

2.1 INTRODUCTION

The City of Rocklin received sixty-four (64) comment letters on the Draft EIR (DEIR) during the DEIR 45-day public review period. Acting as lead agency, the City of Rocklin has prepared responses to the DEIR comments. Responses to comments received during the comment period do not involve any new significant impacts or “significant new information” that would require recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5.

2.2 LIST OF COMMENTORS

Table 2-1 lists the comments on the DEIR that were submitted to the City of Rocklin. The assigned comment number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed.

LIST OF COMMENTERS ON EIR

<i>Response Letter</i>	<i>Individual or Signatory</i>	<i>Affiliation</i>	<i>Date</i>
1	GARY GREWAL	PUBLIC COMMENT SUBMISSION	9/29/21
2	JACK SANCHEZ 1	SAVE AUBURN RAVINE SALMON AND STEELHEAD (SARSAS)	10/4/21
3	DON RIVENES	CONSERVATION CHAIR SIERRA FOOTHILLS AUDUBON SOCIETY	10/5/21
4	EVE AND TOM WISE	PUBLIC COMMENT SUBMISSION	10/7/21
5	LINDA LAREAU	PUBLIC COMMENT SUBMISSION	10/15/21
6	SANDY AMARA	PUBLIC COMMENT SUBMISSION	10/18/21
7	GAVIN MCCREARY	DEPARTMENT OF TOXIC SUBSTANCES CONTROL	10/20/21
8	ALLAN FRUMKIN	LAW OFFICES OF ALLAN FRUMKIN	10/21/21
9	DOMINIC PARISI	PUBLIC COMMENT SUBMISSION	10/24/21
10	GARY MAPA	SITE ACQUISITION RESULTANTS, INC.	10/25/21
11	JACK SANCHEZ 2	SAVE AUBURN RAVINE SALMON AND STEELHEAD (SARSAS)	10/25/21
12	LAURIE RINDELL 1	PUBLIC COMMENT SUBMISSION	10/25/21
13	DENISE GADDIS 1	PUBLIC COMMENT SUBMISSION	10/27/21
14	DENISE GADDIS 2	PUBLIC COMMENT SUBMISSION	10/28/21
15	TRUDY VAN DYK	PUBLIC COMMENT SUBMISSION	11/2/21
16	LAURIE RINDELL 2	PUBLIC COMMENT SUBMISSION	11/3/21
17	DAVE SNECCHI	PUBLIC COMMENT SUBMISSION	11/3/21,

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COMMENTS ON DRAFT EIR AND RESPONSES

<i>Response Letter</i>	<i>Individual or Signatory</i>	<i>Affiliation</i>	<i>Date</i>
18	MARY BETH VAN VOORHIS	TOWN OF LOOMIS, PLANNING DEPARTMENT	11/4/21
19	ROBERT THURBON	KINGSLEY BOGARD LLP, LOOMIS UNION SCHOOL DISTRICT	11/4/21
20	DENISE GADDIS 3	PUBLIC COMMENT SUBMISSION	11/2/21
21	MICHAEL THOMPSON	PUBLIC COMMENT SUBMISSION	11/5/21
22	GREG HALSTEAD	PUBLIC COMMENT SUBMISSION	11/5/21
23	JAMES CORLESS	SACRAMENTO AREA COUNCIL OF GOVERNMENTS	11/5/21
24	ARLENE JAMAR 1	PUBLIC COMMENT SUBMISSION	11/5/21
25	JIM KALEMBER	PUBLIC COMMENT SUBMISSION	11/5/21
26	LARRY LUCCHESI	PUBLIC COMMENT SUBMISSION	11/5/21
27	ARLENE JAMAR 2	PUBLIC COMMENT SUBMISSION	11/5/21
28	DENISE GADDIS 4	PUBLIC COMMENT SUBMISSION	11/4/21
29	LAWRENCE SKIDMORE	ARONOWITZ SKIDMORE LYON	11/5/21
30	JOHN SCHWANDER	PUBLIC COMMENT SUBMISSION	11/5/21
31	KEN SMITH	PUBLIC COMMENT SUBMISSION	11/5/21
32	PAMELA FRANKLIN	PUBLIC COMMENT SUBMISSION	11/5/21
33	KALI HETRICK	PUBLIC COMMENT SUBMISSION	11/6/21
34	CECILIA BOSWELL	PUBLIC COMMENT SUBMISSION	11/7/21
35	AMBER BECKLER	PUBLIC COMMENT SUBMISSION	11/8/21
36	DAVINDER MAHAL	PUBLIC COMMENT SUBMISSION	11/8/21
37	KATHI GANDARA	PUBLIC COMMENT SUBMISSION	11/8/21
38	BRENT MOORE	SIERRA GEOTECH, PUBLIC COMMENT SUBMISSION	11/8/21
39	KAREN IRVIN	PUBLIC COMMENT SUBMISSION	11/8/21
40	KENT ZENOBIA	BOARD CERTIFIED ENVIRONMENTAL ENGINEER, PUBLIC COMMENT SUBMISSION	11/8/21
41	ANGELA MOSKOW	CALIFORNIA WILDLIFE FOUNDATION/CALIFORNIA OAKS	11/8/21
42	DAN WILSON 1	PUBLIC COMMENT SUBMISSION	11/8/21
43	DAN WILSON 2	PUBLIC COMMENT SUBMISSION	11/8/21
44	KIM STEINJANN	PUBLIC COMMENT SUBMISSION	11/8/21

<i>Response Letter</i>	<i>Individual or Signatory</i>	<i>Affiliation</i>	<i>Date</i>
45	STACEY DARKIS	PUBLIC COMMENT SUBMISSION	11/8/21
46	SARA CLARK	SHUTE MIHALY & WEINBERGER	11/8/21
47	SUE INGLE	PUBLIC COMMENT SUBMISSION	11/8/21
48	KATHLEEN SCHRAMM	PUBLIC COMMENT SUBMISSION	11/8/21
49	DENISE O'NEILL	PUBLIC COMMENT SUBMISSION	11/8/21
50	CARIE HUFF	SOUTH PLACER MUNICIPAL UTILITY DISTRICT	11/8/21
51	JOHN AND SHERRI PRATT	PUBLIC COMMENT SUBMISSION	11/8/21
52	NOEL CAMERON	PUBLIC COMMENT SUBMISSION	11/8/21
53	KATHY TWISSELMAN	PUBLIC COMMENT SUBMISSION	11/8/21
54	CHERYL BERKEMA	PUBLIC COMMENT SUBMISSION	11/8/21
55	MARGO RABIN	PUBLIC COMMENT SUBMISSION	11/8/21
56	DAVID MCKENNA	PUBLIC COMMENT SUBMISSION	11/8/21
57	SANDRA HARRIS	GRANITE BAY COMMUNITY ASSOCIATION	11/8/21
58	KATHLEEN MINDERLER	PUBLIC COMMENT SUBMISSION	11/8/21
59	DENISE GADDIS 5	PUBLIC COMMENT SUBMISSION	11/8/21
60	JEANNIE LIN WALSH	PUBLIC COMMENT SUBMISSION	11/9/21
61	DEFEND GRANITE BAY	COMMUNITY ASSOCIATION	11/9/21
62	KEVIN SHAW	PUBLIC COMMENT SUBMISSION	11/9/21
63	ANN HOBBS	PLACER COUNTY AIR POLLUTION CONTROL DISTRICT	11/9/21
64	GREG HENDRICKS	CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD	11/19/21

2.3 VERBAL COMMENTS AT PUBLIC MEETING

In addition to the written comments listed in the table above, a public meeting was held on October 18, 2021. The meeting was run by David Mohlenbrok, the City of Rocklin's Community Development Director, with representatives present from De Novo Planning Group, the City's environmental consultant.

Although not required by the California Environmental Quality Act, the City held this meeting as an opportunity for interested citizens to provide their verbal comments on the DEIR. There were six speakers, three of which also provided written comments consistent with their verbal comments.

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Those speakers included Kevin Shaw (written comment #63), Margo Rabin (written comment # 55), and Kathleen Schramm (written comment #48).

The comments covered both environmental topics that are addressed in the EIR, as well as social and economic topics that are not required to be addressed under CEQA because they are not environmental topics.

Comments from Randy Kinst focused on drainage, flooding, and easement issues. These comments are addressed under Master Response 1 and 2, Response 29-2, and Response 29-3. Comments from Tom Marks focused on concerns that the College District purchased the property with tax payer money, and is being sold to developers. This comment is addressed under Master Response 8. Comments from Sheri Dilulo focused on drainage, traffic, building heights, and noise. This comment is addressed under Master Response 1 and 2, and Responses 8-14 and 9-3.

2.4 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DEIR

CEQA Guidelines Section 15088(a) requires that lead agencies evaluate and respond to all comments on the DEIR that raise significant environmental issues. Section 15008(b) provides that “[t]he written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency’s position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.” Section 15204 adds that “[w]hen responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

In addressing how commenters on DEIRs should focus their comments, CEQA Guidelines Section 15204 recommends that commentors provide detailed comments that focus on the sufficiency of the DEIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commentors provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064(f)(5), an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the DEIR be noted as a revision in the DEIR or as a separate section of the Final EIR. Section 3.0 of this Final EIR is an Errata that identifies all revisions to the DEIR.

RESPONSES TO COMMENT LETTERS

Written comments on the DEIR 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:

Each letter is numbered and each comment within each letter is numbered (i.e., comment 1-1, comment 1-2, etc.).

Errata

Where changes to the DEIR text result from the response to comments, those changes are included in the response and identified with revision marks (underline for new text, ~~strike out~~ for deleted text).

MASTER RESPONSE TO COMMENTS

The master responses presented in this chapter address comments related to topics that are common to several comment letters. The intent of a master response is to provide a comprehensive response to a topic in a coordinated, organized manner in one location that clarifies and elaborates on the analysis in the DEIR. The following master responses are included in this chapter and are presented in more detail below:

- Master Response 1: Water Quality
- Master Response 2: Storm Drainage/Flooding
- Master Response 3: Groundwater/Water Supply
- Master Response 4: Riparian Setback
- Master Response 5: Oak Tree Mitigation
- Master Response 6: Characterization of Infill Development
- Master Response 7: City's Power to Approve the Project
- Master Response 8: College District's Authority to Hold and Convey Real Property
- Master Response 9: Project Description
- Master Response 10: Agricultural Resources
- Master Response 11: Air Quality
- Master Response 12: Biological Resources
- Master Response 13: Greenhouse Gas Emissions

Master Response 1: Water Quality: Water quality is addressed in DEIR Section 3.9 Hydrology and Water Quality. Water Quality is specifically addressed under the construction and operational phases of the project. During the construction phase, the DEIR indicates that Project construction activities are covered under CGP Order No. 2009-0009-DWQ, and that the proposed Project would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards (see Mitigation Measure 3.9-1). (DEIR, p. 3.9-12, 3.9-20 through 3.9-25). Such BMPs may include:

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temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP may be reviewed by the Regional Water Quality Control Board (RWQCB) as part of the permitting process. The SWPPP is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency. Upon completion of the proposed Project, the applicant would be required to submit a Notice of Termination to the State Regional Water Quality Control Board to indicate that construction is completed. Mandatory compliance with the SWPPP would ensure that the proposed Project would not violate any water quality standards or waste discharge requirements during construction activities. Additionally, the proposed Project would be required to demonstrate compliance with all of the requirements of the City's Stormwater Runoff Pollution Control Ordinance (Title 8, Chapter 8.30 of the Code) and the Grading and Erosion and Sedimentation Control Ordinance (Title 15, Chapter 15.28 of the Code), which regulates stormwater and prohibits non-stormwater discharges except where regulated by an NPDES permit. The DEIR concluded that water quality impacts associated with construction activities would be less than significant. (DEIR, p. 3.9-20, -23)

During the long-term operations of the proposed Project (all phases) drainage infrastructure will be required to comply with the *City of Rocklin Post-Construction Manual* (City of Rocklin, June 2015), which ensures that stormwater runoff from the Project Area is treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit. In addition, the manual facilitates review of applications and promotes integrated Low Impact Development (LID) design. The term Low Impact Development (LID) means a storm water management and land development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect predevelopment hydrologic functions. The DEIR indicates that the proposed Project will include LID measures throughout the proposed Project area to provide stormwater quality treatment. (DEIR, p. 3.9-20, -25, -33). These LID measures are anticipated to include both volume-based best management practices (BMPs) (i.e., bioretention, infiltration features, pervious pavement, etc.) and flow-based BMPs (i.e., vegetated swales, stormwater planter, etc.). The use of these features would be dependent upon the location and setting within the Project area.

Master Response 2: Storm Drainage/Flooding: Storm Drainage/Flooding is addressed in DEIR Section 3.9 Hydrology and Water Quality and in Section 3.15 Utilities. It is noted that the DEIR's hydrological analysis and conclusions are based on studies prepared by Wood Rodgers, which are included in Appendix G of the DEIR. Wood Rodgers, established in 1997, is a professional engineering firm that specializes in water resources. Because Wood Rodgers engineers have technical training and abundant relevant experience, the conclusions from their studies constitute substantial evidence that supports the DEIR's conclusions. (See Pub. Resources Code, §§ 21082.2, subd. (c), 21168.5; *Association of Irrigated Residents v. County of Madera* (2003), 107 Cal.App.4th at 1383, 1396-1397 [agency was entitled to rely on analysis prepared by biologist]; *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 339

[agency was entitled to rely on “its own experts and consultants”]; *Greenebaum v. City of Los Angeles* (1984) 153 Cal.App.3d 391, 413 [agency may rely on opinions of agency planning staff].)

Furthermore, as stated in the DEIR, “a quality control review was conducted by GEI Consultants” of the Wood Rodgers study of the Parcel “A” portion of the North Village Site, to ensure that the proposed drainage system would fully mitigate impacts, included as Appendix G of the DEIR. (DEIR, p. 3.9-29.) GEI consultants found that the drainage design “meets the City’s and PCWFCD drainage design criteria, as well as the City’s MS4 permit requirements” and therefore “fully mitigates downstream impacts from Parcel A of the North Village site.” (Ibid.)

Furthermore, as stated in the DEIR, “a quality control review was conducted by GEI Consultants” of the Wood Rodgers study of the Parcel “C-1” portion of the South Village Site, to ensure that the proposed drainage system would fully mitigate impacts, included as Appendix G of the DEIR. (DEIR, p. 3.9-30.) GEI consultants found that the drainage design “meets the City’s and PCWFCD drainage design criteria, as well as the City’s MS4 permit requirements” and therefore “fully mitigates downstream impacts from Parcel C of the North Village site.” (Ibid.)

It is important to understand that, in order to comply with applicable regulatory requirements, the Applicants will be obligated to improve the current drainage situation on the two Project sites. There is thus no possibility that hydraulic impacts have been understated because they must be improved beyond current conditions, at a minimum.

The on-site drainage systems were designed to meet the requirements of the Placer County Stormwater Management Manual (SWMM) for flood control. Also utilized were the City of Rocklin Post-Construction Manual Design Guidance for Stormwater Treatment (RPCM) and the West Placer Storm Water Quality Design Manual (WPSWQM), necessary to determine proposed stormwater quality treatment measures. On-site drainage systems for sites B and C2 will be designed to meet these same standards and requirements.

Placer County drainage requirements to be met by this drainage system include the following:

- All new development shall be planned and designed so that no damages occur to structures or improvements during the 100-year event and no inundation of private property occurs during the 10-year event (SWMM – Section VI. B. 2.)
- 10-year flows shall be conveyed within the gutter, roadside ditches or swales, or underground within street areas (SWMM – Section VI. – C. 1.).
- Maximum stormwater elevation is 4" above the top of curb and the storm and water flow cannot exceed 3 ft/sec during the 100-year event for continuous grade profiles (SWMM – Table 6-1).
- Stormwater is a minimum of one foot below building pads during the 100-year event at sag points. Ponding does not extend more than 120 feet from inlet (2 std. residential lot frontages) along any street segment (SWMM – Table 6-1).

