenter is expressing her opinion regarding traffic on Folsom Boulevard and the congestion she experienced and indicating that East Sacramento does not need more cars or traffic. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.
- 61-2: The comment reiterates the same comments raised in Comment Letter 43. Please see Response to Comment 43-1.
- 61-3: The comment reiterates the same comments raised in Comment Letter 43. Please see Response to Comment 43-2.
- 61-4: The comment reiterates the same comments raised in Comment Letter 43. Please see Response to Comment 43-3.
- 61-5: The comment reiterates the same comments raised in Comment Letter 43. Please see Response to Comment 43-4.

Comment Letter 62

-----Original Message-----

From: cozes53027@mypacks.net [mailto:cozes53027@mypacks.net]

Sent: Tuesday, January 07, 2014 10:32 AM

To: Planning

Subject: McKinley Village EIR Comments

January 7, 2014

City of Sacramento Community Development Department
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

Re: McKinley Village

Dear Mr. Buford,

I have the following comments on the McKinley Village Project Environmental Impact Report.

1) The health risk analysis for this project shows that the residences located closest to Business 80 will face an increased risk of 120 cancer cases per million. Typically, the health risk threshold used by air districts throughout California equals an increased health risk of 10 in 1 million, not 276 in 1 million as used in the EIR. Accordingly, an increased risk of 120 per million should be considered a significant and unavoidable health risk impact.

62-1

2) Even assuming that 276 in 1 million were an appropriate threshold for the carcinogenic health risk threshold (which it is not as described in comment 1 above), the project's actual carcinogenic health risks would exceed that level. This is because the calculations used in the health risk assessment are estimated using an old, outdated procedure. The McKinley Village EIR uses calculations from 2003 guidance that was updated by the California Office of Environmental Health Hazard Assessment in 2012. The McKinley Village EIR health risk calculations do not account for child risk factors and associated differences in daily breathing rates that vary by age. When these factors are accounted for in the calculations, the carcinogenic health risks at the closest receptors would increase substantially, resulting in health risks well above the 276 per million and the 10 per million thresholds. The McKinley Village Project would clearly expose the closest residences to health risks that are significant and unavoidable.

62-2

62-3

62-4

Sincerely,

Fred Glickstein
2957 "C" Street
Sacramento, CA

Letter 62: Fred Glickstein, January 7, 2014

62-1: The commenter states that a cancer risk threshold of 10 in 1 million should have been used to determine the significance of health effects.

The cancer risk threshold of 10 in 1 million, as used by some air districts, is typically applied to a new or modified stationary source of toxic air contaminants, such as a diesel-powered generator, a boiler, or an industrial facility. The City's significance threshold for toxic air contaminants (TACs) reflects the application of this threshold for stationary sources:

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).

See also Master Response 7 that provides more detail regarding the health risk assessment and Response to Comment 17-20 regarding the selection of significance thresholds.

62-2: The commenter states that an outdated procedure was used to estimate cancer risks and that guidance updated by the Office of Environmental Health Hazard Assessment (OEHHA) in 2012 should have been used.

The Scientific Review Panel on Toxic Air Contaminants approved a revised Technical Support Document (TSD) Support Document for Exposure Assessment and Stochastic Analysis for the Air Toxics "Hot Spots" Program in June 2012. The TSD recommends new approaches to health risk assessment methodology that consider additional factors for accounting for cancer risks to children, among other revisions to the previous version of the TSD. The 2003 "Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments" (Guidance Manual), however, has not yet been updated. It should be noted that the Guidance Manual applies specifically to health risk assessments (HRAs) prepared in accordance with the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588). Furthermore, the SMAQMD Roadway Protocol uses the methods based on those in the 2003 Guidance Manual. To ensure consistency with the Roadway Protocol, the same cancer risk calculation methodology was used to estimate the cancer risk to residents of the proposed project. See also Master Response 7 regarding the HRA.

62-3: The commenter states that the EIR's health risk assessment did not account for children's risk factors and breathing rates.

Please see Master Response 7 and Response to Comment 62-2.

62-4: The commenter states that with these changes the EIR's health risk assessment would expose residents to significant and unavoidable cancer risks.

As stated above, the same methodology was used to ensure consistency with methodologies in the SMAQMD Roadway Protocol. Please see Response to Comment 62-2. The EIR concluded there would be no significant impacts from TACs.

Comment Letter 63

From: Kathy Kayner <kathy.kayner@gmail.com>
Sent: Tuesday, January 07, 2014 4:03 PM
To: Dana Allen
Cc: Marshall New Era
Subject: DEIR (McKinley Village Project)

Good afternoon.

I am a resident of 24th and C Street and an admirer and user of Sutter’s Landing Park. I wish to address my personal concerns about the traffic issues on C Street as well as the ingress and egress of Sutter’s Landing Park.

Yesterday, I took a walk from my home to SLP. As I was walking eastbound on C Street, I noticed several vehicles exceeding the 30 mile per hour speed limit. I also noticed City trucks, Southern Pacific Railroad trucks and private vehicles exceeding the 15 mile per hour limit as they were entering and leaving SLP.

63-1

With the current traffic the way it is, I am concerned that vehicles coming out or going in on A Street would be a hazard to pedestrians and bicyclists. Please be aware, because there is a dog park, not every dog owner drives their dogs to it. They walk their dogs there as well. I am also concerned about the increased traffic on C Street from the vehicles of McKinley Village. There is a private school (Courtyard School) right off 24th and C Street. Parents do not just drop their children off right at the school. They sometimes have to park to the south of 24th Street and walk their children to the school. Additional traffic coupled with speeding, is very hazardous in this area.

63-2
63-3

If there must be an ingress/egress from McKinley Village, I respectfully ask that the City reconsider not having traffic coming out or going in via 28th Street...period. It was mentioned in the last meeting that drivers are ignoring the DO NOT ENTER signs for westbound traffic at D and E Street. That is another concern that should be addressed.

63-4

From a safety standpoint, it makes better sense to have traffic coming out via Alhambra Blvd.

63-5

If McKinley Village is approved, I am very concerned about the impacts to the wildlife at Sutter’s Landing Park and the area where the MVP is being considered. I noticed several references to “Threatened Species” mentioned in the DEIR. Shouldn’t the City be concerned that these “Threatened Species” will eventually become “Endangered Species” if we take away their habitat and foraging areas? Is revenue for the City that important that it could harm not only the wildlife but the plant life that support the wildlife?

63-6

If and when construction begins, where will the construction equipment enter and exit the area? Is the developer considering using 28th Street to A to bring heavy equipment into the area? Where will storage of construction materials, equipment etc be stored? At Sutter’s Landing Park? At what area of the park will these items be stored? Will the developer be prepared to pay for mitigation of any toxic spills or waste from stored materials?

63-7
63-8

Thank you in advance for taking the time to read this email and for kindly considering my concerns and questions.

Kathy Kayner

Letter 63: Kathy Kayner, January 7, 2014

63-1: The commenter is noting vehicles speeding on C Street in the area around Sutter's Landing Park.

The commenter's opinions regarding existing traffic conditions does not raise issues regarding physical effects of the project on the environment and no further response is required. The comment is forwarded to the Department of Public Works, Transportation Division for further investigation regarding speeding issues along C Street.

63-2: The commenter is concerned about traffic on A Street creating a safety hazard to pedestrians and bicyclists along 28th Street.

Access to Sutter's Landing Park and the project site would be via 28th street, an existing roadway. The Draft EIR did not identify an impact at this location, but the project applicant is required to do off site improvements including improving 28th Street between A Street and B Street with sidewalks and a bike lane on the west side of 28th street.

Please see also Master Response 4 that addresses issues associated with 28th Street and Master Response 9 that addresses the at-grade crossing of the railroad tracks in this location.

63-3: The comment is raising a concern about potential traffic hazards and issues of speeding on the Courtyard School located at 24th and C Streets.

The Draft EIR evaluated C Street between Alhambra Boulevard and 33rd Street; between 33rd Street and 39th Street; between 39th Street and 40th Street and between 40th Street and Lanatt Street (DEIR p. 4.5-5). The Draft EIR did not identify any significant impacts to study facilities located on C Street under Existing Plus Project or Cumulative Plus Project conditions, per the City of Sacramento's impact significance criteria. The traffic study did not evaluate C Street west of Alhambra Boulevard into Midtown. Please see Master Response 5 that addresses the request for additional study locations.

63-4: The commenter states that if A Street is used as a project access, project traffic should be prohibited from using 28th Street. The commenter also notes that drivers ignore the half-street closures that are currently in place on 28th Street.

The project site has legal rights to access from A Street which is planned to connect to 28th Street. The comment regarding drivers ignoring prohibitions in place at existing half-street closures is noted.

This comment does not raise concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is forwarded to the decision makers for their consideration.

63-5: The comment is expressing support for vehicle access at Alhambra Boulevard.

Please see Master Response 1 regarding the infeasibility of constructing a bridge/roadway underpass in this location. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

63-6: The comment is expressing concern that the project will impact wildlife at Sutter's Landing Park and special-status species.

Please see Responses to Comment Letter 23, Friends of Sutter's Landing Park for information on impacts to the Park.

63-7: The comment raises concerns regarding construction activities and storage of equipment.

Chapter 2, Project Description, page 2-58 describes the staging of construction equipment and construction activities for the project as follows:

"Construction equipment and construction worker vehicles generally would be staged on site or at the adjacent Cannery Business Park site. Per City requirements, the project applicant is required to prepare a traffic management plan for construction vehicles and equipment that would be reviewed and approved by the City's Department of Public Works prior to beginning any construction activities. Daily construction round trips would range from approximately 38 to 66 vehicle trips, including construction employees and deliveries. The majority of this traffic would use the 28th Street and the A Street Bridge access until the 40th Street underpass is complete. Once the underpass is complete, approximately half of the trips would access the site from 40th Street. Most of this traffic would be construction workers arriving between 7:00 a.m. and 8:00 a.m., and leaving the site between 4:00 p.m. and 5:00 p.m. Roads used by construction workers accessing the site from A Street would use 28th Street to A Street. The construction traffic accessing the site from 40th Street

could access the site from Elvas Avenue and Highway 50 or from C Street and the Capital City Freeway. The specific roads used for construction of the project would be included in the traffic management plan to be reviewed and approved by the City.”

63-8: The comment asks if any equipment or material will be stored at Sutter’s Landing Park.

As noted in the response above, no equipment or material storage is proposed within Sutter’s Landing Park. All construction equipment would be staged on site or at the adjacent Cannery Business Park. The closed 28th Street landfill is not open to the public so the project applicant would have no access to the park during project construction. Regarding mitigation for any spilled material, the Draft EIR includes Mitigation Measure 4.4-1(a) which requires that in the event that grading or construction reveals evidence of soil contamination, underground storage tanks (USTs), or other environmental concerns, a Construction Management Plan shall be prepared. The plan shall identify specific measures to take to protect worker and public health and safety and specify measures to identify, manage, and remediate wastes as well as require appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including, hazardous substance management, handling, storage, disposal, and emergency response. These work practices include the following: an on-site hazardous material spill kit shall be provided for small spills; totally enclosed containment shall be provided for all trash; and all construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, shall be removed to an appropriate waste facility permitted or otherwise authorized to treat, store, or dispose of such materials.

Comment Letter 64

From: Wehr, Kevin <kwehr@csus.edu>
Sent: Tuesday, January 07, 2014 5:45 PM
To: Wehr, Kevin
Cc: Dana Allen; Steve Hansen; Steve Cohn
Subject: Re: comments on draft EIR for McKinley Village Project

Forgive my follow-up email, but another point arises from today's Sac Bee, <http://www.sacbee.com/2014/01/07/6050449/drought-prompts-deep-cuts-in-american.html>.

The San Juan water district plans will this week decide whether to declare "Stage 5" drought restrictions would ban all outdoor watering, prohibit water from being used for construction activities, **ban new connections to the water system**, and call on customers to reduce indoor water use by 50 percent." article goes on to state "The city of Sacramento is expected to consider similar measures later this month."

64-1

One has to wonder, given this third year of scarce water and lowest precipitation year in history, whether there even be enough water to feed this new development, if the area's governance boards are considering banning new connections to local water systems.

Cheers,
Kevin

Kevin Wehr
2014 C Street
Assoc. Prof. of Sociology
CSU Sacramento

On Jan 7, 2014, at 4:28 PM, Kevin Wehr wrote:

Dear Dana Allen, Steve Hansen, and Steve Cohn,

I am writing to you to express my serious concerns regarding the draft Environmental Impact Report on the McKinley Village Project.

Let me begin by saying that I oppose this project on a number of grounds, not limited to my comments on the draft EIR. I believe that this is an ill-conceived project that will have severe impacts on the quality of life in my neighborhood and nearby neighborhoods. First, I do not believe that the project can be economically feasible. I doubt very much that people will be willing to pay the asking prices for homes that do not have adequate access to public transportation and which are sandwiched between a major Interstate highway and a major freight rail line. Additionally, I believe that there are environmental risks involved as there is inadequate drainage in the area, which is essentially a bathtub without a drain. I know pumps will be installed--that they are willing to do this demonstrates to me how misguided the project is. Lastly, I am a believer in in-fill development, but that is not really what this is. This is a brand new development that will require large commitments to building or re-building infrastructure, will impact our local schools (one of which was just closed), effect the efficiency of our already-strained emergency responders, and increase traffic and noise. All of these costs are disproportionately focussed on two neighborhoods--midtown and east sacramento. To my mind, true in-fill development is distributed across open lots sprinkled around the city. If the equivalent number of homes were built on open

64-2

64-3

lots around midtown and elsewhere, the costs and impacts would also be distributed and such a project would have my full support (indeed, two such projects have been built within a block of my residence). Instead, the developer is asking two neighborhoods to bare the burden of this new development. The point has been made that it is better to do this than to pave over farm fields, but I guarantee you that this is not a zero-sum game. The farm fields will be paved over in due course, regardless of whether this project moves forward. These are the reasons I vehemently oppose this project.

↑
64-3

With that said, I would like to discuss the impacts on the neighborhood and the proposed mitigations offered in the draft EIR. The traffic impacts on C street and 28th street will be extreme. C street is already a "sacrifice street" for the neighborhood, with a level of service C as compared to A for all other streets. We carry truck traffic to the Bell Marine recyclers, Blue Diamond, and random other tractor-trailer traffic as the street was designated a "truck route" in the middle 1980s. It is the only street in north midtown (between B street and J street) where traffic can proceed unhindered by diversions, circles, or other calming measures. Traffic during rush hour is barely tolerable, and the addition of some 1800 vehicle trips with some large percentage headed to downtown would make life and work here very difficult indeed, and move C street to level of service F--the highest possible. I work from home at least three days a week, and I chose to live on C street, not J street. The two parks on C street (Grant and Stanford) get a great deal of use, both by organized and informal sports groups as well as Courtyard School physical education. I see several balls bounce across the street in front of cars every day. Adding increased traffic vastly increases the likelihood of an accident--to me it would become not a matter of "if" but "when." All of these concerns are amplified for the several parks at Sutter's Landing. In short, Regardless of CEQA, the City General Plan Goal M 4.3 is that "wherever possible" the City shall "improve development applications in such a manner as to reduce high traffic flows within residential neighborhoods." The City has a responsibility to achieve this goal by either rejecting this proposed development or at minimum addressing the impact of the McKinley Village project on traffic flows along C Street.

