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## Letter 19

### FACSIMILE COVER SHEET

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From: Don Mooney  
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#### MESSAGE

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March 6, 2006

**VIA FACSIMILE (916-625-5195)  
AND REGULAR MAIL**

Ms. Sherri Abbas  
Planning Services Manager  
Planning Department  
City of Rocklin  
3970 Rocklin Road  
Rocklin, CA 95677

Re: Town of Loomis' Comments on the City of Rocklin's Recirculated Draft  
Environmental Impact Report on the Proposed Clover Valley Subdivision  
Project

Dear Ms. Abbas:

19-1

This comment letter is submitted on behalf of the Town of Loomis ("Loomis") concerning the January 2006 Recirculated Draft Environmental Impact Report ("DEIR") on the proposed Clover Valley Subdivision Project ("Project"). For the reasons stated below, the DEIR fails to meet the applicable legal standards, would not provide a legally adequate basis for approval of the Project, and would need to be revised and recirculated before the City of Rocklin ("City") could lawfully approve the Project.

19-2

All sides agree that, in the context of this local area, the Project is very large and would have many significant adverse environmental impacts. The proposed Project, as presently described in the DEIR, would entail approval of large lot and small lot tentative subdivision maps, creating a total of 33 large lots ranging from 0.7 acres to 104.4 acres, within which 558 single family residential lots would be created accompanied by the construction of 46.4 acres of major streets. All of this is to occur on approximately 622.3 undeveloped acres located north and west of Loomis, one of the last remaining undeveloped low-foothill valleys in a rapidly urbanizing area of western Placer County. (DEIR, at pp. 1-3, 4.3-2.)

19-3

The City, acting as lead agency under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.), determined that preparation of an environmental impact report ("EIR") would be appropriate due to the number and scale of anticipated impacts from the proposed Project. These include the addition of traffic to the project area, grading of hillsides, removal of existing oak trees, displacement of

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certain biological species and loss of habitat, damage or loss of cultural resources, negative effect on air quality, and strain on public services. (DEIR, at p. 1-5.)

For example, as implied by the Project's name, Clover Valley Creek traverses the entire Project site from north to south (DEIR, at p. 3-1), and the Project proposes to construct four road crossings over the creek (DEIR, at p. 3-12). Approximately half ( $\pm 309.6$  acres) of the total site acreage would be graded. Approximately, one fourth of the trees on the site ( $\pm 7,422$  of 28,246) would be removed. (DEIR, at p. 2-2.) Approximately 1,451 new residents would be added to the area, increasing the population of Rocklin by three percent. (DEIR, at p. 5-2.) And the Project would add approximately 6,928 daily vehicle trips to area roadways. (DEIR, at p. 4.4-19.)

19-4

Earlier, in 2002, another EIR had been prepared for the Project (the "2002 EIR"). The 2002 EIR, took a narrower view of the Project, focusing solely on approval of a large lot tentative subdivision map under the Subdivision Map Act ("Map Act") (Gov. Code, § 66410 et seq.).

Numerous members of the public along with governmental entities, including Loomis, severely criticized the 2002 EIR for a number of serious defects. These included the City's unlawful piecemealing and segmentation of the project description and failure to consider "all phases of project planning, implementation, and operation" in violation of applicable case law and of California Code of Regulations, title 14, section 15063, subdivision (a)(1).<sup>1</sup> (See, e.g., Letter from Donald B. Mooney to Sherri Abbas, regarding Town of Loomis' Comments on the 2002 EIR (November 4, 2002), which letter is incorporated in and made part of these comments by this reference.)

The Project applicant subsequently amended the project description to add a proposal for a small lot tentative subdivision map. The City then chose to revise and recirculate the EIR, in order both to analyze the "new" project description and to resolve problems identified in the comments it had received. (DEIR, at p. 2-1.)

19-5

Following circulation of this revised DEIR, Loomis remains concerned about the Project and its impacts. The Project site directly abuts the western town boundary of Loomis. (DEIR, at p. 3-3.) The proposed Project would affix to Loomis an enclave equaling approximately one quarter the current population of Loomis ( $\pm 6,250$  persons).