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- The design hydraulic grade line (HGL) should be at least 6 inches below the gutter grade at the inlet to allow the inlet to function properly. The inlet should not be counted as accepting (additional) flow if there is a possibility the hydraulic grade will be above this level (SWMM – Section VI. – D. 2. b. (4)).
- The objective flow shall be taken as the estimated pre-development peak flow rate less 10 % of the difference between the estimated pre-development and post-development peak flow rates from the site for all standard design storms ranging in frequency from the 2-year and up to and including 100-year. In no case, however, shall the objective peak flow be greater than 90 percent of the estimated pre-development peak flow (SWMM – Section VII. – D. 1. a. and Figure 7-1).

In short, the proposed development will reduce the existing peak drainage flows (discharge), currently experienced within the undeveloped areas of the project by a minimum of 10%. Coupled with the recent drainage culvert improvements on El Don, specifically at the College Park South site, the neighborhoods served by this drainage corridor will see an overall reduction in peak storm drainage flow volume and newly installed drainage culverts. The recently installed drainage pipes under El Don, just south of Monte Verde Park, replaced the deteriorated corrugated metal pipes (CMP) which failed during the October 2021 rain event.

Questions have been raised regarding the discharge points of the College Park North Site A basins that drain North toward Secret Ravine. The concern expressed was the potential modification to the hydrology of that site. As required, the proposed basins (2) collect, detain and release peak drainage flows at 90% of the pre-development flows. The proposed basins are strategically located in an area whereas the piped drainage discharge locations will occur in the existing natural drainage course locations. Historic drainage patterns will be maintained by this strategy with the reduced peak flow requirements. The maintaining of historic drainage is an obligation of the neighboring property owner.

City of Rocklin and West Placer Storm Water Quality Design water quality requirements to be met by this drainage system include the following:

- The proposed drainage conveyance system includes on-site detention facilities. These detention facilities will also act as a bioretention basin for stormwater quality treatment.
- The detention facilities will treat an equivalent amount of runoff volume through bioretention at depths greater than recommended in the City's Post-Construction Manual. The methods follow current WPSWQM guidelines.

A portion of the southern shed of College Park North, will utilize an underground vaulted detention basin rather than an above-ground structure. Storm water quality treatment will be achieved through a treatment vault structure, outfitted with filtration comparable to bioretention facilities located adjacent to the flood detention facility.

The DEIR specifically references the *College Park Site "C-1" Preliminary Drainage Study*, which was prepared to analyze the proposed drainage infrastructure associated with the development of the 25 single-family homes located on a 4.8-acre portion of the South Village site south of the unnamed tributary (Parcel C-1). (DEIR 3.9-1). According to the *College Park Site "C-1" Preliminary Drainage Study* (see DEIR Appendix G), the proposed drainage infrastructure on the South Village site consists of a system of underground pipes and curbed-and-guttered streets. The proposed drainage infrastructure would include 15--inch drain pipes, following the internal circulation network. Two detention basins (Basin 1 and Basin 2) are proposed to attenuate peak runoff and provide stormwater quality treatment. To comply with stormwater quality requirements, runoff must be routed through a bioretention basin having an area no less than 4 percent of the contributing impervious area. Basin 1 has a contributing impervious area of 120,696 square feet and Basin 2 has a contributing impervious area of 40,225 square feet, resulting in a required bioretention area 4,828 square feet for Basin 1 and 1,609 square feet for Basin 2. As proposed, Basin 1 would provide 5,050 square feet of bioretention area and Basin 2 would provide 1,650 square feet of bioretention area; therefore, each basin provides adequate stormwater quality treatment through bioretention.

The DEIR concludes that the drainage infrastructure on Parcel A of the North Village and Parcel C-1 of the South Village site both provide adequate stormwater quality treatment through bioretention. (DEIR, p. 3.9-22). Projects located on Parcel B of the North Village and Parcel C-2 of the South Village would be required to demonstrate meeting the City of Rocklin and Placer County Flood Control and Water Conservation District requirements prior to any grading activities, as required by Mitigation Measure 3.9-5. Compliance with standards and regulations of the federal, state, and local governments, would ensure that drainage would be managed, and water quality would be maintained to acceptable standards.

The DEIR shows that the North Village site is not located within a designated Federal Emergency Management Agency (FEMA) Flood Zone, but that a portion of the South Village site associated with the unnamed tributary to Secret Ravine Creek is located within a 100-year floodplain and regulatory floodway. (DEIR, p. 3.9-5). The area surrounding the creek and immediately north of the creek is identified as open space/preserve area. It is also noted that there has been a concern identified for a sewer manhole that exists in the South Village area, and that flooding over the sewer manhole occurred from 10/24/21 to 10/25/21. This existing manhole is located within the regulatory floodplain. The Tentative Subdivision Map and Grading Plans for the South Village note an approved creek setback from the unnamed tributary as well as an additional open space buffer between the creek and the proposed single-family residential lots. This is discussed in more detail in Master Response 4. The creek setback is a minimum of 50-feet from the top of the creek bank, or to the edge of the associated riparian habitat (whichever is greater) in accordance with City policy, but in many areas exceeds the minimum requirements, reaching 175 feet from the edge of creek. The creek setback and proposed open space buffer ensures that the tributary to Secret Ravine would not be altered and ensures the impervious surfaces, including the proposed single-family homes, would not be placed in the 100-year flood zone. The DEIR concludes that impacts related to the 100-year flood hazard are less than significant. (DEIR, p. 3.9-32).

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Master Response 3: Groundwater/Water Supply: Groundwater and water supply Storm Drainage/Flooding is addressed in DEIR Section 3.9 Hydrology and Water Quality and in Section 3.15 Utilities. The DEIR indicates that the proposed Project would increase impervious surfaces associated with the development of the North Village and South Village sites, reducing the infiltration capacity, compared to the existing conditions. (DEIR, p. 3.9-20). However, the DEIR indicates that there are no groundwater basins identified within the Project Area. (DEIR, p. 3.9-25). The nearest groundwater basin is the Sacramento Valley Groundwater Basin, North American subbasin located approximately 2.0 miles west of the North Village site and 1.55 miles northwest of the South Village site. According to the *Evaluation of Potential Groundwater Recharge Areas in West Placer County*¹, the Project Area is not considered a groundwater recharge area; therefore, the DEIR concluded that development of the North Village and South Village sites would not substantially interfere with groundwater recharge. (DEIR, p. 3.9-26).

The DEIR further notes that the City of Rocklin receives its water from the Placer County Water Agency (PCWA), which primarily uses surface water as its source of supply. (DEIR, p. 3.15-23). Therefore, the North Village and South Village sites are not expected to be a significant source of groundwater for public water supplies and would not deplete groundwater supplies. The DEIR indicates that surface water will be the main source of water for the proposed Project, which will be supplied through the Foothill-Sunset-Ophir treated water system, and groundwater is only to be used as a backup supply². (DEIR, p. 3.15-21, -22, -38, -39, and -40)

In satisfaction of its obligations under Water Code sections 10910 through 10912, which require the preparation of water supply assessments (WSAs) in connection with CEQA projects of a certain magnitude, PCWA prepared a WSA for the Project, assessing whether PCWA had sufficient supplies to serve the Project, together with other planned development in the next 20 years, even during drought conditions. (See DEIR, pp. 3.15-15, 3.15-18 – 3.15-23; and Appendix J [WSA]; Wat. Code, § 10910, subd. (c)(3).) In the WSA, PCWA concluded that its “existing and planned future supplies will be sufficient to meet demand from existing customers, the proposed College Park Project, and from other planned land uses, including agricultural and manufacturing uses.” (DEIR, p. 3.15-23.)

According to the Water Supply Assessment prepared by PCWA, the proposed Project’s water demand was included in the PCWA’s 2015 UWMP and confirmed by comparing existing and proposed land uses as well as comparing regional historic demands of the area. An analysis revealed the estimated potable water use of the proposed Project is 222 AFY; compared to an estimate of 223 AFY included in the 2015 UWMP (PCWA, July 2021). Additionally, historic treated water consumption trends display current demand factors may be on a downward trend; thus, there are sufficient supplies to meet the needs of the proposed Project. It was determined that the proposed Project does not significantly alter water use and adequate water supplies would be available to serve the proposed Project. The DEIR concluded that the proposed Project would not cause the

¹ Placer County. *Evaluation of Potential Groundwater Recharge Areas in West Placer County*. October 2017 [Figure 2, page 9]. Available at: https://westplacergroundwater.com/wp-content/uploads/2019/10/Groundwater-Recharge-Review_FINAL20171031.pdf

² Placer County Water Agency. *Senate Bill (SB) 610 Request for the College Park – Rocklin Campus*. June 28, 2021.

substantial depletion of groundwater supplies or interfere substantially with groundwater recharge such that the proposed Project may impede sustainable groundwater management of the basin. (DEIR, p 3.9-26).

Because PCWA water will be piped to the Project sites, no groundwater wells are proposed for the two sites. Furthermore, because “no groundwater basins are identified within the Project area,” the reduction in impervious surfaces as a result of Project implementation “would not substantially interfere with groundwater recharge.” (Ibid. “[t]he nearest groundwater basin is the Sacramento Valley Groundwater Basin, North American subbasin located approximately 2.0 miles west of the North Village site and 1.55 miles northwest of the South Village site”).)

Thus, the Project will have little impact, if any, on groundwater, and no additional studies are warranted. (See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988), 47 Cal.3d, 376, 415 “[a] project opponent... can always imagine some additional study or analysis that might provide helpful information. It is not for them to design the EIR. That further study of wind dispersal might be helpful does not make it necessary”).)

Master Response 4: Riparian Setback: Riparian habitat is addressed in Section 3.4 Biological Resources. Specifically, the DEIR noted that a portion of the South Village site is transected by an unnamed tributary of Secret Ravine Creek and the application of City policies has resulted in a riparian buffer along the creek. (DEIR, p. 3.4-41)

It is noted that Madrone Ecological Consulting conducted field surveys of the Project site for the purposes of mapping the extent of riparian vegetation within the Project site. (DEIR, p. 3.4-4 and 3.4-6). The riparian zone is generally considered to be the area adjacent to a drainage that is hydrologically influenced by the water flowing through that drainage. The most common way to approximate this hydrologic influence is the extent of hydrophytic (water-loving) vegetation growing in what would otherwise be an upland area.

Accordingly, during the field surveys, Madrone mapped the extent of perennial hydrophytic vegetation along the drainages within the Study Area. In some areas, the extent of the riparian zone correlated with the edge of the mapped riparian wetlands. Areas where the riparian zone exceeds the extent of the riparian wetlands are areas in which the riparian hydrologic influence does not occur within the top 12 inches of the soil (and thus, wetland hydrology and hydric soil indicators are lacking). These areas often support riparian trees and shrubs (which have deep root systems), but may not support more shallowly-rooted herbaceous hydrophytes. In most cases where the riparian zone exceeded the extent of the riparian wetlands, the edge was the outer extent of the willows (*Salix* species), Fremont cottonwood (*Populus fremontii*), and Valley oak (*Quercus lobata*) trees along the drainages, but in some areas where adjacent woody vegetation was lacking, deeper-rooted herbaceous perennials such as curly dock (*Rumex crispus*) were used as an indicator of the extent of the riparian zone. Some areas were challenging, especially along the northern edge of the perennial drainage, where isolated large willow trees were interspersed with upland blue oak (*Quercus douglasii*) and interior live oak (*Quercus wislizenii*) trees. It was assumed that at some time in the past, additional hydrology allowed the willows to establish, but that the current

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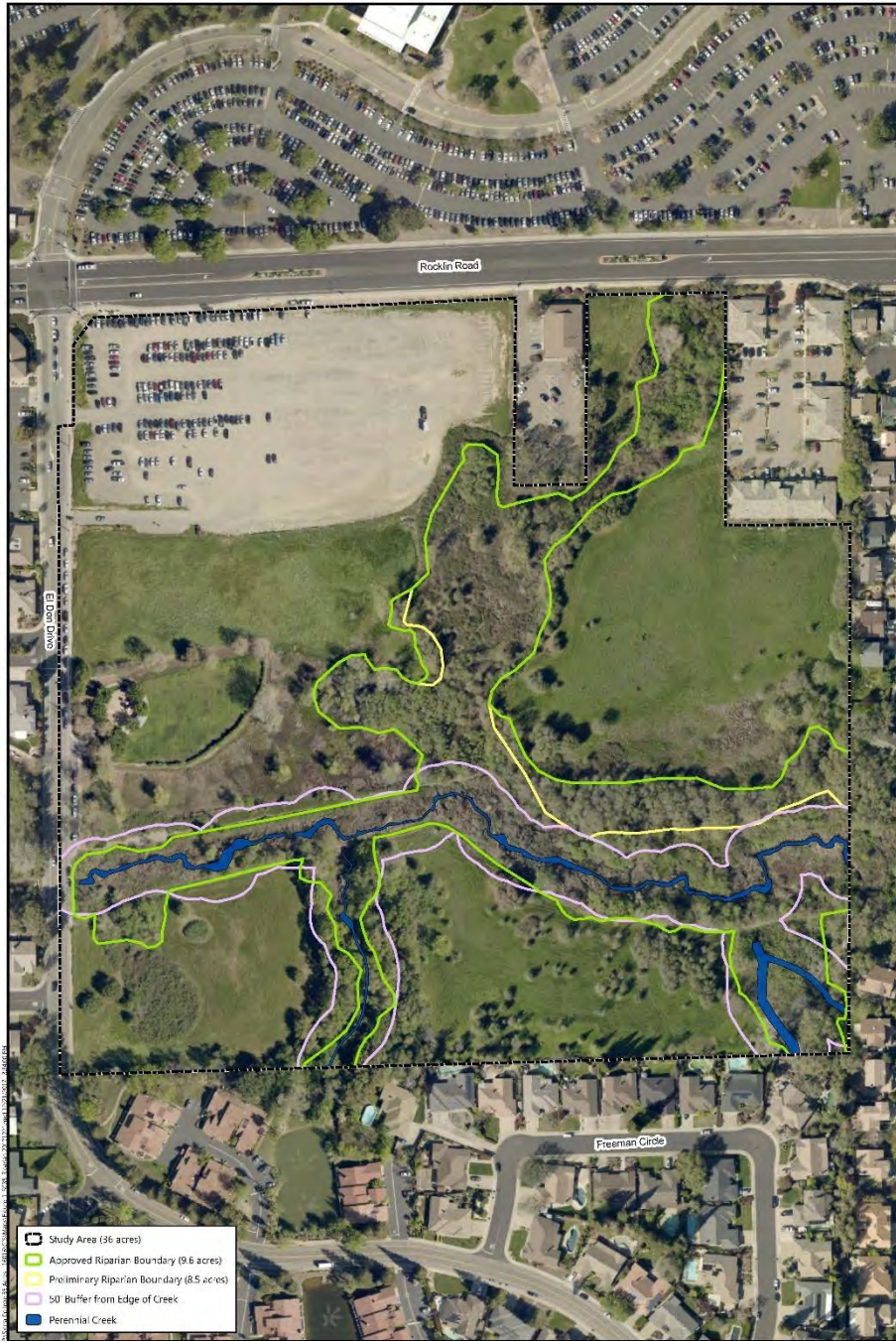
condition may be drier, and as a result, now supports the upland oak trees. Therefore, in this area, the mapping reflects the extent of the riparian zone at the edge of where willows and cottonwood trees were dominant as opposed to scattered. This also corresponded to the extent of herbaceous hydrophytic vegetation.

