3.2.2 Organizations

From: Shirlee Herrington
Sent: Friday, February 01, 2019 2:07 PM
To: AEL-Leslie Warren
Subject: FW: Government shutdown and SAP/PRSP Comments,

Letter 11

Good Afternoon Ms. Warren,

Thank you for your interest in the subject project and for taking the time to provide comments. This is to confirm that your comments have been received. The CEQA Guidelines identify a public review period of 45 days, which was met and exceeded by the referenced project's review period of 67 days. There is no basis under CEQA to extend that timeframe due to a federal government shutdown, and most all of the information needed to evaluate the project is available on-line or through State agencies. That being said, staff will take into account the federal government shutdown for any comments received by federal agencies after the comment period. Lastly, you are on our master email and/or USPS distribution list for the subject project and, as such, you will receive updates and notifications of future opportunities to for public participation and input.

Thanks.

Shirlee Herrington
Community Development Technician
Environmental Coordination Services
Placer County Community Development Resource Agency
3091 County Center Drive, Suite 190, Auburn, CA 95603
530-745-3132 fax 530-745-3080

-----Original Message-----
From: Leslie Warren [mailto:allianceforenviroleadership@gmail.com]
Sent: Thursday, January 24, 2019 7:01 PM
To: Todd Leopold <TLeopold@placer.ca.gov>; ejvivald@placer.ca.gov; Robert Weygandt <RWeygand@placer.ca.gov>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Michele Kingsbury <MKingsbu@placer.ca.gov>
Cc: Tamara S. Galanter <galanter@smwlaw.com>; Michael Garabedian <michaelgarabedian@earthlink.net>
Subject: Government shutdown and SAP/PRSP Comments,

Dear Ladies and Gentlemen,

We are concerned that Federal agencies that would ordinarily prepare comments on the subject DEIR are unable to do so, due to the Federal government shutdown. As the DEIR has identified significant impacts to Federally listed species and to jurisdictional waters of the United States, among other issues, we feel that it is imperative that Federal agencies participate in the environmental review process. **11-1**

Will you please advise us about how the shutdown is affecting all the Federal agencies from whom comments would, under normal circumstances, be expected?

Many thanks for your reply.

Sincerely,

Leslie Warren, Chair
Alliance for Environmental Leadership

1

Subject: Access to the CISGP

From: Alliance for Environmental Leadership [mailto:allianceforenviroleadership@gmail.com]
Sent: Saturday, January 26, 2019 8:15 PM
To: Placer County Planning
Subject: Fwd: ✨Access to the CISGP ✨

Dear EJ:
Please share this email with the Chair and Members of the Placer County Planning Commission and cc me at allainceforenviroleadership@gmail.com. Many thanks. Leslie Warren

Dear Chair and Members of the Placer County Planning Commission:

Thank you so very much for giving me the opportunity to introduce myself and the Alliance for Environmental Leadership at your Planning Commission meeting on January 24th.

You may recall that I explained that the Alliance for Environmental Leadership, representing 14 local environmental and civic organizations, received grant funding to create a Citizen Initiated Smart Growth Plan for the West Placer Prairie that we will submit as an alternative to the County's Sunset Area Plan and Placer Ranch Specific Plan.

The Draft EIR for the County's Plan for the SA/PRSP in West Placer has identified 57 significant impacts that cannot be mitigated and many of these significant impacts run contrary to State and local policy. All is not lost. If you take this opportunity to review the Citizen Initiated Smart Growth Plan, you will find that the County's growth and economic development objectives can still be met, without harm to the environment or citizens. The Citizen Initiated Smart Growth Plan is an agile, innovative and future forward Plan has the potential to lift Placer County into a leadership position globally. 11-2

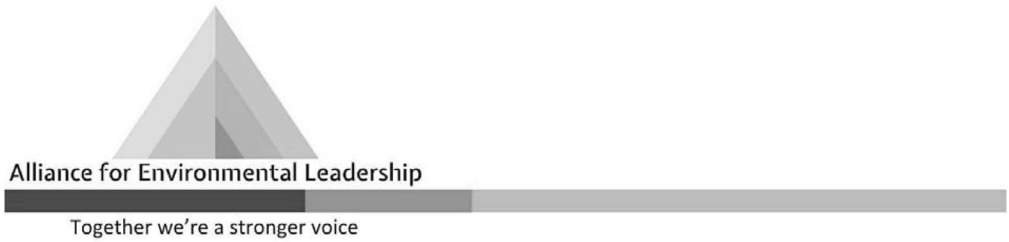
These two links are good for reading the Citizen Initiated Smart Growth Plan and sharable with the larger community:

In the CISGP Project Library:
CISGP_Phase1_Spreads.pdf
https://drive.google.com/file/d/1Vo54Fw2D-DewZoNpvI78RursshVOp4bw/view?usp=sharing

On Issuu, an online magazine platform:
https://issuu.com/g.marsh/docs/cisgp_phase1_sheets

You are welcome to excerpt pages and attach them to your DEIR comments or letters to the editor. If you are interested in a printed version, let Leslie and I know! We can print them beautifully for approximately $30 in full color.

1



February 9, 2019

To: AEL Community and Colleagues

FR: Leslie Warren, Chair, Alliance for Environmental Leadership

RE: Comparing CISGP and SAP/PRSP

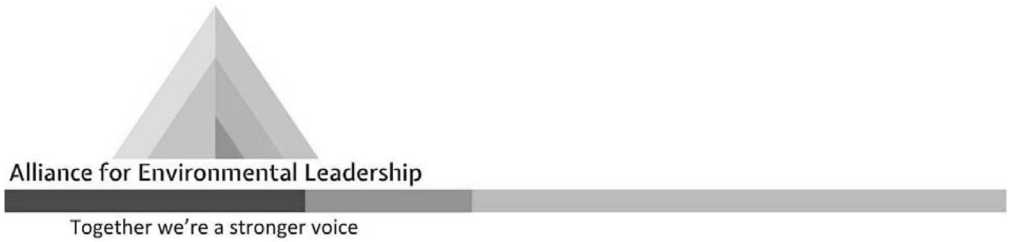
Many of you have requested a comparison of the CISGP and the County's SAP/PRSP. As the proposed transformation of a natural ecosystem to a new industrial city is so complex, only a partial comparison is provided here. I refer you to pages 46-78 of the CISGP which attached hereto for a comprehensive set of comparison tables of natural resources and agricultural systems.

Comparing AEL's CISGP and Placer County's SAP/PRSP

Job Center Concept versus Innovation Ecosystem Comparison

Placer County's proposed Sunset Area Plan/Placer Ranch Specific Plan will remove 13.9 square miles of farmland, vernal pool wetland, the headwaters of two watersheds and their associated riparian forest and replace this natural prairie ecosystem with a) a 39 million sq. ft. industrial/retail complex, b) primarily single-family low-density residential sprawl and c) a 33,000 student university and 4,000 units of university housing. While the County states an objective to create a collaborative environment within the SAP/PRSP, they fail to do so because the County looks at three unique blocks of ownership and designs accordingly - even to the point of using major roadways to segregate. 11-3

The CISGP provides comparable business and industrial opportunity through a spectrum of industrial mixed-uses that locate residences adjacent to the highest



employment density in such a way that fosters community. Because the County has maintained a decades-long vision to bring a jobs center to the West Placer prairie and because a jobs center is part of the SACOG Blueprint for growth, the Alliance for Environmental Leadership's Citizen-Initiated Smart Growth Plan (CISGP) does not oppose the job center concept; but instead, enhances it with science supported design.

11-3 cont.

Buffer Zone and Economic Feasibility Comparison

Under the County's SAP/PRSP, low-density single-family housing, the university and its associated housing, a middle school, and an elementary school are proposed to be developed south of a new expressway Placer Parkway, within the one mile "buffer" smell zone associated with the County's dump - aka Materials Recovery Facility (MRF). The entirety of Placer Ranch is a vernal pool ecosystem of 2,000 acres. In the 1990's the County successfully litigated against a developer to protect the "buffer". Now the County is the *project applicant* to reduce the "buffer" to 500 ft. and allow some of the most sensitive population groups to live within it. The CISGP removes housing and schools from the MRF smell "buffer", and only large scale industrial campus will be permitted, in large part because the mitigation fees to the proposed Placer County Conservation Plan are so high, that any other use is economically infeasible. For a point of reference, the PRSP's proposed State University campus in the smell "buffer" would generate $40 million in mitigation fees through the PCCP– more than twice the property value of the 300-acre site.

11-4

The CISGP moves the University to an infill site away from the smell zone and off the vernal pool wetlands, where project feasibility improves, infrastructure is in place and the University will contribute to the day to day life of the innovation ecosystem.

Air Pollution and Greenhouse Gasses Comparison

With the County's SIA/PRSP, at build-out at minimum density, up to 83% of the 9,600 acre site will be parking lots and roads and 18% will structures, according to the average FAR. The proposed public transit consists of a bus stop map that does not have the ridership density to support useful bus service. As a result, public

11-5

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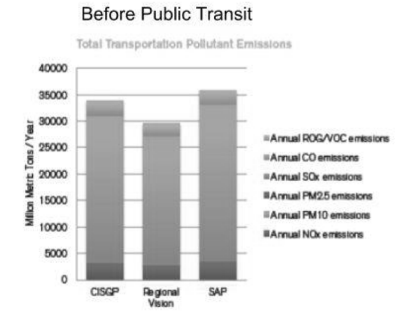
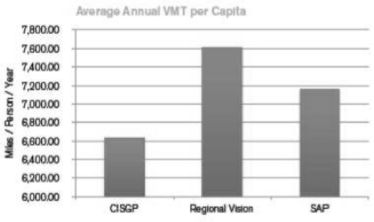
transit will not be utilized by the proposed 100,000 - 150,000 people who would live and/or work in the project area at build-out. With a car dependent population, new daily vehicular trips will exceed 880,000. Annual CO2 generation will exceed 550,000 metric tons.

The CiSGP enables rapid bus public transit by increasing residential densities and improves quality of life and character of place. The CISGP addresses social equity through quality location of all housing. The proximity of workforce housing and daily amenities to employment in the CISGP will reduce household operating costs by $3,000 annually compared with the County's SAP/PRSP. See the Household Cost Report on page 53 of the CISGP for details.

Transit Feasibility

	CISGP	SAP
% of Residents living in minimum required density of 9 du/ac to support Bus Rapid Transit	100%	12%
% of Non-Residential Uses with the minimum FAR of 1.0 required to support Bus Rapid Transit	45%	0%





11-5 cont.

Social Equity and Housing Comparison

Tax payers of all income levels have funded the upfront planning work (to date $6. million) for the County/developers' design, but not all citizens will reap benefits should this project proceed. While most of the estimated 92,000 new jobs

11-6

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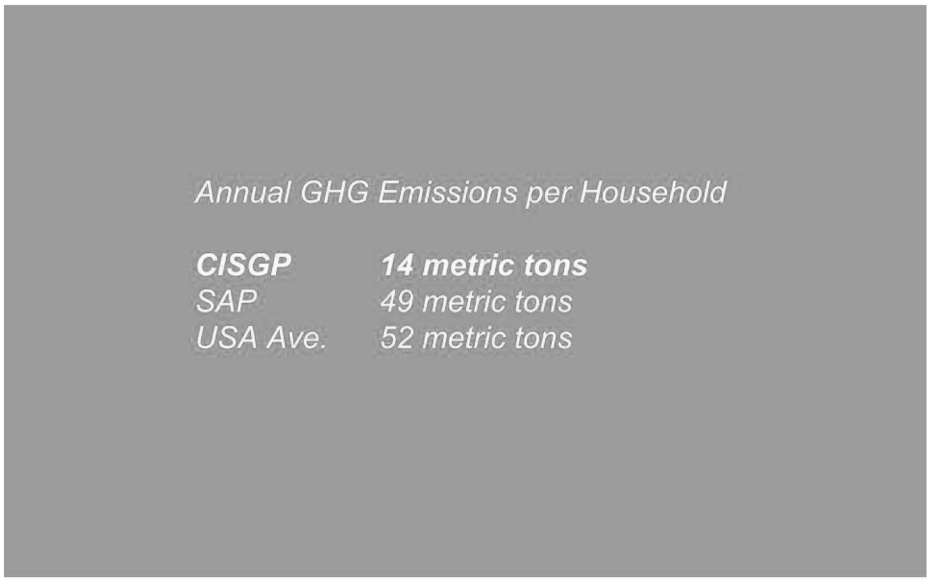
will be occupied by blue-collar, hourly-wage workers, only 600 units of high-density multi-family housing are proposed among the 8,014 total units of which 6,291 are single family sprawl. The SAP Jobs-housing ratio is 22:1.

The CISGP is designed as an innovation ecosystem -providing 49,613 multi-family housing units of various typologies designed so that businesses, students and workers are living and working in proximity for collaboration and quality of life measures. This produces a Jobs housing ratio of 3:1. SACOG's job housing standard is 2:1.

In addition, a higher density of housing dramatically reduces environmental impact per capita:



11-6 cont.

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Percent of Residents in Walking Distance to Amenities

	CISGP	SAP
Park, 10 min.	100%	72%
Schools, 15 min.	89%	17%
Hospitals, 15 min.	89%	23%
Restaurants, 10 min.	100%	30%
Work, 15 min.	100%	9%
Homes within 15 min. of job site	100%	9%
Job sites within 15 min. of a home	61%	38%

11-6 cont.

Natural Systems Comparison

Perhaps most importantly, the County's SAP/PRSP is driven by blocks of property ownership boundaries rather than the dynamic and complex natural features of the land. CISGP design protects and enhances the prairie's natural features and systems where possible through a balance of local and regional conservation. Wildlife corridors, hydrologic dynamics, vernal pool, and agricultural features will all but disappear with the County's SAP/PRSP. Additionally the County's Plan poses a threat to ecosystem values in the four major conservation/mitigation sites located outside but proximate (north) to the SAP - because the headwaters and most of the watershed of these existing conservation properties will be eliminated under the SAP/PRSP and development will increase the edge effect on the reserves. See pages 68-78 of the CISGP for detailed natural system comparisons.

Letter 11	Alliance for Environmental Leadership Leslie Warren, Chair January 24, 2019; February 9, 2019

11-1 The comment asks how the federal government shutdown is affecting federal agencies' ability to provide comments on the Draft EIR. This comment was addressed in an email exchange between the commenter and the County (which is included as part of comment letter 11). While the County was prepared to accept comments from federal agencies provided after the close of the public comment period (in consideration of the federal government shutdown), none were received either during or after the public comment period. CEQA requires a public review period of 45 days for EIRs that require state agency review, which was met and exceeded by the County with the provision of a 64-day review period for the project. There is no basis under CEQA to extend that timeframe due to a federal government shutdown, and most of the information needed to evaluate the project is available online or through state agencies.

11-2 The comment states that the CISGP was developed by the Alliance for Environmental Leadership as an alternative to the proposed project and would meet the County's growth and economic development objectives. See Master Response 2: Citizen-Initiated Smart Growth Plan. As noted in the master response, after a thorough review of the CISGP, the County found that the plan is infeasible, would not meet primary project objectives, and would result in greater impacts with respect to several environmental issue areas. Also, the Draft EIR includes Alternative 4: Reduced Footprint, Similar Development Potential, which achieves similar impact reductions as the CISGP (i.e., biological resources) without resulting in increases in the severity of other impacts, such as GHG and traffic. Therefore, as concluded in the master response, the Draft EIR is not revised to include the CISGP as a project alternative.

The comment also refers to the project's significant and unavoidable impacts. See response to comment 36-3 regarding CEQA requirements for significant and unavoidable impacts.

The following comments provide a comparison of the CISGP to the proposed project. These comments are comprehensively addressed in Master Response 2: Citizen-Initiated Smart Growth Plan. Therefore, the responses simply cross-reference to that master response.

11-3 The comment makes comparisons between the project and the CISGP. See Master Response 2: Citizen-Initiated Smart Growth Plan.

11-4 The comment makes comparisons between the project and the CISGP. See Master Response 2: Citizen-Initiated Smart Growth Plan.

11-5 The comment makes comparisons between the project and the CISGP. See Master Response 2: Citizen-Initiated Smart Growth Plan.

11-6 The comment makes comparisons between the project and the CISGP. See Master Response 2: Citizen-Initiated Smart Growth Plan.

SHUTE, MIHALY & WEINBERGER LLP

Letter 12

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SARA A. CLARK
Attorney
Clark@smwlaw.com

February 22, 2019

Via Email and U.S. Mail

Shirlee Herrington
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603
Email: sherring@placer.ca.gov

Re: Sunset Area Plan/Placer Ranch Specific Plan Draft Environmental Impact Report (State Clearinghouse No. 2016112012)

Dear Ms. Herrington:

This firm represents the Alliance for Environmental Leadership (AEL) in connection with the Sunset Area Plan/Placer Ranch Specific Plan (Project) and its associated Draft Environmental Impact Report (DEIR). AEL seeks to ensure that any development in the Sunset Area protects the site's unique environmental resources, including extensive vernal pool and riparian habitat, and addresses the existing community's needs and concerns.

After carefully reviewing the DEIR for the proposed Project, however, we have concluded that it fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq. As described below, the DEIR violates CEQA because it fails to identify *any* alternative that would substantially reduce or eliminate even one of the Project's *sixty* significant and unavoidable impacts. The County cannot ignore its obligation to analyze options to achieve its goals in a more sustainable way. The DEIR also fundamentally errs by failing to consistently and accurately describe the proposed Project. Much of the analysis is based on the assumption that this Project will bring tens of thousands of primary wage earner jobs to the area. But even the County elsewhere acknowledges that these jobs are unlikely to materialize, and the Project's future residents will be stuck commuting significant distances. These false assumptions undermine the integrity of much of the DEIR's analysis. 12-1

AEL has serious concerns about the environmental impacts of the Project, which proposes to convert almost 14 square miles of West Placer farm and prairie lands into a sprawling new development, complete with an employment center/industrial park, a new university, and thousands of units of single-family sprawl. According to the DEIR's own admissions, the Project would result in significant and unavoidable impacts in virtually every impact category (e.g., aesthetics, agricultural resources, air quality, archaeological resources, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, population, employment and housing, transportation, and utilities).[1] DEIR at 2-7 to 2-115. No responsible decisionmaker could conceive of approving a massive development that would result in such severe environmental degradation. Yet, the proposed SAP/PRSP would do just that. AEL urges the County to reject this ill-conceived project.

AEL could potentially support development in this location if the County's proposal would result in a project that promoted smart development, i.e., one that improved the region's jobs/housing imbalance, encouraged a mix of building types and uses, focused on providing housing for those that need it most (including very low, low, and moderate incomes), ensured at least some transit accessibility, reduced vehicle miles traveled (VMT), protected sensitive habitats, and curbed worsening environmental conditions. To that end, AEL has engaged with the community to produce a Citizen-Initiated Smart Growth Plan[2] that fundamentally reimagines future development for the area. As explained below, CEQA requires that the County evaluate this proposed alternative in a revised and recirculated DEIR.

12-1 cont.

Finally, as we explain below, the DEIR fails to meet CEQA's minimum requirements both because it neglects to present all relevant facts relating to the Project's environmental impacts and because its cursory conclusions are not based upon any analysis. The end result is a document which is so crippled by its approach that

[1] The DEIR identifies only two impacts, public services and energy, that could be reduced to a less than significant level. Yet, had the DEIR conducted a legally adequate analysis, it is likely it would have determined that these impacts would also be significant and unavoidable. The Project provides little by way of public services and exacerbates the wasteful use of energy by perpetuating a car-centric development model.

[2] The Smart Growth Plan is submitted under separate cover from AEL, but is incorporated by reference into this comment letter.

decisionmakers and the public are left with no real idea as to the severity and extent of the Project's environmental impacts. 12-1 cont.

I. The County Must Consider the Citizen Initiated Smart Growth Plan in a Revised and Recirculated EIR.

Analysis of alternatives lies at the "core" of an EIR. *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564. CEQA's central mandate is that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1354 (quoting Pub. Resources Code § 21002); CEQA Guidelines § 15126.6(b). Indeed, courts have repeatedly emphasized that the purpose of an EIR includes identification of alternatives to the project. *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089.

An EIR therefore must analyze a "reasonable range" of alternatives to the proposed project. CEQA Guidelines § 15126.6(a); *Laurel Heights I*, 47 Cal.3d at 404. To be "reasonable," these alternatives must provide enough variation from the proposed project "to allow informed decisionmaking" regarding options that would reduce environmental impacts. *Laurel Heights Neighborhood Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 404-05. Courts have repeatedly invalidated EIRs where, as here, they fail to analyze feasible alternatives that could reduce a project's primary, significant impacts. *See, e.g.*, *Watsonville Pilots*, 183 Cal.App.4th at 1089-90 (EIR deficient for failing to include reduced development alternative that would avoid or lessen growth-related significant impacts); *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1285, 1305 (invalidating EIR that failed to discuss any feasible alternative that would lessen the project's water supply impact). 12-2

The County has proposed to replace 13.9 square miles of farmland, prairies, vernal pool wetlands, and riparian forests with a massive industrial, retail, residential, and institutional project. Unsurprisingly, the EIR reveals that the Project will result in an utterly staggering number of significant and unavoidable impacts: sixty discrete issues across a wide range of topic areas, including agricultural resources, air quality and public health, biological resources, greenhouse gas emissions, water quality, traffic, and vehicle miles traveled. In this circumstance, CEQA directs the agency to find alternatives that would *reduce at least some* of these significant impacts. CEQA Guidelines § 15126.6(c);

Citizens of Goleta Valley, 52 Cal.3d at 566. And yet, the County shirks this duty, presenting no alternatives that would avoid or substantially reduce *even a single one* of the Project's sixty significant and unavoidable impacts. This is a fundamental and critical flaw that requires the County to restart its CEQA process.

One of the primary modifications that the County must make in its EIR is to consider the Alliance for Environmental Leadership's Citizen-Initiated Smart Growth Plan (Smart Growth Plan) as an alternative to the proposed Project. AEL engaged Genevieve Marsh, a professional architectural designer and planner, to prepare the Smart Growth Plan as a fundamental re-envisioning of how a jobs center could be planned for west Placer County without sacrificing environmental sustainability. The Smart Growth Plan demonstrates that the Board of Supervisors need not sacrifice the public health and well-being of the County's residents across nearly every metric to accommodate job growth. Because the Smart Growth Plan is a feasible alternative that would "substantially lessen the significant environmental effects" of the Project, it must be analyzed in a revised and recirculated EIR. *Berkeley Keep Jets*, 91 Cal.App.4th at 1354.

12-2 cont.

CEQA is clear that an alternative generated by the public must be considered in an EIR if four conditions are met: (1) the EIR fails to include any alternatives that reduce the Project's significant impacts (*Habitat & Watershed Caretakers*, 213 Cal.App.4th at 1285, 1305); (2) the alternative meets most of the project's objectives, so long as such objectives are not artificially narrow (CEQA Guidelines § 15126.6(b); *N. Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 668); (3) the alternative eliminates or substantially reduces at least some of the Project's significant environmental impacts (*Berkeley Keep Jets*, 91 Cal.App.4th at 1354), and (4) the alternative is feasible (*Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 884-85. The Smart Growth Plan qualifies on all criteria.

First, as the EIR acknowledges, none of the County's proposed "alternatives" even come close to eliminating the Project's sixty significant and unavoidable impacts. DEIR at 2-5. Second, the Smart Growth Plan would clearly meet most of the objectives identified by Placer County:

DEIR Stated Objectives	***CISGP's Consistency with County's Objectives***
Create a unique employment, entertainment, and education center that would provide regional benefit, create primary wage–earner jobs for residents of nearby cities and unincorporated areas, and help to generate revenue to fund countywide services.	The CISGP includes zoning to support a high-employee density, labor-intensive mix of uses, a university and other educational opportunities, and super-regional entertainment venues. It also contributes to the character of place and creates live/work synergism.
Establish and maintain high-quality standards for architectural and aesthetic design that ensure creation and maintenance of value. Project design should integrate amenities that add interest and character, including amenities that take advantage of the Sunset Area's natural and open space features.	The CISGP uses demand trends and changing markets to make wise projections about the design requirements of future occupants. It establishes and maintains high-quality standards for sustainable design and construction, while respecting the dynamics of this unique landscape.
Improve Sunset Area infrastructure with an emphasis on transportation improvements and the extension of public sewer and water to expand the supply of "shovel-ready" sites.	The CISGP focuses on siting compatible uses to take advantage of existing and shared infrastructure and amenities to reduce costs, allowing higher quality amenities and enabling public transportation and walkable communities. It also provides an urban recreation district with large lot industrial campuses.
Streamline the land development review process for CEQA compliance and project entitlements.	Similar to the proposed plan, adoption of the CISGP could be used to streamline the land development review process.
Broaden the range of development opportunities in the Sunset Area, including support for postsecondary education facilities and associated uses	The CISGP includes flexible zoning to allow a broad range of development opportunities, including post-secondary education facilities and associated uses, eco-industrial, high-density industrial

12-2 cont.

DEIR Stated Objectives	***CISGP's Consistency with County's Objectives***
(e.g., commercial, residential, research) in the PRSP area.	mixed use and industrial campuses, office R&D, light industry, and office industrial.
Transition to a more high-employee density, labor-intensive mix of uses with an emphasis on goods and services focused on innovation and creativity.	The CISGP includes zoning to support a high-employee density, labor-intensive mix of uses, with specific zoning districts for innovation and mixed use and innovation campuses.
Support the provision of housing types not otherwise available locally to accommodate employees of Sunset Area businesses.	Unlike the proposed plan, the CISGP proposes a true diversity of housing types, meeting the needs of all future employees of the plan area while balancing Placer County's achievable housing goals. The CISGP does this by supporting higher and lower density design, townhouses and residential mixed use to achieve a community-experience centric approach.
Preserve the viability of industrial and large-scale manufacturing operations in the Sunset Area.	Located next to Placer Parkway, the large lot innovation campus district supports major employers, manufacturing and industrial campuses connected by a complex network of utility infrastructure, with an emphasis on efficiency within a pedestrian/commuter corridor.
Retain the large supply of large development sites in the Sunset Area by discouraging subdivisions that diminish long-term value and foreclose unique development opportunities.	The CISGP includes this objective, offering large manufacturers and industrial facilities large development sites with an overarching organizational features and sense of place fostering unique development opportunities.

12-2 cont.

DEIR Stated Objectives	***CISGP's Consistency with County's Objectives***
Protect existing and future development from adverse impacts associated with incompatible uses.	The CISGP locates major industrial and manufacturing campuses in the MRF Buffer and locates housing, schools and light industry and office industrial outside of odor impact areas.
Provide a network of connected bike lanes, shared-use paths and sidewalks to accommodate cycling and walking for both functional and recreational purposes. This includes requiring street designs that balance the needs of motorists, cyclists, and pedestrians and ensuring connectivity with adjacent areas in Lincoln, Rocklin, Roseville, and unincorporated Placer County.	The CISGP would create walkable live/work neighborhoods, promoting both cycling and walking through long winding natural corridors incorporating a variety of public amenities, connecting various zoning districts with recreational and commuter walking and bike paths connected to adjacent Cities and communities.
Prepare a Specific Plan and associated regulatory documents that collectively create a comprehensive development plan for Placer Ranch, which facilitates development in the Sunset Area in a consistent and orderly manner and that assists in accommodating Placer County's share of the region's future population growth.	The CISGP could be implemented through the creation of a specific plan and associated regulatory documents, which will facilitate development in the Sunset Area in a consistent and orderly manner and assists in accommodating Placer County's share of the region's future population growth.
Ensure that development of the Placer Ranch community is designed to function as a stand-alone project that is consistent with the goals and policies of the Sunset Area Plan, and contributes to development in the Sunset Area Plan and adjacent	In the CISGP, Placer Ranch is designed to function as a key element in the County's job center vision, while protecting future residents from adverse impacts from incompatible uses. The CISGP is also designed to improve project feasibility with site-appropriate development, including a university located amidst the

12-2 cont.

DEIR Stated Objectives	***CISGP's Consistency with County's Objectives***
development areas in Roseville, Rocklin, and Lincoln.	innovation and mixed-use district where it becomes an asset for those on the businesses outside and students inside.
Provide for a mix of residential and employment generating land uses, which at buildout, can feasibly support the development plan including provisions for parks, schools, a university, backbone infrastructure, and other public facilities, as well as the project's planned commercial and employment centers.	The CISGP is designed so that the mix of residential and employment-generating land uses support the necessary infrastructure and public facilities including provisions for parks, schools, a university, backbone infrastructure, and other public facilities, as well as the project's planned commercial and employment centers.
Create business development opportunities that will catalyze the grander vision of creating a large-scale job center in the Sunset Area Plan, which provides land for a new university and supporting employment center, retail, and residential land uses.	The CISGP is specifically designed to foster a range of business development opportunities linked to the university, including office, R&D, retail, manufacturing, and start-ups. Each use is incentivized in high-density mixed-use communities supporting large and small scale and labor-intensive mix of uses. These job-centers exist in synergy with walkable housing options, including mid-rise rise, suburban multi-family and townhomes creating an urban vibe with supported by recreational and commuter walking and bike paths.
Provide 300 +/- acres to California State University system (CSU) for development of a Sacramento State (Sac State) off-campus center in Placer County, which is sized to potentially accommodate up to	The CISGP includes 252 acres slated for university district located within a major jobs center creating a pipeline for student to find jobs and for employers to engage in research. Located outside the MRF Buffer and within an area served by utilities, the university can be established

12-2 cont.

DEIR Stated Objectives	***CISGP's Consistency with County's Objectives***
30,000 students (25,000 Sac State and 5,000 Sierra College).	with lower infrastructure and utility costs, lower mitigation fees and fewer environmental impacts.
Create a large-scale job center that supports a wide range of employment opportunities, which implements Placer County's vision for the Sunset Area by planning for uses that allow research and development, office, retail and commercial, innovation/technology, and light manufacturing uses.	The CISGP zoning supports a large-scale job center where manufacturing and industrial facilities operate on large campuses, where hundreds or thousands of employees work a wide range of jogs in an urban recreation network with a distinct sense of place for research and development, office, retail, commercial, innovation/technology, and light manufacturing.
Establish a land use framework to create a mixed-use, urban center adjacent to employment centers and the university site, which will provide retail goods, services, and multifamily housing that benefit from proximity to job clusters.	The CISGP has three different zoning districts related to industrial use, town center, light industry, innovation and mixed use, and eco-industrial zone. Each zoning district is designed to promote mixed-use live/work communities or industrial campuses for large scale employment. Employees and entrepreneurs from live-work campus style communities and compact development allow residents live in close proximity to their jobs, retail, and services.
Establish places for construction of a diverse array of housing types including single-family homes in conventional and compact development patterns, townhomes, apartments, lofts, active-adult	The CISGP meets this objective better than the proposed project, as it provides 49,613 diverse, multi-family units, townhomes, apartments, lofts, active-adult housing, dormitories, faculty housing, and housing in mixed-use and residential communities, as opposed to the Project's

12-2 cont.

DEIR Stated Objectives	***CISGP's Consistency with County's Objectives***
housing, dormitories, faculty housing, and housing in mixed-use buildings.	focus on single-family homes (6,291 units out of 8,014).
Aid the County in achieving a fair share of its obligation to accommodate a percentage of the region's forecasted population growth, as mandated by the California Department of Housing and Community Development and as directed by the Sacramento Council of Governments, including applicable provisions of Senate Bill 812.	The CISGP supports the provision of attractive and underrepresented housing in mixed use neighborhoods. It employs sustainable design standards that apply equally to blue-collar and white-collar working conditions, creating walkable communities. Such communities have the ridership to support quality public transit, reducing household operating costs and sharing public amenities across more people, enabling them to be of higher quality. The CISGP accommodates a fair percentage of the region's forecasted population growth, as mandated by the California Department of Housing and Community Development and as directed by the Sacramento Council of Governments, including applicable provisions of Senate Bill 812.
Ensure that the development plan provides an appropriate balance of land uses to economically support development of community-wide public and civic facilities, including an elementary school, middle school, neighborhood parks, miniparks, and open spaces.	The CISGP includes an appropriate balance of land uses to economically support public and civic facilities, including an elementary school, middle school, neighborhood parks, miniparks, and open spaces. The CISGP's Urban Recreation district is a core component of the community design and contributes many features to the Plan in form and function.
Establish a corridor for the future construction of Placer Parkway, including	Placer Parkway will continue to serve the as the main access point in and out of the

12-2 cont.

DEIR Stated Objectives	***CISGP's Consistency with County's Objectives***
land areas for roadway interchanges at Foothills Boulevard and Fiddyment Road.	Sunset Area. The CISGP includes land areas for roadway interchanges at Foothills Boulevard and Fiddyment Road.
Create a balanced plan for on-site habitat conservation and development through the creation of open space corridors that will permanently protect sensitive resource areas and drainage ways.	The CISGP better balances on-site habitat conservation and development in a manner that ensures permanent protection of sensitive resources, integrates natural stream courses in the University Campus, and utilizes natural stream headwaters for catchment basins and public recreation features.
Participate in the PCCP to facilitate the permanent preservation of several types of natural resources and biological communities located throughout western Placer County.	The CISGP allows landowners to participate in the PCCP to facilitate permanent preservation of several types of natural resources and biological communities located throughout western Placer County.
Provide land use phasing and public facilities financing plans that enable the Plan Area to develop in an economically feasible manner.	The CISGP can be implemented to ensure that the area is developed in an economically feasible manner because the proposed land uses will reduce public facilities financing costs and expedite development and plan implementation.
Ensure that the development plan creates a balanced community that can be implemented in a fiscally responsible manner, with neutral or positive impacts on Placer County and the provision for revenue sources for the long-term maintenance of open space areas, park	The CISGP creates a balanced community, including residential, industrial, commercial, and educational uses that will generate revenue sufficient to support long term maintenance of open spaces, libraries, park facilities, wildlife corridors, public services and infrastructure.

12-2 cont.

DEIR Stated Objectives	***CISGP's Consistency with County's Objectives***
facilities, landscape corridors, public services, and infrastructure.	
Aid the County in achieving its objectives for long-term sustainability through project design and building practices that incorporate measures to reduce energy usage, conserve water, incorporate water efficient landscaping, treat stormwater, and reduce reliance on the automobile.	The CISGP is designed with these measures in mind, rather than relying on after-the-fact mitigation measures to attempt reaching sustainability goals.
Create a development plan that is consistent with the growth principles identified in the Sacramento Area Council of Government's Blueprint, which consists of providing higher-density residential neighborhoods; more compact forms of development; alternative transportation options, such as Bus Rapid Transit and bicycle use; and an interconnected network of residential neighborhoods, commercial nodes, and employment centers.	The CISGP is designed with these principles in mind, including higher-density residential neighborhoods, compact development footprints, and principles to allow public transit and alternative forms of transportation.

12-2 cont.

To the extent the County determines that the Smart Growth Plan is incompatible with any of these objectives—which, as discussed above, is not the case—it may not dismiss the Smart Growth Plan out of hand. The County must consider whether the objective is "artificially narrow" and thus improperly precluding consideration of viable alternatives. *N. Coast Rivers*, 243 Cal.App.4th at 668 (invalidating an EIR because an "artificially narrow" objective precluded consideration of alternatives). And the County must nevertheless consider an alternative that does not meet every single objective, so long as it meets most of them. CEQA Guidelines § 15126.6(b). The Smart Growth Plan plainly meets that standard.

Third, the Smart Growth Plan would eliminate or substantially reduce at least some of the Project's significant environmental impacts. For example:

- The Smart Growth Plan significantly reduces impacts to sensitive vernal pool ecosystems. While the Project allows significant development on these areas, including the 2,000-acre Placer Ranch, the Smart Growth Plan uses science-driven design to avoid these sensitive ecosystems. This change would substantially reduce or eliminate significant biological resource impacts (i.e., Impact 4.4-3, Loss of federally listed vernal pool branchiopods and Western spadefoot; Impact 4.4-7, Conflict with local policies or ordinances protecting biological resources; Cumulative Impact 4.4-12, Contribution to loss of federally listed Vernal pool branchiopods and Western spadefoot). 12-3

- The Smart Growth Plan drastically reduces operational greenhouse gas emissions expected to be generated. Given the Project's low density and lack of relationship between proposed land uses, it is expected to significantly increase greenhouse gas emissions by ensuring future residents will be car-dependent. On the other hand, the Smart Growth Plan is designed to facilitate Bus Rapid Transit and to ensure that future workers on the project site can actually afford to purchase or rent houses nearby. These modifications would substantially reduce or eliminate significant greenhouse gas impacts (i.e., Impact 4.7-2, Operational greenhouse gas emissions). Associated reductions in vehicle miles traveled would also substantially reduce or eliminate the Project's air quality and public health impacts (i.e., Impact 4.3-3, Long-term operational emissions of criteria air pollutants and ozone precursors; Impact 4.3-5, Exposure of sensitive receptors to TACs; Cumulative Impact 4.3-8, Long-term operational emissions of criteria air pollutants and precursors; Cumulative Impact 4.3-10, Exposure of sensitive receptors to TACs). 12-4

- The Smart Growth Plan would eliminate significant odor impacts associated with the Western Regional Sanitary Landfill. The proposed Project places single-family housing, a university and associated housing, a middle school, and an elementary school within one mile of this existing facility; in contrast, the Smart Growth places only large-scale industrial users in this area. This change in use would substantially reduce or 12-5

> eliminate the significant impacts associated with odor and incompatible land uses (i.e., Impact 4.3-6, Create objectionable odors affecting a substantial number of people; Impact 4.10-2, Consistency and compatibility with the Western Regional Sanitary Landfill).

