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proposed project when viewed in connection with the effects of past projects, current projects, and probable future projects. As noted above, the construction of the proposed project will encourage the development of 501 dwelling units to the north of the proposed project and 23 dwelling units to the south. Additionally, the Recirculated Draft EIR fails to consider any past or current development projects in the vicinity of the proposed project site, including the Bickford Ranch development project in Placer County. The Bickford Ranch project is currently being developed and will continue to develop over the next decade. It is reasonable to assume that two large-scale developments in close proximity to one another will have substantial cumulative environmental impacts, yet the Recirculated Draft EIR fails to consider these impacts.

The Recirculated Draft EIR, or at least the cumulative impact section, needs to be revised and recirculated to inform the public and the decision makers of the cumulative impacts of the proposed project when viewed in connection with the effects of past projects, current projects, and probable future projects. Included, but not limited to, in the discussion should be any and all impacts on traffic and circulation, especially on Sierra College Boulevard (discussed in depth below), air quality, and noise pollution. Of course, the Recirculated Draft EIR should then also identify and discuss feasible alternatives and mitigation measures that could avoid or reduce any significant cumulative impacts to a less than significant level.

C. THE RECIRCULATED DRAFT EIR FAILS TO ADEQUATELY ANALYZE THE CUMULATIVE TRAFFIC AND CIRCULATION IMPACTS OF THE PROPOSED PROJECT

24-8

The proposed Clover Valley project will, obviously, generate traffic within the area around the development. The Draft EIR's brief discussion analyzes the effect the project's generated traffic will have on two particular intersections: Sierra College Blvd. / Del Mar Avenue intersection and Sierra College Blvd. / King Road intersection. These two intersections are similar because they're both 1) unsignalized intersections, 2) have east/west stops, and 3) will have a one-directional Level of Service (LOS) of D or worse (considered to be an unacceptable LOS) due to the development of the Clover Valley project.

There are different methodologies used to determine the LOS at signalized intersections and unsignalized intersections. Signalized intersections are analyzed by comparing the *volume-to-capacity ratio* of the intersection to thresholds established in the General Plan. Unsignalized intersections are analyzed by comparing *average-delay-per-vehicle* of the intersection to thresholds established in the General Plan. The two intersections referenced above are both unsignalized and, accordingly, are analyzed by latter method.

24-9

The Sierra College Blvd. / Del Mar Avenue intersection consists of stop signs located at the east and west sides of Del Mar Avenue, while the north and south traffic on Sierra College Blvd. is unimpeded. The Recirculated Draft EIR determines this intersection will have an overall LOS A designation after construction of the Clover Valley project. However, the intersection's "westbound" traffic will operate at a LOS D after the construction of the Clover Valley project. Why is the change to LOS D for "westbound"

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- ↑ traffic considered to be an insignificant change in traffic effect? Was the traffic to be generated by the Bickford Ranch project along Sierra College Boulevard included in the RDEIR's traffic analysis? If not, why not? Will the additional north and southbound traffic along Sierra College Boulevard further impede east and westbound traffic along Del Mar Avenue at the unsignalized intersection at Sierra College Blvd. during peak hour conditions? What about additional turn lanes to turn into Del Mar from Sierra College Blvd? What LOS requires the City to consider signalizing this intersection? If the traffic generated by the proposed project in combination with traffic generated by Bickford Ranch is determined to have a significant change at this intersection by delaying the east-west movement along Del Mar Avenue, for vehicular and pedestrian safety it would appear that a feasible mitigation measure would be to make the Sierra College Blvd. / Del Mar Avenue intersection four-way signalized.
- 24-10
- The Recirculated Draft EIR has determined that the proposed project will have a *significant impact* on the Sierra College Blvd. / King Road intersection. To bring this intersection back to an acceptable LOS C, the following improvements must be made: 1) a second southbound left turn lane should be added; 2) east/west signal phasing "split phase" should be created; 3) the westbound approach should be striped as one through/left lane and one exclusive right turn lane; and 4) a receiving lane on Sierra College Boulevard should be added for westbound right turns. However, since the intersection is in the jurisdiction of the Town of Loomis, and not in that of the City of Rocklin, the Recirculated Draft EIR states that the City of Rocklin has no direct control of this intersection, thus the impact remains *significant and unavoidable*. The City of Rocklin is the lead agency with the duty to mitigate the proposed project's significant environmental effect, if feasible. Why can't the City of Rocklin require the project applicant to reduce or avoid the proposed project's significant impact on the Sierra Collage Blvd/King Road intersection?
- 24-11
- Because the Recirculated Draft EIR fails to adequately address the cumulative impacts of the proposed project when viewed in connection with the effects of past projects, current projects, and probable future projects, the public has been denied the opportunity to provide meaningful traffic and circulation-related comments to the City. The intersections mentioned above are located on Sierra College Boulevard within one-mile of one another and within at most two miles from the Bickford Ranch project. As stated in the Recirculated Draft EIR, the PM peak hour vehicular trips, caused by the proposed project alone, at the Sierra College Boulevard / King Road intersection will increase by 302 per day (nearly a 25% increase), and at the Sierra College Blvd. / Del Mar Avenue intersection the PM peak hour vehicular trips will increase by 300 per day (approximately a 23% increase). The vehicular trips on this short span of Sierra College Boulevard will increase substantially. Yet, the RDEIR fails to evaluate these changes, and, therefore, deprives the interested public and its decision makers of relevant information about traffic congestion and any means to reduce or avoid these significant effects.
- 24-12
- ↓ D. THE RECIRCULATED DRAFT EIR DOES NOT ADEQUATELY ADDRESS IMPACTS ASSOCIATED WITH THE CONSTRUCTION OF THE OFF SITE SEWER EXPANSION.

