

Appendix A

Notice of Preparation and
Scoping Comments



DEVELOPMENT SERVICES – PLANNING

8401 LAGUNA PALMS WAY • ELK GROVE, CALIFORNIA 95758

EL: 916.683.7111 • FAX: 916.691.3175 • www.elkgrovecity.org

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

DATE: June 19, 2020

TO: Responsible and Trustee Agencies, Organizations, and Interested Parties

LEAD AGENCY: City of Elk Grove
Contact: Christopher Jordan, Director of Strategic Planning and Innovation
8401 Laguna Palms Way
Elk Grove, CA 95758

SUBJECT: Environmental Impact Report for the City of Elk Grove 2021 Housing Element Update

In discharging its duties under Section 15021 of the California Environmental Quality Act (CEQA) Guidelines, the City of Elk Grove (as lead agency, hereinafter “City” or “Elk Grove”) intends to prepare an environmental impact report (EIR), consistent with Section 15161 of the State CEQA Guidelines (Title 14 of the California Code of Regulations, hereinafter the “CEQA Guidelines”), for the **2021 Housing Element Update** (the “Project,” described later in this document). In accordance with Section 15082 of the CEQA Guidelines, the City has prepared this notice of preparation (NOP) to provide the Office of Planning and Research, responsible and trustee agencies, and other interested parties with sufficient information describing the Project and its potential environmental effects.

The City made the determination to prepare an EIR following preliminary review of the Project. Pursuant to CEQA Guidelines Section 15063(a), because an EIR is needed, an initial study has not been prepared. Probable environmental effects of the Project are described in the attached Project summary.

As specified by the CEQA Guidelines, the NOP will be circulated for a 30-day review period. **The comment period runs from Monday, June 22, 2020, to Tuesday, July 22, 2020.** The City welcomes public input during the review period. If the City has not received either a response or a well-justified request for additional time by a responsible agency by the end of the review period, the City may presume that the responsible agency has no response (CEQA Guidelines Section 15082[b][2]).

CEQA provides for a Lead Agency to facilitate one or more Scoping Meetings, which provide opportunity for determining the scope and content of the EIR. Traditionally, the City hosts one Scoping Meeting for the general public during the NOP comment period. In accordance with State and local health orders limiting in-person public meetings, the City is providing an alternative method for the Scoping Meeting. A video presentation by staff, introducing the Project and outlining the CEQA process, is available for review at <http://www.elkgrovecity.org/housingelement>. The website also provides a method for directly providing comments. This video and comment opportunity will be available at the above link throughout the NOP comment period (June 22 to July 22).

Comments may also be submitted in writing during the review period and addressed to:

City of Elk Grove
Office of Strategic Planning and Innovation
c/o Christopher Jordan
8401 Laguna Palms Way
Elk Grove, CA 95758
cjordan@elkgrovecity.org

PROJECT LOCATION AND SETTING

The City is located in Sacramento County and consists of approximately 42 square miles within its boundary (see Figure 1). Land uses are regulated under the City General Plan, which was comprehensively updated in 2019. The City General Plan established a Planning Area (approximately 31,238 acres) that includes lands outside the current City limits. Existing land uses in the City consist of residential at varying densities, commercial, office, industrial, park, and open space. The Planning Area primarily consists of agricultural lands and rural residential uses. Nearby natural open space and habitat areas include the Stone Lakes National Wildlife Refuge and the Sacramento River to the west, the Cosumnes River Preserve to the south, and the Regional County Sanitation District bufferlands to the northwest. Major roadway access to the City is provided by Interstate 5 and State Route 99.

PROJECT DESCRIPTION

As identified above, the General Plan was comprehensively updated in 2019. The 2019 update incorporated the 2013–2021 Housing Element into General Plan Chapter 4, “Urban and Rural Development,” and its provisions of sufficient land, with appropriate use designations, for the construction of the housing units that the City must accommodate according to the Regional Housing Needs Allocation (RHNA) by 2021 (7,401 housing units). The purpose of the 2021 Housing Element Update is to establish parameters for future residential development and provide opportunities for purposeful expansion that are aligned with community desires, as well as regional growth objectives and State law. The proposed 2021 Housing Element Update will be compliant with Government Code Section 65583, which identifies the requirements for General Plan Housing Element sections. In summary, Government Code Section 65583 requires that the Housing Element identify and analyze existing and projected housing needs, as well as establish goals, policies, and actions to address these housing needs, including adequate provisioning of affordable and special-needs (e.g., agricultural workers, homeless people, seniors, single-parent households, large families, and persons with disabilities) housing.