64-4
64-5

If the project must move forward, the only mitigation that I can imagine working would be to abandon the proposed exit from McKinley Village at 28th and to route traffic onto 30th or Alhambra under the railroad tracks. The existing bridge over Business 80 could be used nearly as-is for bicycle and pedestrian traffic, which is a much more friendly fit for entry into midtown, parks, and etc as compared to the proposed bike tunnel at Alhambra. I understand that such a change depends on the good will of Union Pacific, and is more costly to the developer. But the costs to the developer must not trump the costs to the neighborhood, your constituents.

64-6

Barring such a change, the mitigation for C street and 28th street needs to be seriously reconsidered. At minimum there must be undulations and traffic circles added at regular intervals (and especially near the bike path entry) to C street in order to slow traffic down. Stops signs would need to be installed at a minimum for the intersections at C and 22nd and C and 27th near the parks--even better would to add them also at 24th and 26th--to slow traffic and encourage the use of alternate routes and public transit. The speed limit needs to be reduced to 25mph and strictly enforced. This would need to be in conjunction with re-routing traffic leaving the development and coming south down the railroad berm by installing a no-right-turn partial closure of C street. This would at least force traffic to disperse through the neighborhood rather than having C street bare the brunt of the traffic leaving the development.

64-7

These are my initial thoughts. Thank you for your time and attention to this matter of great importance to my community.

Regards,

Kevin Wehr
2014 C Street
Assoc. Prof. of Sociology
CSU Sacramento

Letter 64: Kevin Wehr, January 7, 2014

- 64-1: The comment provides information on the San Juan Water District's plans to declare drought conditions to limit water usage and questions if there will be water to serve this project.

The Draft EIR addresses water demand associated with the project in Section 4.8, Public Utilities. In the event the City declares a drought, water rationing will be required and the City would implement specific measures to address water conservation. At this time the City does not anticipate eliminating new water connections. As noted in the Draft EIR on page 4.8-8, "[a]n extremely severe drought would be an event in excess of the UWMP guidance and would have a very low probability. For the purposes of the 2010 UWMP, an extremely severe drought is one that would prohibit the City from diverting water off the American River. This type of drought would result in the City relying on the SRWTP and groundwater solely, and the combined production capacity of the two would be 180 mgd. The projected maximum day demand for the years 2015 and 2020 are expected to be 259 mgd and 253 mgd, respectively, if the City does not bring on additional wholesale and wheeling customers. Demands would have to be reduced by about 30% to safely serve demands."

- 64-2: The commenter is stating his opposition to the project due to a number of factors including a decline in the quality of life of existing residents, lack of access to public transportation, project location, etc.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Please see Master Response 10 that addresses neighborhood livability in terms of traffic.

- 64-3: The commenter is stating his opinion that the project is not considered in-fill and impacts associated with this project will disproportionately affect the Midtown and East Sacramento neighborhoods and restates his opposition to the project.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Please see Response to Comment 18-48 that addresses infill.

64-4: The commenter states that traffic impacts on C Street and 28th Street will be “extreme,” and states that this street serves a different function than other neighborhood streets due to the lack of traffic calming measures present on the street its designation as a truck route. The commenter also expresses concerns regarding safety adjacent to the two parks located on C Street.

The Draft EIR did not identify significant impacts to any study transportation facilities located on C Street under Existing Plus Project or Cumulative Plus Project conditions.

C Street is not a truck route as approved by City Council. City of Sacramento truck maps were recently updated to reflect this resolution. The Draft EIR text on page 4.9-16 has also been modified to reflect this resolution (please see Chapter 2 of this Final EIR for the text change).

This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is forwarded to the decision makers for their consideration.

64-5: The commenter is noting that the City has a responsibility to comply with 2030 General Plan Goal M4.3 to reduce traffic flows within residential neighborhoods and needs to either reject the project or address the impact of project traffic on C Street.

Goal M 4.3 in the City’s 2030 General Plan states: Neighborhood Traffic. Enhance the quality of life within existing neighborhoods through the use of neighborhood traffic management techniques, while recognizing the City’s desire to provide a grid system that creates a high level of connectivity. Policy M 4.3.1 states: Neighborhood Traffic Management. The City shall continue wherever possible to design streets and improve development applications in such a manner as to reduce high traffic flows and parking problems within residential neighborhoods. The project has been designed to address the intent of the City’s goal and policy to address neighborhood traffic. Regarding livability issues, please see Master Response 10 and Master Response 5 regarding the scope of the traffic analysis. See also Master Response 8 regarding consistency with applicable general plan policies.

64-6: The comment supports using the A Street Bridge for bicycle and pedestrians and using the Alhambra Boulevard underpass for vehicles.

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

- decision makers for their consideration. Please see Master Response 1 regarding the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard.
- 64-7: The commenter requests that the mitigation for C Street and 28th Streets in Midtown should be reconsidered, and should include traffic calming measures to slow traffic.

The Draft EIR did not identify significant impacts to any study transportation facilities located on C Street or 28th Street under Existing Plus Project or Cumulative Plus Project conditions, and therefore does not contain mitigations for these facilities.

This comment does not pertain to any specific analysis or conclusions contained in the Draft EIR. The Draft EIR did not identify any impacts to transportation facilities located on 28th Street or to C Street. Relative to the commenter's request to include traffic calming measures to slow traffic, there is no evidence to suggest that project traffic will increase travel speeds on 28th Street or on C Street.

As documented on pages 4.9-37 and 4.9-38 of the Draft EIR, the City of Sacramento has a Neighborhood Traffic Management Program (NTMP) in place that allows neighborhoods to petition the City to install traffic calming devices. The Midtown neighborhood, which encompasses 28th Street, has completed this process in the past (DEIR Figure 4.9-3 documents existing traffic calming devices in the neighborhood). Additional traffic calming devices in Midtown would be evaluated through the NTMP process after the identification of new issues related to safety, traffic speed, etc.

Comment Letter 65

Ellen Trescott
2014 C Street
Sacramento, CA 95811
eltrescott@hotmail.com
(916) 873-2020

VIA E-MAIL

January 7, 2013

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

Re: Comments on the Draft EIR for the McKinley Village Project (P08-086)

Dear Dana,

Please accept these comments on the Draft Environmental Impact Report (DEIR) for the McKinley Village Project (Project). I am a resident of the Boulevard Park neighborhood in midtown Sacramento, and I have a background in land use and environmental law. With due respect, the City’s planning process for this Project has been very frustrating for the residents of my neighborhood, who would receive no benefit from the Project but would shoulder most of the Project’s traffic burden. The willingness of the City and the Applicant to attend community meetings has not translated into any meaningful attempt to address the concerns of our community, and this is reflected in the DEIR.

The majority of Project traffic would empty onto 28th and C Streets, the *only* two streets near the Project that currently operate at an impaired level of traffic service.¹ To address the Project’s disproportionate effect on these already-impaired local streets, we asked that the EIR, and the City, conduct a thorough analysis on the following two subjects, desired by a majority of residents in our community: (1) a detailed financial and engineering assessment of the feasibility of routing Project traffic onto 30th Street or Alhambra Boulevard in East Sacramento, where the Project would be located, rather than onto 28th and C Streets in midtown; and (2) the feasibility of implementing specifically requested traffic mitigation measures: (a) routing Project traffic onto B and 29th Streets rather than onto C and 28th Streets; and (b) installing traffic calming devices on C and 28th Streets.



¹ DEIR p. 4.9-24 (28th Street between C and E Streets, and C Street west of 28th Street, are the only two street segments affected by the Project that operate at LOS “C” rather than LOS “A”).

The EIR gives short thrift to these request.² It misrepresents the traffic patterns in our neighborhood, and it underestimates the Project’s impacts on local traffic and on pedestrian and bicyclist safety. The Applicant has so far refused to offer to install or pay for *any* traffic controls to address the Project’s impacts on C and 28th Streets, and has instead deferred those improvements (and their funding) to the City.³ Our community deserves better.

65-3

The DEIR grossly underestimates Project traffic on C Street. It predicts that only 4 to 5 percent of vehicles coming and going from the Project would use C Street, while over 40 percent would use 28th Street.⁴ There is absolutely no basis for this assumption. Currently, both C Street and 28th Street carry similar amounts of traffic.⁵ Both are impaired in their level of traffic service, as the only local streets with a current LOS “C” classification rather than LOS “A.” The DEIR makes broad characterizations about all “east-west local streets between C Street and I Street,” suggesting that all such streets are similar.⁶ The DEIR concludes that traffic is limited on these streets, not only due to half-street closures on some streets but also due to “the lack of one-way streets, presence of multiple stop controlled intersections, and the presence of traffic circles,” which help maintain “relatively low travel speeds on these roadways.”⁷

65-4

As noted in the DEIR, C Street has no half street closure. Moreover, it has very few stop signs, and no traffic circles or other traffic control devices. It is common for vehicles to travel at high speeds on C Street because there are fairly few impediments to control traffic. In fact, the DEIR shows that *twice as many commuters* use 28th Street to get to C Street than to get to H Street in order to travel to job centers downtown.⁸ There is no reason to believe that Project traffic will behave any differently. The DEIR’s conclusion that the Project will create minimal traffic on C Street is unsupportable.

65-5

² The DEIR does not even consider a Project alternative that would involve site access from 30th or Alhambra, nor does it provide any concrete analysis of why such an alternative is infeasible.

³ See DEIR p. 4.9-94 (“The City should monitor 28th Street traffic volumes after construction of the project to determine if a half street closure is necessary at the C/28th Street intersection,... diverting traffic onto C Street (eastbound), where drivers would then continue southbound on 29th Street. ... B Street provides a connection between 28th and 29th Street, [but] is a less suitable location for a half street closure... [and] currently lacks standard improvements...”)

⁴ DEIR Figures 4.9-7 and 4.9-8.

⁵ DEIR pp. 4.9-24, Table 4.9-4 (28th Street between C and E Street current sees 3,850 vehicles per day, while C Street west of 28th Street sees 3,640 vehicles per day); DEIR Figure 4.9-6 (traffic data for the intersection of C and 28th show similar levels of total traffic on both streets)

⁶ DEIR p. 4.9-40.

⁷ *Ibid.*

⁸ DEIR Figure 4.9-6, (traffic data for intersection of E Street at 28th, westbound turns and north- and southbound traffic).

The City’s General Plan contains Goal M 4.3 and Policy M 4.3.1, Neighborhood Traffic:

“The City shall continue wherever possible to design streets and improve development applications in such a manner as to reduce high traffic flows and parking problems within residential neighborhoods.”

65-6

The City Planning Commission and City Council should adopt Project conditions that will ensure compliance with this goal and policy, and avoid adverse impacts on local midtown residents who live on already-impaired streets in residential neighborhoods. The City should ideally require a detailed study and proof that 30th Street or Alhambra Boulevard cannot be accessed by the Project. If A Street is used for Project access, the following conditions should be required:

- For outbound Project traffic: The Applicant should construct and/or fund two half-street closures, one on 28th at B (southbound), and one on C at 29th (westbound), to direct Project traffic east onto B Street then south on 29th Street. This would prevent Project traffic from travelling westbound on C or southbound on 28th, the two neighborhood street segments that currently suffer from LOS “C” traffic conditions;

65-7

Alternatively, two half-street closures should be required at the intersection of C and 28th Streets, to prevent Project traffic from travelling westbound on C or southbound on 28th Street. The first alternative is preferable because it would only affect Project traffic, and would not adversely affect the residences on C Street between 28th and 29th.

65-8

- For inbound Project traffic: The Applicant should construct and/or fund traffic controls on C Street and 28th Street, including additional stop signs, undulations, traffic circles, and bike lanes;

65-9

Additionally, 29th Street should be converted to a 2-way street between B and D Streets (and possibly between D and E streets, with a median to separate it from the E-Street off ramp), to allow for inbound vehicular Project access on streets other than C and 28th.

65-10

Thank you for giving your sincere consideration to the concerns of midtown neighborhoods.

Sincerely,

Ellen Trescott
Ellen Trescott

Letter 65: Ellen Trescott, January 7, 2014

65-1: The commenter states the majority of the traffic generated by the proposed project would load onto the intersection of 28th Street/C Street, and goes on to state that 28th Street and C Street “currently operate at an impaired level of traffic service” citing Draft EIR page 4.9-24.

As shown in the trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 41, 43), 52% of trips generated by the proposed project are projected to use the A Street access point, located at the western end of the proposed project. As documented on page 4.9-39, the total daily estimate of project-generated vehicle trips is 3,507. Therefore, approximately 1,800 trips will use the A Street access on a daily basis (52% of 3,507), and continue south into Midtown. The commenter is correct that the C Street/28th Street intersection is projected to handle more project-generated traffic than any other study roadway facility.

The commenter cites Draft EIR page 4.9-24 as evidence that the segments of C Street west of 28th Street and 28th Street south of C Street operate at an “impaired level of traffic service.” Table 4.9-4 on page 4.9-24 of the Draft EIR shows that both of these facilities currently operate at LOS C, which is an acceptable level of service according to the City of Sacramento 2030 General Plan and the City’s impact significance criteria documented on pages 4.9-45 through 4.9-46. Further, the addition of project-generated traffic does not result in significant impacts to either of these facilities or to the C Street/28th Street intersection per the City’s significance criteria.

The commenter goes on to express support for the routing of project traffic onto 30th Street or Alhambra Boulevard in East Sacramento. Please refer to Master Response 1 regarding the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard.

65-2: The commenter requests an evaluation of the feasibility of routing project traffic to 29th Street via B Street, and of installing traffic calming devices on C and 28th Streets.

Please refer to Master Response 4 for a response to the first portion of this comment.

In regards to the installation of additional traffic calming devices, the comment does not pertain to any specific analysis or conclusions contained in the Draft EIR. The Draft EIR did not identify any significant impacts to transportation facilities located on 28th Street or C Street. Further, there is no evidence to suggest that project traffic will increase travel speeds on 28th Street or C Street.

As documented on pages 4.9-37 and 4.9-38 of the Draft EIR, the City of Sacramento has a Neighborhood Traffic Management Program (NTMP) in place that allows neighborhoods to petition the City to install traffic calming devices. The Midtown neighborhood, which encompasses 28th Street, has completed this process in the past (DEIR Figure 4.9-3 documents existing traffic calming devices in the neighborhood). Additional traffic calming devices in Midtown would be evaluated through the NTMP process after the identification of new issues related to safety, traffic speed, etc.