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“The purpose of an [EIR] is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.”¹⁵ The term project refers to the activity which is being approved...¹⁶ In order to identify the proposed project’s significant effects on the existing environment, we ask that the construction of the off-site sewer expansion facility be adequately identified. The Recirculated Draft EIR mentions various possible options for the construction of the off-site sewer expansion facility, but fails to identify which option will be implemented if the project is approved.

Whatever option is selected will require a substantial amount construction work. Currently, the Clover Valley project site is not served by wastewater conveyance infrastructure. The nearest off-site sewer line is a 15-inch pipe at the terminus of Rawhide Road in the Clover Valley Woods subdivision. SPMUD has indicated that an existing 8-inch off-site sewer pipe south of the project site must be upsized, and a new 12-inch pipe must be installed under Rawhide Road, along Midas Avenue, and through Sunset Whitney County Club. There are several options for locating the sewer pipes, and, as stated above, it’s unclear in the EIR which option will be selected.¹⁷

24-13

The construction activities would occur on existing residential streets, including Rawhide, Midas, Agronard and Union, all adjacent to or near the proposed Clover Valley site. First, the existing road pavement would be removed via a six (6) to eight (8) foot wide cut down the street. It’s unclear in the EIR what type of machinery would be used to cut the street; however, it is indicated that a backhoe would pick up the cut pavement and dump it into to haul trucks, which will then haul it away. Excavation of earth would reach depths of eight (8) to twelve (12) feet, which also will be hauled away by haul trucks. Six (6) to twenty (20) foot sections of the twelve (12) inch concrete pipes will be lowered into the trenches and covered with sand/gravel material trucked into the site. The back fill material will then be compacted with a roller and a temporary asphalt cover would be placed over the trench. After the off-site sewer expansion is completed, either the trenched area of the street will be repaved, or the entire street will be repaved.¹⁸ Additionally, if during the excavation process rock is uncovered that cannot be excavated with a backhoe, blasting may be required. Blasting is permitted in the City of Rocklin upon approval of the City and issuance of a blasting permit.¹⁹

24-14

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While the Recirculated Draft EIR attempts to mitigate some of the adverse environmental impacts associated with the construction of the sewer expansions, the uncertainty of the sewer’s path makes it impossible to fully mitigate. It’s important for the public and decision makers to know precisely which route the sewer expansion will follow so as proper mitigation measures can be discussed and adopted. For example, of all the possible options, will the construction related activities impact a nearby school? Per

¹⁵ Pub. Resources Code, § 21002.1, subd. (a).

¹⁶ CEQA, § 15378, subd. (c).