12-5 cont.

The Smart Growth Plan presents additional analysis of the ways in which it reduces the Project's significant and unavoidable significant impacts.

Fourth, the Smart Growth Plan is entirely feasible. To the extent the County concludes otherwise, it must provide substantial evidence to support its conclusion. *See Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 884-85. Such a feasibility analysis is necessary to allow the public and decision-makers to have an open and informed discussion about viable alternatives to the proposed Project. At this time, nothing in the County's DEIR or other documents demonstrates the infeasibility of this alternative.

12-6

II. The DEIR Fails to Adequately Describe the Project.

Under CEQA, the inclusion in the EIR of a clear and comprehensive description of the proposed project is critical to meaningful public review. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. The court in *Inyo* explained why a thorough project description is necessary:

> "A curtailed or distorted project description may stultify objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance." [citation omitted] Thus, "[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR."

12-7

Here, the description of the Project is inadequate. Perhaps the most egregious deficiency relates to the DEIR's failure to include specific and stable buildout projections. Without clear picture of how the site will be developed over time, it is impossible to make sense of the DEIR's environmental impact analyses.

The DEIR explains that the Project has a development holding capacity that may span over 80 years. DEIR at 3-27. For this reason, according to the DEIR, the County delineated the Project's land use plan into two phases: Phase 1, which is based on estimated market demand for development that could occur within the 20-year plan horizon; and Phase 2, which anticipates remaining land development likely to occur "beyond the 20-year plan horizon." DEIR at 3-27. The problem is that none of the environmental impact analyses, including, for example, air quality, greenhouse gas (GHG) emissions, and transportation, evaluate impacts based on this delineation between development occurring in Phase 1 or Phase 2. It is not at all clear whether these analyses are based on development occurring in two phases, at the same time, or in some other pattern entirely. As a result, the public cannot tell whether the analyses are based on realistic assumptions or overly optimistic ones. CEQA requires more. *Sierra Club v. County of Fresno* [citation] (EIR must include "enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project'").

12-7 cont.

Compounding matters, certain of the environmental impact analyses rely on a buildout year that is not even identified. The air quality analyses and the GHG analyses, for example, identify buildout as occurring "past 2050." *See* DEIR Table 4.3-7: Summary of Maximum Daily Operational Emissions of Criteria Air Pollutants and Precursors at Full Buildout of the Net SAP Area" footnote#1 and DEIR Table 4.7-2: Unmitigated Operational Greenhouse Gas Emissions for Net SAP Area and PRSP at Full Buildout. The traffic analysis takes a different approach altogether as it defines buildout as occurring over "80+ years." DEIR at 4.14-2. Decisionmakers and the public are thus left with a confused, inadequate picture of the Project that the DEIR is actually analyzing. And as discussed below in Section III, the implications of these various approaches to buildout result in impact analyses that are essentially meaningless.

III. The DEIR's Analysis of and Mitigation for the Impacts of the Proposed Project Violate CEQA.

The discussion of a proposed project's environmental impacts is at the core of an EIR. *See* CEQA Guidelines § 15126.2(a) ("[a]n EIR shall identify and focus on the significant environmental effects of the proposed project"). As explained below, the DEIR's environmental impacts analysis is deficient under CEQA because it fails to provide the necessary facts and analysis to allow the County to make informed decisions about the Project. An EIR must effectuate the fundamental purpose of CEQA: to "inform the public and responsible officials of the environmental consequences of their decisions

12-8

before they are made." *Laurel Heights Improvement Ass'n v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123 (*Laurel Heights II*). To do so, an EIR must contain facts and analysis, not just an agency's bare conclusions. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568. Thus, a conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational mandate.

Additionally, an EIR must identify feasible mitigation measures to mitigate significant environmental impacts. CEQA Guidelines § 15126.4; Pub. Res. Code § 21002. This requirement is particularly important where, as here, the EIR identifies many significant environmental impacts. An agency must not simply disclose the environmental harm; it must propose and adopt mechanisms that will actually reduce or eliminate these harms.

12-8 cont.

Although it is clear that the proposed Project has the potential to cause extraordinary environmental degradation, the DEIR provides incomplete and inaccurate information to both the public and the decisionmakers about the likely scope and magnitude of these impacts. As summarized below, the DEIR simply fails to provide detailed, accurate information about the Project's significant environmental impacts and to analyze adequate mitigation measures that would reduce or avoid such impacts. The County cannot proceed with such an inadequate document.

A. The DEIR Fails to Adequately Analyze the Project's Significant Environmental Impacts.

1. The DEIR's Flawed Buildout Projections Creates All Sorts of Analytical Problems.

A review of the environmental impact chapters quickly reveals that the DEIR authors were faced with an impossible task: they must analyze the Project's environmental impacts against a set of vague and fluctuating buildout projections. For example, the Project contemplates a massive increase in employment, an amount far beyond market projections. DEIR at 4.12-10. Yet it is unclear exactly which employment projections were used to evaluate the Project's environmental impacts, including, for example, the Project's increase in vehicle miles traveled (VMT), vehicular energy consumption, mobile source air quality emissions, and GHG emissions.

12-9

Currently Placer County has a low jobs-to-housing ratio, meaning that there are more housing units than jobs in the area. DEIR at 4.12-11. According to the DEIR, the overarching vision of the SAP is to create primary wage–earner jobs for residents of nearby cities and unincorporated areas. DEIR at 3-5. The DEIR states that Project buildout will generate 55,760 new jobs in the SAP and PRSP areas. DEIR at 4.12-10. Notably, the DEIR does not disclose the actual year that the Project would be expected to generate 55,760 jobs. (*See* Table 4.12-7: Project Housing, Population, and Employment at Buildout). As discussed above in Section II of this letter, it is critical that the DEIR clearly delineate its buildout projections for each of the environmental impact analyses.

In direct contrast, the DEIR's population and housing chapter explains that a market analysis prepared in 2015 in support of the Project indicates that the SAP area could only support up to 15,300 jobs by 2035. DEIR at 4.12-8. The DEIR never grapples with this serious discrepancy (i.e., a project that is expected to add 55,760 in a future undefined buildout year and a market analysis showing that the area could only support 15,300 jobs in 2035).[3] If the Project area does not add a sufficient number of jobs to support its future housing levels—which, based on the market analysis, appears likely—the Project would further exacerbate the area's jobs/housing imbalance.

12-9 cont.

[3] The DEIR identifies residential growth projections but fails to provide employment projections. The DEIR explains that the Sacramento Area Council of Governments (SACOG) prepares a land use forecast required to accommodate the regional growth forecast of population, employment, and housing demand. DEIR at 4.12-2. SACOG's 2016 Metropolitan Transportation Plan (MTP) forecasts the amount of growth that will occur in SACOG's plan area over a 20-year planning period (2012–2036). The regional growth forecast is based on economic and demographic projections through 2036, adopted and pending land use plans and policies, market and economic considerations, and other state and federal policies and regulations that can affect the location and pace of growth. As calculated in preparation for the 2016 MTP, the SACOG area is estimated to add more than 800,000 new residents between 2012 and 2036 (Table 4.12-3). DEIR at 4.12-3. In order to accurately evaluate the proposed Project's environmental impacts, the DEIR should have identified the MTP's employment forecasts for this same timeframe. This failure is a serious flaw that must be corrected in a revised DEIR and recirculated for public review.

The County has repeatedly seen that developers, when given the opportunity, will build housing first and the job-creating land uses second, if at all. The adjoining areas are replete with subdivisions where the developer finished the single-family homes but left the commercial and retail centers incomplete. And when current building is compared to the SACOG's Blueprint for Growth, only the single-family homes have been built.

The concept of jobs/housing "balance" is based on the assumption that if a community provides housing proportionate to the number of jobs in the community, the majority of residents would have the opportunity to work and reside in the same community. DEIR at 4.12-5. This balance could result in fewer vehicle trips because of the reduced need to commute in or out of the community for employment opportunities. Fewer commute trips could result in reduced effects on roadways and a lower amount of air pollutant and GHG emissions. *Id.* The lower the jobs/housing ratio, the fewer number of jobs for residents, resulting in workers commuting out of the area. *Id.*

If, as appears evident, the DEIR's environmental impact analyses assumed more jobs than will actually be created, the Project will exacerbate the current jobs/housing imbalance. This means that the Project will result in greater vehicular trip generation—and traffic-related impacts—than the DEIR discloses. In addition, because there will be greater commuting to jobs, the vehicle trip lengths will be greater than the DEIR discloses. This translates to a greater increase in VMT than the DEIR discloses. Because VMT is used to calculate a project's operational mobile source air pollutant emissions and GHG emissions, these emissions will also be much greater than the DEIR currently discloses. Finally, VMT is also used to calculate a project's vehicular fuel consumption. Accordingly, a DEIR that underestimates a project's VMT also necessarily underestimates a project fuel consumption and a project's potential to result in a wasteful and inefficient use of energy.

12-9 cont.

Moreover, even if the County has evidence to support the generation of 55,760 new jobs—which does not appear to be the case based on this record—it also must demonstrate that these jobs will be "primary wage-earner jobs" that will actually allow the employees who work at this site to afford the single-family housing that is slated to be built. Based on the County's plan, however, it appears that the vast majority of the jobs generated by the Project will be blue collar or service jobs; such workers will be unable to afford the Project's expensive single-family homes. Consequently, the County's projections regarding VMT are likely to be severely underestimated, as future job holders will still need to commute significant distances to find less expensive housing.

These are not trivial defects. The DEIR must be revised to identify accurate, reasonable, and *realistic* demographic (population, residential and employment) projections to support the Project's job-housing balance projections, VMT projections, and the associated environmental impacts. If the County truly intends to approve a Project that will build out over an 80+ year horizon, the revised EIR must paint an accurate picture of what West Placer will look like throughout the 80+ year development horizon as a result of the Project and disclose the environmental effects *that will occur throughout this entire development process.* Without conducting this analysis, the DEIR fails to provide substantial evidence to support its conclusions across multiple environmental issues, including air quality and public health, greenhouse gas emissions, traffic, and noise.

12-9 cont.

2. The DEIR Fails to Adequately Analyze the Project's Growth Inducing Impacts.

CEQA requires that an EIR discuss the ways in which a proposed project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. CEQA Guidelines § 15126.2d(a). Here, the DEIR acknowledges that the Project would induce growth (DEIR at 2-2; 2-3; 3-7; 5-6; 5-7) and vaguely asserts that this growth would have effects on the environment. DEIR at 4.12-11. In direct violation of CEQA, however, it offers no actual analysis of these impacts. In *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 370, one of the seminal CEQA cases on growth-inducing impacts, the court explained the type of analysis that must be included in an EIR's growth-inducing impact section. In that case, the challenged project created new jobs, thus inducing population growth and necessitating the construction of new housing units. *Id*. at 371. The court explained that the EIR, at a minimum, must (1) "identify the number and types of housing units that persons working within the Project area [could] be anticipated to require," (2) identify "the probable location of those units," and (3) address "whether the identified communities [had] sufficient housing units and sufficient services to accommodate the anticipated increase in population." *Id.* at 370. With such information, the EIR would "warn[] interested persons and governing bodies of the probability" and scope of growth, so that they could proactively prepare for it. *Id.* at 371. This level of analysis is equally warranted if a project proposes more housing than jobs – the EIR must disclose the number and location of commercial, office or industrial jobs that would be required, the probable location of those jobs, and whether sufficient jobs are located in a nearby area. The County must undertake such an analysis here, especially

12-10

after it accurately predicts the region's jobs/housing balance throughout development of the Project. 12-10 cont.

B. The DEIR Fails to Identify Feasible Mitigation for the Project's Significant Environmental Impacts.

The DEIR determines that the Project would result in significant environmental impacts in virtually every impact category. Yet, in certain instances, the DEIR offers no mitigation measures in direct violation of CEQA. Pub. Res. Code § 21002.1. In other instances, the DEIR's mitigation measures are vague, unenforceable, and incapable of lessening the Project's significant impacts. A summary of certain of these deficiencies follows:

- **Conversion of Farmland to Non-Agricultural Use**: The DEIR acknowledges that the Project could result in the total conversion of up to 7,295 acres of Farmland. DEIR at 4.12-13. The DEIR includes a mitigation measure calling for farmland to be preserved at a 1:1 ratio. However, the measure is incomplete, inadequate and unenforceable. Consequently, the DEIR lacks evidentiary support that the measure will effectively reduce farmland-related impacts. First, the measure relies on the Placer County Conservation Plan (PCCP) "at such time as it is adopted."[4] DEIR at 4.12-14. The DEIR never, however, connects the dots as to how the eventual preparation of the PCCP will result in the preservation of Farmland. Second, the mitigation measure relies on a "series of farmland preservation management plans" that will accompany each proposed development project in the SAP and PRSP, but here too, the DEIR fails to describe these plans or explain how their preparation would reduce impacts. *Id*. Finally, the DEIR offers some additional cryptic text that raises more questions than it answers. It asserts that no additional mitigation would be required "as long as a substantial portion (as determined by the planning director in consultation with the County agricultural commissioner) of the mitigation lands acquired is undeveloped." *Id*. The DEIR never defines the term "substantial portion" nor does it explain how a measure that allows some level of development on mitigation lands could constitute mitigation for the Project's impacts. Nor does the DEIR reconcile how 12-11

[4] The County is developing the PCCP as a County-proposed strategy to coordinate and streamline the state and federal natural resources regulatory permitting processes. DEIR at 4.2-12.

this component of the mitigation measure (allowing some portion of mitigation lands to be developed) is consistent with the mitigation measure's goal of preserving farmland at a ratio of 1:1). 12-11 cont.

- **Operational Greenhouse Gas Emissions:** The DEIR relies largely on a carbon offset program to mitigate the Project's massive increase in GHG emissions.[5] DEIR at 4.7-21. The document lacks evidentiary support, however, that this offset program would effectively reduce the Project's emissions.

  As an initial matter, a mitigation measure requiring the purchase of offset credits operates as a kind of mitigation fee. CEQA does not allow mitigation fees unless there is substantial evidence of a functioning, enforceable, and effective implementation program. Courts have found mitigation fees inadequate where the amount to be paid for traffic mitigation was unspecified and not "part of a reasonable, enforceable program" (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189); where a proposed urban decay mitigation fee contained no cost estimate and no description of how it would be implemented (*Cal. Clean Energy Com. v. City of Woodland* (2014) 225 Cal.App.4th 173, 198); and where there was no specific traffic mitigation plan in place that would be funded by mitigation fees (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1122). As discussed below, the DEIR provides no evidence that the offset program would be enforceable, let alone effective. 12-12

  First, the fees associated with offsets are quite expensive and there is no assurance that future project proponents would be able to afford the fees' high cost. As the DEIR acknowledges, the current cost of offsets range from $8 to $35 per metric ton of CO2e. DEIR at 4.7-21. Thus, in *today's* dollars, assuming all of the Project's operational GHG emissions would require offsets, total costs would

[5] The DEIR identifies that the SAP would generate 373,895 metric tons of CO2e emissions every year at "buildout" while the PRSP would generate 195,014 metric tons of CO2e emissions every year at "buildout." *See* Table 4.7-3: Mitigated Operation-Related Greenhouse Gas Emissions (DEIR p. 4.7-23). Over the 80-year buildout period, the proposed Project would therefor generate nearly *46 million* metric tons of CO2e (373,895 MTCO2e + 195,014 MTCO2e = 568,909 MTCO2e X 80 years = 45,512,720 MT). And once land uses and transportation patterns are locked into place, it has been difficult to significantly reduce greenhouse gas emissions. As a result, emissions are likely to continue after the 80 year build out period as well.

amount to somewhere between $364 million (45,512,720 MTCO2e x 8 = $364,101,760) and nearly $1.6 billion (45,512,720 MTCO2e x $35 = $1,592,945.200). Thus, because the DEIR offers no indication that it would be feasible for project proponents to pay such high costs, the DEIR lacks the evidentiary support that offset fees are a feasible form of mitigation.

Second, even if the project developers could afford to purchase the offsets, the County must ensure that such offsets are effective and enforceable. And here, the DEIR again lacks any evidentiary support that these offsets would meet these criteria. In particular, CAPCOA and CARB, statewide entities that have developed protocol around greenhouse gas emission offsets, require that offsets be:

> (1) real (they represent reductions actually achieved (not based on maximum permit levels));
>
> (2) additional/surplus (they are not already planned or required by regulation or policy (i.e., not double counted);
>
> (3) quantifiable (they are readily accounted for through process information and other reliable data);
>
> (4) enforceable (they are acquired through legally binding commitments/agreements);
>
> (5) validated (they are verified through the accurate means by a reliable third party); and
>
> (6) permanent (they will remain as GHG reductions in perpetuity).

DEIR at 4.7-22. The DEIR offers no indication as to how the County will ensure that the offsets will meet any, let alone all, of these criteria. In fact, the DEIR concedes that because of the long-term buildout of the Project, the availability and affordability of purchasing GHG offset credits in the future is unknown.

While the DEIR correctly concludes that the Project's long-term impact on climate change would be significant and unavoidable, in part because of the uncertainties around offset programs (DEIR at 4.7-23), this statement does not absolve the County of the responsibility of crafting legally adequate mitigation measures. *Berkeley Keep Jets*, 91 Cal.App.4th at 1371 (DEIR may not "travel the legally

12-12 cont.

impermissible easy road to CEQA compliance . . . [by] simply labeling [an] effect 'significant'"). The DEIR must be revised to fix these issues.

Moreover, in circumstances such as this, where the mitigation measures identified by the lead agency are inadequate to reduce an environmental impact to a less-than-significant level, the lead agency must take considerable care to ensure that no other feasible measures are available. *See* CEQA Guidelines § 15126.2. If the public suggests additional measures, they must be carefully scrutinized by the lead agency to ensure that the EIR adopts *all* feasible mitigation to "substantially lessen the significant environmental effect." CEQA Guidelines §§ 15091(a)(1).

Here, the DEIR's primary mitigation measure for the Project's GHG emissions fails to satisfy CEQA's standards. Other measures exist to reduce impacts. To the extent they are not already incorporated into the Project design or proposed as mitigation, the County must consider and adopt additional feasible measures, including those described below. If the County opts to reject any of the following measures, it must support its decision with substantial evidence.

12-12 cont.

1. Transportation and Motor Vehicles

- Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation.
- Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems.
- Build or fund a transportation center where various public transportation modes intersect.
- Contribute funding to local and regional transit agencies.
- Provide public transit incentives such as free or low-cost monthly transit passes.

2. Energy Efficiency

- Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.
- Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.
- Provide information on energy management services for large energy users.
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems.
- Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.
- Limit the hours of operation of outdoor lighting.
- Provide education on energy efficiency.

12-12 cont.

3. Renewable Energy

- Install energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.
- Use combined heat and power in appropriate applications.

4. Water Conservation and Efficiency

- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances.

- Restrict the use of water for cleaning outdoor surfaces and vehicles.

- Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site.

12-12 cont.

Given the massive greenhouse gas emissions expected to be generated by this Project, CEQA requires the County to look carefully at all possible mechanisms to reduce them. Ultimately, these mechanisms may be little more than band aids on a fundamentally ill-conceived Project. To realistically address the existential threat posed by climate change, AEL urges the County to reconsider the nature of development on this site, including by given thorough consideration to the Smart Growth Plan. *See* Section I, *supra*.

- **Population Growth From New Homes and Buildings:** The DEIR acknowledges that buildout of the net SAP and PRSP areas would result in 8,094 new dwelling units for a population growth of 19,314 new residents. DEIR at 4.12-10. Additionally, buildout of the net SAP and PRSP areas would generate 55,760 new jobs in the project area. *Id*. The DEIR determines that this increase in growth constitutes a significant impact. *Id*. The document errs, however, as it fails to include *any* mitigation for this significant impact. DEIR at 4.12-12. The DEIR concedes that growth-related impacts could be avoided or reduced by not taking a certain action or parts of an action, yet it rejects this approach claiming that the Project would not meet its own objectives (e.g., to provide opportunities for economic innovation, offer housing diversity, improve the jobs-housing balance, catalyze development, establish a major employment center, etc.). *Id.* The end result is a document that offers no mitigation at all for the Project's significant impacts relating to population growth; this approach is in direct violation of CEQA. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79. Certainly, the County could consider a mitigation measure that reduces those components of the Project that will result in excessive population growth, i.e., it could reduce the amount of housing.

12-13

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IV. The DEIR Must Be Recirculated.

Under California law, this DEIR cannot properly form the basis of a final EIR. CEQA and the CEQA Guidelines describe the circumstances that require recirculation of a draft EIR. Such circumstances include: (1) the addition of significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) the draft EIR is so "fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." CEQA Guidelines § 15088.5.

Here, both circumstances apply. Decisionmakers and the public cannot possibly assess the Project's impacts through the present DEIR, which is riddled with errors. Among other deficiencies, the DEIR relies on unsupported assumptions—particularly around job growth and housing—that fundamentally undercut its analysis of significant environmental impacts. The DEIR's Project Description is so unstable and uncertain that meaningful review of the Project's environmental impacts is essentially impossible. And the DEIR fails to come up with any alternative that would actually reduce the Project' astounding number of significant and unmitigable impacts, even though the development of such alternatives is critical to allowing the public and decisionmakers understand the tradeoffs associated with developing the site. In order to resolve these issues, the County must prepare a revised EIR that would necessarily include substantial new information. 12-14

V. Conclusion

As set forth above, the DEIR suffers from numerous deficiencies, many of which would independently render it inadequate under CEQA. As a result, the County cannot proceed to preparing an FEIR and approving the Project at this time.

Instead, given the fundamental flaws with both the DEIR and the underlying Project, the County must pause and reconsider its approach to this site. Specifically, we urge the County to assess both the environmental impacts and feasibility of AEL's Citizen-Initiated Smart Growth Plan, which has been seriously and thoughtfully designed to achieve the best result for the public consistent with CEQA and the special circumstances of this unique site. The Smart Growth Plan demonstrates that residents of Placer County need not sacrifice the environment in order to attract good-paying jobs and affordable housing. CEQA mandates that the County thoroughly evaluate this approach. 12-15

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Thank you for your consideration. Should you have any questions about this letter, please do not hesitate to contact me.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Sara A. Clark, Esq.
Laurel L. Impett, AICP, Urban Planner

cc: Leslie Warren, Chair, AEL (via email: allianceforenviroleadership@gmail.com)

SHUTE, MIHALY & WEINBERGER LLP

Letter 12	Alliance for Environmental Leadership Sara A. Clark, Esq., and Laurel L. Impett, AICP, Urban Planner, Shute Mihaly & Weinberger LLP February 22, 2019

12-1 The comment states that the Draft EIR does not identify an alternative that would substantially reduce or eliminate the project's significant and unavoidable impacts. Further, the comment states that the Draft EIR does not consistently and accurately describe the proposed project. See responses below regarding the specific comments in this letter. Also, see Master Response 1: Alternatives Analysis and Master Response 7: Program- vs. Project-Level Analysis.

The comment also refers to the project's significant and unavoidable impacts. See response to comment 36-3 regarding CEQA requirements for significant and unavoidable impacts.

Regarding the suggestion that the County evaluate the CISGP in a revised and recirculated Draft EIR, see Master Response 2: Citizen-Initiated Smart Growth Plan and Master Response 8: Recirculation. As noted in the master response, after a thorough review of the CISGP, the County found that the plan is infeasible, would not meet primary project objectives, and would result in greater impacts with respect to several environmental issue areas. Also, the Draft EIR includes Alternative 4: Reduced Footprint, Similar Development Potential, which achieves similar impact reductions as the CISGP (i.e., biological resources) without resulting in increases in the severity of other impacts, such as GHG and traffic. Therefore, as concluded in the master response, the Draft EIR is not revised to include the CISGP as a project alternative.

The remainder of the comment states that the Draft EIR does not present all relevant facts relating to the project's impacts and the impact conclusions are not based on analysis. See responses below regarding the specific comments in this letter.

12-2 The comment summarizes the CEQA requirements for alternatives, including the need to include a reasonable range of alternatives that would avoid or lessen the project's significant impacts. Master Response 1: Alternatives Analysis explains in detail how the Draft EIR's alternatives analysis is adequate pursuant to CEQA. See response to comment 12-1 and Master Response 2: Citizen-Initiated Smart Growth Plan regarding review of the CISGP as an alternative. It should be noted that Chapter 6 of the Draft EIR has been clarified to reflect the conclusions about each alternative substantially reducing a significant impact of the proposed project. These changes are identified in Chapter 2, "Revisions to the Draft EIR."

12-3 The comment states the CISGP would substantially reduce or eliminate significant impacts on federally listed vernal pool branchiopods and western spadefoot but the plan would still result in substantial loss of vernal pool habitat that supports these species so impacts would remain and would still contribute considerably to a significant cumulative impact on these species. The comment also suggests that the project conflicts with local policies or ordinances protecting biological resources but does not specify how the project conflicts or how the CISGP would eliminate those conflicts. No response can be formulated. The vernal pool comparison maps provided in the CISGP (pages 106 through 109) do not accurately represent the classification of vernal pool density per the PCCP, the map on page 106 does not show the correct geographical location of the SAP area, and there is no explanation about the methodology used to determine vernal pool density in the CISGP map except to say it was from a study by Carol Witham, John Vollmar, and John Schweitzer; a full reference is not provided or even a citation that includes a date. The distribution of vernal pools and other aquatic habitats within the PRSP area was delineated in the field according to U.S. Army Corps of Engineers (USACE) methodologies and verified and concurred with by USACE on March 25, 2015 (USACE 2015).

The CISGP reports that implementing the CISGP would result in between 2,942 and 3,753 acres of direct loss of vernal pool habitat while implementing the SAP would result in between 3,515 and

3,923 acres of direct loss. However, this comparison does not provide a breakdown of impacts on high density versus low density vernal pool complexes and does not allow for a comparison of loss of actual vernal pool wetlands because it is not based on wetland delineation data. Furthermore, while the CISGP might reduce the loss of acreage of vernal pool habitat, the loss of between 2,942 and 3,753 acres of vernal pool complex from the Western Placer Core Area would still be a significant impact and the issues would still exist regarding the availability of existing mitigation credits of sufficient land available from willing sellers to fully mitigate the loss of wetland functions, especially within the Western Placer Core Area (as described on page 4.4-48 of the Draft EIR). Therefore, the impact conclusions would remain significant and unavoidable under the CISGP for the same reasons as for the proposed project. These reasons are stated under the "Significance after Mitigation" headings on pages 4.4-41 and 4.4-48 of the Draft EIR.

Also, see Master Response 2: Citizen-Initiated Smart Growth Plan.

12-4 The comment incorrectly claims that the CISGP reduces the operational GHG emissions associated with the project. As shown on page 47 of the CISGP, the estimated annual operational GHG emissions would be 2,176,091 $MTCO_2e$ while the Draft EIR estimates operational GHG emissions to be 2,035,936 $MTCO_2e$ per year. The comment suggests that implementation of a BRT system that is suggested under the CISGP would substantially reduce or eliminate significant GHG impacts. However, as explained on page 64 of the CISGP, the public transit component of the plan is not included in the vehicle miles traveled or transportation-generated GHG emissions estimates. Thus, this comment's claim that BRT would reduce GHG and criteria air pollutant emissions to a less than significant level is unsubstantiated. See Master Response 2: Citizen-Initiated Smart Growth Plan for additional information.

12-5 The comment suggests that the CISGP would eliminate significant impacts related to odors associated with the WRSL. See response to comment 12-1 and Master Response 2: Citizen-Initiated Smart Growth Plan.

12-6 The comment notes that the Smart Growth Plan (the CISGP), which was submitted as an alternative plan with Draft EIR comments from AEL, is feasible. The comment goes on to state that the County is responsible for preparing a feasibility analysis for viable alternatives to the project. As noted in the comment, the CISGP was submitted by AEL as part of AEL's comments on the Draft EIR, which was released in December 2018. To that end, the County was not in receipt of the CISGP when preparing the Draft EIR. Therefore, it was not possible to provide a feasibility analysis for such an alternative in the Draft EIR. However, for further discussion of the CISGP feasibility, see response to comment 12-1 and Master Response 2: Citizen-Initiated Smart Growth Plan.

12-7 The comment states that the project description is inadequate because it does not include specific and stable buildout projections. The comment suggests there is a lack of clarity regarding specific phases and buildout years. Chapter 3, "Project Description," of the Draft EIR clearly identifies the phases and buildout assumptions. Page 3-27 indicates that, based on market analysis findings regarding absorption, the project has a development holding capacity that may span over 80 years. Thus, the updated land use plan was delineated into two phases: Phase 1, which is based on estimated market demand for development that could occur within the 20-year plan horizon; and Phase 2, which anticipates remaining land development likely to occur beyond the 20-year plan horizon. Draft EIR Table 3-3 shows the development anticipated to occur within the first 20 years (including full build-out of the PRSP area). The comment indicates it is unclear whether development occurring in the two phases would occur at the same time, or in some other pattern entirely. However, the phases are, by definition, sequential because they are chronologically based—before 20 years and after 20 years—and it is therefore clear that the phases would not occur simultaneously.

The comment also suggests that the Draft EIR's environmental analysis did not evaluate impacts "based on this delineation between development occurring in Phase 1 or Phase 2." The Draft EIR's analysis focused on the impacts of the project as a whole and included a breakdown of the various project elements, including the net SAP area, the PRSP area, and other supporting infrastructure. The Draft EIR considered the development timing of each of these elements. However, the Draft EIR, for the most part, did not further subdivide the impact analysis according to phase. The exception is the traffic section.

See, also, responses to comments 12-8 through 12-13, below, regarding how the buildout projections relate to the Draft EIR impact analysis.

12-8 The comment states that the Draft EIR is inadequate because it does not provide the necessary facts and analysis to allow the County to make informed decisions about the project. The comment provides a summary of detailed comments provided below. See responses to comments 12-9 through 12-13, below.

12-9 The comment states that the Draft EIR does not indicate the year the project would be expected to generate 55,760 jobs. The comment suggests that the Draft EIR should have utilized the employment forecasts from SACOG's 2016 MTP. The comment also suggests that the project's VMT could increase if the project would exacerbate the current jobs/housing imbalance. The comment suggests that the EIR include evidence to support the generation of 55,760 new jobs and that these jobs would be primary wage-earner jobs.

The market analysis was prepared by EPS in 2015, prior to completion of the preferred land use alternative for the SAP. The market analysis, which lacked the benefit of having a detailed plan, indicated that the net SAP area could generate as many as 15,300 jobs over a 20-year period. As stated in the Draft EIR (page 4.12-10), following preparation of the net SAP preferred land use alternative, additional analysis was conducted that indicates that the net SAP area could generate up to 40,804 jobs at buildout (calculated by applying commonly-used rates of the number of employees per square foot or acre of non-residential development). This new analysis was based on the plan details that were not available in 2015. It is important to note that this more recent jobs number is based on net SAP area buildout, which, as explained throughout the Draft EIR, buildout of the net SAP area is expected to take over 80 years, whereas the previous jobs projection was based on a 20-year scenario.

Given that the Draft EIR identifies a jobs projection of 40,804 within the net SAP area, and a jobs projection of 14,804 within the PRSP area, the jobs projection for the entire project area (net SAP area plus PRSP area) is 55,760. This is clearly shown in Table 4.12-7 of the Draft EIR. Also, as explained in Chapter 3, "Project Description," and throughout the Draft EIR, the buildout estimate for the PRSP is 20 years (Draft EIR, page 3-27), and, as mentioned above, the buildout estimate for the net SAP area is over 80 years (Draft EIR, page 3-27). The concept of buildout timing does not require further clarification in the Draft EIR.

The commenter's suggestion that the proposed jobs-to-housing ratio might be inaccurate based on historical patterns of homes being developed prior to employment-related development is conjecture. The commenter's assertion that the County must provide evidence that these jobs would be "primary wage-earner jobs" is false; however, the evidence exists in the land use types allowed within both the net SAP area and the PRSP area and the fact that one of the primary objectives of the SAP is to create primary wage-earner jobs for nearby residents.

The methods used for analysis of VMT are provided on page 4.14-21 of the Draft EIR. The analysis uses the SACOG SACMET travel forecasting model as well as the Placer County travel forecasting model to estimate VMT. The travel forecasting model is divided into travel analysis zones to represent specific geographic areas in the SACOG region. This study reports the VMT generated by the travel analysis zones that correspond to the project. The VMT presented in the Draft EIR is a "full

accounting" of the trips to and from the project, tracking the lengths of trips from their origin to their destination. It does not include any trips that only pass through the SAP area or do not start or end in the SAP area (external-to-external trips).

See response to comment 12-7 for a discussion regarding the phasing and buildout projections used in the Draft EIR. Regarding the level of detail for the 80-year buildout scenario, because planning documents in the region rarely use planning horizons beyond 20 years, the 80-year cumulative scenario cannot be as detailed as the 20-year scenario. The Draft EIR traffic section (page 4.14-2) perhaps describes this best:

> Since buildout of the SAP is anticipated to occur over an extended time period (i.e., 80+ years) based on current market forecasts, the current travel models with their 20-year horizons are not equipped to accurately forecast detailed traffic conditions associated with an 80+ year buildout timeframe. Therefore, this scenario is evaluated at a lesser level of detail, consistent with §15130(b) of the CEQA Guidelines, in recognition of the higher level of uncertainty associated with this level of development and a timeframe that would occur well beyond 20 years. This scenario is intended to describe the overall cumulative travel effects of the buildout of the SAP using trip generation and ADT forecasts to provide a cumulative impact analysis.

12-10 The comment suggests that the *Napa Citizens* case requires the EIR to provide additional information regarding the number, types, and location of housing for employees and address whether the community has sufficient housing units and services to accommodate the increased population. The commenter then inverts the cited information from the *Napa Citizens* case suggesting that the Draft EIR should speculate regarding the "number and location of commercial, office, or industrial jobs that would be required" and "whether sufficient jobs are located in a nearby area." The Draft EIR includes sufficient detail regarding population growth. Impact 4.12-1 evaluates project-related impacts associated with population growth from new homes and businesses. This impact includes a discussion of jobs-to-housing balance and demonstrates that the project would help bring the region closer to an ideal jobs-to-housing balance (Draft EIR, page 4.12-11). However, the Draft EIR also discloses that while population growth itself would not create environmental impacts, the physical actions taken to support the population growth would have effects on the environment. The Draft EIR ultimately concludes that the population growth would result in a significant and unavoidable impacts and that the only mitigation would be to reduce the level of development; however, doing so would fail to meet the County's objectives to provide opportunities for economic innovation, offer housing diversity, improve the jobs-housing balance, catalyze development, establish a major employment center, and other objectives (See Chapter 3, "Project Description," Subsection 3.4.1, "Sunset Area Plan Objectives," and Subsection 3.4.2, "Placer Ranch Specific Plan Objectives").

The Draft EIR also evaluates potential impacts associated with growth inducement in Chapter 5. In this analysis the Draft EIR (page 5-5) examines potential for elimination of obstacles to growth and stimulation of economic activity. This analysis concludes (page 5-6) that, although economic and employment growth in the project area is an intended consequence of the project, growth inducement directly and indirectly by the project also could affect the greater Sacramento region. Potential effects caused by induced growth in the region could include loss of agricultural land and open space, alteration of views, increases in light and glare, increases in surface runoff, environmental impacts attributable to increases in regional water use, impacts on surface water quality, aquatic resource impacts, removal of habitat for species federally or state listed and other special-status species, loss of cultural resources, transportation and roadway impacts leading to increased congestion, air quality impacts, increases in GHG emission, increases in noise, increases in population, and increases in demand for public services and utilities. Specifically, an increase in housing demand in the greater Sacramento region could cause significant environmental impacts because new residential development would require additional governmental services, such as

schools, libraries, and parks. Indirect and induced employment and population growth would further contribute to the loss of open space because it would encourage conversion of land to urban uses for housing, commercial space, and infrastructure.

As described above, the Draft EIR includes sufficient detail regarding impacts associated with growth inducement. Revisions to the Draft EIR are not needed.

