SOUTHEAST POLICY AREA STRATEGIC PLAN

FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2013042054

Prepared by:

CITY OF ELK GROVE
8401 LAGUNA PALMS WAY
ELK GROVE, CA 95758

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1.0 Introduction

1.1 PURPOSE AND BACKGROUND

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR; SCH# 2013042054) for the Southeast Policy Area Strategic Plan (Project). Written comments were received by the City of Elk Grove during the public comment period from March 21, 2014, through May 5, 2014. This Final EIR includes written responses to environmental issues raised in comments on the Draft EIR. The responses in the Final EIR clarify, correct, and amplify text in the Draft EIR, as appropriate. Also included are text changes made at the initiative of the lead agency (City of Elk Grove). These changes do not alter the conclusions of the Draft EIR. This document has been prepared in accordance with the California Environmental Quality Act (CEQA; Public Resources Code Sections 21000–21177).

In accordance with CEQA regulations, the City released a Notice of Preparation (NOP) on April 19, 2013, with a comment period from April 19, 2013, to May 20, 2013. The City distributed the NOP to responsible agencies and private organizations and individuals that have stated an interest in the Project. The purpose of the NOP was to provide notification that an EIR for the Project was being prepared and to solicit guidance on the scope and content of the document. A copy of the NOP is included in Appendix A of the Draft EIR. Public and agency responses to the NOP are included in Appendix B of the Draft EIR in accordance with CEQA. The City held a scoping meeting on May 9, 2013. No public or agency comments were submitted at the scoping meeting.

The Draft EIR was circulated for public review and comment for a period of 45 days from March 21, 2014, through May 5, 2014. A public hearing was held on the Draft EIR for this Project on April 29, 2014.

1.2 PROJECT UNDER REVIEW

1.2.1 PROJECT ANALYZED IN THE DRAFT EIR

The Project analyzed in Draft EIR is the City's Southeast Policy Area (SEPA). The approximately 1,200-acre proposed Project area includes the entirety of the SEPA as set forth in the City's General Plan. The Project area is located to the west of State Route 99, east of Big Horn Boulevard and Bruceville Road, south of Bilby Road and Poppy Ridge Road, and north of Kammerer Road.

The Project includes the following components as directed by the City Council:

- A **Community Plan**, to be adopted as part of the General Plan, which provides policies for development of the Project area.
- A **Special Planning Area (SPA)**, which is a regulatory tool authorized by Title 23 of the City's Municipal Code. The SPA would provide zoning regulations for the Project area.
- **Technical studies** covering the traffic, water, sewer, and drainage, which identify the necessary on- and off-site infrastructure needed to serve the Project.

Table 1.0-1 identifies the proposed land uses in the SEPA.

TABLE 1.0-1
PROPOSED SPECIAL PLANNING AREA LAND USES AND APPROXIMATE ACREAGE

Land Use	Acreage (Approximate)
Employment Hub/Core	
Office	280
Commercial	14
Light Industrial/Flex	108
Village Center	
Mixed Use Residential	14
Mixed Use Village Core	27
Residential/Neighborhood	
Estate Residential	63
Low Density Residential	212
Medium Density Residential	95
High Density Residential	61
Public/Semi-Public	
School	28
Parks/Open Space	61
Drainage Facilities	93
Trails	32
Major Right-of-Way	112
Total	**1,200**

The following objectives have been identified for the proposed Project:

1) Develop a comprehensive master plan for the Southeast Policy Area with a range of job opportunities that are supported by a mix of other land uses.

2) Provide land for new employment-generating land uses which will improve the City's jobs-to-housing ratio.

3) Provide for the orderly and logical growth and development of the City consistent with the vision in the General Plan.

4) Integrate with surrounding land uses through the incorporation of parks and open space, trails, and landscape buffers, and provide for a complete transportation network made up or roadways, sidewalks, trails, and transit (including light rail) to allow for the safe and effective movement of people and goods within the Project area and connect them with other parts of the City and region.

1.3 TYPE OF DOCUMENT

The State CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. As discussed further below, a program EIR (State CEQA Guidelines Section 15168) is appropriate for land use decision-making at a broad level that contemplates further project-level review of subsequent individual development proposals. Project EIRs are appropriate for specific proposed projects that will not require additional site-specific environmental review (State CEQA Guidelines Section 15161). Thus, this document has been prepared as a program EIR pursuant to CEQA Guidelines Section 15168.

1.4 RELATIONSHIP TO THE CITY OF ELK GROVE GENERAL PLAN

The City adopted the City of Elk Grove General Plan (General Plan) in November 2003. The General Plan is the City's overall guide for the use of the City's resources, expresses the development goals of the community, and is the foundation upon which all land use decisions are made. The General Plan includes the establishment of several policy areas that were each to be guided by specific land use policies. The SEPA was one of these policy areas (see General Plan Policy LU-32) and represents the last unplanned new development area in the City.

The General Plan EIR (SCH# 2002062082) analyzed the environmental impacts associated with buildout of the City under the land uses and densities allowed by the General Plan. Where feasible, the City adopted mitigation measures to reduce impacts to an acceptable level of significance. In addition, significant and unavoidable impacts identified in the General Plan EIR were addressed by the City in the General Plan EIR, and a Statement of Overriding Considerations was adopted with the approval of the General Plan EIR.

Sections 5.1 through 5.13 in the Draft EIR for the Southeast Policy Area provide the setting, environmental impacts, and mitigation measures for each of the environmental issue areas addressed. Potential effects of implementing the proposed Project are identified, including cumulative effects, along with mitigation measures recommended to reduce identified impacts.

The cumulative setting conditions considered in the Draft EIR for the SEPA generally encompass the cumulative conditions considered in the City of Elk Grove General Plan (adopted November 2003 and including amendments through February 2014) and include buildout of the Laguna Ridge Specific Plan, Sterling Meadows, and the Elk Grove Promenade/Lent Ranch Marketplace adjacent to the Project, as well as other proposed development projects in the City, unless otherwise noted. However, the cumulative setting varies for each environmental issue area, depending on the resources affected and any relevant boundaries, such as the Sacramento Valley Air Basin for air quality resources. Each technical section of the Draft EIR includes a description of the geographic extent of the cumulative setting for that resource based on the characteristics of the environmental issues under consideration as set forth in Section 15130(b) of the CEQA Guidelines.

1.5 ORGANIZATION OF THIS DOCUMENT

For this Final EIR, comments and responses are grouped by comment letter. As the subject matter of one topic may overlap between letters, the reader must occasionally refer to one or more responses to review all the information on a given subject. To assist the reader, cross-references are provided. The comments and responses that make up the Final EIR, in conjunction with the Draft EIR, as amended by the text changes, constitute the EIR that will be considered for certification by the City of Elk Grove.

The Final EIR is organized as follows:

Section 1 – Introduction: This section includes a summary of the project description and the process and requirements of a Final EIR.

Section 2 – Errata: This section lists the text changes to the Draft EIR.

Section 3 – List of Agencies and Persons Commenting: This section contains a list of all of the agencies or persons who submitted comments on the Draft EIR during the public review period.

Section 4 – Comments and Responses: This section contains the comment letters received on the Draft EIR and the corresponding response to each comment. Public agency letters are given a letter designation, while private organizations and individuals are given a number designation, and each comment on an environmental issue in the letter is given a number designation. Responses are provided after the letter in the order in which the comments appear. Where appropriate, responses are cross-referenced between letters. The responses following each comment letter are intended to supplement, clarify, or amend information provided in the Draft EIR or refer the commenter to the appropriate place in the document where the requested information can be found. Those comments not directly related to environmental issues may be discussed or noted for the record.

1.6 PUBLIC PARTICIPATION AND REVIEW PROCESS

The City of Elk Grove notified all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft EIR on the proposed project was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

NOTICE OF PREPARATION AND INITIAL STUDY

In accordance with Section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation of an EIR for the Project on April 19, 2013. This notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the Project. The NOP is presented in Appendix A of the Draft EIR. The City held a scoping meeting on May 9, 2013.

DRAFT EIR PUBLIC NOTICE/PUBLIC REVIEW

The Draft EIR was circulated for public review and comment for a period of 45 days from March 21, 2014, through May 5, 2014. A public hearing was held on the Draft EIR for this Project on April 29, 2014.

Copies of the Draft EIR were available for review at the following locations:

- The City of Elk Grove City Hall, Planning Division, 8401 Laguna Palms Way
- The Elk Grove Branch of the Sacramento Public Library at 8962 Elk Grove Boulevard
- The City's Planning Department website at www.egplanning.org/environmental/

2.0 ERRATA

2.1 INTRODUCTION

This chapter presents minor corrections and revisions made to the Draft EIR initiated by the public, the lead agency, and/or consultants based on their ongoing review. Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. New text is indicated in underline, and text to be deleted is reflected by a strikethrough unless otherwise noted in the introduction preceding the text change. Text changes are presented in the page order in which they appear in the Draft EIR.

2.2 CHANGES AND EDITS TO THE DRAFT EIR

EXECUTIVE SUMMARY

Table ES-1 is revised to include changes in mitigation measures (only a portion of the table and mitigation are shown).

5.2 Agricultural Resources				
Impact 5.2.1 Implementation of the proposed Project would result in the conversion of approximately 1,184 acres of agricultural land, which includes approximately 325 acres of Farmland of Statewide Importance and 106 acres of Unique Farmland. The Project would also result in conversion of land under Williamson Act contract.	S	**MM 5.2.1**	Future projects shall protect 1 acre of existing farmland or land of equal or higher quality for each acre of Farmland of Statewide Importance or Unique Farmland that would be developed as a result of the Project. <u>The protected acreage must be located within Sacramento County.</u> This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism that ensures the preservation of that land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation). In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving farmlands in proximity to other protected lands. The preservation of off-site farmland may be done at one time, prior to the City's approval of the Project's first grading permit, or may be done in increments with the buildout of the Project, with preservation occurring prior to the approval of each grading permit. Grading plans shall include the acreage and type of farmland impacted. In addition, the City shall impose the following minimum conservation easement content standards:	SU
5.3 Air Quality				
Impact 5.3.1 Subsequent land use activities associated with implementation of the proposed	PS	**MM 5.3.1e**	~~In order to reduce NOx emissions during all construction activities, all rubber-tired dozers, graders, scrapers, excavators, and~~	SU

Project could result in short-term construction emissions that could violate or substantially contribute to a violation of federal and state standards for ozone and coarse and fine particulate matter.		~~tractors shall be California Air Resources Board (CARB) Tier 3 Certified or better.~~ 1. The Project applicant shall submit to the City and the SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will use an aggregate of 40 or more hours during any portion of the construction project. This information shall be submitted at least four business days prior to the use of the subject heavy-duty off-road equipment. • The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment. • The Project applicant shall provide the anticipated construction timeline including start date, and the name and phone number of the project manager and on-site foreman. • The district's Equipment List Form can be used to submit this information. • The inventory shall be updated and submitted monthly throughout the duration of the Project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. 2. The Project Applicant shall provide a plan for approval by the City and the SMAQMD demonstrating that the heavy-duty off-road vehicles (50 horsepower or more) to be used in construction, including owned, leased, and subcontractor vehicles, shall achieve a project-wide fleet average of 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. • This plan shall be submitted in conjunction with the equipment inventory. • Acceptable options for reducing emissions may include use of engines produced after 2005, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.	
5.4 Biological Resources			
Impact 5.4.2 Implementation of Project-related activities could result in impacts, either directly or through habitat modification, to vernal pool fairy shrimp and/or vernal pool tadpole shrimp. These effects would be	PS	**MM5.4.2** If it is determined that listed vernal pool branchiopods are present, the following mitigation is required. For every acre of vernal pool habitat directly affected, project applicants shall replace the affected acreage at a 1:1 ratio (1 acre creation for	LS

considered a **potentially significant** impact.			each acre of impact) through the dedication of vernal pool creation credit(s) within a USFWS-approved mitigation bank or through creation/restoration of vernal pool habitat as part of a USFWS-approved mitigation plan. Vernal pool creation shall not occur within 250 feet of extant vernal pools unless specifically approved by the USFWS. For every acre of vernal pool habitat directly and indirectly affected, the project applicant shall replace the affected acreage at a 2:1 ratio (2 acres of preservation for every 1 acre of impact) through the dedication of vernal pool preservation credit(s) within a USFWS-approved mitigation bank or preserved on- or off-site as part of a USFWS-approved mitigation plan. Other conservation measures may be required by the USFWS.	
Impact 5.4.7 Implementation of Project-related activities could result in substantial adverse effects, either directly or through habitat modifications, to foraging and nesting Swainson's hawk, nesting white-tailed kites, and other protected raptor species.	PS	**MM 5.4.7c**	Trees containing white-tailed kite or other raptor (excluding Swainson's hawk) nests that must be removed as a result of Project implementation shall be removed during the non-breeding season (September 1–January 1). Swainson's hawks are State ~~and federally~~ listed as a threatened species; therefore, impacts to Swainson's hawk nest trees require regulatory authorization from ~~the USFWS and~~ the CDFW prior to removal.	LS
5.5 Cultural Resources				
Impact 5.5.1 Construction of the proposed Project could adversely affect or result in the damage of potential or unknown cultural resources (i.e., prehistoric sites, historic sites, historic buildings/structures, and isolated artifacts) and human remains.	PS	**MM 5.5.1c**	Prior to the approval of subsequent development projects within the Project area that have not already been evaluated for the presence of cultural resources, a detailed cultural resources field survey of the subject property shall be conducted by the City and funded by the applicant. If the site is deemed to have a high probability of Native American cultural resources, the site will require preconstruction coordination with the Wilton Rancheria Tribe or another local Native American tribe historically associated with the City of Elk Grove area. The applicant shall provide proof of this coordination to the City. The cultural resources field survey shall identify any cultural resource finds and will set out measures to mitigate any impacts to any significant resources as defined by CEQA, the California Register of Historic Resources, and/or the National Historic Preservation Act. Mitigation methods to be employed include, but are not limited to, the following:	LS

1.0 INTRODUCTION

No changes were made to this section.

2.0 PROJECT DESCRIPTION

Figure 2.0-3 on Draft EIR page 2.0-13 is updated as shown on the following page.

The following text is added following Table 2.0-2 on Draft EIR page 2.0-15:

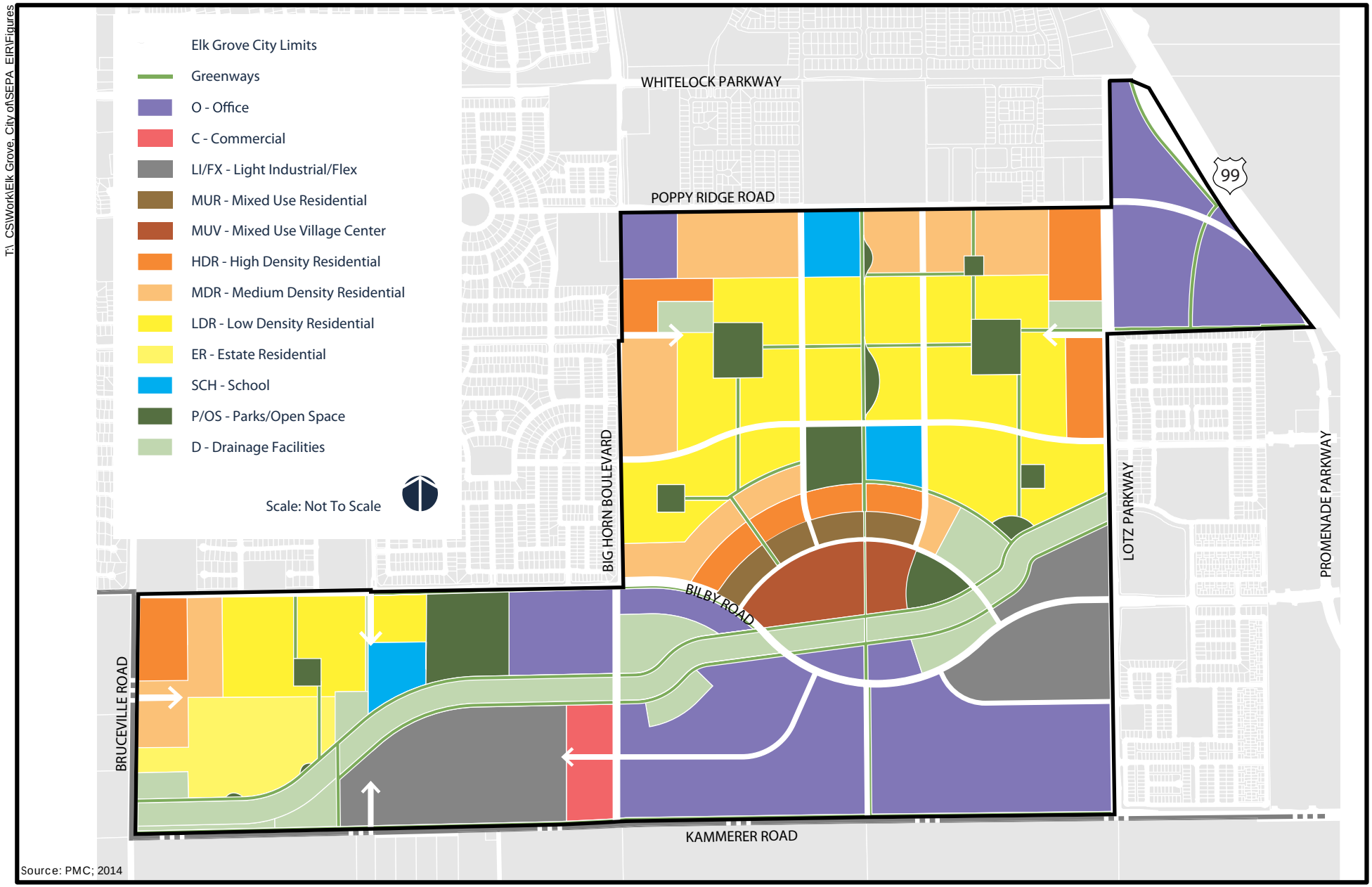
Source: Southeast Policy Area Land Use Development Assumptions, April 2014.

The following text is added on page 2.0-15 of the Draft EIR, prior to the Infrastructure Improvements subheading:

The Project also includes amending General Plan Policy LU-32 to reflect the proposed land uses as part of the Southeast Policy Area Community Plan. The Draft EIR addresses the physical impacts associated with changes contained in the plan, so there would be no physical effects related to the change in policy. The following change to General Plan Policy LU-32 is proposed:

LU-32 Development in the Southeast Policy Area shall comply with the policies and provisions of the Southeast Policy Area Community Plan.

- ~~Development in the Southeast Policy Area shall not occur, and no land use entitlements shall be granted, until a master plan has been prepared and approved by the City.~~
- ~~The master plan shall, at a minimum, include the following specific components:~~
  - ~~Detailed designation of land uses;~~
  - ~~A master plan for key backbone infrastructure (e.g., water, sewer, drainage, roads);~~
  - ~~Architectural standards, development regulations, or other planning that describes the form and function of new development; and~~
  - ~~Other components as directed by the City Council as being necessary for the proper and comprehensive planning of the policy area.~~
- ~~The City Council may, at its discretion, waive the requirement of preparation of a master plan of the Southeast Policy Area prior to the approval of a land use entitlement when, at the determination of the City Council after a recommendation by the Planning Commission, the project meets the following criteria:~~
  - ~~The project is a minimum of 100 acres in size; and~~



City of Elk Grove
Development Services

FIGURE 2.0-3
Land Plan

~~The project is located in an area of the Southeast Policy Area that will allow for the orderly and strategic extension of utilities and infrastructure to serve the development; and~~

- ~~The project:~~
  - ~~Will improve the jobs-housing balance of the City and/or stimulate job creation and retention; and/or~~
  - ~~Is of citywide significance, providing a needed or desired amenity, feature, or other aspect as determined by the City; and~~
  - ~~Approval of the project will not inhibit future master planning efforts.~~

Figure 2.0-7, on Draft EIR page 2.0-26, has been revised, as shown on the following page.

The following source information is added to the References section:

City of Elk Grove. 2013b. Southeast Policy Area Land Development Assumptions.

3.0 DEMOGRAPHICS

No changes were made to this section.

4.0 LAND USE

No changes were made to this section.

5.0 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS AND ASSUMPTIONS USED

No changes were made to this section.

5.1 AESTHETICS, LIGHT, AND GLARE

No changes were made to this section.

5.2 AGRICULTURAL RESOURCES

The text on page 5.2-9 is amended as follows:

The Project area contains ~~two~~ three parcels under Williamson Act contract~~s that cover four parcels~~: Assessor's Parcel Numbers (APNs) ~~132-0320-006,~~ 132-0320-008, 132-0320-009, and 132-0320-010. ~~Contract 74-AP-043 covers APN 132-0320-006, while contract 76-AP-001 covers the remaining parcels.~~ The ~~four~~ parcels are adjacent to one another and make up the ~~large central~~ southern portion of the Project area, as depicted in **Figure 5.2-2**. The parcels total ~~624~~ 267 acres of the site. No notices of nonrenewal have been filed on APNs 132-0320-008 and 132-0320-009, but a notice of nonrenewal appears on the title for APN 132-0320-010, with the contract due to February 27, 2018.

~~In October 2002, the Elk Grove City Council adopted Resolution No. 2002-176 that identified the acceptance of a nonrenewal application for a portion of contract 74-AP-043. The portion covered by the application is described legally as Parcel "A" of Parcel Map entitled~~

~~"Being the Southeast ¼ of Section 11, and the Southwest ¼ of Section 12, the Northwest ¼ of Section 13 and the Northeast ¼ of Section 14, Township 6 North, Range 5 East, M.D.B.&M., Sacramento County, filed February 6, 1973, in Book 10 of Parcel Maps, Page 27." Parcel "B" is located on the western half of APN 132-0320-006. There is no recorded evidence of nonrenewal status of the section identified as Parcel B on the same historic map page.~~

~~The Elk Grove City Council adopted Resolution No. 2003-132 in July 2003 that accepted nonrenewal status for contract 76-AP-001, which, according to historic parcel maps from 1973, includes current APNs 132-0320-008, 132-0320-009, and 132-0320-010 (City of Elk Grove 2012, pp. 7–8).~~ When a landowner files a notice of nonrenewal, starting at the next contract anniversary date, the contract winds down over the remaining (usually nine-year) term, with the property taxes gradually rising to the full unrestricted rate at the end of the nonrenewal period.

Figure 5.2-2 on page 5.2-11 of the Draft EIR has been revised to show updated Williamson Act information.

On page 5.2-15, mitigation measure MM 5.2.1 is revised as follows (mitigation measure only shown in part):

MM 5.2.1 Future projects shall protect 1 acre of existing farmland or land of equal or higher quality for each acre of Farmland of Statewide Importance or Unique Farmland that would be developed as a result of the Project. <u>The protected acreage must be located within Sacramento County.</u> This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism that ensures the preservation of that land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation).

