



**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 [allianceforenviroleadership@gmail.com](mailto:allianceforenviroleadership@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.

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

In the CISGP Project Library:

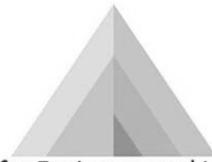
CISGP\_Phase1\_Spreads.pdf

<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](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.



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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.

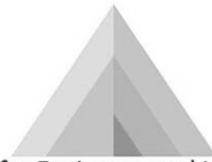
### Comparing AEL's CISGP and Placer County's SAP/PRSP

#### **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.

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

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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.

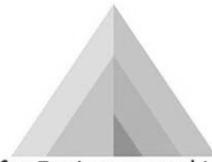
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The CISGP moves the University to an infill site away from the smell zone and off the vernal pool wetlands, where project feasibility improves, infrastructure is in place and the University will contribute to the day to day life of the innovation ecosystem.

**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

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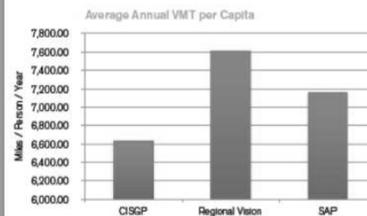
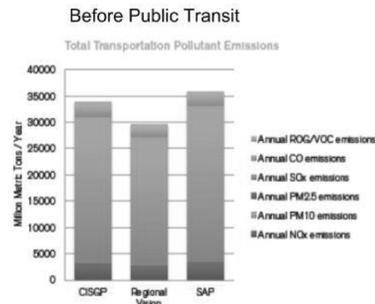
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transit will not be utilized by the proposed 100,000 - 150,000 people who would live and/or work in the project area at build-out. With a car dependent population, new daily vehicular trips will exceed 880,000. Annual CO2 generation will exceed 550,000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

| <i>Transit Feasibility</i>                                                                  |       |     |
|---------------------------------------------------------------------------------------------|-------|-----|
|                                                                                             | 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%  |

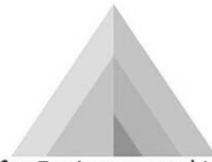


11-5 cont.

**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

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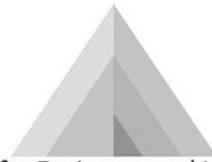
will be occupied by blue-collar, hourly-wage workers, only 600 units of high-density multi-family housing are proposed among the 8,014 total units of which 6,291 are single family sprawl. The SAP Jobs-housing ratio is 22:1.

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:

| <i>Annual GHG Emissions per Household</i> |                       |
|-------------------------------------------|-----------------------|
| <b>CISGP</b>                              | <b>14 metric tons</b> |
| SAP                                       | 49 metric tons        |
| USA Ave.                                  | 52 metric tons        |

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%  |
| <hr/>                              |       |     |
| 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.

|                      |                                                                                                     |
|----------------------|-----------------------------------------------------------------------------------------------------|
| <b>Letter<br/>11</b> | Alliance for Environmental Leadership<br>Leslie Warren, Chair<br>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.

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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

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 Placer County Community Development Resource Agency,  
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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

12-1  
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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.

12-1  
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**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);

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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.

12-2  
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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:

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

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| <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.                                                                                                                                     |

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| <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 |

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| <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 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                                                                                                                                                                                                                                                |

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| <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                                                                                                                                                                           |

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| <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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| <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.               |

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| <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. |

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.



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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).

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.

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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  
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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

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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  
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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.

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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.

12-9  
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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.

<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.

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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.

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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  
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**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

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

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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.”<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.



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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.<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.

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 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

<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.

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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

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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  
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#### 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.

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## 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.

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- 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  
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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’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.

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.

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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](mailto:allianceforenviroleadership@gmail.com))

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|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Letter<br/>12</b> | Alliance for Environmental Leadership<br>Sara A. Clark, Esq., and Laurel L. Impett, AICP, Urban Planner, Shute Mihaly & Weinberger LLP<br>February 22, 2019 |
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- 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<sub>2e</sub> while the Draft EIR estimates operational GHG emissions to be 2,035,936 MTCO<sub>2e</sub> 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<sub>2e</sub> for 80 years and that the PRSP area would need to offset its estimated annual GHG emissions of 195,014 MTCO<sub>2e</sub> 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<sub>2e</sub>/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<sub>2e</sub>/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.

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Letter  
13

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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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 February 22, 2019  
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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

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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.
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?
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.
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

13-4

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13-7

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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,~~ These 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

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| <p>Letter<br/>14</p> |
|----------------------|

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](mailto: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.

“ 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.

14-1  
cont.

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 legenera. 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 legenera, 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](mailto:president@redbud-cnps.org) 530-570-8009

|                      |                                                                                                     |
|----------------------|-----------------------------------------------------------------------------------------------------|
| <b>Letter<br/>14</b> | California Native Plant Society<br>Jeanne M. Wilson, President, Redbud Chapter<br>February 22, 2019 |
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- 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.