65-3: The commenter states that the Draft EIR misrepresents traffic patterns in the neighborhood and underestimates project impacts to local traffic, pedestrian safety, and bicyclist safety, and goes on to state that the project applicant should pay for traffic controls to address project impacts to C Street and 28th Street.

The Draft EIR did not identify any significant impacts to transportation facilities located on 28th Street or C Street, and therefore no mitigation measures for these facilities were included in the Draft EIR.

65-4: The commenter states that the Draft EIR underestimates project traffic on C Street, and states that there is no basis for the project trip distribution values.

According to page 4.9-40 of the Draft EIR, the trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 41, 43) and incorporated into the traffic analysis relied upon multiple analytical techniques, including the following:

- Project-only traffic assignment using the Base Year SACMET regional travel demand model.
- Location of schools that would serve study area (Theodore Judah Elementary, Sutter Middle, and Hiram W. Johnson High).
- Relative travel time/speed comparisons between the project and key destinations (e.g., Capital City Freeway) for various travel routes.
- Review of existing traffic count data.
- Relative ease of travel on parallel routes (e.g., coordinated signals and one-way traffic using multiple lanes on 29th and 30th Streets versus bi-directional traffic and frequent stops on 28th Street and Alhambra Boulevard).

In summary, a comprehensive analytical approach was undertaken to develop the project's expected inbound and outbound trip distribution percentages. Independent review of these calculations and analysis methods by City of Sacramento staff

confirmed their reasonableness and validity for use in the Draft EIR. The trip distribution percentages are considered appropriate by the City and their traffic consultant, Fehr & Peers, based on their professional judgment and experience in dealing with similar projects.

- 65-5: The commenter states that C Street has no half-street closure, few stop signs, no traffic circles or other traffic control measures. The commenter goes on to state that according to Figure 4.9-6 of the Draft EIR, which shows peak hour traffic volumes at the C Street/28th Street intersection under existing conditions, “twice as many commuters use 28th Street to get to C Street than to get to H Street in order to travel to job centers downtown.” The commenter concludes that these points are evidence that the Draft EIR should include additional project-generated traffic on C Street.

All east-west streets from D Street to H Street currently have half-street closures in place. While C Street does not have half-street closures, the segment of C Street between 17th Street and 19th Street (adjacent to Blue Diamond Growers) is closed to through traffic, which requires through traffic to divert to a parallel route, similar to the result achieved by a half-street closure. Therefore, none of the east-west streets in Midtown located north of I Street currently provide for convenient through-travel relative to east-west streets located further to the south. Streets located to the south of this area (e.g., J Street and L Street) are one-way streets that provide for direct travel and feature multiple travel lanes and traffic signals with coordinating signal timing plans. For these reasons, east-west streets located in the northern portion of Midtown generally provide for local access to adjacent land uses, while arterial roadways to the south serve a mix of both local and longer distance trips.

The commenter’s assertion that the existing traffic volumes at the C Street/28th Street intersection depicted on Figure 4.9-6 are indicative of the travel patterns that would be generated by residents of the proposed project is not supportable. The vast majority of trips on the streets in the northern portion of Midtown are the result of residents in this area traveling to/from their homes. For example, residents of D Street and E Street are not able to travel directly from the Capital City Freeway off-ramp at E Street to their homes due to half-street closures that prevent westbound through movements onto both of these streets (located just west of 28th Street). Instead, residents of D Street or E Street must divert to less direct routes, including northbound on 28th Street to westbound on C Street, to access their homes. Therefore, C Street handles a larger share of local traffic than D Street or E Street. Unlike residents of the northern portion of Midtown, residents of the proposed project would have other quicker travel paths available that do not necessitate travel on east-west streets in this area.

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. 41, 43) indicates a much higher proclivity for trips to/from the proposed project to utilize the Capital City Freeway and/or one-way arterial streets located further to the south to access job centers located in Downtown Sacramento.

- 65-6: The commenter cites 2030 General Plan Policy M 4.3.1 which states that “The City shall continue wherever possible to design streets and improve development applications in such a manner to reduce high traffic flows and parking problems within a residential neighborhood.” The commenter goes on to state that the City Council should place conditions on the project to avoid “adverse impacts on local midtown residents who live on already-impaired streets in residential neighborhoods.”

The City’s level of service (LOS) policy is contained in General Plan Policy M 1.2.2, which incorporates a “Core Area Level of Service Exemption” that allows for LOS F conditions within the area that encompasses the Midtown neighborhood. Implementation of the proposed project does not result in significant impacts to any study facilities located in this area under Existing Plus Project or Cumulative Plus Project conditions per the City’s significance criteria.

As documented on pages 4.9-37 and 4.9-38 of the DEIR, the City of Sacramento has a Neighborhood Traffic Management Program (NTMP) in place that allows neighborhoods to petition the City to install traffic calming devices. The Midtown neighborhood, which encompasses 28th Street, has completed this process in the past (DEIR Figure 4.9-3 documents existing traffic calming devices in the neighborhood). Additional traffic calming devices in Midtown would be evaluated through the NTMP process after the identification of new issues related to safety, traffic speed, etc.

The commenter reiterates support for the routing of project traffic onto 30th Street or Alhambra Boulevard in East Sacramento. Please refer to Master Response 1 regarding the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard.

- 65-7: The commenter states that if A Street is used as a project access (as included in the project description and studied in the Draft EIR), half-street closures should be installed to direct project traffic to B Street and 29th Street.

Please refer to Master Response 4 that addresses this issue. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or

completeness of the environmental document. The comment is forwarded to the decision makers for their consideration.

- 65-8: The commenter states that if a half-street closure is not installed at B Street/28th Street, an alternative would be the installation of two half-street closures at the C Street/28th Street intersection (in the westbound and southbound directions).

Please refer to Master Response 4 addressing this issue. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is forwarded to the decision makers for their consideration.

- 65-9: The commenter requests additional stop signs, undulations, traffic circles, and bicycle lanes on C Street and 28th Streets.

This comment does not pertain to any specific analysis or conclusions contained in the Draft EIR. The Draft EIR did not identify any impacts to transportation facilities located on 28th Street or to C Street. Further, there is no evidence to suggest that project traffic will increase travel speeds on 28th Street or on C Street.

As documented on pages 4.9-37 and 4.9-38 of the Draft EIR, the City of Sacramento has a Neighborhood Traffic Management Program (NTMP) in place that allows neighborhoods to petition the City to install traffic calming devices. The Midtown neighborhood, which encompasses 28th Street, has completed this process in the past (DEIR Figure 4.9-3 documents existing traffic calming devices in the neighborhood). Additional traffic calming devices in Midtown would be evaluated through the NTMP process after the identification of new issues related to safety, traffic speed, etc.

- 65-10: The commenter requests the conversion of 29th Street to 2-way operation to allow for inbound vehicular access to the proposed project on this roadway.

This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is forwarded to the decision makers for their consideration.

Comment Letter 66

From: Dale Kooyman <kooyman801@gmail.com>
Sent: Tuesday, January 07, 2014 7:45 PM
To: Dana Allen
Cc: Steve Hansen; Consuelo Hernandez
Subject: McKinley Village EIR comments
Attachments: 0_McKinley Village Project Title Table.pdf; 049Transportation and Circulation.pdf; Kings' arena DEIR excerpt.doc

Various individuals asked me to edit, proof and organize their comments into a single composite document and submit to city staff for the subject EIR. By this email I am forwarding a summary of all their and my comments to you. Some comments may reflect duplicate concerns. (There may also be typos I made or missed and other errors---please call me--443-5543--if clarification is needed. These concerns and comments result from commenters having attended Councilman Hansen's Community meeting of December 11, 2013 meeting at the B Street theater.

Please confirm by return mail that you received these comments. Your IT staff have instituted a system where lengthy emails with attachments and numerous cc's to the city are sometimes considered spam. Thanks.

1. Please refer to attachments, Alhambra Charette McKinley, Transportation and Kings Arena DEIR excerpt.
2. The Alhambra Transportation Charette is the only multi-stakeholder visioning exercise ever done for the Alhambra Corridor. It has withstood the test of time, and must be considered the foundation of the current EIR for any further planning efforts, including this version of McKinley Village.
3. In view of the fact **former Planning Director Gary Stonehouse** was there **presiding at one of the large round-tables, the Planning and Development Department should not only have copies of the Charette but should be following its guidelines for the corridor, including the McKinley Village as it did previously.** The same applies to the **Transportation Department as it followed such guidelines previously.** (both see #9)
 A few short years ago Walgreens representatives submitted a proposal to build a drugstore within the same block as the Mayflower restaurant. Yet, in the **Hansen meeting**, there was **no reference** to that **future development** and its possible traffic and other impacts. **Evaluating and applying the charette contents and guidelines are major omissions. Those omissions must be corrected as well as projected traffic impacts resulting from the McKinley Village project and included in the final EIR.**
4. Developer Sotiri **Kolokotronis**, Brian **Holloway** and **Bruce Starkwether** members **Development Oversight Commission (DOC)**, Consultant **Wendy Hoyt, Max Fernandez and Ed Cox** were also Charette participants. Absent a copy of the sign in sheet, we do not have the names of transportation employees. **All supported and agreed with the results** as well as contributed ideas and suggestions for adoption--one of which is a mini-street car line down Alhambra.
5. The charette reflects a lot of concern, even then, about the **cumulative** impacts associated with the possible relocation of the Greek Orthodox church to Centrage and redevelopment of that property along with the large development project bounded by C & D being proposed for Alhambra--30th St. There was no reference to this project at the meeting also. Under consideration was the possible dense residential project at Eppie's site and Vagabond Inn at N st.

66-1

The charette also resulted from recognition that the history of city Planning and Transportation staff's planning new suburban neighborhoods treated Central City streets far differently. For the former, staff meticulously created a street hierarchy classification of a. **local** (residential with very low traffic volumes and speed limits), b. **collector** (somewhat higher volumes and speed limits) and c. **expressways** (highest volumes and speed limits).

Hard fought as it was to achieve, only by installation of traffic calming measures commonly accepted in other inner cities and conversion of one-way streets to two-way did the city modify its long standing practice of lumping all Central City streets together to promote expressway speeds and volume. The single purpose was to move commuter traffic out-of and into the Central City with maximum efficiency.

With no regard for land use along those streets such as schools, churches and residential, the practice resulted in PD ticketing speeders at an average of 62 mph. Such speeds not only claimed adult, child and animals' lives but resulting vehicle accidents severely damaged residents' homes, cars and personal property--not to mention costs to PD, Fire, Ambulance.

In the absence of constructing the Sutter Landing Parkway as a primary driver access route, if that is the case as Hansen said, neither Planning nor Transportation staffs' presentations and answers to questions at the community meeting were adequate. They did not clearly show how they specifically and meticulously plan to protect pedestrian street safety and quality of life for impacted residents, their children and their visitors. Instead, it appeared that staff were planning to allow future McKinley residents **and** future added commuter traffic from points east unimpeded access. Only treatments for C and D streets were mentioned as "possible" and impacts to the rest omitted, if not ignored---i.e. **cumulative** impacts to all streets in the coming years! Answers to problems participants posed and proposed protections must be included in the final EIR.

66-1
Cont.

6. The contents of the Alhambra Charette should be taken into consideration when completing the EIR for the McKinley Village Project. It was a joint city staff, East Sacramento and Midtown effort done to lay out a future path for the Angelo Tskopoulos's Greek Church Centrage project. (See #9 below.) In terms of the transportation circulation needed to facilitate the McKinley Village, these projects are identical.

7. The city has actually accelerated infill development while still ignoring the inadequacy of the existing infrastructure and negative impacts that a project may have on adjacent business and residential neighborhoods. The Arena is an example of how flawed the city's development philosophy has become. If the existing storm drainage system can't handle the added volume of waste, then build a huge concrete retention basin under a building to temporarily store excess. And if the existing sewage system can't handle 500 Arena toilets flushing in unison, build a massive concrete sump under the building and then gradually pump it out so as not to overload the city's inadequate system.

8. This is also the approach the City has taken with McKinley Village, so that the anticipated sewage waste load increases do not overwhelm the antiquated sewer and storm drainage systems they would be connected to. The City simply required the developer to provide a sub-grade storm drain retention basin and a sub-grade sewage sump. What is particularly offensive is that the McKinley Village developer then promoted the basin and sump as their special gift to the City at great expense to themselves.

66-2

9. One accomplishment from the Charrette was the **2-way conversion of J Street between Alhambra and 30th Street**. It relieved congestion and provided access to the Northbound Fwy Business 80 onramp. That **would not have happened without including this Alhambra Charrette results in the Central City Two-Way Conversion Study process**. This shows that visioning exercises like this Charrette, provide considerable value over time. **Traffic should have record of this**. This change also shows the Charette was not an idle effort--it did and still does have project development and traffic circulation meaning.

66-3

10. The consultant that arena developers commissioned to prepare its DEIR gave reasons why its construction and operation would have no negative traffic impacts on surrounding business and residential streets. One important given that supported the consultant's findings was the completed **construction of the**

Sutter Landing Parkway stretching from the Capital City Freeway on the east to 16th Street on the west with on and off ramps as needed. It is known that in the very near future Caltrans plans to close the E Street freeway ramps for merging and other safety reasons.
 "McKinley Village Project November 2013 049 Transportation and Circulation pdf page 2

↑
66-3
Cont.

- *The traffic analysis should consider Caltrans' proposed closure of the E Street on-ramp to the Capital City Freeway (Business 80).*

↑
66-4

- *The traffic analysis should consider the construction of Sutter's Landing Parkway." This SLP connection was heralded for years as being the "new gateway to Downtown" to provide drivers a badly needed alternative to stop-and-go Central City residential streets and entrance and exit from congested #160. The SLP would provide quicker vehicular access to retail stores, other businesses, restaurants, various entertainment and performance venues, visitors, tourists, conventioners, jurors, private and government employees driving from the east to arrive at their destinations. Quicker access would spur additional office development and encourage new businesses to locate in and adjacent to the CBD and in the Railroad Yards area. From an air quality perspective, the end result would be less vehicular exhaust emissions into Central City's air--long one of the most heavily concentrated polluted areas in the entire city.*

↑
66-5

The business owners to the adjacent west of 16th across from Downtown Ford told its customers (many of whom lived in the Central City that the city was forcing them to move and property owners to destroy the buildings they were in to make way for construction of the *Sutter Landing Parkway*--SLP (called last phase of the *Richards Connector* at that time.) The land lies in wait, vacant to this day.