The 2021 Housing Element Update will address any changes that have occurred since adoption of the current Housing Element. These changes include, among others, updated demographic information, housing needs data, and analysis of the availability of housing sites. The Housing Element map of available housing sites would be updated to identify sites that could accommodate the City’s RHNA for the 2021–2029 planning period. The City would also amend the General Plan land use designations and rezone sites in the City to accommodate the changes specified in the Project.

The RHNA quantifies the need for housing in each region statewide and is determined by the California Department of Housing and Community Development. The Sacramento Area Council of Governments (SACOG) is responsible for allocating the RHNA to each city and county in its region, which includes Elk Grove. The SACOG Regional Housing Needs Plan for the 2021–2029 planning period was adopted in March 2020 and will provide the RHNA methodology that applies to the Project. Elk Grove’s total RHNA for the 2021–2029 planning period is 8,263 units, allocated to specific income groups as shown in Table 1.

Table 1. City of Elk Grove Regional Housing Needs Allocation

	Income Level				Total RHNA
	Very Low	Low	Moderate	Above Moderate	
2021-2029 RHNA	2,661	1,604	1,186	2,812	8,263

Source: Sacramento Area Council of Governments Regional Housing Needs Plan 2021–2029, page ES-3

The City currently has an adequate number of zoned residential sites to meet RHNA requirements for the above moderate income group. It has identified 43 possible housing sites (18 existing sites and 25 new candidate sites) located within City limits that could accommodate housing to meet the RHNA very low, low, and moderate income groups (see Figure 2). Each site’s map ID, location, acreage, existing zoning, proposed zoning, and dwelling unit capacity potential are shown in Table 2. The 25 candidate sites, sites C-1 through C-25, would require rezoning.

Table 2. Existing Sites and Candidate Sites for Very Low, Low, and Moderate Income Groups

Map ID	General Location	Acreage	Existing Zoning	Proposed Zoning	Dwelling Unit Capacity Potential
E-1	M&H Site in Lent Ranch	12.8	RD-20	RD-20	230
E-2	Quail Run	4.88	RD-25	RD-25	102
E-3	Bruceville Road south of Poppy Ridge Road	15.48	RD-20	RD-20	279
E-4	NWC Bruceville Road and Big Horn Boulevard	6.5	RD-25	RD-25	137
E-5	SEPA, Clark Property	9	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)	189
E-6	SEPA, Suyanaga Property	8.6	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)	181
E-7	SEPA, Souza Lot 1096	7.1	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)	149
E-8	SEPA, Souza Lot 1097	7.9	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)	166
E-9	SEPA, Souza Lot 1098	6.5	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)	137
E-10	SEPA, Souza Lot 1098	7.2	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)	151
E-11	SEPA, Souza Lot 1105	9.3	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)	195
E-12	SEPA, Bruceville Meadows	8.4	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)	176
E-13	Backer Family, Big Horn Boulevard at Poppy Ridge Road	11.1	RD-25	RD-25	233
E-14	Elk Grove Florin Road at Brown Road	4.4	RD-25	RD-25	92
E-15	Harbour Point Drive and Maritime Drive	3.06	RD-25	RD-25	64
E-16	East Stockton Boulevard at Bow Street	2.9	RD-25	RD-25	61
E-17	Sheldon Farms North, Anthem	5.3	RD-25	RD-25	111
E-18	Sheldon Farms South, Arsone	9	RD-25	RD-25	189
C-1	Sterling Meadows HDR Site	10.68	RD-20	RD-30	267
C-2	End of Dunisch Road	2.87	SC	RD-25	60
C-3	Laguna Boulevard and Bruceville Road (COBRA/Pacific Properties)	7.6	RD-15	RD-30	190
C-4	2804 Elk Grove Boulevard (Samos)	7.49	RD-15	RD-30	187
C-5	SEC Sheldon Road and East Stockton Boulevard	12.3	SC	RD-30	308
C-6	NEC Sheldon Road and Power Inn Road	8	GC	RD-30	200

