
APPENDIX RTC-1: COMMENT LETTERS ON THE DRAFT SEIR

From: [Jim Morgan and Lori Christensen](#)
To: [Shen, Jessie](#); [PER-CEQA](#)
Subject: BRECA Comments on the Draft SEIR for the Sacramento County Regional Housing Needs Allocation (RHNA) Rezone Project
Date: Sunday, May 19, 2024 10:31:25 PM
Attachments: [BRECA cmt Sac Co Rezone DSEIR.pdf](#)

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Jessie Shen:

I have attached the comments of the Butterfield-Riviera East Community Association (BRECA) on the Draft Subsequent Environmental Impact Report for the Sacramento County Regional Housing Needs Allocation (RHNA) Rezone Project.

Please acknowledge receipt of this email.

Also, if there is way for us to get on a list for people to be notified of activities on this document and the general RHNA process, please add our name to that list.

Thank you.

James Morgan
BRECA Secretary

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**Butterfield-Riviera East
Community Association
P.O. Box 276274
Sacramento, CA 95827**

May 19, 2024

Jessie Shen, Senior Planner
Department of Community Development
Planning and Environmental Review Division
827 7th Street, Room 225
Sacramento, CA 95814
Via e-mail: CEQA@saccounty.net & shenj@saccounty.gov

Re: Comments on the Draft Subsequent Environmental Impact Report for the
Sacramento County Regional Housing Needs Allocation (RHNA) Rezone Project

Jessie Shen:

These are the comments of the Butterfield-Riviera East Community Association (BRECA) concerning the Draft Subsequent Environmental Impact Report for the Sacramento County Regional Housing Needs Allocation (RHNA) Rezone Project (DSEIR).

The Butterfield-Riviera East Community Association (BRECA) is a membership based community organization. Our goals are to promote citizen involvement and enhance the community. The boundaries of our association are the American River on the north, Folsom Blvd. on the south, the Mayhew Drain on the west, and Paseo Rio Way (both sides of the street) on the east.

As explained in the Executive Summary and Chapters 1 and 2, the main purpose of the RHNA Rezone Project is to increase the number of dwelling units (du) in unincorporated Sacramento County zoned to lower income households so as to meet the recently revised RHNA numbers plus an additional margin. Lower income dwellings are defined as being zoned at a density of 30 du/acre or greater. A secondary purpose is to increase the zoning of moderate income dwellings.

One of the parcels included as a candidate in the Sacramento County Rezone Project lies within the boundaries of our Association: It has Assessor Parcel Number (APN) 075-0020-015-0000, and is identified as site 15 in Appendix PD-1 to the DSEIR. Another parcel, with APN 075-0440-024-0000, identified as site 16 in Appendix PD-

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1, lies immediately to the east of our Association boundaries. BRECA has been heavily involved for at least two decades in various planning efforts concerning the first site. The first site is along Folsom Blvd., immediately opposite the Butterfield Light Rail Station, and is approximately 14.7 acres in total. It consists mostly of fallow field, with a single house and some outbuildings surrounded by trees.

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We first want to bring to your attention that candidate site 15 (as identified in Appendix PD-1) should not be included in the “lower income” category of the Rezone Project at all because it is too big. California Government Code Section 65583.2(c)(2) reads in part:

“(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing....”

As noted above, the candidate site 15 (as identified in Appendix PD-1) is actually about 14.7 acres. Current zoning for the site dates from the Riverstone Square proposal approved by the Board of Supervisors in 2007, and includes about 2.3 acres of dedicated park land zoned RD-0, leaving 12.4 acres developable at RD-20. Appendix PD-1 indicates that the acreage rezoned is 11.45 acres (net). Whether the text of California Government Code cited above refers to gross or net acres, the site is clearly larger than allowed by the cited Code for lower income housing.

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The DSEIR makes no mention of this. Nor does it cite any examples of “...sites of equivalent size (that) were successfully developed during the prior planning period for an equivalent number of lower income housing units....” It seems likely to us that there are none. Are there any sites that fulfill this criteria?

Consequently, as the main purpose of the Rezone Project is to zone areas with higher density to increase the RHNA numbers, and candidate site 15 (as identified in Appendix PD-1) cannot be used to increase those numbers, site 15 should not be included as lower income density (i.e. over 30 dwelling units [du] per acre) zoning. We point out that the proposed rezone has many more additional lower income units (973, DSEIR p. 2-3) than are required to meet the RHNA requirements. Hence removing Site 15 would not result in failure to achieve the main goal of the Rezone project. Is County Planning willing to modify the proposed project to remove candidate site 15 from the higher density category? If not, why not?

The second point that we would like to make is that the DSEIR appears to us to omit an entire subcategory of adverse environmental impact. In Chapter 4, Aesthetics, there is a subcategory for “Impact AES-1: Degrade Existing Visual Character or Quality of Public Views.” However, there is no category for degrading of “private views,” even when said views would be experienced by a large number of people. In particular, we point out that the “private views” of residents who live adjacent to

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candidate sites number 15 and 16 (as described in Appendix PD-1) would be greatly degraded by the zoning proposed in the Rezone proposal.

Regarding site 15, it is bordered on the North by single family detached houses, most of which are single story, with a few two story. On the west it is bordered by duplexes, which are all single story. As these residents look out from their back yards, as noted above, they currently see an open field with a single one story house and some outbuildings (site 15). If the Rezone proposal were to take effect, and development occur at the proposed density of 40 du/acre, this view would change to, most likely, one or more large apartment or condominium buildings averaging about four (4) stories in height. This would of course tremendously degrade their “private” view.

Site 16 (as described in Appendix PD-1) likewise has single family homes, one and two story, to the north. These would be adversely affected by the proposed 40 du/acre zoning of this site.