¹⁷ Recirculated Draft EIR, p. 4.12-10

¹⁸ Recirculated Draft EIR, pp. 4.12-10 – 4.12-11

¹⁹ Recirculated Draft EIR, p. 4.12-11

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mitigation measure 4.6MM-5(a), all construction related activities will typically occur between 8:00 a.m. and 5:00 p.m.²⁰ Obviously, school is in session during these hours. The RDEIR needs to identify any nearby schools and/or school crosswalks that may be impacted by all construction related activities, including which streets will be torn up, what streets will be used as truck haul routes, and where and when heavy equipment will be operating. Also, what impact will the construction related activities of the sewer expansion have on other sensitive receptors, such as the elderly living in the Sunset Whitney residential neighborhood?

24-15

24-16

The Recirculated Draft EIR fails to not only identify which option will be used, but also fails to identify and analyze the significant adverse environmental impacts of the construction of the off-site sewer expansion facility.

1. ADVERSE ENVIRONMENTAL IMPACTS OF NOISE GENERATED BY CONSTRUCTION OF SEWER LINE EXTENSION

24-17

The Noise Element of the City of Rocklin General Plan has determined that noise levels of 70-75 decibels (db) are "normally unacceptable" for residential land use, and that noise levels reaching above 75 db are "clearly unacceptable."²¹ For land uses, such as a golf course (e.g., Sunset Whitney Country Club), noise levels are "normally unacceptable after 75 db, and "clearly unacceptable" after 80 db.²² Although the Recirculated Draft EIR identifies what noise levels are unacceptable by the standards set forth in the City's General Plan, the noise levels resulting from the construction activities and installation of the 9,000 linear feet of sewer pipe are not identified. How can the interested public compare the proposed project's noise impacts to existing conditions if the EIR fails to include this information in the draft EIR?

2. ADVERSE ENVIRONMENTAL IMPACTS RELATED TO LOSS OF OAK TREES CAUSE BY THE CONSTRUCTION OF SEWER LINE EXTENSION

24-18

The construction of the proposed project would directly result in the loss of a substantial amount of oak trees. In 1997, the developer and the City of Rocklin entered into a Development Agreement (discussed below), which specifically addressed oak tree preservation. To mitigate for the loss of oak trees, the Development Agreement states that the developer must 1) grant to the City open space and conservation easements for an Oak Tree Preserve and an Open Space Trail System; and 2) construct a bicycle/pedestrian trail to the satisfaction of the City within the central portion of the Clover Valley site.²³ These two measures would be considered as fully mitigating the impact as long as the number of lost oak trees does not exceed twenty-five (25%) percent of the total oak tree

²⁰ Recirculated Draft EIR, p. 4.6-15.

²¹ Recirculated Draft EIR, pp. 4.6-13 – 4.6-14

²² Recirculated Draft EIR, p. 4.6-14

²³ Recirculated Draft EIR, pp. 4.8-25 – 4.8-26

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diameter at breast height ("DBH") or twenty-five (25%) percent of the total number of oak trees in the project.²⁴

The construction of the off-site sewer line will remove a substantial number of oak trees, as well as other native and mature trees, not only on the project site, but also on Sunset Whitney Country club grounds. The 1997 Development Agreement does not cover the mitigation of the loss of the trees related to the off-site sewer construction.²⁵ Accordingly, the Recirculated Draft EIR has identified this to be a *significant* impact.²⁶

To mitigate the impacts related to the loss of oak woodland habitat caused by the off-site sewer construction, the EIR identifies the creation of the oak woodland preserve, as set forth in the 1997 Development Plan, and the creation of an oak tree mitigation strategy pursuant to the City of Rocklin Oak Tree ordinance, prior to the recording of the final map. Implementation of these two mitigation measures would not mitigate the significant impact, thus the EIR identifies it as *significant and unavoidable*.²⁷ It is unclear why this significant effect cannot be mitigated to a less than significant level through the acquisition and protection of off-site oak woodland habitat elsewhere within the City or within Placer County.

The oak woodland preserve was established in the 1997 Development Plan to mitigate the loss of up to twenty-five (25%) percent of the total oak tree diameter at breast height ("DBH") or twenty-five (25%) percent of the total number of oak trees in the project area, excluding the trees removed for construction of public roads. It is unreasonable to use the oak woodland preserve as a mitigation measure for the off-site sewer expansion related tree removal because the number of trees to be removed due to the construction of the off-site sewer expansion is not established in the EIR, thus is unknown. In the EIR, it specifically states:

Although the 1997 Development Agreement assumes that the creation of the woodland preserve would fully mitigate for the trees removed by the construction of future site build out, the 1997 Development Agreement did not address the removal of trees located within the major roadways associated with the off-site sewer alignment.²⁸

This mitigation measure is misused in the context of the off-site sewer expansion's impact on oak woodland habitat and should not be identified as potential mitigation for the loss of oak trees related to the construction of the sewer expansion.