T:_CSIWorkKElk Grove, City of\SEPA_EIR\Figures

Laguna Ridge Specific Plan

Sterling Meadows

Elk Grove Promenade

Existing Sewer

Notes:

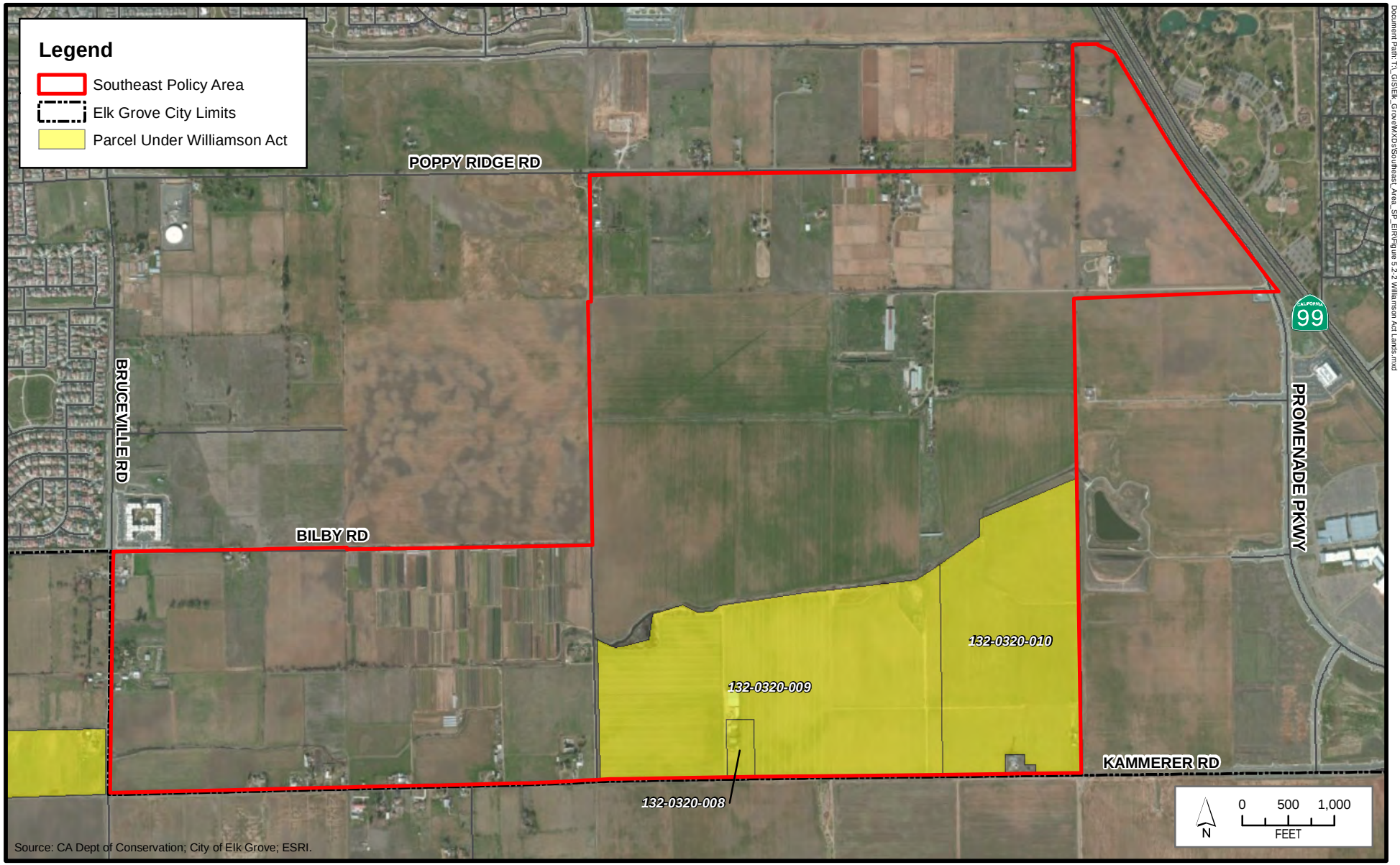
1. Cumulative flows shown for SEPA only. Node cumulative flows to include flows from the Laguna Ridge Specific Plan and other contributory offsite flows, not a part of this study.
2. Cumulative flows shown for SEPA only. Node cumulative flows are in addition to the Elk Grove Promenade Master Sewer Study flows.
3. Acreage values are approximate and reflect high-level master planning. Acreages are subject to change through subsequent development processing in keeping with the policies and procedures provided in the City's Special Planning Area document.

- Estate Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use Residential
- Mixed Use Commercial
- Commercial
- Office
- Light Industrial / Flex Space
- Elementary School
- Parks / Open Space
- Greenway
- Channel
- Basin
- Drainage Channel
- SEPA Sewer Sheds
- Laguna Ridge Trunk Shed North LS (SEPA Portion)
- Manhole
- SEPA Sewer Pipes
- Existing Sewer Pipes

Source: Wood Rodgers

City of Elk Grove
Development Services

FIGURE 2.0-7
Proposed Sewer System Design



Document Path: T:_GIS\Elk_Grove\MXDs\Southeast_Area_SP_EIR\Figure 5.2-2 Williamson Act Lands.mxd

City of Elk Grove
Development Services

Figure 5.2-2

Revised - Parcels Under Williamson Act Contract

5.3 AIR QUALITY

The following text is added under Methodology on Draft EIR page 5.3-12:

> Short-term construction-related and long-term operational air quality impacts are disclosed and assessed in accordance with methodologies recommended by CARB and the SMAQMD and in comparison to the recommended SMAQMD construction significance threshold of 85 pounds per day of NOx and operational significance threshold of 65 pounds per day of NOx and ROG. If after applying the Basic Construction Emission Control Practices and the Enhanced Exhaust Control Practices, there are emissions that exceed 85 pounds per day of NO_X, an off-site mitigation fee will be applied based on the recently adopted statewide Carl Moyer Program Guidelines.

On page 5.3-12, the second paragraph under Methodology is revised as follows:

> City General Plan Policy CAQ-~~23~~30 requires that all new development projects in Elk Grove with the potential to result in substantial air quality impacts incorporate features to result in a reduction in emissions equal to 15 percent compared to an "unmitigated baseline" project.

Mitigation measure MM 5.3.1e on page 5.3-17 is revised as follows:

MM 5.3.1e ~~In order to reduce NOx emissions during all construction activities, all rubber-tired dozers, graders, scrapers, excavators, and tractors shall be California Air Resources Board (CARB) Tier 3 Certified or better.~~

1. The Project applicant shall submit to the City and the SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any stage of construction. This information shall be submitted at least four business days prior to the use of the subject heavy-duty off-road equipment.
    - The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment.
    - The Project applicant shall provide the anticipated construction timeline including start date, and the name and phone number of the project manager and on-site foreman.
    - The district's Equipment List Form can be used to submit this information.
    - The inventory shall be updated and submitted monthly throughout the duration of the Project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.
2. The Project applicant shall provide a plan for approval by the City and the SMAQMD demonstrating that the heavy-duty off-road vehicles (50 horsepower or more) to be used in construction, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet average 20 percent NO_X reduction and 45 percent particulate reduction compared to the most recent CARB fleet average.

- This plan shall be submitted in conjunction with the equipment inventory.

- Acceptable options for reducing emissions may include use of engines produced after 2005, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

The text in the first paragraph of page 5.3-20 is amended as follows:

> As previously described, City General Plan Policy CAQ-~~23~~30 requires that all new development projects in Elk Grove which have the potential to result in substantial air quality impacts incorporate features to result in a reduction in emissions equal to 15 percent compared to an "unmitigated baseline" project. An unmitigated baseline project is a development project that is built and/or operated without the implementation of trip reduction, energy conservation, or similar features. As shown in **Table 5.3-9**, emissions reductions achieved by the Project as proposed would exceed the 15 percent requirement in General Plan Policy CAQ-~~23~~30.

The text in the paragraph preceding mitigation measure MM 5.3.2 on page 5.3-21 is amended as follows:

> The proposed Project would be consistent with City General Plan Policy CAQ-~~23~~30 and achieve the SMAQMD's goal for NO_xe reductions, but Project emissions would exceed the SMAQMD significance thresholds of 65 pounds per day of ROG and NO_x. This would be a **potentially significant** impact.

The text in the paragraph following mitigation measure MM 5.3.2 on page 5.3-21 is amended as follows:

> Therefore, the proposed Project would be consistent with City General Plan Policy CAQ-~~23~~30 and achieve the SMAQMD's goal for NO_xe reductions.

5.4 BIOLOGICAL RESOURCES

The second paragraph on page 5.4-11 is revised as follows:

> The USACE continues to assert jurisdiction over all waters that are in use, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which may be subject to the ebb and flow of the tide and are defined as traditional navigable waters. Field observations and review of relevant aerial photographs and topographic maps reveal that some of the irrigation/drainage ditches within the Project area have an indirect connection, through a series of agricultural drainages, with Stone Lakes to the west. Based on the verified delineation for the Souza property, it is anticipated that the USACE may exert jurisdiction over some of the wetlands and other waters present within the Project area.

The following change is made to mitigation measure MM 5.4.2 on Draft EIR page 5.4-42:

> If it is determined that listed vernal pool branchiopods are present, the following mitigation is required.

For every acre of vernal pool habitat directly affected, project applicants shall replace the affected acreage at a 1:1 ratio (1 acre creation for each acre of impact) through the dedication of vernal pool creation credit(s) within a USFWS-approved mitigation bank or through creation/restoration of vernal pool habitat as part of a USFWS-approved mitigation plan. Vernal pool creation shall not occur within 250 feet of existing vernal pools unless specifically approved by the USFWS.

For every acre of vernal pool habitat directly and indirectly affected, the project applicant shall replace the affected acreage at a 2:1 ratio (2 acres of preservation for every 1 acre of impact) through the dedication of vernal pool preservation credit(s) within a USFWS-approved mitigation bank or preserved on- or off-site as part of a USFWS-approved mitigation plan.

Mitigation measure MM 5.4.7c, on page 5.4-55, is revised as follows:

MM 5.4.7c Trees containing white-tailed kite or other raptor (excluding Swainson's hawk) nests that must be removed as a result of Project implementation shall be removed during the non-breeding season (September 1–January 1). Swainson's hawks are State ~~and federally~~ listed as a threatened species; therefore, impacts to Swainson's hawk nest trees require regulatory authorization from ~~the USFWS and~~ the CDFW prior to removal.

Timing/Implementation: *Prior to approval of final maps. Construction minimization measures shall occur throughout construction.*

Enforcement/Monitoring: *City of Elk Grove Planning Department*

On page 5.4-57, the second paragraph under Impact 5.4.9 is revised as follows:

The Project is anticipated to result in permanent impacts to approximately 21.4 acres of potentially jurisdictional wetlands and other waters within the Project area. In addition, excavation is proposed within the existing channel downstream of Bruceville Road to eliminate existing high points. The off-site excavation would extend 3,200 feet downstream, with an average depth of excavation at 1.8 feet, which would result in approximately 0.3 acre of additional impacts to waters.

The following reference is added on Draft EIR page 5.4-63:

USFWS. 1995. *Programmatic Formal ESA Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans*. Sacramento: Sacramento Field Office.

5.5 CULTURAL RESOURCES

On page 5.5-15, mitigation measure MM 5.5.1c is revised as follows:

MM 5.5.1c Prior to the approval of subsequent development projects within the Project area that have not already been evaluated for the presence of cultural resources, a detailed cultural resources field survey of the subject property shall be conducted by the City and funded by the applicant. If the site is deemed to have a high probability of Native American cultural resources, the

site will require preconstruction coordination with the Wilton Rancheria Tribe or another local Native American tribe historically associated with the City of Elk Grove area. The applicant shall provide proof of this coordination to the City. The cultural resources field survey shall identify any cultural resource finds and will set out measures to mitigate any impacts to any significant resources as defined by CEQA, the California Register of Historic Resources, and/or the National Historic Preservation Act. Mitigation methods to be employed include, but are not limited to, the following:

- Redesign of the subsequent development project to avoid the resource. The resource site shall be deeded to a nonprofit agency to be approved by the City for maintenance of the site.
- If avoidance is determined to be infeasible by the City, the resource shall be mapped, stabilized, and capped pursuant to appropriate standards.
- If capping is determined infeasible by the City, the resource shall be excavated and recorded to appropriate standards.

Timing/Implementation: *Prior to approval of each application*

Enforcement/Monitoring: *City of Elk Grove Planning Department*

5.6 GEOLOGY, SOLIS, AND SEISMICITY

No changes were made to this section.

5.7 GREENHOUSE GAS EMISSIONS

No changes were made to this section.

5.8 HAZARDS AND HAZARDOUS MATERIALS

No changes were made to this section.

5.9 HYDROLOGY AND WATER QUALITY

No changes were made to this section.

5.10 NOISE

No changes were made to this section.

5.11 PUBLIC SERVICES AND RECREATION

The following revision is made to the second paragraph under Elk Grove Unified School District Funding on page 5.11-9:

The District also collects a special Mello-Roos tax, with the taxes applied at various stages during project review and development. The project site is presently charged the lowest rate, which is applied to agricultural land containing residential structures established prior to 1987. ~~Land which is rezoned to commercial uses is charged at the rate of $72 per 1/3 acre at~~

~~the time Council approval is given to a rezone.~~ The following "planned" rates would apply to parcels of land within the Southeast Policy Area (based on acreage): commercial – $240 per acre; single-family residential – $80 per dwelling unit; multi-family residential – $48 per dwelling unit. Approval of a Tentative Subdivision Map increases the assessment each tax year to the "approved" rate of $200 per single-family dwelling unit and $120 per multi-family dwelling unit.

On page 5.11-10, the following paragraph is added below the third paragraph in Impact 5.11.3.1:

Based on the current housing unit counts in the Southeast Policy Area and the surrounding unbuilt developments, neither a middle school nor a high school will be needed within the proposed Southeast Policy Area, as the students generated by the Project can be accommodated in nearby existing secondary schools. However, should the number of residential units in the region increase as a result of a revision to a land use plan, the EGUSD will work with the City and landowners to identify a suitable secondary school site.

The text in the first paragraph under Impact 5.11.3.1 on Draft EIR page 5.11-10 is amended as follows:

With the development of 4,790 new homes within the Project area, a substantial number of school-aged children would move to the area, which would trigger the need for additional public schools. City planning staff worked with the EGUSD to determine the number of students who would likely be generated by the proposed Project, as well as the number of schools that would need to be constructed to meet the demand for public schools. Based on these student generation calculations, the proposed Project would be likely to generate a total of ~~3,011~~ 3,102 school-aged children, including 1,688~~1,711~~ kindergarten through sixth grade (K–6) students; ~~463~~509 seventh through eighth grade students; and ~~926~~905 ninth through twelfth grade students.

On page 5.11-11, the last paragraph under Impact 5.11.3.2 is revised as follows:

Pursuant to California Government Code Section 65996, a project's impacts on school facilities are fully mitigated by the payment of the requisite new school construction fees. ~~the adoption of all or some combination of Mello-Roos taxes and SB 50 funding fully mitigates the potential cumulative impacts on school and related facilities. Funding is currently available from statewide school bonds as discussed in the Regulatory Framework subsection above.~~ The existing funding mechanisms, bond measures within the school district, and compliance with Elk Grove General Plan policies would reduce cumulative impacts on school facilities. Therefore, this impact would be less than significant, and the proposed Project's contribution to this impact would be **less than cumulatively considerable**.

5.12 PUBLIC UTILITIES

The text in the last paragraph in subsection 5.12.2.1 Wastewater Service, Existing Setting (page 5.12-14) is revised as follows:

~~The Sacramento Regional Wastewater Treatment Plant 2020 Master Plan for the SRWTP provides a phased program of recommended wastewater treatment facilities and management programs to accommodate planned growth and to meet existing and anticipated regulatory requirements in the SRCSD service area through the year 2020. The master plan uses SACOG population projections multiplied by per capita flow and load~~

~~values to determine future facilities needs (SRCSD 2008, p. 14). The SRWTP's reliable capacity is currently limited, based on hydraulic considerations, to an equivalent 207 mgd average dry weather flow (ADWF). This existing capacity falls short of the projected 218 mgd average dry weather flow in 2020. Therefore, the Sacramento Regional Wastewater Treatment Plant has been master planned to accommodate 350 mgd average dry weather flow (SRCSD 2008, p. 15). In addition, the SRCSD has prepared a long-range master plan for the large-diameter interceptors that transport wastewater to the SRWTP. The master plan includes interceptor upgrades/expansions to accommodate anticipated growth through 2035 (SRCSD 2008, p. 5).~~ A new NPDES Discharge Permit was issued to Sacramento Regional County Sanitation District by the Central Valley Regional Water Quality Control Board in December 2010. The new permit requires ammonia removal, filtration, and higher levels of disinfection. Pursuant to the Discharge Permit, SRCSD is required to begin the necessary activities, studies, and projects to meet the new permit conditions. The new ammonia and nitrate removal requirements need to be completed by May 2021, while the disinfection and filtration requirements must be completed by 2023.

The following text is added to page 5.12-15:

System Capacity Plan Update

The most current SASD planning document, the 2010 System Capacity Plan Update (SCP), was approved by the SASD Board of Directors in January 2012. The SCP is a high-level planning and dynamic sewer capacity plan that addresses existing, midrange, and buildout sewer capacity needs.

The following revision is made to page 5.12-15:

~~*Regional Interceptor Master Plan 2000*~~ *Interceptor Sequencing Study*

The SRCSD Board of Directors adopted the Interceptor Sequencing Study (ISS) in February 2013. The ISS modified the previous Regional Interceptor Master Plan 2000. The ISS aids Sacramento Regional County Sanitation District in planning and implementing regional conveyance projects and assists the SASD in coordinating collection system facilities. ~~The SRCSD has prepared a long-range master plan for the large-diameter interceptors that transport wastewater to the Sacramento Regional Wastewater Treatment Plant and includes interceptor upgrades/expansions to accommodate anticipated growth through 2035 (SRCSD 2000).~~

5.13 TRANSPORTATION

No changes were made to this section.

6.0 OTHER CEQA CONSIDERATIONS

No changes were made to this section.

7.0 PROJECT ALTERNATIVES

No changes were made to this section.

8.0 REPORT PREPARATION

No changes were made to this section.

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3.0 List of Agencies and Persons Commenting

3.1 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted comments on the Draft EIR:

Letter	Individual or Signatory	Affiliation	Date
A	Molly A. Penberth	California Department of Conservation, Division of Land Resource Protection	April 1, 2014
B	Trevor Cleak	Central Valley Regional Water Quality Control Board	March 28, 2014
C	Sarenna Moore	Sacramento Regional County Sanitation District	March 26, 2014
D	Kim Williams	Elk Grove Unified School District	April 30, 2014
E	Charlene McGhee	Sacramento Metropolitan Air Quality Management District	May 1, 2014
F	Eric Fredericks	California Department of Transportation	May 5, 2014
1	Richard Guerrero	Environmental Council of Sacramento	May 3, 2014
2	Steven Hutchason	Wilton Rancheria	April 28, 2014
3	Bradley A. Geier	M&H Reality Partners	May 5, 2014
4	Edward R. Gillum	Gillum Consulting	May 5, 2014
5	Lynn Wheat	Resident	May 2, 2014
6	Ken Allred	Souza Elk Grove, LLC/Kamilos Companies	May 5, 2014

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4.0 COMMENTS AND RESPONSES

4.1 REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires the lead agency to evaluate all comments on environmental issues received on the Draft Environmental Impact Report (EIR) and prepare a written response. The written response must address the significant environmental issue raised and must provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by comment, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that where the response to comments results in revisions to the Draft EIR, those revisions be noted as a revision to the Draft EIR or in a separate section of the Final EIR.

4.2 COMMENTS RECEIVED AT THE HEARING FOR THE DRAFT EIR

The City of Elk Grove Planning Commission held a public hearing on the Draft EIR for the Project on April 29, 2014. No oral or written comments were received on the EIR during the public hearing.

4.3 RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

Public agency comment letters are coded by letters and each issue raised in the comment letter is assigned a number (e.g., Comment Letter A, comment 1: A-1).

Individual and interest group comment letters are coded by numbers and each issue raised in the comment letter is assigned a number (e.g., Comment Letter 1, comment 1: 1-1).

Where changes to the Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (<u>underline</u> for new text, ~~strikeout~~ for deleted text). Comment-initiated text revisions to the Draft EIR and minor staff-initiated changes are also provided and are demarcated with revision marks in Section 2.0, Errata, of this Final EIR.

Letter A

NATURAL RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR

DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

April 1, 2014

Via Email: cjordan@elkgrovecity.org
Mr. Christopher Jordan, Planning Manager
City of Elk Grove
Development Services, Planning
8401 Laguna Palms Way
Elk Grove, CA 95758

SOUTHEAST POLICY AREA STRATEGIC PLAN DRAFT ENVIRONMENTAL IMPACT REPORT (SCH# 2013042054)

Dear Mr. Jordan:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the City of Elk Grove's (City) Draft Environmental Impact Report (DEIR) for the subject project and offers the following comments and recommendations.

PROJECT DESCRIPTION

The project, known as the Southeast Policy Area Strategic Plan, includes a Community Plan and Special Planning Area for approximately 1,200 acres in the southern portion of the City of Elk Grove. The project is an employment oriented development with the goal of achieving a community that supports and encourages the development of both employment and residential land uses. The project would allow for the development of approximately 7.8 million square feet of employment generating uses; 4,790 residential units in various densities; and acreage for schools, parks, and infrastructure, such as road right-of-way and storm drainage facilities. It is anticipated the project will generate approximately 23,410 jobs and a population of 17,000. A-1

The project is located on the north side of Kammerer Road between Bruceville Road and Lotz Parkway in the City of Elk Grove.

Letter A Continued

DIVISION COMMENTS

WILLIAMSON ACT

The DEIR notes approximately one-half (624 acres) of the project site has historically been encumbered by Land Conservation (Williamson) Act contracts. Contract 74-AP-043 covered Assessor's Parcel Number (APN) 132-0320-006 and contract 76-AP-001 covered APN's 132-0320-008, 132-0320-009, and 132-320-010.

A-2

In 2002 a notice of non-renewal was filed for the portion of contract 74-AP-043 that covers the eastern half of APN 132-0320-006 and in 2003 a notice of non-renewal was filed for the entirety of contract 76-AP-001. Therefore, the only portion of the project site that continues to be encumbered by a Williamson Act contract is the western half of APN 132-0320-006.[1]

Pursuant to Government Code §51230 and §51234 the general plan and zoning designations applied to contracted lands must be consistent with, and allow agricultural uses. Therefore, any changes to the general plan and zoning designations associated with the portion of the project site that is currently encumbered by a Williamson Act contract must allow for agricultural and compatible uses, at least for the duration of the term of the contract. Additionally, any use that occurs on contracted land must be compatible pursuant to GC §51238.1.