We are of course aware that the current zoning for site 15 (as described in Appendix PD-1) is for 20 du/acre for most of the site. The final plan of this, in the Riverstone Square proposal, was for a combination of small detached single family homes to the north and west, and row houses to the south and east. Those would have been two (2) or three (3) stories high. We view this as marginally compatible with surrounding construction. If this zoning was used for apartments or condominiums, it would most likely be two (2) stories on average. So a change to 40 du/acre would be a significant change.

We add, as cited in the DSEIR (p. 4-16 and 4-17), the following land use policies from the Sacramento County General Plan:

“LU-18. Encourage development that compliments the aesthetic style and character of existing development nearby to help build a cohesive identity for the area.”

“LU-102. Ensure that the structural design, aesthetics and site layout of new developments is compatible and interconnected with existing development.”

It is strikingly obvious that the proposed rezone of candidate sites 15 and 16 (as described in Appendix PD-1) to 40 du/acre, are inconsistent with the above land use policies. If developed per the proposed zoning it would constitute a significant adverse effect on the environment of the neighbors.

We also add that it appears that there may be many of the sites in the Rezone proposal that would have the same situation as sites 15 and 16 (as described in Appendix PD-1).

The failure to disclose this effect renders the DSEIR inadequate under the California Environmental Quality Act (CEQA).

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cont**

On a side note, we point out that there is an inconsistency between the site designations in Appendix PD-1 and Appendix AES-1. APN 075-0020-015-0000, is identified as site number 15 in Appendix PD-1 to the DSEIR. However, in Appendix AES-1, it is identified as site number 37. APN 075-0440-024-0000, is identified as site 16 in Appendix PD-1, but as site number 34 in Appendix AES-1. It appears that most or all of the site numbers in Appendix PD-1 are inconsistent with those in Appendix AES-1. This likely confuses many people. Inasmuch as much of the text of the main document refers to site numbers without clarification of which Appendix this should refer to, this needs to be fixed in the final environmental document. This is also why our comments above refer repeatedly to Appendix PD-1 as the source of the site number.

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On another note, we also want to comment on traffic impacts. We see that, according to DSEIR Chapter 10, Transportation, traffic congestion and Level Of Service have been deemed to be not significant effects under CEQA. None-the-less, we are concerned about the impact of the large number of vehicles that would be added to our streets by the proposed high density zoning. We are particularly concerned about the combined impact of sites 15 and 16 (as described in Appendix PD-1) on the intersection of Folsom Blvd. and Bradshaw Road. This intersection is already projected to be a Level of Service F in the future. More traffic will only make things worse. Although we do not expect the DSEIR to address this question, we do intend to bring it to the attention of the Board of Supervisors.

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We look forward to your response to these comments.

You may contact us at jmorgan1@ix.netcom.com.

Thank you for your attention to these matters.

James Morgan
BRECA Secretary

Gay Jones
BRECA Chair

Cc: Sacramento County Supervisor Pat Hume

From: [Dhatt, Satwinder K@DOT](#) on behalf of [D3 Local Development@DOT](#)
To: [PER-CEQA](#)
Cc: [Arnold, Gary S@DOT](#)
Subject: RE: Notice for PLNP2020-00042 RHNA DSEIR
Date: Tuesday, April 9, 2024 8:33:37 AM

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Hello,

Thank you for including California Department of Transportation in the review process for PLNP2020-00042 Sacramento County Regional Housing Needs Allocation (RHNA) Rezone Project. We wanted to reach out and let you know we have no comments at this time.

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

Should you have questions please contact me, Local Development Review and System Planning Coordinator, by phone (530) 821-8261 or via email at D3.local.development@dot.ca.gov.

Thank you!

Satwinder Dhatt

Local Development Review and Complete Streets

Division of Planning, Local Assistance, and Sustainability

California Department of Transportation, District 3

703 B Street, Marysville, CA 95901

(530) 821-8261

From: PER-CEQA <CEQA@saccounty.gov>

Sent: Friday, April 5, 2024 4:41 PM

Subject: Notice for PLNP2020-00042 RHNA DSEIR

EXTERNAL EMAIL. Links/attachments may not be safe.

This is the Notice for the DSEIR Sacramento County Regional Housing Needs Allocation Rezone Project.

Control Number PLNP2020-00042

2-1

From: [Andrew Saltmarsh](#)
To: [PER-CEQA](#); [Shen, Jessie](#)
Cc: [Patrick Larkin](#); [Terry Zeller](#); [Laura Taylor](#)
Subject: Draft SEIR - Sacramento County RHNA Rezone Project - Cordova Recreation and Park District Comment Letter
Date: Monday, May 20, 2024 2:06:55 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[24_0517ltr_RHNA_Rezone_DSEIR_CRPDcomments.pdf](#)

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Hello,

Please see the attached CRPD comment letter regarding the Draft SEIR for the Sacramento County RHNA Rezone Project.

Thank you,

Andrew Saltmarsh (he/him)
Planning Technician
Cordova Recreation & Park District
Phone: 916-842-3317





May 17, 2024

Jessie Shen, Senior Planner
Department of Community Development
Planning and Environmental Review Division
827 7th Street, Room 225, Sacramento, CA 95814
e-mail: CEQA@saccounty.net

Regarding: Sacramento County Regional Housing Needs Allocation (RHNA) Rezone Project
(County Control Number PLNP2020-00042)
Draft Subsequent Environmental Impact Report, dated April 2024
(State Clearinghouse Number 2023060304)
Notice of Availability (NOA)

Public Review Period: April 5, 2024 to May 20, 2024

Reviewed by: Cordova Recreation and Park District
Laura Taylor, CRPD Park Planning and Development Manager
Lisbet Gullone, CRPD Contract Planner

Cordova Recreation and Park District (CRPD or 'District') is responding to a 'Notice of Availability' from Sacramento County regarding a subsequent environmental report for the Sacramento County Regional Housing Needs Allocation Rezone Project. The County previously circulated a 'Notice of Preparation' (NOP) with a public review period of December 22, 2023 to January 22, 2024. A scoping meeting for public agencies was also held on January 4, 2024. CRPD inadvertently missed the opportunity to provide early comments regarding the environmental aspects of the rezone project.