24-19

Also, the development of an oak tree mitigation strategy pursuant to the City of Rocklin Oak Tree Ordinance is identified as a mitigation measure.²⁹ However, the EIR does not

²⁴ Recirculated Draft EIR, p. 4.8-26

²⁵ Recirculated Draft EIR, p. 4.8-26 – 4.8-27

²⁶ Recirculated Draft EIR, p. 4.8-27

²⁷ EIR, p. 4.8-27

²⁸ Recirculated Draft EIR, pp. 4.8-26 – 4.8-27

²⁹ Recirculated Draft EIR, p. 4.8-27

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↑ go into detail about the strategy, in fact, it only identifies that a strategy will be developed. A detail mitigation strategy should be adopted prior to certification of the RDEIR to ensure that the loss of oak woodland habitat due to the construction of the off-site sewer construction is fully mitigated.

E. THE 1997 DEVELOPMENT AGREEMENT IS BEING MODIFIED BY THE PROJECT APPLICANT TO CONFORM TO THE PRESENTLY PROPOSED PROJECT

Pursuant to section 65864 of the Government Code, in 1997 the City and Rocklin 650 Ventures ("Project Applicant") entered into a Development Agreement for the development of Clover Valley. The City certified the Clover Valley Lakes EIR and adopted the corresponding General Plan Amendment; Rezone, Prezone, and General Development Plan; and, the Design Review. As approved at the time, the Clover Valley Lakes project consisted of a 4.5 net acre commercial project, two (2) neighborhood parks (totaling 10 acres), open space with bike and pedestrian trails, and a maximum of 974 residential units.³⁰

A Development Agreement is entered into to ensure the orderly development of a project. The agreement provides assurance to the project applicant "that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations..."³¹ The agreement also provides the approving agency assurance as to the parameters of the project development, and what benefits the project will provide to the public.

24-20

Section F of the Development Agreement entered into by the City of Rocklin and the project applicant states:

City has determined that the development of the Project as provided in the Project Approvals and this Agreement is beneficial to the City, because the Project will provide for the dedication and improvement and maintenance of land as open space with hiking and biking trails, the dedication and improvement of land for parks, a diversity and balance of housing types, and will other wise achieve the goals and objectives contained in the Rocklin General Plan.³²

Per the terms of the Development Agreement, the project applicant agreed to provide the City and the public with two (2) public parks totaling ten (10) acres. It was this parameter that the City deemed adequate and agreed was "beneficial to the City" upon approving the Development Agreement. The proposed project has reduced the number of public parks to one (1) public park totaling 5.3 acres. Nearly half of the acreage dedicated, per the terms of the development agreement, as public parkland on the Clover

³⁰ Development Agreement, p. 1

³¹ CA Gov. Code, § 65864, subd. (b)

³² Development Agreement, p. 2

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↑ Valley site has been removed. Since this modification to the Clover Valley site does not fall within the project parameters, the project applicant must file with the City an application to amend the Development Agreement. For purposes of the City's review under CEQA, the RDEIR must evaluate this change. Item IX.b. within Appendix G of the CEQA Guidelines states: "Would the project conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?"

24-21

Also per the terms of the Development Agreement, the project applicant is entitled to develop a 4.5 net acre commercial project. When the Development Agreement was entered into, the City and the project applicant agreed to a 4.5 net acre commercial development entitlement, making 4.5 net acres the parameter for commercial development. However, the proposed project includes the development of a five (5) acre neighborhood commercial project. The project applicant has exceeded the parameters of the commercial development entitlement by one-half acre. Again, this change requires an amendment to the Development Agreement, but, in addition, the RDEIR must evaluate this change.

24-22

F. THE RECIRCULATED DRAFT EIR UNLAWFULLY RELIES ON THE 1997 DEVELOPMENT AGREEMENT FOR FULLY MITIGATING THE PROPOSED PROJECT'S IMPACT ON OAK TREES

At the time the Development Agreement was entered into by the City and the project applicant, the City had a local ordinance with regards to tree removal and mitigation oak trees.