A-3

If the City wishes to approve this project, it is recommended the City file a notice of nonrenewal for the portion of the project currently encumbered by contract 74-AP-043, recognizing the City's intent for the future development of the site. Additionally, the Department would recommend, consistent with statute, only agricultural and compatible uses be allowed on this portion of the project site until such time as the contract expires via nonrenewal or is terminated via cancellation.

Although it is not the preferred method of contract termination, cancellation of a contract is an option under limited circumstances and conditions as set forth in Government Code § 51280 et seq. Please reference the Division's Cancellation Advice Paper for guidance regarding cancellations. It can be found online at:

A-4

http://www.conservation.ca.gov/dlrp/lca/basic_contract_provisions/Documents/Cancellation%20Advice%20Paper%20Final_02_14_13.pdf

Development of this portion of the project site, inconsistent with the Williamson Act contract or Williamson Act statute, could result in a material breach of contract. Pursuant to GC §51250 construction of buildings not related to agricultural use on contracted land may be subject to the breach of contract penalties. While it is the local government's responsibility to enforce the sanctions contained in Government Code §51250, the Department is also empowered to take actions against breaches of contract.

A-5

Government Code §51250 provides an enhanced penalty for a material breach of contract. The enhanced penalty is 25 percent of the unrestricted fair market value of the land rendered incompatible by the breach and 25 percent of the value of any incompatible

[1] Page 5.2-9, Southeast Policy Area Strategic Plan Draft Environmental Impact Report, March 2014

Letter A Continued

building and related improvements on the land. A breach of Williamson Act contract is defined as material if a commercial, industrial, or residential building is all of the following: 1) not related to an agricultural or compatible use; 2) greater than 2,500 square feet; and 3) permitted or constructed after January 1, 2004.

A-5 cont.

IMPACTS TO AGRICULTURAL RESOURCES

As noted in the DEIR, the project site consists of approximately 325 acres of Farmland of Statewide Importance and 106 acres of Unique Farmland. The remaining acreage is comprised of 706 acres of Farmland of Local Importance, 47 acres of Other Land, and 1.5 acres of Urban and Built-Up land.

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department has frequently recommended the use of permanent agricultural conservation easements on land of at least equal quality and size as compensation for the direct loss of agricultural land. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370.

A-6

The Department is pleased to see the City has incorporated Mitigation Measure MM 5.2.1 in the DEIR. This measure requires future projects, within this Policy Area, which result in the conversion of Farmland of Statewide Importance or Unique Farmland, to provide for the preservation of farmland of equal or higher quality for each acre converted.[2] The City has recognized the conversion of agricultural land to be an impact of at least regional significance. Hence, the search for replacement lands need not be limited strictly to lands within the surrounding area, but should be roughly equivalent in proximity, acreage, and agricultural characteristics to the affected property. With this in mind, the Department would like to request the mitigation measure be amended to include language requiring the conserved land be located in Sacramento County.

Thank you for the opportunity to provide comments. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Heather Anderson, Environmental Planner at (916) 324-0869 or via email at Heather.Anderson@conservation.ca.gov.

Sincerely,

Molly A Penberth

Molly A Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

cc: State Clearinghouse

[2] Page 5.2-15, Southeast Policy Area Strategic Plan Draft Environmental Impact Report, March 2014

Letter A – Molly A. Penberth, Manager, Department of Conservation

Response A-1: The commenter provides a brief overview of the Southeast Policy Area Strategic Plan components. No response is required.

Response A-2: The commenter notes that the Draft EIR states that approximately one-half of the Policy Area is under Williamson Act contract. The commenter states that due to notices of nonrenewal which were filed for contracts 74-AP-043 and 76-AP-001 in 2002 and 2003, respectively, only the western half of the land within APN 132-320-006 is still under Williamson Act contract.

Based on the notice of nonrenewal, the Williamson Act contract for the western portion of parcel 132-0320-006 expired on February 18, 2013. Parcels 132-0320-008, 132-0320-009, and 132-0320-010 are currently under Williamson Act contract, with a notice of nonrenewal appearing on the title for APN 132-0320-010, with the contract due to expire on February 27, 2018.

The text on Draft EIR page 5.2-9 is amended as follows:

> The Project area contains ~~two~~ three parcels under Williamson Act contract~~s that cover four parcels~~: Assessor's Parcel Numbers (APNs) ~~132-0320-006,~~ 132-0320-008, 132-0320-009, and 132-0320-010. ~~Contract 74-AP-043 covers APN 132-0320-006, while contract 76-AP-001 covers the remaining parcels.~~ The ~~four~~ parcels are adjacent to one another and make up the ~~large central~~ southern portion of the Project area, as depicted in **Figure 5.2-2**. The parcels total ~~624~~ 267 acres of the site. No notices of nonrenewal have been filed on APNs 132-0320-008 and 132-0320-009, but a notice of nonrenewal appears on the title for APN 132-0320-010, with the contract due to expire February 27, 2018.
>
> ~~In October 2002, the Elk Grove City Council adopted Resolution No. 2002-176 that identified the acceptance of a nonrenewal application for a portion of contract 74-AP-043. The portion covered by the application is described legally as Parcel "A" of Parcel Map entitled "Being the Southeast ¼ of Section 11, and the Southwest ¼ of Section 12, the Northwest ¼ of Section 13 and the Northeast ¼ of Section 14, Township 6 North, Range 5 East, M.D.B.&M., Sacramento County, filed February 6, 1973, in Book 10 of Parcel Maps, Page 27." Parcel "B" is located on the western half of APN 132-0320-006. There is no recorded evidence of nonrenewal status of the section identified as Parcel B on the same historic map page.~~
>
> ~~The Elk Grove City Council adopted Resolution No. 2003-132 in July 2003 that accepted nonrenewal status for contract 76-AP-001, which, according to historic parcel maps from 1973, includes current APNs 132-0320-008, 132-0320-009, and 132-0320-010 (City of Elk Grove 2012, pp. 7-8).~~ When a landowner files a notice of nonrenewal, starting at the next contract anniversary date, the contract winds down over the remaining (usually nine-year) term, with the property taxes gradually rising to the full unrestricted rate at the end of the nonrenewal period.

Figure 5.2-2 on page 5.2-11 of the Draft EIR has been revised, as shown in Section 2.0, Errata, of this Final EIR.

The information in the comment does not change the Williamson Act analysis or determination discussed in Impact 5.2.1 of the Draft EIR, nor does it result in new or revised mitigation measures, as the Williamson Act contract analysis only considered the land under contract in APN 132-320-006.

Response A-3: The commenter states that, pursuant to Government Code Section 51230 and Section 51234, the General Plan and zoning designations applied to Williamson Act contract lands must be consistent with and allow agricultural uses, at least for the duration of the Williamson Act contract. The commenter recommends that the City file a notice of nonrenewal for those lands still under Williamson Act contract within the Southeast Policy Area.

Comment noted. The commenter does not make any comments regarding the adequacy of the Draft EIR with this comment. However, as a point of clarification, while the Southeast Policy Area Land Plan (see **Figure 2.0-3** of the Draft EIR) does not identify any land for agricultural use, the intent of the Project was not to preclude agricultural use of any of the properties in the Project area prior to development with nonagricultural uses. However, the following text has been added to Chapter 3, Allowed Uses, of the SPA: "An agricultural operation allowed through the Williamson Act shall be allowed by right on lands that are under a valid Williamson Act contract."It should also be noted that the canal is located immediately north of the existing Williamson Act Contract lands and would provide a buffer from development if it were to occur on lands to the north prior to expiration or cancellation of the Contracts

In addition, land under Williamson Act contract is not allowed to convert to other uses without submitting a notice of nonrenewal or the cancellation of a contract. Opting out of a Williamson Act contract through a notice of nonrenewal is a 10-year process with a notice of nonrenewal. Cancelling a contract is not a preferred method by the Department of Conservation (DOC) and has to be approved by the DOC. Cancellation also has a monetary penalty. While the Draft EIR assumes that the entire Project area would be converted to non-agricultural uses with buildout of the Project, mitigation measure MM 5.2.1 requires a one-to-one replacement for the loss of agricultural land. This mitigation will assist in the protection of agricultural land resulting from the implementation of the Project.

Response A-4: The commenter discusses the cancellation of a contract and provides a link for the DOC advice paper on this process. Comment noted. The commenter is referred to Response A-3.

Response A-5: The commenter discusses the potential for a material breach of contract and potential penalties as a result. Comment noted.

Response A-6: The commenter reiterates the agricultural land acreage identified in the Draft EIR. The commenter also states that the DOC frequently recommends the use of permanent agricultural easements as compensation for the direct loss of agricultural land. Further, the commenter requests that mitigation measure

MM 5.2.1 be revised to require that the conserved land be located in Sacramento County.

In response to the comments made by the DOC, mitigation measure MM 5.2.1 has been revised, requiring the conserved agricultural land to be located within Sacramento County.

On Draft EIR page 5.2-15, mitigation measure MM 5.2.1 is revised as follows (mitigation measure only shown in part):

> Future projects shall protect 1 acre of existing farmland or land of equal or higher quality for each acre of Farmland of Statewide Importance or Unique Farmland that would be developed as a result of the Project. <u>The protected acreage must be located within Sacramento County.</u> This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism that ensures the preservation of that land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation).

Letter B

Central Valley Regional Water Quality Control Board

28 March 2014

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

CERTIFIED MAIL
7013 1710 0002 3644 1455

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, SOUTHEAST POLICY AREA STRATEGIC PLAN PROJECT, SCH NO. 2013042054, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 21 March 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Southeast Policy Area Strategic Plan Project, located in Sacramento County. B-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). B-2

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER
11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Letter B Continued

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process. B-3

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ. B-4

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. B-5

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. B-6

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Letter B Continued

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. B-7

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Letter B – Trevor Cleak, Central Valley Regional Water Quality Control Board

Response B-1: The commenter provides information regarding the Central Valley Regional Water Quality Control Board's responsibility in protecting the quality of surface water and groundwater of the State of California. Comment noted.

Response B-2: The commenter discusses the Construction Storm Water General Permit and identifies what projects are required to obtain coverage under the General Permit for Storm Water Discharges. This requirement is considered in the Draft EIR and discussed under Impact 5.9.1 on Draft EIR page 5.9-13**.**

Response B-3: The commenter discusses the Phase I and II Municipal Separate Storm Sewer System (MS4) Permit requiring permittees to reduce pollutants and runoff flows from new development and redevelopment using best management practices (BMPs). This requirement is considered in the Draft EIR and discussed under Impact 5.9.1 on Draft EIR page 5.9-14**.**

Response B-4: The commenter discusses the Industrial Storm Water General Permit and identifies that industrial projects are required to comply with this permit. Comment noted.

Response B-5: The commenter discusses the requirements of Section 404 of the Clean Water Act. This requirement is considered in the Draft EIR and discussed under Impact 5.4.9 on Draft EIR page 5.4-57**.**

Response B-6: The commenter discusses the requirements of the Clean Water Act Section 401 permit. This requirement is considered in the Draft EIR and discussed under Impact 5.4.9 on Draft EIR pages 5.4-57 and -58**.**

Response B-7: The commenter discusses the Waste Discharge Requirements permit issued by the Central Valley Regional Water Quality Control Board. This requirement is discussed in the Draft EIR on page 5.9-5**.**

Letter C

REGIONALSAN
TAKING THE WASTE OUT OF WATER
Sacramento Regional County Sanitation District

Main Office
10060 Goethe Road
Sacramento, CA 95827-3553
Tel: 916.876.6000
Fax: 916.876.6160

Treatment Plant
8521 Laguna Station Road
Elk Grove, CA 95758-9550
Tel: 916.875.9000
Fax: 916.875.9068

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March 26, 2014

Christopher Jordan, AICP
Planning Manager
City of Elk Grove
Development Services, Planning
8401 Laguna Palms Way
Elk Grove, CA 95758

Subject: DEIR for the Southeast Policy Area Strategic Plan Project, File # PL0016

Dear Mr. Jordan:

The Sacramento Area Sewer District (SASD) and the Sacramento Regional County Sanitation District (Regional San) have the following comments regarding the Notice of Availability for the Draft EIR for the Southeast Policy Area Strategic Plan:

Please remove the last paragraph in Section 5.12.2.1 WASTEWATER SERVICE EXISTING SETTING, Sacramento Regional Wastewater Treatment Plant (Page 5.12-14) and add the following information: C-1

A new NPDES Discharge Permit was issued to Regional San by the Central Valley Regional Water Quality Control Board in December 2010. The new permit requires ammonia removal, filtration and higher levels of disinfection. Regional San is currently litigating the filtration and disinfection requirements. In the meantime, Regional San is required to begin the necessary activities, studies and projects to meet the new permit conditions. The new ammonia and nitrate removal requirements need to be completed by May 2021, while the disinfection and filtration requirements must be completed by 2023.

On page 5.12-15, WASTWATER SERVICE REGULATION FRAMEWORK, Local:

Please add the following information regarding the Sacramento Area Sewer District System Capacity Plan:

The most current SASD planning document, the 2010 System Capacity Plan Update (SCP) was approved by the SASD Board of Directors in January 2012. The SCP is a high-level planning and dynamic sewer capacity plan that addresses existing, midrange, and buildout sewer capacity needs. C-2

The SCP can be found on the SASD website at:
http://www.sacsewer.com/devres-standards.html.

Remove reference to the Regional Interceptor Master Plan 2000. Instead insert the following language:

The Regional San Board of Directors adopted the Interceptor Sequencing Study (ISS) in February 2013. The ISS modified the previous SRCSD Master Plan 2000, aids Regional San in planning and implementing regional conveyance projects, and assists SASD in coordinating collection system facilities. C-3

The ISS can be found on the Regional San website at http://www.srcsd.com/documents.php.

SASD and Regional San sewer systems are designed using predicted wastewater flows that are dependent on land use information provided by each land use authority. Sewer studies, including points of connection and phasing information, will need to be completed to fully assess the impacts of any project that has the potential to increase existing or future flow demands. C-4

Letter C Continued

Customers receiving service from Regional San and SASD are responsible for rates and fees outlined within the latest SRCSD and SASD ordinances. Fees for connecting to the sewer system are set up to recover the capital investment of sewer and treatment facilities that serves new customers. The SASD ordinance is located on the SASD website at http://www.sacsewer.com/ordinances.html, and the SRCSD ordinance is located on the Regional San website at http://www.srcsd.com/documents.php . C-5

SASD and Regional San are not land-use authorities. Projects identified within SASD Regional San planning documents are based on growth projections by land-use authorities. Onsite and offsite impacts associated with constructing sanitary sewers facilities to provide service to the subject project must be included in this, or subsequent environmental impact reports. C-6

If you have any questions regarding these comments, please contact me at 916-876-6054.

Sincerely,

Sarenna Moor

Sarenna Moore, PE
Regional San/SASD
Policy and Planning

Cc: Regional San Development Services, SASD Development Services, Christoph Dobson, Dave Ocenosak, Michael Meyer

Letter C – Sarenna Moore, PE, Sacramento Regional County Sanitation District

Response C-1: The commenter requests a revision to the last paragraph in subsection 5.12.2.1 Wastewater Service, Existing Setting, and provides information to include in the Draft EIR.

The text on page 5.12-14 of the Draft EIR is amended as follows:

~~The Sacramento Regional Wastewater Treatment Plant 2020 Master Plan for the SRWTP provides a phased program of recommended wastewater treatment facilities and management programs to accommodate planned growth and to meet existing and anticipated regulatory requirements in the SRCSD service area through the year 2020. The master plan uses SACOG population projections multiplied by per capita flow and load values to determine future facilities needs (SRCSD 2008, p. 14). The SRWTP's reliable capacity is currently limited, based on hydraulic considerations, to an equivalent 207 mgd average dry weather flow (ADWF). This existing capacity falls short of the projected 218 mgd average dry weather flow in 2020. Therefore, the Sacramento Regional Wastewater Treatment Plant has been master planned to accommodate 350 mgd average dry weather flow (SRCSD 2008, p. 15). In addition, the SRCSD has prepared a long-range master plan for the large-diameter interceptors that transport wastewater to the SRWTP. The master plan includes interceptor upgrades/expansions to accommodate anticipated growth through 2035 (SRCSD 2008, p. 5).~~ A new NPDES Discharge Permit was issued to the Sacramento Regional County Sanitation District by the Central Valley Regional Water Quality Control Board in December 2010. The new permit requires ammonia removal, filtration, and higher levels of disinfection. Pursuant to the Discharge Permit,SRCSD is required to begin the necessary activities, studies, and projects to meet the new permit conditions. The new ammonia and nitrate removal requirements need to be completed by May 2021, while the disinfection and filtration requirements must be completed by 2023.

This revision does not result in any new analysis or change the impact determination of the wastewater service impacts of the Draft EIR.

Response C-2: The commenter requests the addition of information about the Sacramento Area Sewer District System Capacity Plan.

The following information is added to page 5.12-15 of the Draft EIR:

System Capacity Plan Update

The most current SASD planning document, the 2010 System Capacity Plan Update (SCP), was approved by the SASD Board of Directors in January 2012. The SCP is a high-level planning and dynamic sewer capacity plan that addresses existing, midrange, and buildout sewer capacity needs.

This revision does not result in any new analysis or change the impact determination of the wastewater service impacts of the Draft EIR.

Response C-3: The commenter requests the removal of information regarding the Regional Interceptor Master Plan 2000 and supplies new information regarding the Interceptor Sequencing Study.

The following text has been revised on page 5.12-15 of the Draft EIR:

> ~~*Regional Interceptor Master Plan 2000*~~ *Interceptor Sequencing Study*
>
> The SRCSD Board of Directors adopted the Interceptor Sequencing Study (ISS) in February 2013. The ISS modified the previous Regional Interceptor Master Plan 2000. The ISS aids the Sacramento Regional County Sanitation District in planning and implementing regional conveyance projects and assists the SASD in coordinating collection system facilities. ~~The SRCSD has prepared a long-range master plan for the large-diameter interceptors that transport wastewater to the Sacramento Regional Wastewater Treatment Plant and includes interceptor upgrades/expansions to accommodate anticipated growth through 2035 (SRCSD 2000).~~

This revision does not result in any new analysis or change the impact determination of the wastewater service impacts of the Draft EIR.

Response C-4: The commenter discusses how the Sacramento Area Sewer District (SASD) and SRCSD sewer systems are designed using predicted wastewater flows that are dependent on land use information provided by each land use authority. The commenter states that sewer studies will need to be completed to fully assess the impacts of any project that has the potential to increase existing or future flow demands.

The commenter does not make any comments regarding the adequacy of the Draft EIR with this comment. However, as a point of clarification, a sewer study was prepared for the Project, and impacts to the local wastewater system were discussed in Impact 5.12.2.1 (Draft EIR page 5.12-18) and Impact 5.12.2.2 (Draft EIR pages 5.12-18 through -20).

Response C-5: The commenter states that the customers receiving service from the SRCSD and SASD are responsible for rates and fees outlined in the latest SRCSD and SASD ordinances. Comment noted.

Response C-6: The commenter states that the SASD and SRCSD are not land use authorities and their planning documents are based on growth projections by local jurisdictions. On- and off-site impacts associated with constructing sanitary sewer facilities to serve the subject project must be included in the Draft EIR or a subsequent EIR.

As part of the Project, a Sewer Master Plan was completed by Wood Rodgers. The Draft EIR discusses the Project's potential to require new or expanded wastewater facilities in Impact 5.12.2.2 on Draft EIR pages 5.12-18 through -20. The physical effects of construction of the infrastructure to serve the Project are addressed throughout the Draft EIR.

Letter D

ELK GROVE Unified School District

Members of the Board:
Jeanette J. Amavisca
Priscilla S. Cox
Carmine S. Forcina
Steve Ly
Chet Madison, Sr.
Anthony "Tony" Perez
Bobbie Singh-Allen

Robert Pierce
Associate Superintendent
Facilities and Planning

Robert L. Trigg Education Center
9510 Elk Grove-Florin Road, Elk Grove, CA 95624

(916) 686-7711
FAX: (916) 686-7754

April 30, 2014

Christopher Jordan, Planning Manager
Development Services, Planning
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

SUBJECT: Comments on the Draft Environmental Impact Report for the Southeast Policy Area, File #PL0016

Dear Mr. Jordan:

The Elk Grove Unified School District (EGUSD) appreciates the opportunity to review and comment on the Draft Environmental Impact Report for the Southeast Policy Area Strategic Plan. EGUSD requests that the following comments be considered and included in the Final Environmental Impact Report.

The number of students expected from the project is inconsistent and out-of-date.

In the second paragraph of the Land Plan section on page 2.0-10 and the Impact 5.11.3.1 Section on page 5.11-10, please use the following numbers, which are based upon our 2013 Student Yield Factors and upon 2,953 single-family homes and 1,837 multi-family homes in the Southeast Policy Area.

D-1

K-6 = 1,688
7-8 = 509
9-12 = 905
Total = 3,102

Table 2.0-1 on Page 2.0-12

The acreage listed for school use should be 30, as there are three elementary school site at 10 acres each.

D-2

Table 2.0-2 on Page 2.0-12

This table lists a potential of 177 jobs at the three planned elementary schools. Please use 195 as stated on page 2.0-10 and in Table 3.0-6 on page 3.0-7.

D-3

Table 3.0-6 on Page 3.0-7

The acres listed for the school sites should be 30, and the number of jobs should be 195.

D-4

Section 5.11.3.1 (Public Schools Existing Setting) on Page 5.11-7

Please update the enrollment numbers in the third paragraph for the existing schools to reflect the 2013-14 enrollments as follows: *Franklin Elementary School - 682, Elizabeth Pinkerton Middle School - 1,034, and Cosumnes Oaks High School - 2,037.*

D-5

Elk Grove Unified School District—Excellence by Design

Letter D Continued

Section 5.11.3.2 (Public Schools Regulatory Framework) on Page 5.11-8

Please revise the section describing the three levels of developer fees to read as follows:

The three levels of developer fees established by SB 50 are described below.

1. *Level 1 fees are base statutory fees. As of January 22, 2014, the maximum assessment for Level 1 fees is $3.36 per square foot of residential development and $0.53 per square foot of commercial/industrial development.*
2. *Level 2 fees allow the school district to impose developer fees above the statutory levels, up to 50 percent of certain costs under designated circumstances. The state would match the 50 percent funding if funds are available.*
3. *Level 3 fees apply if the state runs out of bond funds, allowing the school district to impose 100 percent of the cost of the school facility based on State formulas. However, as of today, the State has exhausted its bonding authority and is not participating in any new school construction projects absent a future statewide school bond or similar measure. Despite this, the ability of school districts to levy Level 3 fees has been suspended by the legislature. Therefore the funding may not be available to provide school facilities for the students generated by this project.*

D-6

In the Elk Grove Unified School District Funding Section

We suggest revising the last two sentences in the first paragraph to read:

The most recent EGUSD School Facilities Needs Analysis (April 2013) provides this justification and allows the imposition of fees that can be adjusted periodically, consistent with SB 50. Current EGUSD developer fees, as adjusted by the school board on June 18, 2013, are $4.67 per square foot of residential space and $0.51 per square foot of commercial/industrial space.