Map ID	General Location	Acreage	Existing Zoning	Proposed Zoning	Dwelling Unit Capacity Potential
C-7	Waterman Road at Rancho Drive	3.5	RD-4	RD-25	74
C-8	8994 Calvine Road	2.32	RD-5	RD-25	49
C-9	8770 Calvine Road	3.5	RD-20	RD-25	74
C-10	Laguna Boulevard and Hausmann Street	6.96	LC	RD-30	174
C-11	Laguna Vaux	2.59	LC	RD-30	78
C-12	Laguna Boulevard and Gropius Street	5.85	MP	RD-30	146
C-13	9296 E Stockton Boulevard	3.81	RD-20	RD-30	95
C-14	9343 E Stockton Boulevard	1.96	BP	RD-30	49
C-15	NWC Bond Road and Waterman Road	4.6	GC	RD-25	97
C-16	Stathos Drive	3.19	RD-5	RD-30	80
C-17	Waterman 75 (Mosher Road and Grant Line Road)	5	RD-10	RD-30	125
C-18	Bow Street Northwest	10.3	RD-6	RD-25	258
C-19	Old Town 4 lots	2.1	OTSPA	RD-20	42
C-20	SEC Bond Road and Waterman Road	1.5	AR-2	RD-25	32
C-21	Bond Road and Stonebrook Drive	1.66	RD-15	RD-25	35
C-22	Calvine Road and Jordan Ranch Road	2.06	RD-4	RD-25	43
C-23	Calvine Road and Bradshaw Road	2.02	GC/AR-5	RD-25	42
C-24	SWC Lotz Parkway and Whitelock Parkway	5	RD-5	RD-25	105
C-25	Eden Gardens	5.17	AR-5	RD-25	109
Total	261.5 acres with the capacity for 5,761 units				

Safety Element

The Project also includes an update to the General Plan Safety Element for consistency with AB 747 (Levine) and SB 99 (Nielsen). The revisions would incorporate emergency access route information and additional policies on community resiliency.

REQUIRED APPROVALS

Actions to be taken by the City to adopt the Project include, but are not limited to:

- ▶ certification of the EIR prepared for the Project,
- ▶ adoption of General Plan amendments to update the Housing Element and to redesignate the land uses for certain selected housing sites,
- ▶ rezoning of selected housing sites; and
- ▶ adoption of General Plan Amendment to the Safety Element.

After adoption, the updated Housing Element will be submitted to the California Department of Housing and Community Development for certification.

PROBABLE ENVIRONMENTAL EFFECTS

The EIR will evaluate whether implementing the proposed Project would potentially result in one or more significant environmental effects. The following issue areas will be addressed in the EIR:

- ▶ Aesthetics
- ▶ Air Quality
- ▶ Biological Resources
- ▶ Archaeological, Historical, and Tribal Cultural Resources
- ▶ Geology and Soils
- ▶ Energy
- ▶ Greenhouse Gases and Climate Change
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Land Use and Planning
- ▶ Noise and Vibration
- ▶ Population and Housing
- ▶ Public Services
- ▶ Recreation
- ▶ Transportation and Traffic
- ▶ Utilities and Service Systems

Issues Scoped Out from Analysis in the EIR

The City anticipates that the Project would have less-than-significant or no impacts on the following environmental issue areas. These areas will not be discussed in the EIR for the reasons discussed below.

Agriculture and Forestry Resources

No forestry resources or timberlands are in the City or its Planning Area. The EIR certified for the City's 2019 General Plan Update evaluated the potential for impacts on agricultural resources in the City's Planning Area. Because this issue was evaluated in that document and no additional agricultural impacts would occur as a result of implementing the Housing Element Update, this issue will not be discussed in the EIR.