The current environmental report refers to earlier EIR's that were prepared for special planning areas within the County. All these areas, (including Fair Oaks Boulevard, North Watt Avenue and Old Florin Town SPA), are located outside the District.

PROPOSED REZONE

The County's rezone project includes 79 properties with an overall area of 235 acres. Most of the parcels are zoned for residential development, but by increasing the allowed density the County can provide the opportunity for the development of an additional 4,081 units in the lower income category. After this increase of high-density zoning the County will meet the State's requirements for residential zoning.

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Two of the sites targeted for rezone are located within CRPD. Both sites are in the west end of the District with access from Folsom Boulevard (Site #15 and Site #16). The combined area of these properties is 13.9 acres.

SUMMARY OF ENVIRONMENTAL REPORT

While the subsequent environmental report is addressing 'Public Services and Recreation', no new or more significant effects have been identified. As in earlier EIR's, the report states that the Quimby Act and **General Plan Policy PF-123** covers potential impacts of the rezone on Parks and Recreation Facilities. No additional mitigation has therefore been required.

3-3

In the report Park and Recreation Facilities have been included with **Table ES-1: Summary of Resource Topics Excluded from Detailed Analysis** on page ES-65 and ES-66. **Impact PSR-5: Require Construction of Parks and Recreation Facilities** states increase for demand for parks and recreation facilities would be required by the Quimby Act and General Plan Policy PF-123. Park Districts in the three special planning areas (Carmichael, North Highlands and Southgate) have been addressed individually under **Impact PSR-5**.

REZONE SITES WITHIN THE DISTRICT

Rezone sites #15 and #16 are both located along Folsom Boulevard, close to the west boundary of Rancho Cordova. This part of the CRPD is generally considered to be underserved by Quimby parkland.

Site #15 is proposed to be rezoned from 20 units/acre (RD-20) to 40-units/acre (RD-40). The 11.45-acre property includes a 3-acre portion zoned for parks and open space (O) in the center. While **Appendix PD-1** lists the proposed zoning as RD-40/O, the three-acre park portion has been included with both the existing and proposed density calculation. As a result, the project seems to exclude the 3-acres of parkland and by default rezones the 3-acres of parkland to high density housing. Because this zoning change would eliminate land that in the future could be developed as a public park, CRPD recommends that the 3-acre parkland should be excluded from rezoning and density calculations.

3-4

Site #16 is also proposed to be rezoned from 20 units/acre (RD-20) to 40 units/acre (RD-40). The size of this parcel is 2.45-acres.

DSEIR REPORT

Impact PSR-5 describes why the rezone will not impact the demand for park and recreation facilities (see **Table ES-1** on page ES-65 and 66). Both the General Plan and the Quimby Act are mentioned as evidence that future multi-family developments within the Carmichael, North Highlands and Southgate Park Districts will have a sufficient amount of parkland. While the DSEIR report is focused on three special

3-5

planning areas within the County (Fair Oaks Boulevard, North Watt Avenue and Old Florin Town SPA), CRPD recommends that all the eleven park districts that are subject to the rezone project should be mentioned in impact assessment PSR-5.

3-5,
cont

A detailed analysis of Impact PSR-5 is found on pages 9-43 to 9-48. There appears to be a typo on page 9-43 under **Proposed Project Impact Evaluation**, third bullet should reference "CRPD" (for Cordova Recreation and Park District) instead of COPD.

3-6

For unknown reasons, CRPD was not aware of the earlier environmental review process. However, the District has noted that Southgate Park and Recreation District responded to the County's Notice of Preparation (NOP) as covered in the DSEIR on page 9-44. Similarly to Southgate, CRPD has standard conditions that apply to the County portion of the District. These standard conditions have been provided in the past to Sacramento County as part of the review and comment on new development proposals. As a part of these conditions, CRPD requires that developments consent to be included in a CRPD financing district for the purposes of funding costs to repair, maintain, and replace facilities in perpetuity. When development applications are submitted for the rezoned sites, the District will work with the County to incorporate park conditions with the project approval.

3-7

ADDITIONAL DISTRICT COMMENTS

The California Environmental Quality Act (CEQA) does not require that economic aspects of a project are analyzed. However, *Public Services and Recreation* (that is a subject of CEQA review) are directly affected by funding. Regarding parks, this means that the amount of parkland in addition to the quality of park improvements and park maintenance depends on the available funding. Generally, park fees have not increased at the same rate as costs for park construction and park maintenance.

While the DSEIR refers to the 'Quimby Act' as evidence that the State and local requirements for parks will be met, it does not consider that High-Density Infill Development in Sacramento County qualifies for an exemption from Quimby Parkland Requirements (see **Goal 2 in the Housing Element** portion of the General Plan and section 6.5.4.D of the County Zoning Code). The District also does not know, when the County would consider an 'Alternative Calculation Method' outlined in **Chapter 22.40.045** to determine parkland requirements potentially reducing the current standards within the District from 4.87-acres/1,000 residents. In order to manage some of the unknown aspects of the rezone project, CRPD recommends that the County should not permit waivers from Quimby Parkland Requirements.

3-8

Some new multi-family developments will fall under a "by right" approval process that allows approval without compliance with the requirements of Chapter 22.40. Therefore, the report should also identify Sacramento County **Chapter 9.70 Local Parks and Recreation Dedication and Fees** as a mechanism to provide mitigation for the impact of increased population for projects that are not subject to Chapter 22.40.