The City's local ordinance that governs oak tree preservation is Chapter 17.77 of the City's Zoning Code. The proposed Clover Valley project site is determined to be an undeveloped lot pursuant to City's Zoning Code, Section 17.77.020(A)(2), since the developer is asking for a modification to an existing entitlement, which states:

"Developed lot" shall not mean any lot which otherwise meets the requirements of this paragraph, but for which another discretionary entitlement, or a modification to an existing entitlement is being requested. Such lots shall be treated as undeveloped lots under this chapter.

Section 177.77.050(A) of the City's Zoning Code, which specifically addresses tree preservation on undeveloped property, states:

Preservation and removal of healthy oak trees from undeveloped property shall be addressed in the development application review process, and shall be governed by the guidelines adopted under Section 17.77.100. Removal of oak trees from undeveloped property shall require mitigation.

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The City's Zoning Code, Section 17.77.100(B)(4), requires "mitigation for tree removal on undeveloped property consistent with and as more fully described in Sections 17.77.070 and 17.77.080."

Finally, the City's Zoning Code, Section 17.77.080 specifically addresses mitigation for undeveloped property. 17.77.080,(A) states: "On property zoned as B-P; C-1, 2, 3, 4; C-H; M-1, 2 or an equivalent PD zone, no fee payment, tree replacement, or land dedication will be required as mitigation for oak tree removal..."

Other than the commercial site, the proposed Clover Valley project site has none of the zoning designations identified under subdivision A. Therefore, the Clover Valley project falls under subdivision B: "all other zones other than those identified in subsection A, above, the following mitigation requirements shall apply:

1. Where not more than twenty percent of the TDBH of all the surveyed oak trees, and not more than twenty percent of the total number of surveyed oak trees on the property are to be removed, each tree shall be replaced on a two-to-one tree replacement ratio (two trees planted on-site for each tree removed).
2. Where more than twenty percent of the TDBH of all the surveyed oak trees or more than twenty percent of the total number of surveyed oak trees on the property are to be removed, each inch of TDBH removed in excess of twenty percent of the TDBH of all the surveyed oak trees shall be replaced with an equal number of inches of TDBH of replacement trees, but in no event shall the number of replacement trees be less than twice the number of trees removed (two to one).
3. The species, size and planting location of the replacement trees shall be in accordance with the guidelines.
4. Where on-site replacement is not feasible, mitigation shall be by off-site replacement, land dedication or payment of a fee in an amount set by resolution of the city council into the Rocklin oak tree preservation fund. Where partial mitigation is by on-site or off-site replacement, or land dedication, the fee shall be appropriately prorated. (Ord. 763 § 1, 1997; Ord. 746 § 3, 1996; Ord. 676 § 8 (part), 1993).

The Recirculated Draft EIR's mitigation for loss of oak trees is in direct violation of the City's oak tree ordinance and should be revised to meet the standards set forth in the City's Zoning Code, Section 17.77.080. Or, at the very least, a detailed explanation should be given to the public as to why the Development Agreement satisfies the City's policy for mitigating oak tree removal.

F. ADDITIONAL COMMENTS ON THE RECIRCULATED DRAFT EIR

24-23

1. INADEQUATE ANALYSIS OF LOSS OF OAK TREES

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As previously mentioned, in 1997 the developer and the City of Rocklin entered into a Development Agreement, which specifically addressed oak tree preservation. To mitigate for the loss of oak woodland habitat, the Development Agreement states that the developer must 1) grant to the City open space and conservation easements for an Oak Tree Preserve and an Open Space Trail System; and 2) construct a bicycle/pedestrian trail to the satisfaction of the City within the central portion of the Clover Valley site.³³ These two measures would be considered as fully mitigating the impact as long as the number of lost oak trees does not exceed twenty-five (25%) percent of the total oak tree diameter at breast height ("DBH") or twenty-five (25%) percent of the total number of oak trees in the project.³⁴ Additionally, any tree removed for construction of public roads does not count toward the twenty-five (25%) percent pursuant to the terms of the Development Agreement.³⁵

There are 28,246 total trees on the project site. The RDEIR estimates that the project will destroy 7,422 trees, which is 26.3% of the total amount of existing trees. However, 1,632 trees will be removed to make way for public roads, leaving 5,790 trees that will be removed for other development purposes, which is 20.5%.³⁶ Why does the Recirculated Draft EIR fail to identify or discuss ways to offset, reduce, or avoid the loss of 1,632 trees?