19-6

19-7

One of the main roadways accessing the Project site would be Sierra College Boulevard, which is a mostly two-lane road passing directly through Loomis. (DEIR, at p. 4.4-3, 4.4-20.) A major route for accessing Sierra College Boulevard is King Road, which passes through and provides direct access to and from Loomis' commercial town center.

<sup>1</sup> Citations to California Code of Regulations, title 14, sections 15000-15387 and related appendices are to the "CEQA Guidelines" adopted by the California Secretary of Resources.

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(DEIR, at p. 4.4-9.) On the other side, Sierra College Boulevard will, for the first time, be integrally connected with the east side of the City, not only providing access for new Project-related residents, but also providing a relatively more direct access route than many thousands of east side residents currently use.

19-8

It is, or should be, obvious to anyone that Loomis and its environment would be both directly and indirectly impacted by the Project. It is, or should be, obvious to anyone that the Project's impacts must be addressed with care. Loomis is, therefore, entirely mystified by the City's renewed failures to adequately identify or mitigate the Project's impacts, failures, described below, which violate applicable law.

I. LAND USE

19-9

- A. **The DEIR erroneously concludes that the Project is consistent with the City's General Plan and the DEIR consequently omits discussion of required mitigation.**

CEQA Guidelines, section 15125(d), requires that the DEIR discuss any inconsistencies with applicable general plans. The DEIR acknowledges that the City's General Plan Open Space Policy 19 requires the City to require measures such as prohibiting grading, placement of fill or trash, and alteration of vegetation within designated stream setback buffer areas. (DEIR, at p. 4.2-11.) Policy 19 also calls for "the installation of measures to minimize runoff of waters containing pollutants and sediments," and the DEIR seizes upon this tool, concluding that the Project's proposed use of Best Management Practices (BMPs) and Best Available Technologies (BATs) renders the Project consistent with Open Space Policy 19 and that no mitigation is required. (DEIR, at p. 4.2-12.)

Earlier, however, the DEIR acknowledges that the Project would violate the City's General Plan Open Space, Conservation and Recreation Action Plan, Item 1 and Open Space Policy 15, a set of policies that in this instance require the Project to establish and maintain a 50-foot open space buffer from the edge of the bank of Clover Valley Creek. (DEIR, at p. 4.2-10.) The required setbacks from the creek, according to the DEIR, would be "encroached in a few locations." (DEIR, at p. 4.2-10.)

In the face of this acknowledged and clear inconsistency with the General Plan's policies, the DEIR illogically concludes that the Project would somehow "be consistent with the intent of the General Plan and zoning and would subsequently have a *less-than-significant* impact" requiring no mitigation. (DEIR, at p. 4.2-12.)<sup>2</sup>

19-10

<sup>2</sup> Contrast this evident unconcern for the Project's encroachment on stream systems with the heightened degree of care and deference that, in nearby pages, the DEIR affords to users of nearby Sunset Whitney Country Club's Fairway 6: "Members of the country

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The City cannot lawfully approve the Project based on a DEIR that misstates whether the Project complies with applicable policies nor can the City do so based on a DEIR that erroneously reaches a conclusion of less-than-significant impact concerning the Project's violation of required stream buffers. Such inaccuracies and misstatements alone render the DEIR inadequate, completely apart from the issue of the degree to which the City might interpret the General Plan were the DEIR to correct these inaccuracies.

19-11

Moreover, as explained in the DEIR itself, the 50 foot buffer limit is mandatory and unambiguous. Further, the DEIR sets for itself a standard of significance requiring such a conclusion wherever the project would "[u]se land which is inconsistent with existing City plans and policies." (DEIR, at p. 4.2-9.) The Project must comply with, not encroach upon, required buffers, and the DEIR must conclude that violation of these constitute a significant impact which is here unmitigated.

### II. AESTHETICS

#### A. The DEIR's analysis of impacts to views from Loomis is inadequate.

The DEIR acknowledges that "[a] portion of the eastern part of the site is visible from areas within the Town of Loomis, including a large number of travelers along a short portion of Sierra College Boulevard." (DEIR, at p. 4.3-1.) And "[a] moderate-to-large number of vehicular and residential viewers from western Loomis will have relatively unrestricted views of the development proposed for the southeastern ridgeline, west of Del Mar Avenue." (DEIR, at p. 4.3-14.)