D-7

Please revise the second paragraph to read:

The District also collects a special annual Mello-Roos tax, with the assessment applied at various stages of development. The project site is presently charged the lowest rate (agricultural land containing residential structures existing prior to 1987).

Per the voter approved tax plan, any parcels of land which are rezoned for intensification of use will be re-assessed based upon the new land use. The new tax rate will be applied for the tax year subsequent to the approval of the rezone by the City Council. The following "planned" rates would apply to rezoned parcels of land within the Southeast Policy Area (based upon acreage): Commercial - $240 per acre, Single Family Residential - $80 per dwelling unit, and Multi-Family Residential - $48 per dwelling unit.

D-8

Approval of a Tentative Subdivision Map increases the assessment each tax year to the "approved" rate of $200 per single-family dwelling unit and $120 per multi-family dwelling unit. Building permit application for a commercial/industrial project will trigger the "approved" rate of $800 per acre of commercial/industrial development each tax year.

In the Project Impacts and Mitigation Measures, Impact 5.11.3.1 Section on page 5.11-10

Please change the number of students likely to be generated to the following updated numbers to be consistent with those cited on page 2.0-10:

D-9

K-6 = 1,688
7-8 = 509
9-12 = 905
Total = 3,102

Elk Grove Unified School District—Excellence by Design

Letter D Continued

We request the following paragraph be added to this section as shown below:

...As mentioned above, school attendance boundaries may change and are often adjusted to accommodate school capacities.

Based upon the current housing unit counts in the Southeast Policy Area and the surrounding un-built developments, neither a middle school nor a high school will be needed within the proposed Southeast Policy Area, as the students generated from this project can be accommodated in nearby existing secondary schools. However, should the number of residential units in the region increase as the result of revisions to the land use plans, this may no longer be true. Should this occur the District will work with the City and land owners to identify a suitable secondary school site.

D-10

Exceeding school capacity would not be considered a physical impact under CEQA....

In the Cumulative Public School Impacts Mitigation Measures, Impact 5.11.3.2 Section on page 5.11-11

Please consider revising the last paragraph to read as follows, since it currently contains some inaccuracies:

D-11

Per California Government Code Section 65996, ~~the adoption of all or some combination of Mello-Roos taxes and~~ SB 50 funding fully mitigates the potential cumulative impacts on schools and related facilities. ~~Funding is currently available from statewide school bonds as discussed in the Regulatory Framework subsection above. The~~ existing funding mechanisms.....

Further comment on Mitigation Measures

In 1998, SB 50 did indeed create a new California school facilities funding mechanism. The new school facility program it created authorizes school districts lacking capacity for students generated from new home construction to levy school impact fees. The school impact fees are intended to provide the 50% local share of the cost, according to State formulas as prescribed by SB 50, to construct new school facilities to house the students from the new homes. The other 50% is to be allocated by the Office of Public School Construction.

However, as of today, the State has exhausted its bonding authority and is not participating in any new school construction projects absent a future statewide school bond or similar measure. Compounding this problem is the fact that the ability of school districts to levy Level 3 fees (equal to twice the Level 2 developer impact fees intended to be a "safety net" when State funding is unavailable) has been suspended by the State Legislature. Additionally, the funding provided by the impact fees and the State School Facilities Program are based on State determined formulas, which in many cases may not fully fund the actual costs of the new school or classroom.

D-12

Elk Grove Unified School District has implemented a voter approved Mello-Roos Special Tax. Mello-Roos funds are intended to provide an alternate source of funds to mitigate the late arrival of state funds, offset state funding shortfalls, and finance facilities needs that are not covered by the state building program or developer fees. Additionally, the special tax provides funding for facilities rehabilitation, deferred maintenance related projects, core facility additions, non-growth related improvements, technology and student support services. Mello-Roos funds therefore should not be considered as mitigation for the impact of new development on the school district.

EGUSD appreciates the City's consideration of the comments and requests in this letter.

Sincerely,

Kim Williams

Kim Williams
Planning Manager

Elk Grove Unified School District—Excellence by Design

Letter D – Kim Williams, Elk Grove Unified School District

Response D-1: The commenter requests an update to the student yield factors used on page 2.0-10 and page 5.11-10 of the Draft EIR as follows: K–6 = 1,688, 7–8 = 509, 9–12 = 905, total = 3,102.

CEQA Section 15125(a) states that the physical environmental conditions as they exist at the time the Notice of Preparation (NOP) is published normally constitute the baseline for which a project's impact is evaluated. The Project NOP was published on April 19, 2013. Section 15125(a) is included in CEQA to remove the potential for a constantly changing environmental setting. Based on the student generation rates available at the time of the NOP, the proposed Project was determined to generate a total of 3,011 school-aged children, including 1,711 kindergarten through sixth grade (K–6) students; 463 seventh through eighth grade students; and 926 ninth through twelfth grade students. Based on the comment, the text in the first paragraph under Impact 5.11.3.1 on Draft EIR page 5.11-10 is amended as follows:

> With the development of 4,790 new homes within the Project area, a substantial number of school-aged children would move to the area, which would trigger the need for additional public schools. City planning staff worked with the EGUSD to determine the number of students who would likely be generated by the proposed Project, as well as the number of schools that would need to be constructed to meet the demand for public schools. Based on these student generation calculations, the proposed Project would be likely to generate a total of ~~3,011~~ 3,102 school-aged children, including 1,688~~1,711~~ kindergarten through sixth grade (K–6) students; ~~463~~509 seventh through eighth grade students; and ~~926~~905 ninth through twelfth grade students.

While the student yield factors noted in the comment differ from those used in the Draft EIR, the factors used in the Draft EIR are consistent with the environmental setting at the time of publication of the NOP. As discussed on Draft EIR page 5.11-10, future development in the Project area would be required to pay development fees toward the provision of school facilities. In addition, exceeding school capacity would not be considered a physical impact under CEQA and the additional students using the rates noted in the comment would not trigger the need for additional school facilities. Therefore, inclusion of the updated student yield factors would not result in any new analysis or change the impact determination of the school impacts of the Draft EIR.

Response D-2: The commenter provides acreage totals for three schools, which amount to 30 acres. The land plan of the Project indicates that the total acreage for schools is 28 acres, as shown in Draft EIR Table 2.0-1. The environmental analysis is required to analyze the Project as proposed; therefore, the analysis is based on this land plan. These land use acreages are approximate, and actual development of the individual sites may result in slightly different acreages. If school facilities require a slightly larger area for development, a revision of the land plan would be required at the time school development is proposed. Because the Draft EIR assumed development of the entire site, the

comment does not alter the conclusions of the Draft EIR, nor would it result in any new analysis or change the impact determination related to schools.

Response D-3: The commenter requests that the school employment totals in Table 2.0-2 in the Project Description be changed. The employment numbers included in Table 2.0-2 are intended to provide the reader with the general intensity of development within the Project area and are not binding on any future user in the area. The correction requested in the comment represents less than one-tenth of 1 percent of the overall anticipated employment in the Project area and would not alter the conclusions of the Draft EIR.

Response D-4: The commenter requests that Table 3.0-6 on page 3.0-7 of the Draft EIR be revised to include the new school acreage totals and the number of jobs amended to 195. Refer to Responses D-2 and D-3, respectively.

Response D-5: The commenter requests the update of school enrollment numbers on Draft EIR page 5.11-7. The school student totals identified in the Draft EIR were based on the 2012–2013 school year. The commenter is referred to Response D-1.

Response D-6: The commenter requests a revision to the SB 50 level of fees discussion on page 5.11-8 of the Draft EIR. The commenter provides updated fees that were adopted in January 22, 2014. However, as discussed in Response D-1, the Draft EIR uses the environmental setting, including fees, available at the time of NOP publication. However, as a point of clarification, updated fees would not change the impact determination; future projects would be required to pay the fee in place at the time of a project application. The comment does not alter the conclusions of the Draft EIR, result in any new analysis, or change the impact determination for school facilities in the Draft EIR.

Response D-7: The commenter requests a revision to the fees listed in the first paragraph under Elk Grove Unified School District Funding on page 5.11-9 of the Draft EIR. These new fees were adopted by the school board on June 18, 2013.

As discussed in Response D-1, the Draft EIR uses the environmental setting, including fees, available at the time of NOP publication (April 19, 2013). See also Response D-6. The comment does not alter the conclusions of the Draft EIR, result in any new analysis, or change the impact determination for school facilities in the Draft EIR.

Response D-8: The commenter requests that additional information be added to Elk Grove Unified School District Funding on Draft EIR page 5.11-9.

The following text has been revised based on information provided by the commenter:

> The District also collects a special Mello-Roos tax, with the taxes applied at various stages during project review and development. The project site is presently charged the lowest rate, which is applied to agricultural land containing residential structures established prior to 1987. ~~Land which is rezoned to commercial uses is charged at the rate of $72 per 1/3 acre at the time Council approval is given to a rezone.~~ <u>The following "planned"</u>

> rates would apply to parcels of land within the Southeast Policy Area (based on acreage): commercial – $240 per acre; single-family residential – $80 per dwelling unit; multi-family residential – $48 per dwelling unit. Approval of a Tentative Subdivision Map increases the assessment each tax year to the "approved" rate of $200 per single-family dwelling unit and $120 per multi-family dwelling unit.

The updated text does not alter the conclusions of the Draft EIR, result in any new analysis, or change the impact determination related to school facilities.

Response D-9: The commenter request a revision to the potential student total in Impact 5.11.3.1 based on new student yield factors. The commenter is referred to Response D-1.

Response D-10: The commenter requests that text regarding school facilities be added to the Impact 5.11.3.1 discussion on page 5.11-10.

The Draft EIR has been revised as shown on page 5.11-10 as requested by the commenter:

> Based on the current housing unit counts in the Southeast Policy Area and the surrounding unbuilt developments, neither a middle school nor a high school will be needed within the proposed Southeast Policy Area, as the students generated by the Project can be accommodated in nearby existing secondary schools. However, should the number of residential units in the region increase as a result of a revision to a land use plan, the EGUSD will work with the City and landowners to identify a suitable secondary school site.

This revision does not alter the conclusions of the Draft EIR, result in any new analysis, or change the impact determination related to school facilities.

Response D-11: The commenter suggests that the last paragraph under Impact 5.11.3.2 is no longer correct and provides a revision for this paragraph.

The Draft EIR has been revised as shown on page 5.11-11 as requested by the commenter:

> Pursuant to California Government Code Section 65996, a project's impacts on school facilities are fully mitigated by the payment of the requisite new school construction fees ~~the adoption of all or some combination of Mello-Roos taxes and SB 50 funding fully mitigates the potential cumulative impacts on school and related facilities. Funding is currently available from statewide school bonds as discussed in the Regulatory Framework subsection above.~~ The existing funding mechanisms, bond measures within the school district, and compliance with Elk Grove General Plan policies would reduce cumulative impacts on school facilities. Therefore, this impact would be less than significant, and the proposed Project's contribution to this impact would be **less than cumulatively considerable**.

This revision does not alter the conclusions of the Draft EIR, result in any new analysis, or change the impact determination related to school facilities.

Response D-12: The commenter provides information regarding the current lack of school funding by the Office of Public School Construction as well as the suspension of Level 3 funding by the California legislature. The commenter provides additional information regarding the Mello-Roos Special Tax, stating that this tax should not be considered as mitigation for the impact of new development.

While the commenter states that the Mello-Roos Special Tax should not be considered as mitigation for the impact of new development on school facilities, the commenter also indicates that the Mello-Roos funds are intended "to provide an alternate source of funds to mitigate the late arrival of state funds, offset state funding shortfalls and finance facilities needs that are not covered by the state building program or developer fees." Thus, the Mello-Roos funds can be used to provide for new facilities. In any case, whether or not the Mello-Roos funds can be used for new schools does not change the school facilities impact determination.

The impact to school facilities is discussed under Impact 5.11.3.1 of the Draft EIR. The analysis determined that the proposed Project alone would not trigger the need for additional middle or high school facilities, and exceeding school capacity would not be considered a physical impact under CEQA as provided by California Government Code Section 65995(h). All residential, commercial, and industrial development within the Project area would be subject to the EGUSD impact fee in place at the time an application is submitted for a building permit. Under CEQA, payment of EGUSD residential development fees is considered to mitigate potential impacts on school facilities generated by Project implementation. To the extent that the proposed Project would result in the need for additional schools, the construction of which could result in physical environmental impacts, those schools are accounted for in the Project and their construction was considered in the Draft EIR. Therefore, no change to the Draft EIR is required.

Letter E

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Larry Greene
AIR POLLUTION CONTROL OFFICER

May 1, 2014

SENT VIA EMAIL

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

RE: Southeast Policy Area Strategic Plan and Draft Environmental Impact Report
SMAQMD# SAC200601004

Dear Mr. Jordan:

Thank you for providing the opportunity for the Sacramento Metropolitan Management District (SMAQMD) to review and comment on the Southeast Policy Area Plan (SEPA Plan) and Draft Environmental Impact Report (DEIR). The SMAQMD understands the importance of this proposed project to the City of Elk Grove's future growth and the potential value to the larger Sacramento area in terms of improved jobs housing balance; SMAQMD staff provides the following comments with that in mind:

SEPA DEIR Comments

1. To help ensure the most current SMAQMD strategies for air quality analysis and subsequent mitigation are in use for all projects we recommend consulting the SMAQMD *CEQA Guide for Air Quality Assessment* on our website at http://www.airquality.org/ceqa/ceqaguideupdate.shtml. E-1

2. In Chapter 5.3 Air Quality MM5.3.1a-g are shown as the only mitigation for short term construction impacts. These measures are the same as the Basic Construction Emission Control Practices which the SMAQMD recommends on all construction projects, regardless of whether analysis indicates exceedance of the 85 pounds per day NOx threshold. However, when analysis does indicate an exceedance of the threshold, as shown on Table 5.3-7 of the DEIR, we additionally recommend that Enhanced Exhaust Control Practices be applied to the project as feasible NOx reduction. The detailed language of the Enhanced Exhaust Control Practices can be found on our website in the SMAQMD *CEQA Guide to Air Quality Assessment*. Applying the Enhanced Exhaust Control Practices rather than the restriction to Tier 3 equipment that is modeled and discussed in the document on Page 5.3-18 will allow the greatest flexibility for construction contractors, consistency of implementation for Elk Grove monitoring staff and also will likely reduce the impact to **less than significant** rather than **significant and unavoidable**. E-2

3. If after applying both the Basic Construction Emission Control Practices and the Enhanced Exhaust Control Practices there are still emissions that remain over the 85 pounds per day NOx threshold then an off-site mitigation fee will be applied. The mitigation fee is based on the recently updated statewide Carl Moyer Program Guidelines calculated at $17,720 per ton of NOx or the most current figure at the time construction occurs. E-3

4. Typically the SMAQMD recommends that Air Quality Mitigation Plan (AQMP) be drafted in time to be included as part of the DEIR. However, the fact that the Elk Grove General Plan Policy CAQ- E-4

777 12th Street, 3rd Floor ▪ Sacramento, CA 95814-1908
916/874-4800 ▪ 916/874-4899 fax
www.airquality.org

Letter E Continued

ATTACHMENT

30[1] (mistakenly referenced in the DEIR as CAQ-23) requirement for 15% reduction in emissions is being applied to entire SEPA project area and the preparation of the AQMP is currently underway in consultation with SMAQMD staff, we look forward to a draft (AQMP) for review, comment and inclusion in both the Final Plan and the Mitigation Monitoring and Reporting Plan in the FEIR. The AQMP will outline measures and implementation strategies to meet the CAQ-30 policy through the build out process.

E-4 cont.

SEPA Plan Comments

1. The SMAQMD encourages strong consideration of a process that will ensure the SEPA Plan Guidelines are applied consistently as the project develops. Many of the features outlined in the SEPA Plan document are air quality reducing strategies that are often advocated by the SMAQMD. Individually they have impact but collectively can have an even greater affect. Features such as: limiting cul-de-sacs but where they exist ensuring connections to trails or sidewalks; traffic calming features; building orientation to favor pedestrians; mid-block breaks with pedestrian spaces; minimization of impervious surfaces; orienting buildings for to facilitate photovoltaics or other on-site energy generation to name a few. However, the challenge often lies in ensuring that the Guidelines as proposed are followed through on as build out of the plan area occurs over time.

E-5

In addition all projects are subject to SMAQMD rules in effect at the time of construction. A complete listing of current rules is available at www.airquality.org or by calling 916-874-4800. Attached is a list of specific rules that may relate to construction activities or building design.

Thank you for contacting the SMAQMD regarding this project. If you have any questions about these comments please contact me at 916-874-4883 or cmcghee@airquality.org.

Sincerely,

Charlene McGhee
Associate Air Quality Analyst

Attachment

c: Larry Robinson, Sacramento Metropolitan AQMD

[1] CAQ-30: All new development projects which have the potential to result in substantial air quality impacts shall incorporate design, construction, and/or operational features to result in a reduction in emissions equal to 15 percent compared to an "unmitigated baseline" project. An "unmitigated baseline project" is a development project which is built and/or operated without the implementation of trip-reduction, energy conservation, or similar features, including any such features which may be required by the Zoning Code or other applicable codes.

ATTACHMENT

SMAQMD Rules & Regulations Statement (revised 3/12)

*The following statement is recommended as standard condition of approval or construction document language for **all** development projects within the Sacramento Metropolitan Air Quality Management District (SMAQMD):*

All projects are subject to SMAQMD rules in effect at the time of construction. A complete listing of current rules is available at www.airquality.org or by calling 916.874.4800. Specific rules that may relate to construction activities or building design may include, but are not limited to:

Rule 201: General Permit Requirements. Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from SMAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or heater should contact the SMAQMD early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc.) with an internal combustion engine over 50 horsepower are required to have a SMAQMD permit or a California Air Resources Board portable equipment registration. Other general types of uses that require a permit include, but are not limited to dry cleaners, gasoline stations, spray booths, and operations that generate airborne particulate emissions.

Rule 403: Fugitive Dust. The developer or contractor is required to control dust emissions from earth moving activities, storage or any other construction activity to prevent airborne dust from leaving the project site.

Rule 414: Water Heaters, Boilers and Process Heaters Rated Less Than 1,000,000 BTU PER Hour. The developer or contractor is required to install water heaters (including residence water heaters), boilers or process heaters that comply with the emission limits specified in the rule.

Rule 417: Wood Burning Appliances. This rule prohibits the installation of any new, permanently installed, indoor or outdoor, uncontrolled fireplaces in new or existing developments.

Rule 442: Architectural Coatings. The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

Rule 460: Adhesives and Sealants. The developer or contractor is required to use adhesives and sealants that comply with the volatile organic compound content limits specified in the rule.

Rule 902: Asbestos. The developer or contractor is required to notify SMAQMD of any regulated renovation or demolition activity. Rule 902 contains specific requirements for surveying, notification, removal, and disposal of asbestos containing material.
Naturally Occurring Asbestos: The developer or contractor is required to notify SMAQMD of earth moving projects, greater than 1 acre in size in areas "Moderately Likely to Contain Asbestos" within eastern Sacramento County. Asbestos Airborne Toxic Control Measures, Section 93105 & 93106 contain specific requirements for surveying, notification, and handling soil that contains naturally occurring asbestos.

Letter E – Charlene McGhee, Sacramento Metropolitan Air Quality Management District

Response E-1: The commenter recommends using the Sacramento Metropolitan Air Quality Management District (SMAQMD) CEQA Guide for Air Quality Assessment to help ensure the most current SMAQMD strategies.

The SMAQMD CEQA Guide was used as a reference during the air quality analysis for the Project (see Draft EIR page 5.13-12).

Response E-2: The commenter suggests that applying the SMAQMD's Enhanced Exhaust Control Practices, rather than the use of Tier 3 equipment, would achieve greater NOx emission reductions. The commenter also states that the replacement mitigation would most likely reduce construction-related air quality impacts to a less than significant level.

The Draft EIR has been revised as shown on page 5.3-17 as requested by the commenter (see Section 2.0, Errata). However, as stated on page 5.3-18 of the Draft EIR, the actual phasing of construction allowed under the proposed Project is not known at this time and actual daily emissions would vary and be dependent on the specific activities conducted. Due to such variability, the impact determination for construction-related air quality impacts would remain significant and unavoidable.

MM 5.3.1e ~~In order to reduce NOx emissions during all construction activities, all rubber-tired dozers, graders, scrapers, excavators, and tractors shall be California Air Resources Board (CARB) Tier 3 Certified or better.~~

The Project applicant shall submit to the City and the SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any stage of construction. This information shall be submitted at least four business days prior to the use of the subject heavy-duty off-road equipment.

- The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment.
- The Project applicant shall provide the anticipated construction timeline including start date, and the name and phone number of the project manager and on-site foreman.
- The district's Equipment List Form can be used to submit this information.
- The inventory shall be updated and submitted monthly throughout the duration of the Project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.

The Project applicant shall provide a plan for approval by the City and the SMAQMD demonstrating that the heavy-duty off-road vehicles (50 horsepower or more) to be used in construction, including owned, leased, and subcontractor vehicles, shall achieve a project-wide fleet average of 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent CARB fleet average.

- This plan shall be submitted in conjunction with the equipment inventory.

- Acceptable options for reducing emissions may include use of engines produced after 2005, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

Response E-3: The commenter states that if emissions exceed 85 pounds per day of NO_x after applying the Basic Construction Emission Control Practices and the Enhanced Exhaust Control Practices, an off-site mitigation fee will be applied. The following text is added under Methodology on Draft EIR page 5.3-12:

Short-term construction-related and long-term operational air quality impacts are disclosed and assessed in accordance with methodologies recommended by CARB and the SMAQMD and in comparison to the recommended SMAQMD construction significance threshold of 85 pounds per day of NOx and operational significance threshold of 65 pounds per day of NOx and ROG. If after applying the Basic Construction Emission Control Practices and the Enhanced Exhaust Control Practices, there are emissions that exceed 85 pounds per day of NO_x, an off-site mitigation fee will be applied based on the recently approved statewide Carl Moyer Program Guidelines.

Response E-4: The commenter states that typically the SMAQMD recommends that an Air Quality Mitigation Plan (AQMP) be included as a part of the Draft EIR. However, because Elk Grove General Plan Policy CAQ-30, which requires a 15 percent reduction in emissions, is being applied for the entire Project area and is currently being prepared, the SMAQMD looks forward to a draft AQMP. The comment also notes an error in Draft EIR Section 5.3, Air Quality, regarding an incorrect reference to the City's General Plan Policy CAQ-30. The text changes below correct the policy references from CAQ-23 to CAQ-30.

The text in the last paragraph of Draft EIR page 5.3-12 is amended as follows:

City General Plan Policy CAQ-~~23~~30 requires that all new development projects in Elk Grove with the potential to result in substantial air quality impacts incorporate features to result in a reduction in emissions equal to 15 percent compared to an "unmitigated baseline" project.