SUMMARY OF CHANGES AND ADDITIONS REQUESTED BY CRPD

1. Exclude the 3-acre open space zone within site #15 from the RHNA Rezone Project.

3-9

2. Expand PSR-5 impact assessment to include all the Park Districts that are affected by the rezone project. I 3-10
3. Do not exempt Affordable Housing Projects within Sacramento County from Quimby Parkland requirements. I 3-11
4. Correct typo on page 9-43 under **Proposed Project Impact Evaluation** , third bullet to “CRPD” (for Cordova Recreation and Park District) instead of COPD. I 3-12
5. Sacramento County Code Chapter 9.70 should be mentioned as a mechanism to provide park and recreation mitigation for projects that are not subject to Chapter 22.40. I 3-13

Please contact the District if you have any questions or comments regarding this letter.

Respectfully,



Laura L. Taylor, ASLA
Park Planning and Development Manager
Cordova Recreation and Park District
Phone: 916.842.3319
E-mail: ltaylor@cordovarpd.gov



Copy: Patrick Larkin, CRPD General Manager
Terry Zeller, CRPD Principal Planner
Andrew Saltmarsh, CRPD Planning Technician

From: [James Ferguson](#)
To: [PER-CEQA](#); [Shen, Jessie](#)
Subject: Dry Creek JESD RHNA Rezone Project Comments
Date: Friday, May 17, 2024 4:18:07 PM
Attachments: [DCJESD SacCounty RHNA Comments.pdf](#)

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Good Afternoon-
On behalf of the Dry Creek Joint Elementary School District, please find the attached letter pertaining to the "Notice of Availability of a Draft Subsequent Environmental Impact Report For The Sacramento County Regional Housing Needs Allocation (RHNA) Rezone Project." If you have any questions, feel free to contact me.
Sincerely,

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 **Jim Ferguson**
Assistant Superintendent, Administrative Services
Dry Creek Joint Elementary School District
[916-770-8800](tel:916-770-8800) | www.drycreekschools.us | jferguson@dcjesd.us
[8849 Cook Riolo Rd., Roseville, CA 95747](#)


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May 20, 2024

Jessie Shen, Senior Planner
Department of Community Development
Planning and Environmental Review Division
827 7th Street, Room 225, Sacramento, CA 95814

Re: Response of Dry Creek Joint Elementary School District to "Notice Of Availability Of A Draft Subsequent Environmental Impact Report For The Sacramento County Regional Housing Needs Allocation (RHNA) Rezone Project"

Dear Ms. Shen:

On behalf of the Dry Creek Joint Elementary School District ("District"), we provide this letter to submit comments regarding the Draft Subsequent Environmental Impact Report ("DEIR") for the Sacramento County Regional Housing Needs Allocation (RHNA) Rezone Project ("Project") proposed by Sacramento County ("County"). According to the DEIR, The Project consists of rezoning sites totaling approximately 235 acres across unincorporated Sacramento County to provide additional lower income (i.e., extremely low income, very low income, and low income) and moderate-income category housing opportunities. As per the DEIR, the County aims to it provides additional capacity for future development of housing units to meet the County's remaining unmet RHNA of 2,884 lower income category units, consistent with State law.

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As a threshold issue, the District is sparsely mentioned in the DEIR. There is no significant analysis of the District or the linkages between housing development, their impact on the District, and the need for infrastructure to support the community's students. As a general note, the District requests additional discussion of these topics be included in the DEIR.

4-3

Furthermore, the Housing Accountability Act prohibits local planning agencies from denying a residential project (or approving it at a reduced density) if the project complies with all applicable objective standards. (Gov. Code § 65589.5(j).) The County cannot impose any condition on such a project if the condition makes the project infeasible, financially or physically. These objective standards are set out in the general plan and zoning documents approved by local planning agencies. As such, once the Project is approved, the District will no longer have an avenue to ensure that the impact of high-density residential units on schools is adequately identified, analyzed, addressed, and mitigated.

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Therefore, through this letter, the District wishes to emphasize that this Project has the potential to have a profound negative effect on the District's students, their families, and residents. Overall, the DEIR fails to present any information needed to assess the Project's environmental impacts on the District.

With the foregoing in mind, the District requests the County revise the DEIR to address the serious deficiencies identified in this letter, develop appropriate mitigation measures for impacts that are identified as significant, and then recirculate the revised DEIR as required by CEQA. (CEQA Guidelines § 15088.5.) The District is hopeful that collaboration with the County, as outlined in this letter, will yield meaningful solutions that alleviate the impacts caused by the Project. The District is prepared to provide information as necessary to assist the County in addressing each of the District's concerns regarding the proposed Project.

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I. The DEIR does not meet its purpose as an informational document because it fails to provide an adequate description of the environmental setting related to schools.

One of CEQA's basic purposes is to inform government decision-makers and the public about the potential significant environmental effects of proposed projects and to disclose to the public the reasons for approval of a project that may have significant environmental effects. (CEQA Guidelines § 15002(a)(1) and (a)(4).) In line with this goal, the preparer of an EIR must make a genuine effort to obtain and disseminate information necessary to the understanding of the impacts of project implementation. (See, CEQA Guidelines § 15151; *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1236.)

An EIR must describe existing environmental conditions in the vicinity of the proposed project from a local and regional perspective, which is referred to as the "environmental setting." (CEQA Guidelines § 15125.) This description of existing environmental conditions serves as the "baseline" for measuring the qualitative and quantitative changes to the environment that will result from the project and for determining whether those environmental effects are significant. (*Id.*; see also, CEQA Guidelines § 15126.2(a); *Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 C4th 439, 447.)

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District facilities are critical part to the Project location's environment and should be considered throughout the DEIR impact categories. The DEIR identifies that three (3) of the rezone sites are within the District's boundaries and that these 3 sites will generate a total of Two Hundred and Thirty-Five (235) students that will need to be housed on District campuses. (DEIR, 9-35.) However, the DEIR fails to identify the impacted school sites, the available capacity at those schools, whether the students generated by development will need transportation, and related impacts. District facilities are at or nearing their capacity and so it is likely that these students may not be housed at their nearest campus or new facilities will be needed to house these students. The District is inadequately equipped to house these excess students. The DEIR fails as an informational document as it does not daylight these issues to the public or decision makers to adequately evaluate the impact of the Project.