12-11 The comment states that Mitigation Measures 4.2-1a and 4.2-1b is incomplete, inadequate, and unenforceable. Specifically, the comment suggests that the mitigation lacks evidentiary support. It also suggests that the mitigation "relies" on the PCCP and that it does not "connect the dots" regarding how the PCCP would result in preservation of farmland. However, Mitigation Measure 4.2-1a does not "rely" on the PCCP. The mitigation clearly identifies the PCCP as one potential option for preserving farmland. Also, regarding evidentiary support, Mitigation Measure 4.2-1a includes a clear performance standard (page 4.2-14) for the preservation of converted Farmland and applies to lands preserved under the PCCP or other land preserved due to habitat mitigation:

> No additional mitigation to address the loss of Farmland is required, as long as a substantial portion (as determined by the planning director in consultation with the County agricultural commissioner) of the mitigation lands acquired is undeveloped. Such lands must also have an NRCS soils classification or DOC categorization of the same or greater value than Farmland converted to nonagricultural uses. Mitigation lands will be protected by agricultural conservation easements containing restrictive encumbrances in a form deemed acceptable to and approved by the County. Farmland preserved for the purpose of habitat mitigation may be counted toward the Farmland mitigation measure if the preserved land has the same or better NRCS or DOC classification as the Farmland being converted to nonagricultural use.

The Draft EIR provides clear performance standards for Farmland mitigation; however, the Draft EIR does not suggest that this mitigation fully mitigates the impact to Farmland. The Draft EIR states (page 4.2-14) that, although the conservation easements identified for Mitigation Measures 4.2-1a and 4.2-1b could partially offset the direct conversion of Farmland in the project area, this approach would not create new Farmland to replace Farmland that would be lost, and no additional mitigation is feasible. Therefore, concludes the Draft EIR, the impact would be significant and unavoidable.

12-12 The comment incorrectly estimates the amount of carbon offset credits that would be needed by the project. The comment claims that the net SAP area would need to offset its estimated annual GHG emissions of 373,895 $MTCO_2e$ for 80 years and that the PRSP area would need to offset its estimated annual GHG emissions of 195,014 $MTCO_2e$ for 80 years at "buildout." The term "buildout" of the project refers to the scenario in which all planned development under the SAP is constructed and operational. Because the net SAP area would be built out over 80 years, the operational emissions (i.e., 373,895 $MTCO_2e$/year) associated with buildout would occur in the year 2100. Because data is not available beyond 2050, the Draft EIR conservatively estimates that the project would be fully built out by 2050. This means the Draft EIR's GHG analysis assumed more GHG-intensive development would occur than what would be expected in actuality because of anticipated legislative actions that would reduce GHG emissions from various emissions sources. The comment suggests that the total operational GHG emissions associated with the net SAP area would be multiplied by an 80-year period. This is not how offset costs are calculated by PCAPCD.

The PCAPCD has an adopted policy titled "Review of Land Use Projects under CEQA Policy" that determines how GHG emissions should be offset by the lead agency. If the GHG offset measure is included in the Draft EIR as a feasible measure, "the anticipated emission reduction shall be calculated based on the amount of emissions exceeding the thresholds for one year" (PCAPCD 2017). As explained on page 4.7-22 of the Draft EIR, the amount of GHG emissions that would need to be offset by the net SAP area and by the PRSP area is the amount of GHG emissions exceeding the 1,100 $MTCO_2e$/year threshold for one year, not 80 years as is suggested in the comment. This amount of GHG emissions is considered to be conservative as explained above. Because carbon

offset credits must meet the requirements of permanent as defined in Mitigation Measure 4.7-2b of Draft EIR, these credits would continue to offset the project's annual operational emissions in perpetuity.

The comment also suggests that the use of carbon offsets does not qualify as a CEQA mitigation measure unless there is substantial evidence of a functioning, enforceable, and effective implementation program. Substantial evidence of the validity of the offset credits would be required to be submitted for County approval prior to final map recordation or building permit issuance. As discussed on page 4.7-22 of the Draft EIR under Mitigation Measure 4.7-2b, all carbon offset credits must meet the following requirements:

- **Real**—They represent reductions actually achieved (not based on maximum permit levels).
- **Additional/surplus**—They are not already planned or required by regulation or policy (i.e., not double counted).
- **Quantifiable**—They are readily accounted for through process information and other reliable data.
- **Enforceable**—They are acquired through legally binding commitments/agreements.
- **Validated**—They are verified through the accurate means by a reliable third party.
- **Permanent**—They will remain as GHG reductions in perpetuity.

Based on PCAPCD policy, project applicants would be required to offset the annual operational GHG emissions associated with the project. The credits to offset this amount of emissions is required to be permanent and continue to offset the project's annual operational emissions in perpetuity. Therefore, because the credits offset emissions in perpetuity, each credit already accounts for long-term emission, and factoring in project buildout would result in substantial excess of credits needed to mitigate the project impacts. The amount of carbon offset credits required by the Draft EIR is considered feasible, both based on cost and availability.

Additionally, the comment points out that because of the long-term buildout of the project, the availability and affordability of future offset credits is unknown. The comment correctly summarizes this point, and for this reason, the impact is considered significant and unavoidable.

The comment references the court case, *Berkeley Keep Jets*, 91 Cal.App.4th at 1371, indicating that a significance conclusion does not absolve the County from the responsibility of crafting legally adequate mitigation measures. The facts of the *Berkeley Keep Jets* case are not similar to and cannot be appropriately applied to the Draft EIR's GHG analysis. In the *Berkeley Keep Jets* case, the Port of Oakland did not follow the resource agency's recommendations to follow standard protocols for conducting health risk assessment, and concluded the impact was significant without conducting a thorough analysis. The GHG analysis conducted for the SAP/PRSP project is thorough and follows standard analytic methods. It identifies detailed mitigation measures to reduce GHG emissions. The mere fact the Draft EIR discloses some uncertainty associated with fee payments and conservatively concludes that the impact is significant is not evidence that the Draft EIR did not conduct a thorough analysis and/or identify all feasible mitigation measures.

For the comment regarding additional GHG mitigation measures, see Master Response 5: Greenhouse Gas Mitigation.

12-13 The comment suggests that the EIR must include mitigation for the significant impact related to population growth, including a measure that reduces components that would result in population growth. See response to comment 12-10 for information on the Draft EIR's conclusion that mitigation is not available to reduce impacts related to population growth. The commenter

recommends reducing components of the project to reduce growth-related impacts. The Alternatives section includes several alternatives to the project that are designed specifically to reduce environmental impacts, including those associated with growth. See specifically Alternative 3: Reduced Footprint, Reduced Development Potential (Draft EIR, page 16). In addition to removing almost 1,500 acres out of development, this alternative would result in nearly 30 percent fewer single-family residential units and over 40 percent fewer multifamily residential units. Retail would not substantially change; however, office floor area would be reduced by nearly 40 percent, industrial floor area by nearly 30 percent, and Entertainment Mixed-Use by nearly 25 percent. However, the Draft EIR's alternatives analysis concludes that Alternative 3 would still result in substantial population and employment growth in the area, and although the impact would be less than under the project, it would still be significant.

12-14 The comment states that the Draft EIR is deficient, necessitating a revision and recirculation of the Draft EIR. This comment essentially suggests recirculation is required for the reasons specified in comments 12-1 through 12-13. Therefore, for the reasons discussed under responses to comments 12-1 through 12-13, the analysis is adequate and no changes to the Draft EIR are necessary in response to this comment. Also, see Master Response 8: Recirculation, which explains in detail CEQA's criteria for recirculating a Draft EIR and why recirculation is not necessary for the Draft EIR.

12-15 The comment states that the Draft EIR is deficient and the County cannot, therefore, prepare a Final EIR or approve the project at this time. However, for the reasons discussed under responses to comments 12-1 through 12-14, the analysis is adequate and no changes to the Draft EIR are necessary in response to this comment. See Master Response 1: Alternatives Analysis and Master Response 2: Citizen-Initiated Smart Growth Plan.

LAW OFFICE OF
MARCUS J. LO DUCA
A Professional Corporation

Letter 13

MARCUS J. LO DUCA

February 22, 2019

Ms. Shirlee Herrington
Environmental Coordination Services
County of Placer
Community Development Resource Agency
3091 County Center Drive
Auburn, CA 95603

Re: Draft Environmental Impact Report for the Sunset Area Plan and Placer Ranch Specific Plan (State Clearinghouse Number 2016112012)

Dear Ms. Herrington:

This office represents Brookfield Sunset, LLC ("Brookfield"), developer of the Amoruso Ranch Specific Plan ("ARSP") in the City of Roseville, immediately adjacent to the western boundary of the proposed Placer Ranch Specific Plan ("PRSP"). For nearly the past 20 years, Brookfield has worked with the PRSP property owner, or various applicants working on behalf of that property owner, as the two specific plan areas were working their way through the entitlement process. That collaboration has covered a broad range of areas, from roadway connections, to utility connections and infrastructure sizing, and to major regional infrastructure facilities such as the alignment of Placer Parkway. In fact, the significant work that Brookfield did nearly a decade ago with various federal and state resource agencies on the preferred alignment for Placer Parkway through the ARSP helped define a sharply reduced cross-section of such roadway through the PRSP, benefitting both the PRSP and the Sunset Area Plan as a whole.

Brookfield has cooperated with the PRSP property owner and various applicants in an effort to make the transition from one plan area to the other relatively seamless for residents, employees and visitors of both plan areas, while not burdening one plan area with the impacts of the other. Brookfield submits these comments herein in an effort to

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seek clarification or to make sure the analysis in the above-referenced DEIR adequately covers the topics being studied as they might pertain to impacts to the ARSP.

Chapter 3 – Project Description

1. Page 3-58, PRSP Drainage System, second paragraph: The wording "Although the 200-year, 24-hour event would not be attenuated" does not appear to be correct and is not consistent with the Storm Drainage Master Plan for the PRSP.
2. Page 3-60, PRSP Drainage System, last paragraph in section: Would the relocation of the 10.9 acre-feet of retention capacity associated with the Nichols Drive Industrial Park have any impact on peak flows in University Creek, which crosses through the ARSP? It is not clear that this impact was addressed in the hydrology analysis in the DEIR.

13-1

Chapter 4.9 – Hydrology and Water Quality

1. Page 4.9-26, Impacts and Mitigation Measures: One potentially significant hydrologic impact that implementation of the PRSP could have on University Creek would be an increase in the duration of low flows. Low flows would be expected to increase due to increases in impervious area and also from irrigation and other non-storm water flows into drainage systems. These flows could promote excessive vegetation in University Creek which could reduce capacity for conveyance and thereby increase flooding at higher flows. Another potential impact would be increase in the duration of moderate flows that could induce erosion in University Creek. These potential impacts need to be analyzed. As a general comment, it is unclear what, if any, changes in flows/durations occur from development of the PRSP, and how such changes will impact downstream properties as a result of PRSP development.
2. Pages 4.9-42, -43, Mitigation Measure 4.9-4c, second paragraph: The text moves from matching pre-project conditions to peak flows from a discrete storm event, rather than continuous simulation, which transition can be confusing.

13-2

Chapter 4.14 – Transportation and Circulation

1. Pages 4.14-94, -121, Transportation Inputs, Cumulative Impacts to Intersection Operations in Roseville: The PRSP and approved ARSP traffic studies appear to

13-3

use the same intersection lane geometrics for the ARSP area. However, there are some possible inconsistencies between the traffic studies for the two plan areas, as while both assume Road B in the ARSP is a 4-lane roadway where it intersects with Road A in the ARSP, the volumes modeled at this intersection in the PRSP traffic study are very small (sometimes zero), and do not appear to match or justify the number of lanes that have been projected for Road B. Specifically, Roads B and D are 4-lane roadways in the ARSP, but only 2 lanes immediately to the east in the PRSP. Nowhere in the DEIR is there discussed where the transition between 2 and 4 lane roadways will occur. Included in such a discussion should be how landscape easements in the ARSP, as well as how Class 1A sidewalks in the ARSP, will transition to the 2-lane roadway cross-sections in the PRSP. 13-3 cont.

Chapter 4.15 – Utilities

1. Pages 4.15-64, -65, Cumulative Impacts 4.15-12, 4.15-13, Appendix F, Figure 4-1: The PRSP water system layout proposes 12-inch connections (interties) with the City of Roseville system within the ARSP. The two emergency intertie connections occur at Road B and Road D in the ARSP. Both of these proposed connection points are currently proposed as 24-inch water transmission mains within the ARSP. The discrepancy in pipe sizes needs to be explained in the DEIR. 13-4
2. Page 4.15-51, Mitigation Measure 4.15-4b: The text says in the significance determination paragraph after mitigation that "the capacity expansion [for the PGWWTP] would be required prior to construction [sic] of development within the net SAP and PRSP areas." The question left unanswered is what happens to additional capacity from expansion of the PGWWTP that other projects are financing. Does the PRSP get to utilize expanded capacity that others have paid for to serve their own projects when the PRSP goes to develop if the PRSP has not paid its fair share of the expansion needed to serve the PRSP? 13-5
3. Page 4.15-52, Impact 4.15-5, Construction of Stormwater Drainage Improvements: It is not clear what the impact on other projects relying on Reason Farms would be from the infrastructure that the PRSP needs to mitigate its impacts. 13-6
4. Appendix F, Page 3.3-16: The proposed PRSP water reliability and emergency interties to the City of Roseville system are proposed to include the following at 13-7

each connection: bidirectional water, isolation valves, and telemetry to both PCWA and the City of Roseville. It should be clearly stated that these interties will be located in the PRSP. In addition, there is a pressure differential that occurs in these location of approximately 13 psi under maximum day conditions (lower pressure on the Roseville side), and varies under other scenarios. Thus, a pressure regulating/sustaining valve may be required and should be determined during system design. Intertie design should be reviewed and approved by the City of Roseville as well as by Placer County.

13-7 cont.

We hope that the County finds these comments helpful. Thank you for the opportunity to comment.

Very truly yours,

LAW OFFICE OF MARCUS J. LO DUCA
A Professional Corporation

Marcus J. Lo Duca

Cc: Brookfield Sunset, LLC

Letter 13	Brookfield Sunset, LLC Marcus J. Lo Duca, Law Office of Marcus J. Lo Duca February 22, 2019

13-1 The comment states that a portion of the project description is inconsistent with the PRSP Storm Drainage Master Plan and that potential impacts associated with relocation of an existing on-site detention facility were not evaluated. Regarding the 200-year 24-hour event is proven to have attenuation for compliance points #1 and #3. However, for the remaining compliance points, a 200-year 24-hour existing conditions model was not available for comparison and therefore is not assumed to be attenuated since it could not be verified either way. To better clarify the information in the Project Description, page 3-58 of the Draft EIR has been revised as follows:

> Peak stormwater flows between the 2-year, 24-hour and the 100-year, 24-hour storm events would be attenuated within the University Creek corridor using overbank flow areas. These areas coincide with proposed culvert crossings of the creek where crossings could detain flows as needed for flood control. ~~Although the 200 year, 24 hour event would not be attenuated,~~ tThese crossings have also been sized to allow this event to be conveyed without overtopping the roadways or flood the adjacent developable areas within the plan area. Portions of the PRSP area that drain to Orchard Creek and the Pleasant Grove Creek North Branch include proposed detention basins that would attenuate flows from the 2-year to the 100-year event.

Regarding relocation of the retention facility, the peak flows within University Creek do not account for any retention or detention supplied by the Nichols Drive Industrial Park facility, therefore, the

impacts of its removal are accounted for. Retention volume for the 100-year 8-day event for the Nichols Drive Industrial Park site would need to be relocated or incorporated into another retention facility at the time of its removal.

13-2 The comment requests clarification regarding the effect of the PRSP development on flow volumes in University Creek and raises issues regarding low flow conditions and increased vegetation. See response to comment 24-3 related to base flows. Preliminary runoff calculations of runoff volumes delivered to University Creek from the PRSP area are shown in Table 4.9-3. As discussed in Mitigation Measure 4.9-1a, final calculations will be included in the final Drainage Report. The comment also suggests that the wording of Mitigation Measure 4.9-4c is confusing; however, the comment is not specific about why the text is confusing. The mitigation measure requires projects creating and/or replacing 1 acre or more of impervious surface to demonstrate hydromodification management of stormwater such that the amount of post-project runoff is kept equal to or below pre-project flow rates for the 2-year, 24-hour storm event. This approach is consistent with Section 4.3 of the West Placer Storm Water Quality Design Manual, which states "The required performance standard for hydromodification control consists of maintaining post-project runoff at or below pre-project flow rates for the 2-year, 24-hour storm event."

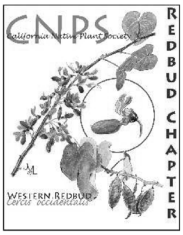
13-3 See response to comment 4-60 regarding the potential inconsistencies on Sunset Boulevard and Campus Park Boulevard at the PRSP/ARSP boundary.

13-4 The comment notes that the PRSP water system proposes 12-inch pipes while pipes coming from the Amoruso Ranch Specific Plan area would be 24-inch pipes. See response to comment 4-79.

13-5 The comment questions whether the PRSP area gets to utilize the expanded capacity of the PGWWTP financed by other projects if development in the area has not yet paid its fair-share contribution. The Draft EIR includes Mitigation Measure 4.15-4a and 4.15-4b, which requires project proponents to fund expansion. As stated in the Draft EIR (page 4.15-51), implementation of Mitigation Measures 4.15-4a and 4.15-4b would require the expansion of treatment capacity at the PGWWTP and expansion of the SPWA Regional Service Area Boundary to accommodate wastewater flows generated by buildout of the SAP area. Expansion of the PGWWTP was identified as part of the Wastewater Master Plan EIR and West Roseville Specific Plan EIR. Project proponents for projects within the net SAP and PRSP areas would be required to pay their fair share of the costs of the PGWWTP expansion, and any applicable costs associated with additional environmental review and mitigation measures, through the payment of sewer connection fees. The capacity expansion would be required prior to construction of development within the net SAP and PRSP areas. If the capacity expansion cannot be completed in time to serve all of buildout within the net SAP and PRSP areas, then development may continue until existing capacity has been exhausted and the remaining development shall be curtailed until sufficient wastewater treatment and discharge capacity becomes available.

13-6 The comment states that Impact 4.15-5 in the Draft EIR is not clear what the impact on other projects relying on Reason Farms (Pleasant Grove Retention Facility) would be from the infrastructure required to mitigate PRSP impacts. The analysis in the Draft EIR included expansion of the Pleasant Grove Retention Facility beyond its approved design capacity in order to accommodate the project's volumetric retention needs. Therefore, the project would not compete for capacity with other projects, which were planned for in the approved design of the facility. Also, see Master Response 6: Drainage and Flooding and response to comment 3-17.

13-7 The comment suggests clarifications to page 3.3-16 of Appendix F of the Draft EIR. The locations of the interties may be located in either the PRSP area or Amoruso Ranch. A pressure regulating/sustaining valve, along with fluoridation, may be required. Intertie design will be reviewed and approved by the City of Roseville and PCWA. As this appendix is a technical document prepared for the project, it represents preliminary designs and plans that may change prior to construction. Revisions to the technical studies are not necessary as part of the Final EIR.



Redbud Chapter – California Native Plant Society

Letter 14

February 22, 2019

Shirlee I. Herrington
Environmental Coordination Services
Placer County Community Development Resource Agency
3091 County Center Drive, Suite #190
Auburn, CA 95603

Submitted by email to: sherring@placer.ca.gov

Dear Ms. Herrington
The Redbud Chapter of the California Native Plant Society, which serves western Placer and Nevada Counties, appreciates this opportunity to provide comments on the Sunset Area Plan and Placer Ranch Specific Plan Draft Environmental Impact Report (DEIR).

The California Native Plant Society (CNPS) is a non-profit environmental organization founded in 1965 with 10,000 members in 35 Chapters across California. The mission of CNPS is to protect California's native plant heritage and preserve it for future generations through application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

Our comments are as follows:

The DEIR identifies dozens of environmental impacts that are both significant and unavoidable, yet does not meet the mandate of CEQA to (a) identify all feasible mitigation measures that would mitigate or lessen significant impacts; (b) evaluate mitigation measures to determine if they are feasible; (c) evaluate mitigation measures to determine if they are enforceable (e.g., is there a regulatory process to ensure compliance, is there funding available; and (d) evaluate whether or not the mitigation measure will mitigate long-term impacts and if all feasible mitigation measures have been identified.

For example, Impact 4.4-2: Loss of special status plants was identified as "significant" noting that "Implementing the project would result direct removal of wetland habitat known to support dwarf downingia, a California species of special concern, and potential habitat for other special status plant species. … This impact would be significant." DEIR, Biological Resources, p.42. The DEIR, "Loss of suitable could result in direct removal of special-status plants if they are present. Future development could also result in indirect impacts on special-status plants if any are present in portions of the net SAP area to be preserved as open space, including impacts caused by pollutants transported by urban runoff and other means, airborne particulates, changes in vegetation as a

14-1

result of changes in land use and management practices, altered hydrology from the construction of adjacent residential development and roadways, intrusion of humans, habitat fragmentation, and the introduction of invasive species or noxious weeds from surrounding development. Indirect effects of habitat modification and fragmentation could degrade habitat quality to a degree that it is no longer suitable for special-status plants to regenerate such that these plant populations eventually die out. Direct and indirect impacts on special-status plant species would be potentially significant." DEIR, Biological Resources, p. 42.

This Impact was included in the list of "Significant and Unavoidable Impacts," DEIR, Other CEQA Mandated Sections, p. 2.

The identified "mitigation measures" fail to meet CEQA requirements, and instead simply reference vague SAP policies: "Implementing the project would result in loss and degradation of known occupied and potential habitats for special-status plant species. Implementation of SAP Policy NR 2-1 [Special-Status Plant Species Protection]" and Program NR-5 would reduce impacts on known and potentially-occurring special-status plant species within the project area and off-site improvement areas within the County's jurisdiction because project proponents would be required to identify and avoid special-status plant populations to the extent feasible, and provide compensation for the unavoidable loss of special-status plants through establishment of new populations, conservation easements, or other appropriate measures." DEIR, Biological Resources, p. 43.

In fact, the full text of SAP NR 2-1 is as follows: The County shall ensure protection of special-status plant species and their habitat including State- and Federally-listed threatened or endangered species." Sunset Area Plan, Section 4. Natural Resources, p. 4-3.

14-1 cont.

" Program NR-5" appears to relate to Air Quality, but since there was no page reference or link, it was not possible to determine what "Program NR-5" provides and requires, or whether it exists.

As a "mitigation measure," SAP NR 2-1 clearly fails to meet at least two of the CEQA requirements that the DEIR:

(c) evaluate mitigation measures to determine if they are enforceable (e.g., is there a regulatory process to ensure compliance, is there funding available);and
(d) evaluate whether or not the mitigation measure will mitigate long-term impacts and if all feasible mitigation measures have been identified.

There does not appear to be any language in the SAP Natural Resources Policies or Programs that warrants a conclusion that SAP NR 2-1 is enforceable or whether it will mitigate long-term impacts. In fact, no source is referenced for the assertion that "project proponent would be required to provide compensation for the unavoidable loss of special status plants through establishment of new populations, conservation easements, or other appropriate measures."

Nor is there any evidence of a regulatory process to determine whether a proponent has identified and avoided special-status plants, whether avoidance is or is not feasible, how compensation is decided, and what measures are "appropriate" as compensation.

There are similar deficiencies in the DEIR's treatment of other "Significant and Unavoidable" Impacts that relate directly to special status plants and their habitats, including Impact 4.4-1: Loss and degradation of state or federally protected waters; Impact 4.4-6: Loss or degradation of riparian habitat; and Impact 4.4-7: Conflict with local policies or ordinances protecting biological resources. 14-1 cont.

Finally, the DEIR's conclusion that Cumulative Impact 4.4-13: Contribution to loss of special-status plants is "less than significant' is clearly deficient. The DEIR spells out the importance of vernal pool habitats to special status plant species as follows:

"As noted under Impacts 4.4-1, 4.4-2, and 4.4-3, vernal pools are one of California's most threatened habitats. Historic losses of vernal pool habitat in combination with projected losses from existing, proposed, planned, and approved projects constitute a cumulatively substantial reduction in vernal pool habitat in the region and the state. Habitat losses of this magnitude have a substantial adverse effect on plant species that rely on this habitat type, including dwarf downingia and legenere. Vernal pools and vernal pool plant species have been threatened by widespread conversion to agricultural uses and urban development. Loss of vernal pool habitat has resulted in substantial declines in vernal pool-dependent special-status plant species statewide and in the region. This represents an existing significant cumulative impact.

"The project area is known to support two vernal pool-dependent special-status plant species, dwarf downingia and legenere, and could support additional vernal dependent special-status plant species. Implementing the SAP would result the conversion of approximately 2,865 acres of vernal pool complex containing an estimated 70 acres of vernal pool type wetlands to developed land uses. Implementing the PRSP would convert an additional 1,865 acres of vernal pool complex containing approximately 46 acres of vernal pool type wetlands to developed land uses. Known occupied habitat in the northern portion of the SAP area is within existing and proposed preserves and therefore would ensure preservation of these species within the project area. Nonetheless, dwarf downingia has been found in a portion of the PRSP that would be developed, and other special-status plants could be present in other areas of the project area that would not be preserved." DEIR, Biological Resources, p. 77. 14-2

Despite the initial observation that there is "an existing significant cumulative impact", the DEIR concludes that the project would not considerably contribute to a significant cumulative impact because of mitigation by the SAP policy and Program discussed above, in virtually identical language. DEIR Biological Resources, p.77.

For the reasons stated above, this analysis of mitigation measures does not meet CEQA requirements. Thank you for your consideration of these comments.

Sincerely,

Jeanne M. Wilson, President
Redbud Chapter – California Native Plant Society
president@redbud-cnps.org 530-570-8009

Letter 14	California Native Plant Society Jeanne M. Wilson, President, Redbud Chapter February 22, 2019

14-1 The comment states that the Draft EIR does not meet CEQA requirements for mitigation measures. See response to comment 54-1, which describes how the Draft EIR complies with CEQA requirements for mitigation measures.

The comment suggests that Program NR-5 relates to air quality. Program NR-5 is a "natural resources" program identified in the SAP on page 9-13. The full text of Program NR-5 is also included in Section 4.4 of the Draft EIR, "Biological Resources," on page 4.4-32. Program NR-5 provides detailed guidelines for protection of special-status plants.

The comment states that there are no sources for the assertion that the project proponent would be required to provide compensation for unavoidable loss of special-status plants through establishment of new populations, conservation easements, or other appropriate measures. The comment also suggests there is no evidence of a regulatory process to determine whether avoidance has occurred and to guide compensation. Program NR-5, which the commenter was not able to locate (although, as mentioned above, is included in the section), includes all of these details. Regarding the requirement to provide compensation, Program NR-5 specifically requires, in the case adverse effects to special-status plants cannot be avoided, and after notification of California Department of Fish and Wildlife (CDFW), a mitigation and monitoring plan to compensate for the loss of special-status plant species found during preconstruction surveys, if any. The mitigation and monitoring plan shall be submitted to CDFW or USFWS, as appropriate depending on species status, for review and comment. The County shall consult with these entities, as appropriate depending on species status, before approval of the plan to determine the appropriate mitigation measures for impacts on any special-status plant population. Mitigation measures may include preserving and enhancing existing on-site populations, or creation of off-site populations on project mitigation sites.

The comment suggests that there is no language provided regarding the enforceability of the policies and programs. The SAP describes the mechanics of the implementation programs on page 9-1:

> The implementation programs described in this section relate to the goals and policies of the Plan. Each of these implementation programs describe the intent of the program, who is responsible for implementing the program, when it is to be implemented, and how it is to be funded. The majority of the Plan's policies are to be implemented through the ongoing project approval process, including the review of subdivisions, conditional use permits, minor use permits, design/site review, improvement plan review, and grading permits by the County's decision-making authorities (e.g., Development Review Committee, Zoning Administrator, Planning Commission, Board of Supervisors). Projects are to be reviewed for consistency with the goals, policies, and standards of the Sunset Area Plan as well as the Placer County General Plan. A finding of consistency with these plans must be made for a project to proceed to an approval.

As described above, the implementation programs have enforcement mechanisms almost identical to mitigation measures, including identification of the responsible implementing party, timing, and funding. These programs also require consistency findings with the SAP goals, policies, and standards, prior to approval of individual projects.

It is also important to note that, although the impact conclusion is significant and unavoidable for the Pleasant Grove Retention Facility and off-site transportation and utility improvements (because Placer County does not have jurisdiction to enforce the identified mitigation measures for these project components), impacts on special-status plants within the SAP area would be reduced to a less-than-significant level with implementation of Policy NR-2.1 and Program NR-5.

14-2 The comment expresses disagreement with the Draft EIR conclusion that the contribution to loss of special-status plants is less than significant.

See response to comment 14-1. Because Policy NR-2.1 and Program NR-5 require that special-status plants be identified and either avoided or compensated for, the contributions of the SAP/PRSP to the significant cumulative impact on special-status plants would not be cumulatively considerable.

The special-status plant species that have been found in the SAP area are primarily in areas that are already preserved so these species would persist in the project area.

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Letter 15

Transmitted via e-mail to:cdraecs@placer.ca.gov

February 21, 2019

Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603

Subject: Sunset Area Plan/Placer Ranch Specific Plan
Draft Environmental Impact Report
State Clearinghouse No. 2016112012

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Sunset Area Plan/Placer Ranch Specific Plan.

The California State University (CSU) extends knowledge and learning throughout California and in local communities, which allows educated individuals to contribute to California's schools, economy, culture and future.

To help fulfill this mission, the CSU has an interest in a potential California State University, Sacramento - Placer Center (Center) within the Placer Ranch area and may possibly be the recipient of a gift of approximately 300 acres within the Placer Ranch Specific Plan (PRSP) for this Center. At present, the site is owned by Placer Ranch, Inc.

As indicated in the report "Potential Economic Benefits of a CSU Campus in Placer County" by Sacramento Regional Research Institute," the establishment of the campus would provide a key role in meeting the needs of local businesses by educating the area's workforce, would bring cultural opportunities, and add value to the local economy through the addition of jobs and expenditures associated with employee compensation, campus operations and project construction. The positive economic impact was recognized in a September 2016 report to the County of Placer Board of Supervisors which indicated that the Sacramento State-Placer Center has the potential to act as a catalyst for investment and development in the Sunset area.

CSU Campuses
Bakersfield
Channel Islands
Chico
Dominguez Hills
East Bay
Fresno
Fullerton
Humboldt
Long Beach
Los Angeles
Maritime Academy
Monterey Bay
Northridge
Pomona
Sacramento
San Bernardino
San Diego
San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

The Sunset Area Plan/Placer Ranch Draft Environmental Impact Report (DEIR) evaluates the Sac State-Placer Center at a programmatic level of detail for educational use. Although no formal timeline has been established for a possible educational center, there is a potential that a CSU and/or California Community College could tier from this DEIR in order to support any subsequent project-specific California Environmental Quality Act (CEQA) analysis that may be required in the future.

In the event the Board of Trustees of the CSU accepts the property on behalf of the State of California, the site will be under the land use and permitting jurisdiction of the CSU. This transition will permanently relieve Placer County of jurisdictional authority over the site. Specifically, when the transfer is complete, the governing policies of the Placer County General Plan and the PRSP as adopted, as well as the mitigation measures or assessments identified in the DEIR will no longer be applicable to the site. The same limitations will apply with respect to the regulatory jurisdiction of other local and regional agencies or districts. 15-1

Prior to action on a master plan or specific campus development project for the Center, the CSU will conduct its own project-specific environmental review. Since a master plan or specific campus development project is not currently under consideration by the CSU at this time, it would be inappropriate to prejudge the next stage of environmental review, in terms of either impacts or how the university might elect to approach mitigation and the selection of project alternatives to the extent required by law. However, the university is acutely focused on ensuring compliance with the procedural and substantive requirements of the CEQA and to fully addressing potential environmental impacts to the extent feasible and required by law.

The CSU looks forward to working with the County of Placer, the local community, and Placer Ranch.

Should you have questions, please do not hesitate to contact Steven Lohr, Chief of Land Use Planning and Environmental Review, at (562) 951-4120, slohr@calstate.edu.

Sincerely,

Elvyra F. San Juan
Assistant Vice Chancellor

ESJ:SCL:kk

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Steven Lohr, Chief of Land Use Planning and Environmental Review, CSU Office of the Chancellor

Letter 15	The California State University, Office of the Chancellor Elvyra F. San Juan, Assistant Vice Chancellor February 21, 2019

15-1 The comment notes that a CSU and/or California Community College could tier from the Draft EIR in the future. The comment also notes that in the event the CSU campus site is donated and CSU accepts the property on behalf of the State of California, the campus site would be under the land use and permitting jurisdiction of the state and that this transition would relieve the County of jurisdictional authority over the site. The comment goes on to note that following that transition, all County governing documents, policies and provisions would not apply to the CSU campus site, and that the CSU would be responsible for ensuring CEQA compliance to fully address any potential environmental impacts associated with any future planning for the CSU campus site.

Chapter 1, "Introduction," of the Draft EIR notes that the CSU campus site has been analyzed at a programmatic level. However, revisions have been made to clarify that once the CSU campus site has been accepted by the State of California, the governing policies of the Placer County General Plan and PRSP would no longer be applicable to the site. This section also states that the CSU would conduct its own project-specific environmental review to ensure CEQA compliance for any future planning of the CSU campus site. Specifically, the second paragraph on page 1-2 of the Draft EIR is revised as follows:

> This EIR evaluates the potential environmental impacts associated with implementing the SAP and PRSP. The SAP is a policy document intended to guide growth in the SAP area over a 20-year planning horizon; buildout of the SAP area is expected to occur over 80 years or more. In accordance with Section 15168 of the State CEQA Guidelines, a program EIR may be prepared on a series of actions that can be characterized as one large project and, among other things, are related geographically or in connection with issuance of rules, regulations, or plans to govern the conduct of a continuing program. In accordance with Section 15161 of

the State CEQA Guidelines, a project EIR focuses on the changes in the environment that would result from a development project. Because of the broad geography, long timeframe anticipated for buildout, and policy-oriented nature of the SAP, the impact analysis of the SAP is prepared at a programmatic level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself, focusing on the effects that can be expected to follow from adoption of the plan. The PRSP, however, is assessed at a project level in this EIR, because project details are developed to a sufficient degree that environmental effects that would result from development of the PRSP can be identified and assessed with greater certainty, and specific mitigation measures developed to address potentially significant impacts. The Sac State–Placer Center portion of the PRSP, however, remains conceptual; the university has yet to develop project-specific detail in the form of a master plan for the campus. ~~This EIR provides substantial analysis of the university campus based on the information available and will provide valuable streamlining for future decisions by the California State University (CSU), but additional environmental review may be required by the CSU, which would serve as lead agency for the subsequent project.~~ Therefore, this EIR evaluates the Sac State–Placer Center at a programmatic level of detail for educational use. In the event the Board of Trustees of the CSU accepts the property on behalf of the State of California, the site would be under the land use and permitting jurisdiction of the CSU, which would relieve Placer County of jurisdictional authority over the site. Specifically, when the transfer is complete, the governing policies of the Placer County General Plan and the PRSP as then adopted would no longer be applicable to the site. Prior to a discretionary action by the CSU requiring consideration under CEQA, the CSU would conduct its own project-specific environmental review. At that time, the university would ensure compliance with the procedural and substantive requirements of CEQA and in fully addressing potential environmental impacts as required by law. Additional discussion regarding the level of detail of the analysis is provided under the heading “Approach to the Environmental Analysis” in Chapter 4.0, “Affected Environment, Environmental Consequences, and Mitigation Measures.”



CENTER for BIOLOGICAL DIVERSITY Because life

Letter 16

2/22/2019

Sent via email and FedEx (w/ references)

Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603
cdraecs@placer.ca.gov

Re: Sunset Area Plan/Placer Ranch Specific Plan Draft Environmental Impact Report (State Clearinghouse No. 2016112012)

Dear Ms. Jacobsen,

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") regarding the Sunset Area Plan and Placer Ranch Specific Plan (the "Project"). The Center has reviewed the Draft Environmental Impact Report ("DEIR") closely and is concerned by the numerous significant impacts the Project would have on sensitive wildlife and ecosystems in and around the Project area. The Project would destroy thousands of acres of vernal pools, directly harming numerous special-status species on what is one of the last intact areas of habitat in western Placer County. The California Environmental Quality Act ("CEQA") mandated environmental review is inadequate and fails to comply with the statute. The Center urges approval of the Project be denied, or at the very least substantial revisions to the DEIR to better analyze, mitigate or avoid the Project's significant environmental impacts.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.4 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Northern California.

I. The DEIR's Alternatives Analysis Is Inadequate

The DEIR's analysis of Project alternatives is flawed and does not comply with the requirements of CEQA. First, the alternatives analysis uses an improper No-Project Alternative, which serves to understate the impacts of the proposed Project and fails to adequately inform decisionmakers and the public about the consequences of not approving the Project. Second, the alternatives analysis fails to include a reasonable range of alternatives and instead provides a

16-1

narrow range of alternatives that vary little from the proposed Project. Third, the DEIR fails to assess feasible alternatives that would significantly reduce the impacts of the Project without substantial evidence to justify its reasoning.