The riparian boundaries that Madrone mapped were provided to the City for review, and Project applicant representatives and Biologist Sarah VonderOhe conducted a site visit with City staff on 6 December 2017 to review the boundary in the field. City staff generally accepted Madrone's mapping, with the exception of two locations to the north of the perennial drainage where hydrophytic trees and shrubs are scattered within a matrix of more upland trees. City staff requested that these areas of scattered hydrophytes be included in the riparian zone. The attached Figure 1 shows three boundaries: 1) 50-foot minimum Buffer from Edge of Creek, 2) Preliminary Riparian Boundary (8.5 acres), and 3) Approved Riparian Boundary (9.6 acres). Based on the mapping and field verification effort, the City then defined the area to be preserved as the greater of the Approved Riparian Boundary and the 50-foot creek buffer which is represented in Figure 2. The total area preserved in the Approved Creek and Riparian Setback is 10.9 acres. It is noted that in some places the 50-foot minimum buffer is the extent of the open area, while in many areas the setback reaches beyond the 50-foot buffer to approximately 175 feet from the edge of creek.

It is expected that the Project's preservation of the creek and riparian area will also preserve the ability for wildlife, including birds, to use that corridor for movement. The DEIR did conclude that the proposed Project is not anticipated to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or wildlife nursery sites. (DEIR, p. 3.4-40, -41). The unnamed creek is unsuitable for steelhead habitat due to downstream beaver dams that are barriers to salmonid migration; also, the substrate within the creek is unsuitable for spawning. See also Master Response 12, Biological Resources, subsection "Impacts to Wildlife Corridors".

The DEIR also provides a regulatory setting in with regulatory requirements relevant to riparian areas, floodplains, water quality, storm drainage, etc. Specifically in the Biological Resources section, the regulatory requirements for federal and state Clean Water Act compliance are addressed through the discussion, and mitigation is provided through Mitigation Measure 3.4-8. (DEIR, p 3.4-21, -22,

The conclusions in the DEIR are supported by a Biological Resources Assessment (Madrone Ecological Consulting 2022), included in the Final EIR as Appendix A.



Scale: 0, 150, 300 Feet

Figure 1
Preliminary and Approved Riparian Boundaries

Sierra Villages Site C and
Sierra College Rocklin Road
Rocklin, Placer County, California



Aerial Source: USDA, National Agriculture Imagery Program, 30 June 2016

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Aerial Source: USDA, National Agriculture Imagery Program, 30 June 2016

Figure 2
Approved Creek and Riparian Setback

Sierra Villages Site C and
Sierra College Rocklin Road
Rocklin, Placer County, California



Master Response 5: Oak Tree Mitigation: Oak tree impacts and mitigation is addressed in Section 3.4 Biological Resources, which has been updated in this Final EIR under Section 3.0 Errata. The Project site has 1,021 healthy native oak trees with a cumulative DBH of 9,229 inches and an approximate canopy of 16.6 acres that would be impacted by the Project. The City of Rocklin Oak Tree Preservation Guidelines (Guidelines) state that "...on-site mitigation in the form of planting replacement trees is preferred..." Given that because where the trees would be removed, development would subsequently occur, and given that the majority of the avoided habitats will already be woodlands or wetlands, planting replacement trees onsite is not feasible. The Guidelines, and the Oak Tree Preservation Ordinance (Ordinance) provide mitigation alternatives, where as occurs here, on-site replacement is not feasible, specifically that "Off-site tree replacement, contributions to the Rocklin Oak Tree Preservation Fund, and dedication of land instead of paying mitigation fees shall also be considered..." - (see also City of Rocklin Code Section 17.77.080.B). The dedication of land "must be usable for establishing an oak tree preserve and must be approved by the governing body for acceptable as a mitigation measure (Guidelines, p. 9). The applicant, in coordination with the City, has proposed to mitigate for loss of native oak communities either through the payment of mitigation fees into the Rocklin Oak Tree Preservation fund or through protection and long-term management of existing native oak communities. Therefore, pursuant to Mitigation Measure 3.4-9, the Project Applicant's certified arborist consultant has prepared the College Park Oak Tree Mitigation Plan (College Park Oak Tree Mitigation Plan), which is included as Attachment E of Appendix A of the Final EIR.

Tree Replacement Formula: The College Park Oak Tree Mitigation Plan details the Project mitigation requirements, based on Section 7 of the College Park Oak Tree Mitigation Plan, using the following "Tree Replacement Formula" as a mechanism for determining the size of the conservation area:

- Step 1: TDBH (Total Diameter at Breast Height) of all Surveyed Trees on site (9,229 inches) X 20% = Discount Diameter (1,845 inches)
- Step 2: TDBH of all surveyed trees on site to be removed (9,229 inches) – Discount Diameter (1,845 inches) = Total Number of Inches of Replacement Trees Required (7,384 inches).

Conservation Area: Under the College Park Oak Tree Mitigation Plan, and pursuant to the Guidelines and Ordinance, a Conservation Area would be set aside as mitigation for these impacts to native oak trees. This Conservation Area is located along Secret Ravine Creek, and as a result, supports both a diverse, high quality riparian corridor, and oak woodlands further from the Creek. The Conservation Area contains 563 native oak trees with a cumulative TDBH of 7,526 inches. The size of the Conservation area would be finalized as part of the Management Plan and easement dedication process.

As stated in the College Park Oak Tree Mitigation Plan, the City has agreed that due to the quality of trees within the Conservation Area, trees within the riparian area would receive a 50% credit toward TDBH inches and trees outside of the riparian area would receive a 150% credit. As a result, of the 7,526 TDBH inches of existing trees, there are 3,900 TDBH inches within the riparian area that provide 1,950 TDBH inches of credit (3,900 x 50% credit) and 3,626 TDBH inches outside the riparian

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boundary that provide 5,439 TDBH inches of credit (3,626 x 150%). This provides a total mitigation credit of 7,389 TDBH inches, which is slightly more than the 7,384 TDBH inches the City at its discretion requires to be conserved.

As noted in the College Park Oak Tree Mitigation Plan, the Conservation Area provides greater species diversity and a more mature and established woodland than the woodland impacted by the project. There are four native oak species of trees on the Conservation Area, whereas the project impact area includes only three oak species, with a modest number of California buckeye and fewer gray pines. The Conservation Area's diverse woodland will preserve interior live oak and other essential oak species. The woodland impacted by the project does not have the same valuable ecological diversity as the creek corridor in the Conservation Area.

The College Park Oak Tree Mitigation Plan notes that the average oak tree size is larger in the Conservation Area (13.38-inch TDBH) than on the project site (9.44-inch TDBH), with fewer multi-stemmed trees than the project site (27% versus 53%), reflecting a woodland comprised of larger trees with fewer defects and a reduced propensity for failures than the live oak forest on the project site. The Conservation Area woodland has fewer multi-stemmed oak trees, which tend to have more structural defects and are more prone to failure as a result of stem separation, and is characterized by taller trees with a higher canopy and expansive understory. In addition to the oak trees that were field surveyed, it is estimated that there are another 400 oak trees in the Conservation Area that did not meet the criteria for the inventory (less than 6 TDBH inches). Although these trees are smaller than the size threshold for the survey, they make a significant contribution to the quality of the woodland, showing age diversity and natural regeneration on the site. In addition, another 275 non-oak native trees that met the size criteria are also present (although as they are not oaks, they are not included in the tables or calculations).

The College Park Oak Tree Mitigation Plan notes that unlike the physical conditions that would be created by replacement oak tree plantings, the Conservation Area is an established woodland area that would not require years of establishment or costs associated with an unpredictable planting replacement program, such as the installation of complex irrigation systems and heightened levels of monitoring and maintenance. Replacement oak tree plantings also are land and water consumptive and have significant attrition rates and result in less diverse habitat that ultimately may impact special-status species. Conversely, established oaks, like those in the Conservation Area, require little to no maintenance and are drought tolerant—in fact they contribute to water conservation during drought cycles—and, provide greater species diversity. The Conservation Area woodland along Secret Ravine Creek, in the creek corridor, contains diverse flora and wildlife, of significant ecological value, including more valley oak and blue oak trees than on the project sites. Thus, conserving oak woodland is generally considered more favorable than oak tree replacement.

Mitigation Measure 3.4-9 would require the Project applicant to comply with the City's Oak Tree Preservation Ordinance, which allows "land dedication" where "on-site replacement is not feasible" (see City of Rocklin Municipal Code Section 17.77.080.B.4) to address the loss of native oaks on-site through the preparation and implementation of the College Park Oak Tree Mitigation Plan. With

implementation of Mitigation Measure 3.4-9, this impact would be reduced to a less than significant level.

Master Response 6: Characterization of Infill Development: The characterization of the Project Description is addressed in DEIR Section 2.0 Project Description. Several comments were presented regarding mischaracterizing the Project Site as Infill Development. These comments noted that the DEIR, in places, describes the Project as an “infill project,” and the comments argued that the City is misusing the term. Some of these comments suggest that the one and only permissible use of the term “infill project” in a DEIR is the very complex and technical term that is defined in California Health and Safety Code section 53545.12, subdivisions (d) and (e), which define both “qualifying infill area” and “qualifying infill project.” The comments suggest that “the statement that the Project is an Infill Project is misleading at best and outright false making the whole analysis flawed based on that characterization of the Project area.”

The particular statutory definitions cited by commenters do not apply to the Project, as these definitions are found within the Housing and Emergency Shelter Trust Fund Act of 2006, with which the Project has nothing to do. The legislative intent behind that Act is set forth in Health and Safety Code section 53545, subdivision (a), which states that “[t]he Legislature intends that the proceeds of bonds deposited in the [Housing and Emergency Shelter Trust Fund of 2006] shall be used to fund the housing-related programs described in this Section over the course of the next decade [2014-24].” To qualify for the subsidies created by bond proceeds, a “qualifying infill project” in a “qualifying infill area” must meet very specific statutory criteria. The Legislature was understandably very precise about the exact types of housing projects it wanted to subsidize with bond proceeds. As the name of the Housing and Emergency Shelter Trust Fund Act suggests, the focus of such subsidies is on emergency shelters, “[s]upportive housing for people with disabilities who would otherwise be at high risk of homelessness,” and similarly compelling types of housing projects serving especially needy Californians. (Ibid.)

Other definitions of “infill” can be found in other statutes. There is no standard definition applicable in all situations. Between them, CEQA and the CEQA Guidelines alone contain multiple nonidentical definitions of “infill sites” and “infill projects,” each of which is attached to special CEQA rules for differing kinds of development. CEQA Guidelines section 15332 contains a categorical exemption for “infill projects,” which are not specifically defined but made subject to various qualifications. The concept of “infill” addressed in section 15332 requires surrounding uses be “urban,” but is silent on the exact nature of those urban uses. The main criteria for qualifying for the exemption are that a project be located within a city on a parcel of five or fewer acres and be consistent with existing General Plan and zoning designations. A statutory definition of “infill site” can be found in Public Resources Code sections 21061.3. A somewhat less precise statutory definition of the same term can be found in section 21099, subdivision (a)(4). A separate statutory category of “residential infill projects” are subject to rules set forth in Public Resources Code section 21081.2. The CEQA Guidelines include yet another definition of “infill site” in section 15191, subdivision (e). This

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definition informs the incredibly complex multi-factory statutory exemptions for infill projects found in CEQA Guidelines section 15195, which tracks the statutory exemption found in Public Resources Code section 21159.24.

Here, the City did not intend to use the term “infill” as a term of art defined in any one of these statutes or CEQA Guidelines provisions, none of which is relevant to the CEQA strategy that the City chose to employ here: preparing a generic DEIR not subject to any special set of streamlining rules. In the DEIR, the City uses the term “infill” in a nonspecific manner and does not claim that the Project meets any particular legal definition of that term, including the inapplicable ones cited by commenters. (DEIR, p. 2.0-1).

Nevertheless, the Project embodies a common-sense concept of infill, as that term is commonly used by planning practitioners. The Project sites are situated amidst existing urban development, and the Project will fill in those undeveloped gaps. The Project would not extend the urban footprint outward into prime agricultural land or pristine wildlife habitat. Rather, the South Village site is already surrounded by commercial, residential, and public development on all sides. The North Village site is across the street from the Sierra College Rocklin campus on the west and is adjacent to high-density residential development to the south, low-density residential development to the east, and nearby commercial and residential development to the north. Figures 2.0-2 through 2.0-10 in the DEIR show this surrounding development. The DEIR, with its multiple graphics showing the locations of the two Project sites, accurately depicted their locations and the nature of the surrounding properties. (Gov. Code, § 65080, subd. (b).)

Moreover, in its comment letter, the Sacramento Area Council of Governments (SACOG) identifies the Projects as a beneficial “infill and redevelopment project[.]” (See November 4, 2021, SACOG Letter, p. 1.) This characterization strongly suggests that the Project is indeed infill. By law, SACOG is responsible for preparing and periodically updating a “sustainable communities strategy” (SCS) intended to embody land use patterns consistent with other state laws requiring ongoing reductions in GHG emissions. (See Gov. Code, § 65080, subd. (b).) SACOG is thus an expert on such terms and its endorsement of the project as beneficial is meaningful.

In short, the City accurately characterized the site as infill and that characterization does not in any way undermine the impact analysis in the document. The Project does not include subsidized emergency shelters or supportive housing for disabled persons, and therefore does not need to satisfy the definition of “qualifying infill project” found in Health and Safety Code section 53545.12. If approved, the Project would make an efficient use of empty properties by building much needed housing in locations consistent with long-term statewide GHG reductions.

Master Response 7: City’s Power to Approve the Project: Several comments argued that the City acted illegally, and even unconstitutionally, when it imposed a Mixed Use (MU) General Plan designation on the North Village site and portions of the South Village site. Some of the comments incorrectly assert these planning changes occurred in 2016; however, they actually occurred in 2012

and 2014. The City planning actions taken in 2012 and 2014 are not a part of the proposed Project under CEQA review here, and the 90-day Planning and Zoning Law statute of limitations for challenging the City's 2012 and 2014 planning decisions ran more than nine and seven years ago, respectively. (Gov. Code, § 65009, subd. (c)(1)(A); *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 387-390 [court rejects belated attack on General Plan as part of an attack on subsequent project approvals].)

The City's past CEQA compliance actions associated with its 2012 and 2014 planning decisions cannot be challenged at this time due to the statute of limitations. The City's CEQA determinations for those decisions, which were not challenged, are "conclusively presumed to comply with [CEQA]." (Pub. Resources Code, § 21167.2; CEQA Guidelines, § 15231; *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130 ["[t]his presumption acts to preclude reopening of the CEQA process even if the initial DEIR is discovered to have been fundamentally inaccurate and misleading in the description of a significant effect or the severity of its consequences"; "[a]fter certification, the interests of finality are favored over the policy of encouraging public comment"]; *Citizens for a Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4th 91, 111 ["CEQA contains a number of procedural provisions evidencing legislative intent that the public interest is not served unless CEQA challenges are promptly filed and diligently prosecuted"].)

Some of the comments have a constrained view of the City's legislative discretion under its police power, which is a long-recognized legal power with a broad breadth. For example, some comments argued that both the City's 2012 and 2014 decisions to impose the MU designation on the Project sites and the Applicants' pending requests for General Plan amendments do not or would not address a "legitimate public purpose," in that the permissible uses under the designations would be in "conflict with the community character which is demonstrated by the development adjacent to the parcels[.]" Commenters also argued that both the City's 2012 and 2014 decisions to impose the MU designation on the Project sites and the Applicants' pending requests for General Plan amendments do or would violate the equal protection clause of the Fourteenth Amendment to the United States Constitution. However, statutory law and the United States Constitution do not permanently lock in low-density or open space zoning. Under Article XI, section 7, of the California Constitution, each City and County enjoys a robust police power that, within its territorial limits, is "as broad as the police power exercisable by the Legislature itself." (*Candid Enterprises, Inc. v. Grossmont Union High Sch. Dist.* (1985) 39 Cal.3d 878, 885; see also *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 782.)

"Public safety, public health, morality, peace and quiet, law and order – these are some of the more conspicuous examples of the traditional application of the police power to municipal affairs. Yet they merely illustrate the scope of the power and do not delimit it. The concept of the public welfare is broad and inclusive" (*Berman v. Parker* (348 U.S. 26, 32-33 (1954).) In general, a land use regulation comes within the police power if it has a "real or substantial relation to the public health,

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safety, morals or general welfare.” (Associated Home Builders etc., Inc. v. City of Livermore (1976) 18 Cal.3d 582, 604, quoting Miller v. Board of Public Works (1925) 195 Cal. 477, 490.) “[S]uch ordinances are presumed to be constitutional, and come before the court with every intendment in their favor.” (Associated Home Builders, supra, 18 Cal.3d at pp. 604-05, citing Lockard v. City of Los Angeles (1949) 33 Cal.2d 453, 460.)