Furthermore, it is common practice for cities and counties to rely on program-level environmental documents to excuse further analysis at the project-level. (See *Citizens for Responsible Equitable*

Environmental Development v. City of San Diego Redevelopment Agency (2005) 134 Cal.App.4th 598, 608.) Applied to this instance, the County would be able to approve further project-specific entitlements without informing the public regarding the impact of such specific projects on school facilities. Therefore, the County must do the work of identifying and analyzing these impacts in this DEIR to ensure that the document complies with the basic principles of CEQA.

The DEIR purports to describe the Project's environmental setting in each of the environmental impact categories that are analyzed in the DEIR. However, in doing so, the DEIR barely mentions the District school throughout the entire document. The DEIR fails to present any information needed to assess the Project's environmental impacts on the District. For instance, the DEIR fails to address the current and projected future enrollment at District campuses that will be affected by the Project; the District's educational program objectives; a description of how the District currently uses its facilities; and the current vehicular and pedestrian paths of travel used by District staff, students and their families to get to and from school. Without consideration of these factors, it is impossible for the lead agency and public to assess whether the Project has any impacts on the District's students, families, and staff, and whether those impacts are significant.

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cont

II. The DEIR fails to identify and analyze all impacts on school facilities.

The DEIR does not address student generation within the context of the overall growth within the County and its impact on enrollment and potential overcrowding of school sites. The District requests the County consider the cumulative impacts of the Project alongside other new developments within the County, related to student generation, the facilities needed to accommodate such growth, and all the impacts on the District, direct and indirect, resulting from the Project.

CEQA Guidelines, Appendix G, states that a project may have public services impacts on schools if the project would "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives" for the provision of school services.

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There is a myriad of ways in which large residential and commercial development projects can impact a school district's need for new or physically altered facilities in order to maintain performance objectives. The DEIR does not and should analyze all potential impacts under this standard, including but not limited to: (1) whether the influx of students would require "physically altered" school facilities unrelated to the accommodation of additional enrollment; (2) whether other impacts of the proposed Project, such as increased traffic, noise, or air pollutants in the neighborhood, could impact the District's need for new or physically altered school facilities; and (3) whether other impacts of the proposed Project could otherwise interfere with the District's ability to accomplish its own performance objectives. Consideration of the above-listed categories information is essential to properly making these determinations.

Lead agencies, and the DEIR, often cite to SB 50 (specifically, Government Code sections 65995(h) and 65996(a)), for the proposition that the payment of school impact fees (commonly

referred to as “developer fees”) excuses them from their obligations to analyze and mitigate impacts posed on school districts by development. In addition, the relevant text in the DEIR is a misstatement of the law related to developer fees and CEQA. While SB 50 does declare that the payment of the developer fees authorized by Education Code section 17620 constitutes “full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities,” (Gov. Code § 65995(h)), SB 50 does not excuse lead agencies from analyzing such impacts on school facilities in the first place. Further, California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding. (*Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016.) Thus, the payment of fees does not constitute full mitigation for all impacts caused by development related to traffic, noise, biological, pedestrian safety, and all other types of impacts related to the District and its educational program. The District expects the County to analyze and mitigate all such impacts for this Project.

From a practical standpoint, the amount of developer fees received by school districts typically falls woefully short of alleviating the impacts caused by development. This is due largely to the fact that: (1) statutory developer fee amounts fail to acknowledge the differences in costs of school construction from one district to another; (2) the developer fee amounts fail to contemplate the special facilities needs of those districts experiencing rapid growth, such as the need for portables; and (3) the adjustment formula for developer fees is based on a “construction cost index” and does not include indexing related to the increases in land costs, resulting in the actual costs of facilities (i.e., land and improvements) increasing at a greater rate than the adjustment.

The inadequacy of developer fees as a source of funding for school facilities has forced school districts to rely increasingly on other sources of funding, primarily including local bond funds and State bond funds administered under the School Facilities Program (“SFP”). However, these sources of funds can be equally unreliable. Local bond funds are also difficult to generate, as local bonds are subject to district bonding capacity limitations and voter approval. Either way, the funding formula was never intended to require the State and local taxpayers to shoulder a disproportionate portion of the cost of school facilities.

In addition to the fact that current school sites do not have sufficient space to accommodate additional students, an inadequate infrastructure – which might include cafeterias, restroom facilities, sewerage, electrical capacity, and the like – may also preclude any additional growth. Placing too great a strain on the infrastructure is itself a physical impact to be addressed in an EIR.

Thus, the payment of fees does not constitute full mitigation for all impacts caused by development related to traffic, noise, biological, pedestrian safety, and all other types of impacts related to the District and its educational program. The District expects the County to analyze and mitigate all such impacts for this Project.

III. The DEIR fails to identify and analyze all impacts on housing.

The DEIR should estimate the amount of development fees to be generated by development in accordance with implementation of the Project and should describe the phasing of residential and development over time from inception to build-out of the Project.

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4-8

The timing of development will also determine when new students are expected to be generated, and therefore is an important consideration particularly when considering the cumulative impact of a project in conjunction with other approved or pending development. High-density residential units, such as multi-family housing, have a proportionally larger impact on the District when compared to single family homes. This is because multi-family units generate a similar number of students to single family units but over a smaller square footage. Therefore, the developer fees collected on such multi-family housing do not accurately reflect the burden placed on the District to ensure adequate facilities are ready to house the students generated by development.

Therefore, significant multi-family residential development often leads to a scenario where the developer fees imposed on such development does not track with the need for facilities to house students generated by such development.