A. Assuming Buildout of the Sunset Industrial Area Plan as the No-Project Alternative is Improper

The DEIR confines and obscures its alternatives analysis by using a no project alternative that is only slightly less impactful than the other proposed alternatives. The DEIR's alternatives analysis assumes that if the proposed Project is not built, the area will be developed according to the 1997 Sunset Industrial Area Plan ("SIAP"). (DEIR at 6-9.) The CEQA Guidelines ("Guidelines") require analysis of a no project alternative to assess the existing site conditions as well as "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." (Guidelines § 15126.6(e)(2).) While the SIAP was indeed approved, the site remains 90% undeveloped 20 years after approval and the DEIR provides no evidence that the SIAP proposal has taken any further steps toward implementation. (DEIR at 3-5.) It is not reasonable to therefore to assume buildout of the SIAP is as "expected to occur in the foreseeable future" should the proposed Project not be approved. Any attempt to implement SIAP would require, at the very least, a subsequent environmental review, since the environmental conditions of the site, region and state have dramatically changed since the 1997 approval. (See Guidelines § 15162(a) [requiring subsequent review if the lead agency determines new information becomes available, or project impacts would occur that were not assessed during the initial review].) Indeed it appears more likely that should the Project not go forward, the area would remain in its largely undeveloped state unless another proposal and environmental review process is completed. 16-1 cont.

The DEIR also asserts that the no project alternative would be the environmentally superior alternative, despite producing greater impacts to biological resources as compared to the proposed Project. (DEIR at 6-28.) The DEIR then attempts to cast the proposed Project in an artificially positive light regarding its potential impacts so that the Project now appears to be only minimally more environmentally damaging. This approach is misleading to decision-makers and the public. Instead, the DEIR should be revised to present a no project alternative that more accurately depicts the existing undeveloped conditions of the SAP site, so that the impacts of the alternatives can be fully and adequately analyzed...

B. The DEIR Fails to Assess a Reasonable Range of Alternatives

The Project as proposed would result in numerous significant and unavoidable impacts, meaning a thorough alternatives analysis is absolutely necessary in fulfilling the DEIR's role of informing the public and decision-makers. Courts have consistently held that "[o]ne of [] an EIR's major functions … is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 400.) CEQA prohibits an agency from approving projects as proposed "if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." (Pub. Res. Code § 21002.) While the DEIR does not need to address "every conceivable 16-2

alternative," it should provide a reasonable range that allows the reader to understand the proposed Project's impacts and a range of feasible alternatives that might avoid project impacts. (Guidelines § 15126.6(a).) Under CEQA, "the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures." (*Mountain Lion Foundation v. Fish & Game Com*. (1997) 16 Cal.4th 105, 134.) The DEIR analyzes a narrow range of alternatives that do little to avoid Project impacts, falling short of a meaningful analysis. (DEIR at 6-8, 9, 28, see Table 6-7.) Despite the Project's significant impacts, the DEIR concedes that "none of the other alternatives [excluding the no project alternative] avoid or substantially reduce a significant impact of the Project." (DEIR at 6-28.) The DEIR also fails to provide substantial evidence to explain its rejection of the analyzed alternatives, nor is there a discussion of how the Project objectives would be met by each alternative. CEQA requires a more thorough and complete alternatives analysis. 16-2 cont.

C. The DEIR Failed to Analyze a Feasible Alternative that Would Significantly Lessen Project Impacts

The DEIR also fails to meet its CEQA alternative analysis mandate because it omitted consideration of a feasible alternative that would reduce and avoid significant Project impacts while meeting most of the objectives. The Citizen-Initiated Smart Growth Plan ("CISGP"), presented to the County by the Alliance for Environmental Leadership ("AEL"), is an example of the sort of alternative the CEQA process strives to illuminate. (Marsh, 2019). The DEIR should be revised to expand the scope of the alternatives analysis so that feasible alternatives, such as the CISGP, are made available so that the public and decision-makers are adequately informed, as directed by CEQA.

II. The DEIR Improperly Relies on Uncertain And Infeasible Mitigation Measures

The Project will have significant and unavoidable impacts to nearly every resource category that falls under the purview of CEQA. The Project's impacts are particularly large in number and magnitude when considering the biological resources present on the Project site. While the DEIR identifies significant impacts, it falls short when attempting to provide adequate mitigation. The rampant uncertainty and speculation of the DEIR's mitigation program gives the public and decision-makers no concrete understanding of how the immense impacts of the Project will be addressed. The inability of the DEIR to provide feasible mitigation demonstrates that the Project should not and cannot advance in its current form because the Project site is grossly inappropriate for a development of this type and scale. 16-3

A. The DEIR's Reliance on the Placer County Conservation Plan does not Constitute Feasible Mitigation

The mitigation of significant environmental impacts must be presented in a way that offers the public and decision-makers a sense of confidence that should the Project be approved, impacts will actually be mitigated to the maximum extent feasible. The DEIR fails to do this, as

its mitigation for biological resources relies on the draft Placer County Conservation Plan ("PCCP") to meet its permitting requirements under multiple federal and state laws. However, at the time of the DEIR's release, the PCCP is nothing more than a proposal. (DEIR at 4.4-28.) CEQA requires that mitigation measures that reduce or avoid Project impacts must be concrete ad not speculative. (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.4th 260, 281 [mitigation measures that are so undefined that their effectiveness is impossible to determine are legally inadequate].) The DEIR approach to base its mitigation on a draft plan, for which there is no guarantee, let alone indication, of approval, does not provide the certainty required under the Guidelines. (Guidelines § 15126.4.) The DEIR provides no assurances or substantial evidence that the PCCP will be approved. Instead the PCCP is discussed throughout the document in speculative terms such as "if the PCCP is approved by the state and federal agencies and is adopted and implemented in time to support development under the PRSP and Net SAP." (DEIR at 4.4-41.) Because the DEIR offers no support for the likely approval of the PCCP, it cannot rely on the plan to mitigate the Project's many significant impacts.

16-3 cont.

B. The Project Fails to Adequately Mitigate Significant Impacts to Special-Status Species and Protected Habitats

The DEIR fails to provide the level of mitigation that will be required for the issuance of permits that will be necessary for the Project to ultimately be approved. The Project site is home to endangered and special-status plants and wildlife, as well as multiple forms of high value habitat types. (DEIR at 4.4-11, 12.) The Project would require permits under many different statutes from multiple of state and federal agencies. (DEIR at 4.4-22-24.) Even if the Project could rely on the PCCP to meet its mitigation requirements there remain serious issues with the feasibility and capacity of the PCCP to fully mitigate the Project significant environmental impact.

For example, one of the permitting requirements the Project, via the PCCP or otherwise, will need to satisfy is the "no net loss of wetland habitat," as required by the United States Army Core of Engineers ("USACE"). (DEIR at 4.4-41.) However, the DEIR states that "existing credits may not be enough to fully cover the loss of wetland functions resulting from project implementation, and it is unknown if sufficient land would be available from willing sellers to fully mitigate the loss," which demonstrates the infeasibility of the proposed mitigation measures. (DEIR at 4.4-41.) The limitation of available land and credits would also apply in the event the PCCP is granted approval. Therefore, the DEIR appears to be admitting that there simply isn't enough land or mitigation credit available in the region to meet USACE standards of no net loss of wetland functions.

16-4

The DEIR's mitigation for impacts to federally listed vernal pool invertebrates is also insufficient to meet permitting standards. A large portion of the Project site falls within the Western Placer County core area as identified in the in the United States Fish and Wildlife Service ("USFWS") vernal pool recovery plan. (DEIR at 4.4-44.) The USFWS targets preservation of 85% within core recovery areas, yet the Project would achieve only 40%. (DEIR at 4.4-44.) The Project would remove over 5,000 acres of low density vernal pool complexes from the Project site. (DEIR at 4.4-48.) The DEIR, similarly to the uncertain language referenced above, cannot determine whether PCCP mitigation would reduce the significance of the vernal

pool removal, as the PCCP has not yet been approved. (DEIR at 4.4-48.) Should the PCCP be adopted and implemented in time to serve the Project, the mitigation would "not necessarily occur within the western Placer County core area because there is a limited amount of habitat present within the core area and a large proportion of it has already been developed or is planned for development." (DEIR at 4.4-48.) The DEIR acknowledges that mitigation in the absence of the PCCP would result in a lesser reduction in impacts than under the PCCP. (DEIR at 4.4-48.) This shows that even if the PCCP is adopted, it will do very little toward achieving the goals of the vernal pool recovery plan, and therefore it is difficult to see how USFWS would issue Endangered Species Act ("ESA") take permits under the PCCP for the Project's widespread destruction of vernal pool species such as the vernal pool fairy shrimp, and vernal pool tadpole shrimp.

16-4 cont.

C. The DEIR's Analysis of the Placer Ranch Specific Plan's Impacts and Mitigation is Insufficient

The analysis and mitigation of the PRSP's biological resources impacts does not meet the level of specificity required for a project-level assessment. The DEIR contains two levels of analysis, a programmatic level for the SAP, and a project level for the PRSP. (DEIR at 1-2.) While a programmatic EIR can provide more general assessments in its first tier of analysis, a project-level analysis must provide more detail regarding project impacts and proposed mitigation measures. (Guidelines § 15152.) The specificity of an EIR is determined by the nature of the project and the 'rule of reason.' (*Citizens for Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1048.) The PRSP is a planned community, with specific land uses and the intensity thereof already established, therefore, it is reasonable that the DEIR assess the impacts and propose mitigation for those specific uses.

16-5

The DEIR provides separate impact assessments for the SAP and PRSP areas but applies the same general and deferred mitigation to each planning area. For example, Mitigation Measure 4.4-5a provides inadequately brief mitigation instructions for future development to avoid impacts to western pond turtles should the PCCP not be adopted. (DEIR at 4.4-59.) The mitigation requires surveys before earthmoving, and subsequent relocation if individual turtles are observed. (DEIR at 4.4-59.) There is no discussion of where the turtles will be relocated, nor are there performance standards that dictate the quality of relocation habitat or the turtle's survival post-relocation. Additionally, the measure only applies to construction activities within 200 feet of suitable aquatic habitat. (DEIR at 4.4-59.) Western pond turtles are known to utilize upland habitats up to 1,300 feet away from aquatic habitat. (Semlitsch and Bodie, 2003). The DEIR should be revised to include adequately detailed analysis of the impacts and mitigation measures for the PRSP, as well as providing accurate species-specific mitigation.

Given the vulnerability of the site's ecological resources and the DEIR's acknowledgment of regional development pressures, the scope and design of the Project should be seriously reconsidered.

III. The DEIR Fails to Adequately Analyze and Mitigate the Impacts of the Project on Biological Resources.

16-6

The Project site, in its currently undeveloped state, is home to numerous plant and animal species that rely on the area's unique ecological communities. The DEIR identifies 42 special-status fish and wildlife species that could occur on the site (DEIR at 4.4-15), and 10 special-status plant species that could occur on or near the Project site (DEIR at 4.4-12). Despite these findings, the DEIR fails to identify and assess the impacts to some of these species, while completely omitting discussion of other impacts. This inadequate and incomplete analysis violates CEQA's requirements that all environmental impacts from a project are fully disclosed and analyzed.

A. The DEIR's Analysis of Impacts to Western Spadefoot Toad is Insufficient.

The DEIR does not contain sufficient information to allow proper assessment of the Project's impacts to western spadefoot, which also undermines the efficacy of proposed mitigation. The DEIR acknowledges the impacts on western spadefoot in its discussion of vernal pool removal, as well briefly listing other potential indirect impacts due to Project development. (DEIR at 4.4-44, 45.) However, the discussion is superficial, and provides little detail about actual impacts because the location and population of western spadefoot in and around the Project site is unknown due to a lack of accurate surveying. Surveys for western spadefoot have not been conducted on the Project site since 2005. (DEIR at 4.4-45.) The DEIR defers surveys to future project proponents, when a qualified biologist must determine whether western spadefoot is present and take subsequent mitigation steps thereafter. (DEIR at 4.4-46.) Since western spadefoot is not covered under the PCCP, the DEIR should identify areas where western spadefoot is present, so that the scale of potential impacts and feasibility of mitigation, such as relocation, can be appropriately assessed by public and decisionmakers. Given the increasing development pressure on the area and the lack of suitable land for vernal pool restoration, a thorough analysis of potential impacts and suitable replacement habitat should be identified now, not at some later date. 16-6 cont.

In particular, surveys for western spadefoot should be conducted before the Project is considered for approval so that the extent of impacts can be accurately calculated before damaging land uses are locked in at the programmatic level. The DEIR runs through a list of potential indirect impacts to western spadefoot as a result of Project development, such as take related to traffic, landscaping and pesticide exposure. If left to a future project proponent, surveys and subsequent mitigation will be ineffective if habitat is on or near an area approved for residential or industrial uses that lead to take of western spadefoot.

Additionally, the DEIR fails to consider the impacts the night lighting on western spadefoot. Studies have shown that amphibians and reptiles can experience disrupted physiology, behavior and ecology when exposed to artificial light that interferes with natural lighting cycles. (Perry, 2008). As the Project proposes to urbanize the area, it will introduce numerous sources of artificial light. The DEIR must include updated survey information so that proper mitigation and planning can take place to minimize harm to western spadefoot.

B. The DEIR Fails to Identify and Assess Impacts to Vernal Pool Plant Species and Dependent Insect Species. 16-7

The specialized nature of vernal pool plant species require a specific range of habitat and resource conditions. The presence of a healthy population of pollinator insects is key to the survival of vernal pool plants; the loss of pollinators due to habitat fragmentation and upland habitat loss threatens the long-term viability of specialized vernal pool plant species. (USFWS, 2005). The DEIR identifies significant and unavoidable impacts to vernal pool plant species due to loss of vernal pool habitat but is silent on the impact the Project will have on the availability of pollinators in the area. Many pollinator species, such as solitary bees, specialize on flowering vernal pool taxa, such as *Downingia,* and do not disperse far from their food source. (Thorp, 1998). Since dwarf downingia is known to occur on the Project site, and is protected under CEQA (DEIR at 4.4-14), the DEIR must assess the impacts of the Project on the pollinator species upon which the plant depends.

The DEIR must also consider pollinator species in its mitigation measures intended to address the significant impacts to vernal pool plant species. As many vernal pool plant species rely on a narrow range of pollinator species, it is critical that a consideration of mitigation and/or restoration land include an assessment of habitat for pollinators. Additionally, mitigation for vernal pool and adjacent upland habitat destruction should include the removal and transport of resident pollinator species to the designated restoration site. (Thorp, 1998). It is critical that pollinator surveys be conducted for impacted vernal pool complex habitat, so that suitable off-site restoration areas can be identified. The suitability of such sites must consider available upland habitat for currently present pollinators, of the reestablishment of translocated pollinator species if no pollinators are present. The DEIR should be revised to include such analyses; any delay in these studies could result in mitigation opportunities becoming unavailable.

16-7 cont.

IV. Conclusion

Given the possibility that the Center will be required to pursue appropriate legal remedies in order to ensure enforcement of CEQA, we would like to remind the County of its duty to maintain and preserve all documents and communications that may constitute part of the "administrative record." As you may know, the administrative record encompasses any and all documents and communications which relate to any and all actions taken by the County with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further contains all correspondence, emails, and text messages sent to or received by the County's representatives or employees, which relate to the Project, including any correspondence, emails, and text messages sent between the County's representatives or employees and the project proponent's representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

16-8

Thank you for the opportunity to submit comments on the DEIR for the Sunset Area Plan/Placer Ranch Specific Plan. The DEIR highlights numerous significant and unavoidable environmental impacts, for which it fails to propose feasible mitigation. The Center strongly urges the County to reconsider such sweeping, intensive development on the Project site. Placer County should be protecting its rare and vulnerable ecological resources, instead of reviving a

decades-old development plan that would destroy countless acres of vernal pool, grassland and riparian habitat. In light of the foregoing analysis highlighting the DEIR's deficiencies and the unavoidable environmental impacts, the Project should not be approved in its current form. 16-8 cont.

Please add the Center to your notice list for all future updates to the Project and do not hesitate to contact the Center with any questions at the number or email listed below.

Sincerely,



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References
(Attached on CD)

Marsh, G., Citizen-Initiated Smart Growth Plan, Alliance for Environmental Leadership (2019).

Perry, G., Buchanan, B. W., Fisher, R. N., Salmon, M. & Wise, S.E. (2008). Effects of Artificial Night Lighting on Amphibians and Reptiles in Urban Environments. Herpetological Conservation 3:239-256.

Rands, S. A., Whitney, H. M. (2011) Field Margins, Foraging Distances and Their Impacts on Nesting Pollinator Success. PLoS ONE 6(10): e25971. https://doi.org/10.1371/journal.pone.0025971

Semlitsch, R. D., & Bodie, J. R. (2003). Biological criteria for buffer zones around wetlands and riparian habitats for amphibians and reptiles. Conservation Biology, 17(5), 1219–1228. https://doi.org/10.1046/j.1523-1739.2003.02177.x

Thorp, R. W., Leong, J. M. (1998) Specialist Bee Pollinators of Showy Vernal Pool Flowers. Ecology, Conservation, and Management of Vernal Pool Ecosystems – Proceedings from a 1996 Conference. California Native Plant Society, Sacramento, CA. 1998, 169-179.

United States Fish and Wildlife Service. (2005). Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. Available at: https://ecos.fws.gov/docs/recovery_plan/060614.pdf

Letter 16	Center for Biological Diversity Ross Middlemiss, Legal Fellow February 22, 2019

16-1 The comment states that the Draft EIR's alternatives analysis is inadequate because it uses an improper No-Project Alternative, does not include a reasonable range of alternatives, and does not evaluate a feasible alternative that would significantly reduce the project's impacts. The following response addresses the first topic (No-Project Alternative), whereas response to comment 16-2, below, addresses the latter two topics of this comment regarding the alternatives analysis.

Regarding the No-Project Alternative, the comment suggests that, due to the slow pace of development in the current SIA, the Draft EIR should have included a No-Project Alternative that assumes no development would occur. First, although development within the existing SIA has not been rapid, development has occurred over the past 20 years, and additional development would be expected over the next 80+ years (the length of time expected for full buildout of the SAP). Therefore, an alternative that assumes no development would occur would not be realistic.

The State CEQA Guidelines (See Section 15126.6[e]) provides guidance regarding the No-Project Alternative. (e) "No project" alternative. Section 15126.6(e)(1) states that the no project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline. Further 15126.6(e)(2) indicates that the No-Project Alternative analysis should discuss what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. Section 15126.6(e)(3) provides specific guidance regarding large policy-oriented plans, such as the project: A discussion of the "no project" alternative will usually proceed along one of two lines: (A) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically, this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan. (CCR Title 14, Section 15126.6[e][3]) Because the project is a large, policy-oriented plan, the project's No Project Alternative, which assumes continued implementation of the existing 1997 SIA Plan, is clearly appropriate pursuant to CEQA.

Because a "no development" alternative would be unrealistic and because the Draft EIR includes the appropriate No Project Alternative, no additional alternatives are required and no revisions to the Draft EIR are necessary. Also see Master Response 1: Alternatives Analysis for a detailed discussion of the adequacy of the Draft EIR's alternatives analysis.

16-2 The comment states that the Draft EIR does not include a reasonable range of alternatives and does not evaluate a feasible alternative that would significantly reduce the project's impacts. See Master Response 1: Alternatives Analysis, which explains CEQA guidance for what constitutes a reasonable range of alternatives. As described therein, the four alternatives (not including the No-Project Alternative) studied in detail in the Draft EIR constitute a reasonable range of potentially feasible alternatives as required by CEQA. The master response also explains that an EIR is not required to consider alternatives that eliminate or reduce *all* of a project's significant adverse environmental impacts (State CEQA Guidelines Section 15126.6[a], [f]). Also, as explained in the master response, Chapter 6 of the Draft EIR has been clarified to reflect the conclusions about each alternative substantially reducing a significant impact of the proposed project. These changes are identified in Chapter 2, "Revisions to the Draft EIR." For these reasons, the Draft EIR's alternatives analysis is adequate. Regarding the suggestion that the County evaluate the CISGP as an alternative, see Master Response 2: Citizen-Initiated Smart Growth Plan. As noted in the master response, after a thorough review of the CISGP, the County found that the plan is infeasible, would not meet primary

project objectives, and would result in greater impacts with respect to several environmental issue areas. Also, the Draft EIR includes Alternative 4: Reduced Footprint, Similar Development Potential, which achieves similar impact reductions as the CISGP (i.e., biological resources) without resulting in increases in the severity of other impacts, such as GHG and traffic. Therefore, as concluded in the master response, the Draft EIR is not revised to include the CISGP as a project alternative.

16-3 The comment states that the Draft EIR relies on uncertain and infeasible mitigation measures. See response to comment 54-1, which describes CEQA requirements for mitigation measures and how the Draft EIR complies with these requirements. See Master Response 3: Placer County Conservation Plan and Mitigation.

Specifically, the comment states that the Draft EIR's reliance on the PCCP does not constitute feasible mitigation. See Master Response 3: Placer County Conservation Program and Mitigation. The Draft EIR does not rely solely on the PCCP for impact mitigation; there are optional mitigation measures and front-loaded policies and programs, presented under the heading "Proposed Sunset Area Plan Goals and Policies" beginning on page 4.4-31 of the Draft EIR, that mitigate the project's potential impacts on biological resources in the event the PCCP, including the Western Placer CARP and associated USACE programmatic permits, are not adopted or are not available as a permitting and mitigation strategy for future projects.

16-4 The comment states that mitigation is inadequate for special-status species and habitat and to support permit issuance from multiple state and federal agencies.

Mitigation Measure 4.4-1a (page 4.4-40 of the Draft EIR) requires compensatory mitigation meeting the USACE's no-net-loss standard. If the PCCP, including the Western Placer CARP, are adopted and USACE issues programmatic permits under the plans, then participation in the plan would be consistent with USACE permit requirements by definition. The comment is correct that existing credits or sufficient lands may not be available to fully mitigate project impacts on federally protected wetlands. As the comment indicates, this is disclosed on page 4.4-41 of the Draft EIR, and it is the primary reason the impact conclusion is significant and unavoidable. But this would only be the case under the scenario that the PCCP cannot be used for mitigation. The comment, therefore, is not correct to suggest that these limitations in credits or available land would also be true under the PCCP because issuance of the programmatic permit would mean USACE has made the determination that impacts covered under the PCCP can be offset in a manner that complies with their no-net-loss standard.

Adoption of the PCCP and issuance of take authorization under the PCCP would mean USFWS has determined that impacts on federally listed species can be offset through participation in the PCCP and that the species may be recovered through the PCCP conservation strategy, which would serve as an alternative recovery plan for the covered species (e.g., vernal pool branchiopods).

16-5 The comment states that the Draft EIR's analysis of and mitigation for the PRSP's biological resources impacts does not meet the level of specificity required for a project-level analysis. See Master Response 7: Program- vs. Project-Level Analysis. It cannot be assumed that because a mitigation measure for the program-level portion of the analysis is similar to the mitigation measure for the project-level portion of the analysis that the project-level mitigation measure provides an insufficient level of detail. This is especially true for the topic of biological resources where "suitable habitat" exists within the project site that could be used by a special-status species (whether or not individuals have been identified within that habitat during site surveys). For many types of species, whether the habitat occurs within a 5-acre project site or a 5,000-acre plan area, the necessary measures will be nearly identical for protecting the individuals that could occur within the general habitat type.

Both the project-level and program-level analyses provided in Section 4.4, "Biological Resources," assesses the impacts of proposed land uses and provides mitigation to reduce those impacts. The difference is that the project-level analysis for the PRSP provides specific quantification of common and sensitive habitat losses, based on site-specific surveys, and evaluates potential effects to

common and special-status species that could result from loss of these habitats and other potential direct and indirect effects. For the SAP area, impact determinations are based on loss of common and sensitive habitats as derived from the best available sources rather than site-specific surveys. The program-level analysis is therefore more generalized and may overestimate actual impacts but does not ignore or underestimate any resources that may be affected by development of the SAP area. Because both portions of the project site support the same types of habitats, the biological resources that may be affected by the project are the same and the impact mechanisms are the same, therefore, the same mitigation measures are appropriate for impacts to biological resources at the project and program level. The analysis approach for both the SAP area and the PRSP area is described under the heading "Methods and Approach" on pages 4.4-30 and 4.4-31 of the Draft EIR.

Mitigation Measure 4.4-5a specifically requires that any pond turtles found be relocated to suitable aquatic habitat as determined by a qualified biologist. Therefore, a qualified biologist would assess the quality of relocation habitat before relocating pond turtles to ensure it is suitable for pond turtles. While pond turtles may be found greater than 200 feet from aquatic habitat, they are generally found within this closer distance unless forced to move farther away. The mitigation measure is revised below to extend the survey distance to 300 feet per standard measures used by CDFW. Because all of the suitable upland habitat within 300 feet of suitable aquatic habitat is currently undeveloped and subject to little to no human disturbance, there is no reason for turtles to travel farther from aquatic habitat in search of suitable nesting habitat. Therefore, turtles are unlikely to nest farther than 300 feet from suitable aquatic habitat. Monitoring pond turtles after they're relocated to suitable habitat is not necessary to reduce the impact to a less-than-significant level because the probability of their survival would not be reduced by relocating them to equally suitable habitat away from development. Therefore, the project would not substantially affect the distribution, breeding productivity, viability, or the regional population of western pond turtles.

To clarify that the mitigation measure is intended to relocate turtles to equal- or better-quality habitat than the affected habitat, and to protect eggs and hatchlings as well as adult turtles, Mitigation Measure 4.4-5a on page 4.4-59 of the Draft EIR is revised as follows:

> **Western Pond Turtle**
> Before ground disturbing activities, project proponents shall retain a qualified biologist to determine whether the potential project site contains suitable habitat for western pond turtle. For projects or ground-disturbing activities (including any required off-site improvements) with potential to disturb suitable aquatic or adjacent upland habitat for western pond turtle, the following measures shall be implemented.
>
> - Within 24 hours before beginning construction activities within ~~200~~ 300 feet of suitable aquatic habitat for western pond turtle, a qualified biologist shall survey areas of anticipated disturbance for the presence of western pond turtle, including eggs and hatchlings. The construction area shall be re-inspected whenever a lapse in construction activity of two weeks or more has occurred. If pond turtles or their eggs are found during the survey or observed within the construction area at any other time, they shall be relocated by a qualified biologist, outside of the area of disturbance, to the nearest area ~~with~~ of suitable aquatic habitat of equal or better quality as the affected habitat. ~~and~~ CDFW will be notified of the discovery and relocation of any western pond turtles.
>
> - If western pond turtle nests are found in the disturbance area during preconstruction surveys, a 300-foot no disturbance buffer shall be established between the nest and any areas of potential disturbance. Buffers shall be clearly marked with temporary fencing. Construction will not be allowed to commence in the exclusion area until hatchlings have emerged from the nest, or the nest is deemed inactive by a qualified biologist. When hatchlings emerge from the nest, they shall be relocated by a qualified biologist to suitable aquatic habitat outside of the area of disturbance.

16-6 The comment states that Draft EIR does not analyze potential impacts to all 10 plant species and 42 animal species identified in the biological resources setting section as known or having potential to occur in the region. Some of these species were ruled out from potentially occurring in the project area because it lacks suitable habitat for these species, because the project area is outside of the species' limited range, or other reasons as specified in Tables 4.4-2 and 4.4-3.

The comment further states that Draft EIR's analysis of impacts to western spadefoot is insufficient. A full analysis of potential impacts to western spadefoot is provided on pages 4.4-44 through 4.4-46. Surveys for western spadefoot were conducted in the PRSP area in 2005 and none were found. It is not necessary to conduct surveys for western spadefoot prior to finalizing the Draft EIR and is appropriate to conduct surveys prior to implementing individual development projects because wildlife species are dynamic. Even if surveys were conducted now, and the species was not found, it would be necessary to conduct preconstruction surveys at the time of future project implementation because suitable habitat is present and the SAP area is within the species' range.

Regarding impacts to wildlife species from night lighting, see response to comment 71-4.

16-7 The comment states the Draft EIR fails to identify and assess impacts to vernal pool plant species and dependent insect species.

There are no special-status bee species identified as potentially occurring in the area so the Draft EIR is not required to analyze impacts on bees. The dwarf downingia occurrence previously found in the PRSP area is small and disjunct from other downingia occurrences and therefore does not provide a significant source of nectar that would sustain a specialist pollinator. Since this species occurs in preserve areas within and adjacent to the SAP area, there would already be a source of nectar for the pollinator in those areas. The impact mechanism for loss of dwarf downingia in the planned development areas of the SAP area is not loss of pollinators but direct removal of dwarf downingia.

It is appropriate to delay any additional special-status plant surveys to the blooming period right before implementing individual development projects because the distribution of special-status plants can change over time. Past surveys found one special-status plant species in one vernal pool in the PRSP area and two special-status plant species in portions of the net SAP area that have already been preserved as part of the PCCP. These species could have spread to other vernal pools in the SAP area (including the PRSP area) or could have disappeared. Any survey is a snapshot in time. Considering the long planning horizon of the SAP (including the PRSP), special-status plants present in the SAP area today could shift in their abundance and distribution such that occupation changes prior to future independent development projects being implemented. For these reasons, surveys right before project implementation would be required anyway. Special-status plants can be extirpated naturally as a result of drought, climate change, or stochastic events, or as a result of non-development-related land management changes implemented by landowners (e.g., changes in agricultural practices).

16-8 The comment summarizes the CEQA requirements to maintain the administrative record and reminds the County of its obligations to maintain and preserve all documents and communications that may be part of the administrative record. Under CEQA, the administrative record (formally called the "record of proceedings") constitutes the entire body of evidence presented to the decision-making agency and considered, either directly or indirectly (through staff), by the agency in making their decision on a project. PRC Section 21167.6 presents the CEQA requirements, including who is responsible for preparing the administrative record, what items should be included, and when it should be prepared. The County is familiar with these requirements, having prepared numerous administrative records for previous projects, and adheres to these requirements for this and other County projects going through the CEQA environmental review process.

The comment also states that the Draft EIR identifies numerous significant and unavoidable impacts, but does not include feasible mitigation; therefore, the comment states that the project should not be approved in its current form. However, for the reasons discussed under responses to comments 16-1 through 16-7, the analysis is adequate and no changes to the Draft EIR are necessary in response to this comment.

LAW OFFICE OF
MARCUS J. LO DUCA
A Professional Corporation

Letter 17

MARCUS J. LO DUCA

February 22, 2019

Ms. Shirlee Herrington
Environmental Coordination Services
County of Placer
Community Development Resource Agency
3091 County Center Drive
Auburn, CA 95603

Re: Draft Environmental Impact Report for the Sunset Area Plan and Placer Ranch Specific Plan (State Clearinghouse No. 2016112012)

Dear Ms. Herrington:

This office represents CP 3500 Cincinnati, LLC and CP 3500 BLDG I, LLC, owner and builder/developer of the approximately 182 acre Placer Gold Industrial Park in the Sunset Industrial Area Plan (SIAP) at the northern terminus of Cincinnati Avenue. Taking over the empty shell of the former Formica building in the middle portion of the property, my client has expended in excess of $22 million to renovate and re-lease the former Formica building and construct the initial portions of the Placer Gold Industrial Park (PLN14-00138), approved on July 14, 2016. My client has completed the initial four lots in the Placer Gold project, including design review for the Lot 4 building, which building my client can now proceed to pull building permits for, as well as constructed the initial portion of the extension of Cincinnati Avenue into the project, and the western extension of the roadway off of Cincinnati Avenue that my client was required by the County to construct so as to be able to connect with the future Campus Park Boulevard in the Placer Ranch Specific Plan (PRSP).

My client's work to date has resulted in the leasing of all of the former Formica building, with such tenants as Consolidated Communications, JD2 Structures, 24HR Recreational Storage, SGX, and Airwolf, not to mention my client locating his own offices in the building. Thus, my client has a very keen and vested interest in the Sunset Area Plan (SAP), including the PRSP. My client is generally supportive of the County's

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efforts in updating the SIAP, but has several comments regarding roadway connections, a change in land use in the eastern portion of the PRSP adjacent to Placer Gold, and mitigation measures set forth in the above-referenced EIR and their potential adverse impact on the ability of my client to continue to bring primary wage earner jobs to Placer County. Our specific comments follow.

Chapter 3 – Project Description

1. Page 3-33, Exhibit 3-11: In the January 2018 version of the Placer Ranch Specific Plan and Sunset Area Plan, the eastern terminus of Campus Park Boulevard connected directly with the western extension of the roadway that the Placer Gold project was required to build directly westward from the current terminus of Cincinnati Avenue. That western extension to Campus Park Boulevard would serve as a second point of access for the Placer Gold project, allowing more than the 460,000 square feet of industrial space on the property that is currently allocated without such second point of access, which limitation is the result of current roadway capacity issues in the eastern portion of the SIAP. Now, with the December 2018 version of the PRSP, that eastern portion of Campus Park Boulevard has swung northward by roughly 800 feet, so that now there is no connection to the Placer Gold roadway extension. This constitutes a significant change in the circulation plan for the Net SAP area, which does not appear to have been analyzed in the DEIR. Again, the County required the Placer Gold project to extend that roadway due west to connect to the future Campus Park Boulevard, which construction my client has nearly completed to a terminus in a cul-de-sac for future extension to the PRSP. My client cannot swing the roadway northward without significantly impacting biological resources and losing significant land for development, a particularly unacceptable result given that my client has already had to give up 12 acres at the northwestern corner of the property for Placer Parkway. We request that Campus Park Boulevard be relocated to where it was shown in the January 2018 version of the PRSP. 17-1

Chapter 4.3 – Air Quality

1. Page 4.3-39, Mitigation Measure 4.3-3c: For the Net SAP area, this measure calls for payment of an off-site mitigation fee equivalent to $0.86/square foot of non-residential space that is separate from the PCAPCD's current ROG and NOx off- 17-2

site mitigation fee. This additional fee of nearly $1.00 per square foot is a substantial burden on any industrial development in the SAP, and may well preclude further such development in approved and existing projects in the SIAP, seeming to conflict directly with one of the objectives for the SAP stated on page 3-6 of the Project Description to preserve the viability of industrial and large-scale manufacturing operations in the Sunset area. We question the requirement for a second off-site air quality mitigation fee when a substantial one is already required by the PCAPCD to allow applicants to mitigate their air quality impacts.

2. Page 4.3-46, Mitigation Measure 4.3-5a: This measure calls for, among other requirements, that developments be designed so that truck loading/unloading facilities and sensitive receptors are not located within 1,000 feet of each other, which facilities are defined to include truck distribution yards, truck loading docks, or truck loading or unloading areas. My client has an approved project and industrial zoning and land use designations, not to mention significant development already constructed in the Placer Gold project. Unlike the January 2018 version of the PRSP, which had Campus Park land use in the PRSP adjacent to the western portion of Placer Gold, the December version of the PRSP has now located Low Density Residential land uses adjacent to the western boundary of my client's property, and much closer than 1,000 feet away, even with the landscape buffer shown in the PRSP adjacent to my client's property. This new requirement on the Net SAP area could have a very direct, adverse impact on future industrial development in the Industrial Infill District of the SAP, and we ask that this measure be deleted for properties in the Industrial Infill District adjacent to the PRSP. Moving sensitive receptors next to long-designated and zoned industrial properties, and then making those industrial properties mitigate what the residential properties might object to, runs directly contrary to the stated objectives and goals of the SAP and over two decades of County policy.

17-2 cont.

Chapter 4.7 – Greenhouse Gas Emissions

1. Page 4.7-21, Mitigation Measure 4.7-2b: This mitigation measure, on top of the additional off-site mitigation fee of $0.86/square foot in Mitigation Measure 4.3-3c, is based on guidance from the PCAPCD and the California Air Resources Board, but is not required to be implemented by Placer County. This measure represents yet another burden on industrial developments like Placer Gold as

17-3

they look to compete with other parts of the region and other states to bring primary wage earner jobs to Placer County. 17-3 cont.

Chapter 4.10 – Land Use

1. Page 4.10-12, Impact 4.10-1: There is no discussion here of the potential land use incompatibility created by moving Low Density Residential uses in the PRSP adjacent to industrial properties in the existing SIAP such as my client's Placer Gold project. That impact needs to be analyzed. 17-4

Chapter 4.13 – Public Services

1. Page 4.13-27, Mitigation Measure 4.13-1a: Currently, development in the SIAP is subject to the special taxes in CFD 2012-1 for fire services. It is not clear from the DEIR if that CFD, to which Placer Gold was required to annex into, satisfies this mitigation measure, or if this is yet another layer of a CFD for fire service in the proposed SAP! 17-5
2. Page 4.13-30, Mitigation Measure 4.13-2: The DEIR calls for all new development in the PRSP and Net SAP area to fund law enforcement services through a CFD or CSA, but nowhere in the DEIR or its appendices is an analysis of the significant property tax revenues that would be generated by new non-residential development, and how those revenues would offset the cost of providing services such as law enforcement. 17-6
3. Page 4.13-40, Mitigation Measure 4.13-8: The DEIR calls for all new development in the PRSP and Net SAP area to fund road maintenance through a CFD or CSA, but again, nowhere in the DEIR or its appendices is there any analysis of the significant property tax revenues that would be generated by new non-residential development, and how those revenues would offset the cost of providing road maintenance services in the SAP. 17-7

My client has spent millions of dollars and many years bringing primary wage earners jobs to the SIAP, on a property served by water and sewer infrastructure, as well as rail service. The Placer Gold project is one of the few projects in the SIAP that has brought in significant new employers into the SIAP, and our comments herein are intended to help allow my client and the County to continue to be competitive in the region and the nation in attracting employers to the SIAP . 17-8

Thank you for the opportunity to comment on the DEIR.