“[T]he police power is not a circumscribed prerogative, but is elastic and, in keeping with the growth of knowledge and the belief in the popular mind of the need for its application, capable of expansion to meet existing conditions of modern life, and thereby keep pace with the social, economic, moral, and intellectual evolution of the human race. In brief, ‘there is nothing known to the law that keeps more in step with human progress than does the exercise of this power.’” (Consolidated Rock Products Co. v. City of Los Angeles (1962) 57 Cal.2d 515, 522 [some internal quotation marks omitted].) “The courts may differ with the Legislature as to the wisdom and propriety of a particular enactment as a means of accomplishing a particular end, but as long as there are considerations of public health, safety, morals, or general welfare which the legislative body may have had in mind, which have justified the regulation, it must be assumed by the court that the legislative body had those considerations in mind and that those considerations did justify the regulation.” (Ibid.)

In light of the Legislature’s repeated determinations in recent years that California is facing a statewide housing crisis, it is clearly within a city’s exercise of its legislative discretion to facilitate the construction of new housing. Government Code section 65889.5, subdivision (a)(1)(A), states that “[t]he lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” Subdivision (a)(1)(D) of that section adds that “[m]any local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.”

This same legislation states that “[a]ccording to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025,” and that “California’s overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California’s households are able to afford the cost of housing in their local regions.” (Gov. Code, § 65589.5, subds. (a)(2)(D), (a)(2)(E).)

In light of the state of affairs of housing and the long-recognized breadth of the City’s police power, it is highly unlikely that the City’s approval of the proposed legislative actions associated with the Project would be an abuse of the police power.

Similarly, legislative actions by the City to facilitate the retail commercial, business and professional, and recreation-conservation components would also serve legitimate purposes. State law charges each City and County with the obligation to prepare a General Plan. (Gov. Code, § 65300.) That

General Plan must contain a “land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, ... and other categories of public and private uses of land.” (Id., § 65302, subd. (a).) Cities and counties have broad discretion to decide their land uses. Here, the Applicants are proposing to preserve 14.7 out of 35.8 acres of the South Village site as Recreation Conservation and Park uses and to devote 15.6 out of 72.6 acres of the North Village site to Park and Open Space uses. These numbers translate into 21.49 percent of the North Village site and 41.06 percent of the South Village site, respectively, being preserved for recreation and open space purposes, for a total of 28.41 percent of the Project as a whole. The proposed land uses and layout, if approved, would not violate the Planning and Zoning Law or exceed the City’s police power.

Also, it is not anticipated that there would be a violation of the Equal Protection Clause of the Fourteenth Amendment. The court would have to apply the well-settled “rational basis” standard of review, which is a highly deferential standard. (See, e.g., *F.C.C. v. Beach Communications, Inc.* (1993) 508 U.S. 307, 313-19.) As the U.S. Supreme Court has explained,

Whether embodied in the Fourteenth Amendment or inferred from the Fifth, equal protection is not a license for courts to judge the wisdom, fairness, or logic of legislative choices. In areas of social and economic policy, a statutory classification that neither proceeds along suspect lines nor infringes fundamental constitutional rights must be upheld against equal protection challenge if there is any reasonably conceivable state of facts that could provide a rational basis for the classification. [Citations.] Where there are “plausible reasons” for Congress’ action, “our inquiry is at an end.” [Citation.] This standard of review is a paradigm of judicial restraint. “The Constitution presumes that, absent some reason to infer antipathy, even improvident decisions will eventually be rectified by the democratic process and that judicial intervention is generally unwarranted no matter how unwisely we may think a political branch has acted.” [Citation.]

(Id. at p. 314.)

Therefore, the City has the power to approve the Project and has acted within its police power with past land use actions on the project site.

Master Response 8: College District’s Authority to Hold and Convey Real Property: Several comments argued that the District does not have the authority to sell the property. As explained in detail by Megan E. Macy, legal counsel for the District (FEIR, Appendix B, Attachment A), Education Code section 70902 authorizes the District to “control the district’s operational and capital outlay budgets,” [m]anage and control district property,” and “hold and convey property for the use and benefit of the district.” Education Code section 81360 authorizes the District to “sell any real property belonging to the district.” Indeed, this authority to dispose of parcels that are no longer needed for educational purposes is so fundamental to the powers of community colleges, it predates the adoption of the School Code in 1929. (*Woodland Hills Homeowners Organization v. Los Angeles*

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Community College Dist. (1990) 218 Cal.App.3d 79, 90, citing to former School Code, § 6.170, derived from Pol. Code, § 16171/2, Stats. 1917, ch. 785.).”

These statutory provisions allow the District to manage, develop, otherwise use, and/or sell the Project sites in a manner that the District’s Governing Body deems to be of benefit to the District. “Notably, the statutes do not limit the manner by which the District may convey the Property. Rather, the District is required to exhaust certain procedural processes set forth in the Education Code before conveying the Property,” which it certainly will do. (Ibid.) “In sum, the Governing Board is empowered to ‘initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established.’” (Ed. Code, § 70902(a)(1).)

The revenues that the District will receive from the Project will be used in furtherance of the District’s educational mission, including the construction of new on-campus facilities, to the benefit of the students and residents of the City and Placer County, as explained by counsel for the District:

The College estimates \$500 million will be available to support new construction over the next 10 years through the combination of the Measure E Bond Program, State Funding, and sale of the Project sites. The success of the District’s facilities program is due in large part to the District’s excellent fiscal management, including the District’s AAA credit rating and ability to reduce interest cost from 3.8% to 1.96%, saving taxpayers an estimated \$41 million over the life of Measure E. During this time, the District has also been committed in outreach to local firms to generate interest and opportunities for local businesses to participate in the construction of District facilities, so that tax payer dollars are reinvested into the local economy. Over the last two years, almost 70% of District’s facilities spending has been within Placer County and adjoining counties. These are all examples of how the District has fulfilled its primary mission to educate students with the larger public interest in mind.

The City is well within its right to accept an application for land use development within its jurisdictional limits, process the application for entitlements, prepare CEQA documentation, and, after public hearings and deliberations by the City Council, approve the project. See also Master Response 7.

Master Response 9: Project Description: The Project Description is addressed in DEIR Section 2.0 Project Description. Some comments argue that the DEIR presents inconsistent or inadequate build-out scenarios. On page 2.0-5, the DEIR states that “*the proposed College Park project includes the approval of the College Park GDP to facilitate the development of up to 342 single family units, 558 multi-family units, 120,000 square feet of non-residential uses...*” (Italics added.) This information is repeated on page 2.0-9 and parsed out between the two Project sites on pages 2.0-9 through 2.0-11. These numbers present a maximum projected buildout scenario. Any future tentative map or permit applications will require the final number of residential units and commercial square footage

to be consistent with the analysis within the DEIR, and any increase in the number of residential units and/or commercial square footage may require additional CEQA review.

This use of a maximum projected buildout scenario is a standard way to present a project's description under CEQA and often results in a project having fewer impacts than anticipated in the DEIR when the final development is less intense than the assumed maximum buildout. (See, e.g., *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 334 [including the "maximum possible scope of the project...enhanced, rather than obscured, the information available to the public"]; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1052-55 [upholding the project description in a DEIR for a project consisting of flexible design standards governing a variety of possible ultimate land uses; "the DEIR made an extensive effort to provide meaningful information about the project, while providing for flexibility needed to respond to changing conditions and unforeseen events that could possibly impact the Project's final design"]; see also CEQA Guidelines, § 15124, subd. (c) [a project description need only include a "general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities"]; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26-36 [upholding a generalized project description against an attack arguing that it was insufficiently specific].)

The DEIR includes ranges of development density in a few sections, based on the allowable minimum/maximum development for the proposed General Plan land use designations and zoning. (DEIR, p. 2.0-9, 3.14-16). In some areas, like air quality, analysis is based on the maximum legally permissible number of units within these ranges to establish a worse-case scenario for impacts to air quality, despite the fact that this level of development would not occur. (See, e.g., *High Sierra Rural Alliance v. County of Plumas* (2018) 29 Cal.App.5th 102, 122 ["[a]lthough High Sierra imagines a worst-case scenario for rural sprawl in Plumas County, it does not demonstrate the County erred in relying on its experience and data showing minimal growth outside the planning areas would occur in the reasonably foreseeable future".].)

When the DEIR assumes levels of impacts that are not likely to occur in actual practice, the resulting analysis is very conservative because the modeling upon which analysis is based assumes a higher level of development which overstates impacts. For example, with air quality, the air emissions modeling assumed 848 multi-family residential units—which represents the maximum allowable units within the proposed land use designations and zoning. (See DEIR, Appendix B: 1.1 Land Usage.) The anticipated maximum buildout, however, would be only 558 multifamily residential units. Therefore, the air emissions modeled and analyzed exceed those that will reasonably occur. Likewise, traffic modeling assumed 573 multi-family residential units—fifteen more than the anticipated maximum buildout. (See DEIR, Appendix I: 1. Executive Summary: Overview of Proposed Project.) Overstating impacts does not violate CEQA, but understating them can. (Citizens to

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Preserve the *Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431 [“[i]t is vitally important that a DEIR avoid minimizing the cumulative impacts”].)

Thus, the DEIR does not inadequately or incorrectly describe the project. It presents some worse-case scenario analysis, which is appropriate under CEQA.

Master Response 10: Agricultural Resources: Agricultural resources are addressed in Section 3.2 Agriculture and Forestry Resources. CEQA is concerned primarily with impacts to “agricultural resources”. Its focus is on defined “Farmland,” and not on minor agricultural operations in rural residential areas in which landowners might be engaging in modest levels of crop production or animal husbandry. Any “agricultural activities” occurring on parcels in Loomis adjacent or close to the North Village site do not rise to the level of, or conform to, the kind of “agricultural resources” or “Farmland” protected by CEQA.

Public Resources Code section 21060.1 defines “agricultural land” as “prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.” In its questions about potential project impacts on agricultural resources, Appendix G of the CEQA Guidelines uses the general term “Farmland,” which is characterized as being limited to these same three classifications. CEQA, then, does not protect any property on which activities that could be characterized as “agricultural” are occurring.

These classifications of Farmland exist to properly designate land that has the ability to sustain agricultural crop production. (See DEIR, pp. 3.2-3 to 3.2-4.) The Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency defines prime farmland as that containing prime soils and which “has been used for irrigated agricultural production at some time during the four years prior to the mapping date.” (DEIR, p. 3.2-10.) These classifications do not include grazing land, land used for animal husbandry, or land used for animal-based recreational activities. By these definitions, the Project site is not considered farmland, nor is the adjacent Loomis land. (Ibid.)

In general, CEQA is concerned with the effects of projects on the environment, and not the effects of existing environmental conditions on future project residents or users. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 377 (CBIA v. BAAQMD).) The “*environment*,” is defined as “*the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance.*” (CEQA Guidelines, § 15360 [italics added].) Although, under this definition, “[t]he ‘environment’ includes both natural and man-made conditions” (ibid.), the definition is not broad enough to include economic, social, or recreational activities occurring on particular lands close to a project site. “Economic or social effects of a project shall not be treated as significant effects on the environment.” (CEQA Guidelines, § 15131, subd. (a).) Nor are potential effects on “community character” impacts on the “environment,” except in

regard to some aesthetic impacts. (*Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 576-577 (*Preserve Poway*).

In *Preserve Poway*, supra, 245 Cal.App.4th at pp. 565, 568, the opponents of a proposed residential project expressed concerns about the project's potential negative impacts to the "community character" of their equestrian community. One person said that "[t]he thing that concerns me the most is that when this city was founded, the founders of this city decided to come up with a motto of the city in the country. ... And I've watched over the years and we're losing more and more country out of our city".) (Id. at p. 578.) Community character issues associated with "psychological and social impacts," are not environmental concerns under CEQA (Id. at pp. 577, 581.)

Commenters here appear to have similar non-environmental concerns about the College Park Project. Development of the North Village site will introduce housing densities inconsistent with what some Loomis residents to the east of that site might like to see. But, any discomfort or any lack of enthusiasm for the Project they might experience does not constitute effects on "the environment" or on "agricultural resources".

The land immediately adjacent to and east of the North Village site in Loomis is not zoned by Loomis as RA (Residential Agricultural), instead it is RE (Residential Estate), and RR (Rural Residential). Separating the eastern boundary of the North Village from RA (Residential Agricultural) is over 2,000 feet of distance, with the Residential uses serving as the land use buffer. The RA zone allows for some agricultural uses, but the land itself does not appear to qualify as agricultural land or Farmland by any CEQA definition. The fact that the North Village Site may support high-density housing does not, by itself, cause adverse effects on agricultural resources. Therefore, the DEIR therefore properly concluded that the Project would have no impact on agricultural operations adjacent to the North Village. No such operations, pursuant to applicable definitions, are occurring on those properties. (DEIR, p. 3.2-11.)

The uses on this adjacent land in Loomis are primarily residential, with some animal-based operations, such as the equestrian facility discussed below. Concerns have been raised about potential impacts on activities and animals on adjacent properties in Loomis, but no evidence was presented that a conflict would occur between these operations and the Project.

When assessing compatibility of land uses, planners generally look for conditions that could present a nuisance or health concern as constructive criteria for determining compatibility. None appear to exist here. The owner/operators of a large animal operation—the Flying Change Farms Equestrian Facility—agree that the Project is compatible with its existing use (see Agreement between Evergreen Sierra, LLC/Cresleigh Homes and Flying Change Farms Equestrian Facility (July 24, 2018) as attached to the letter from James Moose to David Mohlenbrok dated February 11, 2022 and included here as Appendix B). This facility was approved by Loomis and established after the College Park Project's application had been filed with the City, so the operator was aware of the impending proposed development and proceeded anyway. Flying Change Farms is the only animal-based

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operation not separated from the Project site by a roadway and thereby would, in theory, incur the most conflicts, yet the operators of that facility have no concerns.

There are other potential animal keeping operations across James Drive (a two-lane roadway) along the southeast boundary of the North Village. This includes two developed residential estate properties', one 2.3-acre parcel and one five-acre parcel located adjacent to the southeast corner of the North Village. Each of these parcels have a residence and various outbuildings, and appear to have some facilities for animal keeping. For instance, the five-acre parcel has a small fenced arena, a pasture area, and animal shelter. The 2.3-acre parcel has pasture area and an outbuilding that may serve as an animal shelter. Neither of these residential properties has any commercial or large-scale livestock use, and they do not operate as commercial feedlots, and the animal keeping restrictions under the Zoning Ordinance do not allow for commercial livestock feedlots in the Residential Estate zone.

Animal keeping is an allowed use in the Town of Loomis RE zoning designation, however, with limits. The Town of Loomis Zoning Ordinance 13.42.060 – Animal Keeping, includes provisions that are intended to ensure that the raising and maintenance of animals does not create adverse impacts on adjacent properties by reason of dust, noise, visual blight, odor, bright lights, or insect infestations. This ordinance provides animal keeping standards that specify the maximum number of animals allowed per site based on their acreage, as well as maintenance and operational standards that are intended to ensure odor and vector controls. This limitation is based on the size of the parcel, rather than the openness or developed nature of adjacent properties. These standards are imposed on the property owner that keeps the animals on their residence to ensure that they do not create a nuisance or health hazard for people living on site, or on adjacent properties in the vicinity. The Odor and Vector Control Standards specify that all animal enclosures, including, but not limited to, pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Each site shall be maintained in a neat and sanitary manner, and in compliance with Placer County Environmental Health Department and animal control standards. These property owners would continue to be held to these zoning standards for animal keeping. The density of animals allowed in RE zones is low relative to commercial feedlot operations, and combined with the vector controls, make animal keeping in these zones compatible with the residential uses on the parcel, as well as adjacent residential parcels. There is nothing in the high density residential proposed on the North Village site that would prohibit the continued animal keeping rights of these adjacent properties.