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While the foregoing funding considerations raise fiscal issues, they translate directly into physical and environmental impacts, in that inadequate funding for new school construction results in overcrowding of existing facilities. Furthermore, fiscal and social considerations are relevant to an EIR, particularly when they either contribute to or result from physical impacts. (Pub. Resources Code § 21001(g); 14 Cal. Code Regs. §§ 15021(b), 15131(a)-(c), 15142 & 15382.)

IV. The County Must Consider All Traffic and Related Impacts, Including Impacts on Traffic on Student Safety, Caused by the Project.

The DEIR was required to address potential effects related to traffic, including noise, air quality, and any other issues affecting schools. (Pub. Resources Code, §§ 21000, et seq.; Cal. Code Regs., tit. 14, §§ 15000, et seq.; *Chawanakee Unified School District v. County of Madera, et al.*, (2011) 196 Cal.App.4th 1016.) Additionally, specifically related to traffic, the DEIR was required to analyze safety issues related to traffic impacts, such as reduced pedestrian safety, particularly as to students walking or bicycling to and from District schools; potentially reduced response times for emergency services and first responders traveling to these schools; and increased potential for accidents due to gridlock during school drop-off and pick up hours. Though the DEIR generally analyzes the traffic impacts anticipated by the Project, its analysis is inadequate, particularly in relation to schools. Traffic issues are a particular concern for school districts in that increased traffic volume may interfere with established school bus routes, require new and additional routes, and may increase safety concerns for students walking or riding bicycles or other modes of transportation to and from school.

4-9

Any environmental analysis related to the Project must address potential effects related to traffic, noise, air quality, and other issues affecting schools. (Pub. Resources Code, §§ 2100, et seq.; Cal. Code Regs., tit. 14 §§ 15000, et seq.; *Chawanakee Unified School District v. County of Madera, et al.*, (2011) 196 Cal.App.4th 1016.) Specifically related to traffic, there must be an analysis of safety issues, such as reduced pedestrian safety; potentially reduced response times for emergency services and first responders traveling to these schools; and increased potential for accidents due to gridlock during school drop-off and pick-up hours. (See, Journal of Planning Education and Research, "Planning for Safe Schools: Impacts of School Siting and Surrounding Environments on Traffic Safety," November 2015, Chia-Yuan Yu and Xuemei Zhu, pg. 8 [Study of traffic accidents

near Austin, Texas schools found that “[a higher percentage of commercial uses was associated with more motorist and pedestrian crashes” around schools].)

The State Office of Planning and Research has developed new CEQA Guidelines that sets forth new criteria for the assessment of traffic impacts and now encourages the use of metrics such as vehicle miles traveled (“VMT”), rather than level-of-service (“LOS”), to analyze project impacts on traffic. (14 Cal. Code Regs. §15064.3.) However, local agencies may still consider impacts on traffic congestion at intersections where appropriate and must do so where, as here, such traffic congestion will cause significant impacts on air quality, noise, and safety issues caused by traffic. (Pub. Res. Code § 21099(b)(3).)

To the extent the Project may implement construction that impedes circulation in the County, and clog the access roads to, from, and around the District campuses, such items should be addressed in the EIR. (See, 5 Cal. Code Regs. § 14010(k), which requires that school facilities be easily accessible from arterial roads.)

In addition to increased risks of vehicular accidents, the traffic and parking impacts posed by the Project may impact the safety and convenience of students who walk or bike to school. Title 5 of the California Code of Regulations requires that school sites be located within a proposed attendance area that encourages student walking and avoids extensive bussing. (5 Cal. Code Regs. § 10410(1).) As per the District Board Policy 5142.2, the District is committed to reducing vehicle emissions by encouraging students to walk or bicycle to school or to use district or public transportation. It is important that these traffic impacts are not only assessed through a VMT analysis, but also through a LOS analysis, as traffic congestion that may result from the Project may cause significant issues related to safety, noise, and air quality.

The requirement to analyze student safety issues is rooted in both the California Constitution and CEQA. Article I, section 28(c), of the California Constitution states that all students and staff of primary, elementary, junior high, and senior high schools have the inalienable right to attend campuses that are “safe, secure, and peaceful.” CEQA is rooted in the premise that “the maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.” (Pub. Res. Code § 21000(a).) Naturally, safety is crucial in the maintenance of a quality environment. “The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.” (Pub. Res. Code § 21000(d).) The Legislature has made clear in declarations accompanying CEQA's enactment that public health and safety are of great importance in the statutory scheme. (Pub. Res. Code §§ 21000 (b), (c), (d), (g); 21001(b), (d) (emphasizing the need to provide for the public's welfare, health, safety, enjoyment, and living environment.)) (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 386.)

The District notes that no mention is made in the DEIR regarding travel-to-school analysis, including school bus routes, or walking/riding paths or routes. The District requests these school-related transportation, traffic, and safety impacts be analyzed and addressed, including those resulting from traffic and transportation impacts from the Project as a whole, and those

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school impacts relating to both (1) Project resident students' travel to and from yet-to-be identified school sites, and (2) congestion and related impacts on campus pick-up and -drop off procedures in light of increased traffic on major and arterial roads outside the Project. As mentioned, the District's campuses are currently nearing capacity and no single campus is projected to be able to support the Project's full population. As a result, students residing in the Project will likely need to travel from the Project to interim or new alternative school sites, which necessitates analysis of contingency bus and home to school travel routes to same. Furthermore, as per the District's BP/AR 3541 students are only eligible for bussing if they live more than 2 miles from their designated campus. Due to the location of the rezoned areas, and their nature as high-density residential, it is more than likely that the developments in the rezoned areas will generate a proportionally large number of students that will not be eligible for bussing and, therefore will have to walk to school on a road that will be significantly busier due to the traffic generated by development.