11. The Kings' arena DEIR excerpt in the third attachment shows the consultant relied on information in the city's *General Plan* and *Sacramento Area Council of Governments Plan - SACOG* "to support the Technical Analysis." Both plans contain the *Sutter Landing Parkway*. **Reference to these was also omitted in the community meeting and must contained in the city's EIR.**

↑
66-6

The SLP has also been in the Traffic Department's *Transportation Programming Guide's* Table A-1 *Major Street Projects* for over 12 years with varying ranks of priority. The city's 2012/13 TMG guide and ranking has not been finalized however. Yet, CM Hansen at the community meeting said that constructing the SLP was not practical. Transportation staff did not correct him. Is CM Hansen correct?

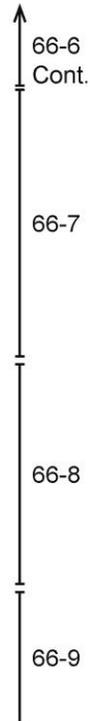
If so, the failure to timely build this major artery would then invalidate the DEIR's findings as well as eliminate long standing plans for vehicular access to CBD and RRY. It would also **discourage building** offices and businesses locating in the RRY. This is deceptive and conflicting information. These conflicts in prior findings and current conclusions must be resolved in the city's EIR. The EIR must reveal what happened that the SLP, which was once promoted as needed for CBD and RRY to develop and prosper, is now, per CM Hansen's statement, considered unnecessary. If it is simply concluding the five fold cost increase makes it impracticable, then that is not acceptable and consistent reasoning. It is also inconsistent with the reasoning for

constructing past and future transportation artery costs elsewhere because expenditures for such construction have always been and will in the future be justified with "public's greater good" and "the city's long term economic benefits will pay for the construction." Current costly examples are the proposed bridges across the river from/to Sacramento and from/to West Sacramento---very costly but we are told those will be done for the "greater public's good" and "added economic benefits to the city of Sacramento." Fifth and Sixth Street bridges over the rail tracks have also been costly and they only serve connecting I-5, already heavily impacted with more traffic expected. The new developer of rail-yards is quoted in recent BEE article as saying he does not expect the previously approved **"12,000 residential units will ever be built."** This means more employees of that development area will be commuters who live outside the Central City--with no major access from the huge residential areas east of the city and county unless the SLP is constructed.

12. Traffic impacts on C and 28th were referenced in the group discussion and some talk about mitigating those impacts. However, drivers are known to switch or take differing streets after a "trial and error" period once an infill project is built out. These driver behavioral changes are often related to perceived or actual volumes of fellow vehicles encountered en-route to various destinations. Consequently those streets are not the only streets that will be seriously impacted. In fact, **E, F, G, H and I** Streets will also become through routes both directions for many drivers, depending on days,nights and time of day or night. In addition, traffic largely unrelated to the project (Midtown retail customers, other business customers, theater goers, bar/club customers, etc.) will also increase as it has been annually, year after year as population density elsewhere increases and the number of jobs increase in the Central City.

Therefore, in order for the EIR to be complete and equitable for all residents, it must include a comprehensive analysis of traffic circulation and patterns of those drivers' movement related to days and time. All are necessary to determine **cumulative** impacts also. This information will make it possible to create needed mitigation measures to address such impacts on those streets, like more stop signs, traffic circles, speed reducing techniques and/or methods to divert traffic to the thru streets. such as Alhambra, 29th Street and J Street.

Dale Kooyman, 801 21st Street Sacramento, CA 95811



Letter 66: Dale Kooyman, January 7, 2014

66-1: The commenter is referencing attachments that address prior City meetings and information from the City's Entertainment and Sports Center Draft EIR and requests that information from the Alhambra Charette should be considered because it addresses access from the project site. The information provided does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required.

66-2: The commenter states his opinion regarding improvements the project applicant is proposing to address wastewater and storm drainage. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

66-3: The commenter is referring to roadway improvements that were presented as part of the Alhambra Charette and information from the City's Entertainment and Sports Center Draft EIR that references Sutter's Landing Parkway and the E Street on ramp.

Please refer to Draft EIR pages 4.9-38 through 4.9-62 for the analyses pertaining to the Existing Plus Project scenario, which layers project-generated traffic on top of existing traffic levels within the study area and does not assume the proposed E Street on-ramp closure in place. As documented on page 4.9-63 of the Draft EIR, the cumulative analyses account for the planned closure of the E Street northbound on-ramp to the Capital City Freeway (Business 80). Please refer to pages 4.9-73 through 4.9-92 for the analyses pertaining to the Cumulative Plus Project scenario, which evaluates the cumulative effects of both the closure of the E Street on-ramp as well as the proposed project, in addition to other planned infrastructure projects and land development projects in the area.

Please see Response to Comment 66-5, below for information on the Parkway assumptions.

66-4: The commenter states that the transportation analysis should include the proposed closure of the E Street northbound on-ramp to the Capital City Freeway (Business 80).

As documented on page 4.9-63 of the Draft EIR, the cumulative analyses account for the proposed closure of the E Street northbound on-ramp to the Capital City Freeway (Business 80). Please refer to pages 4.9-73 through 4.9-92 for the analyses pertaining to the Cumulative Plus Project scenario, which evaluates the cumulative effects of both the closure of the E Street on-ramp and the proposed

project, in addition to other planned infrastructure projects and land development projects in the area.

- 66-5: The commenter states that the transportation analysis should include the Sutter's Landing Parkway project, a planned east-west roadway extending between Richards Boulevard and 28th Street.

As documented on page 4.9-63 of the Draft EIR, the cumulative analyses account for the planned Sutter's Landing Parkway project. Please refer to pages 4.9-73 through 4.9-92 for the analyses pertaining to the Cumulative Plus Project scenario, which accounts for the cumulative effects of Sutter's Landing Parkway and the proposed project, in addition to other planned infrastructure projects and land development projects in the area.

- 66-6: The comment references information provided in the City's Entertainment and Sports Center Draft EIR regarding Sutter's Landing Parkway.

Please see Response to Comment 66-5, above.

- 66-7: The comment is referring to development projections downtown and is indicating support for Sutter's Landing Parkway.

Please see Response to Comment 66-5.

- 66-8: The commenter states drivers often switch routes after the construction of an infill project, and that traffic unrelated to the project will experience increases.

Please refer to pages 4.9-62 through 4.9-92 of the Draft EIR for the analyses pertaining to the Cumulative and Cumulative Plus Project scenarios. The cumulative scenario included in the Draft EIR uses the most recent version of the SACMET regional travel demand model, which incorporates planned land use growth within the City as well as the surrounding region (DEIR, p. 4.9-63). The Cumulative Plus Project scenario included in the Draft EIR is based upon traffic forecasts created using this model, and accounts for projected traffic increases resulting from both the proposed project as well as from other planned developments within the City and SACOG region.

A comparison of the cumulative (year 2035) traffic volumes displayed in Figure 4.9-10 (DEIR p. 4.9-65) to the existing traffic volumes displayed in Figure 4-9-6 (DEIR, p. 4.9-29) clearly shows the projected increases in traffic volumes as a result of planned new developments and transportation projects at each of the study intersections.

66-9: The commenter states that the Draft EIR should include a comprehensive analysis of circulation patterns and drivers' movement related to time of day, which is necessary to determine cumulative impacts and mitigation measures.

All turning movement figures included in the Draft EIR depict separate volumes for the AM and PM peak hours due to account for variations in traffic flows within the study area based upon the time of day. Please see also Response to Comment 66-8.

Comment Letter 67

Donna Pozzi & Henrik Jul Hansen
2509 E Street
Sacramento, CA 95816
916-443-3359
donna Pozzi@gmail.com
December 7, 2013

Council Member Hansen
915 I Street
Sacramento, CA 95814

Dear Council Member Hansen:

We are long-time residents and homeowners in mid-town and are writing to express our concern about the McKinley Village project. Our specific concern is about the increased traffic that will negatively impact our neighborhood. We own a house on C Street and live on E Street. Both of these streets will experience significant increases in traffic due to this project as currently planned.

67-1

Moving to C Street more than 30 years ago, the traffic was terrible due to the garbage trucks going to the landfill. We were promised that the landfill would soon close and while it took much longer and many fights to get it actually closed and turned into a park, it was worth it because the traffic decreased and the neighborhood became more livable and stable. When C Street was closed at the Blue Diamond plant, it got even better. Likewise, E Street was an extremely busy street with cars speeding by especially during commute times. We bought this house because of a promised traffic plan that again took years and fighting to implement. The traffic calming plan finally made E Street peaceful. So we know about traffic!

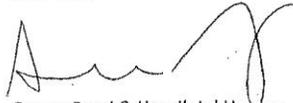
67-2

The proposed McKinley Village project has not adequately addressed traffic in the EIR. It was tortuous but I read it! The traffic studies that have been done don't examine impacts such as westbound on F and G Streets. Undoubtedly there will be more traffic on E Street as well. And the increase in C Street traffic will severely degrade the quality of life for people living there. This is not an affluent area. Most people are like we were when we bought our first house on C Street, which had been redlined by lending institutions for years. The addition of an access to McKinley Village via Alhambra could help mitigate the C Street impacts.

67-3
67-4
67-5

We are unable to attend your upcoming public meeting but look forward to your response. Please protect our neighborhood by ensuring that the McKinley Village project is amended to address these traffic issues. Thank you.

Sincerely,


Donna Pozzi & Henrik Jul Hansen

Letter 67: Donna Pozzi and Henrik Jul Hansen, December 7, 2013

67-1: The commenter expresses an opinion that an increase in traffic will negatively affect their neighborhood and both C and E streets will experience an increase in traffic. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Please see Master Response 10 that addresses livability in regards to traffic.

67-2: The comment provides general information on their experience with traffic on C Street and E Street.

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

67-3: The comment states that the traffic section in the Draft EIR did not address traffic impacts to F and G Streets.

Please see Master Response 5 that addresses the scope of the traffic study.

67-4: The commenter states that the proposed project will result in additional traffic on E Street, and that traffic increases on C Street will degrade the quality of life for residents living on the street.

The commenter correctly states that implementation of the proposed project would result in additional traffic on E Street, which is shown throughout the Draft EIR analyses in Section 4.9. Please also refer to Master Response 10 that addresses livability as it relates to traffic.

67-5: The comment states support for vehicle access using the Alhambra Boulevard underpass.

Please see Master Response 1 that addresses the infeasibility of constructing a bridge/roadway underpass at Alhambra Boulevard. The comment will be forwarded to the decision makers for their consideration.

Comment Letter 68

From: BarbaraThalacker <bthalacker@comcast.net>
Sent: Wednesday, January 08, 2014 10:09 AM
To: Dana Allen
Subject: RE: Response to Draft EIR McKinley Village

Oh sorry Dana

Barbara Thalacker
2810 I Street
Sacramento, CA 95815
(916)813-0142

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Dana Allen
Date: 01/08/2014 8:46 AM (GMT-08:00)
To: bthalacker@comcast.net
Subject: RE: Response to Draft EIR McKinley Village

Thank you. What is your name please?

Dana

From: bthalacker@comcast.net [<mailto:bthalacker@comcast.net>]
Sent: Tuesday, January 07, 2014 11:31 PM
To: Dana Allen
Cc: Marshall New Era; bthalacker7@gmail.com
Subject: Response to Draft EIR McKinley Village

Remarks in response to Draft EIR McKinley Village

1800 cars will exit the project at A Street and use Sutter's Landing Park.

There are no sidewalks and a steep grade into and leaving the park. This will cause safety issues for park users (pedestrians, bicyclists & skateboarders). Also, the park is not ADA compliant. Stanford Park is not ADA compliant either.

68-1
68-2

There is no study of westbound traffic using F Street and G Street.

Many of the McKinley Village residents will likely work downtown and will use Midtown Streets for movement in and out of the Village. F and G Streets provide the westbound access to the Central City. No traffic studies were performed so there is no real understanding of the impacts.

68-3

There is no public transpiration immediately accessible to McKinley Village.

68-4

McKinley Village does not include any commerce, not even a coffee shop or grocery store. Thus for every daily need for food, entertainment, health, etc., residents will have to leave their neighborhood via streets of Midtown or East Sacramento.

68-5

We are also concerned about the impacts to Sutter's Landing Park. The additional car trips will impact easy access to the park, There will be an increase of noise, pollution and impact on the Swainson's Hawks and other raptors, and a heavier use of the beach areas of the American River. While there is some planned mitigation, it needs to be immediately adjacent to the park to restore the natural value of the current land.

68-6

One of the changes that could be made which would lessen the impact of some of the car trips thru Midtown and direct access to coffee shops, a grocery store and the 80 Freeway would be a partial closure of 28th Street at B Street and diversion to 29th Street.

68-7

While this property on the face of it is not a desirable place to build homes, there could be some changes which would lessen the impacts and increase the quality of life for current Midtown and East Sacramento residents.

68-8

Letter 68: Barbara Thalacker, January 8, 2014

68-1: The comment is stating that 1,800 cars will exit the project site at A Street in the vicinity of Sutter's Landing Park.

As shown in the trip distribution estimates contained on Figures 4.9-7 and 4.9-8 (DEIR, pp. 4.9-41, 4.9-43), 52% of trips generated by the proposed project are projected to use the A Street access point, located at the western end of the proposed project. As documented on page 4.9-39 of the Draft EIR, the total daily estimate of project-generated vehicle trips is 3,507. Therefore, approximately 1,800 trips will use the A Street access on a daily basis (52% of 3,507), and continue south into Midtown. The commenter is correct that the project approximately 1,800 additional trips within the Midtown neighborhood. The impact of the project on transportation has been analyzed and documented in Section 4.9 of the Draft EIR.

The Draft EIR traffic analysis fully accounts for the effect these trips will have on Midtown streets and intersections consistent with the requirements of the City of Sacramento.

68-2: The comment is raising concerns regarding the safety of 28th Street for pedestrians, bicyclists and skateboarders. In addition, the comment states that Sutter's Landing Park and Stanford Park are not ADA compliant.

The issue of ADA compliance with the parks is not related to this project. It is an issue for consideration by the City's Parks and Recreation Department. Regarding the safety of 28th Street, please see Master Response 4 that addresses this issue.

68-3: The comment is noting that the traffic study did not include F or G streets.

Please see Master Response 5 that addresses the scope of the traffic analysis.

68-4: The comment states there is no public transportation immediately accessible to the project site.

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

If Caltrans closes the E Street ramp, several stops on 30th Street in the project vicinity that service Routes 67 and 69 northbound will no longer be available. The closest bus stops available for Route 67/68 northbound travel will be located at L Street and 30th Street, just under a one mile distance. Please see also responses to Letter 8 from Regional Transit.

68-5: The comment is noting that the project does not include any commercial uses.

As noted in Chapter 2, Project Description, the “recreation center may include up to 2,000 sf of retail space that could be used for a café, restaurant, shop or other retail use that would be open to the public.” Please see Response to Comment 18-53 that also responds to this comment.