When looking at residential uses, there are a variety of densities that can be developed, but none are considered incompatible with another because none are nuisance or health concerns. Certain allowed uses in a residential area, such as animal keeping, can become a nuisance or health concern; however, zoning ordinances are established to prevent nuisances and health concerns in where these uses are allowed, such as those established and enforced by the Town of Loomis.

It is a common real estate practice for home builders to provide extensive disclosures to homes buyers, some of which include disclosures of surrounding conditions. Disclosures can include conditions of approval, mitigation measures, CC&Rs, and other restrictions that are relevant, as well as existing animal keeping operations in the vicinity. The Project applicant intends to provide these common disclosures to home buyers. Therefore, no conflicts exist between the Project and any adjacent animal-based operations.

Master Response 11: Air Quality: Air Quality is addressed in DEIR Section 3.3 Air Quality. Some comments argue that the DEIR Air Quality section fails to adequately address impacts. It notable that the PCAPCD's comment letter did not raise any concern about this analysis. (See *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1380 (Gentry) ["[t]his lack of comment, like Sherlock Holmes's 'dog in the night-time' which tellingly failed to bark ..., was in itself evidence".]) The fact that the very agency whose air quality guidelines and thresholds the City applied had no complaint about how the analysis was performed strongly suggests that it is adequate.

The air quality analysis did not include inaccurate assumptions, and in fact represents a conservative analysis that overstate Project impacts rather than underestimates them (see Master Response 9). More specifically, construction emissions were not underestimated, based on the reasonable construction schedule provided by the Project applicant and the topography of the Project sites and soil import/export expectations during construction. According to the CalEEMod results, the construction schedule was updated based on the schedule provided by the project applicant, which is a standard practice to provide a higher level of refinement and specificity. The actual hours of equipment use were not adjusted by the consultant, and are auto-populated as part of CalEEMod based on schedule duration. Furthermore, the User-Entered Comments & Non-Default Data section in the model include a note that the Project site is generally flat, and mass soil import or export is not anticipated, all of which are reasonable and responsible assumptions. Thus, the CalEEMod model runs for the DEIR reasonably reduced the duration of site preparation and grading activities compared with the default assumptions, which anticipate sites on which grading is more challenging. (See DEIR Appendix B).

The Project Description includes land use summaries for each residential area, information regarding the proposed General Plan and zoning designations, the actual development proposed by the Project applicant, and allowable maximum buildouts for each residential area under the proposed land use designations and zoning, as well as graphics showing lotting patterns consistent with the tentative subdivision maps submitted by the Project applicant. (DEIR, p. 2.0-9, and Figure 2.0-7, 2.0-8, 2.0-9, 2.0-10). The Project applicant is also seeking approvals for design review, improvement plans, grading plans, and drainage plans. This level of detail is sufficient for accurate air quality modeling, which is generally based on the proposed land uses and the surface area/acreage of the Project site. CEQA analyses are often required to address projects that propose changes only to General Plan and zoning designations, and do not seek approvals of tentative subdivision maps, design review, or other very precise discretionary actions. Air quality analyses are still required for

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such projects, as landowners and other applicants have the right to request changes in General Plan and zoning designations without simultaneously applying for tentative subdivision maps, use permits, and other more site-specific approvals. Under such circumstances, air quality modelers must make reasonable assumptions about the likely densities and intensities of use that will ultimately be developed. Here, the CalEEMod modeler input the following information into the model: 342 single-family residential units; 848 multifamily residential units; 120,000 square feet of commercial uses; and 5.8 acres of park. The modeler also used trip generation assumptions provided by transportation consultant Fehr & Peers. (See Appendix B to DEIR, User Entered Comments & Non-Default Data.) The unit numbers used by the modeler are a combination of the maximum allowable development under the Project's proposed new land use designation and zoning and the Project as proposed by the applicant (see Master Response 9). While the model includes 848 multifamily residential units, the project being proposed by the applicant includes only 558 multi-family residential units. Thus, the modeling is conservative. The modeling, therefore, overstates project air emissions because it includes emissions for housing units that are not proposed and will not be built. The City took this conservative approach out of an abundance of caution, which is a common strategy in CEQA documents, where there is a need ensure that impacts are not understated.

Commenters generally criticize the City's mitigation measures for air quality impacts, but offer no specific criticisms of any specific measures. Commenters also fail to acknowledge the very extensive measures included in the DEIR to address emissions from both construction and Project operations. (DEIR, pp. 3.3-27 – 3.3-29, 3.36 [Mitigation Measures 3.3-1, 3.3-2, and 3.3-3]) and Project features that tend to reduce emissions (p. 3.3-25), as well as the panoply of Placer County Air Pollution Control District (PCAPCD) rules and standard conditions of approval with which the Project must comply (id. at p. 3.3-17 – 3.3-18, 3.3-30-3.3-31). Mitigation Measure 3.3-1 includes requirements to install Project features that would reduce emissions in finished buildings during Project operation. These features include electric vehicle charging infrastructure, electric vehicle-ready parking spaces, reductions in building energy usage, installation of Cool Roofs, usage of low-VOC architectural coatings, and infrastructure to power electric landscaping equipment. Separately, Mitigation Measure 3.3-2 requires the Project applicant to either establish mitigation off-site for Reactive Organic Gases (ROG) by participating in an off-site mitigation program, or participate in PCAPCD's Off-site Mitigation Program by paying the equivalent amount of fees for the project's contribution of ROG that are above the applicable PCAPCD thresholds. In addition, Mitigation Measure 3.3-13 includes fourteen different requirements that, taken together, would reduce diesel particulate matter (DPM) emissions, other toxic air contaminant (TAC) emissions, and other emissions of concern to special receptors to less than significant levels. (Id. at pp. 3.3-35-3.3-36.) This comprehensive approach to addressing air quality impacts constitutes "reasonable" mitigation.

Nearby sensitive receptors are identified on page 3.3-10 of the DEIR, under the heading "Sensitive Receptors." Impact 3.3-1 analyzes air quality impacts on these sensitive receptors resulting from

project operations. (DEIR, pp. 3.3-24 to 3.3-27.) The main source of air pollutants from project operations are motor vehicles that will be traveling to and from the Project sites.

Because “there is no guarantee that the Project would be able to reduce operational [reactive organic gas] emissions to below the applicable [Placer County Air Pollution Control District] threshold of 55 pounds per day,” the DEIR conservatively concludes that operational impacts to sensitive receptors will be significant and unavoidable and offers two mitigation measures containing at least ten individual sub-measures to reduce impacts. (Id., pp. 3.3-27 to 3.3-29.) Notably, reactive organic gases (ROGs) are of concern because they contribute to the formation of ozone, a regional pollutant with adverse effects on human health. By itself, ROG is not treated as a source of concern under either the federal Clean Air Act or the California Clean Air Act. After it is dispersed from the emissions source (e.g., a tailpipe), ROG can be converted into ozone in the presence of sunlight. Thus, ROG emissions do not cause concentrated health effects at the locations where emissions occur. (Id., pp. 3.3-2 – 3.3-3, 3.3-23.)

To put the potential human health effects attributable to the operations of the Project or of any other specific development project into a regional context, the DEIR explains that “[e]missions generated by a project or plan could increase some local concentrations of photochemical reactions and the formation of tropospheric ozone ...(even if regional emissions are reduced with implementation of a project or plan), which at certain concentrations, could lead to increased incidence of specific health consequences at the local level. Although these health effects are associated with ozone and particulate pollution, the effects are a result of cumulative and regional emissions. As such, a project or plan’s incremental contribution cannot be traced to specific health outcomes on a regional scale[.]” (p. 3.3-24.)

With respect to construction-related emissions (as opposed to operational emissions), the discussion of Impact 3.3-2 concludes that, with mitigation, impacts on sensitive receptors will be less than significant. (Id. pp. 3.3-29 – 3.3-32.) From the standpoint of residents of East Rocklin, the DEIR’s conclusion relating to construction emissions should be of more direct interest than the conclusion relating to operational emissions, as on-site construction emissions will be far more concentrated than the diffuse emissions from motor vehicles traveling to and from the Project sites once construction is over and the two Project sites are fully developed. Fortunately, “[c]onstruction-generated emissions are short-term and of temporary duration, lasting only as long as construction activities occur[.]” (Id., p. 3.3-31.)

Notably, every existing East Rocklin resident who drives a motor vehicle powered by gasoline or diesel fuel is contributing to existing polluted conditions in the air basin. “Existing air quality concerns within Placer County and the entire air basin are related to increases of regional criteria air pollutants (e.g., ozone and particulate matter), exposure to toxic air contaminants, odors, and increases in greenhouse gas emissions contributing to climate change. The primary source of ozone

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(smog) pollution is motor vehicles which account for 70 percent of the ozone in the region.” (Id., p. 3.3-7.)

A formal health risk assessment (HRA) was not required for the Project. As discussed on page 3.3-34 of the DEIR, CARB published the *Air Quality and Land Use Handbook: A Community Health Perspective* (2005) to provide information to local planners and decision-makers about land use compatibility issues associated with emissions from industrial, commercial and mobile sources of air pollution. The CARB Handbook indicates that mobile sources continue to be the largest overall contributors to State air pollution problems, representing the greatest air pollution health risk to most Californians. The most serious pollutants on a statewide basis include diesel exhaust particulate matter (diesel PM), benzene, and 1,3-butadiene, all of which may be emitted by motor vehicles (especially heavy-duty trucks). These mobile source air toxics are largely associated with freeways and high traffic roads. Non-mobile source air toxics are largely associated with industrial and commercial uses. Table 3.3-10 provides the CARB minimum separation recommendations on siting sensitive land uses.

The Project site is not located adjacent to a rail yard, port, refinery, chrome plater, dry cleaner, or gasoline dispensing facility. The Project site is located approximately 0.3 miles from Interstate 80 (I-80), which is greater than the 500-foot separation distance recommendation for freeways and high-traffic roadways as identified by the CARB (see Table 3.3-10 in the DEIR for more detail). Air toxics are considered a concern along I-80 because it is a major transportation corridor for large diesel trucks that are known to emit diesel particulates. However, given the distance from the Project site, there are no sensitive land uses proposed within the Project site that would be significantly affected by I-80.

The DEIR indicated that construction activities of future development projects under the proposed project would generate DPM that could expose existing and future receptors to significant health risks. Mitigation Measure 3.3-3 was included in the DEIR to reduce emissions of DPM during project construction through measures such as off-road equipment maintenance and limits to vehicle idling.

Under the State’s air toxics program, local air districts regulate air toxic emissions by adopting ARB air toxic control measures, or more stringent district specific requirements, and by requiring individual facilities to perform a health risk assessment if emissions at the source exceed district-specific health risk thresholds (<https://www.arb.ca.gov/ch/handbook.pdf>). Based on the DEIR, none of the construction thresholds of significance would be exceeded. (DEIR, p. 3.3-34 through 3.3-26).

Nonetheless, the Project applicant retained Raney Planning and Management to prepare a construction health risk assessment to further support the conclusion that TAC emissions associated with construction would not be considered significant. The construction health risk assessment is attached to the letter from James Moose to David Mohlenbrok dated February 11, 2022. The assessment is further evidentiary support that the TAC emissions associated with construction

would not be considered significant as already concluded in the DEIR. The health risk assessment is discussed below.

The health risk assessment utilizes the PCAPCD thresholds of significance for the review of local community risk and hazard impacts. The thresholds are designed to assess the impact of new sources of TACs on existing sensitive receptors. Based on the PCAPCD thresholds, the proposed project would result in a significant impact related to TACs if, due to the exposure of sensitive receptors to TACs related to construction activities, nearby sensitive receptors would experience an increased cancer risk of greater than or equal to 10 in one million people, or experience a chronic or acute hazard index of greater than or equal to 1.0. The cancer risk, acute hazard index, and chronic hazard index associated with construction of the proposed project and the off-site roadway improvements, would be below all applicable thresholds of significance. Therefore, the proposed project would not have the potential to expose sensitive receptors to substantial pollutant concentrations, and the conclusion presented in the DEIR remains accurate.

Commenters inquired about air quality impacts associated with decommissioning of the houses proposed as part of the project; however, in general, housing is not thought to have a lifespan and is not seen as development that requires decommissioning. The City is not aware of any CEQA document that discusses the decommissioning of residential housing, nor are they aware of any cases that address it. The project proposes to build permanent structures such as homes that will remain in place for the indefinite future. It would be speculation to try to predict exactly when particular structures could be demolished, if they are at all. Therefore, the DEIR adequately addresses impacts to air quality.

Master Response 12: Biological Resources: Biological Resources is addressed in DEIR Section 3.4 Biological Resources, which has been modified in the Final EIR Section 3.0 Errata. Some comments argue that the DEIR fails to adequately address impacts on biological resources.

Adequate Surveys

The biological resources surveys conducted for this Project were reconnaissance-level in nature (with the exception of protocol-level surveys for certain relatively static biological resources), and were conducted to identify habitat for special-status species. While some bird species show nest fidelity, most nest in a new location each year; as such, a protocol-level nest survey is not informative as to where nests will be when construction occurs. What is informative is identifying nesting habitat, which shows where birds are most likely to nest. This is documented in Section 5.4 of the Biological Resources Assessment (BRA). Neither the BRA nor the DEIR conclude that no birds are nesting within the Project site; they identify which birds are most likely to nest in which habitats on-site. Furthermore, both the BRA and the DEIR discuss a Swainson's hawk nest within the North Village site (BRA, p.28 and DEIR p. 3.4-33). Additionally, Mitigation Measure 3.4-4 requires that protocol-level nesting bird surveys (for both special status and common birds protected by the

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Migratory Bird Treaty Act) be conducted prior to construction during the nesting season (DEIR, pp. 3.4-34 to 3.4-45). If active bird nests are found, construction activities will cease within specified no disturbance zones (DEIR, p. 3.4-34), and there is a provision for increased buffers if birds show signs of disturbance (DEIR, p. 3.4-35). This exact type of mitigation was upheld by the court in *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 523-526, and is appropriate here to ensure nesting birds are adequately documented prior to construction and any impacts are mitigated to a less-than significant level.

CEQA Guidelines require that a DEIR “describe the physical environmental conditions in the vicinity of the project...as they exist at the time the notice of preparation [NOP] is published...” (CEQA Guidelines, § 15125, subds. (a), (a)(1).) Here, the NOP was published February 1, 2019. Fourteen biological resources field surveys were conducted on the Project sites by qualified biologists at Madrone Ecological Consulting, Inc., from the point in time when the NOP was published through 2020. (See DEIR, p. 3.4-5.) Another eight were conducted prior to publication of the NOP between 2016 and 2017. (Ibid.) California Tree and Landscaping Consulting, Inc., also conducted a tree survey of each Project site after publication of the NOP, and conducted an additional survey of the South Village site in 2017. (See DEIR, p. 3.4-6.) And several database searches were conducted in 2017, 2019, and 2021. (See DEIR, pp. 3.4-6 to 3.4-7.) These surveys and searches were comprehensive, and their respective reports are included in full in Appendix C of the DEIR. Survey findings are discussed through Section 3.4 Biological Resources.

In addition to surveys already conducted, the DEIR contains several mitigation measures that require pre-construction surveys for specific species and/or habitat, including Mitigation Measure 3.4-1 (valley elderberry longhorn beetle and habitat), Mitigation Measure 3.4-3 (western pond turtle), Mitigation Measure 3.4-4 (nesting birds, nests, and Swainson’s hawk), Mitigation Measure 3.4-6 (bats), and Mitigation Measure 3.4-7 (special-status plant species). These efforts and measures meet all CEQA requirements for biological resource impacts. (See *Laurel Heights I*, supra, 47 Cal.3d at p. 415 “[a] project opponent... can always imagine some additional study or analysis that might provide helpful information. It is not for them to design the EIR. That further study of wind dispersal might be helpful does not make it necessary”].)