19-12

The DEIR concludes that the degree of visual change associated with the Project, as viewed from the Loomis side, would be at a "high level." (DEIR, at p. 4.3-14.) Moreover, the DEIR emphasizes that "[t]he introduction of streetlights and other site-specific lighting on the ridgelines and eastern portions of the site would potentially cause the most concern, where views from Loomis and Sierra College Boulevard *would be significantly altered.*" (DEIR, at p. 4.3-20 (emphasis added).) Further, the DEIR concludes that impacts to views along and from the proposed site's northern ridgeline would be significant. (DEIR, at p. 4.3-13.)

Bizarrely, however, the DEIR concludes that such a significant and high level of change is nonetheless less-than-significant, due to the inclusion of a proposed 250-280 foot buffer zone to be added to the southeastern boundary of the proposed Project site.

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club whose membership or fees include the use of Fairway 6 would potentially find the construction [of a proposed off-site sewer line] to be intrusive and disruptive. Therefore the impact would be considered *potentially significant.*" (DEIR, at p. 4.2-13.)

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(DEIR, at p. 4.3-14.) The DEIR reasons-nonsensically that the irreparable scarring of the most prominent feature of the viewscape should be ignored because, below it, a narrow patch will be left somewhat unblemished.

On this point, the DEIR contains unreasonable inferences and is conclusory, inaccurate, erroneous, misleading, and insufficient as an informative document. Conclusory comments in support of environmental conclusions are generally inappropriate. (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 404.) The DEIR's conclusion regarding the significance of impacts to views from the Project's east is so disconnected from logic that it represents an unlawful bare conclusion—albeit one surrounded on the page by blather.

19-13

**B. The DEIR unlawfully fails to provide any discussion of mitigation measures or alternatives to reduce impacts to views from and along Sierra College Boulevard.**

The DEIR fails to provide any discussion as to whether the impacts to views from Sierra College Boulevard and in the Loomis area (DEIR, at p. 4.3-13) could be mitigated with reduced building sizes, screening using vegetation, avoidance of building in key locations on the ridge, limiting the height of homes on the ridge, design requirements (such as colors) to blend with views/hillsides, or modifying building features to reduce light and glare. (See CEQA Guidelines, § 15370(a), (b).) The DEIR simply concludes that these significant impacts are unavoidable and cannot be mitigated. There is no effort even to minimize the impacts. (See Pub. Resources Code, §§ 21100(b)(3); CEQA Guidelines, §§ 15126.4(a)(1), 15370(b).) The failure to consider mitigation measures and the failure to provide any discussion as to the feasibility of potential mitigation measures constitutes a fatal flaw within the DEIR.

19-14

**C. The DEIR unlawfully fails to describe reasons why the Project is being proposed notwithstanding its significant and purportedly unavoidable impacts.**

CEQA Guidelines, section 15126.2(b), requires that "Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described." The DEIR's discussion of aesthetics identifies the following as significant and unavoidable impacts: (1) impacts to views from Sierra College Boulevard and in the Loomis area north of the summit and across Sierra College Boulevard; (2) degradation of visual character or quality as a result of construction activities; (3) impacts to wooded hillsides; (4) alteration of visual character of the project site in combination with existing and future development; and (5) cumulative impacts from increased light and glare on adjacent sensitive receptors in combination with existing and future development. (DEIR, pp. 4.3-11 through 4.3-24, and 5-7.) In violation of CEQA Guidelines, section

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15126.2(b), the DEIR supplies no description of the implications of these impacts nor any description of the reasons why the project is being proposed notwithstanding their effect.