68-6: The comment raises concerns regarding potential impacts to Sutter’s Landing Park due to an increase in noise and cars associated with the project. Please see Responses to Comment letters 13, Friends of the River, 14, Save the American River and letter 23, Friends of Sutter’s Landing Park that address this concern.

68-7: The comment is suggesting a partial street closure at 28th Street near B Street and diversion of vehicles onto 29th Street. Please see Master Response 4 that addresses this issue.

68-8: The comment is stating an opinion that the project site is not suited for residential development, but changes to the project could reduce impacts and increase the quality of life for residents in Midtown and East Sacramento.

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

Comment Letter 69

From: Susan French <sufrench11@gmail.com>
Sent: Wednesday, January 08, 2014 8:15 AM
To: Dana Allen
Cc: Ellen Cochrane
Subject: McKinley Village

Citizens who reside near Elvas Ave. oppose the proposed Village because of the traffic and pollution that would result from a new development. Theodore Judah elementary school is already full and children would have to cross Elvas to attend, along with people traveling to shop or work. Elderly residents, children, cyclists, and pedestrians will not be safe, not to mention motorists along Elvas. Toxic elements already dangerous from increased train schedules and freeway congestion will elevate, causing a shameful legacy to the city planners if they allow McKinley Village to be built. The levees will weaken and compromise flood protection for which our taxes were recently increased. Residents are angry and fearful, but even long after we are gone this project will have scarred the Sacramento community.
Susan and Richard French
65 Primrose Way

69-1

Letter 69: Susan French, January 8, 2014

69-1: The comment states that residents who live near Elvas Avenue oppose the project due to an increase in traffic and pollution; Theodore Judah School is at capacity; the project will increase air pollution and congestion on local freeways; and the project will weaken the levees and compromise flood protection.

The commenter does not provide any evidence that supports her statements that the project would result in significant environmental effects. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Please see Master Response 2 regarding school capacity concerns and Responses to Comments 35-1 and 35-4 regarding traffic on Elvas and Responses to Comments 31-59, 31-65 and 36-26 regarding flooding.

Comment Letter 70

From: rm yoshihara <rmyosx@sbcglobal.net>
Sent: Wednesday, January 08, 2014 3:06 PM
To: Dana Allen
Subject: McKinley Village EIR

Various neighborhood organizations have already expressed concerns I share with this project and I will try not to repeat what's already on the record. I am a resident in the McKinley Park neighborhood and have been so since the 1980s. In looking over the environmental documents I have two areas of concern 4.1 Air Quality and Climate Change and 4.8 Public Utilities.

4.1 Air Quality and Climate Change and Appendix C – Health Risk Assessment

The health risk analysis of project proximity to the SPRR tracks is not rigorous. It ignores the nearby rail line junction and the common occurrence of parked trains idling near the project site. It correlates DPM emissions with train speed assuming the diesel engines drive the wheels directly versus generating electricity for electric drive motors. Trains slow down and accelerate routinely through the adjacent curves and switches which is less efficient than the constant speed assumed. The HRA ignores the potential for particulate matter accumulating near the rail lines and being re-introduced into the air.

70-1

I can't imagine what overriding local concerns exist to ignore CARB guidelines for freeway setbacks. Air quality should be monitored at the project boundaries before the site is allowed to be developed for residential uses

70-2

4.8 Public Utilities

When the neighborhoods near McKinley Park have sewer issues (City Utility trucks are a common sight working at manholes), additional CSS inflow should not be allowed until infrastructural improvements are made. On-site detention capacities should be increased significantly above current requirements for any near term new development as a mitigation for the existing CSS being at or near capacity. The storm detention basin and sanitary storage tank locations should be shown on the project plans so there is no confusion that they are required as part of the project approval and that land has been set aside for them

70-3

Attaching a photograph taken in November 2008 illustrating the project location's potential for ponding with such a high water table. Could be mistaken for a wetland

70-4

Thank you,
Mike Yoshihara 417 33rd Street



Letter 70: Mike Yoshihara, January 8, 2014

70-1: The comment states that the health risk analysis did not fully evaluate the potential health risks associated with the project site's proximity to the UPRR tracks.

The locomotive emissions estimates in health risk assessments use common methodologies for estimating such emissions, such as the U.S. Environmental Protection Agency's "Emission Factors for Locomotives." Furthermore, because the health risk assessment was intended to evaluate the cancer risk associated with a 70-year lifetime exposure, short-term differences in locomotive operation, such as periodic idling and variations in speed, do not need to be evaluated. A long-term health risk assessment focuses more on the average conditions than on short-term circumstances. The emission factors do reflect that locomotives are "diesel-electric," whereby diesel-powered generators produce the power to drive the wheels. Evaluating the effect of re-entrained engine particulate matter would be highly speculative. Furthermore, the dispersion modeling assumes that all of the emitted diesel particulate matter remains in the ambient air. That is, there was no reduction in ambient concentrations due to an assumed settling of particulate matter in the vicinity of the UPRR tracks.

70-2: The comment suggests that because the project does not meet the CARB recommendation for development setbacks from high-traffic roadways, air quality at the project site should be monitored before allowing development to occur.

See Master Response 7 regarding application of the CARB recommendation for setback from high-traffic roadways. See also Response to Comment 17-15 regarding pre-project monitoring of ambient air.

70-3: The comment is referring to the City's combined sewer system (CSS) and concerns that improvements to the system are necessary before additional flows are allowed and detention capacity needs to be increased. The comment also requests that the detention basins and storage tank locations be shown on project plans.

As outlined in Chapter 2, Project Description, the project would include an on-site sewer storage tank to meter wastewater during high flow events in the CSS as well as a separated wastewater and storm drain system on site. The project would incorporate separated stormwater infrastructure that would connect to two detention basins designed to detain and limit flows during large storm events to minimize any potential overflows. (DEIR, pp. 2-55 to 56) The detention basins are located in or adjacent to the westernmost portion of the site on the north and south side of A Street. Both basins are located on site and on adjacent land

owned by the City, as shown in Figure 2-24. The project may also reserve land within the project site for a separate future City surge tank project (Combined Sewer Detention project) that would require the installation of a regional underground storage tank to accommodate existing City combined sewer/stormwater flows from the CSS in East Sacramento. The land reserved would include land designated for the on-site detention facility given that the detention facility and the surge tank project would be compatible uses. The exact location and timeline of the City's Combined Sewer Detention project is unknown at this time. However, the City will evaluate the environmental effects of this project in a separate environmental document if the City decides to move forward. The location of the detention facilities is shown on Figure 2-24.

- 70-4: The commenter has attached a photo showing water ponding on the project site. As noted in the Draft EIR in Section 4.2, Biological Resources, a jurisdictional wetland delineation for the project site was conducted in 2008 (EDAW 2008), and was verified by the U.S. Army Corps of Engineers (ACOE) on February 21, 2008 (ACOE 2008). The ACOE re-verified the delineation in January 2013 and granted an extension for re-verification of the delineation through January 2018 (ACOE 2013). No waters of the United States or wetlands, as defined by the ACOE, or waters of the state, were identified on the site.

Comment Letter 71

From: Davy Baumgartner <guycomet@gmail.com>
Sent: Wednesday, January 08, 2014 2:43 PM
To: Dana Allen
Subject: Re: Sorry I could not bring the land survey info on McKinley Village Project.. 1 idea for you..

Hi there Allen:

Just a suggestion for anyone you know who might like the info. I used to work in some of the top 100 nurseries in the USA and worked with home and land developers to maximize the value of the lot as far as future resale goes.

Example . A Home Depot Ficus Nitida on a Hollywood lot or new construction is not worth much 10 years later when the home is resold. A better choice might be a Lebanese cedar (Cedrus Libanum) or heat tolerant Apple such as ein Shemer or an Anna's, or a rare Plumeria variety. better increase in property resale worth. cheers, David Baumgartner.

On Wed, Jan 8, 2014 at 1:11 PM, Dana Allen <DAllen@cityofsacramento.org> wrote:

Hi David

Was this meant as a comment on the DEIR? I am just confirming, or was this for the development team?

Thanks

Dana

From: Davy Baumgartner [mailto:guycomet@gmail.com]
Sent: Wednesday, January 08, 2014 1:09 PM
To: Dana Allen
Subject: Sorry I could not bring the land survey info on McKinley Village Project.. 1 idea for you..

Hi There!

Just to let you know that you might wish to call the California Native Plant society re the development project. They may be able to rescue usable plants for use in displays or relocate some.

Sorry I could not get to the Council meeting with my findings. I had an untoward attack one evening not too far from there. Fine now though.

Developers should choose new trees, plantings that dramatically increase the parcel values. the usual "top 100" plantings frequently are not worth as much 10. 20 years later when lot is resold.

71-1

David Baumgartner, wishing you a good January and Super Bowl weekend.

Letter 71: David Baumgartner, January 8, 2014

71-1: The commenter is offering a suggestion regarding trees and the types of trees the project should consider planting.

The project applicant's landscape architect will coordinate with the City's arborist to determine the best trees for the project. The commenter's opinion does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 72

From: Coral Henning <coralhenning@gmail.com>
Sent: Wednesday, January 08, 2014 3:07 PM
To: Dana Allen
Subject: McKinley Village EIR comments

I live at 20th and C Streets and am concerned about increased traffic from this project into our neighborhood without any mitigation. Perhaps a half street closure at 28th would help direct traffic over to 29th.

72-1

Sutter Landing Park is an up and coming jewel in the City. I use that park numerous times a week to walk my dog, visit the parkway and play bocce. I have safety concerns for pedestrians using the park with the increase in automobile traffic. Currently there are no sidewalks and a steep hill which is not ADA compliant. I hope safety will be a priority with the City.

72-2

Thank you.

Coral Henning
221 20th St. Suite A

Letter 72: Coral Henning, January 8, 2014

72-1: The comment is concerned about traffic at 20th and C streets and suggests a half street closure at 28th Street would help reduce traffic in this area.

Please see Master Response 4 that addresses the half street closure concept.

72-2: The comment raises a concern regarding pedestrian safety on 28th Street due to an increase in vehicle traffic.

Please see Master Response 4 that addresses this issue.

Comment Letter 73

January 8, 2013
Dana Allen, Associate Planner, City of Sacramento Community Development
300 Richards Blvd, 3rd Floor
Sacramento, California 95811

Michael Saeltzer
524 San Antonio Way
Sacramento, CA 95819

By e-mail: dallen@cityofsacramento.org

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

Dear Ms. Allen,

The City has provided an opportunity for public input regarding the scope of the analysis of the Draft Environmental Impact Report (DEIR) for the McKinley Village project. This letter constitutes my formal input.

In my and others opinion we definitely need to include how the toxins (not just diesel) from I-80 will impact the proposed residents' of McKinley Village health outcomes.

73-1

I believe significant public opinion is indicating that there should be a more inclusive and accurate mechanism for analyzing how those who would be living in a proposed development would be affected by the environment in which they would be living.

73-1

To me it is simply common sense that we, as well as the City's leadership, would want to include a more thorough analysis of health in this as well as any other analysis of a proposed development.

I, and others (as evidenced by their letters), say this in full awareness that the DEIR makes it a point to explain that the law is set up in favor of the City not needing to do what many in the public are asking our City leadership to do. Yet, we continue to provide formal input regarding this issue of scope because we have faith that our City leaders, and this review process, are not there to simply check to ensure legal and bureaucratic "i's are dotted and t's are crossed" – though we recognize this must be also be done.

73-3

We have faith that our leadership will also question and change themselves, and their processes, when they are held up against public opinion and research such as that being generated and presented in this “forum”. After all, as I understand it, this is one of the most important reasons that the DEIR is submitted to the public for comment.

Put in a slightly different way, based on many of our letters, the public wants the DEIR to do what the law states the City does not legally have to do. This I admit is a predicament of sorts.

Why does this predicament exist? What is driving it? Is it valid? If so, how much merit should it be given? These questions deserve good answers.

Many in the public think that regardless of a legal finding that states a DEIR need not consider the health of the people who will live in the houses of a proposed development, it is still the right thing to do.

Why?

Because of the quality, and the weight of the substance, of the evidence presented to us by our communities’ best scientists, researchers, experts and doctors - particularly in matters regarding the health and safety of our citizens as it relates to one’s living proximity to busy interstates such as I-80.

73-4

Also important to recognize is that one of our City’s leadership’s most fundamental responsibilities is to preserve the health and safety of our communities.

Our legal system is also set up very much in a way that continues to incorporate health research into its structure so that the health of our people is protected from things such as profit motive, or greed, or negligence that could distort our ability to act responsibly.

Perhaps this is why so many of us were disappointed when the DEIR went to such lengths to say that it does not need to consider this critical health issue based on a prior court ruling. The issue being an analysis which is broad enough in scope to consider worthy research regarding how the toxins in the environment in which the development is being proposed to be built will affect the health outcomes of the resident who would be living there.

The DEIR goes on to explain that it would respond to our concerns regarding this, but then unfortunately completely misses the mark. It did not at all adequately address our concerns in this matter. Essentially it didn't include anything except to provide research regarding cancer and diesel. Research tells us that cancer is not the central issue we face when dealing with freeway toxins. This presents significant flaws and omissions, particularly when held up against our society's current research and what we are saying to you collectively as the public.

73-5

I believe the flaws and omissions in the scope of the DEIR analysis were so serious and valid that many others in the public immediately picked up on them, and felt so strongly, that they are now signing petitions against this proposed development and writing DEIR responses such as this one.

73-6

For example, Dr. Harry Wang, the President of Physicians for Social Responsibility, a group which includes over 700 local doctors, also wrote to you and emphasizes these same flaws and omissions to which I am referring.

I, and many others in the public I am sure, will redirect you to his perspective and the research he and the other 700 local doctors bring to your attention. Please see their letter dated December 19th, 2013 and delivered via e-mail to you.

This most respected research continues to indicate the health outcomes of the fetuses, infants, children, adults, and elderly will be so poor that developments such as McKinley Village have gained the spotlight in science because they are particularly toxic and unhealthy to live in. They are also being written about in many established media reports that you may find by simply "Googling" "health issues proximity to freeways".

73-7

It is worth noting that as our research continues to reveal more things about these toxic developments, the law is becoming even stricter in regards to what can be safely built and where. The research cited by Dr. Wang and his associates, as well as other research, indicates trees and filtering systems do not provide adequate protection from these ultrafine toxic particles. Also, the research regarding safe distance from freeways continues to indicate more distance is needed than we have thought before.

This research confines safe development to areas that will be far more distant from I-80 than the proposed McKinley Village development. We need to include such research, especially the most recent findings out of Tufts School of Medicine in

73-8

our examination and base our decisions about “McKinley Village” with this research very much in mind, and very much as a top priority to consider. See for example the information in the following Tufts article found here: <http://now.tufts.edu/articles/big-road-blues-pollution-highways>

73-8
Cont.