Surveys conducted in 2019 and 2021 are well within the timeline prescribed by CEQA Guidelines to effectively describe existing conditions onsite. Under the plain language of CEQA Guidelines section 15125, subdivision (a)(1), the DEIR could have relied on surveys that reflected conditions as they existed on February 1, 2019, when the NOP was issued. But additional information was gathered in 2020 and 2021. As a matter of law, these surveys, taken together, cannot be too old for use in the DEIR.

These surveys, in addition to pre-construction surveys required by various mitigation measures, meet CEQA requirements. These efforts comply with industry standards and any known governmental recommendations, despite the fact that, except where surveys are needed for laws other than CEQA, the City, in preparing a DEIR under CEQA, does not have to follow protocols for

other agencies. The question CEQA wants answered is whether substantial evidence supports the City's conclusions, not whether the City followed another agency's protocol developed for a law other than CEQA. (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1393-1397 (AIR).) Here, there is ample substantial evidence on the record to support the DEIR's conclusions. (See Pub. Resources Code, § 21168; *Mani Brothers*, supra, 153 Cal.App.4th at pp. 1396–1397.)

CEQA affords a lead agency flexibility when preparing an EIR. An agency has considerable discretion to decide the manner of the discussion of potentially significant effects in an EIR." (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th at 502, 515.) CEQA also allows a lead agency to "require the project applicant to supply data and information" and to contract directly with a consultant for DEIR preparation, or receive draft material from an applicant's consultant, as long as it performs its "own review and analysis." (CEQA Guidelines, § 15084, subds. (b), (d), (e); see also *Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1452-1455 [upholds practice of agencies accepting entire administrative Draft EIRs prepared by project applicants].) This is what happened here, Madrone Ecological was hired to perform biological studies. Madrone is a widely used biological resources firm with an excellent regional and local reputation that employs highly qualified biologists. Resumes of Sarah VonderOhe and Daria Snider are provided in the letter from James Moose to David Mohlenbrok dated February 11, 2022. Madrone has worked on hundreds of projects in the region on behalf of agencies, developers, and other entities, and, as a result, are highly knowledgeable about biological conditions in Placer County and highly qualified to detect local species and habitats. For more information, please refer to Madrone's website at www.madroneeco.com.

Impacts to Bird Species

Swainson's hawk is addressed in the DEIR on page 3.4-12 for the North Village site, which identifies trees as suitable nesting habitat and also one active nest. The discussion also says that annual brome grassland is suitable foraging habitat. The discussion indicates that there is a high potential for this species in the South Village Study Area. The trees on-site are suitable nesting habitat, and the annual brome grassland is suitable foraging habitat.

Under Impact 3.4-4 on page 3.4-33, the impacts to Swainson's hawk are discussed. The discussion states that Swainson's hawks were observed nesting in a Fremont's cottonwood tree in the North Village Study Area in 2019 (Figure 3.4-4a) (Madrone 2019), and they have been observed soaring over the North Village Study Area during field surveys. The annual brome grasslands within the North Village Study Area are large patches of habitat with adjacent (to the east) similar habitat that are almost certainly utilized for foraging by the pair nesting in that area. Therefore, the annual brome grasslands in the North Village Study Area are considered suitable foraging habitat. The annual brome grasslands in the South Village Study Area are of much lower quality. They are comprised of five small patches (each two to three acres or less) disjunct from one another due to oak and riparian

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woodland corridors, and further disjunct from any other larger, more suitable habitat. The South Village Study Area is almost entirely surrounded by urban development. This habitat would normally be considered unsuitable, but with the presence of a Swainson's hawk nest just 0.5 mile to the northeast, there is a chance that the habitat could be used for foraging; as such, the annual brome grasslands within the South Village Study Area are considered to be marginally suitable foraging habitat for Swainson's hawk.

Mitigation Measure 3.4-2 requires preparation and administration of Worker Environmental Awareness Training for the construction crews. Mitigation Measure 3.4-4 requires nest surveys and avoidance measures for nesting raptors and other birds. Mitigation Measure 3.4-5 requires protection of Swainson's hawk foraging habitat and compensatory mitigation intended to offset the loss of foraging habitat this species.

Under Impact 3.4-4 on page 3.4-33, impacts to other birds including nesting raptors and songbirds are addressed. The DEIR provides that the following species could occur on the Project site based on their regional presence: American peregrine falcon (*Falco peregrinus anatum*), bald eagle (*Haliaeetus leucocephalus*), burrowing owl (*Athene cunicularia*), California black rail (*Laterallus jamaicensis coturniculus*), Loggerhead shrike (*Lanius ludovicianus*), Northern harrier (*Circus cyaneus*), purple martin (*Progne subis*), Swainson's hawk (*Buteo Swainsoni*), tricolored blackbird (*Agelaius tricolor*) and white-tailed kite (*Elanus leucurus*). The DEIR then states that the Project Area does not provide suitable habitat for American peregrine falcon, bald eagle, burrowing owl, or purple martin, and that the North Village Study Area does not provide suitable habitat for California black rail. The DEIR indicates that California black rail has a low potential to nest within the South Village Study Area. Swainson's hawk, white-tailed kite, northern harrier, tricolored blackbird, and loggerhead shrike have the potential to nest within both the North and South Village Study Areas, as do other more common bird species protected by the Migratory Bird Treaty Act (MBTA). The DEIR indicates that if any of these birds were nesting on-site, removal of the nests would impact these species. Additionally, birds nesting in avoided areas adjacent to construction activities could be disturbed by construction, which could result in nest abandonment. The DEIR then states that the annual brome grassland within the North and South Village Study Areas provides suitable foraging habitat for Swainson's hawk, white-tailed kite, northern harrier, and other more common raptors. The larger trees within the North and South Village Study Areas provide suitable nesting habitat. Approximately 49.0 acres of suitable foraging habitat within the North Village Study Area will be impacted during Project implementation, and 10.4 acres of marginally suitable foraging habitat within the South Village Study Area will be impacted. The DEIR includes Mitigation Measure 3.4-4, which requires nest surveys and avoidance measures for nesting raptors and other birds. These requirements are intended to result in avoidance of impacts by providing several performance-based measures that would be followed under scenarios where protected birds are found and require protection during nesting. Mitigation Measure 3.4-5, presented above, would provide functional mitigation for white-tailed kite and other foraging raptors even though the measure specifically discusses Swainson's hawk.

Tricolored blackbird is addressed on pages 3.4-12 and 3.4-33 under Impact 3.4-4. The existing setting for tricolored blackbirds is accurately reported. The Project site is within the range of the tricolored blackbird and the species has the potential to occur on-site. Page 3.4-12 notes that there is a moderate potential for this species to occur on the South Village site in the cattails, tules, and blackberry brambles. The DEIR indicates that this is potentially suitable nesting habitat, but patch sizes are small, and nesting colonies of this species have not been documented in the vicinity of the Study Area historically. The DEIR also indicates that there is a low potential for this species to occur in the North Village site due to the lack of associated marsh habitat. Again, on page 3.4-33, the potential for this species to be present is discussed. Furthermore, Mitigation Measure 3.4-4 contains several measures that will be effective in protecting any tri-colored blackbirds that might be nesting or foraging onsite during construction. These measures include conducting a pre-construction survey within and around the area of constructions “no more than 14 days prior to the initiation of construction.” (DEIR, p. 3.4-34.) Mitigation Measure 3.4-4 also requires that no construction activities occur within 500 feet of a tri-colored blackbird nest or colony in consultation with the California Department of Fish and Wildlife (CDFW). (Ibid.) Buffers may be increased depending on the birds’ reactions to construction activities. (DEIR, p. 3.4-34.) This exact type of mitigation was upheld by the court in *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 523-526 (*Save Panoche Valley*), and is appropriate here to protect tri-colored blackbirds.

Madrone Ecological noted in the Biological Resources Assessment (BRA), “*this location has not been utilized by tricolored blackbirds in more than 10 years.*” When nesting was last documented in this location, the habitat was much different, and there was substantial grassland present to the north. This location is now considered a ‘permanently unsuitable’ nesting location by the Tricolored Blackbird Portal. As a result, comparisons of habitat to this location are not informative.” (Ibid.) Madrone Ecological also notes that “avian point count surveys are not necessary to document what special-status bird species have the potential to occur within the Project site, analyze potential impacts to those species, and detail mitigation for those impacts. If the analysis relied solely on point-count surveys, certain species that may occur only infrequently could be omitted, and not analyzed in the CEQA document. Furthermore, in our analysis, we not only searched for documented occurrences of species in the [California Natural Diversity Data Base (CNDDB)] (which tracks nesting locations), but also eBird and iNaturalist, which are citizen-science projects that document all records of birds.” (Ibid.)

California black rail is addressed on page 3.4-12 of the DEIR where it indicates that there is marginally suitable habitat for this species present in and adjacent to the perennial creek that runs from west to east across the South Village Study Area as well as the seasonal wetlands mapped within the Study Area. The potential for presence was determined to be low, which is elaborated on below. This species is also addressed on pages 3.4-34 and -35 under the discussion for Impact 3.4-4. In this discussion, the DEIR again notes that the potential for presence of this species is low and the habitat is marginal. The appropriate habitat for this species is defined as “*freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays.*” This species requires water

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.

There are a total of 303 documented occurrences of this species in the State of California according to the CNDDDB. Of those documented occurrences, the vast majority are coastal, with only three from inland Placer County. One occurrence is approximately three miles north of the South Village near the Whitney Oaks Golf Course in the Clover Valley area. A second occurrence is approximately 12 miles north of the South Village near the Hidden Falls Regional Park. A third occurrence is approximately 14 miles northwest of the South Village near Yankee Slough. These occurrences are reflected on the CNDDDB maps provided in the DEIR. The known regional presence combined with a bird's flight mobility and the aquatic habitat present led to the determination that there was some potential for the species to be present. However, it should not go unsaid that the habitat in the three locations in Placer County with known occurrences are larger intact habitat that has limited development surrounding the habitat, whereas the habitat on the South Village site is small and largely surrounded by developed lands. These surrounding developed lands present a variety of challenges for a rare bird, like the California black rail, from establishing a population within the habitat. Most notable is the increased presence of human activity that can disrupt normal breeding patterns, rearing until full fledging, and feeding cycles. Additionally, with human populations present there is an inevitable increase in the presence of domesticated felines, which are a CDFW documented predator to the California black rail. It is especially easy for domesticated felines to prey on California black rail given that nests are small cups built only inches off of the ground. Due to the conditions of the South Village site, including the environmental setting in the vicinity, the habitat is considered marginal. This species has not been documented on the site, and is not expected to be present. Due to flight mobility of a bird, the potential for a transient visitor is possible, but for the reasons stated above, it is unlikely that this rare bird would establish a population in the South Village site. Nevertheless, the DEIR did include a mitigation measure that requires a preconstruction survey for this species, and it provides an outline of the steps necessary in the event that this species is observed.

The song sparrow documented by both Madrone and the commenter on the Project site is not a special-status species. Although the "Modesto" population, and several sub-species of song sparrow are considered special status, the Project site is outside of the range of all of these.

The yellow warbler (*Setophaga petechia*) is not listed and protected pursuant to either the California or federal Endangered Species Acts; but it is a CDFW species of special concern. The yellow warbler is largely extirpated as a breeder in the Sacramento Valley, but it is a common migrant during the fall and winter months (Shuford and Gardali 2008). Yellow warblers generally occupy riparian vegetation in close proximity to streams. Preferred habitat in northern California is dominated by willows (*Salix* spp.), cottonwoods (*Populus* spp.), and Oregon ash (*Fraxinus latifolia*) (Shuford and Gardali 2008). Although the Study Area is generally considered outside of this species' current

breeding range, it has been documented within the vicinity of the Study Area on the Sierra College campus just north of the Study Area (eBird 2021). Suitable winter foraging habitat for the species is located in riparian woodland in the South Village. With the implementation of Mitigation 3.4-4, effects to yellow warbler and other protected nesting birds will be less than significant.

Impacts to VELB

Some questions were raised regarding Valley elderberry longhorn beetle (VELB) detection surveys performed for both the North and South Village. The entire Survey Area (which is defined as both the North and South Villages) was surveyed twice, both in 2017 and 2020. Additionally, the maps presented in the Biological Resources Assessment prepared by Madrone (as updated in Section 3.0 Errata) show the location of each elderberry shrub within the North and South Village. This map was a result of the surveys used to identify both potential VELB habitat (i.e., elderberry shrubs) and the presence of VELB. The current guidance from the USFWS is the 2017 *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (Desmocerus californicus dimorphus)* (Framework). The document does require that a qualified biologist conduct the surveys, a requirement that was followed.

Valley elderberry longhorn beetle (VELB) is addressed on page 3.4-30, under Impact 3.4-1. The discussion includes that a total of 18 elderberry shrubs that represent potential habitat, but are not currently occupied by VELB, would be impacted by development of the Project. Three of the elderberry shrubs are located in riparian wetland or riparian woodland, and the remaining 15 shrubs are located in upland oak woodland and oak savannah communities. The South Village has perennial and intermittent drainages that may contribute to a higher groundwater table, and therefore these three shrubs are larger and slightly more vigorous than those on the North Village (see DEIR, p 3.4-30). This is likely due to the generally more arid nature of the North Village. As these shrubs are not currently occupied by VELB, the removal of the shrubs would not have any effect on VELB.

Nonetheless, for the shrubs on the North Village site, the City of Rocklin, Project Biologists, and USFWS staff discussed the transplanting of the elderberry shrubs within the North Village site. The Project Biologist prepared a letter to USFWS, found in Attachment D of Appendix C, summarizing these discussions. This letter explains the scientific method used to determine that VELB do not occupy these shrubs and likely will not in the future, and, thus, how “very unlikely” it is “that VELB would be exposed to Project activities during any phases of the Project activities” (DEIR, Appendix C [Attachment D, p. 4]). It also explains that, because of the lack of VELB presence and the very low likelihood of future occurrence, all parties agreed that there are no indicators of incidental take and, therefore, the applicant would not seek an incidental take permit from the USFWS (DEIR, Appendix C [Attachment D, p. 6]).

For the North Village site, out of an abundance of caution and although there is no regulatory requirement to do so, the elderberry shrubs within the development footprint of the North Village

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

site will be transplanted into appropriate open space area(s) on-site prior to site grading as part of the Project (see DEIR, p. 2.0-1 to -2).

A USACE permit will be obtained for the South Village. During that process, information will be provided to the USACE regarding the presence of the elderberry shrubs and the lack of evidence for the presence of VELB within the South Village. The USACE will determine if consultation with the USFWS is required under the federal Endangered Species Act. Mitigation Measure 3.4-1 requires mitigation for VELB, if determined appropriate during consultation with the USFWS. As refined in the Final EIR, this measure also provides that, if enough time passes between the last survey for VELB and the start of construction, then a further pre-construction survey would be required. If during that survey, VELB are located, then the applicant would have to follow detailed avoidance and minimization measures outlined in the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017) for all work occurring within 165 feet of a shrub. The measure also requires that, if an elderberry shrub found to be occupied with VELB during a future survey must be removed to accommodate the development footprint of the College Park Project as approved, then the applicant shall notify the City and consult with USFWS. At a minimum, the removal of elderberry shrubs found to be occupied with VELB shall be mitigated through the purchase of one (1) VELB mitigation credit from an agency-approved mitigation bank for each occupied shrub removed or through the planting of five (5) elderberry seedlings and five (5) native California trees or shrubs at a USFWS-approved location for each shrub removed. If the latter option is selected, then the seedlings and associated natives shall achieve an 80% survival rate measured at the end of a five (5) year monitoring period. Mitigation Measure 3.4-2 requires preparation and administration of Worker Environmental Awareness Training for the construction crews.