Mineral Resources

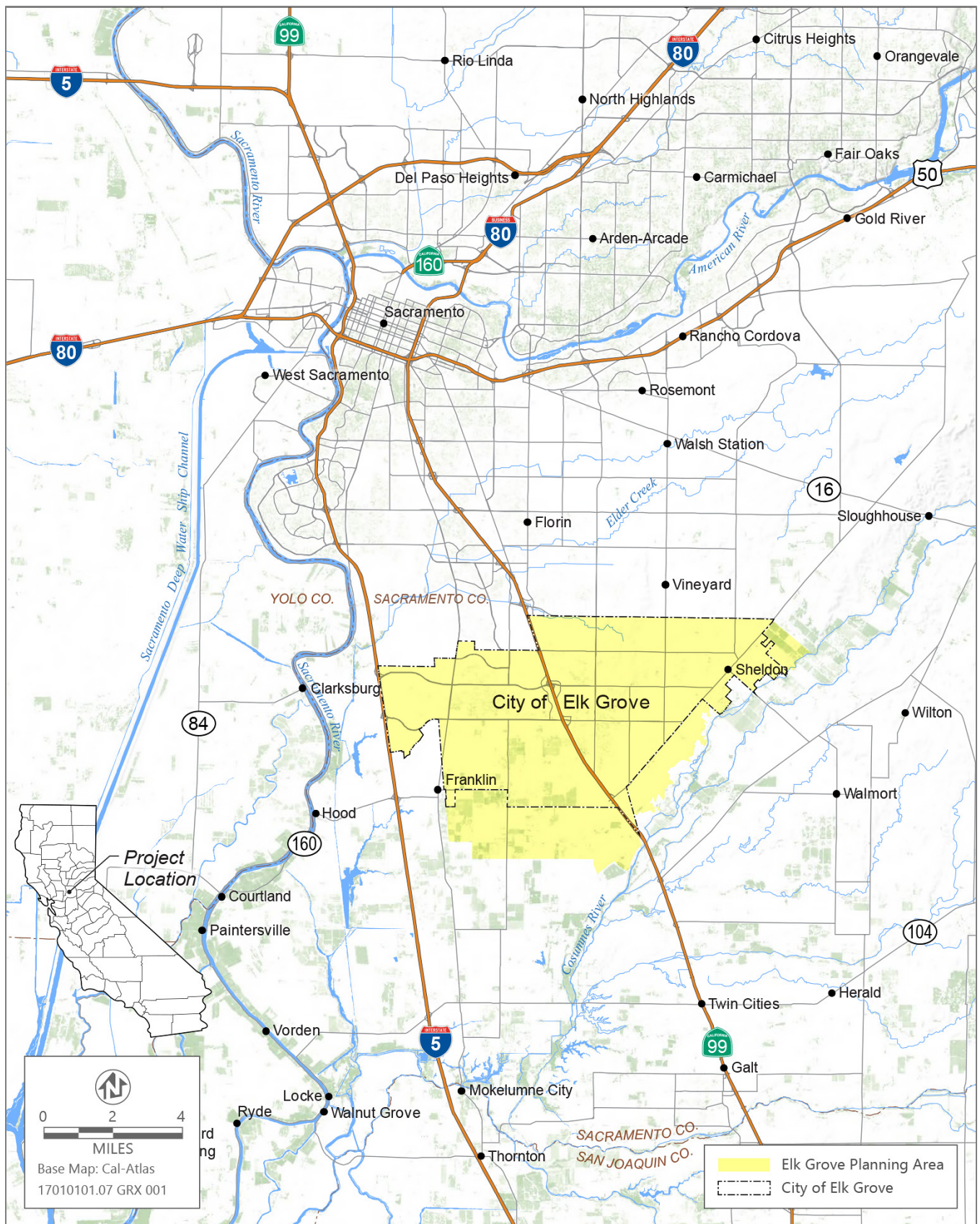
No significant mineral resources have been identified in the City. None of the candidate housing sites are used for mineral extraction, nor are any of the sites designated as an important mineral recovery site. Therefore, there would be no impact on mineral resources, and this impact will not be discussed in the EIR.

Seiche, Tsunami, and Mudflow

The City's location (inland, away from any water bodies) and topography (relatively flat) ensure that there would be no impact related to seiche, tsunami, or mudflow. Therefore, this impact will not be discussed in the EIR.