This letter along with the research cited here and by Dr. Wang and the other 700 local doctors I hope makes for compelling evidence that the DIER contains critical flaws and omissions.

If this particular environment, unique to McKinley Village, is one such that our most qualified scientists, researchers and doctors have determined is particularly dangerous to human health and human development across the entire life span, and is of the type that laws are becoming more stringent against, of course we should not be building houses there.

What is unfortunate is that the developer will not make any money at all. And, this of course implies many political issues, ones that unfortunately some in our community have considered insurmountable. To this, I say rubbish. We are here to do the right thing, not the thing that fits in best with a political or short term profit based agenda. In addition, not building the development is not an economic opportunity lost. It is quite the opposite. I say this because the value of scratching the development brings to the City comes in the form of long term health as well as everything that a community may offer when its health is protected.

73-9

A community with poorer health outcomes is proven to present a critical long-term drag on our economy and overall social well-being.

Indeed then it seems quite evident that sometimes land left “undeveloped” within our City is a good idea because the environment you would be placing the residents in is known to be particularly harmful to their health.

This leads us to the Master EIR (MEIR) prepared for the 2030 General Plan which states “As an urban jurisdiction, the City of Sacramento intends to develop all land within its boundaries.” I, and others as evidenced by their research and their letters to you, hope that this does not mean the City intends to place houses on all land inside the City boundaries regardless of the health of the inhabitants because “we have to put them somewhere”. I agree we do have to put them somewhere, just NOT there.

73-10

If the MEIR does in essence mean we are going to be developing houses on all open land, then I would also formally request that the MEIR also similarly be adjusted in scope to include the omissions outlined in this letter.

We need to immediately remedy these critical flaws by expanding the scope of the analysis as outlined in our letters.

In matters of health and wellness, it is our duty to do so.

Sincerely,
Michael Saeltzer

|
73-11
|

Letter 73: Michael Saeltzer, January 8, 2014

73-1: The comment states that air emissions from Capital City Freeway need to be evaluated, not only diesel (toxic air contaminants).

To be consistent with the SMAQMD Roadway Protocol, only diesel particulate matter emissions were evaluated in the HRA. See Master Response 7 for the health risk assessment regarding the selection of toxic air contaminants and addressing noncancer health effects. Neither the City of Sacramento 2030 General Plan policies nor SMAQMD guidance recommend that the ambient air quality impacts of criteria air pollutants (e.g., nitrogen dioxide) emitted from motor vehicles be evaluated. The HRA evaluated the chronic noncancer health effect of diesel particulate matter (DPM) and also particulate matter with an aerodynamic diameter less than or equal to 2.5 microns (PM_{2.5}). 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*.

73-2: The commenter is stating an opinion that there needs to be a more accurate mechanism to analyze impacts associated with the existing environment and do a more thorough analysis of health.

In terms of air quality, the only tool currently available to assess potential health effects of placing a specific use in proximity to something potentially hazardous is the Health Risk Assessment (HRA), which was prepared for the project (DEIR Appendix C). However, the type of information and how it is analyzed in the HRA is dictated by the local air district, which has jurisdiction over maintaining air quality in local air basin. Please see also Responses to Comments 31-7 and 31-8. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

73-3: The commenter is stating an opinion that the legal environment is "set up in favor of the City not needing to do what many in the public are asking City leadership to do."

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

- 73-4: The comment states an opinion that the environmental review process should be more inclusive to analyze how the health of future residents will be impacted, regardless of what the law requires. The comment also states that the Draft EIR did not consider critical health concerns based on a prior court ruling.

Please see Responses to Comments provided in Letter 27 that address health concerns. In response to the legal comment, the City has complied with CEQA in preparing the EIR. In fact, as noted in numerous technical sections in the Draft EIR “[i]mpacts of the environment on a project or are beyond the scope of required CEQA review. “[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473.)... Nonetheless, an analysis of these impacts is provided for informational purposes.” This information is provided to the reader for full disclosure; however, it did not change the level of analysis contained in the Draft EIR. The health effects associated with placing residences in close proximity to sources of toxic air contaminants was evaluated in the Health Risk Assessment given the guidance and tools currently available. Please see also Response to Comment 31-7.

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

- 73-5: The comment appears to state an opinion that the Draft EIR did not address concerns raised regarding other health effects associated with air pollutants.

The analysis contained in the Health Risk Assessment (HRA) prepared for the project as well as Section 4.1, Air Quality and Climate Change is based on guidance provided in the California Environmental Quality Act (CEQA) protocols established by the Sacramento Metropolitan Air Quality Management District (SMAQMD), and legal precedence that establishes what information needs to be included and evaluated in an EIR and a HRA. The City of Sacramento has not adopted any guidance document or ordinance that requires a project applicant to evaluate potential health effects of existing uses on their project. The intent of an EIR is to identify the significant effects of a project on the environment. See Responses to Comments 31-7 and 31-8 addressing impacts of the environment on the project.

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

73-6: The comment states an opinion that the “flaws and omissions” in the Draft EIR are serious and residents are signing petitions against the project.

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

73-7: The comment refers to a letter submitted by Dr. Harry Wang, Physicians for Social Responsibility.

Please see Responses to Comments to Letter 27, Physicians for Social Responsibility.

73-8: The comment states that research indicates areas safe for development would be further from Capital City Freeway and suggests that this issue needs more research in order to base a decision and cites research done by Tufts University.

Please see Master Response 7 that provides more detail on the health risk assessment prepared for the project (DEIR Appendix C) and Response to Comment 73-7.

73-9: The comment provides more opinions on issues and concerns associated with health effects and states that a “community with poorer health outcomes is proven to present a critical long-term drag on our economy and overall social well-being.”

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

73-10: The commenter does not support development within the City if it affects the future health of the residents.

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

73-11: The comment is requesting that the City’s 2030 General Plan Master EIR be revised to include an analysis of health effects on future residents if all undeveloped land is to be developed with residential uses.

The City’s 2030 General Plan Master EIR evaluates future buildout of the City with a mix of land uses including commercial, office and industrial. The General Plan provides a vision for future growth of the City along with goals, policies and implementation programs. The Master EIR evaluated the environmental effects

associated with future development on a programmatic level. Copies of the City's 2030 General Plan and Master EIR are available on the City's website for review. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 74

Dana Allen
City of Sacramento, Community Development Department
300 Richards Blvd, 3rd Floor
Sacramento, California 95811
dallen@cityofsacramento.org

Dr. Mr. Allen:

My name is Kristin Thompson-Higgins, and I have been a lifelong resident of East Sacramento. I have a number of concerns that need to be addressed before the McKinley Village Project is to be taken under serious consideration.

First, this development does not have a transportation plan and there is no access to light rail, bus or any other form of mass transportation. The developer plans on building 2 car garages yet does not plan to build the pedestrian/bicycle tunnel at Alhambra Blvd. until his final phase of development. This is too little too late, as residents of this proposed project's driving habits are already established.

74-1

This lack of mass transportation planning will force thousands of daily trips from this proposed area onto small residential streets that were simply not built to accommodate many hundreds of cars. These are the streets that our children have used for decades to go to school, to play in and walk and/or bike to recreation clubs, pools, and Sutter Lawn Tennis Club, where my family had a membership for over 30 years.

74-1

According to the developer, houses in McKinley Village will cost \$70 per square foot to build, far below the California average of \$125 per square foot and scores below the cost to replicate even the most basic of homes in the McKinley Park, let alone in the surrounding East Sacramento neighborhoods. We don't need low income housing in this congested neck of the woods. There are already severely overcrowded neighborhood schools. What would happen in this proposed McKinley Village Project if there would be a catastrophe? How would the residents escape a train derailment, a flood or a fire? There would be mayhem, but the result would be a total disaster.

74-3

74-4

Another thing to consider is the lousy air quality of the small tightly depressed bowl of air in that region. Many studies have been done showing the multitude of health problems related to living too close to a railway or a freeway. This inappropriate site is close to both! Also, there is methane gas wafting over this area from the closed landfill across the freeway. Yum, I would love to smell that first thing in the

74-5

74-6

morning when I throw my windows open!

I have been told that CalTrans is requiring a portion of the site that McKinley Village wants to occupy, for a very necessary widening of the CapCity Freeway, between E Street and Exposition Blvd. This area is seriously congested, adding 20+ minutes to anyones commute, easily. California Department of Transportation will also require some of this property to accomodate commuter trains, high speed rail and increased passenger and freight traffic. How will these mandatory, necessary widenings occur if there is McKinley Village in this cramped space? We cannot afford to let these sorely needed regional transportation projects delayed or postponed, for crying out loud.

This McKinley project is a no-go from the start. The proposed number of houses per acre far exceeds that of McKinley Park and our surrounding East Sac neighborhoods. The devolpers need to find an appropriate parcel of land where this "Village" would be properly thought-out and planned, not a wily-nily "oh, let's fit this in here" mentality. Get a grip. East Sacramento and particularly that parcel is not for sale to the highest bidder when it doesn't make economical sense, and the residdents DON'T want it!



s/Kristin Thompson-Higgins

irishfreckles11@gmail.com

phone number as requested

Letter 74: Kristin Thompson-Higgins, January 8, 2014

74-1: The commenter states the proposed project does not have a transportation plan, lacks access to light rail, bus or other mass transportation, and that the pedestrian/bicycle tunnel at Alhambra will not be built until the final phase.

The project area is served by three bus routes: 34, 67, and 68. Please refer to Section 4.9 for an analysis of potential impacts related to transit, and pedestrian/bicycle circulation. Please see Master Response 1 that addresses the timing of construction of the pedestrian/bicycle underpass. The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. Please see Response to Comment 31-167. No further response is required.

74-2: The commenter states that the lack of mass transportation planning will force thousands of daily trips onto small residential streets that were not built to accommodate the trips.

The Draft EIR examines 32 street intersections, and 19 roadway segments, including extensive study of C Street, 36th Way, and McKinley Boulevard, and the various residential cross streets. Please refer to Section 4.9 of the Draft EIR. The analysis considers the number of new trips generated by the project, and the capacities of the roadways and intersections which would receive these additional trips. The analysis shows the proposed project would exacerbate LOS F conditions at the H Street/Alhambra Boulevard intersection under Existing Plus Project conditions by adding more than five seconds during the AM peak hour. This potentially significant impact would be mitigated by adjusting and monitoring the timing of the H Street/Alhambra Boulevard traffic signal (which must be paid for by the project applicant).

74-3: Commenter states the houses in the proposed project would cost \$70 per square foot to build, which is far below the state average of \$125. Commenter further states that the area does not need low-income housing and that area schools are already severely overcrowded.

The commenter's opinions regarding construction costs do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Regarding school capacity, the commenter is referred to Master Response 2 regarding schools.

74-4: The commenter asks what would happen to project residents in the event of a train derailment, flood, or fire.

The Draft EIR addresses the potential for train derailment in Impact 4.4-4 (DEIR p. 4.4-44), and flood risk in Impact 4.5-4 (DEIR p. 4.5-41). Fire protection is discussed in Section 4.7, under Impact 4.4-2. Emergency access and evacuation are discussed in Impact 4.4-5 (DEIR p. 4.4-46). The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. Please see also Responses to Comments 31-56, 31-57, 18-73 and 18-74 regarding hazards associated with a potential train derailment. No further response is required.

74-5: The commenter refers to air quality and health problems related to living near a freeway or railway.

The Draft EIR analyzes air quality in Section 4.1. A health risk assessment (HRA) was prepared to address the issues raised by the commenter (DEIR, Appendix C). The analysis finds the air quality and health risk impacts to future residents of the project to be less than significant (DEIR, Impact 4.1-6, p. 4.1-46). See also Master Response 7 regarding the HRA prepared for the project.

74-6: The commenter notes the presence of methane gas from the closed landfill.

Methane gas and the closed 28th Street Landfill are thoroughly discussed in the Draft EIR, see pages 4.4-5 and 4.4-6. The closed landfill site includes a landfill gas collection system and is actively monitored by the City. Future residents would be notified of the proximity of the closed landfill and of the ongoing monitoring (see Mitigation Measure 4.4-2(b)). The Draft EIR concludes the risk to human health from the closed landfill is less than significant (DEIR Impact 4.4-2).

74-7: The commenter states she has been told that Caltrans is requiring a portion of the project site for freeway widening and to accommodate additional trail traffic, and asks if the proposed project would interfere with necessary transportation projects.

The Draft EIR considers planned traffic improvements including the closing of the E Street on-ramp, and the extension of the eastbound transition lane on the Capital City Freeway to just west of the American River Bridge. The proposed project would not affect the implementation of these improvements. The traffic analysis considers the effect of these improvements on future traffic circulation. (DEIR, pp. 2-63 and 4.9-63 to 4.9-64.)

74-8: The commenter states opposition to the project, and that the number of houses per acre exceeds that of McKinley Park and other surrounding neighborhoods.

The proposed project includes development of a residential neighborhood with a density of approximately 11.2 dwelling units per acre (du/ac – See Chapter 2 of this Final EIR for updated project information). The approximate density in the nearby McKinley Park neighborhood is 7 du/ac and 14+ du/ac in the Midtown neighborhoods most proximate to the project. The comment does not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

Comment Letter 75

Heather Phillips
3241 C St
Sacramento, CA 95816

January 9, 2014

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

Subject: Comments on McKinley Village Draft EIR

Dear Ms. Allen:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed McKinley Village Project. I am a resident of the McKinley Park neighborhood in East Sacramento, and my property is located to the south of the proposed project site.

I support the City's efforts to pursue infill development on underutilized properties near downtown. However, I have concerns that the proposed residential project is incompatible with the proposed site that is currently designated as heavy-industrial land use under current zoning. The City should take a hard look at whether predominantly-residential land use is the best use for the site. Specifically, the City should carefully consider whether feasible alternatives exist that allow for some level of development on the proposed site without creating land use incompatibilities that may harm the public health and welfare.

75-1

I recognize that the current zoning of the site is heavy-industrial, and could currently be developed for industrial purposes if not re-zoned to residential under the proposed project. However, I do not believe this site is appropriate for or compatible with residential land uses. It is a noxious site, and, for this reason, I believe is appropriately zoned under current zoning. Knowingly placing residents (many of which may be first-time-homebuyers that include families with young children) next to a freeway that is a source of pollution known to result in cancer, asthma, and other developmental problems is irresponsible land use planning.