Very truly yours,

LAW OFFICE OF MARCUS J. LO DUCA
A Professional Corporation

Marcus J. Lo Duca

Cc: CP 3500 Cincinnati, LLC
CP 3500 BLDG I, LLC

Letter 17	CP 3500 Cincinnati, LLC, and CP 3500 BLDG I, LLC Marcus J. Lo Duca, Law Office of Marcus J. Lo Duca February 22, 2019

17-1 The comment expresses concern regarding the alignment of the eastern terminus of Campus Park Boulevard within the PRSP area. The Campus Park Boulevard alignment illustrated in Exhibit 3-11 is conceptual in nature in that the actual precise alignment will be determined with implementation of the PRSP. To ensure Campus Park Boulevard is aligned to connect with Campus Park Boulevard infrastructure already constructed as part of the Placer Gold project to the east of the PRSP area, a Condition of Approval has been added to the PRSP Tentative Large Lot Map.

17-2 The comment suggests that the off-site mitigation fee required by Mitigation Measure 4.3-3c may be a substantial burden on developers and that such requirement would make the mitigation measure infeasible. The comment does not provide evidence that this fee is financially infeasible. The comment questions the need for a second off-site air quality mitigation fee for the project; however, these fees would offset the impacts of the project's air pollutant and greenhouse gas emissions. The available on-site mitigation is insufficient to reduce project-generated emissions below PCAPCD's thresholds, off-site mitigation is preferred by PCAPCD in the form of contributions to the Offsite Air Quality Mitigation Fund. This mitigation is considered feasible by PCAPCD. This comment is noted and will be considered by decisionmakers in determining whether mitigation is feasible.

The comment discusses an approved industrial project in the SAP that would be inconsistent with Mitigation Measure 4.3-5a because new residential development could occur within the identified 1,000-foot buffer. To clarify, currently approved projects would not be subject to the mitigation required by this Draft EIR. The County has revised Mitigation Measure 4.3-5a, as follows, to address currently planned industrial expansions in the net SAP area and to provide specific measures for residential development that may be proposed near existing/planned industrial development:

Mitigation Measure 4.3-5a: Incorporation of design features ~~at truck loading areas~~ to reduce health-risk exposure at sensitive receptors (Net SAP Area and PRSP Area)

~~Before Design Review approval~~ Prior to Design Review approval and/or issuance of grading permit, ~~project proponents shall design developments~~ new development shall be designed so that truck loading/unloading facilities ~~and sensitive receptors~~ are not located within 1,000 feet of ~~each other~~ existing or planned sensitive receptors, if feasible considering site design parameters. Existing or previously approved industrial/commercial development, including any development within boundaries of existing industrial parks, are not subject to this mitigation measure. For the purpose of this mitigation measure, a truck loading/unloading facility is defined as any truck distribution yard, truck loading dock, or truck loading or unloading area where more than one truck with three or more axles will be present for more than 10 minutes per week, on average; and sensitive receptors include residential land uses, campus dormitories and student housing, residential care facilities, hospitals, schools, parks, playgrounds, or daycare facilities. A truck loading/unloading facility ~~and a sensitive receptor~~ can be located within 1,000 feet of ~~each other~~ a sensitive receptor only if ~~a project proponent~~ the project applicant prepares a qualified, site-specific HRA showing that the associated level of cancer risk at the sensitive receptors would not exceed 10 in 1 million. The HRA shall be conducted in accordance with guidance from PCAPCD and shall be approved by PCAPCD. If the HRA determines that a nearby sensitive receptor would be exposed to an incremental increase in cancer risk greater than 10 in 1 million then design measures shall be incorporated to reduce the level of risk exposure to less than 10 in 1 million. Design measures may include but are not limited to the following:

- Implement Mitigation Measure 4.3-3a, which requires all truck loading/unloading facilities to be equipped with one 110/208-volt power outlet for every two-truck loading/unloading facility. A minimum 2-foot-by-3-foot sign shall be clearly visible at each loading dock that indicates, “Diesel engine idling limited to a maximum of 5 minutes.” The sign shall include instructions for diesel trucks idling for more than 5 minutes to connect to the 110/208-volt power to run any auxiliary equipment. This measure is recommended in PCAPCD’s *CEQA Handbook* (PCAPCD 2017a) and is also consistent with measure VT-1 in the CAPCOA guide (CAPCOA 2010:300–303).

- The use of electric-powered “yard trucks” or fork lifts to move truck trailers around a truck yard or truck loading/unloading facility.

- The use of buildings or walls to shield commercial activity from nearby residences or other sensitive land uses.

- The use of EPA-rated Tier 4 Final engines in diesel-fueled construction equipment when construction activities are adjacent to existing sensitive receptors.

- Plant and maintain a vegetative buffer between the truck loading/unloading facility and nearby sensitive residences, schools, and daycare facilities. As part of detailed site design, a landscape architect licensed by the California Landscape Architects Technical Committee shall identify all locations where trees should be located, accounting for areas where shade is desired such as along pedestrian and bicycle routes, the locations of solar photovoltaic panels, and other infrastructure.

Applicants of residential or commercial development with new sensitive receptors proposed to be located within 1,000 feet of existing and/or planned commercial/industrial facilities that include, or may include, truck loading/unloading facilities, shall prepare an HRA as described above. Design measures identified in the HRA may include but are not limited to the following:

- Redesign the project to increase the distance between sensitive receptors and potential truck loading/unloading facilities;
- Use of upgraded filtration systems in the residential HVAC systems;
- Use of intervening buildings or walls to shield the receptors from the truck loading/unloading facility;
- Plant and maintain a vegetative buffer between sensitive receptors and the truck loading/unloading facilities. As part of detailed site design, a landscape architect licensed by the California Landscape Architects Technical Committee shall identify all locations where trees should be located, accounting for areas where shade is desired such as along pedestrian and bicycle routes, the locations of solar photovoltaic panels, and other infrastructure.

Also see response to comment 17-4, below, for a discussion regarding Placer County General Plan Land Use Buffer Standards.

17-3 The comment suggests that the carbon offset mitigation fee that is required by Mitigation Measure 4.7-2b is burdensome on industrial development and is not required by Placer County but rather is based on guidance from the PCAPCD and the California Air Resources Board (CARB). Placer County is the lead agency under CEQA for this project and must consider all feasible mitigation for significant environmental impacts. Impact 4.7-2 identifies a significant impact that must include all feasible mitigation. In certain instances, the County does not have its own guidance for specific resource areas and relies on resource agencies to provide guidance for available, feasible, and effective mitigation measures. For air pollutant and GHG emissions, the PCAPCD provides the County with such guidance, which has been used in Mitigation Measure 4.7-2b. Additionally, the comment does not provide evidence that the mitigation fee is financially infeasible. The comment will be considered by decisionmakers in determining whether mitigation is feasible.

17-4 The comment asserts that the Draft EIR does not analyze potential land use incompatibility associated with the PRSP's proposed low-density residential uses adjacent to industrial properties in the existing Sunset Area. Impact 4.10-1 describes the PRSP's proximity to existing commercial and industrial uses to the east, where it is mostly undeveloped with some areas of existing commercial and industrial uses and that these areas are planned for eventual commercial and industrial development. Existing industrial structures are located approximately 1,000 feet from planned residential development in the PRSP area. New or substantially expanded industrial projects located in the SAP would be required to comply with SAP policies, including Policy 6.F.11, which states "the County shall apply the buffer standards described in Part 1 of this Policy Document [Land Use/Circulation Diagrams and Standards] and meteorological analyses to provide separation between possible emission/nuisance sources (such as industrial and commercial uses) and residential uses."

Any future development within the PRSP area would be subject to Placer County General Plan Land Use Buffer Standards Section 2m which outlines buffer zones and provisions to be applied for residential development adjacent to industrial. The buffer dimensions state that generally a minimum buffer zone width of 300 feet would be required but may be reduced to not less than 100 feet where the buffer includes landscaping features. These standards would apply to the PRSP residential land use zones that are adjacent to the industrial zones located within the net SAP area to the east. Accordingly, as proposed, the PRSP land use plan includes a 100-foot buffer zone along the eastern residential zone.

The Draft EIR evaluates impacts associated with environmental-related land use conflicts between industrial uses and residential uses (sensitive receptors). For example, Impact 4.3-5 of the Draft EIR specifically evaluates impacts to sensitive receptors associated with sources of Toxic Air

Contaminant emissions (including sources associated with industrial development). To reduce project-related impacts, the Draft EIR identifies Mitigation Measure 4.3-5a which requires developments to be designed such that truck loading/unloading facilities and residential areas are not located within 1,000 feet of each other. The mitigation specifies that truck loading/unloading facilities and residential development may be located within 1,000 feet if the project proponent prepares a qualified, site-specific health risk assessment (HRA) showing that the associated cancer risk at the sensitive receptor would not exceed 10 in 1 million. See Draft EIR page 4.3-46 for more details. Note that Mitigation Measure 4.3-5a has been revised (as shown in response to comment 17-2, above) to address currently planned expansion of existing industrial uses.

17-5 The comment questions whether development in the SAP area currently annexed into CFD 2012-1 for fire services would satisfy the requirements of Mitigation Measure 4.13-1a, or if existing development would be required to annex into another CFD as part of the SAP. Existing development already part of a CFD would not be required to annex into another CFD for the same purpose.

17-6 The comment notes that the Draft EIR does not contain an analysis of property tax revenues that would be generated by new non-residential development, and how those revenues would offset the cost of services, such as law enforcement. Placer County General Plan Policy 4.B.6 requires a fiscal impact analysis be prepared for those projects proposing 100 units or more of residential development. A fiscal impact analysis prepared for both the PRSP area and the net SAP area examined the incremental increase in property tax and other revenues attributable to the planned uses that could be used to offset increased service level costs to serve such proposed development. This comment raises questions regarding the financial aspects of the project, including tax revenue generation. The comment does not raise issues related to environmental impacts or adequacy of the Draft EIR.

17-7 The comment notes that the Draft EIR does not contain an analysis of property tax revenues that would be generated by new non-residential development, and how those revenues would offset the cost of providing road maintenance. See response to comment 17-6.

17-8 The comment notes that the Placer Gold Industrial project located to the east of the PRSP area has provided significant investment to the SAP area and brought employers to the region. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration.

LEGAL SERVICES of NORTHERN CALIFORNIA

Letter 18

February 22, 2019

Placer County Planning Commission
3091 County Center Drive, Suite 190
Auburn, Ca. 95603

Re: Sunset Area Plan & Placer Ranch Draft Environmental Impact Report

Dear Planning Commission Members:

On behalf of our clients, thank you for this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Sunset Area Plan/Placer Ranch Specific Plan (SAP/PRSP).

Legal Services of Northern California is the non-profit corporation providing free civil legal aid for low-income residents of Placer County. As a result of our caseload demand in Placer County, we have come to recognize that the lack of affordable housing has created a housing crisis for our clients. In addition, it negatively impacts our community in many ways. These comments will focus on the affordable housing aspects discussed in Section 4.12 of the DEIR.

1. The DEIR should specify that compliance with the County's housing policies is a required mitigation measure.

The population and housing sections in most specific plan EIRs approved by the County used the County housing policies as a mitigation measure to reduce the potential impact of the project to less than significant. The PRSP DEIR proposes to adhere to County housing policies, and concludes at Impact 4.12-2 that because of this consistency the project impact would be less than significant. For purposes of consistency with the County's past practices the PRSP DEIR should incorporate the County policies as mitigation measures. 18-1

2. The need for affordable housing should be recognized and address in the DEIR.

The plan acknowledges that the County is obligated to provide enough land to meet the SACOG fair share housing allocation of 5,031 units. However, it fails to specify that 3,258 of these units should be affordable to very low, low, and moderate-income households, and that only 193 units have been built in these income categories during this planning period. As a result, it is imperative that the PRSP make specific provisions for the commitment to develop affordable housing. 18-2

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A Legal Services Corporation Program LSC

At page 4-12-11, the DEIR states that in the PRSP area, 10 percent of housing would be affordable as required by the County's Housing Element, and that the additional 8,094 proposed units would likely meet the County's RHNA allocation. However, without specificity, there can be no guarantee that the plan will meet the RHNA allocation for *affordable housing* or comply with the Housing Element. On its face, compliance with the Housing Element would produce 809 affordable units in the SAP (10% of the total), which would not meet the RHNA allocation for affordable housing, nor would it meet the actual need for affordable housing. Regardless, the 10% contribution would be significant and the project should commit to the actual construction of the affordable units. 18-2 cont.

3. Location of Affordable Housing in the project should be identified.

The DIER must specifically state the anticipated location and timing for the affordable housing development. The decisions regarding these specifics must be stated in the current DEIR and not deferred to a later date.

As referenced in the DEIR (p. 4-12-7), the Housing Element requires that the affordable housing be constructed on-site and dispersed throughout the project to the extent possible. The DEIR does not specify the location of the affordable units. In addition, the DEIR should indicate the location of proposed affordable housing in relation to the disposal site (WRSL), flood plains areas, and infrastructure and transit sites. The plan does not identify the location of the infrastructure and transit sites. This information is critical, because the proximity to these sites will play a critical role in determining whether the affordable housing will meet the governmental requirements to qualify for supportive funding, which will determine whether the affordable housing is built and the level of affordability. 18-3

Impact 4.3-6 at Table 2-1 of the Executive Summary identifies that the project will create objectionable odors affecting a substantial number of people. The project proposes an amendment to the County General Plan Policy 4.G.11 which reduces the 1-mile buffer for residential uses around the WRSL to 2000 feet, and subject to approval, to 1000 feet. The record shows that the County Air Quality Agency has already received approximately 300 complaints about the odor from the WRSL, and the summary concludes that there will be an increase in complaints from new residents. This is a significant environmental impact that should be mitigated. In addition, location of the proposed affordable housing should be identified to insure that it would be dispersed throughout the project area and not concentrated near the WRSL. Concentration of housing near the WRSL would affect the ability of affordable projects to qualify for funding and would constitute environmental discrimination by requiring affordable residents to bear the brunt of this significant impact.

4. Timing of the affordable housing development must be specified.

The Housing Element at Police B-6 requires that affordable housing must be developed in a timely manner with the market-rate units in the project to avoid delaying the construction of the affordable units to the end of the project. The DEIR must specify the time frame for the construction of the affordable units to comply with this policy. Failure to do so could result in the delay of the affordable units, which could in turn result in a barrier to construction due financial obstacles and neighborhood opposition, including litigation, from the residents of the market rate units. 18-4

5. The jobs to housing ratio should be analyzed.

The jobs to housing ratio discussed at Impact 4.12-1 concludes that the buildout of the SAP and PRSP areas would result in 55,760 new jobs, and that the projects will add more than seven jobs for each dwelling unit. The DEIR concludes that this will improve the jobs-to-housing ratio in Placer County. However, the DEIR does not analyze whether the salaries from the newly created jobs would be sufficient to allow the workers to afford the housing created in the project. Without this analysis, one cannot determine whether the project 18-5

improves the jobs-to-housing balance, or merely creates another community where workers are required to commute into the project area, because they cannot afford to live there. 18-5 cont.

6. Density Bonus obligations must be specific and explained.

The Specific Plan for this project included a density bonus granted by Placer County. However, the DEIR does not spell out the developer's obligations, especially with respect to affordable housing, stemming from the density bonus. These specifics need to be spelled out. 18-6

Please take these comments into consideration. If this project is properly planned and implemented, it holds the potential to provide many positive contributions to Placer County, especially by helping to mitigate our affordable housing crisis. Thank you for this opportunity to comment on this project.

Sincerely,

W. H. Whitaker

Managing Attorney

Letter 18	W.H. Whitaker, Managing Attorney, Legal Services of Northern California (representing unidentified clients) February 22, 2019

18-1 The comment suggests incorporating applicable housing policies into mitigation measures. Applicable Placer County General Plan Housing Element policies are identified on page 4.12-7 of the Draft EIR, including Policies A-4, A-5, B-4, and B-13. County General Plan policies have been approved by the Board of Supervisors, and the County implements its General Plan policies. General Plan policies do not need to be adopted as mitigation measures in order to be successfully implemented. No revisions to the Draft EIR are necessary.

18-2 The comment states there is no guarantee the plan would comply with the RHNA allocation for affordable housing or that the PRSP would make specific commitments to develop affordable housing. Section 3.4.2 of the Draft EIR identifies that one of the primary objectives of the PRSP is to meet regional housing needs allocation. As described in Section 4.12.2 of the Draft EIR, the SAP/PRSP would aid Placer County in achieving the County's obligation to provide enough land with densities to accommodate the County's assigned fair share of the region's housing needs by designating districts with densities of 30 dwelling units/acre. General Plan Housing Element Policies B-4 and B-15 requires 10 percent of the housing inventory within the Specific Plan to be restricted to affordable rates and constructed within the project area.

18-3 The comment requests the EIR identify the anticipated location for affordable housing and suggests the locations of affordable housing in relation to floodplains, public transit, and concentration of affordable housing near the landfill, could affect the project's ability to qualify for governmental supporting funding. The comment further states that odor impacts related to the reduction of the County's existing 1-mile buffer for development near the landfill is a significant environmental impact that should be mitigated.

As described in Section 6 of the PRSP, the project's affordable housing obligation is 564 units. The anticipated location of affordable housing would be dispersed within the residential zone districts as shown in Exhibit 3-1. The affordable housing sites are located ¾ mile and more away from the active landfill site. Exhibit 3-6 shows the locations of affordable housing in the PRSP area.

With regard to floodplains, existing Placer County natural resources protections and Draft EIR Mitigation Measures 4.9-5a, 4.9-5b, and 4.9-5c effectively prohibit disturbance and placement of habitable structures in the 100-year floodplain.

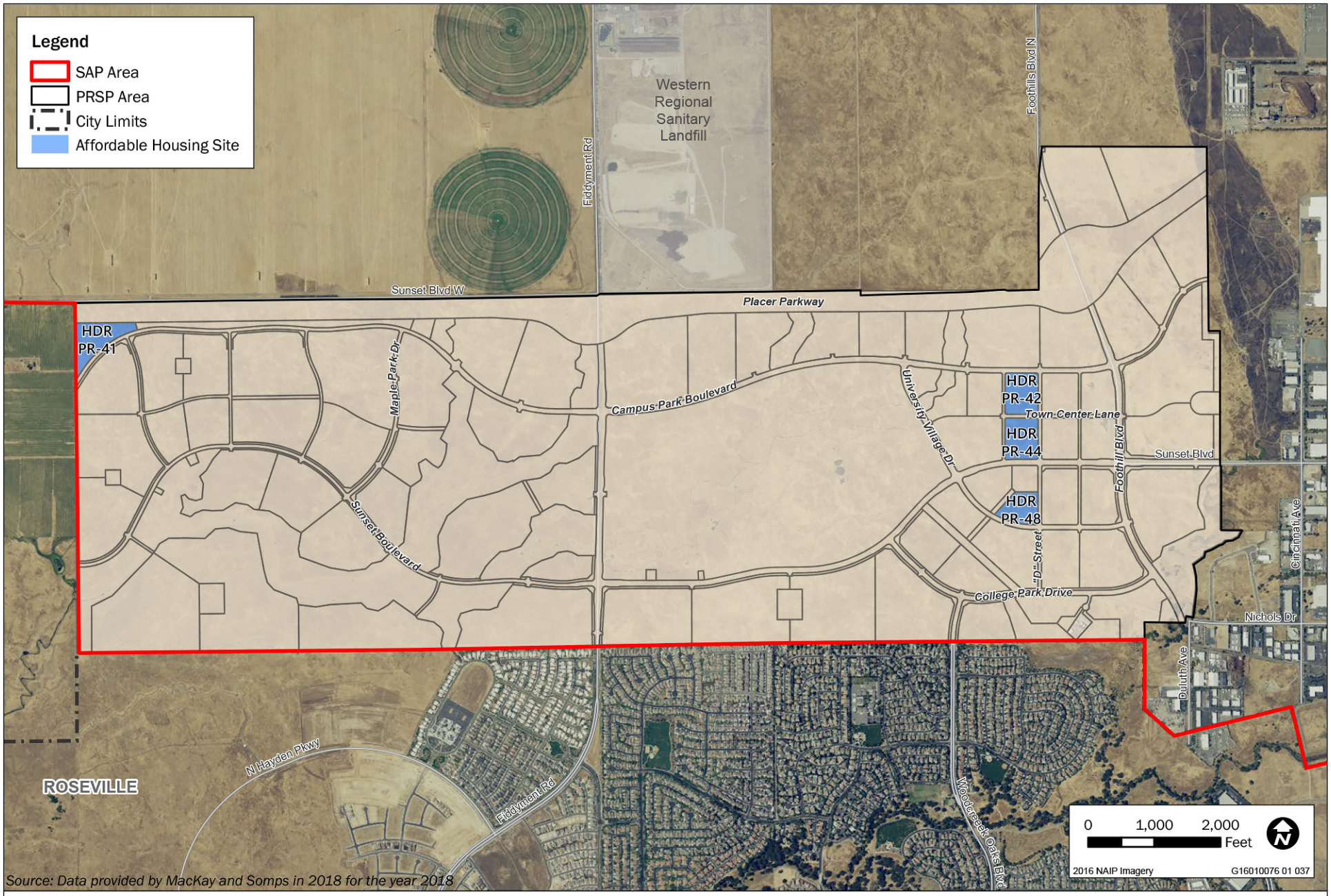
With regard to infrastructure and transit, see Draft EIR Exhibits 3-15 through 3-24, which show locations of roads, traffic control, bicycle/mobility features, public transit facilities, potable water infrastructure, recycled water infrastructure, wastewater infrastructure, stormwater drainage infrastructure, electrical infrastructure, and infrastructure located outside the PRSP area. Also, in Chapter 9 of the PRSP, Figures 9-1 through 9-5, show identified locations of utilities and infrastructure within the PRSP area. Similarly, Chapter 7, Figure 7-11, identifies the location of public transit routes and stops along arterial streets throughout the PRSP area, including Campus Park Boulevard, Sunset Boulevard, Fiddyment Road, and Foothills Boulevard.

With regard to odor, the Draft EIR includes analysis of odors in three different sections: 4.3, "Air Quality"; 4.10, "Land Use"; and 4.15, "Utilities." The Draft EIR identifies mitigation measures to reduce odors, specifically Mitigation Measure 4.10-2. Also, see Master Response 4: Odors. Note that the master response includes an additional mitigation measure to further address odor impacts. It should be noted that landfill proximity, itself, as well as exposure to odors, are not considerations with respect to HUD funding for affordable housing.

18-4 The comment requests the timing for construction of affordable housing be provided. Project-specific timing and triggers identifying affordable housing construction requirements are established in the PRSP Development Agreement and would not inhibit the timing for construction of affordable units, consistent with Housing Element Policy B-6. Exhibit 3-6 shows the locations of affordable housing in the PRSP area.

18-5 The comment states that the Draft EIR does not analyze whether the salaries from the newly created jobs would allow the workers to afford housing created in the project area, and, therefore, it is unclear whether the project would improve the jobs-to-housing balance. The Sacramento region's labor force is composed of employees with a range of skills and experience who receive compensation commensurate with their skills and experience and aligned with the region's labor force demands and cost of living. The SAP is being planned to include a variety of nonresidential land uses with future employers offering retail, office, and industrial employment opportunities requiring a range of skills and experience. At this time, specific employers and employment opportunities in the project area are unknown. However, future employers in the project area will compete with other employers in the region. Thus, it will be necessary for these employers to offer competitive wages to successfully attract employees from the region's labor force.

18-6 The comment suggests that the Draft EIR provide the specific additional obligations for affordable housing stemming from the project's density bonus. The County has not granted a Density Bonus to the project, although, as described in Section 6.C of the PRSP additional units may be assigned to the PRSP in accordance with Placer County Zoning Ordinance 17.54.120. Development that occurs within the PRSP area may propose to utilize residential density bonuses and incentives consistent with provisions of California Government Code Section 65915, without requiring an amendment to the PRSP.



Source: Data provided by MacKay and Somps in 2018 for the year 2018

Exhibit 3-6 **Affordable Housing Locations in PRSP Area**

PLACER ATHENS LP/PLACER ATHENS II LP

Letter 19

February 12, 2019

Ms. Shirlee Herrington
Environmental Coordination Services
County of Placer
Community Development Resource Agency
3091 County Center Drive
Auburn, CA 95603

RE: Sunset Area Plan/Placer Ranch Specific Plan Draft EIR

Dear Ms. Herrington:

Placer Athens LP and Placer Athens II LP own 400 acres east of the 180-acre buffer property to the Western Placer Regional Landfill. Our property has been designated for urban non-residential land use (Industrial) under the Sunset Industrial Area Plan (SIAP) since that plan's adoption in 1997, with Industrial Park zoning on a portion of our property. Since acquiring the property in 2002, we have been challenged in seeking to develop our property under the SIAP due to the lack of available infrastructure in the plan area. The infrastructure needed to allow development to move forward is of such a magnitude that no individual project can bear the costs of such infrastructure. We have been anxious for infrastructure planning in the area to proceed that would fairly and equitably spread the costs of necessary infrastructure among the various properties in the SIAP, so no individual property owner has to bear the burden of mitigating someone else's impacts.

As long-time property owners in the plan area, we have been supportive of the County's plans to update the SIAP and re-focus land use planning in the area under the proposed Sunset Area Plan (SAP). The SAP proposes on most of our property to be designated Innovation District, along with our northeastern corner to be designated Entertainment Mixed Use. While supportive of the SAP and what it can do to help spur development in the plan area, we have serious concerns with several provisions of the Draft EIR for the SAP and the Placer Ranch Specific Plan. Our concerns fall into two areas: mitigation for the landfill operational issues, and new burdens placed on development in the SAP. In the first case, the mitigation discussed in one area of the Draft EIR would in essence result in the taking of our property to mitigate another property owner's impacts. In the second case, the additional burdens being placed on future development in the SAP could well undermine the ability to develop the type of projects that the County and property owners want to see built in the SAP. 19-1

As well documented in the Draft EIR, the Western Placer Regional Landfill is the source of significant and unmitigated odor issues in the SIAP and surrounding area, which impacts affect the ability of property owners such as ourselves to be able to develop our properties. While the Draft EIR suggests on page 4.3-52 several mitigation measures that the Waste Management Authority could

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implement to begin to address significant odor impacts from the landfill and composting operations, the Draft EIR notes that such measures are outside the County's control, and so the impacts are significant and unavoidable. While the Draft EIR discusses briefly at page 4.3-11 future landfill operations, the text only in passing notes that the Waste Management Authority is considering expansion of its operations either to the west of the existing landfill operations or to the east of such operations, to property purchased in 2009 by the Waste Management Authority as buffer land. That buffer land lies immediately to the west of our property. The proximity only makes the suggested mitigation on page 4.10-18 of the Draft EIR that much more ominous. Mitigation Measure 4.10-2 in its Landscape Design measures states "require a landscape buffer zone on all land uses adjacent to the WRSL." In other words, the Draft EIR recommends externalizing the buffer from the operations of the landfill to other property owners such as ourselves.

The requirement for surrounding property owners such as ourselves to have to mitigate the impacts of the landfill's operations flies in the face of legal prohibitions against precisely the concept of externalizing the impacts of a project onto other property owners. The Waste Management Authority has to mitigate its own impacts. When the Authority purchased the property adjacent to our property in 2009, we believed that the Authority was buying the land to buffer the impacts of its operations. Now, one option being studied by the Authority is to expand the landfill operations eastward onto to its acquired buffer land property. And the County's SAP Draft EIR is compounding the impact of such a proposal by placing mitigation on properties in the SAP to buffer the operations of the landfill on our property. Such an externalized buffer renders that part of our property useless and undevelopable. As such, the measure serves to take our property to provide a buffer for the impacts of another property owner's project. We cannot and will not accept such a measure. We therefore request that this measure be deleted from the EIR in the Final EIR.

19-1 cont.

The second area of concern with the Draft EIR has to do with additional community facilities district requirements for properties in the SAP to finance ongoing costs of various government services. Properties in the SIAP are already required to join CFD No. 2012-1 to fund fire services in the SIAP, but the Draft EIR calls for adding to the services funded by such a CFD to include law enforcement (Mitigation Measure 4.13-2 on page 4.13-30), library services (Mitigation Measure 4.13-4, page 4.13-35), and road maintenance (Mitigation Measure 4.13-8, page 4.13-40). Yet, nowhere in the Draft EIR is found any discussion of the property taxes that non-residential development that can be built on our property can generate to offset any costs on law enforcement, libraries and road maintenance. Such measures placed on properties in the SAP can serve to place the SAP area at a significant competitive disadvantage compared to other areas in the greater Sacramento region. We ask the County to include a fiscal study of the expected revenues to be generated by new non-residential development in the SAP, both one-time revenues and ongoing property tax and sales tax revenues. Then the County can determine the costs of such services that will be paid for by future non-residential development through the property taxes and sales taxes from such development, thereby allowing the County to eliminate the layering of CFD costs on non-residential development in the SAP as currently proposed.

19-2

Thank you for the opportunity to comment on the Draft EIR.

Sincerely,

Tim Kwan Daniel Lee

Letter 19	Placer Athens LP/Placer Athens II LP Tim Kwan and Daniel Lee February 12, 2019

19-1 The commenters claim that the mitigation proposed in the Draft EIR would result in a taking of their property. In accordance with State CEQA Guidelines Section 15126.2(a), "[a]n EIR shall identify and focus on the significant effects of the proposed project on the environment." Section 15358(b) notes that "[e]ffects analyzed under CEQA must be related to a physical change." The comment regarding takings can be considered by decisionmakers, but such an impact is outside the scope of the EIR; therefore, no revisions have been made to the Draft EIR in response to this part of the comment.

The commenters also note "significant and unmitigated odor issues in the [Sunset Industrial Area Plan] and surrounding area" and then discuss mitigation measures proposed in the Draft EIR. To clarify, mitigation in the Draft EIR is for impacts that would result from the proposed project. The mitigation is not to address existing odor issues associated with the WRSL. See Master Response 4: Odors for a discussion of mitigation of impacts related to the project and the WRSL. See also Master Response 9: Mitigation and Development Fees.

19-2 The comment questions the need for additional community facilities district requirements and requests the County to provide a fiscal study of the expected revenues to be generated by new non-residential development. See response to comment 17-6.

Letter 20

Placer Community FOUNDATION

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February 20, 2019

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Ms. Shirlee Herrington, Environmental Coordination Services
Placer County, Community Development Resources Agency
3091 County Center Drive, Ste. 190
Auburn, CA 95603

RE: Comments- Draft EIR for the Proposed Sunset Area Plan/Placer Ranch Specific Plan Project

Dear Ms. Herrington:

Thank you for allowing the community to give comment to the above mentioned project. As you know, the County has severe shortage of affordable workforce housing and given the nature and size of this project, affordable housing should be prioritized.

Although high density doesn't necessarily mean affordable, why was the number of high density residential units reduced from the original plan?

The EIR fails to provide a detailed jobs/housing balance analysis that evaluates whether the plan provides sufficient housing to accommodate the salaries of the new workforce in the plan area

The EIR states the plan will comply with the County's requirement of providing 10 percent of residential units in specific plans be affordable But the EIR doesn't provide specifics on how it will implement housing policies B-4, B-6, and B-13. Will the affordable units be spread throughout the different subdivisions or concentrated in one area?

The EIR should clarify that Student housing will not count towards the developments affordable housing requirements

20-1

In-lieu fees should not be permitted for a project of this size and scope. Further, a nexus study to determine fee in lieu has not been adopted by the Board of Supervisors.

The project's impact to affordable housing will be significant and housing element policy should be used as a mitigation measure to help reduce the severity of this impact. As required by Government Code 65454, a specific plan needs to be consistent with the county's general plan. This project should be consistent with other project EIRs in the County.

Given the challenges of constructing affordable housing and the subsidies needed to get units constructed, affordable units should receive priority for access to infrastructure, transit and should not have the additional costs associated with being located in the flood plain.

It doesn't appear that any land has been set aside for future light rail or some form of mass transit (other than bus stops). Which is also necessary to meet the needs of residents in affordable housing.

Is the housing density high enough to support rapid transit?

20-1 cont.

We appreciate the opportunity to comment.

Sincerely,



Veronica Blake, CEO
Placer Community Foundation
PO Box 9207
Auburn, CA 95604

VB/fd

Letter 20	Placer Community Foundation Veronica Blake, CEO February 20, 2019

20-1 The comment questions why the number of high-density residential units was reduced from previous plan iterations and claims the Draft EIR fails to provide a detailed jobs/housing balance analysis to determine whether the new workforce can afford to live within the project area. The comment further questions how Housing Element Policies B-4, B-6, and B-13 would be implemented and requests the anticipated location for construction affordable housing be identified and that an in-lieu fee should not be permitted for projects of this scale. Additionally, the comment requests clarification that student housing does not count toward the project's affordable housing obligations. Finally, the comment suggests mass transit is necessary for affordable housing residents and questions whether the project's density is high enough to support rapid transit.

This comment raises similar issues as comment letter 18. See responses to comment letter 18. Also, a given housing market comprises households with a range of incomes capable of affording a range of housing costs. Housing markets also contain a range of housing typologies (e.g., size; density; tenure; market-rate; subsidized) to meet different segments of demand. Similar to the Sacramento regional housing market, the project is envisioned to contain housing options at various price points thereby providing a range of housing options that could accommodate a range of salaries. These housing options include single-family homes of mixed densities, high-density multifamily homes, student housing, and subsidized affordable housing.

The project is being planned to include a variety of nonresidential land uses, with future employers offering retail, office, and industrial employment opportunities requiring a range of skills and experience. At this time, specific employers and employment opportunities are unknown but it would be necessary for these employers to offer competitive wages to successfully attract employees from the region's labor force.

Letter 21

PLACER COUNTY

SOLID WASTE LOCAL TASK FORCE

Devin Whittington, Chairman

RECEIVED
FEB 19 2019
CDRA

February 13, 2019

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

Subject: Sunset Area Plan/Placer Ranch Specific Plan Draft EIR (State Clearinghouse No. 216112012)

Dear Board of Supervisors:

The Solid Waste Local Task Force (SWLTF) was established by the Board of Supervisors in 1990 to advise the Board on matters related to solid waste. The SWLTF is an advisory committee which, among other things, reviews and comments on proposed actions, programs, and facilities that affect the management of solid waste and diverted materials in Placer County. Membership of the SWLTF includes representatives from the cities of Roseville, Rocklin, Lincoln, Auburn, and Colfax, Town of Loomis, two franchise waste haulers, landfill and Material Recovery Facility (MRF) operators, the County Board of Supervisors, County Planning Commission, an environmental group, and the general public.

The SWLTF writes to respectfully provide the Board with the following comments on the Sunset Area Plan/Placer Ranch Specific Plan (Project) Draft Environmental Impact Report (EIR). The Project would modify the existing land use buffer standards that apply to solid waste facilities, potentially allowing residential and commercial uses much closer than currently allowed to the Western Regional Sanitary Landfill (Landfill) and MRF.

As described in detail in Chapter 3, "Project Description", the Project proposes an amendment to General Plan Policy 4.G.11, the purpose of which is to protect landfill facilities from incompatible encroachment. The policy currently requires that "new residential land uses…be separated from the property lines of active and future landfill sites by a buffer of one mile, or 5,280 feet." The proposed policy would allow residential development as close as 1,000 feet to the Western Regional Sanitary Landfill (WRSL) with approval of a specific plan, master plan, or a development agreement with certain requirements. Without a specific plan or development agreement, the minimum buffer zone would be 2,000 feet. 21-1

The sensitive receptors that would be developed within the landfill buffer zone would be:

- 5,827 Family homes
- 1 Elementary school
- 1 Middle school
- 1 State University for 30,000 students

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The SWLTF has significant concerns with the proposed modification to the buffer zone and urges the County to maintain and enforce existing General Plan Policy 4.G.11 for the reasons outlined in this letter.

The Landfill and MRF are crucial public facilities.

These facilities are owned and operated by the Western Placer Waste Management Authority (Authority) which is a Joint Powers Authority comprised of County of Placer and the cities of Lincoln, Rocklin and Roseville. They provide the primary waste disposal and recycling services for the majority of Placer County. The MRF has been key in enabling Placer County jurisdictions to comply with state laws, such as AB 939, which mandates jurisdictions divert 50 percent of their waste from landfills or face fines of up to $10,000 per day.

21-1 cont.

Encroaching development could hinder future expansion of Landfill and MRF.

Currently, the Authority is developing future expansion plans for the Landfill and MRF to meet future disposal and recycling needs of the County. The SWL TF asks that you consider this as you approve new specific and area plans in proximity to the landfill. Once incompatible development is in place, it will be considerably more difficult for WPWMA to gain the necessary approvals to expand.

Finding alternative facilities will significantly increase cost impacts on citizens.