Impacts to Monarch Butterfly

Monarch butterfly had not been proposed as a candidate species under the federal Endangered Species Act when the Biological Resources Report was originally drafted. However, the Project site is not suitable habitat for Monarchs. During the special-status plant survey, all plant species on-site were identified to at least genus level. No milkweed (*Asclepias* species) plants were documented during this survey. As stated in the U.S. Fish and Wildlife Service's Monarch (*Danaus plexippus*) Species Status Assessment Report, version 2.1, September 2020, monarch butterflies require a diversity of blooming nectar resources with milkweed (for both oviposition and larval feeding) embedded within this diverse nectaring habitat during breeding and migration (spring through fall). As no milkweed plants are present, monarchs could occur on-site occasionally, but the Project area does not contain suitable habitat for them.

Impacts to Other Species

There were references to 60 wildlife species that have been documented on-site, but were not observed by Madrone Ecological Consulting. It should be noted that a list of species observed is exactly that, species observed during a survey. It is not intended to mean that other species could not exist on the site. For instance, after comparing the wildlife list contained in the Madrone

Biological Resources Assessment against a “list” provided by one commenter, it is apparent a number of relatively common wildlife species that Madrone observed during surveys were not observed by the commenter or other neighbors. This includes American crow, American kestrel, oak titmouse, pygmy nuthatch, tree swallow, and Bewick’s wren, among others.

The commenter has documented a number of both special-status and common wildlife species in their letter, including a number of species that have been introduced to the area (Eastern fox squirrel, American bullfrog, red-eared slider, European starling and ring-necked pheasant). A number of bird species were documented as occurring on-site, even if they were just flying. Birds simply flying over the Project site does not indicate that the Project site is habitat for them. Bird species reported as only flying over the site include bald eagle, osprey, and red-tailed hawk. There is no information regarding the Sandhill crane documentation, but given the habitat on-site, it is suspected that the bird was documented flying over the site during migration.

The observations of Sierra Nevada red fox and kit fox are inaccurate. The Project site is well outside of their known ranges and these observations are almost certainly misidentified common fox species. Quite a few species are documented as “sighting” or “sighting in area” with or without a date; for the purposes of this master response, it is assumed that these were in fact documented within the Project site, and not in other nearby areas that are not part of this analysis.

Impacts to Aquatic Resources

Aquatic resources are addressed in Section 3.4 Biological Resources. Specifically, the DEIR noted that a portion of the Project site is transected by an unnamed tributary of Secret Ravine Creek and the application of City policies has resulted in a riparian buffer along the creek. To the degree that the creek and riparian area currently serve as a habitat, it is expected that the Project’s preservation of the creek and riparian area will also preserve the habitat. It is noted that the City’s policy is 50-foot buffers from the top of the creek bank, or to the edge of the associated riparian habitat (whichever distance is greater). Setbacks and buffers are more fully discussed under Master Response 4.

Page 3.4-38 includes an analysis of the Project impacts on federally- or state-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (Impact 3.4-7). Table 3.4-4 from the DEIR (shown below), shows that of the approximately 9.065 acres of aquatic resources mapped within the Study Areas, 0.971 acre will be impacted by the proposed Project, and 8.094 acres will be avoided (Figures 3.4-5a and 3.4-5b in the DEIR).

TABLE 3.4-4: AQUATIC RESOURCE IMPACTS WITHIN STUDY AREA

RESOURCE TYPE	IMPACTED ACREAGE	AVOIDED ACREAGE	TOTAL ACREAGE
<i>WETLANDS</i>			
Seasonal Wetland	0.502	2.200	2.702
Seasonal Wetland Swale	0.089	0.385	0.474
Seep	0.188	0.036	0.224
Riparian Wetland	0.143	5.014	5.157
<i>Subtotal - Wetlands</i>	<i>0.922</i>	<i>7.635</i>	<i>8.557</i>

RESOURCE TYPE	IMPACTED ACREAGE	AVOIDED ACREAGE	TOTAL ACREAGE
<i>OTHER WATERS</i>			
Perennial Creek	0.008	0.397	0.405
Ephemeral Drainage	0.035	0.042	0.077
Ditch	0.006	0.020	0.026
<i>Subtotal – Other Waters</i>	<i>0.049</i>	<i>0.459</i>	<i>0.508</i>
Grand Total	0.971	8.094	9.065

SOURCE: MADRONE ECOLOGICAL CONSULTING, 2021.

The DEIR notes that the project applicant has made a significant effort to preserve aquatic features (8.094 acres will be avoided), but 0.971 acres of sensitive aquatic habitat would be permanently lost. Mitigation Measure 3.4-8 requires the applicant to obtain the proper regulatory permits, including adherence to the “no-net-loss” requirements. All feasible mitigation has been incorporated into the Project by design, through regulatory permit compliance (i.e., Section 404/401/1600 permits), adherence to the “no-net-loss” requirements (minimum 1:1 replacement), and through other mitigation measures presented in this Section.

Impacts to Wildlife Corridors

Impacts to wildlife corridors is discussed under Impact 3.4-9 on page 3.4-40 of the Draft EIR. The Draft EIR states “...a portion of the Project site is transected by an unnamed tributary of Secret Ravine Creek and the application of City policies has resulted in the proposed establishment of a riparian buffer along the creek. To the degree that the creek and riparian area currently serve as a wildlife migration corridor, it is expected that the Project’s preservation of the creek and riparian area will also preserve the ability for wildlife to use that corridor for movement. Therefore, the proposed Project is not anticipated to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or wildlife nursery sites.”

It is notable that the riparian/creek habitat within the Project Area is larger and wider than the riparian areas immediately outside the Project Area to the east and west. It is also notable that the riparian/creek habitat is fragmented by roadways, including major roadways like Sierra College Boulevard. The fragmentation of this habitat reduces, and may obstruct, the opportunity for many species of wildlife to exist. From an ecological perspective, riparian/creek habitat within the Project Area is higher quality; however, the fragmentation and the lack of quality habitat to the east and west means that the habitat is not a high quality “corridor” due to its lack of intact area for movement in both directions. Nevertheless, the connection to the east and west does provide movement opportunities for wildlife.

It is also noted in the EIR, which is supported by a Biological Resources Assessment (Madrone Ecological Consulting 2022), that the unnamed tributary of Secret Ravine Creek does not function for steelhead habitat due to downstream beaver dams that are barriers to salmonid migration; also, the substrate within the tributary is unsuitable for spawning.

Thus, the DEIR adequately addresses impacts to biological resources.

Master Response 13: Greenhouse Gas Emissions: Greenhouse Gas Emissions (GHGs) are addressed in Section 3.7 Greenhouse Gases, Climate Change, and Energy. Some comments argue that the DEIR fails to adequately address impacts from greenhouse gas emissions. It is notable that the PCAPCD's comment letter did not raise any concern about misuse of its threshold. (See *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1380 [“[t]his lack of comment, like Sherlock Holmes’s ‘dog in the night-time’ which tellingly failed to bark ..., was in itself evidence”].) The fact that the very agency whose thresholds the City applied had no complaint about how these thresholds were used strongly suggests that they were used properly.

In addition to PCAPCD's 10,000 MT CO₂e threshold, the City also applied PCAPCD's efficiency threshold, which the commenter does not acknowledge. The 10,000 MTCO₂e/yr threshold of significance applies to the Project, but is not the only applicable threshold, as the DEIR makes clear. (DEIR, p. 3.6-17 through 3.6-22, and 3.6-26 through 3.6-28). The 10,000 MTCO₂e/yr threshold has been adopted by the PCAPCD, which is the air district that has jurisdiction over the Project site and, therefore, is the applicable threshold of significance for CEQA review. The substantial evidence that is used to support such thresholds of significance can be found in the PCAPCD's California Environmental Quality Act Thresholds of Significance Justification Report (available at: <https://www.placer.ca.gov/DocumentCenter/View/2061/Threshold-Justification-Report-PDF>) This threshold does, as the commenter states, apply to industrial projects containing stationary sources of GHG emissions. Pursuant to the PCAPCD's CEQA Handbook, however, the adopted 10,000 MTCO₂e/yr threshold also applies to all other land use projects, including commercial and residential development. But the 10,000 MTCO₂e/yr threshold is not the only applicable threshold for these other land use projects. Operational emissions for land use projects are also subject to a de minimis threshold and, if it is exceeded, efficiency thresholds, depending on the land use type. The following excerpt from page 24 of the PCAPCD CEQA Handbook explains the intended use of the District's GHG thresholds:

“The District’s Bright-line GHG Threshold of 10,000 MT CO₂e/yr is applied to land use projects’ construction phase and stationary source projects’ construction and operational phases. In general, GHG emissions from a project (either the construction or operational phase) that exceed 10,000 MT CO₂e/yr would be deemed to have a cumulatively considerable contribution to global climate change. The Efficiency Matrix and De Minimis Level are only applied to a land use project’s operational phase. For a land use project, it can be considered as less than cumulatively considerable and be excluded from future GHG impact analysis if its operational phase GHG emissions are equal to or less than 1,100 MT CO₂e/yr. A land use project with GHG operational emissions between 1,100 MT and 10,000 MT CO₂e/yr can still be found less than cumulatively considerable when the results of the project’s related efficiency analysis meets one of conditions in the efficiency matrix for that applicable land use setting and land use type.”

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

The City of Rocklin, as the CEQA lead agency and with guidance from the PCAPCD, has elected to use the PCAPCD's adopted threshold of significance for this analysis for the DEIR, which is appropriate pursuant to guidance in CEQA Guidelines Sections 15064(b)(2) and 15064.7(a). The DEIR (on page 3.7-27) correctly described the multi-step process recommended by PCAPCD as follows:

"The PCAPCD has established a layered approach to determining whether a project would be considered to have a cumulatively considerable contribution to climate change.1 Specifically, the PCAPCD has determined the following thresholds:

- A bright-line threshold of 10,000 MT CO₂e per year for the construction and operational phases of land use development projects as well as the stationary source projects;*
- A 'De Minimis' GHG threshold of 1,100 MT CO₂e per year for the operational phase of a project.*
- An efficiency matrix for residential and non-residential projects for the operational phase of land use development projects when emissions exceed the De Minimis Level, but which are below the bright-line threshold of 10,000 MT CO₂e. The efficiency levels for residential projects are: 4.5 MT CO₂e per capita for urban projects, and 5.5 MT CO₂e per capita for rural projects. The efficiency levels for non-residential projects are: 26.5 MT CO₂e per capita for urban projects, and 27.3 MT CO₂e per capita for rural projects."*

The DEIR then described, on pages 3.7-31 and 3.7-32, how it applied these thresholds:

"With the implementation of mitigation (i.e. Mitigation 3.7-1), Project-related GHG emissions would be reduced to below 10,000 MT CO₂e/year. As a result, the PCAPCD advises that the proposed Project's GHG emissions should be compared to the PCAPCD's efficiency matrix for impact significance determination. The efficiency level for residential projects is 4.5 MT CO₂e per capita for urban projects. The proposed Project is anticipated to support a population of 2,520 new residents (see Section 3.12: Population and Housing, for further detail). Since mitigated operational GHG emissions (after implementation of Mitigation Measure 3.7-1) would reduce GHG emissions to below 10,000 MT CO₂e/year, 10,000 MT CO₂e/year divided by the new population of 2,520 residents would result in an efficiency ratio of 3.97, which would meet the 4.5 MT CO₂e per capita condition for urban residential projects. Therefore, with implementation of Mitigation Measure 3.7-1, the Project's GHG emissions would be reduced below the PCAPCD's threshold for GHG emissions. Therefore, with implementation of Mitigation Measure 3.7-1, Project GHG impacts would have a less than significant impact."

Commenters are correct in that the unmitigated GHG emissions would result in an exceedance of the applicable efficiency threshold. However, with the required implementation of Mitigation Measure 3.7-1, which would ensure that GHG emissions are reduced to 10,000 MTCO₂e/yr or less,

the proposed project would meet the 4.5 MTCO₂e/capita/yr efficiency standard and the associated impact would be reduced to a less-than-significant level, as stated on page 3.7-32 of the DEIR.

Consistent with the commenters' suggestion, the DEIR analyzes GHG impacts in comparison to the PCAPCD's efficiency matrix using the value recommended for residential development in urban areas (4.5 MTCO₂e per capita) (refer to pages 3.7-27 and 3.7-31 through 3.7-32 of the DEIR). The efficiency threshold for non-residential projects in urban areas is substantially larger and, thus, the analysis presented in the DEIR is conservative.

It is noted that Mitigation Measure 3.7-1 as presented on page 3.7-32 of the DEIR has been modified to provide much more detailed steps toward ensuring the GHG emissions are reduced to these levels through the use of Green House Gas Emission Reduction Plans prepared for each development within the proposed Project, including a proportionate share of the GHG Reduction per site. The revised Mitigation Measure 3.7-1 is provided in Section 3.0 Errata under the Heading Section 3.7 Green House Gases, Climate Change, and Energy.

Thus, the DEIR adequately addresses impacts associated with GHG emissions.

From: Gary Grewal <garygrewal88@gmail.com>
Sent: Wednesday, September 29, 2021 5:05 PM
To: David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>
Subject: Public comment submission AGAINST College Park

Hello Mr. Mohlenbrok,

I hope you are having a pleasant week. My name is Gary Grewal and I am a lifelong Rocklin resident, community volunteer, and business owner. The public comment I would like you to consider is to do whatever you must to drastically scale back, or ideally, object to the College Park project. My concern with the College Park apartments is the traffic, air quality, and quality of life that will forever be changed with the approval of this project (I've pasted the environmental impacts from the EIR below for reference).

1-1

With each new robust development like this, Rocklin is losing its character and its long-term sustainability as a place that families can thrive. Instead of investing in more bike lanes, trails, parks, and our environment to help ease the ever-deteriorating air quality, effects from wildfires, and places to play, we are becoming the next Bakersfield rather than the next Boulder, CO.

Please visualize if this project was approved, how would a young family in Rocklin be impacted, and who will want to move here in the future?

Thank you,

1-2

SIGNIFICANT ENVIRONMENTAL EFFECTS: The Draft EIR has identified the following environmental issue areas as having significant and unavoidable environmental impacts from implementation of the project: Air Quality; Public Services; Transportation and Circulation, Cumulative Air Quality; Cumulative Public Services; and Cumulative Transportation and Circulation.

Gary Grewal

Response to Letter 1: Gary Grewal, Public Comment Submission

Response 1-1: This comment is an opening statement by the commenter, introducing the commenter as a lifelong Rocklin resident, volunteer, and business owner. The commenter states that they recommend that the City drastically scale back, or object to the College Park Project. The commenter specifically notes their concern with the College Park apartments is that the traffic, air quality, and quality of life will forever be changed with the approval of the project.

These comments are noted and will be provided to the Rocklin appointed and elected officials for their consideration. The comment does not raise any specific issues with the EIR, rather it includes concerns for specific environmental topics that are addressed in the EIR. The analysis of each of those topics is accurate and does not warrant any changes based on this comment.

Response 1-2: This comment indicates that *“With each new robust development like this, Rocklin is losing its character and its long-term sustainability as a place that families can thrive. Instead of investing in more bike lanes, trails, parks, and our environment to help ease the ever-deteriorating air quality, effects from wildfires, and places to play, we are becoming the next Bakersfield rather than the next Boulder, CO...Please visualize if this project was approved, how would a young family in Rocklin be impacted, and who will want to move here in the future?”* The commenter concludes by providing a list of Significant Environmental Effects as follows: *“SIGNIFICANT ENVIRONMENTAL EFFECTS: The Draft EIR has identified the following environmental issue areas as having significant and unavoidable environmental impacts from implementation of the project: Air Quality; Public Services; Transportation and Circulation, Cumulative Air Quality; Cumulative Public Services; and Cumulative Transportation and Circulation.”*

These comments are noted and will be provided to the Rocklin appointed and elected officials for their consideration. The comment does not raise any specific issues with the EIR, rather it includes concerns for losing character (see Master Response 10 for an explanation on the relationship between “character” and CEQA.) and long-term sustainability, and suggests that consideration should be made toward reducing deteriorating air quality, effects from wildfire, and places to play. These are all important considerations that will be provided to the appointed and elected officials, but do not warrant edits to the EIR. Lastly, the list of significant environmental effects provided by the commenter are consistent with the conclusions made in the EIR, which identifies these topics as significant environmental effects. The analysis of each of those topics is accurate and does not warrant any changes based on this comment.