75-2

I urge the City to reconsider the impact conclusion under Air Quality Impact 4.1-6 of the DEIR. The Health Risk Assessment (HRA) prepared to support the analysis estimates that the first tier of homes constructed nearest Capitol City Freeway would be exposed to excess cancer risk of 80-120 cases in one million associated with diesel particulate matter (DPM) alone (pg 4.1-49). The results of the HRA do not include the contribution(s) from other California Air Resources Board (ARB)-identified toxic air contaminant (TAC) chemical constituents of diesel exhaust (e.g., acetaldehyde, formaldehyde, toluene, benzene). The proposed receptors would also be exposed to these TACs associated with mobile sources from the freeway. The HRA evaluates the cancer-related health risks to proposed sensitive receptors, but does not attempt to quantitatively or qualitatively characterize other types of health risk (e.g., chronic non-cancer, or acute health effects). Importantly, the City has not presented substantial evidence that proposed sensitive receptors nearest the freeway would not be exposed to substantial pollutant concentrations that may result in chronic or acute health impacts. Nor has

75-3

January 9, 2014

Page 2

the City evaluated the expected cumulative health risks of all the known TACs present in diesel exhaust. If no methodology is available to evaluate the combined health effects of all pollutants present, this does not relieve the City of the duty to complete this analysis or reach a conservative conclusion in the absence of data.

75-3
Cont.

The methodology employed on page 4.1-48 to characterize risk to proposed residents averages the DPM cancer risk over the entire project site. This "cancer burden" methodology dilutes the exposure of the receptors sited along the perimeter of the project site with the exposure of the receptors in the interior of the project site. This is an unconventional methodology that has not been employed by the City or recommended by the Sacramento Metropolitan Air Quality Management District (SMAQMD) in prior environmental analyses. I urge the City to reconsider the impact conclusion of "less than significant" for the proposed residents along the northern portion of the project site. The probability of cancer risk to receptors of 80-120 excess cases in one million from DPM would not be influenced by receptors elsewhere on the project site. The exposure of the receptors on the northern-project-boundary should be characterized independently of the exposure of the proposed residents within the interior portion of the project site. This will provide better information and disclosure about the expected cancer risk of the families that would occupy the freeway-adjacent homes. The City should substantiate with evidence that cancer risk would be "less than significant" for all receptors in a manner that is specific to their location on the project site, or characterize Impact 4.1-6 as "significant".

75-4

75-5

A minimum 300-foot setback of residential land uses from Capital City Freeway would be consistent with the distance-related findings of ARB¹, rather than the current 30-foot proposed setback. This would protect the public from known health risks, as particle concentration is substantially reduced after 300 feet from a freeway¹. If the City will not require a setback greater than 30 feet, the City should provide an analysis of why it deems this widely-recognized setback distance infeasible. If the City will not require a 300-foot setback, the City should analyze the setback distance (greater than 30 feet) that would be economically feasible and also avoid significant TAC exposure. For example, the project could feasibly accommodate a non-sensitive land use type (e.g., commercial, light industrial, public, quasi-public, or open space) within the 300-foot setback from the freeway. This suggested alternative should be evaluated for achievement of project objectives. The City should exercise the greatest level of care to avoid knowingly-placing residents in an area of either unknown health risks or unacceptable cancer risk.

75-6

Finally, the City should require construction of the Alhambra Blvd bike-pedestrian undercrossing during the first phase of project construction as a condition of approval. As written, DEIR leaves the undercrossing subject to Union Pacific Rail Road (UPRR) approval, and does not specify subsequent action should UPRR deny the undercrossing. The City should require the approval of the undercrossing by UPRR prior to issuing any grading or building permits for the project site. The undercrossing is necessary to validate the assumptions in the DEIR regarding non-vehicle trip mode (e.g., non-motorized shopping trips), and Climate Action Plan consistency (e.g., connection to public transportation bus route 34). If the undercrossing is delayed, future residents of the proposed project would use the existing informal, unguarded path over the UPRR tracks (see Exhibit 1 below) at the terminus of Alhambra Blvd, which would create a public safety hazard not addressed in the DEIR.

75-7

¹ Zhu, Y et al. *Study of Ultra-Fine Particles Near A Major Highway With Heavy-Duty Diesel Traffic*. Atmospheric Environment. 2002; 36:4323-4335 as cited in California Air Resources Board. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*.

January 9, 2014

Page 3



Exhibit 1: Un-guarded Railway Crossing at Alhambra Blvd and B Street

Thank you for your consideration of my comments during preparation of the Final EIR for the proposed McKinley Village project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Phillips".

Heather Phillips

Letter 75: Heather Phillips, January 9, 2014

75-1: The commenter states support for infill development, but raises concerns regarding existing heavy industrial zoning and the compatibility of a predominantly residential development.

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

75-2: Commenter states that the site is correctly zoned industrial, due to proximity of the freeway, and the potential health effects.

The project site is currently designated Planned Development and although the site is zoned for industrial uses it is not in conformance with the existing land use designation. The proposed rezone would conform with the City's 2030 General Plan. The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. No further response is required. Specific environmental comments follow, below.

75-3: The comment asserts that the health risk assessment conclusions are flawed because the assessment does not reflect consideration of all of the toxic air contaminants associated with mobile sources and does not evaluate noncancer health effects.

The health risk assessment does evaluate noncancer health effects of diesel particulate matter and PM_{2.5}. See Response to Comment 17-21 and Master Response 7 regarding evaluation of other toxic air contaminants.

75-4: The commenter asserts that the cancer burden was calculated incorrectly because it averages the cancer risk over the project site and suggests alternative methods.

As stated on page 31 of the health risk assessment (DEIR, Appendix C), "[t]he cancer burden is often calculated by multiplying the number of people exposed by the cancer risk at either the maximum estimated cancer risk or the population centroid of each census block." The maximum cancer risk was not used because all residents of the proposed project would not be exposed to the same cancer risk and certainly not at the maximum level. Because of the exposure to sources on both sides of the project site, using the cancer risk at the centroid of the project site (on the order of 50 in 1 million) would have tended to underestimate the cancer burden. Using the nominal cancer risk of 80 in 1 million was intended to reflect a high-end "average" rather than either the maximum or the value at the project centroid. In

response to comments that the persons per household assumption for the project was too low, assuming a higher number of persons per household (2.7) would result in a population of 907 assuming the maximum estimated cancer risk of 120 in 1 million. Using these values, the estimated cancer burden would be 0.11, which still indicates that less than one person could contract cancer assuming a 70-year exposure. See also Response to Comment 10-3 regarding the use of cancer burden to assess health impacts and Master Response 7 for the health risk assessment and Master Response 6 for the persons per household discussion.

- 75-5: The commenter appears to be suggesting that the cancer risks should be evaluated independently for those residences along the northern boundary of the project site from those at other locations on the project site.

Because the cancer risk results did not indicate that the levels would continue to decrease substantially at farther distances from the Capital City Freeway, due to the influence of the emissions from locomotives traveling on the UPRR tracks, there would be no reason to differentiate the impacts between receptors based on their location on the project site.

- 75-6: The commenter suggests that a minimum setback of 300 feet from the Capital City Freeway be considered as it would be consistent with CARB recommendations. Further, the commenter suggests that this area could support non-sensitive land uses such as commercial, light industrial, public, quasi-public, or open space.

The Draft EIR concluded that the health effects due to the project's proximity to the Capital City Freeway would be less than significant. Therefore, a mitigation measure or evaluation of an alternative based on a 300-foot setback is not required under CEQA. (DEIR, pp. 4.1-43 to 4.1-51) See also Master Response 7 regarding application of the CARB recommendation for setback from high-traffic roadways.

- 75-7: Commenter states that the Alhambra Boulevard bicycle/pedestrian connection is needed in the first phase of development, rather than later.

Please see Master Response 1 regarding the timing of the Alhambra underpass.

Comment Letter 76

From: Vickie Valine <vhvaline@cwo.com>
Sent: Thursday, January 09, 2014 10:24 AM
To: Dana Allen
Cc: Terry Reed; Suzie Johnston; Julie Murphy; Margaret Buss; George Raya; Bill Burg; Steve Cohn; Consuelo Hernandez; Jameson Parker; Scott Maldonado; Steve Hansen
Subject: Comments on DEIR for McKinley Village Development
Importance: High

From: Vickie Valine
2801 G Street
Sacramento, CA 95816

January 9, 2014

To: Dana Allen, Associate Planner
City of Sacramento, Community Development Dept.
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

RE: Comments on DEIR for McKinley Village Development

Dear Ms. Allen:

I have been a Midtown Sacramento resident for over 30 years, and have resided with my husband Matt on 28th Street in midtown for the past 14 years. For 12 years before that (1988-2000) we resided on 27th Street between G and H Streets .

For the first few years when we lived on 27th Street, G Street was a three-lane, one-way street that, for all intents and purposes, was a freeway by the way automobile drivers would drive at high speeds with no consideration for pedestrians or bicyclists.

Around 1998, after 21 years of NPTP (Neighborhood Preservation Transportation Plan)'s hard work, G Street was converted to a two-way street, a pedestrian island was added as a "rest stop" (and planter) for people crossing the street, and a half-street closure was added to G and 29th Streets. The load of car traffic on G Street was decreased ten-fold, and our streets became more livable and safe.

A higher volume of cars impacts emergency response time and increases the likelihood of accidents. The NPTP follow-up studies showed that the accident rate dropped on streets dramatically (about 60%) where the volume and speed were reduced.

Because of the decrease in traffic on G Street, my husband and I then felt comfortable enough in 2000 to buy our current house on G and 28th Streets. Over the years we have seen an increase in development downtown, and there has been an increase, in the last 14 years, of traffic on 28th Street. I now have trouble pulling out of my driveway, the few times I drive my car now, because of the increase in traffic on 28th Street.

The City of Sacramento must address the impacts to neighbors on the increased traffic flow that McKinley Village will bring to the surrounding neighborhoods. Studies have shown that increased traffic is a detriment to neighborhoods, and people then move away. The City will then lose the mix of household income and the diversity of the neighborhoods. The City needs to preserve and restore the residential nature of the City streets.

76-1

To bring the point home, we are now considering whether we want to live on a street that may soon have (conservatively) an ADDITIONAL 1,800 + car trips a day traveling by our house.

76-2

If the McKinley Village development goes through, the City must implement mitigation measures to prevent traffic impacts on the livability of our City streets and preserve the residential nature of our streets. Older residential neighborhoods should not be sacrificed for a potential new neighborhood that is poorly designed.

76-3

Sincerely,

Vickie Valine
2801 G Street
Sacramento, CA 95816

cc: City Councilmember Steve Hansen
City Councilmember Steve Cohn

Letter 76: Vickie Valine, January 9, 2014

76-1: Commenter states an opinion that the increased traffic will be detrimental to the surrounding neighborhoods.

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

76-2: Commenter states they are considering whether they want to live on a street that may have an additional 1,800 car trips per day.

The comment does not raise issues regarding the adequacy of the Draft EIR or information contained in the Draft EIR. Please refer to Master Response 11 regarding the relationship of traffic and neighborhood livability.

76-3: Commenter states the City must implement mitigation measures to prevent traffic impacts on the livability of residential neighborhood streets.

Please see Master Response 10 that addresses livability.

Comment Letter 77

Pamela Milchrist

680 40th Street

Sacramento, Ca.

95819

916-731-5199

milchrist@surewest.net

To: Dana Allen

From: Pamela Milchrist (Resident East Sacramento)



Subject: Written Comments Regarding the Draft EIR for McKinley Village

I have one question and a comment in regard to the EIR report finding that there will be no significant impact on traffic in East Sacramento resulting from the proposed McKinley village project.

Question:

Was there consideration given to future projections for train traffic on the Union Pacific rail line in determining the traffic impact the proposed McKinley Village site would have on East Sacramento neighborhoods? Specifically, was there any research done on the projected increase of imported goods from the Pacific Rim countries and the use of rail traffic through Sacramento corridor for delivery of imported goods to the rest of the country?

77-1

Concern:

With one of the two of the proposed exits of the project going over the Union Pacific rail lines (UPRR), it is highly likely (because of increased train traffic and perhaps longer freight trains) that individuals will find it easier to use cross streets within the East Sacramento community rather than wait for trains. If there is less automobile traffic at the proposed exit at A and 28th than projected by the EIR, will that significantly impact the flow of traffic into East Sacramento from the 40th Street exit site?

77-2

I would suggest that the EIR re-examine its baseline for impact analysis of traffic patterns to include future projections for train traffic in the proposed area of development.

77-3

Letter 77: Pamela Milchrist, January 9, 2014

77-1: Commenter asks if future train volumes were considered and its effect on the neighborhoods.

The Draft EIR analysis considers future train volumes. The Draft EIR analysis used information from UPRR and actual observed rates of train travel to determine the average number of trains (DEIR, pp. 2-2 and 2-7). The number of trains used in the impact analysis (noise, air quality) is slightly higher than the average (30 trains per day, compared to observed average rates of 23-27). For future conditions, an additional 10 freight and 18 passenger trains were assumed (DEIR, p. 2-7). Please see Responses to Comment 31-55.

77-2: The commenter questions the projected distribution of project traffic between the two access points, and states that residents of the proposed project may be more likely to utilize the access point to C Street (located at 40th Street) due to the at-grade railroad crossing on 28th Street that drivers using the A Street access would have to cross.

Please refer to Master Response 9 (28th Street At-Grade Train Crossing) for a response to this comment.

77-3: The commenter suggests “that the EIR re-examine its baseline for impact analysis of traffic patterns to include future projections for train traffic in the proposed area of development.”

Please see Response to Comment 31-55 in regards to the baseline established for trains. The noise consultants, Bollard Acoustical Consultants, measured baseline train operation data based on actual observations and measurements at the project site. While the City acknowledges that daily trips may fluctuate throughout the year, the City has concluded that the Bollard Acoustical Consultants’ data is the most appropriate data to be used as the baseline for train operations. (*Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049 [“lead agencies have discretion to choose methodology for determining existing conditions baseline if supported by substantial evidence”], citing *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 328.)

This comment does not raise issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Per CEQA Guidelines Section 15125(a), "An EIR must include a description of the physical environmental condition in the vicinity of the project, as they exist at the time of the notice of preparation is

published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."

For additional information on train volumes used in the Draft EIR analyses, please see Responses to Comments 31-46 and 31-55.

Comment Letter 78

From: J Yoshihara <jkyosh@sbcglobal.net>
Sent: Thursday, January 09, 2014 2:52 PM
To: Dana Allen
Subject: McKinley Village

I am responding to the environmental impact report, November 2013.

The applicant is requesting a zoning change from heavy industrial to residential. The site is surrounded on one side by a heavily trafficked freeway and the other three sides by equally well used freight line. Even though it is referred to as an infill project, there are no utilities, public transit or adequate vehicular access currently serving this site. In addition, It is a landlocked site surrounded by polluting elements with no existing amenities natural or built.