2. INADEQUATE ANALYSIS OF LOSS OF OAK WOODLAND HABITAT

Approximately 25% of the oak woodland habitat will be lost during the construction of the proposed project, yet the Recirculated Draft EIR makes the determination that this is a *less than significant* impact. Even if the oak tree removal is fully mitigated via the terms of the Development Agreement, the Development Agreement does not mention the loss of oak woodland habitat. The Recirculated Draft EIR admits that oak woodland habitat consists of much more than just oak trees. "California oak woodlands are the most biologically diverse broad habitat in the state."³⁷

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Oak woodlands are not only composed of trees, but also of shrubs, leaf litter, grasses, forbs, and downed woody debris – all of which are interrelated and are used to support a diverse ecosystem. Removing trees reduces canopy closure that in turn changes the light regime, microclimate, shrub density, downed woody debris, litter layer, and other factors. The animals associated with the loss of this habitat react differently to such changes and their reactions cannot necessarily be predicted, but it should be noted that along with urbanization comes the introduction of exotic species such as house sparrows, and domestic dogs and cats which compete with

³³ Recirculated Draft EIR, pp. 4.8-25 – 4.8-26

³⁴ Recirculated Draft EIR, p. 4.8-26

³⁵ Recirculated Draft EIR, p. 4.8-26

³⁶ Recirculated Draft EIR, p. 4.8-26

³⁷ Recirculated Draft EIR, p. 4.8-36.

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prey upon native wildlife. An interdependency exists between oak woodlands and the wildlife found there, especially in terms of oak reproduction.³⁸

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Even with admitting the importance of oak woodland habitat and specifically stating that "A loss of oak woodlands could significantly affect the food, shelter, and nesting habitat they provide. The loss of this habitat from the project could contribute to the overall impacts to wildlife"³⁹ the Recirculated Draft EIR determines that this impact is *less than significant*. The logic used in making this determination is that since 25% of the oak woodland habitat is being removed, the other 75% of the oak woodland habitat will remain, thus it has a *less than significant* impact. The City's policies requiring protection and preservation of these large blue oak woodlands are based on the fact that these rapidly diminishing woodlands and habitats are rare and valuable natural areas. The University of Arkansas Tree Ring Laboratory (www.uak.ed/dendro) recently determined that the largest old-growth forest left in the United States consists of ancient blue oaks covering more than 4,000 square miles of the California foothills. Upon what scientific evidence is the RDEIR basing its determination that removal of 25% of the oak woodland habitat within the Clover Valley project site is insignificant? The Recirculated Draft EIR needs to re-evaluate the loss of the unfragmented oak woodland habitat within Clover Valley; and identify and discuss the means to mitigate the adverse environmental impact of the destruction of approximately 25% of the oak woodland on the proposed project site. Mitigation may include offsetting the loss of valuable oak woodland through the purchase and preservation of other oak woodland habitat either within the City or within Placer County.⁴⁰

3. INADEQUATE ANALYSIS OF THE ADVERSE ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT'S VIEWSHED

24-26

The Recirculated Draft EIR characterizes the undeveloped character of Clover Valley as follows:

"Clover Valley is a narrow, relatively undeveloped valley of high visual quality, and is one of the last remaining undeveloped, low-foothill valleys close to the urbanized Loomis-Rocklin area. Open grasses, riparian areas, and oak woodlands are the dominant visual features. Particularly unique visual features include the creek corridor, the wooded hillsides, and a number of historic stone walls."⁴¹

The Recirculated Draft EIR characterizes the proposed project site as being "unique" and being of "high visual quality." However, in Sections 4.3I-4 (Impacts to viewers in homes immediately off-site), 4.3I-5 (Impacts to viewers west of the site), 4.3I-6 (Impacts to

³⁸ Recirculated Draft EIR, p. 4.8-37.

³⁹ Recirculated Draft EIR, p. 4.8-37.

⁴⁰ CEQA Guidelines, § 15370, subd. (c).