The text in the first paragraph of Draft EIR page 5.3-20 is amended as follows:

> As previously described, City General Plan Policy CAQ-~~23~~30 requires that all new development projects in Elk Grove which have the potential to result in substantial air quality impacts incorporate features to result in a reduction in emissions equal to 15 percent compared to an "unmitigated baseline" project. An unmitigated baseline project is a development project that is built and/or operated without the implementation of trip reduction, energy conservation, or similar features. As shown in **Table 5.3-9**, emissions reductions achieved by the Project as proposed would exceed the 15 percent requirement in General Plan Policy CAQ-~~23~~30.

The text in the paragraph preceding mitigation measure MM 5.3.2 on Draft EIR page 5.3-21 is amended as follows:

> The proposed Project would be consistent with City General Plan Policy CAQ-~~23~~30 and achieve the SMAQMD's goal for NO_xe reductions, but Project emissions would exceed the SMAQMD significance thresholds of 65 pounds per day of ROG and NO_x. This would be a **potentially significant** impact.

The text in the paragraph following mitigation measure MM 5.3.2 on Draft EIR page 5.3-21 is amended as follows:

> Therefore, the proposed Project would be consistent with City General Plan Policy CAQ-~~23~~30 and achieve the SMAQMD's goal for NO_xe reductions.

Response E-5: The commenter states that the SMAQMD encourages strong consideration of a process that will ensure the Project Plan Guidelines are applied consistently, as many features of the plan document are air quality–reducing strategies that are often advocated by the SMAQMD. Comment noted.

Letter F

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 3 – SACRAMENTO AREA OFFICE
2379 GATEWAY OAKS DRIVE, STE 150 - MS 19
SACRAMENTO, CA 95833
PHONE (916) 274-0635
FAX (916) 263-1796
TTY 711

Flex your power!
Be energy efficient!

May 5, 2014

032014-SAC-0061
03-SAC-99 / PM 12.692
SCH#2013042054

Mr. Christopher Jordan
Development Services, Planning
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

Southeast Policy Area (SEPA) Draft Environmental Impact Report (DEIR)

Dear Mr. Jordan:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the Southeast Policy Area (SEPA) DEIR. The SEPA DEIR proposes a large Community Plan for a Special Planning Area (SPA) that will be adopted as part of the City's General Plan. The goal of the Community Plan is to provide policies for land use and development of the SPA which is located within the boundaries of State Route (SR) 99 to the east, Bruceville Road to the west, Poppy Ridge Road to the north, and Kammerer Road to the south. The SPA includes approximately 1,200 acres of mixed-use, commercial, office, industrial, and residential space. Land uses planned for the SPA expect to generate approximately 4,790 residential units of varying densities, three elementary schools, parks, and approximately 23,410 new jobs, some as a result of development from the previously reviewed East and South SEPA Business Park Projects applications. The following comments are based on the SEPA DEIR. F-1

Hydraulics

Appendix F - Drainage Study in the SEPA DEIR, lacked discussion regarding the schedule of implementation for proposed facilities to offset development and lower post-development discharges. The Caltrans, District 3 Hydraulics Branch requests project proponents provide information as to what will be the overall timing of developments in the SEPA to simultaneously attenuate anticipated increases in discharges. Please submit that information to Mr. Gurdeep Bhattal, Hydraulics Branch, Caltrans, District 3, 703 B Street, Marysville, CA 95901. F-2

"Caltrans improves mobility across California"

Letter F Continued

Traffic Impact Study (TIS)

As identified in Figure 5.13-1, on page 5.13-3 of the March 2014 SEPA Draft Environmental Impact report (DEIR), areas in and around the Business Parks were included in the corresponding TIS. As a result of the studies that were conducted for the SEPA including the Business Parks mitigations for traffic impacts were provided for the State Highway System (SHS).

Mitigations for the SHS that were provided in the March 2014 SEPA DEIR include the following:

- For Impact 5.13.1, level of service (LOS) declines to LOS F in the AM peak hour and LOS E in the PM peak hour commutes at the SR 99/Elk Grove Blvd. southbound (SB) ramps. Mitigation Measure (MM) 5.13.1a will, on behalf of the City, establish an analysis and tracking mechanism to determine when mitigating improvements will be triggered for implementation. MM 5.13.1b-(A) also corresponds to Impact 5.13.1 providing optimization and coordination of traffic signals along Elk Grove Blvd. at various intersections, including SR 99 SB ramps. However, MM 5.13.1b offers three other possible mitigations (B through D) which do not provide improvements to SHS. Caltrans prefers mitigation A of MM 5.13.1b.

- For Impact 5.13.5, the implementation of the SEPA Community Plan in combination with other planned, approved, and reasonably foreseeable projects such as the East and South SEPA Business Parks, Souza Dairy, and Sterling Meadows, including the Sports Complex Overlay, that would result in the decline of LOS at the SR 99/Elk Grove Blvd. southbound (SB) ramps, MM5.13.5a-(A, B, and D), on behalf of the City, will require the following improvements be completed as the need for the improvement is triggered or as Capital Improvement Projects funded on a fair share basis by subsequent developments like the Business Parks: F-3

  A) SR 99/Elk Grove Blvd. interchange (IC) northbound (NB) loop on-ramp;
  B) SR 99/Whitelock Parkway IC; and
  D) widen westbound Grantline Road to provide four through lanes through the intersection that would transition to the SR 99 NB slip on-ramp.

On page 5.13-20 of the SEPA March 2014 DEIR, Table 5.13-6 indicates that the implementation of the SEPA Community Plan will generate more than 15,000 peak hour trips during the AM and PM commute hours. A large portion of these trips will access nearby SR 99. Although a new Whitlock Parkway IC will provide a more convenient access to SR 99, it will not completely mitigate impacts to the SHS, and allow for more traffic generation to the SR 99 mainline. As a result, SR 99 will become more congested. Therefore, Caltrans recommends project proponents commit to providing fair share funds toward the implementation of the following additional mitigating improvements, as well as help with facilitating the future operation of the following ramp meters:

- Ramp metering in the southbound directions at the SR 99/Laguna Blvd./Bond Road IC, the SR 99/Elk Grove Blvd. IC; the SR 99/Sheldon Road IC; and
- Auxiliary lanes on SR 99 between Elk Grove Blvd and Laguna Blvd./Bond Rd. ICs. The City has listed this project as one of its potential projects for inclusion in its 2014-2019 Capital Improvement Program.

Letter F Continued

Encroachment Permit

Please be advised that any work or traffic control that would encroach onto the State Right of Way (ROW) requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to Mr. Tim Greutert, Office of Permits, Caltrans, District 3, 703 B Street, Marysville, CA 95901. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website at the following URL for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/. F-4

Whitelock Parkway IC

As mentioned in prior comments to the City, and pertaining to the discussion of the planned Whitelock Parkway IC on several pages in the Transportation Section of the SEPA DEIR, Caltrans advises that many of the designated office parks parcels may be within the future footprint of the Whitelock Parkway IC. The proposed IC is also subject to Caltrans review and approval. F-5

Sports Complex Overlay

Development of a Sports Complex Overlay is briefly discussed throughout the SEPA DEIR. On page 2.0-31, the DEIR states "This EIR addresses the potential for the development of a regional sports complex to the greatest extent feasible, but if an application for a sports complex is received, additional environmental review would be required." At this time, there is not enough specific information for Caltrans to evaluate a sports complex and therefore we request to be included on any environmental review for a future sports complex to evaluate traffic impacts and potential mitigation for the complex at that time. F-6

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

If you have any questions regarding these comments or require additional information, please contact Arthur Murray, Intergovernmental Review Coordinator at (916) 274-0616 or by email at: Arthur.Murray@dot.ca.gov.

Sincerely,

ERIC FREDERICKS, Chief
Office of Transportation Planning – South

c: Scott Morgan, State Clearinghouse

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Letter F – Eric Fredericks, California Department of Transportation

Response F-1: The commenter provides a summary of the Project. Comment noted.

Response F-2: The commenter states that the drainage study completed for the Project lacked discussion regarding the schedule of implementation for proposed facilities to offset development and lower post-development discharges. The commenter requests that this information be provided to the District 3 Hydraulics Branch. Mitigation measure MM 5.9.2a requires new development applicants in the Project area to provide site-specific drainage reports which demonstrate that peak flows from developed areas do not exceed pre-development conditions, which can be provided to Caltrans for review. The drainage study for the Project is included as Appendix F in the Draft EIR.

Response F-3: The commenter expresses concerns regarding increased travel on State Route (SR) 99 with implementation of the proposed Project. Caltrans recommends that Project proponents commit to providing fair share funds toward the implementation of the following additional improvements to SR 99 not identified in the Draft EIR:

- Implementation and future operation of ramp metering at the SR 99/Sheldon Road, SR 99/Laguna Boulevard/Bond Road, SR 99/Elk Grove Boulevard interchanges in the southbound direction.

- Auxiliary lanes on SR 99 between Elk Grove Boulevard and Laguna Boulevard/Bond Road.

Impacts 5.13.2 (Draft EIR page 5.13-36) and 5.13.6 (Draft EIR page 5.13-47) address Project impacts on SR 99 under existing and cumulative conditions, respectively. As disclosed, implementation of the proposed Project would worsen unacceptable conditions on SR 99 due to reoccurring bottlenecks on SR 99 (north of the City of Elk Grove) that cause congested conditions and vehicle queuing on northbound SR 99 in the AM peak period and that meter traffic on southbound SR 99 in the evenings through the City of Elk Grove. Absent these bottleneck locations, the analysis presented in the Draft EIR indicates that the freeway facilities would operate acceptably with the addition of Project traffic under existing and cumulative conditions. While the improvements presented above would improve local freeway operations, they would not address systemwide constraints that cause reoccurring bottlenecks on SR 99.

As demonstrated by General Plan Policy CI-2, the City of Elk Grove is committed to coordination and participation with Caltrans, the City of Sacramento, and Sacramento County on joint transportation planning, roadway construction, and funding of shared facilities, which could include the improvements outlined above. In the absence of a regional fair share funding mechanism that include all parties, mitigation measure MM 5.13.1 requires subsequent projects within the Southeast Policy Area Strategic Plan that do not trigger improvements to facilities identified as being potentially impacted by the Project to pay their fair share toward those improvements.

Response F-4: The commenter states that any work or traffic control that would encroach onto the state right-of-way requires an encroachment permit issued by Caltrans. The commenter also states that traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

At this time, no construction plans for roadway improvement that encroaches on a state right-of-way have been developed. However, the Project-affected roadways have been identified in the Draft EIR and mitigation measures have been provided indicating necessary improvements to reduce the impacts. All new construction in the Project area, including roadway improvements, is subject to the mitigation measures provided in the Draft EIR.

Mitigation measure MM 3.15-1a requires the establishment of an analysis and tracking mechanism to determine when the roadway improvements identified in the EIR are triggered. Mitigation measures MM 5.13.1b and MM 5.13.5 require that that the roadway improvements be completed either (1) as the need for the improvement is triggered by subsequent development projects or (2) as City CIP projects funded on a fair share basis by subsequent development projects.

Response F-5: The commenter states that many of the designated office park parcels may be within the future footprint of the Whitelock Parkway interchange.

Comment noted. The Land Plan for the Project is conceptual in nature and only identifies the proposed land uses, not actual footprints of future uses. Future construction of office parks at the Whitelock Parkway interchange will have to be designed to accommodate the interchange.

Response F-6: The commenter discusses the potential regional sports complex that is conceptually addressed in the Draft EIR. The commenter requests to be included in any future environmental review of the sports complex.

Comment noted. Caltrans will be sent subsequent environmental review for the sports complex, should that feature move forward after Project approval.

Letter 1

ECOS
ENVIRONMENTAL • COUNCIL • OF SACRAMENTO

Post Office Box 1526 • Sacramento, CA • 95812 • (916) 444-0022

Mr. Christopher Jordan, AICP, Planning Manager
City of Elk Grove Development Services, Planning
8401 Laguna Palms Way
Elk Grove, CA 95758
cjordan@elkgrovecity.org

May 3, 2014

Dear Mr. Jordan:

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS) on the **Draft Environmental Impact Report (DEIR) for the Southeast Policy Area Strategic Plan Project, File #PL0016** dated 21 March 2014. ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. Our mission is to achieve regional and community sustainability and a healthy environment for existing and future residents. 1-1

ECOS has a number of concerns regarding the adequacy of the DEIR with respect to land use and consistency with existing plans, growth inducement and biological resources. These concerns will be addressed in the following sections.

Land Use and Consistency with Existing Plans

The Land Use Section of the DEIR contains the following statement *... the Project would help to improve the City's jobs-to-housing ratio and commute times, reduce traffic in Elk Grove and in the region, and reduce the physical environmental impacts associated with long commutes and traffic, such as air quality, noise, and greenhouse gas emissions.* It therefore concludes that the project is consistent with the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). Yet, the project calls for 23,410 employees at build-out while the MTP/SCS indicates that there will only be 5,101 employees at build-out. This is a serious inconsistency which is not addressed in the DEIR. 1-2

It is admirable that the City of Elk Grove is trying to improve its jobs/housing imbalance. However, ECOS is concerned that past rezoning practices will again occur. We believe it is very likely that much of the land currently planned for employment generating uses will be rezoned for residential uses when job generating uses don't appear in a timely manner. We believe it is critical that the project be phased in such a manner that the residential housing is developed concomitantly with the employment generating uses. Developing the residential component of the Plan prior to the employment component would induce rezoning of the job generating area to more residential uses, totally defeating the effort to improve the City's jobs/housing imbalance. 1-3

This phasing is also important to preserve the integrity of the plan, but it is also necessary to determine the adequacy of this environmental document. The DEIR relies upon the employment generating aspect of the Plan to mitigate many of the impacts associated with this project (transportation, air quality, greenhouse gas). If the employment generation does not occur concurrently with residential development, or does not occur at all, this mitigation is lost. Strict phasing must therefore be part of this project for this environmental document to be considered adequate. 1-4

www.ecosacramento.net

Letter 1 Continued

Growth Inducement

In Chapter 6.0 of the DEIR, it clearly states that ***the Project is considered to be growth-inducing.*** However, growth inducement is not listed as a significant impact, nor is any mitigation proposed. This chapter goes on to state that "*although the Project area is located in an area that is, for the most part, rural and undeveloped, many of the surrounding areas are planned and approved for future development. This includes the Elk Grove Promenade and the Sterling Meadows projects to the east, the Laguna Ridge Specific Plan to the north, and the East Franklin Specific Plan to the northwest. The area south of the Project area is outside the City limits.*" The area to the south is indeed outside the City limits, but it was also the area proposed for recent Sphere of Influence expansion. 1-5

Planning this intensity of development along the north side of Kammerer Road will further induce growth to the south, an area that is not appropriate for development. The City limits are coterminous with the county's Urban Services Boundary (USB). While the City of Elk Grove refuses to recognize the USB, it was established as a countywide boundary for the extension of urban services. Growth inducement must be addressed as a significant impact and mitigation must be proposed.

Projects at the very edge of the urban services boundary must take responsibility for the growth inducing impact they create. This is essential for the long term protection of habitat, agricultural land and open space in the region.

Since the project, if approved, will require mitigation for loss of agricultural land, and the land immediately south of the project that would be most subject to the growth inducing effects of the project is similar in agricultural use and values to the land that would be lost, mitigation could be achieved by requiring that some of the land acquired to mitigate agricultural impacts also mitigate for the growth inducing impacts.

ECOS recommends a mitigation measure that would require at least half of the agricultural land protected by fee or easement to mitigate for agricultural land lost to development by the project be within one mile of the project's southern boundary. Because of higher land costs, any agricultural land protected that also mitigates for the growth inducing impact of the project shall be credited at a ratio of ¾ acre protected for every acre lost, instead of the usual 1:1 ratio. 1-6

Biological Resources

Lack of analysis of impacts from creation of vernal pools as part of compensatory mitigation.

With the "no net loss" of wetlands requirement, the DEIR states that new vernal pools will be created or restored to replace those "taken." However, there is no discussion of where this would take place or any analysis of the impacts of this activity. The DEIR is required to consider all environmental impacts from the project under consideration. The creation or restoration of vernal pools is an activity requiring "take" coverage from the United States Fish and Wildlife Service (USFWS) and permits from the United States Army Corps of Engineers (USACOE). It must also be fully analyzed in the DEIR. 1-7

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Letter 1 Continued

ELK GROVE IS NO LONGER A PLAN PARTNER IN THE SSHCP

Future participation in the South Sacramento Habitat Conservation (SSHCP) emerges consistently when discussing mitigations for impacts. It should be noted that Elk Grove recently withdrew as a Plan partner in the SSHCP. Therefore, all references to the SSHCP should be removed. As well, without the regional benefit of handling all impacts within the USB under one umbrella, the Final Environmental Impact Report (FEIR) should discuss how Elk Grove will mimic the regional approach of the SSHCP in terms of maximizing mitigation. 1-8

Thank you for the opportunity to comment on this environmental document.

Respectfully Submitted,

Richard Guerrero, President

www.ecosacramento.net

Letter 1 – Richard Guerrero, Environmental Council of Sacramento

Response 1-1: The commenter provides information about the Environmental Council of Sacramento. The commenter's concerns are addressed in the responses below.

Response 1-2: The commenter provides a statement from the Draft EIR that explains how the Project would improve the jobs-to-housing ratio and commute times. The commenter goes on to indicate that the Draft EIR states that the Project is not consistent with the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The commenter questions how the Project could be consistent with the MTP/SCS when the Project would result in 23,410 employees and the MTP/SCS only has 5,101 employees for the same area at buildout.

The Project is considered consistent with the MTP/SCS because it would provide job-generating land uses that would help to balance the City's jobs-to-housing ratio, develop a range of housing types to accommodate varying lifestyles and a range of affordability levels, and provide for a future light rail extension and centrally located transit stop. These concepts are consistent with the smart growth principles encouraged by the MTP/SCS.

As far as the discrepancies in the two employment projections, the MTP/SCS was adopted on April 19, 2012, prior to the master planning of the Project, which began in July 2012. According to the MTP/SCS (Appendix E page 47): "The Southeast Planning Area is proposed to include 4,600 homes and land for 5,100 jobs. Though this area does not have an adopted plan, the MTP/SCS forecasts 4,077 new homes and 3,493 new jobs in this area by 2035 because of its proximity to other Developing Communities and because the city's overall growth forecast cannot be met without development of this area."

Because this projection was completed before the completion of the Project land plan, actual buildout of the Project area could not be determined in the MTP/SCS. The MTP/SCS did not include the amount of commercial and industrial land identified in the Project land plan; therefore, the employment projections were different. However, as stated in the Draft EIR, the land use principles of smart growth included in the Project land plan are consistent with the assumptions used in the MTP/SCS. The physical environmental effects of the Project's proposed land use mix have been thoroughly addressed in the Draft EIR.

Response 1-3: The commenter states that based on past rezoning practices in the City, it is very likely that much of the land currently planned for employment uses will be rezoned for residential uses when job-generating uses don't appear in a timely manner. As such, the commenter believes it is critical that the Project be phased in such a manner that residential uses are developed concomitantly with employment-generating use.

The Draft EIR analyzes the Project as proposed and cannot speculate as to the future actions of the City Council with regard to potential land use amendment requests. It should also be noted that the first of the guiding principles for the Project identified by the City Council is that the Project "is an

employment-oriented development—that is to say, it is a community that supports and encourages the development of employment uses (Southeast Policy Area Community Plan, page 2). The commenter provides no evidence that the City would redesignate land uses proposed in the Project.

Response 1-4: The commenter states that phasing is important to preserve the integrity of the plan, but it is also necessary to determine the adequacy of the environmental document. The commenter continues that because the Project relies on the employment-generating aspect of the Project to mitigate impacts, strict phasing must be a part of the Project.

The Draft EIR analyzes the Project as proposed, which does not include any specific phasing. The commenter is correct that the Project overall relies on the mix of uses included in the Project to achieve reductions in traffic, which result in corresponding reductions in criteria air and greenhouse gas emissions. If some portion of the residential development within the plan area precedes development of employment-generating uses, the benefits of the overall mixed-use nature of the Project would not be initially realized. However, the short-term effects of the development of some residential uses on the Project site would not exceed the total traffic and corresponding air quality and greenhouse gas emissions disclosed for the Project site as a whole. Mitigation measure MM 5.13.1 requires the completion of roadway improvements necessary to mitigate for the potential traffic impact from the Project as those improvements are triggered by subsequent development projects. Consequently, while the Project would not preclude the development of residential uses prior to development of employment-generating uses, the effects of the residential development would not exceed the impacts of the Project as disclosed in the Draft EIR.

Response 1-5: The commenter states that the Draft EIR clearly indicates that the Project would be growth inducing and but this growth inducement is not listed as a significant impact. The comment continues that though the areas to the west, north, and east are planned for development, the area to the south is outside the City limits and had been proposed for the City's recent Sphere of Influence expansion.

CEQA Guidelines Section 15126.2(d) requires a discussion of a project's potential to induce growth. The Draft EIR considers the direct growth associated with the Project, which is discussed and mitigated in Sections 5.1 through 5.13 of the Draft EIR. The growth-inducing effects of the Project are addressed in the Draft EIR on pages 6.0-1 through -3.

To the extent that the Project could induce growth in the future, that growth would be subject to environmental review at the time the development is proposed. Without knowing what type of development could be proposed, the extent of impacts and mitigation cannot be devised at this time. Specifically regarding land to the south, as noted by the comment, that area had been the subject of a request by the City for a Sphere of Influence amendment; however, the request was subsequently withdrawn by the City. Any future development in that area would be under the jurisdiction of the County, over which the City has no jurisdiction. A request for development of the area that also includes a request for annexation to the City would require

Local Agency Formation Commission (LAFCo) action for annexation and an amendment to the City's Sphere of Influence. Growth inducement impacts of the City's General Plan land uses were also previously disclosed in the City of Elk Grove General Plan EIR.

Response 1-6: The commenter recommends that because the agricultural land south of the Project would be most subject to growth-inducing effects, additional mitigation for the loss of this agricultural land should be included. The commenter provides a potential mitigation measure that would require at least half of the land agricultural land protected by fee or easement be within 1 mile of the Project's southern boundary and that because of the higher cost of this land, the ratio should be 0.75 acre protected for every agricultural acre lost.

Mitigation measure MM 5.2.1 requires a one-to-one replacement of agricultural land that is lost to urban development in the Project area. This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism that ensures the preservation of the land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation). Also, mitigation measure MM 5.2.1 has been revised to require that all preserved acreage be located within Sacramento County. See Section 2.0, Errata, for the specific language regarding this revision. It should be noted that the mitigation for preservation of agricultural land is focused on the resource, not on the specific location of the resource. The mitigation requires preservation of like agricultural land. The City does not limit agricultural mitigation to certain areas outside of its boundaries.