78-1

The current designation as heavy industrial is appropriate given major toxic polluting sources adjacent to the property. The study addressed particles less than 2.5 microns (PM2.5) from motor vehicles, but failed to adequately address the other source from freight trains. According to dot.gov publication, 21% of PM2.5 is from motor vehicles and 10% from freight trains. The future residents would be exposed to 31% of PM2.5 just by living in Mckinley Village on a daily cumulative basis. Also the report did not mention the site is down wind from the sources that exacerbates the exposure to PM2.5. The report addressed cancer development rates in a population, but neglected to mention asthma and cardiovascular disease development rates as a result of exposure to PM2.5. There are many studies correlating diesel dust to asthma and cardiovascular disease. These are particles that lodge deep into the lungs. The proposed 100ft. buffer between the freeway and freight line is not sufficient to filter the particles. It would take many years for the trees to have adequate canopy to filter some of the pollutants. Does the 100ft buffer meet the state of California guidelines for housing next to a freeway and to a freight line? Is it appropriate environment for growing children? As a society, we all bear the cost of poor health.

78-2

78-3

78-4

78-5

Additionally, the freight line curves at the site. Derailment occurs where lines curves. The study made no mention of the line curving. Housing adjacent to potentially increased derailment portion of a freight line does not seem to be appropriate.

78-6

Also, the day the traffic counter was on 33rd Street between Mckinley and C street a city utility truck blocked the street. This probably skewed the number and the speed of the traffic on the street. Additionally, the Great Recession has reduced the traffic as a result of less workers at the Cannery business park. The traffic study needs to incorporate the worst case scenario when the Cannery is at full capacity since it utilizes the same existing streets to exit the neighborhood.

78-7

I hope the city will consider the health, safety and well being of the residents prior to make the zoning change and prevent a failed development as a result of poor market and site analysis.

78-8

Thank you your attention.

Sincerely,

Julie Yoshihara
Resident of 33rd Street

Letter 78: J. Yoshihara, January 9, 2014

78-1: Commenter states the site is referred to as “infill,” but it is not served by utilities, public transit, or adequate vehicular access. Commenter further states the site is surrounded by polluting elements (the freeway and a freight line).

Please see Response to Comment 18-48 regarding the definition of “infill” as used in the City’s development process.

78-2: The commenter asserts that the site is proximate to sources of PM_{2.5}, including motor vehicles and freight trains, and other sources. The commenter asserts there are “sources that exacerbate the exposure to PM_{2.5}” from which the project site is located downwind.

The health risk assessment prepared for the project (DEIR, Appendix C) evaluated PM_{2.5} concentrations that would result from both diesel motor vehicles traveling on the Capital City Freeway and diesel locomotives traveling on the UPRR tracks. The commenter did not indicate the location of upwind PM_{2.5} sources. See also Master Response 7 explaining the Health Risk Assessment.

78-3: The comment states that the Draft EIR did not address asthma and cardiovascular disease as a result of PM_{2.5} exposure and that the proposed landscaping will not be sufficient to filter fine particles from the air to protect the health of project site residents.

See Master Response 7 for additional discussion of health effects of particulate matter associated with freeways and high-traffic roadways. The Draft EIR does not rely on the proposed landscaping to reduce health effects. As stated in the Draft EIR, there may be a limited benefit from the planting of fine needled conifer trees in the landscape buffer area adjacent to the freeway to minimize exposure to TACs. (DEIR, p. 4.1-48.) Please see responses to Letter 27 and Responses to Comment 31-43.

78-4: The comment inquires whether the proposed 100-foot setback from the highway meets the CARB recommendation.

See Master Response 7 regarding application of the CARB recommendation for setback from high-traffic roadways. The project, however, does not propose a 100-foot setback from the Capital City Freeway, but does include a landscaped setback of 30 feet from the property line with residences located between approximately 58 feet and 140 feet from the edge of the freeway to the rear of the residences. (DEIR p. 2-8.)

78-5: Commenter states that we as a society bear the cost of poor health.

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

78-6: The commenter states the UPRR tracks curve at the site and that derailment occurs where there are curves and placing houses in this location does not seem appropriate.

The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration. Please see Responses to Comments 31-56, 31-57, 18-73 and 18-74 regarding hazards associated with a potential derailment.

78-7: The commenter states that the day traffic counts were being taken in the neighborhood when there was a utility truck blocking access. Please see Master Response 3 that addresses the timing of the traffic counts. The commenter also requests that the Draft EIR evaluate traffic when the Cannery is at full capacity.

The Cumulative Plus Project analysis contained in Section 4.9, Transportation and Circulation (DEIR, pp. 4.9-73 through 4.9-92) evaluates the cumulative effects of the proposed project in addition to other planned infrastructure projects and land development projects in the area. The cumulative scenario uses the most recent version of the SACMET regional travel demand model, which incorporates planned land use growth within the City as well as the surrounding region (DEIR, p. 4.9-63). The Cumulative Plus Project scenario included in the Draft EIR is based upon traffic forecasts created using this model, and accounts for projected traffic increases resulting from both the proposed project as well as from other planned developments within the City and SACOG region.

78-8: Commenter expresses hope that the City will consider the health, safety, and well-being of residents prior to making the zoning change.

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

Comment Letter 79

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

January 9, 2013

Re: McKinley Park Village - Comments on Draft Environmental Impact Report (EIR)

Dear Dana Allan:
I would like to provide the following comments on the accuracy and completeness of the proposed McKinley Park Village Draft EIR.

My comments are limited to the proposed second vehicle access to be located as an extension of 40th Street through the Cannery Business Park site connecting to C Street between 40th Street and Tivoli Way.

Comments:

1. The Draft EIR and included project traffic analysis fails to recognize the **livability impact** of the project on the existing residences (Section 4.9). It's understood that traffic Level of Service (LOS) A will be maintained for adjoining streets. However, this observation does not take into account the negative impact of increased traffic on current quiet residential streets (indirect physical environmental effect). The livability of those residential streets would be impacted by an increase in traffic volumes and subsequent higher speeds. This negatively impacts walking, bicycling, playing children, and sound levels. Current East Sac residents have chosen to live in the current street grid because of low traffic volumes and high degree of livability.
2. The project fails to take measures to direct future traffic away from low-volume streets like 40th Street and Tivoli Way. **A mitigation for this impact would to connect the eastern site access at Lanatt Street.** This action would direct traffic through a current light industrial/commercial/business area, and better direct traffic patterns away from residences and onto the existing Elvas Avenue major collector roadway.
3. The Draft EIR fails to recognize the negative impact of the new 40th Street extension as **un-necessary impervious paved area** and its increased costs for future city street maintenance, impact as increased storm water runoff and water quality, and resulting urban 'heat-island' effect. The proposed project constructs a new street in place of using the existing Lanatt Street facility. This is an unnecessary addition of paved area where there is viable use of existing Lanatt Street. Building additional street results in increased City street maintenance costs, and increased urban area temperatures as an added heat-sink for heat energy. Furthermore, this plan fails to fully implement runoff reduction goals as stated on Page 2-55 and discussed in Section 4.5.3.
4. The project proposes to add stop control at the new 40th Street intersection with C Street. However, **the project introduces a complicated intersection** were the 40th Street Extension will be offset from the existing 40th Street, Tivoli Way, and the Cannery site driveway. This configuration introduces traffic conflict points that can result in future collisions and reduced safety. These conflict points would be eliminated with use of existing Lanatt Street and the benefit of traffic control at that intersection instead (suggest a roundabout at Lanatt Street to slow traffic and eliminate the need for stop control).

79-1

79-2

79-3

79-4

5. **The Draft EIR is incomplete as it fails to study Lanatt Street as a viable project access alternative.** Page 2-49 discusses “a new bridge structure/roadway underpass at Lanatt Street...as infeasible....” Reasons in dispute include:

- a) First, the Draft EIR states use of Lanatt Street is infeasible and not preferred because it is an industrial area of large trucks backing into driveways on the street and blocking street emergency movements. – This point is invalid in that there is currently only one business that has potential for truck staging (American Linen Supply Company/ALSCO). Truck staging in the street is observed to be limited and only occurs because Lanatt Street currently has no through traffic. With the current space available to this business, a change in their operations would eliminate the need for street staging. Other businesses include dance/art studios with no need for large truck access. Also, a seldom accessed Caltrans warehouse and empty yard is set far back from the street with no need for street staging due to the large size of the existing property. 79-5
- b) Second, the Draft EIR states use of Lanatt Street is infeasible and not preferred because construction of the underpass would pose significant business disruptions – This point is invalid because the underpass itself would most likely remain in the same rough location as currently planned. Adequate construction and staging areas exist as to not impact existing businesses. Temporary access through the Cannery during construction would eliminate use of Lanatt Street during construction except for a low-impact final stage to connect the new street with the existing Lanatt Street alignment. 79-6
- c) Third, the Draft EIR states use of Lanatt Street is infeasible and not preferred because “sight lines for vehicles exiting the project via the underpass would be inadequate...with respect to the driveway access for an existing industrial operation.... Elimination of this industrial driveway would cause significant impairment to the existing industrial use.” – This perceived impairment is not valid. The existing businesses have sufficient areas in which to operate. Good civil engineering design would eliminate sight distance inadequacies. Furthermore, the “industrial operation” is not (and should not) be taking place in the street, but within the adequate adjoining private parcels. Moreover, the dance studio and lightly used warehouse operations are NOT commercial in nature. Railroad access to railroad facilities could easily be accommodated with all railroad activities taking place away from Lanatt Street in both current and future cases. 79-7
- d) Finally, the Draft EIR states use of Lanatt Street is infeasible and not preferred because existing buildings and multiple property ownerships add to the logistical difficulty of constructing a bridge structure/roadway underpass at this location.” – This point is invalid. The “logistical difficulty” argument is avoidance of good design practice, avoidance of beneficial urban planning, and avoidance of appropriate right-of-way acquisition. 79-8

A Lanatt Street access better meets the project Objectives to "utilize sustainable design and low impact development concepts" and to "provide adequate access points for vehicular traffic". Moreover, use of existing streets is more in keeping with the concept of "infill development". 79-9

The above inadequacies to the Draft EIR should be rectified, eliminated, and/or mitigated.

The proposed 40th Street extension through the Cannery site is an impact to existing neighborhood home properties. Use of Lanatt Street as the eastern site access to the project is reasonably feasible and must be made part of the project in place of the 40th Street extension.

79-10

My current objection to the project would be eliminated if access is changed to use Lanatt Street as discussed above. Without this change, the City should not approve the project.

79-11

Lyle Stockton
280 Tivoli Way
Sacramento, CA 95819
916-453-0262

Letter 79: Lyle Stockton, January 9, 2014

79-1: Commenter asserts the project traffic analysis failed to recognize a “livability impact” and that the negative impact of increased traffic on residential streets was not addressed.

“Livability” is not a CEQA term and is not evaluated in EIRs prepared by the City. The City Council, in considering the proposed project, will evaluate the EIR and also make policy determinations such as whether the proposed project is consistent with livability standards included in the 2030 General Plan. For purposes of CEQA, the question is whether proximity to these other uses and features will result in any potentially significant environmental impacts.

Please see Master Response 10 regarding livability as it relates to neighborhood traffic.

79-2: Commenter states its opinion that the project should include an access point at Lanatt Street.

Please see Master Response 1 regarding access to the project site. The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

79-3: The commenter expresses an opinion that the Draft EIR fails to recognize the negative impact of the new 40th Street extension, including increased stormwater runoff and water quality. The commenter also provides its opinion that these negative impacts would be eliminated if the project were accessed at Lanatt Street.

The Draft EIR analyzed the potential impacts of the project, which include the 40th Street extension. Hydrological impacts, including stormwater runoff and water quality, were analyzed in the Draft EIR and the impacts were found to be less than significant with mitigation. (DEIR, pp. 4.5-31 through 4.5-40.) Please see also Master Response 1 regarding project access.

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

79-4: The commenter expresses an opinion that the project’s intersection at the 40th Street extension will introduce traffic “conflict points” that could result in safety hazards. Commenter also provides its opinion that these safety hazards would be eliminated if the project were accessed at Lanatt Street.

Spacing of the new 40th Street and 40th Street and Tivoli Way intersection would be per City of Sacramento Standards regarding intersection spacing. Additionally, traffic control that would be implemented at this intersection (i.e., pedestrian 'refuge' islands, cross walks and stop controls) would improve traffic operations within this area and provide safe cross walks along C Street for pedestrians.

Please see Master Response 1 regarding infeasibility of using Lanatt Street for project access.

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

79-5: Commenter asserts the Draft EIR is incomplete because it fails to study Lanatt Street as a viable project access alternative. The commenter also disagrees that Lanatt Street is infeasible and provides its opinion that the truck movements that block traffic only occur because Lanatt Street currently has no through traffic, and that there is one business (ALSCO) that has space and could change its operations to eliminate the need for street staging.

CEQA does not require that all possible alternatives be evaluated, only that "a range of feasible alternatives" be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, Section 15126.6, subd. (a).) Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." CEQA Guidelines Section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*)). An access at Lanatt has been determined to be infeasible as explained in Master Response 1.

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

79-6: The commenter asserts the Draft EIR is incomplete as it fails to study Lanatt Street as a viable project access alternative and alleges that adequate construction and staging areas exist and do not impact existing businesses, and that temporary access through the Cannery during construction would largely eliminate use of Lanatt Street during project construction.

In order to construct the underpass at Lanatt Street, Lanatt Street would need to be lowered as it approached the railroad embankment. As discussed in the Draft EIR, this construction work would pose significant business disruptions along Lanatt Street in terms of both access, as well as parking. (DEIR, pp. 2-49, 4.9-62.) Please see Response to Comment 79-5 and Master Response 1.

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

79-7: The commenter asserts the Draft EIR is incomplete as it fails to study Lanatt Street as a viable project access alternative and suggests that elimination of a driveway would not significantly impair the industrial user, and that "good civil engineering design" would eliminate sight distance inadequacies. The commenter also alleges that "industrial operations" should not take place in the street, that dance studios and warehouse operations are not commercial in nature, and that railroad access could easily be accommodated away from Lanatt Street.

Please see Response to Comment 79-5 and Master Response 1. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

79-8: The commenter asserts the Draft EIR is incomplete as it fails to study Lanatt Street as a viable project access alternative and provides its opinion that the Lanatt Street access could be feasible with good design practice, urban planning and appropriate right-of-way acquisition.

Please see Response to Comment 79-5 and Master Response 1. The commenter's opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 79-9: Commenter asserts an opinion that a Lanatt Street access better meets the project objectives to “utilize sustainable design and low impact development concepts” and to “provide adequate access points for vehicular traffic.” Commenter also provides his opinion that use of existing streets is more in keeping with the concept of “infill development.”

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

- 79-10: Commenter states an opinion that the proposed 40th Street extension through the Cannery site is an impact to existing neighborhood home properties, and that use of Lanatt Street is reasonably feasible and must be made a part of the project in place of the 40th Street extension.

Please see Master Response 1. The commenter’s opinions do not raise issues regarding the physical effects on the environment and no further response is required. The comment is forwarded to the decision makers for their consideration.

- 79-11: The commenter states that his objection to the project would be eliminated if access is changed from 40th Street to Lanatt Street, and that the City should not approve the project without the change.

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