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The DEIR is inadequate in its discussion of the significant and inevitable traffic and transportation impacts, particularly as related to the Project's construction. The construction of, and traffic generated by, the Project will severely exacerbate the existing inadequacies in the County's roadways/sidewalks and the safety issues posed thereby. These impacts will severely inhibit the District's ability to operate its educational programs. However, none of these issues were properly analyzed in the DEIR.

The foregoing categories of information are critical for determining the extent of both physical and fiscal impacts on the District caused by increased population growth.

V. The County Must Consider Social Impacts Caused by the Project.

The Final EIR should identify how school facilities are currently utilized as civic centers, and are projected to serve in that capacity in the future, and assess the impacts of the Project on that use and identify how the District's grounds are currently utilized for recreation (parks) and open space, and are projected to serve in that capacity in the future, and assess the impacts of the Project on that use. These two requests are made in light of school districts' roles in providing recreational space and civic centers to the community. As overcrowding increases at school sites, the community's ability to utilize school facilities becomes limited, which has both physical and social impacts on the community. For example, the addition of relocatable classrooms to house new students may reduce available playing field or recreational space. Similarly, moving schools to multi-track class schedules, or having to set aside additional space for new alternative education students, may interfere with the community's ability to gain access to school facilities for civic use.

4-10

VI. Conclusion

The District is prepared to provide any information necessary to assist the County in preparation of the final EIR and in addressing each of the issues set forth above. The District is committed to working with the County and any developers to ensure that the District's needs are met and that development located in the area of the proposed Project as well as all of the residents of the community can receive adequate and appropriate educational facilities.

4-11

Importantly, the District's comments and suggestions provided herein should be read as primarily focused on those impacts that go beyond the Project's direct impact on the need for school facilities to house the Project's students. While the direct impact may be statutorily mitigated, it should still be analyzed and discussed. And, importantly, the direct impact is not the only school-related impact foreseeably caused by the Project. Other environmental impacts which have an effect on school services, including those related to traffic and transportation, including travel to school routes and bus stops and routes, noise and air quality, pedestrian and alternative travel safety and convenience, infrastructure impacts, and all other types of impacts related to school services and school-related community concerns, all of which are important to the District's mission. Therefore, the District respectfully requests that the final EIR, include a discussion, analysis, and mitigation of all such impacts.

**4-11,
cont**

Please feel free to contact me directly if we can be of any assistance. Thank you.

Sincerely,



Dr. Brad Tooker, Superintendent



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Sacramento, CA 95827-3553
Tel 916.876.6000
Fax 916.876.6160
www.sacsewer.com

May 15, 2024

Ms. Jessie Shen
County of Sacramento – Community Development Department
827 Seventh Street, Room 225
Sacramento, CA 95814

Subject: REVISED NOTICE OF AVAILABILITY OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE SACRAMENTO COUNTY REGIONAL HOUSING NEEDS ALLOCATION (RHNA) REZONE PROJECT (SCH# 2023060304; COUNTY CONTROL NO. PLNP2020-00042)

APN: N/A

File No: PLNP2020-00042 (SCH# 2023060304)

Dear Ms. Shen,

The Sacramento Area Sewer District (SacSewer) has reviewed the subject document and has the following comments.

The Sacramento County Housing Element of 2021-2029 identifies a shortfall of 2,884 units for the lower-income category in the County. There are insufficient appropriately zoned sites to accommodate the County's Regional Housing Needs Allocation (RHNA) obligation for the lower-income category. As such, Planning and Environmental Review (PER) is undertaking a rezone of ± 235 acres within the unincorporated County to provide additional lower-income and moderate-income category housing opportunities. The Project does not propose to construct new residential or other development on the ± 235 acres proposed to be rezoned; instead, it provides capacity for future development of housing units to meet the County's remaining unmet RHNA of 2,884 lower income category units, consistent with State law. The planning horizon year for the Project is 2029.

5-1

Note: Effective January 1, 2024, the Sacramento Regional County Sanitation District and the Sacramento Area Sewer District merged into one district called the Sacramento Area Sewer District, or SacSewer for short.

SacSewer provides local sewer service to the proposed project site via its collection system and conveys sewage from the collection system to the EchoWater Resource Recovery Facility for treatment, resource recovery, and disposal.

5-2

SacSewer is not a land-use authority and plans and designs its sewer systems using information from land-use authorities. SacSewer bases the projects identified within its planning documents on growth projections provided by these land-use authorities.

www.sacsewer.com

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RTC-1-21

To receive sewer service, the project proponent must complete Sewer Master Plans that include connection points and phasing information to assess the existing capacity of the collection systems to determine if the current facilities can convey the additional flows generated by the Project.

In March 2021, the SacSewer Board of Directors approved the most current SacSewer planning document, the 2020 System Capacity Plan Update (SCP). In February 2013, the SacSewer Board of Directors adopted the Interceptor Sequencing Study (ISS). The SCP and ISS are on the SacSewer website at [System Capacity Plans - Sacramento Area Sewer District \(sacsewer.com\)](http://sacsewer.com/SystemCapacityPlans-SacramentoAreaSewerDistrict).

The increased densities proposed by the Project were not included in the most current SCP and ISS planning documents. Portions of the Project area may exceed the design capacity of the existing collection system and may require projects to upsize the existing collection system to handle the increased flows proposed by the Project.

Customers receiving service from SacSewer are responsible for rates and fees outlined within the latest SacSewer ordinance. Fees for connecting to the sewer system recover the capital investment of sewer and treatment facilities that serve new customers. SacSewer does not guarantee sewer service or system capacity to the property until the property obtains proper permits to connect to the system and pays all facility impact (capacity) fees. The SacSewer ordinances are on the SacSewer website at [Ordinances - Sacramento Area Sewer District \(sacsewer.com\)](http://sacsewer.com/Ordinances-SacramentoAreaSewerDistrict).

If you have any questions regarding these comments, please call me at (916) 876-6104.