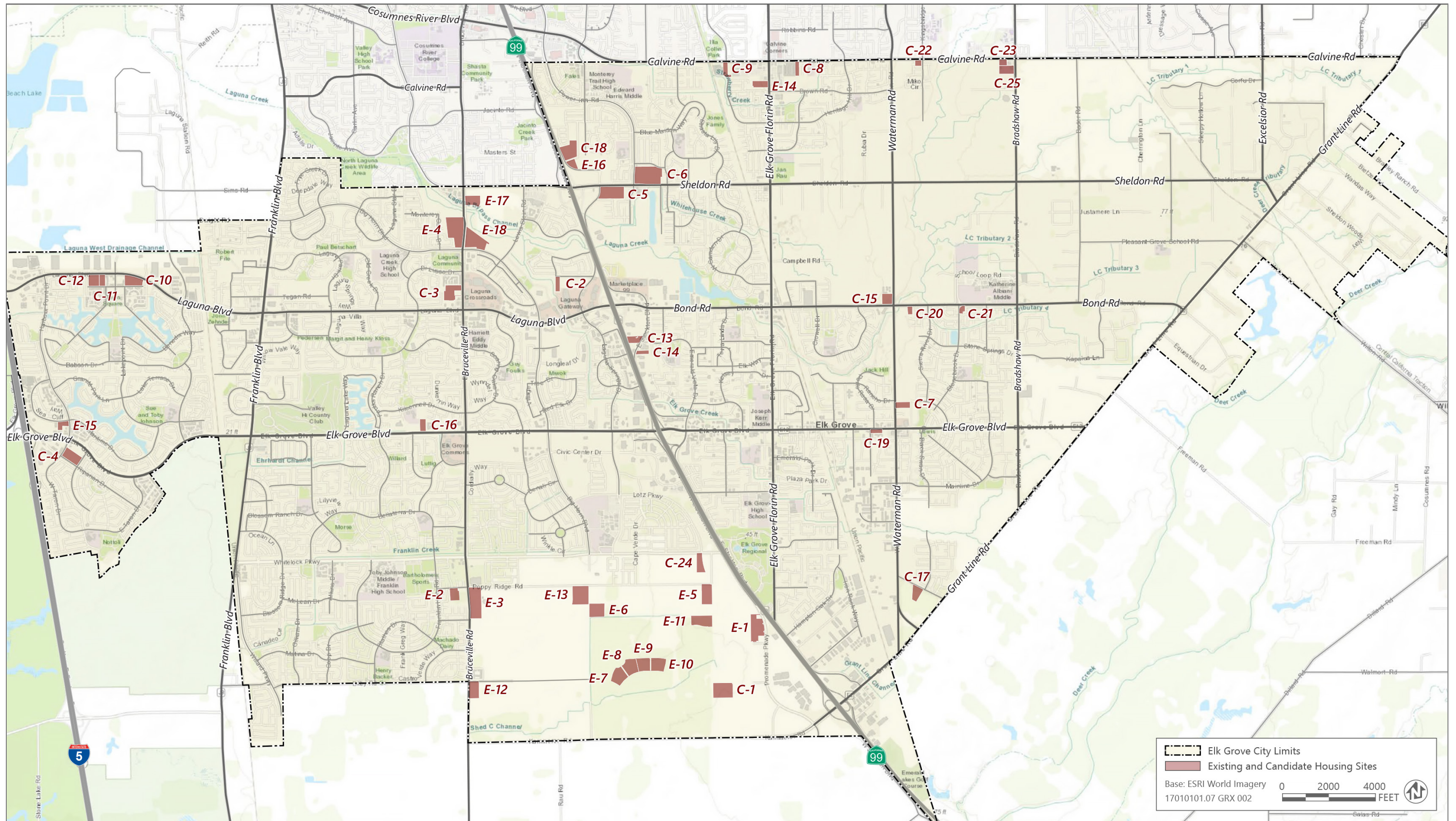
Wildfire

The City is not located in or near a Very High Fire Hazard Severity Zone. Therefore, there would not be a significant impact related to wildfire, and this issue will not be discussed in the EIR.