**III. TRAFFIC**

**A. The DEIR fails to adequately evaluate the impacts associated with connecting the eastern portion of the City with Sierra College Boulevard.**

19-15

The Project proposes to construct Valley View Parkway, which will for the first time connect the eastern half of the City with Sierra College Boulevard by means of Stanford Ranch Road, Park Drive, and other nearby roads. How many people will, for the first time, be able to reach Sierra College Boulevard by this means? Is it one person and his car or 20,000 people and their cars? The number of existing City residents who would look to this new route as their primary route of access (or at least as one of their primary routes) is plainly vast. The DEIR makes no effort whatsoever to highlight an estimate of this number or evaluate this impact. On the contrary, the DEIR gives the impression that the traffic leaving the Project is the only traffic that needs to be considered. (See, e.g., Figure 4.4-5, DEIR, at p. 4.4-20.) While the DEIR appears to acknowledge that the new residents of the Project will be trying to figure out ways to exit the Project site, the DEIR fails to acknowledge that existing residents on the eastern side of the City have good reason to be looking for ways to get out of the City as well. One number the DEIR fails to identify is the number of people departing the east side of the City that will be heading to I-80; another missing number is the number, a subset of this first group, that will then be east on I-80. The DEIR is inadequate for failing to evaluate these impacts. It is odd that the DEIR displays no curiosity about critical and glaring issues such as these, calling into question whether concentrated thought went into ways to steer the DEIR around this issue rather than into identifying ways residents will likely steer toward major roadways.

19-16

**B. The project description and traffic analysis fail to include discussion of reasonably foreseeable road construction on Sierra College Boulevard.**

The DEIR fails to acknowledge that the proposed Project will both partly necessitate and cause roadway construction to improve Sierra College Boulevard. The DEIR states that the proposed Project is "related" to numerous improvements to Sierra College Boulevard that have been contemplated by the City and other local governments in the past. (DEIR, at p. 4.4-15.) The DEIR even acknowledges that the traffic modeling that went into calculating needed funding for these improvements contemplated the buildout of the Clover Valley area. (DEIR, at p. 4.4-15.)

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Indeed, by the DEIR's reckoning, the necessary funding for construction of these improvements "has been ensured" through the creation of the South Placer Regional Transportation Authority ("SPRTA") which will collect impact fees for new development such as the Project in participating jurisdictions and by the provision of such funding when such new development occurs. (DEIR, at p. 4.4-14.) The implication from the DEIR is that SPRTA's collection of impact fees in connection with this Project will be the ultimate cause in a chain leading to construction of improvements to specified segments of Sierra College Boulevard. Oddly, however, the DEIR fails to directly admit the Project's role in causing the construction of any roadway improvements on Sierra College Boulevard. The DEIR consequently ignores the Project's impacts related to that construction.

Will the Project entail improvements to Sierra College Boulevard? Either it will or it will not. If it will, then those improvements must be described and analyzed in the DEIR as either direct or indirect effects of the Project. (CEQA Guidelines, §§ 15126, 15154, 15126.2(a).) If it will not, then the Project and DEIR fail to adequately address impacts to public safety, as described in the following section.

**C. The traffic analysis and planned roadway improvements ignore the presence of railroad tracks crossing Sierra College Boulevard.**

If this Project is built, the roadways associated with the Project will become important for emergency ingress and egress. For example, the DEIR states that one project objective is to "establish an alternative evacuation route for residents in the northeast area of the City." (DEIR, at p. 3-11.)

19-17

At the same time, the importance of the roadway system to the issue of emergency response is exacerbated by the fact that the one-acre fire station site that would be dedicated by the applicant would not be constructed, according to the DEIR, until "a later date." (DEIR, at pp. 3-11 & 3-12.) The time frame for Project construction described in the DEIR comes to a close in 2014. (DEIR, at p. 3-28.) From the DEIR, therefore, one may infer that from 2006 through at least 2014, no fire station would be on the Project site and the roadways involved in the project would have to provide fire and emergency vehicle access to the Project site from more distant locations.

While touching on pieces of the picture in a scattered fashion that, taken together, give cause for heightened concern, the DEIR fails anywhere to adequately address this issue of emergency ingress and egress. (See, e.g., DEIR, at pp. 4.12-12 and 4.12-13.)

19-18

For example, a railroad track parallels Taylor Road/Pacific Street. In Loomis's October 14, 2005, letter to your office commenting on the Notice of Preparation, Loomis emphasized that improvements to Sierra College Boulevard should extend from I-80 not just to Taylor Road (i.e., where the railroad track is located), but should extend further