If the County is forced to utilize alternative, out of county options for disposal and recycling, it will significantly increase ratepayer costs due to hauling waste longer distances. In addition, complying with extensive new mandates would be difficult as there is a statewide shortage in organics processing facilities and the facilities and programs would be entirely outside local control.

21-2

These concerns are elaborated on in the SWLTF's previously submitted comment letter, dated May 3, 2018, and attached herein.

The current buffer zone was the subject of a court case.

The Task Force strongly requests the County to be mindful of previous litigation regarding the one mile buffer around the landfill. The Placer County General plan was updated in August 2003 and included the one-mile buffer to protect the landfill. The EIR should explain what has changed that enables Placer County to now support a reduction in the buffer whereas they adopted the current one-mile buffer in 2003.

21-3

The following are specific comments on sections of the EIR that we are highlighting for your attention and that support our concerns outlined above:

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Chapter 4.3 Air Quality

1. **Section 4.3.2 Environmental Setting - Odors**

Page 4.3-6 – Odors. The SWLTF supports the EIR's acknowledgement of the ways that odor can impact people, e.g. that "a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache)." The SWLTF urges the County to consider that the Project, by bringing land uses in closer proximity to the landfill, will expose the sensitive receptors listed above to these conditions as part of their daily lives.

Page 4.3-8 – Odors Complaint / Notification History. The SWLTF also supports the County's decision to, while not strictly required to do so, evaluate and draw significant conclusions with respect to impacts of existing odor sources on future residents and visitors. Table 4.3-3 in the EIR lists the number of complaints filed due to odors from year 2012-2017 and Exhibit 4.3-1 illustrates where the complaints originated geographically, the vast majority just beyond the one-mile buffer. This visually demonstrates the extent of additional odor complaints that will originate within that area once the buffer is reduced. The SWLTF urges the County to understand the ramifications of this: in addition to the impact on sensitive land uses, additional complaints can result in violations being issued by Placer County Air Pollution Control District (PCAPCD) and other regulatory agencies which could limit or prohibit waste acceptance at the Landfill and/or MRF.

21-3 cont.

Chapter 4.10 Land Use

1. **Impact 4.10-2: Consistency and compatibility with the Western Regional Sanitary Landfill**

The SWLTF is supportive of, and would like to emphasize, the finding under Impact 4.10-2: Consistency and compatibility with the Western Regional Sanitary Landfill, which concluded with a Significant and Unavoidable Impact finding related to consistency and compatibility of proposed land uses, specifically stating that, "Therefore, with implementation of the proposed amendment to the General Plan landfill buffer requirements, the PRSP would bring residential development closer to the WRSL, which would result in an incompatible use with the WRSL." The SWLTF would like to bring attention to this section and advise the County against reducing the landfill buffer which would place family housing, an elementary school, and a middle school or college within the buffer zone. These are incompatible land uses and would cause conflicts with the current landfill operation. The inherent odors from the landfill, MRF, and compost facility, which include handling of food waste, would adversely affect the public's ability to participate in outside activities if these sensitive receptors were allowed to be built in the current landfill buffer zone.

21-4

As noted on page 4.10-15, the EIR acknowledges that the PCAPCD CEQA handbook recommends a screening distance for sanitary landfill odor impacts of one mile from the landfill.

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Still, the Project proposes to modify the existing land use buffer zone standards that apply to solid waste facilities, potentially allowing residential and commercial uses as close as 2,000 or 1,000 feet, respectively (and potentially as close as 1,000 or 300 feet, respectively, when considered on a project specific basis), to the landfill and MRF. The SWLTF advises the County to heed the PCACD recommendation to maintain a one-mile buffer or explain in the EIR the justification for a reduced buffer.

It is important for the County to understand and acknowledge the ramifications of this land use conflict. As mentioned above, the Authority is developing future expansion plans for the Landfill and MRF to address population increases and meet future disposal and recycling needs of the County. The landfill already receives odor complaints outside the one-mile buffer, as described in the Air Quality chapter of the EIR. The SWLTF asks that you consider this as you approve new specific and area plans in proximity to the landfill. Once incompatible development is in place, it will be considerably more difficult for WPWMA to gain the necessary approvals to expand. Despite the current buffer, the facility receives odor complaints and reducing the buffer standards would increase the number of complaints. Even with mitigation, a certain extent of odors is inherent to solid waste operations, so adequate separation from incompatible uses is necessary to protect the long term viability of critical public facilities. As stated in this section, impacts relative to consistency and compatibility of proposed land uses with the WRSL would be Significant and Unavoidable. The SWLTF agrees with this and recommends against the placement of sensitive receptor development projects in the current buffer zone for the landfill.

21-4 cont.

2. **Mitigation Measure 4.10-2: Require odor control measures of specific plans (PRSP Area and Net SAP Area)**

Among other things, the Mitigation Measure proposes the following:

Deed Notification

"Require written disclosures to initial and subsequent prospective buyers, lessees, and renters of those properties, particularly residential buyers, with information that their respective properties would potentially be subject to objectionable odors from a known nearby odor source. While this specific action would not eliminate complaints, it may reduce the frequency of complaints by those living or working closest to the landfill."

21-5

The SWLTF appreciates inclusion of such a mitigation measure, but the language proposed does not preclude a property owner from seeking legal restitution due to odors. The SWLTF recommends that, to the extent legally permissible, the Deed be modified, particularly for parcels within one mile of the landfill, to include language that would prohibit a property owner from litigating against the landfill based on odors.

The SWLTF appreciates all the mitigation measures proposed, but would like to point out that current technologies do not exist to completely eliminate or fully mitigate landfill originated odors. The following WPWMA workshop presentation identifies the odor challenges associated

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with landfill operation even with extensive odor mitigation and monitoring: http://www.wpwma.com/wp-content/uploads/2017/10/2017-Odor-Workshop-Presentation.pdf.

Therefore, the SWLTF supports the EIR conclusion that "this impact would be significant and unavoidable", but is deeply concerned about, and wonders how the County will ensure against, the potential ramifications to the landfill and MRF, as described in the Utilities chapter, should the County approve this Project. In other areas of the state, encroaching incompatible development has led to lawsuits and regulatory actions against solid waste facilities such as Newby Island in San Jose and Sunshine Canyon in Southern California. These actions have resulted in denials of expansion permits, significant financial ramifications, and abatement orders. The General Plan currently includes a one-mile residential land use buffer around the Landfill. Despite this buffer, the facility receives odor complaints. Reducing the buffer standards would increase the number of complaints. Even with mitigation, a certain extent of odors is inherent to solid waste operations, and therefore, adequate separation from incompatible uses is necessary to protect the long term viability of critical public facilities. The WPWMA facilities are valuable assets in Placer County and can support our community for years to come, if protected. 21-5 cont.

CEQA requires that "When the agency decides to approve a project that will cause one or more significant environmental effects, the lead agency shall prepare a statement of overriding considerations which reflects the ultimate balancing of competing public objectives." The SWLTF urges the County to include in its overriding conditions how it will balance these competing land uses and protect these essential public facilities from potential closure or other impacts.

Chapter 4.15 Utilities

1. **Impact 4.15-11: Potential impact on Western Regional Sanitary Landfill from incompatible land use that results in insufficient permitted capacity to serve waste disposal needs**

This section states, "The close proximity of incompatible land uses and the resulting increased odor complaints that are likely to occur with project implementation could result in increased public pressure and enforcement action. It is possible, but not likely, that such pressure could result in the need for WPWMA to modify WRSL operations, including possible diversion of waste to other facilities. Additionally, complaints related to the landfill and co-located operations could cause opposition to future expansion plans, and could jeopardize approval of the expansion." While the EIR states that these are unlikely scenarios, and ultimately makes a Less than Significant finding, the SWLTF disagrees and feels that these potential impacts are real and significant. 21-6

As mentioned, in other areas of the state, encroaching incompatible development has led to lawsuits and regulatory actions against solid waste facilities such as Newby Island in San Jose and Sunshine Canyon in Southern California. These actions have resulted in denials of

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expansion permits, significant financial ramifications, and abatement orders. In addition, finding alternative facilities would have a significant cost impact on citizens. If the County is forced to utilize alternative, out of county options for disposal and recycling, it will likely significantly increase ratepayer costs due to hauling waste longer distances and potentially needing additional trucks and routes if separate recycling service is required. In addition, complying with extensive new mandates could be difficult as there is a statewide shortage in organics processing facilities and the facilities and programs would be entirely outside local control. Additional complaints can result in violations being issued by Placer County Air Pollution Control District and other regulatory agencies which could limit or prohibit waste acceptance at the Landfill and/or MRF.

21-6 cont.

We appreciate this opportunity to comment on the Project Draft EIR. We trust that you will consider these comments as you give direction to County staff on the next steps in this important planning process.

Sincerely,

Devin Whittington
Chair, Solid Waste Local Task Force

cc: Crystal Jacobsen, Placer County Planning Services Division

Attachment: Prior Comment Letter dated February 15, 2018

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PLACER COUNTY

SOLID WASTE LOCAL TASK FORCE

Devin Whittington, Chairman

May 3, 2018

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

RE: SUNSET AREA PLAN AND PLACER RANCH SPECIFIC PLAN COMMENTS

The Solid Waste Local Task Force (SWLTF) is an advisory committee which, among other things, reviews and comments on proposed actions, programs, and facilities which affect the management of solid waste and diverted materials in Placer County. Membership of the SWLTF includes representatives from the cities of Roseville, Rocklin, Lincoln, Auburn, and Colfax, Town of Loomis, two franchise waste haulers, landfill and Material Recovery Facility (MRF) operators, the County Board of Supervisors, County Planning Commission, an environmental group, and the general public.
The SWLTF has concerns regarding the proposed Sunset Area Plan and Placer Ranch Specific Plan (SAP/PRSP), which we understand your Board will consider for approval sometime this year. These plans would modify the existing land use buffer zone standards that apply to solid waste facilities, potentially allowing residential and commercial uses as close as 2,000 or 1,000 feet, respectively (and potentially as close as 1,000 or 300 feet, respectively, when considered on a project specific basis), to the Western Regional Sanitary Landfill (Landfill) and MRF. We respectfully submit the following comments and concerns:

Reduced buffer standards could threaten the long-term viability of the Landfill and MRF. As stated in the General Plan, as well as the SAP/PRSP, the buffers are needed to separate potentially incompatible uses and protect the long term viability of critical public facilities. The SWLTF feels that bringing such land uses, particularly residential uses, in close proximity to the Landfill and MRF is incompatible and would not adequately separate those uses from odors and other impacts that could be perceived as nuisances. In other areas of the state, encroaching incompatible development has led to lawsuits and regulatory actions against solid waste facilities such as Newby Island in San Jose and Sunshine Canyon in Southern California. These actions have resulted in denials of expansion permits, significant financial ramifications, and abatement orders. The General Plan currently includes a one-mile residential land use buffer around the Landfill. Despite this buffer, the facility receives odor complaints. Reducing the buffer standards would increase the number of complaints. Even with mitigation, a certain extent of odors is inherent to solid waste operations, so adequate separation from incompatible uses is necessary to protect the long term viability of critical public facilities.

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The Landfill and MRF are crucial public facilities. These facilities are owned and operated by the Western Placer Waste Management Authority (Authority), which is comprised of Placer County and the cities of Lincoln, Rocklin and Roseville. They provide the primary waste disposal and recycling services for the majority of Placer County. The MRF has been key in enabling Placer County jurisdictions to comply with state laws, such as AB 939 which mandates jurisdictions divert 50 percent of their waste from landfills or face fines of up to $10,000 per day. Newer legislation such as SB 1383 which requires an additional 50 percent reduction in disposal of organic waste by 2020 and 75 percent reduction by 2025, and AB 1826 which requires most businesses to separate and recycle organic waste, will necessitate expansion of organic waste processing at the MRF. The Authority is currently in the conceptual planning phase for expansion of the landfill, MRF, and organics processing facilities. Each jurisdiction is required by the State to have fifteen years disposal capacity per AB 939. Having these crucial facilities in the County and under local control is invaluable as solid waste mandates continue to increase.

Finding alternative facilities would have a significant cost impact on citizens. If the County is forced to utilize alternative, out of county options for disposal and recycling, it will likely significantly increase ratepayer costs due to hauling waste longer distances and potentially needing additional trucks and routes if separate recycling service is required. In addition, complying with extensive new mandates could be difficult as there is a statewide shortage in organics processing facilities and the facilities and programs would be entirely outside local control.

Encroaching development could hinder future expansion of Landfill and MRF. Currently, the Authority is developing future expansion plans for the Landfill and MRF to meet future disposal and recycling needs of the County. The SWLTF asks that you consider this as you approve new specific and area plans in proximity to the landfill. Once incompatible development is in place, it will be considerably more difficult for WPWMA to gain the necessary approvals to expand. A potential solution would be to incorporate a coordination agreement into the SAP/PRSP between the County and WPWMA that creates a framework for land uses within and surrounding the WPWMA properties, including WPWMA's expansion plans, as well as mitigation measures to reduce impacts on surrounding development. The WPWMA facilities are valuable assets in Placer County and can support our community for years to come, if protected. Again, appropriate buffer standards and inter-agency coordination can ensure that protection.

We appreciate this opportunity to comment on the SAP/PRSP and ask that you take these comments into account as you consider both the merits and ramifications of this very important project.

Sincerely,

Devin Whittington
Chair, Solid Waste Local Task Force
Solid Waste Utility Manager, City of Roseville

Cc: Crystal Jacobsen, Placer County Planning Services Division

Letter 21	Placer County Solid Waste Local Task Force Devin Whittington, Chair February 13, 2019

21-1 The comment raises issues related to potential effects on the landfill as a crucial public facility, including expansion potential. The comment also raises concerns related to the cost of finding alternative facilities. See Master Response 4: Odors regarding impacts referenced in the comment, as well as the potential for the proposed project to affect future expansion of the WRSL. Also see response to comment 72-6 regarding the likelihood that waste would need to be hauled to an alternative solid waste disposal facility.

21-2 The comment states that using alternative options for disposal and recycling outside of Placer County would significantly increase ratepayer costs. The comment also suggests that complying with new mandates would be difficult. As discussed in Impact 4.15-6 of the Draft EIR, while buildout of the net SAP and PRSP areas would create new sources of solid waste to be disposed at facilities within Placer County, the MRF and WRSL have adequate capacity and the impact was determined to be less-than-significant. Additionally, CEQA requires evaluation of physical environmental effects and does not require the consideration of potential economic effects of a project. Regarding the new mandates, the comment does not identify mandates or a regulating agency. Also see response to comment 10-3.

21-3 The comment notes that the landfill buffer was the subject of previous litigation and that the Placer County General Plan was updated in August 2003 to include the 1-mile buffer. The comment suggests that the EIR explain the decision to support a reduction in the buffer. The proposed changes to General Plan Policy 4.G.11 are presented on page 3-74 of Chapter 3, "Project Description," of the Draft EIR. Impacts related to compatibility with the landfill are evaluated in Impact 4.10-2 of the Draft EIR. As noted in that discussion, the project would result in potentially significant impacts related to compatibility with the landfill, primarily due to odor concerns. While implementation of Mitigation Measure 4.10-2 would potentially aide in increasing land use compatibility, the impact would be significant and unavoidable as mitigation would not eliminate the source of the odor. See Master Response 4: Odors for additional information. Also, as part of its decision whether to certify the EIR and approve the project, Placer County would be required to provide a statement of overriding considerations explaining the reasons it may choose to approve the project despite its significant effects.

21-4 The comment's suggestion that the County should not reduce the landfill buffer is noted and will be considered by decision makers when they decide whether to approve the proposed project.

21-5 The comment provides suggested refinements to the mitigation measures identified in the Draft EIR and raises concerns about potential threats to the operation of the landfill resulting from land use conflicts. See Master Response 4: Odors regarding odor control measures included as part of Mitigation Measure 4.10-2. As part of its decision whether to certify the EIR and approve the project, Placer County would be required to provide a statement of overriding considerations explaining the reasons it may choose to approve the project despite its significant effects. For more discussion on this topic, see response to comment 36-3.

21-6 The comment expresses disagreement with the less-than-significant conclusion of Impact 4.15-11 of the Draft EIR in light of the statement in the analysis that acknowledges the increased odor complaints that are likely to occur. The comment also discusses the potential increase in ratepayer costs and limitations on waste acceptance at the MRF and WRSL. As stated on page 4.15-64 of the Draft EIR, evaluation of potential impacts related to diversion of solid waste to other facilities would be speculative. The analysis in Impact 4.15-11 references the discussion in Impact 4.10-2 related to land use compatibility. Finally, the analysis concludes that based on existing and future operations at the WRSL and research into other similar facilities around California, impacts would be less than significant. Also see Master Response 4: Odors and responses to comments 10-3 and 21-2.

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Placer Group
P.O. Box 7167, Auburn, CA 95604

Letter 22

February 22, 2019

Leigh Chavez, Environmental Coordinator
Placer County Community Development Resources Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn CA 95603
Submitted by e-mail to: cdraecs@placer.ca.gov

Re: 1) "December 2018 Public Review Draft Sunset Area Plan"
2) "December 2018 Public Review Draft Placer Ranch Specific Plan" that is apparently the same thing (but I am not sure) as the "Placer Ranch Specific Plan Development Standards, Design Guidelines Public Review Draft – December 18, 2018"
3) DEIR NOA December 18, 2019, SCH No. 2016112012

Dear Ms. Chavez,

Sierra Club Placer Group thanks Crystal Jacobsen for the excellent February 14, 2019 staff report and presentation about and of the Draft Sunset Area Plan Draft Placer Ranch Specific Plan Draft Environmental Impact Report at the Placer County Planning Commission meeting. These Two Plans update the 1994 Sunset Industrial Area Plan that was an update of the 1980 Sunset General Plan.

As far as we can tell, the area of the plans in question has not been developed as a result of the 1980, 1994, or 2018 plans that have not been implemented during this 38-year period.

Comment period and time per person limited for the DEIR by the Planning Commission Chair[1]

22-1

Sierra Club notes that the December 2018 Draft Sunset Area Plan, the December 2018 Draft Placer Ranch Specific Plan that may be the same as the December 18, 2018 Placer Ranch

[1] The Planning Commission Chair Jeffery Moss who is appointed by Supervisor Kirk Uhler, makes no effort to guide Commission members toward consensus, doesn't display interest in the Commission's planning functions, and regularly leads applicants to believe that requirements don't apply to them that do.

Specific Plan Development Standards/Design Guidelines (the "Two Plans") were not introduced or described at the at the February 14 Planning Commission hearing. Practically speaking, the DEIR and environmental impacts are so voluminous that to focus only on the DEIR at the hearing might seem reasonable.

But there was little semblance of logic at the event. Comments were limited by the Chair to three minutes for individuals and five minutes for organizations, and the demonstrated that his Chair's purpose had nothing to do with having sitting Planning Commission members present for a meaningful hearing, one where they might develop some suggestions and inquiries or question to speakers and conversation amongst themselves that might lead the to shape suggestions for Planning staff preparing responses to commenters.

Because of the uncertainty about when comments were to be, I inquired to Planning about when comments may be made on the Two Plans. **Comments were solicited in the past on the plans, and that comments on the plans as well as the DEIR may be made through the time of the final adoption hearing on the plans, including at the February 14 hearing.**

Instead, at the hearing, the Planning Commission Chair repeatedly directed that comments only could be made about the DEIR. This was stated a couple of times without explanation, arbitrarily, without making sense, suggesting an effort to undermine public participation. The failure to understand the purpose of Planning Commission hearings and the Planning Commission's role, and ignoring the purpose of public hearing and written input to Planning Commissioners, Planning, the other Planning Commissioners, the Board of Supervisors, and other project reviewers and decision making agencies is evident. 22-1 cont.

Commenters out of time were allowed to finish a thought. However, there was no inquiry about how much more time someone might need or if people had covered what they believed was necessary.

Unfortunately comments the public is not allowed to make are not responded to.

Most unfortunate of all, the Chair's directive limits and perhaps eliminates the Commission's engagement with action on, or hearing comments about its powers and duty to protect the public health, safety and welfare.

Hearings are needed on the DEIR where plan comments are entertained, and on Two draft plans. See the attached first notice page and Two Plans cover pages.

<u>This plan should not proceed until a Placer County Municipal Services Review (MSR) is completed for all County unincorporated territory. Existing City and other special districts MSRs should be completed for this and all other pending and proposed unincorporated new County-city and other developments.</u> 22-2

2

The Plans and DEIR and response to the DEIR by the City of Roseville reveal (a) a massive effort by the County to get into the government business of providing all or some municipal services in unincorporated territory, and (b) for this plan, great or potential service impacts and demands on neighboring or nearby Roseville, Rocklin and Lincoln.

Placer County already has the major new unincorporated County-City now being constructed remotely from existing County infrastructure and municipal services, the 14,000 or more unit Placer Vineyards. This area has virtually no county service buildings including human services. Some services will probably come from Sacramento County. However, the County has major bridge building projects over two creeks to serve Placer Vineyards area alone; these are for roads that feed to Sacramento County such as to Watt Avenue. Major Baseline Road improvements are planned for this area and other developments near Baseline.

One new big city serving near County Post Office namely Placer Vineyards, is enough until a county wide MSR is completed.

The Sunset Industrial Park was within the Roseville Sphere of Influence (SOI: the area identified for future growth of cities and districts, but not schools) by the Placer County Local Agency Formation Commission (LAFCO). All or much of the Placer Industrial Area Plan was in Roseville until the County asked Roseville for the Industrial Park to be removed from the Roseville Sphere of Influence. The Roseville Final MSR of May 12, 2010 covered this area.

A LAFCO Resolution removed Sunset Industrial Park from the Roseville SOI and the Reason Farms SOI was added to Roseville.

We are not aware that LAFCO required the County to prepare a MSR for the Sunset Industrial Plan Area before making the SOI change. Whether it did or not, a County Wide all unincorporated territory MSR including review is needed that includes Placer Vineyards, Placer Industrial Plan Area, Riolo Vineyards Specific Plan. This area has Roseville Rail Yard pollutant load and health contours that need assessment), Bickford Ranch, Toad Hill Ranches #1, Martis Valley West Specific Plan, Forest Ranch, and so on.

22-2 cont.

Because there is no alternative to fixed transit and passenger rail in South County north of I-80, we need to plan for this now before moving ahead with the two Plans. Fixed transit and rail passenger systems need be planned and designed first with boulevard and any highway capacity based on it. (E.g., Impacts 4.14-6, 4.14.7, 4.14-9, 4.14-10, 4.14-22, 4.14-23, 4.14-25. Because the Two plan areas seem to be primarily intended to generate employment opportunities, the fixed transit hub absence with significantly higher density around it for all income level housing, is at minimum outdated, not to mention anomalous.

The north end of the traffic mass now and in the future begins and ends at Lincoln (e.g. it does not go north to Wheatland that has about 20,000 vehicles and fewer daily. Most people who have to go one way go the other way north to south east to west. Meta studies show that Highway expansion will only create more traffic while not reliving congestion. Six SR 65 lanes to

22-3

Lincoln will not solve traffic congestion; probably not even eight lanes and the highway corridor could be a fixed transit route. These two plans need to be part of planning for this now. There are a number of alternatives.

The Two Plans area must be considered along with needs of the rest of South County, and not in advance of it. The Sierra Club is opposed to widening SR 65, the $400 million I-80/SR interchange and Placer Parkway. These proposals are antiquated and will be more so with fixed transit and passenger rail development. We have never opposed the current SR 65/I-80 viaduct safety interchange improvements. See the attached Highway capacity Policy Brief and map.

22-3 cont.

Placer County disregarding state law that protects agricultural and forest management lands that are voluntarily put under strict regulation by private landowners. This is a key part of an attack by the County on our farm, ranch and tree farm businesses and families. E.g., Impact 4.1-2.

Williamson Act contracts have been illegally cancelled by the County. At least three or more and perhaps more of the County's 16 Timber Protection Zone properties with houses that pay as little as around $100 annually to the County in taxes based on forest management.

22-4

The two Plans are in the Placer County Conservation Plan area. The PCCP needs to move forward significantly before the Two Plans are implemented.

22-5

Potential conflict of interest and conflict in the use of County funds for this project application for a Placer County project made to itself, which project and DEIR it prepares itself and approves itself, and in addition which expenditures also benefit private landowners in the Two Plans areas and consultants the County has hired for the project who previously did the same or similar work for developers of the area in the past

We assume that the County has addressed and resolved questions about how limiting public input, approving its own projects, resolving conflicts of interest and so on will benefit developers and landowners, is permissible, and is not misuse of public funds. Mechanisms and policies may be in place to prevent conflicts of interest, and prevent use of public funds for private benefit. Having a wall between public organization project proponents and decision makers may be a solution to conflicts of interest.
For solving part of these problems may be based on taxpayer oversight enablement described in California Code of Civil Procedure 526a.

22-6

526a.
(a) An action to obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the estate, funds, or other property of a local agency, may be maintained against any officer thereof, or any agent, or other person, acting in its behalf, either by a resident therein, or by a corporation, who is assessed for and is liable to pay, or, within one year

4

before the commencement of the action, has paid, a tax that funds the defendant local agency, including, but not limited to, the following:

(1) An income tax.

(2) A sales and use tax or transaction and use tax initially paid by a consumer to a retailer.

(3) A property tax, including a property tax paid by a tenant or lessee to a landlord or lessor pursuant to the terms of a written lease.

(4) A business license tax.

(b) This section does not affect any right of action in favor of a local agency, or any public officer; provided, that no injunction shall be granted restraining the offering for sale, sale, or issuance of any municipal bonds for public improvements or public utilities.

(c) An action brought pursuant to this section to enjoin a public improvement project shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

(d) For purposes of this section, the following definitions apply:

(1) "Local agency" means a city, town, county, or city and county, or a district, public authority, or any other political subdivision in the state.

(2) "Resident" means a person who lives, works, owns property, or attends school in the jurisdiction of the defendant local agency.

22-6 cont.

In addition to the factors above, Sierra Club Vision for South County includes:

- Engaging ecological and physical sciences before any new plan is a proposed, workshopped and adopted, and before each project is located, and designed,
- Maintaining remaining greenbelt areas between Roseville and Lincoln,
- In the city and suburbs, agriculture, community gardens and nature in the city,
- All income housing including moderate and low income housing with that has rare, if any use of in lieu fees,
- Infrastructure, commercial industrial, housing and other entitlements and key factors meet a defined presumption that demand exists for them,
- All residents, property owners and the public at large can sign up to be informed about each government level involvement in the area, and
- That the best source of services, whether County, city of special district, provision of municipal services is evaluated through comparing Municipal Service Reviews for each entity in the area and choosing the best source of them.

22-7

5

- Taxpayers elsewhere in the County do not pay for of subsidize municipal services that they do not benefit from.
- That developers pay up front for improvements, not later after tax payers have footed the bill first.

Conclusion: The place to start instead of this proposal and the hearing last week is with new public workshop review of, (a) the planned to, "A Citizen-Initiated Smart Growth Plan," compared to (b) this resuscitated two Plans relic that is pleased to and planned planned to would be enabled and invited by wasting public highway funds.

$400 million alone on the SR 65/I-80 interchange is proposed in order to, (a) incentivize developers, and (b) attract drivers to the 15-mile Proposed Placer Parkway to Sutter County that would pull drivers through the I-80/SR 64 interchange and up SR 65 to the current Whitney Ranch parkway. Incomplete interchange.

22-7 cont.

Respectfully,

Mike Garabedian
Placer Group Sierra Club
///x 916-719-7296

Letter 22	Placer Group Sierra Club Mike Garabedian February 20, 2019

22-1 The comment expresses concern about the February 14, 2019 public hearing, specifically that it focused on the Draft EIR (and not the specific plan or development standards/design guidelines) and that it limited public comments to three minutes for individuals and five minutes for organizations.

CEQA guidance for public hearings is provided in Section 15202 of the State CEQA Guidelines, which states that formal hearings are not required at any stage of the environmental review process. Nonetheless, public hearings are often part of lead agencies' CEQA environmental review process because they facilitate the purpose and goals of CEQA related to public participation (State CEQA Guidelines Section 15201). Therefore, public hearings are encouraged but not required. With respect to the project, Placer County conducted a public hearing on February 14, 2019 during the public review period to receive comments on the Draft EIR. The hearing was held as part of the Placer County Planning Commission meeting, at 3091 County Center Drive, in Auburn. The meeting began at 10:00 a.m., with the project being the first agenda item at 10:05 a.m. and the public hearing on the Draft EIR concluded just after 1:00 p.m.

Per CEQA, a public agency may include, in its implementing procedures, procedures for the conducting of public hearings (State CEQA Guidelines Section 15202[f]). To that end, Placer County generally follows standard procedures for conducting public hearings for CEQA documents, including the following:

- Members of the public intending to provide public comments during the hearing are asked to sign up on the sign-in sheets provided and are called up to speak in the order they sign up;

- Comments are limited to three minutes for individuals and five minutes for representatives of a group or organization;
- Comments should be focused on the Draft EIR and not on the merits of the project, as that discussion occurs at subsequent hearings on the project;
- Comments are typically recorded to provide a record of the comments, and either a summary of the comments or a written transcript is included in the Final EIR; and
- County staff and/or consultants are available to answer questions from the Commission during the hearing; however, questions from the public are typically noted and a written response is provided later in the Final EIR.

Regardless of whether comments are provided orally or in writing, CEQA requires lead agencies to evaluate comments on environmental issues received from persons who reviewed the Draft EIR and to prepare written responses (State CEQA Guidelines Section 15088[a]). The written response shall describe the disposition of significant environmental issues raised; there must be a good faith, reasoned analysis in response (State CEQA Guidelines Section 15088[c]). This Final EIR contains written responses to significant environmental issues raised in comments on the Draft EIR (both those provided in writing and those provided at the February 14, 2019 public hearing).

22-2 The comment seeks a municipal services review for all other pending and proposed unincorporated new County-City and other developments. A municipal services review is not required for the SAP (including the PRSP). The PRSP area is not included within any sphere of influence by an adjacent jurisdiction. Only a small portion of the net SAP area is located within the City of Lincoln's sphere of influence and Lincoln has an adopted General Plan which outlines its projected growth patterns.

22-3 The comment expresses concern that fixed transit systems should be planned for the proposed project area. The Draft EIR and the project acknowledge that a planned BRT route would provide service through the PRSP area and western Placer County. The exact route for this BRT service is still to be determined and may be considered as part of the Long-Range Transit Master Plan effort referred to in Policy TM-3.1, or the SAP/PRSP transit master plan identified in Mitigation Measure 4.14-13a. This fixed route BRT service is expected to connect the PRSP and SAP areas to regional employment centers and transit hubs, including light-rail facilities in Sacramento County. Even with this BRT service, additional highway capacity would be necessary to serve forecasted traffic volumes, as described in the traffic analysis contained in the Draft EIR.

The comment also expresses opposition to major capacity enhancing highway projects, such as widening SR 65, the I-80/SR 65 interchange, and Placer Parkway. As described on page 4.14-94 of the Draft EIR, it remains reasonably foreseeable to include these projects in the cumulative traffic analysis because they are included in the financially constrained project list of the SACOG 2036 MTP/SCS. Therefore, it has no bearing on the Draft EIR traffic analysis inputs or findings.

22-4 The comment expresses concern about Williamson Act contracts. This issue is addressed in the Draft EIR in Section 4.2, "Agricultural Resources," under Impact 4.2-2 on page 4.2-15. As described therein, implementation of the project would not require cancellation of any Williamson Act contracts. The 716 acres currently under contract within the SAP area would not be impacted and would be maintained under the terms of each contract. The 716 acres includes properties located within land designated Preserve/Mitigation Reserve, which allows for agricultural uses and does not allow for development.

22-5 The comment states that the PCCP should move forward before the project is implemented. See Master Response 3: Placer County Conservation Program and Mitigation. The PCCP is expected to go before the County Board of Supervisors for decision at the end of 2019, or early 2020. However, as

described in the master response, the mitigation measures identified in the Draft EIR are not dependent on approval of the PCCP.

22-6 The comment indicates that there is a potential conflict of interest because the County used public funds for a County project. This comment does not raise issues related to environmental impacts or any issues regarding the adequacy of the Draft EIR. No further response is necessary.

22-7 The comment describes Sierra Club's vision for south Placer County, and requests a new public workshop be conducted to review the Citizen-Initiated Smart Growth Alternative. Going forward, several meetings will be held as part of the project approval process, and the public is invited to attend and provide comments at these meetings, which will include the Placer County Planning Commission and the Placer County Board of Supervisors.

Regarding the suggestion that the County begin workshops for the CISGP, see Master Response 2: Citizen-Initiated Smart Growth Plan. As noted in the master response, after a thorough review of the CISGP, the County found that the plan is infeasible, would not meet primary project objectives, and would result in greater impacts with respect to several environmental issue areas. Also, the Draft EIR includes Alternative 4: Reduced Footprint, Similar Development Potential, which achieves similar impact reductions as the CISGP (i.e., biological resources) without resulting in increases in the severity of other impacts, such as GHG and traffic. Therefore, as concluded in the master response, the Draft EIR is not revised to include the CISGP as a project alternative.

Regarding the comment about the transportation funds, it is unclear what the comment is suggesting, but it does not appear to raise issues related to environmental impacts or issues related to the adequacy of the Draft EIR. Therefore, no further response is necessary.

From: Placer Women Democrats <pwdcommunication@gmail.com>
Sent: Wednesday, February 20, 2019 6:49 PM
To: Shirlee Herrington
Subject: Sunset Project

Letter 23

The Draft EIR for the Sunset Industrial Area Project and the Placer Ranch Specific Plan. revealed significant impacts to the environment that cannot be mitigated. Because of the Projects egregious environmental impacts, the Board of Supervisors should terminate the proposal by approving the "No Project" alternative.

If the Board determines to pursue the project, the Draft EIR must be recirculated because it fails to adequately analyze environmental impacts and is incomplete.

I respectfully request that as you recirculate the DEIR, that the Citizen Initiated Smart Growth Plan created by the Alliance for Environmental Leadership be analyzed as a Project alternative because the Citizen Initiated Smart Growth Plan is environmentally superior to the proposed Project and meets County objectives as set forth in the DEIR.

Thank you for the opportunity to provide comments on the DEIR. I look forward to a thorough response from the County.

Melissa Harty-Swaleh

23-1

Letter 23	Placer Women Democrats Melissa Harty-Swaleh February 19, 2019

23-1 The comment is primarily directed toward the project approval process and does not address the content, analysis, or conclusions in the Draft EIR. All comment letters submitted during the Draft EIR public review period will be reviewed and considered by the Placer County Planning Commission and Board of Supervisors before a decision on the project is rendered.

The comment requests that the Draft EIR be recirculated but does not provide specific reasons why the Draft EIR impact analysis is inadequate or incomplete. Therefore, a response is not warranted. Nonetheless, see Master Response 8: Recirculation for additional discussion on this topic.

The comment also suggests that the County evaluate the CISGP as an alternative. See Master Response 2: Citizen-Initiated Smart Growth Plan. As noted in the master response, after a thorough review of the CISGP, the County found that the plan is infeasible, would not meet primary project objectives, and would result in greater impacts with respect to several environmental issue areas. Also, the Draft EIR includes Alternative 4: Reduced Footprint, Similar Development Potential, which achieves similar impact reductions as the CISGP (i.e., biological resources) without resulting in increases in the severity of other impacts, such as GHG and traffic. Therefore, as concluded in the master response, the Draft EIR is not revised to include the CISGP as a project alternative.

RD1000

Letter 24

February 19, 2019

Ms. Crystal Jacobson, Project Manager
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive
Auburn, CA 95603

Subject: Comments Draft Environmental Impact Report (EIR) for the Sunset Area Plan/ Placer Ranch Specific Plan Project

Dear Ms. Jacobson:

Reclamation District No. 1000 (RD 1000; District) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Sunset Area Plan/Placer Ranch Specific Plan Project (Project). As noted in the District's prior response to the Notice of Preparation (NOP) for this DEIR on February 27, 2018, RD 1000 is the entity responsible for the operation and maintenance of the levees and drainage system protecting the Natomas Basin in Sacramento and Sutter counties. Minimizing the impacts of flooding for human safety, health, and welfare is RD 1000's sole mission. As such, the District has been working closely with the Sacramento Area Flood Control Agency (SAFCA), State Central Valley Flood Protection Board and U.S. Army Corps of Engineers (USACE) on levee improvements to provide a minimum of 200-year flood protection to the system commensurate with the flood risk, as required by State Urban Level of Flood Protection standards. Along with the levee improvements, RD 1000 has been working with SAFCA, Sutter County and Reclamation District 1001 to address impacts of upstream development in the Natomas Cross Canal watershed, which consequently includes the proposed Project.

Due to the nature of the Project and RD 1000's mission to minimize impacts of flooding, the District requests the Final EIR specifically address the following comments:

DEIR Section 4.9 – Hydraulic Impact Analysis.