Source: Ascent Environmental 2019

Figure 1 Regional Location Map



Source: Housing data provided by the City of Elk Grove in 2020

Figure 2 Existing and Candidate Housing Sites



NATIVE AMERICAN HERITAGE COMMISSION

June 23, 2020

Christopher Jordan
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

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Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2020069032, 2021 Housing Element Update Project, Sacramento County

Dear Mr. Jordan:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse



Sent Via E-Mail

July 20, 2020

Christopher Jordan
Director of Strategic Planning and Innovation
8401 Laguna Palms Way
Elk Grove, CA 95758
cjordan@elkgrovecity.org

Subject: **2021 Housing Element Update / NOP / 2020069032**

Dear Mr. Jordan:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) for the 2021 Housing Element Update Project (Project, SCH 2020069032). SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

It is our desire that the project descriptions for the individual development projects undertaken as part of the plan will acknowledge any impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment:
 - <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services>
 - <https://www.smud.org/en/Corporate/Do-Business-with-SMUD/Land-Use/Transmission-Right-of-Way>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency
- Climate Change
- Cumulative impacts related to the need for increased electrical delivery
- The potential need to relocate and or remove any SMUD infrastructure that may be affected in or around the project area

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.

Environmental leadership is a core value of SMUD, and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this NOP. If you have any questions regarding this letter, please do not hesitate to contact me at 916.732.6775, or by email at Amy.Spitzer@smud.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy Spitzer".

Amy Spitzer
Environmental Services Specialist
Sacramento Municipal Utility District
6201 S Street
Sacramento, CA 95817

cc: Entitlements

July 22, 2020

SENT VIA EMAIL

Mr. Christopher Jordan
City of Elk Grove
Office of Strategic Planning and Innovation
8401 Laguna Palms Way
Elk Grove, CA 95758
cjordan@elkgrovecity.org

**RE: Notice of Preparation of an Environmental Impact Report for the City of Elk Grove
2021 Housing Element Update**

Dear Mr. Jordan,

Thank you for providing an opportunity for the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) to review and comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the City of Elk Grove 2021 Housing Element Update (HEU). As described in the NOP, the purpose of the 2021 Housing Element Update is to establish parameters for future residential development and provide opportunities for purposeful expansion that are aligned with community desires, as well as regional growth objectives and State law. The 2021 Housing Element Update will address any changes that have occurred since the adoption of the current Housing Element and will include a map of available housing sites that would be updated to identify sites that could accommodate the City's Regional Housing Needs Assessment (RHNA) for the 2021–2029 planning period. The City would also amend the General Plan land use designations and rezone sites in the City to accommodate the changes specified in the HEU. Sac Metro Air District staff comments on the HEU and the HEU NOP follow.

1. General Resources:

Sac Metro Air District provides the *Guide to Air Quality Assessment in Sacramento County* which includes thresholds of significance, calculation methodologies and recommended mitigation for California Environmental Quality Act (CEQA) analysis. The document is available on the Sac Metro Air District website.¹

2. Consistency with Existing Plans

The HEU EIR should evaluate consistency with existing plans, especially those that reduce criteria air pollutants and greenhouse gases. Such plans include, but are not limited to, the Metropolitan Transportation Plan/Sustainable Communities Strategy

¹ <http://www.airquality.org/Businesses/CEQA-Land-Use-Planning/CEQA-Guidance-Tools>, Sac Metro Air District, April 2020.

(MTP/SCS)², Elk Grove's Comprehensive Operational Analysis (COA) service scenarios for e-tran, Elk Grove's Climate Action Plan, and Elk Grove's Bike, Pedestrian and Trails Master Plan.

3. Locating Sensitive Receptors Near Sources of Air Toxics

The HEU EIR should evaluate exposure reduction measures to reduce sensitive receptors to air pollution near major roadways and railways. In April 2017, the California Air Resources Board (CARB) released the technical advisory *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways*³ to supplement the 2005 *Air Quality and Land Use Handbook: A Community Health Perspective*⁴ CARB's handbook and technical advisory, and the Sac Metro Air District's *Mobile Sources Air Toxics Protocol*⁵ can be used to:

- a. disclose the potential cancer risk to receptors located near major roadways and;
- b. choose exposure reduction measures, such as MERV 13 filters in residential units and installing a vegetative barrier between major roadways and residences.