⁴¹ Recirculated Draft EIR, p. 4.3-2.

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- ↑ viewers in the subdivision at the southern end of Clove Valley), the RDEIR determines that the proposed project's impact on visual quality is *less-than-significant*, because the proposed project is consistent with the surrounding visual character. It is true that if and when Clover Valley is developed, its newly found visual characteristics will be consistent with its surrounding. The proposed project's consistency with the surrounding development is not what is at issue. Construction of the proposed project would substantially modify the existing visual character of Clover Valley site, having an adverse environmental impact on the "unique visual features" of Clover Valley – the creek corridor, the wooded hillsides, and a number of historic stone walls." This setting will be significantly, adversely impacted by the proposed suburban development.
- The Recirculated Draft EIR needs to fairly discuss and evaluate the proposed project's effects on the existing "unique visual features" in Clover Valley. By admitting the proposed suburban development will have a significant adverse effect on this otherwise bucolic setting, the RDEIR will have to include information about the means, either through project mitigation or alternative project design, to reduce or avoid the proposed suburban development's impact on this unique and irreplaceable landscape.
- 24-27
4. INADEQUATE ANALYSIS OF THE NOISE IMPACTS OF THE PROPOSED PROJECT
- In Section 4.6I-2 (Impacts of existing plus project traffic noise at proposed residences within the Clover Valley Development), the Recirculated Draft EIR discusses traffic noise for the proposed residential development adjacent to Park Drive and Sierra College Boulevard. This adverse environmental impact will mitigated with the construction of 6-foot masonry noise walls. While the 6-foot masonry noise wall may reduce traffic noise, what are the significant adverse aesthetic impacts of the 6-foot masonry noise walls?
- 24-28
- In Section 4.6I-3 (Impacts of existing and future railroad noise on proposed residences within the development), the impact of the railroad noise is determined to be *less than significant* on the proposed residential lots because of the setback from the tracks and intervening topography. Railroad noises are predicted to range from 50 to 60 dB Ldn at the nearest proposed residential areas to the railroad tracks. Figure 4.6-1 (common noise sources) identifies a diesel locomotive at 300 feet having an 80 dBA. Because Clover Valley is much like an amphitheater and may amplify the train's noise, a noise study should be conducted at the site to determine the actual noise impacts of the train.
- 24-29
- In Section 4.6I-8 (Impacts of cumulative plus project traffic noise at proposed residences within the Clover Valley development), the Recirculated Draft EIR determines that the cumulative traffic noise impact on the proposed residence located adjacent to Sierra College Boulevard is *potentially significant*. To mitigate this impact to a level of *less than significant*, 6-foot tall sound barriers will be increase to 8 feet along specific lots. What are the aesthetic impacts of these noise walls?
- 24-30
- ↓ G. THE RECIRCULATED DRAFT EIR DOES NOT ADEQUATELY ADDRESS THE AIR QUALITY IMPACTS OF THE PROPOSED PROJECT

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↑ The Recirculated Draft EIR's analysis of the proposed project's air quality impacts is flawed and must be revised for the following reasons.

A portion of the air emissions analysis for the Recirculated Draft EIR utilized the URBEMIS2002 emissions model.⁴² This model estimates a project's short- and long-term emissions from onroad and offroad mobile sources (vehicles) that construct or later travel routinely within or serve the built development. Additionally, the model estimates a project's area source emissions from such devices as woodstoves, water heaters, architectural coatings, etc.

URBEMIS emission estimates are only as accurate as the inputs chosen for use by the model's user. Meaningful review of the proposed project's potential emission impacts demands that the Recirculated Draft EIR's Air Quality element provide detailed information regarding choices of model inputs that influence estimated quantities and potential impacts of project emissions. Inaccurate model inputs yield over- or under-estimated emissions that then are likely to serve as the flawed basis for determination of significance against CEQA thresholds of significance or for selection of mitigations.