- The hydraulic impact analysis evaluates changes to peak stage for the 10 – 100 year flood events. The analysis does not include evaluation of the 200-year flood event, as required by the State's Urban Level of Flood Protection (ULOP), because as stated in the report, the watershed is less than 10 square miles and therefore statutorily exempt. The District

24-1

RECLAMATION DISTRICT 1000
1633 Garden Highway • Sacramento, CA 95833 • (916) 922-1449

acknowledges that while it may be accurate to say the Project is exempt from ULOP, the document does not adequately address impacts to the downstream levee systems, which are subject to the ULOP. The District requests the hydraulic impact analysis be revised to include evaluation of impacts for the 200-year flood event. 24-1 cont.

- The evaluation of hydraulic impacts focuses solely on mitigating increases in peak flood stage. However, downstream interests are also concerned with changes in the duration of flooding and changes in velocity that have the potential to increase erosion. This is particularly true for downstream levee systems that have a short hydrograph. Extending the duration of high water on these levee systems may result in increased performance issues associated with seepage both through and under the levees. The District requests that future EIR's disclose the change in duration of flood events and determine whether that change adversely effects downstream levee systems. Mitigation measures could be considered that include alternatives such as groundwater recharge, metering the water more slowly out of the detention basin, or storage of the water for use. 24-2

- RD 1000 is concerned the potential impacts of increased storm water drainage flows into upstream tributaries for past projects; potential future projects; and specifically, for this Project, may increase flood risks downstream. Mitigating increased runoff is crucial in order to avoid downstream impacts to critical flood infrastructure. The detention/retention mitigation measures stated in the DEIR may not be considering all potential hydrologic impacts; specifically, increases to peak and base flows, the duration of runoff, duration of peak flows, and the subsequent increased periods of high velocities. 24-3

- Hydrographs for smaller systems tend to have shorter hydrographs. Past performance is based on this tendency and is considered in the design of downstream levee improvements. If detention is the alternative used to mitigate increases in peak flow, it can result in the adverse impact of extending the duration of the hydrograph. This has the potential to increase geotechnical problems, such as slope stability and under seepage, and can contribute to an increase of erosion potential, all of which would increase flood risk and create increased Operations and Maintenance (O&M) costs for downstream critical flood infrastructure. In addition, to peak flows and duration, upstream development typically results in higher base flows due to runoff from landscaping, wastewater treatment discharge, or other discharges associated with urbanization. Increasing base flows may also result in increased vegetation growth, erosion, and beaver activity; thus, causing an increase in downstream O&M costs. 24-4

Any of the impacts discussed in this letter could have detrimental downstream effects that not only could increase flood risk to public safety but could also result in increased O&M costs for RD 1000 that may be required in order to mitigate potential Project impacts. Flood risk may include erosion, increased vegetation, or potential impacts to channel maintenance or downstream flood infrastructure due to an increased duration of peak runoff and peak flows. 24-5

Therefore, RD 1000 believes additional hydraulic analysis is critical to deciding the Project poses no significant hydraulic impacts, as part of its Environmental Impact Report (EIR). This Project should also consider any planned future development within the area that may contribute to cumulative downstream effects on both stage and duration of peak flows. Until these impacts are considered, any EIR submitted without proper analysis would not be complete and could not be certified. 24-5 cont.

The District appreciates the opportunity to review and comment on the DEIR for the proposed Project. The District is prepared to work with the County and the Project applicant along with the District's flood control partners in the Natomas Cross Canal watershed. Should there be further questions or the need for additional clarification on the information provided, please contact me directly via email (kking@rd1000.org) or phone (916) 922-1449.

Sincerely,

Reclamation District 1000



Kevin L. King
General Manager

Cc: *Delivered via electronic mail only*

Gary Bardini (SAFCA)
Doug Libby (Sutter County)
Guadalupe Rivera (Sutter County)
Joe Henderson (RD 1001)
Ric Reinhardt (MBK Engineers)

Letter 24	Reclamation District 1000 Kevin L. King, General Manager February 22, 2019

24-1 The comment requests 200-year flood event modeling. The 200-year event is not a required event for evaluating hydraulic impacts for this project because of the State's Urban Level of Flood Protection (ULOP) criteria, which statutorily exempts the project because the tributary watershed is less than 10 square miles. However, the PRSP Storm Drainage Master Plan in Appendix I of the Draft EIR does include a project level analysis of the 200-year event peak flows. (Note that a more recent version of the PRSP Storm Drainage Master Plan that includes minor revisions is provided as Appendix E of this Final EIR.) This analysis shows that post-project 200-year peak flows would be reduced to below 80 percent of pre-project peak flows at Compliance Points 1 and 3. Projects within Placer County are required to mitigate for the effects of development. Storage facilities that provide mitigation are designed for storm events up to and including the 100-year storm as required per Section VII.C.2 of the Placer County Stormwater Management Manual. Development within the net

SAP area is analyzed at a programmatic level for this EIR. The SAP Storm Drainage Technical Report (Appendix C of the Draft EIR) states that detailed level analyses and mitigation measures would be provided at future development stages. The 200-year event would be analyzed for applicability under ULOP and detailed as needed for individual projects proposed within the SAP. The volumetric retention studies in Draft EIR Appendix D evaluate the proposed volumetric mitigation alternatives including that for the Pleasant Grove Retention Facility. These facilities (if selected and implemented) would provide volumetric mitigation of stormwater during large storm events. The preliminary design analysis for these facilities have utilized an 8-day, 100-year design storm event to calculate needed mitigation volumes. This storm event is based on the precipitation produced by the February 1986 historical flood. The final project level analysis for the Pleasant Grove Retention Facility, assuming that is the chosen mitigation alternative, is expected to analyze a variety of storm event intervals including the 200-year event within the project area. However, it should be noted that the 100-year, 8-day design event as analyzed utilizes a storm depth of 10.75-inches at an elevation of 200-feet. This large storm event would include several shorter duration 200-year events. For comparison, the 200-year, 1-day storm depth at an elevation of 200-feet is 4.82-inches and the 200-year, 5-day storm depth is 9.86-inches. Therefore, downstream impacts for the 200-year event are expected to be consistent with the conclusion identified in Draft EIR Impact 4.9-1, considering that mitigation and preliminary retention facility design uses this historical design flood event. No revisions to the Draft EIR are necessary.

24-2 The comment requests future EIRs disclose the change in duration of flood events and determine whether that change adversely affects downstream levee systems. Changes to the duration of flooding for the 100-year, 8-day design storm event would be mitigated by the Regional Volumetric Facility (i.e., Pleasant Grove Retention Facility), which would be able to hold the increases in runoff volumes, such that increases in "Volume-Duration" issues should not occur for that event. The detention basin designs for peak flow mitigation would also accomplish mitigation of some volume-duration issues as discussed in those projects' specific drainage analysis, as required by Mitigation Measures 4.9-1a and 4.9-1b. The analysis and conclusion identified in Impact 4.9-1 are adequate; no revisions to the Draft EIR are necessary.

24-3 The comment expresses concern regarding base flows. The County has developed standards for meeting the requirements of the Phase II MS4 permit, contained within the West Placer Storm Water Quality Design Manual. An element of this permit is to design LID and water quality facilities to capture increased runoff for storm events up to the 85th percentile storm event. This would minimize base-flow impact concerns from the development areas. No revisions to the Draft EIR are necessary.

24-4 The comment repeats similar comments as noted above. See responses to comments 24-2, 24-3, and 24-5.

24-5 The comment summarizes similar volume-discharge concerns as identified in comments 24-2, 24-3, and 24-4. The projects that develop in the PRSP and SAP areas would be required to provide the mitigation measures described in comments 24-2 and 24-3 above. These projects would be required to mitigate peak flow and volumetric impacts per the Placer County Stormwater Management Manual design standards. The volumetric mitigation methodologies currently outlined in the PRSP and SAP are based on the 100-year, 8-day design storm event criteria developed for use in the Natomas Cross Canal Watershed by the City of Roseville, City of Lincoln, and Placer County. The proposed measures would minimize the potential for increases in peak flow and volume of runoff. The analysis and conclusion identified in Impact 4.9-1 are adequate; no revisions to the Draft EIR are necessary.

From: Susan Calhoun <scalhoun@rcsdk8.org>
Sent: Wednesday, January 23, 2019 10:15 AM
To: Placer County Environmental Coordination Services
Cc: Dennis Snelling; Justin Barrett
Subject: Re: Sunset Area Plan/Placer Ranch Specific Plan (State Clearinghouse No. 2016112012)

Letter 25

Good Morning Shirlee!

Thank you so much for adding me to your distribution list!

I have been updated from our Assistant Superintendent of Business Services, Dennis Snelling, regarding my initial response. We will need to enter into full mitigation agreements at about $27,000 per home in today's dollars in order to build schools for the future students. Please disregard my previous email. **25-1**

Thank you and have a great day!

Susan Calhoun
Maintenance and Facilities
Roseville City School District
(916) 782-5289 x 50203

On Wed, Jan 23, 2019 at 9:57 AM Placer County Environmental Coordination Services <CDRAECS@placer.ca.gov> wrote:

> Thank you for your interest in the subject project and for taking the time to provide comments. This is to confirm that your comments have been received. Also, you are on our master email and/or USPS distribution list for the subject project and, as such, you will receive updates and notifications of future opportunities to for participation and input.
>
> Thanks.
>
> Shirlee Herrington
> Community Development Technician Environmental Coordination Services
> Placer County Community Development Resource Agency 3091 County Center Drive, Suite 190, Auburn, CA 95603 530-745-3132 fax 530-745-3080

From: Susan Calhoun [mailto:scalhoun@rcsdk8.org]
Sent: Tuesday, January 22, 2019 12:47 PM
To: Placer County Environmental Coordination Services
Cc: Justin Barrett; Dennis Snelling
Subject: Sunset Area Plan/Placer Ranch Specific Plan (State Clearinghouse No. 2016112012)

Thank you for the opportunity to respond to the proposed project referenced above. Additional funding is necessary to adequately accommodate the future K-8 grade students in the Roseville City School District.

Collection of developer fees pursuant to Government Code Section 53080 and 065995 on the above referenced project, located on 8,497 acres in South Placer County, will be as follows, subject to change based upon fees in effect at the time of payment: **25-2**

Residential: $2.29 per square foot
Commercial: $0.37 per square foot
Active Adult: $0.03 per square foot

Please contact me if you have any further questions.

Have a great day!

Susan Calhoun
Maintenance and Facilities
Roseville City School District
(916) 782-5289 x 50203

1

Letter 25	Roseville City School District Susan Calhoun, Maintenance and Facilities January 23, 2019

25-1 The comment from the Roseville City School District (RCSD) states that the District would need to enter into full mitigation agreements at approximately $27,000 per residential unit to build schools for future students. As discussed in Impact 4.13-3 of the Draft EIR, payment of school fees would be considered full mitigation for impacts on school capacity. The comment provides an approximate amount of fees per residential unit that would be needed. Agreements between RCSD and project developers regarding building fees are beyond the scope of the EIR as CEQA requires an EIR to focus on potential impacts of a project on the physical environment. As discussed in Impact 4.13-3, physical effects on the environment associated with the construction and operation of new school facilities in the project area are evaluated in the resource sections of the Draft EIR.

25-2 The comment cites to sections of the Government Code regarding developer fees and notes that projected fees would be subject to change based on fees in effect at the time of payment. See response to comment 25-1.

From: Landon, Joseph <jlandon@rjuhsd.us>
Sent: Friday, February 22, 2019 10:54 AM
To: Placer County Environmental Coordination Services
Subject: Comments for Sunset Area Plan & Placer Ranch Specific Plan

Letter 26

Hi,
I have the comment below to submit in regards to the Sunset Area Plan & Placer Ranch Specific Plan:

The proposed project will generate a large number of students severely impacting the Roseville Joint Union High School District's ability to house these additional pupils. Current State and local funding avenues available to the District are woefully inadequate to cover the costs of housing these additional students creating a serious hardship on the District. To address this, the District desires to enter into a Mutual Benefit Agreement with the developer to ensure adequate funding is available to pay for school facility needs created by this project. The district supports the plan if the developer and the district are able to come up with an agreement to the satisfaction of both parties. 26-1

Thank you,

Joe Landon, CPA

Assistant Superintendent, Business Services
Roseville Joint Union High School District
jlandon@rjuhsd.us
(916)782-6565 ext.1021

From: Crystal Jacobsen <CJacobse@placer.ca.gov>
Sent: Tuesday, February 19, 2019 7:46 AM
To: Landon, Joseph <jlandon@rjuhsd.us>
Cc: Davis, Scott <scdavis@rjuhsd.us>; 'Mike Tucker' <tucker@girardedwards.com>; Shirlee Herrington <SHerring@placer.ca.gov>
Subject: RE: Comments for Sunset Area Plan & Placer Ranch Specific Plan

Hi Joseph,

Written comments can be submitted in the form of an email or a letter and should be submitted no later than 5pm on Friday, February 22, 2019. Here's the specifics about where to send comments:

Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603
Or fax (530)745-3080
Or email cdraecs@placer.ca.gov

Let me know if you have any further questions.

Best,
Crystal

Crystal Jacobsen | Principal Planner, Advanced Planning
Placer County Community Development Resource Agency
Planning Services Division
3091 County Center Drive Ste. 140, Auburn, CA 95603
530.745.3000 (main) | 530.745.3085 (direct) | 530.745.3080 (fax)| cjacobse@placer.ca.gov

Letter 26	Roseville Joint Union High School District Joe Landon, CPA, Assistant Superintendent February 22, 2019

26-1 The comment states that current state and local funding avenues available to the Roseville Joint Union High School District (RJUHSD) are inadequate to cover the costs of additional students and that the RJUHSD would like to enter into a mutual benefit agreement with the project developer to ensure adequate funding. See response to comment 25-1.

Letter 27

Re: Exhibits 4.91 and 4.9.2

First of all, Auburn is NOT and intermittent stream, not an ephemeral stream. It is a year-round stream with its our year-round natural flow as CDFW and NOAA both determined. In an attached letter date March 10, 2015, garnered by SARSAS through Freedom of Information Act, one of the three violations listed by California Department of Fish Wildlife's CDFW) Regional Manager Tina Bartlett against Nevada Irrigation District is F and G Code Section 1602 – "diverts the natural stream flow of Auburn Ravine Creek into Hemphill Canal". Auburn Ravine obviously has a natural flow and is NOT "an intermittent stream". 27-1

Too, Water Agencies have somehow started using Auburn Ravine, a natural waterway, for water deliveries to its customers which seems a violation of a natural waterway; is there authorization for agencies to so use these ravines? 27-2

Secondly, our concern is that SAP will create such runoff by the paving over of natural lands that the runoff which flows into Orchard Creek will definitely be polluted and Orchard Creek is a main tributary of Auburn Ravine. 27-3

Thirdly, both streams of Auburn Ravine Watershed, Racoon and Auburn Ravine, after the effluent from Orchard Creek enters Auburn Ravine, are joined at the Eastside Canal, which flows into the Eastside Canal, and then water are then mixed with those of Pleasant Valley Creek. All of these waters then flow into the Sacramento River at the fishing hamlet of Verona. Any contamination that enters any of these three creeks also negatively impacts the Sacramento River. 27-4

Pleasant Valley Creek is also erroneously listed as an intermittent creek. We just installed dual cone screens at the junction of Auburn Ravine and Pleasant Grove Canal, which diverts water from Auburn Ravine into Pleasant Grove Creek. Since Auburn Ravine is a year-round stream and its water flow into Pleasant Grove Creek, it follows the Pleasant Grove Creek in not an intermittent stream either. 27-5

These kinds of inaccuracy must be corrected and the reality addressed before any continuance of the SAP takes place.

Every effort possible should be taken to prevent this SAP contamination into our local creeks and the Sacramento River from taking place.

Jack L. Sanchez
SARSAS President and Founder

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

EDMUND G. BROWN, Jr. Governor
Charlton H. Bonham, Director

#1 RON NELSON FROM TINA BARTLETT

BY OVERNIGHT MAIL AND EMAIL

MAR 10 2015
Date

#2 Remleh Scherzinger, General Manager
Nevada Irrigation District
1036 West Main Street
Grass Valley, CA 95945
scherzinger@nidwater.com

Subject: Suspension of Notification of Lake or Streambed Alteration (Notification No. 1600-2014-0270-R2).

Dear Mr. Scherzinger:

On November 3, 2014, the Department of Fish and Wildlife received the Nevada Irrigation District's (NID) above-referenced notification (notification) to conduct maintenance activities on NID's existing Hemphill Dam (dam). As Department staff informed you on March 2, 2015, the Department is suspending processing of the notification pursuant to Fish and Game Code section 1613 for the reasons discussed during a site visit with you on February 10, 2015, and below.

Under Fish and Game Code section 1613, the Department may suspend processing a notification if it determines "the activity described in the notification, or any activity or conduct by the entity directly related thereto, violates any provision of the [Fish and Game Code]." Section 1613 applies in this case for two reasons: 1) the dam violates * Fish and Game Code section 5901 because it "prevents, impedes, or tends to prevent or impede the passing of fish up and downstream"; 2) the dam substantially diverts the * natural flow of Auburn Ravine Creek into Hemphill Canal, but NID has yet to notify the Department under Fish and Game Code section 1602 for this diversion. The Department understands the primary objective of the project described in the notification is to enhance the passage of anadromous fish at the dam. However, even with the project, the dam will still impede or tend to impede the passing of fish up and downstream. (5937) trust?

NID will need to address the problems described above before the Department will continue processing the notification. In the meantime, NID may not proceed with the project described in the notification.

If you have any questions regarding this matter, or would like to meet with the Department in an effort to resolve the issues described herein, please contact Patrick

Conserving California's Wildlife Since 1870

EDMUND G. BROWN Jr. Governor

Moeszinger, Environmental Scientist, at (916) 358-2850 or by email at patrick.moeszinger@wildlife.ca.gov. Thank you for your anticipated cooperation.

Sincerely,

Tina Bartlett

Tina Bartlett
Regional Manager

ec: Patrick Moeszinger
patrick.moeszinger@wildlife.ca.gov

Jennifer Nguyen
jennifer.nguyen@wildlife.ca.gov

Wildlife Officer, Erica Manes
erica.manes@wildlife.ca.gov

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MaryLisa Lynch
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Lieutenant, John Lawson
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Captain, Mark Jeter
mark.jeter@wildlife.ca.gov

Mike Healey
mike.healy@wildlife.ca.gov

Colin Purdy
colin.purdy@wildlife.ca.gov

Letter 27	SARSAS [Save Auburn Ravine Salmon and Steelhead] Jack L. Sanchez, President and Founder No date

27-1 The comment states that Auburn Ravine is a perennial stream. In the Environmental Setting of Section 4.9, "Hydrology and Water Quality," on page 4.9-1, the Draft EIR explains that while Auburn Ravine functions as an intermittent stream under natural conditions, its hydrology has been altered by year-round discharges from wastewater treatment, power generation, and irrigation. These discharges now maintain year-round flow in the ravine.

27-2 The comment asks about oversight for discharges to natural waterways. Discharges to waters of the United States (including intermittent streams and some wetlands) are regulated through the Clean Water Act. Additionally, California regulates discharges to waters of the state through the Porter-Cologne Water Quality Control Act. See Section 4.9.3, "Regulatory Setting," of the Draft EIR for additional discussion of this topic. Further, it is important to note that the County does not have regulatory authority over water purveyors.

27-3 The comment expresses concern regarding the water quality effects of development associated with the SAP. The Draft EIR addresses potential water quality effects in Impact 4.9-3: Construction related water quality impacts, and Impact 4.9-4: Water quality impacts from urban land uses.

27-4 The comment expresses similar concerns to comment 27-3 related to water quality. See response to comment 27-3, above.

27-5 The comment states that Pleasant Grove Creek is a perennial stream. As discussed in Section 4.9.2 of the Draft EIR, Pleasant Grove Creek and its tributary channels were historically intermittent streams that dried in summer; however, many of the channels now have perennial flows from urban runoff, agricultural irrigation return flows, and contributions from the Pleasant Grove Wastewater Treatment Plant.

Letter 28

Sierra Nevada Group

Mother Lode Chapter

P.O. Box 1042 Nevada City, California 95959

February 20, 2019

Shirlee Herrington
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 96503
cdraecs@placer.ca.gov

Re: Sunset Area Plan/Placer Ranch Specific Plan Draft Environmental Impact Report

Dear Ms. Herrington:

I write on behalf of the Sierra Nevada Group of the Sierra Club. Though we reside in Nevada County we are concerned about many aspects of the Sunset Area Plan and Placer Ranch Specific Plan DEIR. We do absorb the GHGs, the ozone, the ever-increasing traffic in the region, the loss of open space, vernal pools, wetlands – all significant impacts associated with this very large project.

A primary concern regarding the SAP/PRSP DEIR is its disturbing lack of strategic planning for the future in the face of our rapidly changing climate and its indisputable cause – Green House Gas emissions. The Plan continues with a business-as-usual model of automobile dependency throughout the area with a projected 870,000 daily vehicular trips spewing 575,000 metric tons per year of Green House Gases and virtually no viable public transit. Does the County really expect that this type of planning can be accepted? Granted that an earlier plan (1997) was being used and reworked, but surely someone must have called your attention to its shortcomings even then. We can't keep repeating the mistakes of the past – we must design for the future.

What happened to Smart Growth? Our world is changing in many unexpected ways and Placer County leaders must recognize that continuing to use the model of low density, automobile-dependent housing with the hope that it will match the jobs portion of the SAP is not what is needed to combat the threat we are facing. In fact the industrial/commercial jobs portion of the Plan is in excess of the housing portion creating an imbalance and the specter of more vehicular trips – more GHGs.

28-1

Sierra Nevada Group of the Sierra Club comment letter Page 2

A serious flaw is the lack of public transit or futuristic thinking about it. Much of the circulation is dependent on a parkway that isn't built yet and may be subject to delays and changes. Perhaps if there were a re-design, reorganizing the placement of housing, schools and jobs, some innovation could be brought forward, such as rail (there is a nearby track in place) or transit hubs that could accommodate bus transit. 28-2

The need for mitigation for so many significant and unavoidable impacts in the current Plan could make it unaffordable for the County and its backers to move forward. Couldn't some of that mitigation money be better used to provide low-income housing and the types of transit that would reduce the climate-changing Green House Gas emissions? And help finance building improvements to make all the new buildings (housing, commercial and industrial) zero net energy – which will be a California requirement in 2020. 28-3

Regardless of how it is paid for, the goal of the Project overall should be to reduce energy needs for homes and businesses and that developers and builders are required to meet those standards and overall goals. Reducing the Project's footprint would go a long way toward lowering its mitigation costs and impacts to the region.

As discussed above, the PRSP/SAP DEIR revealed significant impacts to the environment that cannot be sufficiently mitigated. Because of the Project's numerous and dangerous environmental impacts, the Board of Supervisors should terminate the proposal by approving the "No Project" alternative. Failing that, then the Draft should be recirculated to more completely analyze the impacts. In the recirculation, we ask that an Alternative entitled Citizen-Initiated Smart Growth Plan developed by Alliance for Environmental Leadership (AEL) also be analyzed as an environmentally superior Alternative which actually meets the County's objectives specified in the DEIR. 28-4

I believe we as citizens of today have an obligation to citizens of tomorrow to not continue to destroy the world in which they will have to live and work.

Thank you for the opportunity to provide comments.

Sincerely,

Barbara L. Rivenes

Barbara Rivenes, Chair
Sierra Nevada Group/Sierra Club
108 Bridger Ct.
Grass Valley, CA 95945

Letter 28	Sierra Club, Sierra Nevada Group Barbara Rivenes, Chair February 20, 2019

28-1 The comment expresses concern about the project's significant impacts related to GHGs, ozone, traffic, open space, vernal pools, and wetlands. These issues are addressed in their respective sections of the Draft EIR. No specific issues related to the content, analysis, or conclusions in the Draft EIR are raised in this comment. Therefore, no further response is warranted.

28-2 The comment expresses concern regarding the lack of planned public transit service. The Draft EIR and the SAP and PRSP acknowledge that a planned BRT route would provide service through the PRSP area and western Placer County. The exact route for this BRT service is still to be determined and may be considered as part of the Long-Range Transit Master Plan effort referred to in Policy TM-3.1 and/or the SAP/PRSP transit master plan identified in Mitigation Measure 4.14-13a of the Draft EIR. This fixed route BRT service is expected to connect the PRSP and SAP areas to regional employment centers and transit hubs, including light-rail facilities in Sacramento County.

28-3 The comment states that the need for mitigation could make it unaffordable to move forward with the project. Financial issues such as these are not a physical environmental effect under CEQA and are not required to be analyzed in an EIR or other CEQA analysis. The Placer County Planning Commission and Board of Supervisors will weigh the environmental impacts and benefits of the project when making decisions regarding the project.

28-4 The comment states that the goal of the project should be to reduce energy needs for homes and businesses and that developers and builders should be required to meet those standards and overall goals. Section 3.4, "Goals and Objectives," of the Draft EIR lists the objectives for both the SAP and PRSP. Specifically, the PRSP contains goals to foster sustainable community design and enable Blueprint consistency (see Draft EIR page 3-8), which both speak to energy efficiency. Energy efficiency is also addressed in the Draft EIR in Section 4.16, "Energy." The County's General Plan, with which the project must comply, includes energy efficiency goals that are listed in the Draft EIR on page 4.16-7. Likewise, the SAP includes goals and policies related to energy consumption, which are listed on pages 4.16-9 through 4.16-14 of the Draft EIR.

The comment also states that because of the project's significant and unavoidable impacts, the County should approve the No-Project Alternative. This comment is directed toward the project approval process and does not address the content, analysis, or conclusions in the Draft EIR. All comment letters submitted during the Draft EIR public review period will be reviewed and considered by the Placer County Planning Commission and Board of Supervisors before a decision on the project is rendered.

The comment requests that the Draft EIR be recirculated but does not provide specific reasons why the Draft EIR impact analysis is inadequate or incomplete. Therefore, a response is not warranted. Nonetheless, see Master Response 8: Recirculation for additional discussion on this topic.

The comment also suggests that the County evaluate the CISGP as an alternative. See Master Response 2: Citizen-Initiated Smart Growth Plan. As noted in the master response, after a thorough review of the CISGP, the County found that the plan is infeasible, would not meet primary project objectives, and would result in greater impacts with respect to several environmental issue areas. Also, the Draft EIR includes Alternative 4: Reduced Footprint, Similar Development Potential, which achieves similar impact reductions as the CISGP (i.e., biological resources) without resulting in increases in the severity of other impacts, such as GHG and traffic. Therefore, as concluded in the master response, the Draft EIR is not revised to include the CISGP as a project alternative.

Letter 29

SIERRA FOOTHILLS AUDUBON SOCIETY
P.O. BOX 1937
GRASS VALLEY CA 95945-1937

RECEIVED
FEB 15 2019
CDRA

February 10, 2019

Shirlee Herrington
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603
cdraecs@placer.ca.gov

Re: Sunset Area Plan/Placer Ranch Specific Plan Draft Environmental Impact Report (State Clearinghouse No. 2016112012)

Dear Ms. Herrington:

On behalf of the Sierra Foothills Audubon Society (SFAS), I am submitting our comments on the Sunset Industrial Area and Placer Ranch in Placer County DEIR. SFAS is an organization whose main geographical area of work is Placer and Nevada counties. We have the following concerns that we respectfully request be addressed by the County.

The DEIR Section 2.7 "Summary of Environmental Impacts and Recommended Mitigation Measures" lists mitigation measures (fixes) for all impacts. This letter concerns the impacts and mitigations relating to greenhouse gas emissions.

Impact 4.7-2: Operational greenhouse gas emissions

"Operation of the land uses developed under the net SAP area is estimated to generate 378,518 MTCO2e/year at full buildout, and operation of the land uses developed under the PRSP area is estimated to generate 201,004 MTCO2e/year at full buildout. These levels of GHG emissions have the potential to result in a considerable contribution to cumulative emissions related to global climate change and conflict with state GHG reduction targets. **This impact would be significant."**

Various mitigations are proposed as noted below, but 4.7.2 still is considered **significant and unavoidable**.

Mitigation Measure 4.7-2a: Implement all feasible on-site features to reduce operational GHG emissions (Net SAP Area and PRSP Area)

Building Energy

Reduce GHG emissions associated with building energy through the following measures:

Sierra Foothills Audubon Society's mission is to work within our community to promote appreciation of and protection for birds and their habitats.

- *Single family residential buildings constructed within the net SAP area and the PRSP area shall be designed to achieve a 30 percent reduction in energy use versus a standard 2016 Title 24 code-compliant building. Reductions in energy shall be achieved by following the energy efficiency performance standards set forth in Tier 2 of the 2016 California Green Building Standards Code, Section A4.203.1.2.2. These reductions shall be achieved by employing energy efficient design features and/or solar photovoltaics. Compliance shall be demonstrated using CEC-approved residential energy modeling software.*
- *Multi-family residential buildings of three stories or less constructed within the net SAP area and the PRSP area shall be designed to achieve a 15 percent reduction in energy use compared to a standard 2016 Title 24 code-compliant building. Reductions in energy shall be achieved by following the energy efficiency performance standards set forth in Tier 1 of the 2016 California Green Building Standards Code, Action A4.203.1.2.1. These reductions shall be achieved by employing energy efficient design features and/or solar photovoltaics. Compliance shall be demonstrated using CEC-approved residential modeling software.*
- *Commercial buildings (including multi-family residential structures four stories or higher) shall be designed to achieve a 10 percent or greater reduction in energy use compared to a standard 2016 Title 24 code-compliant building. Reductions in energy shall be achieved through energy efficiency measures consistent with Tier 1 of the 2016 California Green Building Standards Code, Section A5.203.1.2.1. Alternatively, this could be met by installing on-site renewable energy systems that achieve equivalent reductions in building energy use.*
- *All project buildings shall be designed to include Cool Roofs in accordance with the requirements set forth in Tier 2 of the 2016 California Green Building Energy Code, Sections A4.106.5 and A5.106.11.2.*

The DEIR states: *"Under Appendix G of the State CEQA Guidelines, a project would result in a cumulatively considerable contribution to climate change if it would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. Placer County is the CEQA lead agency for the project and is, therefore, responsible for determining whether an impact would be considered significant. At the time of writing this Draft EIR, Placer County does not have an adopted Climate Action Plan consistent with State CEQA Guidelines Section 15185.5(b)".*

The DEIR also states: *"The Placer County General Plan includes the following policies related to addressing GHG emissions and climate change in Placer County:*
Policy G-1: The County shall require that all new dwelling units meet current State requirements for energy efficiency, and encourage developers to exceed Title 24 requirements. Retrofitting of existing units shall be encouraged.
Policy G-3: The County shall continue to implement provisions of the Subdivision Map Act that require subdivisions to be oriented for solar access, to the extent practical."

Our comments

California's 2019 Building Energy Efficiency Standards officially take effect on January 1, 2020. Single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards. Once rooftop solar

29-1

electricity generation is factored in, homes built under the 2019 standards will use about 53 percent less energy than those under the 2016 standards. This will reduce greenhouse gas emissions by 700,000 metric tons over three years, equivalent to taking 115,000 fossil fuel cars off the road.

We ask that even if building permits are granted this year, given the climate emergency and the California renewable goals, that these projects be required to meet the 2020 Title 24 Chapter 6 Building Rules of zero net energy for all single residence homes in the project area. We also suggest that non-residential buildings be required meet the 2030 standard of zero net energy, without height limitations. Cool roof should be required in connection with solar panels. 29-1 cont.

Implementing these suggestions will help reduce the operational GHG emissions (Net SAP Area and PRSP Area) and change the determination from unavoidable to avoidable. The revised County EIR must show the projected greenhouse gas emissions after the required changes are made.

Other policies referred to in the DEIR

The Proposed Sunset Area Plan goals include:

a) *Policy NR-6.2: Energy Efficient Construction. The County shall encourage new construction to achieve third-party green building certification, such as the GreenPoint Rated program and the LEED rating system. This will include building and capital improvement design practices that reduce energy consumption, maximize energy conservation, promote passive solar energy generation or other on-site electricity generation, and incorporate natural ventilation.*
b) *Policy NR-6.7: Residential Energy Efficiency. The County shall encourage residential units to be designed to maximize energy efficiency.*

Our comments

We appreciate the use of "shall" rather than "should" but how does one measure the outcome of ***encouragement*** with respect to energy efficiency, or for that matter, the success of ***promoting*** passive solar energy generation. 29-2

We ask that the policies change the word "encourage" to "require". "Encourage" does not reflect the urgency to deal with the existential threat of climate change. We also ask that the County include the actual LEED rating system set standards that will indicate whether the Developer has made sufficient effort to actually implement the standards that are actually in use in the building industry. Again, The County EIR must show the projected greenhouse gas emissions after the required changes are made.

Mitigation Measure 4.7-2b: Purchase carbon offsets (Net SAP Area and PRSP Area)

"The County will require project proponents of individual developments under the project to offset operational GHG emissions remaining after implementation of Mitigation Measure 4.7-2a. The net SAP area would generate 373,896 MTCO2e/year after implementation of Mitigation Measure 4.7-2a. PRSP would generate 195,014 MTCO2e/year after implementation of Mitigation Measure 4.7- 2a. The total GHG emission offset requirement would be 193,914 MTCO2e, or 27.14 MTCO2e/year for each residential unit in the PRSP area."

Sierra Foothills Audubon Society's mission is to work within our community to promote appreciation of and protection for birds and their habitats.

If the buildings including residential and non-residential all comply with zero net energy as required by Title 24 in 2020, then there will be no need for this mitigation. 29-3

The DEIR refers to the mpower program. *MPOWER is a local program in Placer County that provides financing to property owners for the installation of energy and water efficiency retrofits and renewable energy systems. Investing in mPOWER is consistent with the County's General Plan Policy 2.G.5, as described above in Section 4.7.3, "Regulatory Setting." Other examples of local direct investments include financing installation of regional electric vehicle–charging stations, paying for electrification of public school buses, and investing in local urban forests.*

There is no reason that the Developer shouldn't be required to make these investments on behalf of property owners as the project is being built. Otherwise, there is no guarantee that the property owner will go forward with the investments.

If zero net energy is implemented, we see no reason why mitigations as called for under 4.7.2b will be required. Electric vehicle-charging stations and bus-electrification must be required as part of the development to offset the vehicle trips from residents of the development. 29-4

Other suggestions

Paths - consider using compacted crushed rock for trails. It's cheaper, faster, permeable, and produces less CO2 emissions than concrete.
Ban grass lawns for water conservation leading to less energy use.
No natural gas lighting. LED only with nighttime glare minimized.
Electric car chargers for apartment use.
"smart glass" – electrochromatic windows
Drought resistant trees that do not block solar.
Solar pv in all parking lots. 29-5

In addition to our comments, the Alliance for Environmental Leadership will submit an Alternative 6 to the DEIR. This Alternative meets all of the County's Objectives and will be environmentally superior to the proposed Project and the other Alternatives included in the DEIR. We believe that under CEQA that the Citizen Initiated Smart Growth Plan (CISGP), produced by the Alliance for Environmental Leadership, must be fully analyzed as an Alternative. 29-6

Thank you for the opportunity to provide comments on the DEIR. We look forward to a thorough response from the County.

Sincerely,

Don Rivenes

Don Rivenes, Conservation Chair
Sierra Foothills Audubon Society
PO Box 1937
Grass Valley CA 95945
530-477-7502

Sierra Foothills Audubon Society's mission is to work within our community to promote appreciation of and protection for birds and their habitats.

Letter 29	Sierra Foothills Audubon Society Don Rivenes, Conservation Chair February 10, 2019

29-1 The comment requests that all residential development built under the project comply with the 2019 California Energy Code (CCR Title 24 Part 6) even if building permits are granted in 2019. Based on the current project schedule, there would not be building permits granted in 2019 and thus the first residential buildings constructed after EIR certification would be required to comply with the 2019 California Energy Code at a minimum. The comment incorrectly states that the 2019 California Energy Code results in zero net energy residential buildings. While the 2019 standards would require on-site solar photovoltaics, new residential buildings would be required to offset their electricity demand with the solar system, not their natural gas demand. The 2019 standards are also anticipated to reduce energy consumption by 7 percent (CEC 2018). While new residential buildings constructed to 2019 California Energy Code compliance may not be zero net energy, the remaining amount of project-wide emissions that exceeds 1,100 metric tons of carbon dioxide equivalent per year would be offset by carbon credits, as discussed in Mitigation Measure 4.7-2b of the Draft EIR. Through these efficiency achievements, on-site renewable systems, and offset of natural gas consumption, residential buildings would effectively become zero net energy.

The comment also requests that all nonresidential development be built to the 2030 California Energy Code and be zero net energy. At the time of writing the EIR, future iterations of the California Energy Code and their contents are not known beyond 2019. It would be speculative to assume that all new nonresidential buildings built to the 2030 standards would be zero net energy as the California Energy Commission has not yet determined if this is technologically and financially feasible. The 2019 California Energy Code would reduce energy consumption from residential buildings above three stories and nonresidential buildings by 53 percent, which is a greater reduction than the 2016 California Green Building Standards Codes that is included in Mitigation Measure 4.7-2a of the Draft EIR.