Additionally, the Sac Metro Air District, in cooperation with the Sacramento Tree Foundation developed the *Landscaping Guidance for Improving Air Quality near Roadways*⁶ to provide local guidance and best practices for installing vegetative barriers between major roadways and sensitive receptors. The Sac Metro Air District recommends the HEU include requirements for vegetative barriers between new housing and major roadways.

4. Transit-Oriented Development

The HEU EIR should evaluate the impact of the plan on planned light rail or Bus Rapid Transit (BRT) along Bruceville Road and other major corridors within the City of Elk Grove. The HEU should identify in a narrative statement and on a map any sites where average residential density will be reduced (downzoned) from the current (2013-2021) plan. The HEU should also identify in a narrative statement and on a map any sites where affordable housing is being downzoned or removed. Sac Metro Air District staff encourages the City to maximize density near locations with existing or planned transit service, especially near the site of the future Valley Rail train station.

Sac Metro Air District staff also recommends that City of Elk Grove staff consider including recommendations from Sacramento Regional Transit's transit-oriented development guidance for local governments that align supportive land-use policies with current and future low carbon transportation investments.⁷

² <https://www.sacog.org/metropolitan-transportation-plansustainable-communities-strategy> Sacramento Area Council of Governments MTCP/SCS 2016

³ [Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways](#), California Air Resources Board, April 2017

⁴ [Air Quality and Land Use Handbook: A Community Health Perspective](#), California Air Resources Board, April 2005

⁵ <http://www.airquality.org/businesses/ceqa-land-use-planning/mobile-sources-air-toxics-protocol>, Sacramento Metropolitan Air Quality Management District, April 2019

⁶ [Landscaping Guidance for Improving Air Quality near Roadways](#), Sacramento Metropolitan Air Quality Management District, April 2017

⁷ [A Guide to Transit Oriented Development \(TOD\)](#), Sacramento Regional Transit, April 2009

Thank you for your consideration of these comments. If you have any questions, please contact me at 916-874-2694 or jhurley@airquality.org.

Regards,

-JJ Hurley

Joseph J. Hurley
Associate Air Quality Planner/Analyst

c: Paul Philley, Program Supervisor – CEQA & Land Use Section, Sac Metro Air District

ID	Start time	Completion time	Email	Name	Please enter your name.	Please enter your email address.	Please enter any additional contact information you would like to provide (e.g., mailing address).	Please enter your comments on the Notice of Preparation, or any other comments regarding the preparation of the EIR for the Housing Element Update.
3	6/22/20 14:34:01	6/22/20 14:37:33	anonymous		Roberta Larson	4rolarson@comcast.net	PN064-0080-860-0000	I own the above 16 acres and I have it up for sale! It is in the FLORIN VINEYARD GAP Planning area for Affordable Living - If you are interested or know anyone to BUY this property please email me and I will have my Agent contact you! Thanks
4	7/20/20 14:40:04	7/20/20 15:15:51	anonymous		Lynn Wheat	Wheat91@yahoo.com		<p>Thank you for the opportunity to submit comments on the NOP for the Housing Element Update.</p> <p>1) Page 4 has mislabeled the general location of site C-16.</p> <p>2) Site C-15: currently has an application with the City for a gas station and storage facility. This needs to be addressed in the document or the site needs to be removed from consideration.</p> <p>3) Site C-6: An application for low-density residential was received by the city. Please discuss or remove as a site to consider.</p> <p>Noise and Vibration: Please consider past projects in Elk Grove have poorly addressed noise and vibration by measuring sound with windows and doors closed. Elk Grove has the benefit of natural cooling in the Summer season with the Delta Breezes. Closed windows and doors should not be an appropriate mitigation measure allowed.</p> <p>Site C-3 will be surrounding a Quick Quack Car wash and along a busy roadway. Please assess noise and vibration with "windows" and "doors" open.</p> <p>Hydrology and Water Quality: Please include the groundwater sustainability plan in evaluating water availability.</p> <p>Safety element: Please include an evaluation of bicyclist and pedestrian accidents and roadway conditions. Please include access to public transportation and site development of the bus stop. Many bus stops in our city do not have turnouts, benches or covering.</p>