Sincerely,

Robb Armstrong

Robb Armstrong
SacSewer Development Services

5-3

From: [Richard Muzzy](#)
To: [Shen, Jessie](#)
Cc: [Phillely, Paul](#)
Subject: Comments on Draft SEIR for RHNA Rezone Project
Date: Wednesday, May 15, 2024 3:38:33 PM
Attachments: [image001.png](#)
[image002.png](#)

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If you have concerns about this email, please report it via the Phish Alert button.

Hi Jessie,
Thank you for allowing the opportunity for the Sacramento Metro Air Quality Management District to comment on the Draft SEIR for RHNA Rezone Project. We have reviewed the project and have no comments.
Rich

I 6-1

Rich Muzzy

Associate Air Quality Planner/Analyst
Transportation & Climate Change Division - CEQA & Land Use
Desk: (279) 207-1139
Website: www.AirQuality.org

 [@AQMD](#)



From: Johnny Vega [johnnyvega1129@gmail.com]
Sent: Sunday, May 19, 2024 9:23 AM
To: Clerk of the Board Public Email [BoardClerk@saccounty.gov]
Subject: PLNP2020-00042: AGENDA COUNTY PLANNING COMMISSION COUNTY OF SACRAMENTO, MONDAY MAY 20, 2024 5:30 PM

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In reference to:

AGENDA
COUNTY PLANNING COMMISSION
COUNTY OF SACRAMENTO
700 H STREET SUITE 1450
SACRAMENTO, CA 95814
MONDAY MAY 20, 2024 5:30 PM

AGENDA Item:
PLNP2020-00042 (Countywide/Shen) GENERAL PLAN AMENDMENT, COMMUNITY PLAN AMENDMENT, REZONE AND ZONING ORDINANCE AMENDMENT (Board Of Supervisors - Final Approval) Supervisorial District(s): All

My name is Johnny Vega, 31-year resident of Arden Arcade. My home is a Single-Family Home. My neighborhood is a Single Family Neighborhood. It would be nice to keep the neighborhood this way. Unfortunately, there are forces at work to dismantle this style and way of life. A life I have invested in throughout my adult years of diligent, thoughtful effort. Sadly, I do not have the years available to start over. My life, my quality of life, and my way of living are in jeopardy. And each of you have the power to challenge these negative change agents to protect the citizens in your districts.

I live here because:

- These neighborhoods are organized as single-family homes.
- The green spaces - so carefully planned and maintained - provide safe outdoor activities.
- These neighborhoods are quiet and safe.
- These neighborhoods are wonderful and safe places to raise families.
- My neighbors are my friends, and we depend on each other as needs arise.
- My neighbors work together to keep our homes/sanctuaries clean, safe, and quiet.

This rezoning plan, I believe, is the beginning of the end of my single-family home neighbor and other single-family home neighbors through the far reaches of this rezoning plan that allows for the development of high-density multi-family rental units built, including low-income units. I am not against the idea of building affordable housing, it is the way these affordable housing units are designed with little to no regard for the character and feel of the existing single-family home neighborhoods.

7-1

7-2

To maximize the number of occupancies, three-story structures are being built in traditional one-story single-family neighborhoods. Yes, there is an occasional two-story home, but by far, our old established neighborhoods are single-story. And this way of organizing people has given form to our neighborhoods that are desired, sought out, and sustained and has made our neighborhoods integral to our quality of life.

What these in-fill projects lack that is essential to maintaining the character and feel of our neighborhoods is "ownership." It is the most essential characteristic of ownership that is the foundation of our community. Without "skin-in-the-game" what motivates someone to maintain their property. Without "skin-in-the-game" what motivates someone to be basically a "good-neighbor."

If the intent is to provide affordable housing, then do exactly that, i.e. build single-family homes and provide access to their affordability. Building these "High-Density, Low-Income" apartments only enriches the lives of the developers at the expense of our beautiful neighborhoods. And do not be mistaken, there is a real – tangible – cost to our neighborhoods that will not be compensated. All to provide some untested relief to the "housing crisis" in California.

We know that State Agencies throughout California have spent \$24 Billion on this problem of housing the "unhoused." No oversight. No audit. No fiduciary mechanism in place to ensure this "housing" relief money made an improvement to California's unhoused. Imagine how many single-family home mortgages could have been made affordable from the \$24 Billion that has essentially been misappropriated.

Considering costs and expenses, think about the "multiplier effect." I live in an area that is zoned RD-4. In my neighborhood of approximately 16 acres, I share a space with 64 single-family homes. Assume that each home accommodates 2.5 residents for a total of 160 neighbors that require county services for health - both physical and mental, education, utilities, peace officers, transportation, etc., each service requiring commensurate funding. Now imagine adding that same amount of people to a restricted area of 2 acres. Now you've increased county services by a factor of eight in this restricted area. As property owners, we pay for those services through our taxes. Does the developer pay in perpetuity for these "cost-of-living adjusted" services? If this effort is about housing relief, then someone must pay to keep the "lights-on." Again, "Ownership" is the foundation of a neighborhood. Rentals do not have "skin-in-the-game" and we know from experience that social services are unfortunately the low-hanging fruit when it comes to budget cuts.

My neighbors and I are now in a battle to save our "Quality of Life" because of the results of planning efforts like this: PLPN 2023-00089 and PLPN 2023-00087 if approved will build High-Density, Low-Income Multi-Family apartments that we believe will forever change the quality, and character of our neighborhood in a not-so-good-of-a-way.

I implore the board to consider the long-term effects of these Zoning changes. What it means for both the existing traditional Single-Family-Home neighborhoods and communities and to the proposed new residents forced to live in a restricted area without the benefit of "ownership" and possibly reduce county services.

Please, Please, Please consider the "Quality of Life" your decision will have on real peoples lives on both sides of the issue and reconsider a better solution to our communities facing the "unhoused" in a meaningful and sustainable way for everyone.

I wish I had more time to write a better letter, but I only recently learned of this meeting.

Johnny Vega