Response 1-7: The commenter states that the creation or restoration of vernal pools is an activity that requires "take" coverage from the United States Fish and Wildlife Service (USFWS) and permits from the United States Army Corps of Engineers (USACE), which may result in impacts to resources. The commenter also states these impacts have not been discussed in the Draft EIR.

The impacts of restoring or creating vernal pools were not discussed in the Draft EIR, because it is not currently known if vernal pool creation or restoration will be required mitigation of subsequent projects. Draft EIR page 5.4-45 indicates that there is marginal habitat for vernal pool fairy shrimp and/or vernal pool tadpole shrimp within the Project site, though specific surveys for these species have not been conducted. Mitigation measure 5.4.2 identifies that applicants can choose to undertake surveys on the specific project sites for these listed species or presume the species' presence prior to final map approval. If the outcome of the surveys is negative (shrimp do not occur on-site), the vernal pool creation/restoration actions will not occur. In the event that vernal pool creation is required in the future, mitigation measure MM 5.4.2 has been amended to ensure vernal pool creation will not result in indirect effects to existing vernal pools consistent with the Programmatic Formal ESA Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans (USFWS 1995). In addition, the mitigation measure has been amended to allow non-mitigation bank options for mitigation of potential vernal pool impacts, since

the availability of mitigation bank credits cannot be assured. The following change is made to mitigation measure MM 5.4.2 on Draft EIR page 5.4-42:

> If it is determined that listed vernal pool branchiopods are present, the following mitigation is required.
>
> For every acre of vernal pool habitat directly affected, project applicants shall replace the affected acreage at a 1:1 ratio (1 acre creation for each acre of impact) through the dedication of vernal pool creation credit(s) within a USFWS-approved mitigation bank or through creation/restoration of vernal pool habitat as part of a USFWS-approved mitigation plan. Vernal pool creation shall not occur within 250 feet of existing vernal pools unless specifically approved by the USFWS.
>
> For every acre of vernal pool habitat directly and indirectly affected, the project applicant shall replace the affected acreage at a 2:1 ratio (2 acres of preservation for every 1 acre of impact) through the dedication of vernal pool preservation credit(s) within a USFWS-approved mitigation bank or preserved on- or off-site as part of a USFWS-approved mitigation plan.

Response 1-8: The comment notes the City is not currently a participant in the South Sacramento Habitat Conservation Plan (SSHCP) and states the EIR should remove any references to the SSHCP. The comment also states the EIR should discuss how the City will mimic the regional approach used in the SSHCP.

Although Elk Grove in not currently a participant in the SSHCP, given the long-term nature of the Project, the City has an option to become a participant during the buildout of the Project. Consequently, the references to the SSHCP are appropriate and have not been removed from the Draft EIR. The intent of the comment regarding mimicking the regional approach is unclear. The City remains supportive of the SSHCP and will coordinate with the conservation efforts of the SSHCP, as well as other regional conservation efforts, to ensure species receive maximum regional benefits from SEPA mitigation implementation.

Letter 2

Wilton Rancheria
9300 W. Stockton Blvd., Suite 200
Elk Grove, CA 95758
Ph: (916) 683-6000
Fax: (916) 683-6015

April 28, 2014

City of Elk Grove
Development Services- Planning
Mr. Christopher Jordan, AICP, Planning Manager
8401 Laguna Palms Way
Elk Grove, California 95758

RE: City of Elk Grove – Southeast Policy Area Strategic Plan

Dear Mr. Jordan,

Thank you for your letter dated April 23, 2014 on the Southeast Policy Area Strategic Plan. Wilton Rancheria ("Tribe") is a federally-recognized Tribe whose prehistoric, historic and Indigenous territory spans from Sacramento to portions of Contra Costa and San Joaquin Counties. The Tribe is concerned about development and projects within its territory that has potential to impact resources that are of significance to the Tribe.

Please add the Tribe to your distribution list(s) for notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to the this Action. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning the GPA. We appreciate the opportunity to comment on this and other projects in your jurisdiction. 2-1

The Tribe submits these comments concerning the Southeast Policy Area Strategic Plan to help identify potential impacts to cultural resources in conjunction with the EIR. The Tribe thanks the City for beginning SB18 consultation and meeting with the Tribe on April 23, 2014. Pursuant to the information shared in that meeting, we have prepared the following comments and concerns outlined below. 2-2

The Draft Environmental Impact Report (EIR) states that the cultural resources evaluation was based on several previously done surveys dating from 2003-2007. The Tribe would like to request an updated study be done with a representative from the Tribe. The Tribe has concerns with the possibility of subsurface resources being impacted during ground disturbance activities. The Tribe would like to request a Tribal representative be present during these activities. 2-3

1

Letter 2 Continued

The Tribe requests to be involved with this and any future Projects within your jurisdiction, to continue SB18 consultation and to participate with the City in developing a working relationship for both preservation and protection of cultural resources. 2-4

The Tribe looks forward to working together and continuing consultation with the City of Elk Grove in protecting the invaluable Miwok cultural resources found in the GPA area. Please contact me at 916-683-6000 or via email shutchason@wiltonrancheria-nsn.gov.

Sincerely,

Steven Hutchason
Executive Director
Department of Environmental Resources

2

Letter 2 – Steven Hutchason, Wilton Rancheria

Response 2-1: The commenter states that the Wilton Rancheria (Tribe) is a federally recognized Tribe. The Tribe requests that they be added to the City's distribution lists for notices and circulation of all documents, as well as requests that they be directly notified of all public hearings and scheduled approvals concerning the GPA. Comment noted.

Response 2-2: The commenter states that the Tribe thanks the City for beginning the SB 18 consultation and meeting with the Tribe in April 2014. Comment noted.

Response 2-3: The commenter discusses the cultural resources surveys done previously and requests an updated survey be completed with a representative from the Tribe.

Eight cultural resource studies covering 18 parcels within the Project area were prepared between 2004 and 2007, covering 697 acres of the 1,200-acre Project area. All of the surveys were completed by certified archeologists who are experts in their field. As such, the identification of potential cultural resources is considered adequate for the areas that were surveyed. The Draft EIR has a number of mitigation measures (MM 5.5.1a, MM 5.5.1b, MM 5.5.1c, and MM 5.5.2) that are designed to reduce the potential for impacts to cultural resources. For those areas not previously surveyed, mitigation measure MM 5.5.1c requires that prior to the approval of subsequent development projects, a detailed cultural resources field survey of the subject property be conducted by the City and funded by the applicant.

In response to the comment, mitigation measure MM 5.5.1c has been revised to require preconstruction coordination with the Wilton Rancheria Tribe or another local Native American tribe historically associated with the City of Elk Grove area, if there is a high probability of Native American cultural resources on a site.

Mitigation measure MM 5.5.1c, on page 5.5-15, is revised as follows:

MM 5.5.1c Prior to the approval of subsequent development projects within the Project area that have not already been evaluated for the presence of cultural resources, a detailed cultural resources field survey of the subject property shall be conducted by the City and funded by the applicant. <u>If the site is deemed to have a high probability of Native American cultural resources, the site will require preconstruction coordination with the Wilton Rancheria Tribe or another local Native American tribe historically associated with the City of Elk Grove area. The applicant shall provide proof of this coordination to the City.</u> The cultural resources field survey shall identify any cultural resource finds and will set out measures to mitigate any impacts to any significant resources as defined by CEQA, the California Register of Historic Resources, and/or the National Historic Preservation Act. Mitigation methods to be employed include, but are not limited to, the following:

- Redesign of the subsequent development project to avoid the resource. The resource site shall be deeded to a nonprofit agency to be approved by the City for maintenance of the site.

- If avoidance is determined to be infeasible by the City, the resource shall be mapped, stabilized, and capped pursuant to appropriate standards.

- If capping is determined infeasible by the City, the resource shall be excavated and recorded to appropriate standards.

The mitigation measures provided in Section 5.5, Cultural Resources, of the Draft EIR have been determined to be adequate to reduce all impacts to these resources to a less than significant level. While the commenter requests a representative of the Tribe to be present during an updated survey, the commenter does not raise any issues as to the adequacy of the Draft EIR or the completed surveys with this comment.

Response 2-4: The commenter states that the Tribe requests to be involved with this and any future projects within the City, to continue SB 18 consultation, and to participate with the City in development a working relationship for both the preservation and protection of cultural resources. Comment noted. The City will continue to coordinate with the Tribe regarding the protection of cultural resources.

Letter 3

M&H REALTY PARTNERS

3580 Carmel Mountain Road, Suite 260
San Diego, California 92130

Telephone: (858) 259-9909
Facsimile: (858) 259-8886

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

Via e-mail: cjordan@elkgrovecity.org

Date: Monday, May 5, 2014

Re: Draft Environmental Impact Report on the Southeast Policy Area Strategic Plan Project File # PL0016

Dear Mr. Jordan,

We have reviewed the subject Draft Environmental Impact Report (DEIR) and have concerns about certain exhibits and language in the report that suggest that portions of the Project might utilize capacity and infrastructure that was designed, sized and constructed to accommodate the Lent Ranch Special Planning Area and Sterling Meadows developments on an interim basis. The Lent Ranch Sewer Lift Station was designed to accommodate these two projects on an interim basis until such time as an ultimate sewer outfall could be constructed through the Southeast Policy Area. We understand that the Sacramento Area Sewer District (SASD) has since modified their master plan to indicate that the lift station will be the permanent sewer outfall for Lent Ranch and Sterling Meadows. We have previously expressed our concerns about the assumption that the Lent Ranch lift station can accept additional flows from acreage outside the area contemplated in the design of the station. For reference, I've attached a letter dated January 31, 2014 to the City of Elk Grove that details the history of the Lent Ranch project and our concerns with proposals to add additional area/flows to this sewer facility. 3-1

Based upon Figure 2.0-6 contained in the Project Description, it appears that the DEIR contemplates the possibility of utilizing the Lent Ranch lift station for acreage greatly in excess of the shed area SASD shows in their master plan. The exhibit shows a dashed line labeled "Alternative Shed Boundary" but there is no further justification or discussion of this line or the area it encompasses. The SASD master plan shows only a relatively small portion of the property immediately north of Lent Ranch/Sterling Meadows (48 acres) sewering to the Lent Ranch lift station. The narrative in the first paragraph on the top of Page 5.12-19 has it right, assigning only the 48 acres to the Lent Ranch lift station. Figure 2.0-6 shows the shaded shed area correctly (according to the SASD master plan) and only the dashed line indicating the "Alternative Shed Boundary" is in conflict with the master plan. In order to affect such a modification in the sewer master plan, a shed shift application would have to be processed and 3-2

Letter 3 Continued

approved by SASD. Figure 2.0-7 also shows the sewer system according to the SASD master plan with all the area west of Lotz Parkway sewering to the west. 3-2 cont.

The EIR does not discuss the potential impacts that might result from such a sewer shed shift. The Lent Ranch Project has already constructed its entire backbone infrastructure and simply requires market demand to provide the variety of uses contemplated within the SPA. If another development is allowed to consume the capacity that is designed to serve the job generating uses within the Lent Ranch SPA, portions of the project could be unable to connect to the existing sewer system or could be required to construct additional offsite improvements that render the project infeasible. The EIR doesn't discuss the potential for blight or the relevant General Plan Policies that are intended to ensure that proposed development within the Southeast Policy Area doesn't preclude service to previously planned development within Lent Ranch and Sterling Meadows. 3-3

General Plan Policy PF-8-Action 2 states that for subdivisions "The agency providing sewer service to the subdivision shall demonstrate prior to the approval of the Final Map by the City that sufficient capacity shall be available to accommodate the subdivision plus existing development and other approved projects using the same conveyance lines, and projects which have received sewage treatment capacity commitments". Sterling Meadows and Lent Ranch certainly fall under the approved projects category and this policy would appear to require any required upgrade of the lift station or force main facilities to be completed prior to final map for any currently unapproved additional development. 3-4

The Final EIR should remove any reference to an alternative shed boundary as the DEIR provides no analysis to inform the public and the decision makers what potential impacts might result from such a sewer shed shift. Should the City wish to retain this option a full discussion of the possible impacts should be included in a Revised DEIR and the public should have the opportunity to comment on said discussion. 3-5

Sincerely,

M & H REALTY PARTNERS AFFILIATED FUND III, L.P.

Bradley A. Geier
Managing Director

cc: Michael Grehl
David Geiser
Barron Caronite

Letter 3 – Bradley A. Geier, M&H Realty Partners

Response 3-1: The commenter expresses concern with the Lent Ranch Sewer Lift Station and its ability to serve the Project, as it was only designed to serve the Lent Ranch Special Planning Area and Sterling Meadows developments on an interim basis until a sewer outfall could be constructed through the Project area. The commenter expresses his understanding that the Sacramento Area Sewer District (SASD) has since modified the SASD master plan to indicate that the lift station will be a permanent outflow for Lent Ranch and Sterling Meadows. The commenter has concerns about whether the lift station can accept additional flows.

As stated on Draft EIR page 5.12-18, "flows generated by the proposed Project would connect to existing and planned facilities that serve adjacent projects, including the Laguna Ridge Specific Plan (LRSP), Sterling Meadows, and the Elk Grove Promenade/Lent Ranch. As individual development projects are proposed in the Project area, project designs would include specific wastewater system facility needs both within and outside the Project area." Ultimate design of wastewater conveyance is the responsibility of the SASD. All future projects in the Project area would be required to comply with SASD regulations regarding wastewater collection. As part of the design process required of future projects, the SASD would ensure there is adequate capacity available to serve new and previously approved projects. The reader is also referred to revised Figure 2.0-7 in Section 2.0, Errata.

Response 3-2: The commenter states that the Draft EIR appears to contemplate the possibility of utilizing the Lent Ranch lift station for acreage greatly in excess of the shed area the SASD indicates in the SASD master plan based on Figure 2.0-6 of the Draft EIR (shown as the Alternative Shed Area). The commenter states that a modification of the SASD sewer master plan would require the approval of the SASD.

The commenter is correct. While the Draft EIR identifies the option for sewer flows to the east toward Lent Ranch, the Project as proposed does not include a specific proposal for flows to Lent Ranch. Thus, the Project does not require a revision of the SASD master plan. However, if development in portions of the Project area propose to direct flows to the Lent Ranch Lift Station, revision to the master plan would be required, as noted by the commenter. A modification of the SASD sewer master plan would require a capacity study and the SASD's approval.

Response 3-3: The commenter states that the Draft EIR does not discuss the potential impacts that might result from the sewer shed shift shown in Figure 2.0-6.

The Draft EIR considers the potential for a sewer shed shift, as discussed on page 2.0-27 as follows:

> If future shed shifts are proposed for areas on the eastern portion of the Project area, allowing for a portion of the Project to sewer to the existing Elk Grove Promenade Lift Station [also known as Lent Ranch lift station], improvements to existing sewer facilities within the Elk Grove Promenade

Sewer Study area will likely be necessary. These potential improvements include, but not limited to, the following:

- Upsizing and/or addition of pumps at the lift station site
- Expansion of the existing wet well at the lift station site
- Upsizing of the existing force main(s) and/or installation of parallel force main(s) from the lift station to the existing outfall at East Stockton Boulevard

The determination of improvements necessary to support a possible shed shift will be identified as part of a subsequent Level III Sewer Study for the area that would be sewered to the Elk Grove Promenade Lift Station.

The Draft EIR is a program-level EIR that does not require a project-level analysis for individual projects, but rather an overall analysis of potential impacts on a large scale. A program EIR enables the lead agency to consider broad environmental implications of development on a conceptual basis, recognizing that a series of actions will occur prior to development. Because they are prepared relatively early on, program EIRs allow greater flexibility in dealing with overall development options, basic environmental issues, and cumulative impacts.

Subsequent activities in the program must be examined in light of the program EIR to determine whether additional environmental documentation must be prepared. The program EIR identifies and mitigates the effects of the overall program of development, and the lead agency incorporates feasible mitigation measures developed in the program EIR into subsequent actions to implement the project. Because the Project does not propose any development activities at this time, the program EIR analysis is based on broad development assumptions. Subsequent environmental analysis may be needed for future development within the Project area.

Further, all future projects in the Project area that will need wastewater services will be required to comply with the capacity requirements of the existing wastewater conveyance facilities. If an expansion of wastewater facilities is required because of a future project, improvements will be the responsibility of the individual project through the payment of fees to construct the improvement or the actual construction of the improvement, as determined by the City and the SASD.

Response 3-4: The commenter discusses General Plan Policy PF-8 Action 2, which in part states: "The agency providing sewer service to the subdivision shall demonstrate prior to the approval of the Final Map by the City that sufficient capacity shall be available to accommodate the subdivision plus existing development, and other approved projects using the same conveyance lines, and projects which have received sewage treatment capacity commitment."

The commenter states that Lent Ranch and Sterling Meadows fall under the approved projects category and that this policy would appear to require any

upgrade of the lift station or force main facilities to be completed prior to a final map for any currently unapproved additional development.

The commenter is correct; however, the proposed Project does not include any specific development proposals that would require tentative or final maps. Consequently, compliance with General Plan Policy PF-8 Action 2 is not required at this time.

Response 3-5: The commenter states that the Final EIR should remove any reference to an alternative shed boundary, as the Draft EIR provides no analysis of the potential impacts that might result from such a sewer shed shift. The commenter continues that if the City wishes to retain this alternative boundary, a full discussion of the possible impacts should be included in a revised Draft EIR. The commenter is referred to Response 3-3 regarding this issue.

Letter 4

GILLUM CONSULTING

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

Via e-mail: cjordan@elkgrovecity.org

Date: Monday, May 5, 2014

Re: Draft Environmental Impact Report on the Southeast Policy Area Strategic Plan Project File # PL0016

Dear Mr. Jordan,

We have reviewed the subject Draft Environmental Impact Report (DEIR) and have concerns about certain exhibits and language in the report that suggest that portions of the Project might utilize capacity and infrastructure that was designed, sized and constructed to accommodate the Lent Ranch Special Planning Area and Sterling Meadows developments on an interim basis. The Lent Ranch Sewer Lift Station was designed to accommodate these two projects on an interim basis until such time as an ultimate sewer outfall could be constructed through the Southeast Policy Area. We understand that the Sacramento Area Sewer District (SASD) has since modified their master plan to indicate that the lift station will be the permanent sewer outfall for Lent Ranch and Sterling Meadows. We have previously expressed our concerns about the assumption that the Lent Ranch lift station can accept additional flows from acreage outside the area contemplated in the design of the station. For reference, I've attached a letter dated January 31, 2014 to the City of Elk Grove that details the history of the Lent Ranch project and our concerns with proposals to add additional area/flows to this sewer facility. 4-1

Based upon Figure 2.0-6 contained in the Project Description, it appears that the DEIR contemplates the possibility of utilizing the Lent Ranch lift station for acreage greatly in excess of the shed area SASD shows in their master plan. The exhibit shows a dashed line labeled "Alternative Shed Boundary" but there is no further justification or discussion of this line or the area it encompasses. The SASD master plan shows only a relatively small portion of the property immediately north of Lent Ranch/Sterling Meadows (48 acres) sewering to the Lent Ranch lift station. The narrative in the first paragraph on the top of Page 5.12-19 has it right, assigning only the 48 acres to the Lent Ranch lift station. Figure 2.0-6 shows the shaded shed area correctly (according to the SASD master plan) and only the dashed line indicating the "Alternative Shed Boundary" is in conflict with the master plan. In order to affect such a modification in the sewer master plan, a shed shift application would have to be processed and approved by SASD. Figure 2.0-7 also shows the sewer system according to the SASD master plan with all the area west of Lotz Parkway sewering to the west. 4-2

5347 Battlewood Way, Carmichael, California 95608

Phone 916-388-8900 Fax 916-388-9889

Letter 4 Continued

The EIR does not discuss the potential impacts that might result from such a sewer shed shift. The Lent Ranch Project has already constructed its entire backbone infrastructure and simply requires market demand to provide the variety of uses contemplated within the SPA. If another development is allowed to consume the capacity that is designed to serve the job generating uses within the Lent Ranch SPA, portions of the project could be unable to connect to the existing sewer system or could be required to construct additional offsite improvements that render the project infeasible. The EIR doesn't discuss the potential for blight or the relevant General Plan Policies that are intended to ensure that proposed development within the Southeast Policy Area doesn't preclude service to previously planned development within Lent Ranch and Sterling Meadows. 4-3

General Plan Policy PF-8-Action 2 states that for subdivisions "The agency providing sewer service to the subdivision shall demonstrate prior to the approval of the Final Map by the City that sufficient capacity shall be available to accommodate the subdivision plus existing development and other approved projects using the same conveyance lines, and projects which have received sewage treatment capacity commitments". Sterling Meadows and Lent Ranch certainly fall under the approved projects category and this policy would appear to require any required upgrade of the lift station or force main facilities to be completed prior to final map for any currently unapproved additional development. 4-4

The Final EIR should remove any reference to an alternative shed boundary as the DEIR provides no analysis to inform the public and the decision makers what potential impacts might result from such a sewer shed shift. Should the City wish to retain this option a full discussion of the possible impacts should include in a Revised DEIR and the public should have the opportunity to comment on said discussion. 4-5

Very truly yours,

Edward R. Gillum

GILLUM CONSULTING

January 31, 2014

Mr. Richard Shepard, Public Works Director
City of Elk Grove
Elk Grove City Hall
8401 Laguna Palms Way
Elk Grove, CA 95758

Dear Mr. Shepard,
Please be advised that the owners of those properties within the City of Elk Grove collectively known as the Lent Ranch Marketplace are very concerned about the preservation of their ability to access the sanitary sewer system they have funded and constructed. Those owners specifically are M & H Realty Partners Affiliated Fund III (Merlone-Geier), Elk Grove Town Center, L.P. , Feletto Development, LLC and Robert H. Lent Trust. Please be advised that the adjacent residential development (Sterling Meadows) is also a part of the Project for purposes of the provision of sanitary sewer service. This letter is co-signed by Mr. Brad Geier for M & H Realty Partners which owns the lands most likely to be affected by modifications to the sewer sheds to be served by the Lent Ranch facilities.

Project History & Background

After the Sacramento County General Plan was approved in late 1993, the Project began site and infrastructure planning for a regional mall and associated development on what was then a single project of approximately 500 acres. The 500 acre Project was subsequently subdivided into two parcels and now consists of the 200 acre property known as Sterling Meadows and the Lent Ranch properties of approximately 300 acres, owned by the parties listed above.

Access to sanitary sewer service was a major consideration to the Project in 1993 since at that time; there were no sewer line extensions below Elk Grove Boulevard on the West side of Highway 99. In 1994, the County Water Quality Division provided a letter approving a connection from the Project to the Elk Grove trunk sewer which was located in East Stockton Boulevard (the frontage road on the east side of Highway 99). This sewer connection was intended to be temporary and required an interim sewer lift station and force main to be

5347 Battlewood Way, Carmichael, California 95608

Phone 916-388-8900 Fax 916-388-9889

provided by the Project. This interim sewer system was intended to serve only the original 500 acre Project area.

