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**Via Email and U.S. Mail**

Shirlee Herrington  
Placer County Community Development Resource Agency  
Environmental Coordination Services  
3091 County Center Drive, Suite 190  
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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.

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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).<sup>1</sup> 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<sup>2</sup> 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.

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

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<sup>1</sup> 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.

<sup>2</sup> The Smart Growth Plan is submitted under separate cover from AEL, but is incorporated by reference into this comment letter.

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

**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).

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);

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*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.

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:

<i>DEIR Stated Objectives</i>	<i>CISGP's Consistency with County's Objectives</i>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>Streamline the land development review process for CEQA compliance and project entitlements.</p>	<p>Similar to the proposed plan, adoption of the CISGP could be used to streamline the land development review process.</p>
<p>Broaden the range of development opportunities in the Sunset Area, including support for postsecondary education facilities and associated uses</p>	<p>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</p>

<i>DEIR Stated Objectives</i>	<i>CISGP's Consistency with County's Objectives</i>
(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.

<i>DEIR Stated Objectives</i>	<i>CISGP's Consistency with County's Objectives</i>
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

<i>DEIR Stated Objectives</i>	<i>CISGP's Consistency with County's Objectives</i>
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, 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

<i>DEIR Stated Objectives</i>	<i>CISGP's Consistency with County's Objectives</i>
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 jobs 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

<i>DEIR Stated Objectives</i>	<i>CISGP's Consistency with County's Objectives</i>
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

<i>DEIR Stated Objectives</i>	<i>CISGP's Consistency with County's Objectives</i>
land areas for roadway interchanges at Foothills Boulevard and Fiddymment Road.	Sunset Area. The CISGP includes land areas for roadway interchanges at Foothills Boulevard and Fiddymment 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.

<i>DEIR Stated Objectives</i>	<i>CISGP's Consistency with County's Objectives</i>
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.

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).
- 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).
- 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

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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).

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.

## **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.”

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'").

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

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.

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.

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).<sup>3</sup> 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.

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<sup>3</sup> 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.

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.

## **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

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

**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."<sup>4</sup> 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

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<sup>4</sup> 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).

- **Operational Greenhouse Gas Emissions:** The DEIR relies largely on a carbon offset program to mitigate the Project's massive increase in GHG emissions.<sup>5</sup> 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.

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 CO<sub>2</sub>e. 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

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<sup>5</sup> The DEIR identifies that the SAP would generate 373,895 metric tons of CO<sub>2</sub>e emissions every year at "buildout" while the PRSP would generate 195,014 metric tons of CO<sub>2</sub>e 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 CO<sub>2</sub>e (373,895 MTCO<sub>2</sub>e + 195,014 MTCO<sub>2</sub>e = 568,909 MTCO<sub>2</sub>e 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 ( $45,512,720 \text{ MTCO}_2\text{e} \times 8 = \$364,101,760$ ) and nearly \$1.6 billion ( $45,512,720 \text{ MTCO}_2\text{e} \times \$35 = \$1,592,945,200$ ). 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

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.

### **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.

## **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.

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.

#### **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’s 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.

#### **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.

Shirlee Herrington  
Placer County Community Development Resource Agency,  
Environmental Coordination Services  
February 22, 2019  
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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

A handwritten signature in blue ink that reads "Sara A. Clark". The signature is fluid and cursive.

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

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