The Recirculated Draft EIR fails to satisfy CEQA's informational requirement, because it fails to explain the air quality modeling inputs chosen for use in the URBEMIS model, and it is likely that modeled emissions estimates are substantially under-represented by use of arbitrary model input assumptions. Notwithstanding CEQA's fundamental interest in accurate project review, a decision to reduce a project's trip rates can result in significant benefits to project advocates since diminished trip rates artificially decrease traffic impacts to crowded intersections, along with estimated emissions. Similarly, reduced trip rates lead to lower impact fees and costs for traffic and air quality mitigations. The RDEIR must provide an adequate explanation of the lower trip rates assumed for the project. Although there is a lot of information in the RDEIR there is no explanation for how the consultants preparing the RDEIR selected trip rates for analysis in the Air Quality section, or in other relevant Recirculated Draft EIR sections. Varying from standard analytical or modeling inputs or practices must be explained in order to provide the interested public and City's decision makers with all relevant information affecting the review of the proposed project's potential significant environmental impacts. CEQA's intent to provide clear, comprehensive, and timely public review of project impacts is hampered significantly in the absence of important explanatory materials.

24-31

↓ The Recirculated Draft EIR's URBEMIS modeling assumes, without explanation, a trip-per-day rate of 35 for the five acres of commercial, and a trip-per-day rate of 9 for the remaining residential portion⁴³. The default for the Sacramento region for residential is 9.57 and is based on extensive research that matches Institute of Traffic Engineers (ITE) estimates with transportation modeling and research findings determined by the regional transportation planning authority, the Sacramento Area Council of Governments. These

⁴² Recirculated Draft DEIR, pg 4.5-1

⁴³ Recirculated Draft DEIR, Volume II, Appendix E, pg 4

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↑ reduced trip rates are similarly noted at RDEIR p. 4.4-18, without justification or explanation of the roughly 5% reduction from the standard trip rate. This information is important to a thorough review of the proposed project's prospective air and traffic impacts, and mitigation choices. A lower-than-standard trip rate will produce lower-than-standard traffic and related air impacts, thus leading to inaccurate CEQA review and findings.

24-32

The RDEIR reflects a daily trip rate of 35 for the commercial project area, a value even more perplexing since it is well below the lowest trip rate found in the Commercial modeling portion of URBEMIS2002. The lowest trip rate for commercial land uses in URBEMIS2002 is 42.94 (strip mall), and the highest is more than 845 trips/day for a convenience market with gasoline pumps. Using URBEMIS' lowest "Commercial" land use type trip rate value, for a strip mall (an unlikely option for Clover), the RDEIR's trip rate is nearly 20% lower. No explanatory information is provided in the RDEIR to justify this assumed trip rate. The proposed project's environmental documents must discuss the reasons justifying an unusually low commercial trip rate choice.

Because of the absence of important project-related information regarding trip rate choices in the RDEIR, we have assumed a reasonable scenario of land use types most likely to occur at the proposed project's five-acre commercial area. These include a mix of retail grocery (102.24 trip rate), high turnover restaurant (127.15 trip rate), and fast food (e.g., Starbucks) facility (716 trip rate). This scenario is based on elements of the recently built commercial retail center in the City of Lincoln at Hwy 65, and is consistent regionally with small "pocket" commercial-retail centers now typical in new or recent residential developments. These facilities at Clover Valley would add an additional 950 additional trips/day, roughly nineteen times the rate reflected in the RDEIR's traffic and air quality sections. With a measure of trip linking the trip/day rate would fall, but would still be many times more than that found in the RDEIR. Because of a low commercial trip rate in the RDEIR, related daily operational emissions and traffic-related impacts appear to have been substantially underestimated.

24-33

The RDEIR's environmental analysis must reflect trip rates accepted by SACOG and URBEMIS2002 as routine for the region, unless otherwise clearly and reasonably justified. Moreover, in discretionary matters where input choices (such as for trip rates) allow latitude to project consultants, CEQA anticipates a worst-case predictive approach in the absence of well-established or readily available analytical information to the contrary. This conservative approach under CEQA therefore ensures that project environmental review and mitigations are not jeopardized by inaccurate findings or abuse of discretion.

24-34

↓ At RDEIR Volume I, page 2-4, "Impacts related to construction-generated pollutants and impacts resulting from increased vehicle and area source air emissions were found *less-than-significant after mitigation*." Further, at p. 4.5-13 of the RDEIR's Volume I, Air Quality section, Table 4.5-4 lists "Operational Emissions" daily values of mobile and area sources expected at Clover Valley, comparing them to PCAPCD's CEQA daily emissions thresholds of significance. Within the table, only ROG and PM10 exceed the