During the processing of a General Plan Amendment and other entitlements through Sacramento County, in mid 1998, County Sanitation District #1 (CSD-1) indicated that there was no longer capacity in the Elk Grove trunk for the Project notwithstanding their earlier correspondence. The district indicated that they were concerned about some minor surcharging that could potentially occur during peak wet weather flows (1-2 feet of surcharge in 20 foot deep manholes). This surcharging concern began a six month effort to reinstate our ability to connect the Project sewer to the Elk Grove trunk. This six month effort involved a series of meetings with staff and senior staff at the sanitation district, the Public Works director of Sacramento County and ultimately several of the Board members of the sanitation district. In December 1998, CSD-1 issued a letter reaffirming that there was capacity in the Elk Grove trunk for the Lent Ranch/Sterling Meadows projects and that the 500 acre area could connect to that truck line, again on an interim basis.

The Project then began a long history of land use planning and development applications, a denial by the Sacramento County Planning Commission, a change of jurisdiction with the incorporation of Elk Grove in July 2000, lawsuits challenging the approval of the project by Elk Grove in 2001, decisions by the Superior and Appellate Courts (2001-2004), approval of a slightly revised EIR in 2004, approval of the District Development plans for the regional mall by the city in 2007, another lawsuit challenging the District Development Plan approval (settled in Dec 2007) and finally construction of the project infrastructure including the interim sewer lift station and force main (2008-12).

During the entire process of designing and building the interim sewer lift station and force main facilities it was our understanding that these facilities were temporary and the project would ultimately be served by the extension of major (interceptor sized) sewer lines to the west of the Project. This is the reason the lift station was located on the extreme west side of Sterling Meadows and all the gravity lines within the roadways were designed to flow to that location. The lift station/force main was designed and sized to only serve the 500 acre Project and was constructed by the Lent Ranch owners in cooperation with Sterling Meadows.

Advanced planning of new development areas

We understand that the Sacramento Area Sewer District (SASD) and the Sacramento County Regional Sanitation District have struggled with how to

sewer the new development areas south of Elk Grove Boulevard (East Franklin, Laguna Ridge, Southeast Policy Area (SEPA) and Lent Ranch/Sterling Meadows (LRM/SM)). One of the major issues confronting the district has been whether or not to provide sewer service for additional lands south of Kammerer Road (outside the County Urban Services Boundary) and if so how large that service area should be. In 2010, the City applied to the Sacramento County Local Agency Formation Commission (LAFCO) for a Sphere of Influence (SOI) adjustment that would have included as much as 5,000 acres south of Kammerer Road that would need to be served by an extension of the sewer system that serves the projects within the City of Elk Grove. After a LAFCO intent motion to deny the SOI amendment, the City withdrew their application to expand their Sphere of Influence, but the sewer service issue remains; as this area represents a logical place for future expansion of urban land use.

Many proposed solutions for sewering this composite area (developed projects, developing projects and potential future development areas) have been advanced and studied by the district including a large gravity interceptor (a corridor was reserved by the East Franklin project) and several combinations of lift stations, force mains and gravity lines. Currently the East Franklin and Laguna Ridge areas are served by lift stations and force mains extending up Bruceville Road. Wood-Rodgers is currently studying the provision of sewer service to the City sponsored planning effort for the Southeast Policy Area. Notwithstanding some earlier direction that proposed to modify the sewer shed lines, Wood-Rodgers has been directed by SASD to respect the originally designated sewer shed boundaries and to serve all of the Southeast Policy Area with the exception of a portion of the property immediately north of Lent Ranch (approximately 40 acres). This directive would result in the Lent Ranch/Sterling Meadows lift station serving approximately 540 acres which we believe it can handle without modification. The district has also indicated that the Lent Ranch/Sterling Meadows sewer lift station and force main system will now be considered a permanent system and will not be abandoned at a future date with the flows being rerouted to the West.

We understand that the optionees of the Souza Dairy property have requested that the environmental document for the Southeast Policy Area examine the possibility that at least a portion of their site might connect to the Lent Ranch/Sterling Meadows sewer lift station and force main system. Under certain circumstances we don't take issue with such an examination. It needs to be completely clear in the environmental document that any modification of the current sewer shed areas would require a sewer shed shift request to and approval by the SASD. In addition, we are grateful that the Souza interests have

indicated that they would preserve/reserve the capacity required for the completion of the entitled development of the Lent Ranch and Sterling Meadows properties. We are all aware that the SASD does not reserve capacity and operates on a first come first served basis, but as we are all aware, the Lent Ranch project (300 acres of commercial uses) and Sterling Meadows project (200 acres of residential uses) will take a number of years to build out and no one wants to have the capacity in the lift station and force main fully utilized before the entitled Lent Ranch and Sterling Meadows developments are complete. The most practical way to insure adequate capacity is available for currently entitled development is that if the district does grant a shed shift, that an analysis be performed to determine if it is necessary to upgrade any components of the current sewer system in place: including, but perhaps not limited to the capacity of the wet well and force main, the lift station pumps and the control panels. This upgrade analysis should also address the capacity of the outfall system (the Elk Grove trunk) and its ability to receive additional flow. If it is determined that upgrades are required to serve the increased sewer service area those upgrades should be accomplished before the new service area is permitted to connect to the current sewer system. The Lent Ranch has a long pre development history and has paid for the construction of a sewer system that is properly sized to serve all of its development. It is unjust to require what would likely be a small project in Lent Ranch to fund and wait for the completion of upgrades to the system to regain what they have already put in place.

To that end we suggest the following measures:

1) The Southeast Policy area sewer study (Wood-Rodgers) should be completed to define how the SEPA will be sewered including the Souza property (and any other properties that may request sewer shed modifications to connect to the Lent Ranch/Sterling Meadows sewer system)
2) The environmental document for the SEPA should indicate that a sewer shed boundary shift would be required to alter the district shed boundaries in this area. It should also document that a sewer study shall be required to determine if it is necessary to upgrade any components of the existing sewer system including but perhaps not limited to the capacity of the wet well and force main, the lift station pumps and the control panels. This analysis should also address the capacity of the outfall system's ability (the Elk Grove trunk) to accept additional flows.
3) The environmental document for the SEPA should indicate that improvements may be required to the Lent Ranch/Sterling Meadows sewer system before the new area could connect to the system.

4) Any project approvals for areas proposing to serve to the Lent Ranch/Sterling Meadows sewer system should be conditioned to obtain approval of the sewer shed shift and the studies discussed in 2) and 3) above.
5) SEPA project conditions for any projects proposing to sewer to the Lent Ranch/ Sterling Meadows sewer system should also indicate that if the shed shift studies conclude that upgrades to the necessary components of the system are required, that they be completed before the additional areas are permitted to connect to the system.

We appreciate the opportunity to comment on this issue and will be available to discuss the particulars at your convenience. We also appreciate the City's indication that they understand our position and will work with us to maintain our ability to build out our projects without additional delays or expense. We would appreciate a letter from the city indicating your agreement with our points and/or stating your position on our requests.

Very truly yours,

Edward R. Gillum

M & H Realty Partners:

by _____

Letter 4 – Edward R. Gillum, Gillum Consulting

Response 4-1: The commenter discusses his concern with the Lent Ranch Sewer Lift Station and its ability to serve the Project as it was only designed to serve the Lent Ranch Special Planning Area and Sterling Meadows developments on an interim basis until a sewer outfall could be constructed through the Project area. The commenter expresses his understanding that the Sacramento Area Sewer District (SASD) has since modified the SASD master plan to indicate that the lift station will be a permanent outflow for Lent Ranch and Sterling Meadows. The commenter has concerns about whether the Lent Ranch lift station can accept additional flows. The commenter is referred to Response 3-1.

Response 4-2: The commenter states that the Draft EIR appears to contemplate the possibility of utilizing the Lent Ranch lift station for acreage greatly in excess of the shed area the SASD indicates in the SASD master plan based on Figure 2.0-6 of the Draft EIR (shown as the Alternative Shed Area). The commenter states that a modification of the SASD sewer master plan would require the approval of the SASD. The commenter is referred to Response 3-2.

Response 4-3: The commenter states that the Draft EIR does not discuss the potential impacts that might result from the sewer shed shift shown in Figure 2.0-6. The commenter is referred to Response 3-3.

Response 4-4: The commenter discusses General Plan Policy PF-8 Action 2 and states that Lent Ranch and Sterling Meadows fall under the approved projects category and that this policy would appear to require any upgrade of the lift station or force main facilities to be completed prior to a final map for any currently unapproved additional development. The commenter is referred to Response 3-4.

Response 4-5: The commenter states that the Final EIR should remove any reference to an alternative shed boundary, as the Draft EIR provides no analysis of the potential impacts that might result from such a sewer shed shift. The commenter continues that if the City wishes to retain this alternative boundary, a full discussion of the possible impacts should be included in a revised Draft EIR. The commenter is referred to Response 3-3.

Note: The commenter attached a letter dated January 31, 2014, which was prior to the release of the Draft EIR. The letter contains background information regarding the Lent Ranch project. This is not a comment on the adequacy of the Draft EIR.

Letter 5

From: lynn wheat
To: Christopher Jordan
Subject: South East Policy Area draft EIR; comments
Date: Friday, May 02, 2014 10:16:44 AM

Christopher,

Below are my comments in response to the draft EIR. Please submit for the record.

Regarding: Southeast Policy Area Strategic Plan Project, File # PL0016

The following comments are in response to the draft EIR: 5-1

In reviewing the draft EIR and the guiding principles/goals of the SEPA:
- High quality of life for all residents
- Providing use of transit
- Diversified economic base
- Mixed use live-work housing
- Pedestrian and bicycle circulation system

The statement has been made numerous times; "Elk Grove needs job-generating land uses".

Alternative 2 offers less housing and more job base.

The limited analysis of Alternative 2 does not valid that the proposed project is better environmentally. 5-2

Which studies and data indicated the air quality would be worse under Alternative 2?
How was this determined?
How would decreasing housing and increasing job sites impact the air quality when residents would be provided other transit opportunities than their cars if the3 suggested guiding principle/goals are implemented? 5-3

What mitigation measures were considered in Alternative 2 regarding air quality and traffic impacts? 5-4

How is it logical to conclude noise levels would increase because of traffic?
What was the basis for this determination? 5-5

No source document was found referencing job creation for the proposed project or Alternative 2.
How were the numbers determined? What study/research data was used? 5-6

Thank you,

Lynn Wheat
Wheat91@yahoo.com

Letter 5 – Lynn Wheat, Resident

Response 5-1: The commenter provides a partial list of the Guiding Principles of the Project. Comment noted. The commenter is referred to Response 1-3 regarding this issue.

Response 5-2: The commenter states that the limited analysis of Alternative 2 does not validate that the Project is better environmentally.

An EIR is not required to have an equal level of analysis for alternatives when compared to a proposed project. Per CEQA Section 15126.6(d), "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project." Alternative 2 is considered to include sufficient information because the City was able to complete an analysis for each impact area and make a logical conclusion as to how the alternative compares environmentally to the Project. The Draft EIR found that, because of the change in the mix of uses under Alternative 2, the alternative would generate substantially more automobile trips than the proposed Project (Alternative 2 would generate approximately 32,870 more daily office use trips and 13,390 fewer residential use trips, which equates to 19,480 more daily trips than the proposed Project; Draft EIR page 7.0-10). This would negatively affect circulation, air quality, greenhouse gas emissions, and noise. Based on the analysis in the Draft EIR, the Project would be considered environmentally superior to Alternative 2.

Response 5-3: The commenter asks which studies and data indicated that the air quality would be worse for Alterative 2 and how air quality would be impacted when residents would be provided other transit opportunities than their cars if the guiding principles are implemented.

As discussed in the air quality section under Alternative 2, the main difference in air emissions between the Project and Alternative 2 is the addition of vehicle trips because of the decrease in residential uses and the increase in office uses. Consequently, this alternative would generate approximately 19,480 more vehicle trips than the proposed Project (32,870 more daily office use trips – 13,390 fewer residential use trips = 19,480 more daily trips than the proposed Project). The vehicle trips were calculated using the Project's trip generation data found in Table 5.13-6 of the Draft EIR. The main source of air quality impacts for the Project is the emissions coming from vehicles. The addition of 19,480 more vehicle trips for Alternative 2 would increase the amount of air emissions coming from vehicles and thus would result in a worse impact to air quality.

Any alternative transportation that would be developed would reduce the air quality impacts. This reduction would apply both to the Project as proposed and to any alternatives.

Response 5-4: The commenter asks what mitigation measures were considered for Alternative 2 regarding air quality and traffic.

If Alternative 2 were to be approved by the City Council, the mitigation measures for Alternative 2 would likely be similar to the Project for air quality and traffic, as well as for the other impact areas.

Response 5-5: The commenter asks how logical it is to conclude that the noise levels would increase because of traffic and inquires regarding the basis for this determination.

The Project area consists predominantly of undeveloped agricultural lands and rural residential dwellings. Changing the area from an undeveloped agricultural area to a fully developed urban area would result in an increase in traffic and noise associated with traffic. Table 5.10-3 of the Draft EIR shows the existing traffic noise on the Project area roadways. An increase in traffic generally also increases the traffic noise. The Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA RD-77-108) was used to determine noise levels associated with existing and future vehicle traffic on area roadways. Based on modeling, as shown in Table 5.10-3, the existing average daily trips (ADT) for Bruceville Road, north of Whitelock Parkway is 13,910 with a traffic noise level of 65.8 CNEL/L_{dn} at 50 feet from the near-travel-lane centerline. With development of the Project, this same roadway segment is expected to increase to 29,400 ADT, which results in a noise level of 69.8 CNEL/L_{dn} at 50 feet from the near-travel-lane centerline (see Table 5.10-14).

Response 5-6: The commenter states that no source document was found referencing the employment generation for the proposed Project or Alternative 2 and asks how these numbers were determined.

The employment numbers were based on acre per employee ratios established in the Southeast Policy Area Land Development Assumptions. According to these assumptions, the employee per acre assumptions are based on the floor area ratio, an assumed mix of employment in each land type, and average rates of building square footage per employee as defined on page 2 of the Southeast Policy Area Land Development Assumptions. This source material was inadvertently left off the Development Potential table shown in the Draft EIR (Table 2.0-2). As such, the table has been revised to include this source document, Southeast Policy Area Land Development Assumptions. See Section 2.0, Errata for this change.

Letter 6

SOUZA ELK GROVE, LLC/KAMILOS COMPANIES
11249 Gold Country Blvd, Ste. 190
Gold River, CA 95670
916-631-8440

To:	Christopher Jordan	City of Elk Grove Planning Manager	(cjordan@elkgrovecity.org)
From:	Ken Allred	Kamilos Companies	(kallred@kamilos.com, 916/812-2826)
Date:	May 5, 2014		
Re:	Formal Review Comments on Southeast Policy Area Draft Environmental Impact Report		

The below comments reflect concerns and questions that arose during the Kamilos Companies review of the Southeast Policy Area's (SEPA) Draft EIR, as released to the public by the City on March 21, 2014. We appreciate the opportunity to review this document, and are available to discuss any questions you may have on our comments.

Our comments are presented following the same organization of the DEIR.

Chapter 3.0 Demographics

1. Section 3.1, Households, Pg. 3.0-2: The average household size of 3.22 person as shown in the 2012 USCACS is statistically suspect due to the significant aberration in household size between Elk Grove and ***every other*** municipality in the greater Sacramento metropolitan area. That same document (http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t) shows the following average household sizes:

Municipality	#/Household (Total Ave.)	Municipality	#/Household (Total Ave.)
Elk Grove	3.31	Sacramento County	2.76
Citrus Heights	2.51	Folsom	2.68
Rancho Cordova	2.75	Sacramento	2.63
Roseville	2.66	Placer County	2.69
Davis	2.64	Yolo County	2.73
Average minus Elk Grove	***2.67***		

6-1

In a statistical analysis of the above numbers, the +24% disparity of Elk Grove against every other nearby municipality would be highly suspect. The closest numbers to Elk Grove's came from Stockton & San Joaquin County (3.20 & 3.11, respectively).

Additionally, there is a conflict in the 3.22 persons per household between the 2 primary Zip Codes comprising Elk Grove. The west side of the City (95758) has factors of 3.00/3.15 for owner/renter occupants and the east side (95624) has factors of 3.12/3.58. The housing unit count was 20,966 in the west and 19,506 in the east, indicating a relatively equal housing distribution. Both areas are

Letter 6 Continued

approximately 90% owner-occupied units. A weighted average for each provides a factor of 3.015 west and 3.166 east, averaging to 3.09.

Absent data substantiating the validity of the comparative disparity in the City's number vs. all others in the Sacramento region, the use of the higher factors for SEPA is herein challenged. 6-1 cont.

Chapter 5.0 Intro to Enviro Analysis

1. Offsite Drainage Improvements, Pg. 5.0-3: In the event environmental permitting (if needed) and/or property owner permission is not attained for the minor channel bottom excavation downstream of Bruceville Rd., the SEPA Master Drainage Study should include an alternative sizing of storm detention facilities such that offsite improvements are not required. 6-2

Chapter 5.2 Agricultural Resources

1. Williamson Act Contracts, Pg. 5.2-9: Paragraph 2 errantly states Parcel B is located in the western half of APN 132-0320-006 (Souza Dairy Property), whereas it is in the eastern half. 6-3
2. Figure 5.2-2 Parcels Under Williamson Act Contract, Pg. 5.2-11: The picture errantly depicts the entirety of APN 132-0320-006 remains under a Williamson Act Contract. The western 65%± of the property has been removed. Refer to Pg. 5.2-9 for the approximate description. 6-4

Chapter 5.3 Air Quality

1. General: SEPA is planned as an employment-oriented development, providing an approximately 5:1 jobs to housing ratio in an otherwise 0.58:1 community. SEPA is thus a significant net importer of jobs and has been modeled as such for traffic, air quality and greenhouse gas impacts. However, that modeling does not account for the reversal of significant levels of northbound commuter traffic into existing employment areas of the Sacramento metropolitan area. Upon implementation and build-out, such commuter traffic is projected to decrease, thus reducing impacts to the highway and roadways systems north of Elk Grove. These reductions should be considered as beneficial to both air quality, greenhouse gases and traffic, accounted for and credited within this Air Quality analysis as part of the Final EIR. 6-5

   Special Note: This additional modeling as part of the Final EIR was also a request by City Council at their 3-26-14 SEPA update.

2. Pg. 5.3-22, Paragraph 2: Reference is made to declining LOS at certain intersections. These intersections have previously been designated for improvements by the City as part of previously approved projects. The manner of traffic modeling which places the burden of intersection failure on SEPA is flawed, as it accounts for existing traffic + previously approved projects as fully built + SEPA, yet does not include the intersection improvements previously designated. Such a flaw errantly overburdens SEPA with mitigation measure which have already been placed. 6-6

Page 2 of 4

Letter 6 Continued

Chapter 5.4 Biological Resources

1. Figure 5.4-1, Pg. 5.4-5: The depiction of various irrigation/drainage ditches on the Hardesty South, Jacobi and Hardesty Triangle properties is errant, per field date provided to the City on 3-14-14 which shows most of them as fence lines rather than ditches. Souza property delineations were also previously provided as in Fall 2013 as part of the Souza Dairy Tentative Map application. Refer to Figure 5.4-2 on Pg. 5.4-13of this DEIR for a more accurate depiction of such features. All acreages listed on Pgs. 5.4-7 through 5.4-10 should be reviewed and corrected. 6-7
2. Pg. 5.4-11, 2nd Paragraph: 2nd sentence – the phrase "the irrigation/drainage ditches with the Project area have an indirect connection . . . with Stone Lakes" insinuates ALL such ditches do so. That is incorrect. Please restate to not that "some" have such a connection. There may be some isolated features, which would carry different mitigation criteria. 6-8
3. MM 5.4.7c, Pg. 5.4-55: 2nd sentence – Swainson's hawk is not federally-listed as threatened. 6-9
4. MM 5.4.9, Pg. 5.4-57: It should be noted that drainageway improvements are temporary impacts to waters, not permanent. 2nd Paragraph, add "up to" in front of acreage since verified delineations are not available for all properties, and should separate channel acreage from other acreage. 6-10

Chapter 5.7 Greenhouse Gas Emissions

1. Refer to above Item 1 of Chapter 5.3 Air Quality. 6-11

Chapter 5.11 Public Services and Recreation

1. Impact 5.11.4.1, Pg. 5.11-18: This item refers to Chapter 3.0 Demographics. Refer to Comment 1 under that chapter in this letter for reiteration of the challenge to the average household size of 3.22, which is used in this Chapter 5.11 for determination of overall park acreage within SEPA. 6-12

Chapter 5.12 Public Utilities

1. Refer to following items on Technical Studies for comments in this chapter. 6-13

Chapter 5.13 Transportation

1. Refer to above Item 1 of Chapter 5.3 Air Quality for challenge to absent methodology for inclusion of reduced work commuting trips. Refer to above Item 2 for challenge to assignment of intersection LOS failures to SEPA. 6-14

Technical Studies

1. Master Water Plan, dated 2-19-14: Water Transmission Main sizes appear to be significantly oversized relative to the demands of the land uses within SEPA. If these T-Mains are oversized, appropriate additional modeling should be performed in order to ascertain the actual sizing required for SEPA. Cost participation accommodations should then considered for other the benefitting properties/uses. 6-15

Page 3 of 4

Letter 6 Continued

2. Level II Sewer Study, dated 3-5-14: The sanitary sewer systems shown Figure 1 and Appendix B incorrect depict a gravity outfall system to a non-existing interceptor sewer with the East Franklin development, although the text of the study correctly discusses the use of a sanitary sewer lift station (to be located near Big Horn Blvd.). The attached plan more accurately depicts the intended sanitary sewer system for both SEPA and the Laguna Ridge South developments and should be fully analyzed for inclusion in the Final EIR. 6-16

3. Drainage Study, dated 1-14: Refer to above comment on Chapter 5.0 re offsite drainage improvements and the requested inclusion in the Final EIR of additional modeling of onsite requirements if offsite improvements are not possible. Additional study of the impacts of prior shed diversions: a) from historic Shed B into SEPA Shed C; b) from blocking historic SEPA flows into Laguna Ridge South (NW Souza Dairy); and c) from blocking historic flows into Sterling Meadows (Hardesty Triangle) should be reviewed as to ability to achieve standard storm drainage solutions. Consideration of alternative solutions should be considered as part of the Final EIR. 6-17

Page 4 of 4

Gibson & Skordal, LLC
WETLAND CONSULTANTS

March 12, 2014

Mr. Ken Allred
The Kamilos Companies
11249 Gold Country Boulevard, Suite 190
Gold River, California 95670

Subject: Evaluation of SEPA Jurisdictional Feature Mapping by City of Elk Grove

Dear Mr. Allred:

At your request, we evaluated the jurisdictional feature mapping conducted by the City of Elk Grove on the two Hardesty properties and the Jacobi property within the Southeast Policy Area. We also compared the City's mapping to the Corps' verified Souza Dairy property. Our goal in this evaluation was to assist the City in their effort since their mapping was only based on aerial interpretation on the Hardesty and Jacobi properties.