The comment adds that cool roofs should be required in connection with solar panels. A discussion on page 4.7-21 of the Draft EIR states, “All project buildings shall be designed to include Cool Roofs in accordance with the requirements set forth in Tier 2 of the 2016 California Green Building Energy Code, Sections A4.106.5 and A5.106.11.2.” Although project buildings would be built to later iterations of the building codes, this requirement would carry forward.

It is important to note that at the time of writing the Draft EIR, the 2019 California Energy Code standards and associated energy savings were not yet available and thus the language in Mitigation Measure 4.7-2a reflects anticipated achievements in the new iteration of the California Energy Code.

29-2 The comment questions the project’s energy policies and asks how to measure outcomes of policies that encourage promotion of passive solar energy generation. CALGreen 2019 Building Code requires solar installation, or the equivalent energy reduction potential from energy-efficient design features, in all residential development by 2020. By 2030, non-residential development would be required to install solar or achieve the equivalent energy reduction potential. As stated in Mitigation Measure 4.7-2a, compliance with energy efficiency performance standards requires the applicant to demonstrate compliance using CEC-approved residential energy modeling software, which would allow the County to measure the effectiveness and potential GHG emission reductions that would occur. Mitigation also requires development to exceed the California Building Code Standards by meeting the minimum standards for Tier 1 and Tier 2 of the CALGreen Code, for nonresidential, multifamily, and single-family residential development, respectively. Energy efficient design features and solar photovoltaics may be used to achieve the necessary emission reduction requirements. LEED certification would be one option applicants can use to demonstrate compliance. Also, SAP Policy NR-6.7 has been revised as shown in Master Response 5: Greenhouse Gas Mitigation; the revised policy requires installation of solar photovoltaic systems and specific energy efficiency measures for new residential development.

29-3 The comment indicates that mitigation would not be required if buildings met zero net energy standards. See response to comment 29-1.

29-4 The comment references the Draft EIR's use of Placer County's mPOWER program and suggests that all project developers should be required to contribute to this program. This program will conclude at the end of 2019 and has been removed from the Draft EIR. (See Chapter 2, "Revisions to the Draft EIR," for the specific revisions.) However, this is not the only option for a local carbon offset that project applicants can invest in to comply with Mitigation Measure 4.7-2b. Such investments would be at the discretion of individual project applicants. Regardless of the carbon offset option chosen, all supporting evidence that the program meets the six required criteria (i.e., real, additional/surplus, quantifiable, enforceable, validated, and permanent) would be provided to the County prior to final map recordation or building permit issuance.

The comment also suggests that electric vehicle charging stations and bus electrification be required by the project to offset mobile-source emissions. As explained on page 4.7-20 of the Draft EIR, 10 percent of parking spaces at all multifamily residential buildings and all nonresidential buildings must include electric vehicle (EV) chargers. However, this amount of EV chargers would not fully offset the mobile-source emissions associated with the project. As described in response to comment 29-1, the California Energy Code does not require new residential or nonresidential buildings to be zero net energy under the 2019 standards, and thus, carbon offset credits are required to reduce the project's impact to climate change.

Bus electrification is considered infeasible at the project level because bus fleet purchases are made by transit authorities, such as Placer County Transit and Roseville Transit. The project would be committed to providing funds to local transit agencies through SAP policies and Draft EIR mitigation measures. See Master Response 5: Greenhouse Gas Mitigation. Further, CARB is in the process of developing a new regulation, the Innovative Clean Transit Regulation, that would require all public transit fleets to phase in zero emission buses, including battery electric and hydrogen fuel cell buses, such that all new fleet purchases are zero emission by 2030, prior to the buildout of the PRSP area. For these reasons, no revisions are necessary to the Draft EIR.

29-5 The comment suggests several GHG reduction measures. See Master Response 5: Greenhouse Gas Mitigation, which includes a discussion regarding the various GHG-reduction measures suggested by comments on the Draft EIR.

29-6 The comment suggests that the County evaluate the CISGP as an alternative. See Master Response 2: Citizen-Initiated Smart Growth Plan. As noted in the master response, after a thorough review of the CISGP, the County found that the plan is infeasible, would not meet primary project objectives, and would result in greater impacts with respect to several environmental issue areas. Also, the Draft EIR includes Alternative 4: Reduced Footprint, Similar Development Potential, which achieves similar impact reductions as the CISGP (i.e., biological resources) without resulting in increases in the severity of other impacts, such as GHG and traffic. Therefore, as concluded in the master response, the Draft EIR is not revised to include the CISGP as a project alternative.

February 19, 2019

VIA E-MAIL

Letter 30

Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603
cdraecs@placer.ca.gov

RE: Comments on the Sunset Area Plan/Placer Ranch Specific Plan Draft Environmental Impact Report (State Clearinghouse No. 2016112012)

To whom it may concern:

Stanford Ranch I, LLC ("SR1") is the owner of Assessor's Parcel No. 017-250-076, an approximately 8-acre parcel located in the Foothills Business Park in the City of Roseville. This property is zoned for office/industrial use. SR1 has secured a 404 permit for filling wetlands on the property. In short, all development entitlements are in place.

Mitigation Measure 4.14-1b identified in the Sunset Area Plan/Placer Ranch Specific Plan Draft Environmental Impact Report (State Clearinghouse No. 2016112012) ("DEIR") requires the extension of Foothills Boulevard in the Sunset Area Plan area to connect with Foothills Boulevard in the City of Roseville to improve level of service on the local roadway network. The proposed alignment of this extension is via Duluth Avenue as depicted in DEIR Exhibit 3-7 (see Attachment 1) and as described in DEIR Section 3.8:

> **Foothills Boulevard (South).** As indicated in Section 4.14, "Transportation and Circulation," Mitigation Measure 4.14-1b requires the extension of Foothills Boulevard, to connect with Foothills Boulevard in the City of Roseville to improve level of service on the local roadway network. To implement this mitigation measure, Foothills Boulevard would be extended through the existing Duluth Avenue alignment then south of the plan area to connect to the existing northern terminus of Foothills Boulevard (in the City of Roseville), which is a two-lane roadway. This extension would require a bridge to cross Pleasant Grove Creek and would consist of a four-lane arterial roadway with a 100-foot right-of-way and additional landscape corridors and public-utility-easement (PUE) dedications on each side of the roadway. This alignment would use the existing Duluth Avenue corridor to create a connection from the southern boundary of the plan area, across Pleasant Grove Creek, to the existing terminus in the City of Roseville. As shown in Exhibit 3-23 and discussed above, the portion of the Foothills Boulevard extension outside the SAP was previously evaluated in the Foothills Business Park Annexation EIR, certified by the City of Roseville in October 2000.

30-1

The DEIR does not address how or when the County will acquire, or the precise location of, the requisite right of way along Duluth Avenue, including along the SR1 property described above, to accommodate this alignment. Accordingly, SR1 respectfully requests these issues be addressed in the County's response to comments and in the Final Environmental Impact Report.

Sincerely,

Stanford Ranch I, LLC
By: Larry D. Kelley, Sr.
Its: Manager

Letter 30	Stanford Ranch I, LLC Larry D. Kelley, Sr., Manager February 19, 2019

30-1 The comment requests information on when the County will acquire the right-of-way (ROW) for Foothills Boulevard on parcel 017-250-076. The parcel referenced has sufficient ROW to construct the ultimate facility and no further ROW will be needed for the Foothills Boulevard extension.

Letter 31

TRAINOR FAIRBROOK

ATTORNEYS AT LAW

Charles W. Trainor
ctrainor@trainorfairbrook.com

February 14, 2019

ELECTRONIC MAIL
AND FIRST CLASS MAIL

Steve Pedretti, Agency Director
Community Development Resource Agency
County of Placer
3091 County Center Drive
Auburn, California 95603
Email: SPedrett@placer.ca.gov

ELECTRONIC MAIL
AND FIRST CLASS MAIL

Crystal Jacobsen, Principal Planner
Community Development Resource Agency
County of Placer
3091 County Center Drive
Auburn, California 95603
Email: CJacobse@placer.ca.gov

Re: Comments on the Sunset Area Plan and Draft Environmental Impact Report for the Sunset Area Plan/Placer Ranch Specific Plan

Dear Mr. Pedretti and Ms. Jacobsen:

As you know, this law firm represents the United Auburn Indian Community ("UAIC"), the owner of the Thunder Valley Casino Resort ("Thunder Valley") and other properties within the Sunset Area Plan. As a governmental entity, UAIC appreciates the opportunity to review the Public Review Draft Sunset Area Plan (Draft SAP) and the Draft Environmental Impact Report (EIR) for the SAP/PRSP, and to provide comments thereto.

Comments on the Draft Sunset Area Plan

UAIC's comments on the Draft SAP are as follows:

- Western Placer Waste Management Authority Landfill: On page 1-8, the description of the Preserve/Mitigation Reserve (P/MR) land use designation includes mention of the Western Regional Sanitary Landfill as an appropriate use for this designation. If that is an appropriate use, it should be addressed in the discussion of "Land Use Buffer Standards" on pages 1-10 and 1-11. The SAP does not provide information on where the landfill could expand into the P/MR designated lands. Please remove this as a potential use for the P/MR designation and/or clarify the policies and standards regarding landfill expansion and buffering. In addition, the SAP should clearly state how much of the Eco-Industrial/ Manufacturing/WPWMA District would be available for any future landfill

31-1

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Telephone (916) 929-7000 ▪ *Facsimile* (916) 929-7111 ▪ www.trainorfairbrook.com

expansion. Any expansion of the landfill toward Thunder Valley will be of concern to UAIC. 31-1 cont.

- Height Limit in EMU Zone: Within the SAP Implementing Zoning Regulations, *1.01.04 – Other Applicable Commercial and Entertainment Mixed-Use Zone Regulations*, the regulations allow for heights in the EMU zone up to 225 feet high. Since Thunder Valley is currently 227 feet high, we would request this limit to be increased to either 227 feet or 230 feet, so that Thunder Valley is not a non-confirming use. 31-2
- Some uses are defined in Section 1.05.02 of the Implementing Zoning Regulations, including food halls and mobile food truck plazas; however, these uses do not otherwise appear in the zoning regulations or Allowed Use and Permit Requirements tables, and should appear there. 31-3

Missing Appendices

- Page 9-3 of the Draft SAP mentions: "Appendix B of this Policy Document is the *Sunset Area Capital Improvement Plan (CIP)*." However, on the appendices divider page (just after page 2-28 of the Implementing Zoning Regulations) Appendix B is titled "Resolutions." Please provide the Capital Improvement Plan to allow for appropriate review and comment.
- Page 9-5 of the Draft SAP mentions: "These costs are addressed by the Sunset Area Infrastructure Finance Strategy (Appendix C)." However, no Appendix C is present and there are no public documents on the website showing the finance strategy. Please provide the Sunset Area Infrastructure Finance Strategy to allow for appropriate review and comment. 31-4

Utilities

- The Draft SAP does not show the utilities plans. Please provide the plans for utilities for appropriate review and comment. 31-5
- Assuming that the EIR correctly indicates that wastewater plan in Figure 3 of the Draft EIR's Appendix B (*Sunset Area Water, Wastewater, and Recycled Water Technical Report*), UAIC requests reconsideration of the routing of the Proposed Gravity Maine Pipeline down Athens Avenue between Industrial Avenue and Fiddyment Road. The current routing between Foothills Boulevard and Fiddyment Road, and then down Fiddyment Road to Placer Ranch, passes primarily through the Preserve/Mitigation 31-6

Reserve and the landfill, not through an area of development where landowners could better support, utilize and pay for the system at a lower cost. Please consider the benefits of turning the Main Pipeline down Foothills Boulevard at Athens Avenue to the south to Placer Ranch where it would be supported by the landowners on each side of Foothills Boulevard, saving expense and causing less of an environmental effect.

31-6 cont.

Comments on the Draft Environmental Impact Report for the Sunset Area Plan/Placer Ranch Specific Plan

Off-Reservation Study/Environmental Review

UAIC is planning for the buildout of Thunder Valley, and the associated entertainment and recreational facilities. A tribal environmental impact report was certified in 2009 and three subsequent addenda have been published since, as listed below:

- Thunder Valley Casino Expansion Final Tribal Environmental Impact Report (TEIR), June 2008 (SCH: 2007062072)[1]
- Thunder Valley Casino Expansion TEIR Addendum, August 2009[2]
- Thunder Valley Casino Expansion TEIR Addendum 2, March 2016[3]
- Thunder Valley Casino Expansion TEIR Addendum 3, May 2017[4]

31-7

Please confirm that full buildout of Thunder Valley and the entertainment and recreational facilities, as approved under the TEIR and its subsequent addenda (including traffic, utilities, public services, alternatives, etc.), is properly considered throughout the EIR, and is not in conflict with the TEIR.

[1] Analytical Environmental Services (AES), 2008a. Thunder Valley Casino Expansion Draft Tribal Environmental Impact Report. February 2008.
AES, 2008b. Thunder Valley Casino Expansion Revised Draft Tribal Environmental Impact Report. June 2008.
AES, 2008c. Thunder Valley Casino Expansion Final Tribal Environmental Impact Report. June 2008.
[2] AES, 2009. Thunder Valley Casino Expansion Tribal Environmental Impact Report Addendum. August 2009.
[3] Environmental Science Associates (ESA), 2016. Thunder Valley Casino Expansion Tribal Environmental Impact Report Addendum 2. March 2016
[4] Environmental Science Associates (ESA), 2017. Thunder Valley Casino Expansion Tribal Environmental Impact Report Addendum 3. May 2017

Steve Pedretti, Agency Director
Crystal Jacobsen, Principal Planner
Re: Comments on the Sunset Area Plan and Draft Environmental Impact Report for the Sunset Area Plan/Placer Ranch Specific Plan
February 14, 2019
Page 4

Project Description

- Pages 3-5, 4.10-3: EIR incorrectly identifies Thunder Valley Casino Resort as having 297 hotel rooms. The correct number is 408 rooms (per February 28, 2018, letter to County). 31-8
- Page 3-15, Table 3-1: Make changes to the table to reflect the maximum 2.00 FAR in the Entertainment Mixed-Use Designation, as shown in Table 1-1 in the Draft SAP. 31-9
- Multifamily residential development in EMU designation: On page 3-15, Table 3-1 shows that multifamily residential development is allowed in the EMU designation at up to 30 dwelling units (dus) per acre. Furthermore, on page 3-11 (as well as page 1-3 of the SAP), the EIR states: "The EMU designation also anticipates the potential need for residential uses to support the workforce employed in the area." One page 3-16, the EIR states: "In particular, the EMU designation is expected to generate the need for workforce housing… Accordingly, [this] [designation] include[s] standards that assume between 10 and 30 dwelling units per net acre, respectively, for areas proposed for housing." UAIC supports allowing up to 30 dus/acre in the EMU land use designation. However, on page 6-4, Table 6-1, the EIR assumes no multifamily residential development in the Net SAP area. The EIR should consider and analyze the potential environmental effects that, at buildout, the EMU designation would include a certain amount of multifamily residential development. 31-10
- Page 3-28, Table 3-3: Please confirm that full buildout of the casino and entertainment facilities, as approved under the TEIR and subsequent addenda, is included in the 2,615 ksf assumed for Phase 1 buildout of the SAP in the EMU land use designation. 31-11
- Page 3-14, Preserve/Mitigation Reserve: The description of the Preserve/Mitigation Preserve land use designation includes mention of the Western Regional Sanitary Landfill as an appropriate use for this designation. The Project Description does not provide information on where the landfill could expand into this area. As stated in the February 28, 2018 letter to the County, any expansion of the landfill toward Thunder Valley will be of concern to UAIC. 31-12
- Project Description: There is no mention of the Western Regional Sanitary Landfill's future plans to expand. This expansion is of concern and the potential for such an expansion should be disclosed in this document, along with a map showing the current location and the proposed expansion area. Page 3-29 mentions a "proposed 2,000-foot landfill buffer". There is no map showing where this landfill buffer is located. Page 4.8-35 states "The proposed SAP includes reduction of the 1-mile landfill buffer to 2,000 feet 31-13

for residential uses, or as close as 1,000 feet with approval of a specific plan, master plan, or development agreement." Where is this buffer and how does the expansion of the landfill affect the surrounding development? 31-13 cont.

Cultural

- Pages 4.5-5 through 4.5-11 - Tribal Cultural Resources.

Appendix B of the EIR (*Sunset Area Water, Wastewater, and Recycled Water Technical Report – Wastewater Treatment Report)*

UAIC presently operates its own wastewater treatment facility, but will, when public sewer is available in Athens Avenue, most likely want to utilize that public utility and close its own wastewater treatment facility. Please confirm with technical personnel that they have taken into account Thunder Valley and the Tribe's other properties in the design of the wastewater treatment system for the SAP. 31-14

Alternatives

As stated previously, UAIC supports adoption of the proposed project, with its requested changes. However, the alternatives to the project must also be feasible and provide enough information to provide a certain level of certainty to landowners on the repercussions of approval of any of the alternatives. In addition, the buildout of the casino and entertainment facilities consistent with the TEIR and subsequent addenda should be reflected in all alternatives.

- Alternative 1: No-Project–1997 SIA Plan Alternative 31-15
    - Page 6-10, Table 6-3: The 81 ksf shown in the retail land use type is not sufficient to reflect the full buildout of the casino and entertainment facilities.
    - Page 6-10: The text and Table 6-3 should reference the full buildout of the casino and entertainment facilities as part of the "no project" conditions.
- Alternative 2: Reduced Scale
    - UAIC does not support this alternative. Under this alternative, the EIR assumes that maximum building heights would be reduced to 60 feet. As stated previously, UAIC contends that the maximum building height in the EMU/AD zone should be at least 225 feet. 31-16
    - The EIR assumes a transition zone for this alternative that would require a single-story maximum height within 500 feet of an existing preserve or land outside the

SAP, 100-foot landscaped buffer, and 100-foot landscaped greenbelt. However, the EIR does not include a map showing where these would be located. Please include a map that shows what areas would be affected by the transition zone and buffer requirements.

- The EIR asserts that this alternative would result in reduced aesthetic impacts. However, the 227-foot casino hotel tower is already developed. Individual perception of aesthetic impacts may differ greatly. UAIC does not agree that a reduced height alternative would result in lesser aesthetic impacts.

31-16 cont.

- Alternative 3: Reduced Footprint, Reduced Development Potential
  - Page 6-17, Exhibit 6-2: In this alternative, UAIC-owned land would be preserved as part of the Preserve/Mitigation Reserve land use designation. In addition, the total allowable square footage of development in the EMU district would drop by 275 ksf to 2,340 ksf. UAIC does not support this alternative. This alternative would reduce developable land owned by the Tribe and isolate the casino from other future uses. UAIC is not in favor of any alternative that reduces its ability to develop properties it owns, thereby reducing UAIC's self-sufficiency.

31-17

- Alternative 4: Reduced Footprint, Similar Development Potential
  - Page 6-23, Exhibit 6-3: In this alternative, UAIC-owned land would be preserved as part of the Preserve/Mitigation Reserve land use designation.
  - While the EIR states that this alternative does not reduce development potential, there are no assurances on how the development potential would remain. In order to maintain the development potential, the plan must account for increased FAR and building heights. Please clarify what measures would be put into place to ensure that overall development potential is not decreased. More definition of this alternative is needed to provide certainties on the potential constraints.
  - UAIC does not support this alternative. This alternative would reduce developable land owned by the Tribe and isolate Thunder Valley from other future uses and surrounding development. UAIC is not in favor of any alternative that reduces its ability to develop the properties it owns, thereby reducing UAIC's self-sufficiency.

31-18

- Alternative 5: Reduced VMT

- Page 6-25: This alternative assumes no nonresidential development in the EMU designation. As already discussed previously, the EIR (Table 6-1) assumes no multifamily residential development in the EMU designation (or anywhere outside of the PRSP). Table 6-6 also shows no multifamily residential development outside the PRSP. This is not a feasible alternative as it would remove most (if not all) development potential from UAIC-owned property.
- Page 6-25, Table 6-6: This alternative incorrectly assumes no development in the EMU designation. At the very least, this alternative must reflect full buildout of the casino and entertainment facilities, and those rights it has under the existing TEIR.
- UAIC does not support this alternative. This alternative would reduce developable land owned by the Tribe and isolate Thunder Valley from other future uses and surrounding development. UAIC is not in favor of any alternative that reduces its ability to develop properties it owns, thereby reducing UAIC's self-sufficiency.

31-18 cont.

Our client looks forward to continuing government-to-government discussions on this important project with the County.

Very truly yours,

Charles W. Trainor

CWT:skc
3671053.1739943.1

Letter 31 | United Auburn Indian Community
Trainor Fairbrook
February 14, 2019

31-1 The comment notes that the Western Regional Sanitary Landfill is incorrectly referenced on page 1-8 of the SAP in the description of the Preserve/Mitigation Reserve Land Use Designation description. This reference on page 1-8 of the SAP notes that the Western Regional Sanitary Landfill's proximity to the Preserve/Mitigation Reserve Land Use Designation provides a buffer between preserve/mitigation lands and incompatible uses. It is not listed as a use anticipated within the Preserve/Mitigation Reserve Land Use Designation.

31-2 The comment requests that the height limit in the SAP EMU zone district be increased to either 227 or 230 feet so that the Thunder Valley (casino) is not a non-conforming use. The project description currently allows for up to 225 feet in the EMU zone district for certain uses. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration.

31-3 The comment notes that some new uses defined in Section 1.05.02 of the SAP Implementing Zoning Regulations do not appear in the allowed use tables for any zone district. The omission of these uses in the allowed use tables was made in error. These uses have been added to the EMU and IC zone district in the Final SAP.

31-4 The comment notes that there is a discrepancy with the title for Appendix B of the SAP. This error has been corrected in the Final SAP. The comment also requests for the Capital Improvement Plan be provided early enough to allow for appropriate time to allow for review and comment. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration.

31-5 The comment suggests that the SAP does not include a utilities plan. The SAP policy document does not contain a utilities plan; however, utility plans for the SAP are included within the Sunset Area Water, Wastewater, and Recycled Water Technical Report which is included in Appendix B of the EIR.

31-6 The comment asks the County to consider another alignment for the sewer line. The sewer alignment is based on the preferred option from the Sewer Service Analysis for the Area Surrounding Athens Avenue study.

31-7 The comment asks whether full buildout of Thunder Valley and the associated entertainment and recreational facilities is properly considered in the Draft EIR. The Thunder Valley Expansion EIR (June 2008) and its addenda (August 2009, March 2016, and May 2017) cover the UAIC property north of Athens Boulevard and the overflow parking area south of Athens Boulevard. The expansion project, including the hotel, casino, and parking structure, was completed prior to commencement of the Draft EIR, so it is included in the existing conditions baseline, as is the outdoor amphitheater. Future development of the overflow parking lot and all other EMU-designated parcels south of Athens Boulevard and east of Foothills Boulevard is, however, covered by the Phase 1 EMU development capacity described in Table 3-3 in the Draft EIR.

31-8 The comment provides a correction to the number of hotel rooms at Thunder Valley Casino Resort. In response to this comment, the second paragraph on page 3-5 of the Draft EIR is revised as follows:

> There have, however, been some business expansions and new development activity during this time within the plan area. Thunder Valley Casino Resort, located at the intersection of Athens and Industrial Avenues, is the largest new development activity within the plan area since 1997, having expanded to become a full-service casino with a ~~297~~408-room hotel, spa, concert, and gaming facility. Additionally, some core industrial uses have started to take hold in the southeastern corner of the plan area.

In response to this comment, the second full paragraph on page 4.10-3 of the Draft EIR is revised as follows:

> The plan area experienced some business expansions and new development activity since 1997. Thunder Valley Casino Resort, located at the intersection of Athens and Industrial Avenues, is the most significant new development in the plan area since 1997, now with a ~~297~~408-room hotel, spa, concert venue, restaurants, and gaming facility. Additionally, some core industrial uses have been developed in the southeastern portion of the plan area.

These revisions constitute minor clarifications and do not affect the analysis or conclusions of the Draft EIR.

31-9 The comment points out a discrepancy between Table 3-1 in the Draft EIR and the SAP in the FAR for the EMU land use designation. This discrepancy was made in error. In response to this comment, Table 3-1 on page 3-15 of the Draft EIR is revised as follows:

Table 3-1 SAP Development Density by Land Use Designation

Land Use Designation	Acres	Floor Area Ratio		Dwelling Units per Acre
		Low	High	
General Commercial	34.2	0.15	0.75	–
Entertainment Mixed-Use	516.8	0.15	~~1.00~~ 2.00	10-30
Business Park	147.3	0.20	0.50	–
Innovation Center	1,244.7	0.20	0.50	10-30
Eco-Industrial	927.4	0.20	0.60	–
Light Industrial	749.9	0.20	0.50	10-30
Public Facility	6.3	–	–	–
Preserve/Mitigation Reserve	1,943.4	–	0.02	–
Urban Reserve	320.4	–	0.02	–
PRSP	2,213.3	See Table 3-4	See Table 3-4	See Table 3-4
Total	**8,103.7**			

Source: Information provided by Mintier Harnish in 2017

This correction does not result in changes to the Draft EIR analysis or conclusions. No further revision to the Draft EIR is necessary.

31-10 The comment notes that Table 6-1 in the Draft EIR assumes no multi-family residential development in the net SAP area. This omission was made in error. In response to this comment, Table 6-1 on pages 6-4 and 6-5 of the Draft EIR is revised as follows:

Table 6-1 Project Development at Buildout

Land Use Type	PRSP Area	Net SAP Area	Total Project Area
Single-Family Residential[1]	3,082 du	~~2,460~~ 0 du	~~5,542~~ 3,082 du
Age-Restricted Residential	1,050 du	0 du	1,050 du
Multifamily Residential[2]	1,504 du	~~0~~ 2,458 du	~~1,504~~ 3,962 du
Retail[3]	1,640 ksf	220 ksf	1,860 ksf
Office[4]	1,241 ksf	1,110 ksf	2,351 ksf
Industrial[5]	1,658 ksf	11,440 ksf	13,098 ksf
Innovation Center/R&D[6]	901 ksf	12,000 ksf	12,901 ksf
Entertainment Mixed Use	0 ksf	3,060 ksf	3,060 ksf
University	30,000 students	0 students	30,000 students
Public Facilities	10.3 ac	6.3 ac	16.6 ac
Parks/Open Space	69.8 ac	0.0 ac	69.8 ac

Table 6-1 Project Development at Buildout

Land Use Type	PRSP Area	Net SAP Area	Total Project Area
Preserve/Mitigation Areas	264.8 ac	2,263.8 ac	2,528.6 ac

Notes: ac = acres; du = dwelling units; ksf = 1,000 square feet; R&D = research and development.

[1] All medium-density residential uses are assumed to be single-family (rather than multifamily) residential.

[2] All high-density residential uses are assumed to be multifamily residential.

[3] All commercial uses (General Commercial, commercial components of Commercial Mixed Use and Campus Park) assume a highest trip-generating condition of 100% retail space.

[4] Office uses include office components of Commercial Mixed Use and Campus Park in the PRSP area and Business Park in the remainder of the SAP area.

[5] Industrial uses include light industrial and warehouse components of Campus Park in the PRSP area and light industrial and eco-industrial land uses in the remainder of the SAP area.

[6] Innovation Center/Research & Development include the Research & Development component of Campus Park in the PRSP area and Innovation Center in remainder of the SAP area.

Source: Information provided by MacKay & Somps and Mintier Harnish and compiled by Ascent Environmental in 2018

This correction does not result in changes to the Draft EIR analysis or conclusions. No further revision to the Draft EIR is necessary.

31-11 The comment requests confirmation that the full buildout of the casino and entertainment facilities is included in the 2,615 KSF assumed for the SAP in Table 3-3 in the Draft EIR. See response to comment 31-7, above, regarding how the Draft EIR considers full buildout of Thunder Valley.

31-12 The comment notes that the WRSL is incorrectly referenced on page 3-14 of the Draft EIR. This reference on page 3-14 of the Draft EIR notes that the Western Regional Sanitary Landfill's proximity to the Preserve/Mitigation Reserve Land Use Designation provides a buffer between preserve/mitigation lands and incompatible uses. It is not listed as a use anticipated within the Preserve/Mitigation Reserve Land Use Designation.

31-13 The comment notes that the Draft EIR does not reflect the WRSL's future expansion plans. At the time of release of the NOP for the Draft EIR, the specific expansion plans for the landfill were unknown and therefore not described specifically in the Draft EIR analysis. However, the expansion is identified in the Draft EIR's cumulative projects list. See Table 4.0-2 and Exhibit 4.0-1. The comment also asserts that there is no map included in the Draft EIR depicting the SAP proposed sanitary landfill buffers. SAP Figure 1-3 includes a map of the SAP proposed land use buffers. To provide greater clarity, the Draft EIR has been modified to include this map as Exhibit 3-27. See Chapter 2, "Revisions to the Draft EIR," for revised Exhibit 3-27.

31-14 The comment requests confirmation that Thunder Valley and the Tribe's other properties have been accounted for in the design of the wastewater treatment plan for the SAP. The Sewer Service Analysis for the Area Surrounding Athens Avenue study includes 47 acres of Thunder Valley Casino to the north of Athens Avenue and all areas south of Athens Avenue. No revisions to the Draft EIR are necessary.

31-15 The comment requests changes to Alternative 1: No-Project—1997 SIA Plan Alternative. The No Project—1997 SIA Plan Alternative provides development capacity data based on information in the 1997 SIA Plan. The information presented in the No Project—1997 SIA Plan Alternative is not based on individual planned projects/expansions (other than the development specifically identified in the 1997 SIA). This is consistent with CEQA requirements, as described above in response to comment 16-1. It should be noted that the approval of the No-Project—1997 SIA Plan Alternative would mean that the proposed project would not move forward and the existing 1997 SIA Plan would remain in place. No additional development restrictions would occur, beyond those currently in place, as a result if the No Project—197 SIA Plan Alternative were implemented.

See Master Response 1: Alternatives Analysis for information regarding the overall adequacy of the Draft EIR's alternatives analysis.

31-16 The comment expresses opposition to and concerns with Alternative 2: Reduced Scale. The comment requests that the height restriction under the alternative be increased from 60 feet to 225 feet. However, this would defeat the purpose of the alternative, which seeks to reduce significant aesthetic impacts of the project related to changes in site character by reducing the scale of development. No changes to the Draft EIR are necessary.

The comment also requests a graphic to show where height restrictions and landscape buffers would be applied along existing and proposed preserves, and near land outside the SAP area designated for long-term agricultural use. Because future preserve areas within the SAP area would be primarily required as a matter of policy applied to individual development projects, a map cannot be generated showing these areas. The Draft EIR includes graphics showing existing preserves (Exhibit 4.4-1). The land outside the SAP area designated for long-term agriculture exists primarily along the northwestern edge of the SAP area near the Urban Reserve District and the Innovation District (see Exhibit 3-4). Most other SAP properties adjacent to land designated agricultural are within the SAP's Preserve/ Mitigation Reserve District. Because a map cannot be produced for some of the criteria and because the other criteria are straightforward and do not require illustration, no revisions to the Draft EIR are necessary.

See Master Response 1: Alternatives Analysis for information regarding the overall adequacy of the Draft EIR's alternatives analysis.

31-17 The comment expresses opposition to and concerns with Alternative 3: Reduced footprint, Reduced Development Potential. The comment provides reasons that it is opposed to the alternative, primarily based around a reduction in the land and development potential in the EMU, but the comment does not identify any flaws with the alternative related to feasibility, or any issues with the environmental analysis related to the alternative. These comments will be taken into consideration by decisionmakers when deliberating on the SAP/PRSP. See Master Response 1: Alternatives Analysis for information regarding the overall adequacy of the Draft EIR's alternatives analysis. No changes to the Draft EIR are necessary.

31-18 The comment expresses opposition to and concerns with Alternative 4: Reduced Footprint, Similar Development Potential and Alternative 5: Reduced VMT. Regarding Alternative 4, the comment suggests that no assurances are provided regarding how the alternative would maintain development potential. Although "assurances" are not required by CEQA for an alternatives analysis, a similar level of development potential as the project would be maintained by allowing increased net density of development, as stated in the Draft EIR (page 6-21). Regarding Alternative 5, the comment indicates that the development assumptions in the EMU are incorrect/infeasible, due to lack of multifamily residential development. The County does not consider the changes to the EMU as rendering the alternative infeasible, although it does impinge on the alternative's ability to meet project objectives. Although the commenter does not support these alternatives, they are appropriate for consideration in the Draft EIR. See Master Response 1: Alternatives Analysis for information regarding the overall adequacy of the Draft EIR's alternatives analysis. No revisions to the Draft EIR are required.

From: Bj <bjmakesithappen@aol.com>
Sent: Sunday, January 13, 2019 8:22 PM
To: Shirlee Herrington; EJ Ivaldi; Christopher Schmidt; Crystal Jacobsen; Kally Kedinger-Cecil
Subject: Strongly opposed to Whitehawk Development in Granite Bay

Letter 32

Due to the government shut down, several key offices related to the environment and housing are closed. I am respectfully requesting a reasonable time extension on my behalf and on behalf of those who feel strongly about commenting on DEIR's recently released.

Comments for WHI and II are due by 5:00 pm 1/14. This MASSIVE 740+ page document with appendices as long as 400+ pages for traffic. This length far exceeds the intent to clearly and easily communicate the impacts for projects totally roughly 80 homes.

CEQA 15141 states: “The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300.”

The County has "dumped" 3 DEIR's upon the public in an unreasonable time-frame. These documents contain massive sections of repetitive text, analyses which require keeping multiple tabs open to tie back to number and letter references, use vague language, rely on project economic feasibility and inadequately provide clear and recommended 3D imagery depicting the project from reasonable angles. The intent of these EIR's appear to be to confuse, belabor and hide very significant impacts in direct conflict with the intent of DEIRs. **32-1**

The Placer Retirement Residence DEIR exceeds recommended length and offices associated with licensing of senior and assisted living facilities are closed due to the shutdown. Impacts for the SIA/PR project are far reaching and of significant impact on the entire county. This project will destroy thousands of acres of farmlands, wetlands, destroy endangered vernal pools, mitigate off-site endangered species = “kill and pay an in-lieu fee”, and add to traffic corridors with 10,000 addition homes without providing adequate affordable housing. Information from departments involved in affordable housing and the destruction of endangered species are closed, as such, we the public are being denied access to critical information that would allow for pertinent and accurate statements. **32-2**

This page limit recommendation is to allow the public to CLEARLY and EASILY understand the environmental impacts of a project. Since these guidelines have been blatantly ignored, the intent of the documents to provide an opportunity to understand the projects impacts should be extended to afford the community its guaranteed right to comment. **32-3**

Thank you in advance for your consideration of my request.

BJ Baker
Waterford II HomeOwners Assoc.
Assistant Secreatary

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Letter 32	Waterford II Homeowners Association B.J. Baker, Assistant Secretary January 13, 2019

32-1 The comment raises issues related to the government shutdown. See response to comment 11-1, which addresses this issue in detail.

A portion of the comment (including the subject line) references the Whitehawk I and II Projects in Granite Bay, for which the County issued a Draft EIR in November 2018 and a Final EIR in February 2019. These projects are not associated with the SAP/PRSP or EIR. Nevertheless, the comment also speaks to the number of EIRs issued by the County in the same timeframe and the length and complexity of the documents.

Section 15105(a) of the State CEQA Guidelines requires that Draft EIRs are circulated for a minimum of 30 days, unless state agency review is required, in which case the review period must be 45 days (with certain exceptions). The Draft EIR was circulated for public review and comment for a period of 64 days, from December 18, 2018 to February 19, 2019. The County did receive one comment letter within a week after the close of the review period, and while the County is not obligated under CEQA to respond to late comments, the County is nonetheless providing responses in this Final EIR to that late comment letter (these are included in this Final EIR under the category, "Late Comments"). Any comment received over a week after the close of the review period are not included in the Final EIR, but responses will be provided in the staff report package that will be provided to the Placer County Planning Commission and Board of Supervisors.

The comment expresses concern about the number of EIRs issued by the County in the same timeframe and the length and complexity of the documents, implying that the comment period should have been extended. Section 15141 of the State CEQA Guidelines states that Draft EIRs should normally be less than 150 pages, and Draft EIRs of unusual scope or complexity should normally be less than 300 pages. These recommended maximum document lengths are provided as general guidance, not limitations. Page lengths differ for each EIR and will typically be longer for program EIRs such as this one, which includes both program- and project-level components. The County extended the public review period from its typical 45 days to 67 days and believes this is sufficient to comment on the Draft EIR. The public review period complies with CEQA requirements.

32-2 A portion of the comment references the Placer Retirement Residence Project in Granite Bay, for which the County issued a Draft EIR in December 2018 and a Final EIR in March 2019. This is a separate project and is not associated with the SAP/PRSP or EIR. Nevertheless, the comment also speaks to the number of EIRs issued by the County in the same timeframe and the government shutdown that overlapped with the comment periods. See response to comment 11-1 regarding the government shutdown and the public's ability to provide comments.

32-3 The comment reiterates concerns expressed above about page limits and requests an extension of the comment period. See response to comment 32-1, above, regarding these topics.