I field reviewed the Hardesty and Jacobi properties on March 10, 2014. Particular attention was paid to areas mapped by the City as potentially jurisdictional. Areas of concern are addressed below and shown on the attached map and photographs.

a. Area A – No ditch is present. The mapped irrigation/drainage ditch is a field break where one field is 1-2 feet higher in elevation. See Photo 1.

b. Area B – No ditches are present in the mapped north-south ditch and the three east-west ditches. They are all fence lines. See Photos 2, 3, 4, and 5.

c. Area C – The mapped wet meadow (seasonal wetland) is currently in winter wheat. The wheat was healthy in this area and it did not contain ponding or saturation (Photo 6). It is recognized that we are in a drought; however, Elk Grove has had 4.25 inches of rain since February 1st. Other observed wetlands in the region contained stunted wheat or bare ground.

d. Area D – No ditch is present. The mapped irrigation/drainage ditch is a field break on the Souza Dairy property. This feature is not included on the jurisdictional delineation map that was verified by the Corps of Engineers in 2013.

2617 K Street, Suite 175, Sacramento, California 95816
phone: 916.822.3230 • fax: 916.822.3231

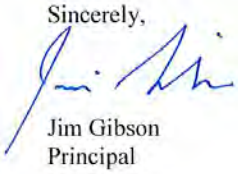
e. Area E – The north-south ditch on the Souza Dairy property extends approximately 1,050 feet north from the main drainage traversing the property from east to west. The ditch north of this point is abandoned and contains upland vegetation. This portion of the ditch is not included on the jurisdictional delineation map that was verified by the Corps of Engineers in 2013.

f. Area F – The east-west ditch that runs along the northern boundary of the Souza Dairy property is abandoned and contains upland vegetation. This ditch is not included on the jurisdictional delineation map that was verified by the Corps of Engineers in 2013.

It should be noted that the Corps of Engineers does not regulate internal irrigation ditches that are not connected to jurisdictional waters. The City may want to further explore some of the mapped ditches taking this into consideration.

I hope this letter helps the City in preparing a more accurate jurisdictional feature map in their EIR. If you have any questions, please contact me at (916) 202-7577.

Sincerely,



Jim Gibson
Principal

2617 K Street, Suite 175, Sacramento, California 95816
phone: 916.822.3230 • fax: 916.822.3231

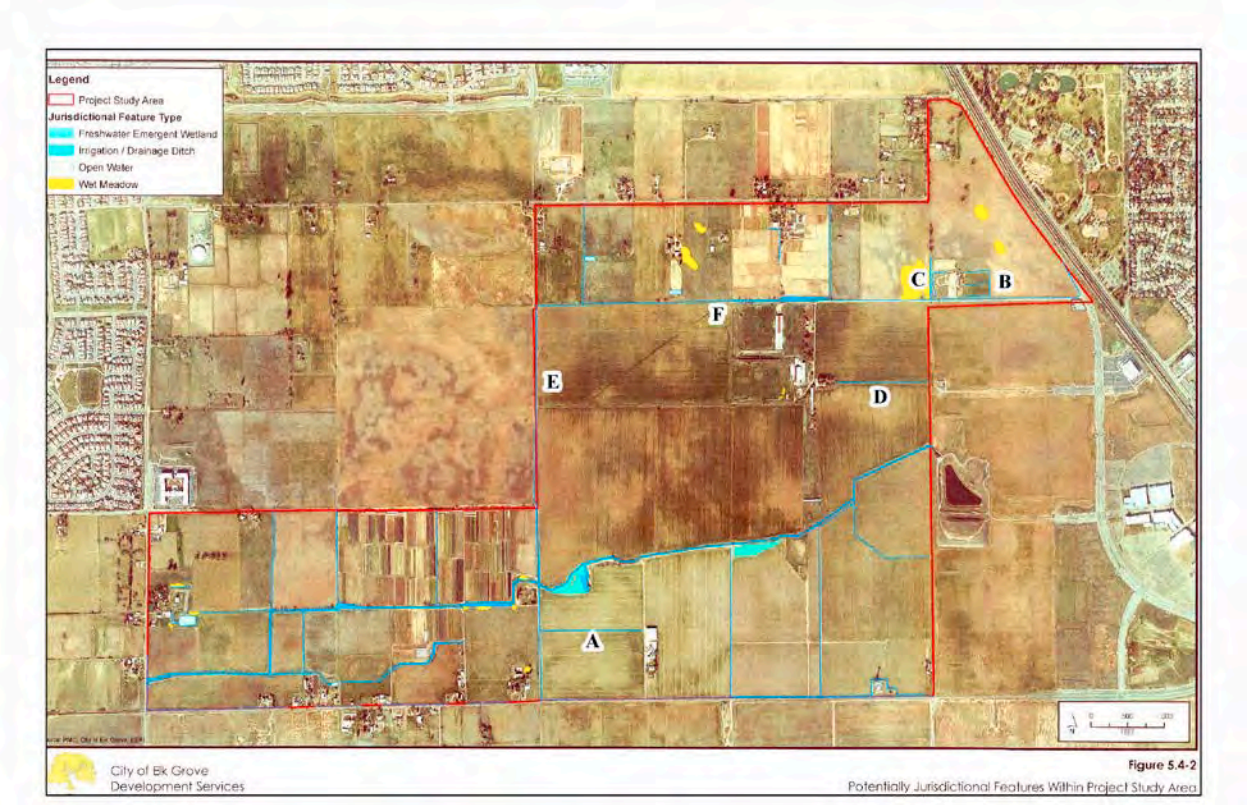

Legend
Project Study Area
Jurisdictional Feature Type
Freshwater Emergent Wetland
Irrigation / Drainage Ditch
Open Water
Wet Meadow
A
B
C
D
E
F
City of Elk Grove
Development Services
Figure 5.4-2
Potentially Jurisdictional Features Within Project Study Area

Photo 1 – Field Break in Area A Looking East

Photo 2 – North-South Fence Line in Area B Looking North

SouthEast Policy Area
Photos Taken On: March 10, 2014

Photo 3 – Southernmost East-West Fence Line in Area B Looking West

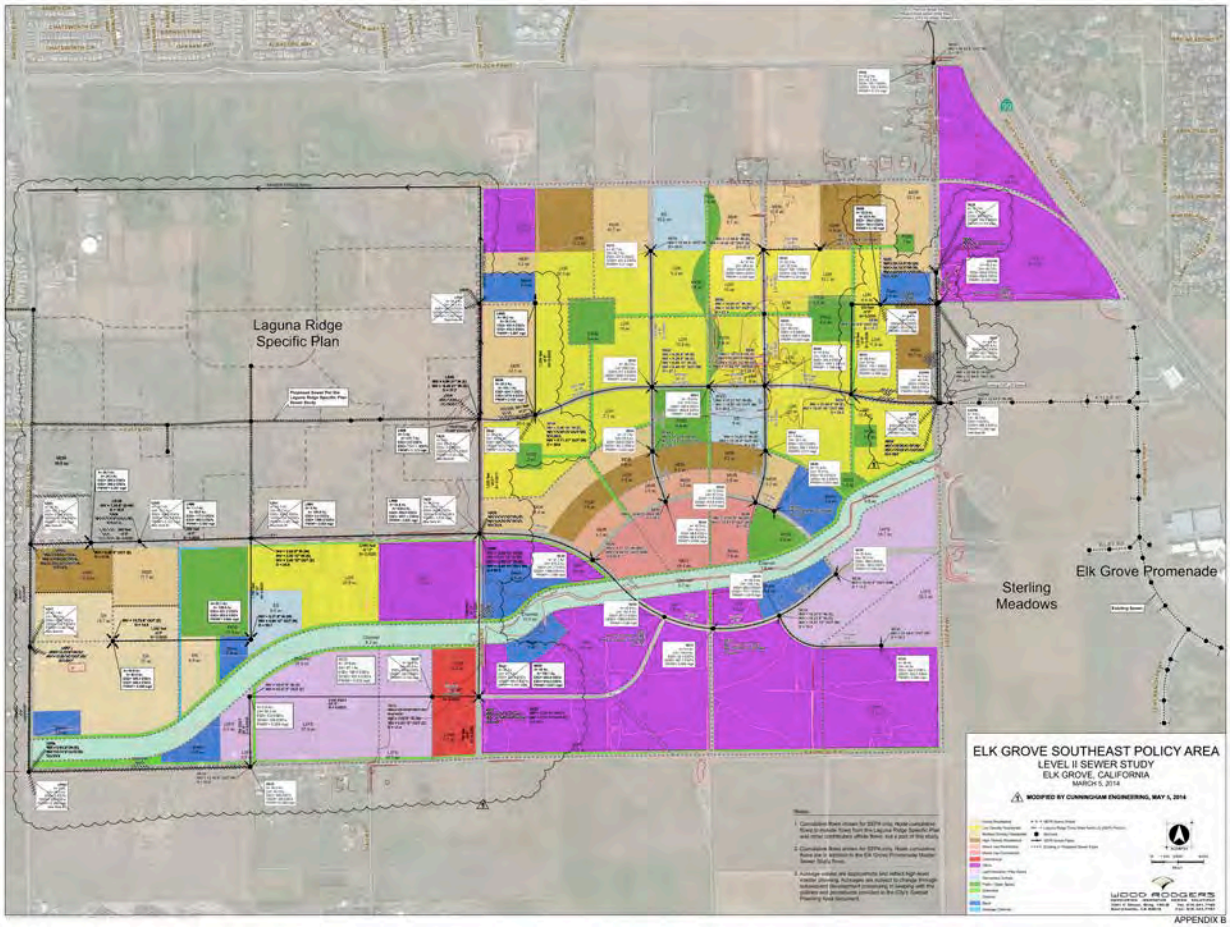
Photo 4 – Central East-West Fence Line in Area B Looking West

SouthEast Policy Area
Photos Taken On: March 10, 2014

Photo 5 – Northernmost East-West Fence Line in Area B Looking West

Photo 6 – Winter Wheat in Area C

SouthEast Policy Area
Photos Taken On: March 10, 2014


Laguna Ridge
Specific Plan
Sterling
Meadows
Elk Grove Promenade
ELK GROVE SOUTHEAST POLICY AREA
LEVEL II SEWER STUDY
ELK GROVE, CALIFORNIA
MARCH 5, 2014
MODIFIED BY CUNNINGHAM ENGINEERING, MAY 5, 2014
APPENDIX B

Letter 6 – Ken Allred, Souza Elk Grove, LLC/Kamilos Companies

Response 6-1: The commenter challenges the validity of the average household size of 3.22 used in Section 3.0, Demographics, of the Draft EIR. The commenter provides a statistical analysis as to why the average household size is in error and provides a household size of 3.09 for the City.

All demographic information used in Section 3.0 was based on published official data from various government sources such as the US Census Bureau, the California Department of Finance (DOF), the California Employment Development Department (EDD), and the Sacramento Area Council of Governments (SACOG). The average household size of 3.22 is provided by the US Census Bureau's State and County QuickFacts. This number is considered accurate according to the US Census. Further, the DOF identified that the average household size in Elk Grove in 2013 was 3.22 in their Report E-5: Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011–2013. Finally, the 2010 Census identifies that the average household size in Elk Grove was 3.18 in 2009.

As discussed above, the Draft EIR used published population data. Notwithstanding the information provided in the comment, the 3.22 average household size reported in the Draft EIR is considered accurate.

Response 6-2: The commenter states that in the event permitting is not attained for off-site drainage improvements, the SEPA Master Drainage Study should include an alternative sizing of storm detention facilities. Comment noted.

Response 6-3: The commenter identifies an error in the Draft EIR regarding the location of Parcel B of APN 132-0320-006. The referenced text has been modified, as shown in Response A-2.

Response 6-4: The commenter states that Figure 5.2.2 is incorrect in the identification of lands under Williamson Act contract. Figure 5.2.2 has been corrected based on comments received from the DOC (see Response A-2). See Section 2.0, Errata.

Response 6-5: The commenter states that since the Project would be a net importer of jobs, it would result in a "reversal of significant levels of northbound traffic into existing employment areas of the Sacramento metropolitan area." The commenter continues that reduction in northbound traffic would result in corresponding reductions in criteria air and greenhouse gas emissions. While the Project would likely result in reductions in trips as described by the commenter, the extent to which those reductions can be accurately quantified would be speculative for purposes of CEQA. CEQA Guidelines Section 15145 states: "If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact." Because the extent and timing of reductions in northbound traffic is not known at this time, no further discussion is required.

Response 6-6: The commenter discusses the level of service (LOS) intersection determination used as a part of the air quality analysis. The commenter states that the

manner of traffic modeling which places the burden of intersection failure on the Project is flawed, as it accounts for existing traffic plus previously approved projects as fully built plus the Project, but does not include the intersection improvements previously designated. According to the commenter, this flaw overburdens the Project with mitigation measures that have already been placed on previously approved projects.

The air quality analysis uses the LOS intersection determination based on the transportation impact analysis prepared for the Project. Draft EIR Section 5.13, Transportation, page 5.13-27 states:

> The Existing Plus Project Conditions analysis assumes the Project (i.e., and its trips) added to existing conditions. Existing conditions represent development in the study area at the times the traffic counts were conducted. The Existing Plus Project scenario assumes buildout of the Project area on the existing transportation network. Consequently, planned transportation improvements to adjacent facilities, including the Kammerer Road Widening and Extension Project, Big Horn Boulevard, Bruceville Road, and Lotz Parkway, are not assumed. However, the analysis presented in Impact 5.13.1 assumes the transportation improvements needed to support development in the Project area, including the widening of Kammerer Road from Bruceville Road to Lotz Parkway and access intersections, consistent with typical City of Elk Grove expanded intersections. Other off-site improvements were not modified.
>
> Note that the City is in the process of completing several roadway improvement projects that have a relationship to the Project. These include the SR 99/Northbound Loop On-Ramp project and the Grant Line Road Phase 1 Widening project. Since these projects have not been completed, they are not assumed in the existing conditions and may be included as possible improvements under the Project.

While the air quality analysis uses the LOS for intersections as a part of the impact determination for Impact 5.3.3, Exposes Sensitive Receptors to Substantial Carbon Monoxide Pollutant Concentrations, the analysis determined that there would be a less than significant impact in this area, with no mitigation required to reduce potential Project effects.

Response 6-7: The commenter discusses Figure 5.4-1 of the Draft EIR, stating that the depiction of various irrigation/drainage ditches in the figure is incorrect and suggesting that Figure 5.4-2 show a more accurate depiction of such features. The commenter also states that the acreages listed on pages 5.4-7 through -10 should be reviewed and corrected.

A program EIR enables the lead agency to consider broad environmental implications of development on a conceptual basis, recognizing that a series of actions will occur prior to development. Because they are prepared relatively early, program EIRs allow greater flexibility in dealing with overall development options, basic environmental issues, and cumulative impacts.

The information provided on Figure 5.4-1 was developed using previously published biological studies combined with aerial photo interpretation for the

remainder of the Project area as indicated on page 5.4-1. As a program-level EIR, it does not require project-level analysis for individual projects, but rather an overall analysis of potential impacts on a large scale. As such, the acreages listed on pages 5.4-7 through --10 are approximations, and actual acreages and locations of biological features will be ascertained as individual projects are proposed. The Draft EIR does not understate potential project impacts, and no corrections are required.

Response 6-8: The commenter states that the second sentence of the second paragraph on page 5.4-11 should be corrected to state that only some of the irrigation/drainage ditches have an indirect connection with Stone Lakes.

The second paragraph on page 5.4-11 is revised as follows:

> The USACE continues to assert jurisdiction over all waters that are in use, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which may be subject to the ebb and flow of the tide and are defined as traditional navigable waters. Field observations and review of relevant aerial photographs and topographic maps reveal that <u>some of</u> the irrigation/drainage ditches within the Project area have an indirect connection, through a series of agricultural drainages, with Stone Lakes to the west. Based on the verified delineation for the Souza property, it is anticipated that the USACE may exert jurisdiction over some of the wetlands and other waters present within the Project area.

Response 6-9: The commenter states that the Swainson's hawk is not federally listed as threatened as shown in mitigation measure MM 5.4.7c on page 5.4-55.

On page 5.4-55, mitigation measure MM 5.4.7c is revised as follows:

> **MM 5.4.7c** Trees containing white-tailed kite or other raptor (excluding Swainson's hawk) nests that must be removed as a result of Project implementation shall be removed during the non-breeding season (September 1–January 1). Swainson's hawks are State ~~and federally~~ listed as a threatened species; therefore, impacts to Swainson's hawk nest trees require regulatory authorization from ~~the USFWS and~~ the CDFW prior to removal.

Response 6-10: The commenter discusses mitigation measure MM 5.4.9, stating that it should be noted that drainage improvements are temporary impacts, not permanent, and the acreage total should be revised to say add "up to" 21.4 acres, since verified delineations for all properties are not available. The commenter further states that channel acreage should be separated from other acreages. (The commenter refers to mitigation measure MM 5.4.9, second paragraph; however, the Draft EIR does not have a mitigation measure MM 5.4.9, second paragraph. Therefore, it is assumed that the commenter is referring to Impact 5.4.9, second paragraph.)

While drainage improvements may be temporary in construction, the actual impact to the biological resources within the improved area may be

permanent and as such Impact 5.4.9 considers this area, as well as other wetland features in the Project, to be permanently affected. Channel acreage is considered to be a wetland feature and is therefore included in the total wetland acreage. No separation is necessary.

The second paragraph under Impact 5.4.9 on page 5.4-57 is revised as follows:

> The Project is anticipated to result in permanent impacts to approximately 21.4 acres of potentially jurisdictional wetlands and other waters within the Project area. In addition, excavation is proposed within the existing channel downstream of Bruceville Road to eliminate existing high points. The off-site excavation would extend 3,200 feet downstream, with an average depth of excavation at 1.8 feet, which would result in approximately 0.3 acre of additional impacts to waters.

Response 6-11: The commenter states to refer to Item 1 of Section 5.3 for comments on Section 5.7, Greenhouse Gas Emissions, of the Draft EIR. The comment regarding Item 1 of Section 5.3, Air Quality, is discussed in Response 6-5. The commenter is referred to that response.

Response 6-12: The commenter discusses Impact 5.11.4.1 and challenges the overall park acreage needed in the Project area because this acreage is based on what the commenter considers is an inaccurate average household size. As discussed in Response 6-1, the population projections used in the Draft EIR are based on published sources. No change to the Draft EIR is required.

Response 6-13: The commenter references the items discussed on technical studies for comments on Section 5.12, Utilities, of the draft EIR. The commenter does not identify any specific inadequacies with Section 5.12, Utilities, with this comment. The responses to comments made on technical studies are discussed in Responses 6-15, 6-16, and 6-17. The commenter is referred to those responses.

Response 6-14: The commenter refers to Section 5.13, Transportation, of the Draft EIR and refers to the comments made listed under Item 1 and Item 2 for Section 5.3 in the comment letter.

These issues are discussed in Responses 6-5 and 6-6. With respect to traffic impacts specifically, the Draft EIR acknowledges that future roadway improvements may be in place and therefore will reduce some of the intersection impacts identified in the Draft EIR. As stated on page 5.13-46:

> The timing of development of the proposed Project, and therefore the timing of any needed mitigation related to traffic increases, is not known. Some of these improvements could be constructed for other projects prior to being triggered by development in the proposed Project. Impacts from off-site improvements would be similar to those disclosed for the proposed Project and would be subject to environmental review at the time construction of the improvement is proposed.

The Draft EIR also discusses the level of mitigation needed for affected roadways on page 5.13-31:

> The City shall require the completion of roadway improvements necessary to mitigate for the potential traffic impact from the Project as those improvements are triggered by subsequent development projects. If improvements are triggered by the subsequent project, the project proponent shall be responsible for implementation of the improvement. Subsequent projects that do not trigger improvements shall pay its fair share toward improvements.

Therefore, if these improvements are already in place when an individual development project is proposed, that project is only required to pay its fair share to mitigate its individual impact.

Response 6-15: The commenter discusses the Water Master Plan completed for the Project, stating it appears that the water transmission main sizes are larger than necessary to serve the Project and if this is correct, then cost participation accommodations should be considered for the other benefiting properties.

The Master Plan takes into consideration the water demands associated with the Project in the context of the surrounding planned and existing uses. The extent to which water lines within the Project site would connect to and convey water for surrounding uses is taken into consideration in the sizing of that infrastructure. Pipe sizes were determined by SCWA through their modeling profiles. Cost associated with the provision of infrastructure is not an issue that is required to be addressed in an EIR. No change is required.

Response 6-16: The commenter states that Figure 1 of the Level II Sewer Study is incorrect in depicting a gravity outfall system to a nonexistent interceptor sewer in the East Franklin development. The commenter provides a revised map depicting the differences between the map shown in the Level II Sewer Study's Appendix B. The commenter states that the sewer study should be revised to reflect the changes in the map and should be included in the Final EIR.

As identified in the Draft EIR, impacts resulting in the development of wastewater infrastructure are discussed in Impact 5.12.2.2**.** Flows generated by the proposed Project would connect to existing and planned facilities that serve adjacent projects, including the Laguna Ridge Specific Plan (LRSP), Sterling Meadows, and the Elk Grove Promenade/Lent Ranch. As individual development projects are proposed in the Project area, project designs would include specific wastewater system facility needs both within and outside the Project area. Wastewater conveyance infrastructure for the Project and surrounding developments have been planned, and continue to be planned, on a cumulative basis through a series of sewer studies. Additional, more detailed plans will need to be prepared as each development moves forward. As such, while the Project Level II Sewer Study may have incorrect identification for some sewer attributes, this study is not the final, project-specific sewer analysis for any future proposed projects. Revision of the Level II Sewer Study is not necessary. Draft EIR Figure 2.0-7 has been revised to include additional data within the Project area and to remove off-site alignments ion the area west of Bighorn Boulevard and north

of Bilby Road, as these improvements are not part of the proposed Project. See Section 2.0, Errata.

Response 6-17: The commenter discusses the drainage study completed for the Project and states that if identified off-site drainage improvements are not achievable, then alternative methods should be analyzed. The commenter continues that study of the impact of prior shed divisions as to their ability to achieve standard storm drainage solutions should be considered in the Final EIR.

As a point of clarification, the Draft EIR analyzes the Project as proposed as described in Section 2.0, Project Description, as required by CEQA. As discussed in Response 6-7, as a program-level document, the Draft EIR analyzes the Project as a whole and does not consider development of individual projects within the Project area, because the timing and extent of those individual developments are not known at this time. To the extent that individual projects may need to construct interim improvements prior to completion of the drainage system assumed in the drainage study, the impacts of those improvements within the plan area footprint are already analyzed in the Draft EIR. If additional improvements not considered in the EIR are required, additional environmental analysis will be required.

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