To: David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>

Cc: Denise Gaddis <denise@wavecable.com>

Subject: College Park Development,

Hello David,

Please keep any development at least 100 ft from Aguilar Creek because of its endangered steelhead and threatened salmon. The development should have its own WasteWater Treatment Plant like Thunder Valley and Cities of Lincoln and Auburn.

Thanks,
Jack

2-1

--

Jack Sanchez

Save Auburn Ravine Salmon and Steelhead (SARSAS)

President and Founder

P.O. Box 4269

Auburn, CA 95604

(530) 888-0281

Tax Exempt EIN 80-0291680

www.sarsas.org

Response to Letter 2: Jack Sanchez, Save Auburn Ravine Salmon and Steelhead (SARSAS)

Response 2-1: This comment recommends a non-development buffer/setback of 100 foot from the Aguilar Creek because of its endangered steelhead and threatened salmon. The commenter also suggest that the development should have its own WasteWater Treatment Plant like Thunder Valley and Cities of Lincoln and Auburn.

This comment is addressed in Master Response 4. Additionally, the proposed Project does not include its own Wastewater Treatment Plant, and this has not been determined to be appropriate for the size and scale of project that is proposed. The proposal includes connection to the South Placer Municipal Utility District's (SPMUD) existing sewer collection system, with sewer treatment occurring at the South Placer Wastewater Authority's (SPWA) Dry Creek Wastewater plant.

From: Don Rivenes <rivenes@sbcglobal.net>
 Sent: Tuesday, October 5, 2021 10:28 AM
 To: David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>
 Subject: RE: DRAFT EIR FOR THE COLLEGE PARK PROJECT SEPTEMBER 2021

To: David Mohlenbrok, City of Rocklin Community Development Director
 Re: Draft EIR for the College Park Project September 2021

Sierra Foothills Audubon Society's mission is to work within Placer and Nevada counties to promote appreciation of and protection for birds and their habitats. We are seriously concerned with the potential effects of this project on birds and all other wildlife. We submit this comment on the proposed College Park Project.

Allowing the College Park South developments so close to the Aguilar Tributary on the 36-acre site that feeds Secret Ravine would not only destroy the existing wildlife corridor in this area but would pollute this creek which feeds into Secret Ravine. The DEIR only allows a 50 foot setback from the creek's edge. The Sierra Foothills Audubon Society supports a greater setback to the tributary creek than the City's standard 50 foot setback. We feel 50' does not provide enough protections. Therefore, we are suggesting that the City require a 75-100 foot setback from this pending development. Based on the City of Rocklin General Plan's Open Space Action Plan, Action Step OCRA-11, the City may designate an easement greater than 50 feet for perennial streams when it is determined such a buffer is necessary to adequately protect habitat areas.

We now quote from following document.
Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County
 Prepared for: Placer County Planning Department
 Prepared by Jones and Stokes in cooperation with PRBO Conservation Science
 February 2005

Excerpt Page 3-14

Recommended Setback Width to Conserve Biogeochemical Functions

For the purpose of long-term conservation of biogeochemical functions, the project team recommends that riparian setbacks include the entire active floodplain, regardless of the current extent of riparian vegetation on that surface, and that an additional 30-m (98-ft) buffer be included in the setback.

For effective long-term conservation of riparian functions, setback widths should be sufficient to retain macronutrients, metals, and SOCs from the concentrated flows and infrequent events (e.g., intense rain on saturated soils) that transport a substantial portion of the sediment and materials to riparian areas. This criterion requires a setback of moderate width. Consequently, for the purpose of long term conservation, though widths from several to more than a hundred meters have been recommended, setbacks of 20–30 m (66–98 ft) have been recommended most frequently (Castelle et al. 1992; Johnson and Ryba 1992; McCauley and Single 1995; Fennessey and Cronk 1997; Herrone and Hairsine 1998; Wenger 1999; Lowrance et al. 2002; Environmental Law Institute 2003; Lee et al. 2004).

We also are concerned about the riparian habitat for birds and other wildlife.
 Same Placer document **Birds Page 6.2 - 6.3** Habitat Relationships

Riparian habitats have been identified as the most important habitat for landbirds in California (Manley and Davidson 1993, Riparian Habitat Joint Venture 2004). Birds of numerous species are abundant in riparian woodlands of western Placer County. Up to 70 species breed in these habitats; an additional 55 species use them for shelter, foraging, or as migratory stopover areas (Jones & Stokes 2004a). Several riparian-associated birds may be covered under the HCP/NCCP for the Phase I Planning Area: Swainson's hawk, yellow-billed cuckoo (one historical record), yellow warbler, yellow-breasted chat, and Modesto song sparrow. Two potentially covered species (bald eagle and bank swallow) may use these habitats for foraging, shelter, or cover but do not breed there (Jones & Stokes 2004a).

Many species of riparian-associated birds are known to breed in western Placer County. These include Cooper's hawk, red-shouldered hawk, Swainson's hawk, black-chinned hummingbird, downy woodpecker, western wood-pewee, Pacificslope flycatcher, warbling vireo, tree swallow, house wren, yellow warbler (no recent breeding records), yellow-breasted chat, common yellowthroat, Modesto song sparrow, black-headed grosbeak, blue grosbeak, and American goldfinch (Table 6-1).

Riparian Habitat Requirements

Riparian-associated bird species occupy a wide variety of ecological niches; accordingly, they require a complex vegetative structure for breeding, foraging, and shelter/cover (Riparian Habitat Joint Venture 2004). Riparian woodlands provide many niches for breeding birds because they typically support diverse plant communities, are varied in their vertical and horizontal structures, and provide a source of surface water (MacArthur 1964; James 1971; Rice et al. 1983, 1984; Brinson et al. 2002). Many riparian areas offer a range of successional habitats due to the dynamic nature of their hydrology. Riparian woodlands are also critical to a diversity of migratory birds (e.g., raptors, flycatchers, vireos, warblers, tanagers, sparrows, and grosbeaks) that depend on trees and shrubs near streams for shelter/cover and for the rich food supplies (e.g., insects, seeds, and fruits) associated with these areas (Jones & Stokes 2004a). Moreover, riparian areas can also provide perching, nesting, and foraging habitat, as well as water, for bird species that primarily nest in upland areas (Heath and Ballard 2003).

Because habitat heterogeneity promotes animal diversity, the highest bird abundance and species richness are usually found in riparian woodlands with a variety of different successional stages (i.e., young and old trees) and a lush understory of shrubs and/or herbaceous plants. Many breeding bird species prefer specific successional stages of riparian woodlands. For example, song sparrows, blue grosbeaks, yellow-breasted chats, yellow warblers, and common yellowthroats are often most abundant in early successional habitats (e.g., stands approximately 2 to 4 m [6.5 to 13 ft] tall) with dense vegetation near the ground. Other species, such as Cooper's hawks, red-shouldered hawks, yellow-billed cuckoos, tree swallows, and black-headed grosbeaks, prefer late-successional stands with taller trees and snags (e.g., more than 10 m [33 ft] tall) that are required for nesting substrates and/or song or foraging perches. Some bird species (most woodpeckers, owls, and some swallows and flycatchers) require large snags for nesting (Zeiner et al. 1990a; Riparian Habitat Joint Venture 2004).

Riparian areas also provide essential habitat for migratory birds and wintering species. For example, willow flycatchers (state listed as endangered) require these habitats during spring and fall migration, but they do not remain to nest in western Placer County (Table 6-1). Many other species of Neotropical birds such as vireos, warblers, thrushes, and grosbeaks also depend on riparian habitats for cover and foraging during migration (Riparian Habitat Joint Venture 2004).

I would add that watercourses that meet the definition of a "stream" are subject to slope-based stream guidelines that can range from 65 to 150 ft for slopes 15 degrees to 60 degrees. The slope may vary along the proposed disturbance area, in which case the setback distance will vary accordingly. Thus a fixed setback for the length of the stream is not recommended. (*Napa County Board of Supervisors Water Quality and Tree Protection Ordinance (WQTPO) Page 3.*)

Thank you for consideration of our comments.

Respectfully submitted,

Donald L Rivenes, Conservation Chair Sierra Foothills Audubon Society

3-1

3-2

References:

- 1) Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County
Prepared for: Placer County Planning Department
Prepared by Jones and Stokes in cooperation with PRBO Conservation Science February 2005
- 2) Napa County Board of Supervisors Water Quality and Tree Protection Ordinance (WQTPO)

3-3

Response to Letter 3: Don Rivenes, Conservation Chair Sierra Foothills Audubon Society

Response 3-1: This comment serves in part as an introductory statement to identify the commenter and present their serious concerns related to birds and all other wildlife. The commenter indicates concern with the project being so close to the Aguilar Tributary on the 36-acre site that feeds Secret Ravine. The commenter's specific concerns include destroying the existing wildlife corridor, and pollution of this creek which feeds into Secret Ravine. The commenter notes that a 50-foot setback from the creek edge is noted in the EIR. The commenter indicates that their organization supports a greater setback to the tributary creek than the City's standard 50-foot setback and that they feel 50 foot does not provide enough protections. The commenter offers a suggestion of a 75–100-foot setback and cites the Rocklin General Plan's Open Space Action Plan, Action Step OCRA-11, also allowing the City to designate an easement greater than 50 feet for perennial streams when it is determined such a buffer is necessary to adequately protect habitat areas. The commenter quoted the following from *Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County* (Jones and Stokes 2005)

Excerpt Page 3-14

Recommended Setback Width to Conserve Biogeochemical Functions

For the purpose of long-term conservation of biogeochemical functions, the project team recommends that riparian setbacks include the entire active floodplain, regardless of the current extent of riparian vegetation on that surface, and that an additional 30-m (98-ft) buffer be included in the setback.

For effective long-term conservation of riparian functions, setback widths should be sufficient to retain macronutrients, metals, and SOCs from the concentrated flows and infrequent events (e.g., intense rain on saturated soils) that transport a substantial portion of the sediment and materials to riparian areas. This criterion requires a setback of moderate width. Consequently, for the purpose of long term conservation, though widths from several to more than a hundred meters have been recommended, setbacks of 20–30 m (66–98 ft) have been recommended most frequently (Castelle et al. 1992; Johnson and Ryba 1992; McCauley and Single 1995; Fennessey and Cronk 1997; Herrone and Hairsine 1998; Wenger 1999; Lowrance et al. 2002; Environmental Law Institute 2003; Lee et al. 2004).

This comment is addressed in Master Response 4.

Response 3-2: The commenter identified concerns about riparian habitat for birds and other wildlife, and quoted the following from *Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County* (Jones and Stokes 2005)

Excerpt Page 6.2 - 6.3 Habitat Relationships

Riparian habitats have been identified as the most important habitat for landbirds in California (Manley and Davidson 1993, Riparian Habitat Joint Venture 2004). Birds of numerous species are abundant in riparian woodlands of western Placer County. Up to 70 species breed in these habitats; an additional 55 species use them for shelter, foraging, or as migratory stopover areas (Jones & Stokes

2004a). Several riparian-associated birds may be covered under the HCP/NCCP for the Phase I Planning Area: Swainson's hawk, yellow-billed cuckoo (one historical record), yellow warbler, yellow-breasted chat, and Modesto song sparrow. Two potentially covered species (bald eagle and bank swallow) may use these habitats for foraging, shelter, or cover but do not breed there (Jones & Stokes 2004a).

Many species of riparian-associated birds are known to breed in western Placer County. These include Cooper's hawk, red-shouldered hawk, Swainson's hawk, black-chinned hummingbird, downy woodpecker, western wood-pewee, Pacificslope flycatcher, warbling vireo, tree swallow, house wren, yellow warbler (no recent breeding records), yellow-breasted chat, common yellowthroat, Modesto song sparrow, black-headed grosbeak, blue grosbeak, and American goldfinch (Table 6-1).

This comment is addressed in Master Response 4 and 12.

Response 3-3: This comment presents the references used in the comment.

This comment is noted, and no further response is necessary.

David Mohlenbrok
City of Rocklin – Community Development
3970 Rocklin Road
Rocklin, CA 95677



Dear David,

We moved to Rocklin in 1998. We chose our home on El Don Drive because the area was not as developed as other areas of Rocklin and Roseville. The East side of Rocklin had lots of open space. The area was quiet, the traffic minimal and it had a small town feel.

Over the years, the small town feel has been lost. Our once quiet street has become a cut through for traffic on Sierra College and Rocklin Road. With the added traffic came noise, pollution, speeders and stop sign runners. We used to see deer and other wildlife when we first moved here. Sadly, that is not the case anymore.

The proposed project would take away the open space that we love about our area. It would destroy the habitats of existing wildlife. The project would increase traffic which is already a problem (the proposed Costco will add to this). Additionally, the proposed projects would affect our property values. El Don already has lots of traffic, these projects will only add to that. Homes on busy streets traditionally sell for less.

We understand that growth is inevitable. We are asking that you consider reducing the scope of the project by at least 50% to minimize the additional traffic, noise, pollution and preserve wildlife habitats.

We want to continue to love and live in Rocklin.

Sincerely,
Eve Wise
Eve and Tom Wise
5017 El Don Drive
Rocklin, CA 95677

4-1

Response to Letter 4: Eve and Tom Wise, Public Comment Submission

Response 4-1: This comment provides their historical experience living in Rocklin, in the vicinity of the Project site, dating back to 1998. They have characterized the area as quiet, lots of open space, minimal traffic, and a small-town feel. The commenter notes that this has been lost, and in place is added traffic, noise, pollution, speeders, and stop sign runners. The commenter notes that they used to see deer and other wildlife, but not anymore. The commenter states that the proposed Project would take away open space, destroy habitat, increase traffic, and affect property values, among other detriments. The commenter concludes suggesting that the scope of the project should be reduced by 50% to minimize the additional traffic, noise, pollution, and to preserve wildlife habitat.

The DEIR includes a Section that analyzed each environmental topic raised in this comment. This includes a Section on air quality, biological resources, hydrology, noise, and traffic. The DEIR also includes an alternatives analysis (DEIR, Section 5.0), which included a Reduced Footprint alternative that reduced the footprint by 17 percent. Lastly, the proposed Project includes 9.0 acres of open area in the North Village site and 13.5 acres of open area in the South Village site. The total open area preserved under the proposed Project is 22.5 acres, inclusive of existing habitat. In addition to the open area, there is a proposed 7.8 acres of parkland that is proposed.

College Park DEIR comment.

Sent from my iPhone

Begin forwarded message:

From: Linda Lareau <linda@lindalareau.com>
Date: October 15, 2021 at 11:32:15 AM PDT
To: David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>
Subject: College park project

I'm very concerned about the environmental impact on the Secret Ravine and Tributary Creek. We have been tirelessly working on keeping our creeks in Placer County clean and free from pollution and also are concerned about the health and wellness of any wildlife, insects, and birds in that area. It would be wise to protect our streams and ravines for our population. Please consider placing a much larger set back than the fifty feet minimum required.

Sent from my iPhone

5-1

Response to Letter 5: Linda Lareau, Public Comment Submission

Response 5-1: This commenter indicates concern about the environmental impact on the Secret Ravine and its Tributary Creek. The commenter notes that they have been tirelessly working on keeping creeks in Placer County clean and free from pollution, and that they are concerned about the health and wellness of any wildlife, insects, and birds in that area. The commenter suggests that it would be wise to protect streams and ravines for the population, and recommends placing a much larger set back than the fifty feet minimum required.

This comment is addressed in Master Response 1, 2 and 4.

smcmurtry@denovoplanning.com

From: David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>
Sent: Monday, October 18, 2021 12:41 PM
To: 'Steve McMurtry' (smcmurtry@denovoplanning.com); zdahla@denovoplanning.com; 'Josh Smith'
Cc: George Phillips (gphillips@phillipslandlaw.com)
Subject: FW: College Park South

College Park DEIR comment.



David Mohlenbrok | Director
 Community Development Department | City of Rocklin
 3970 Rocklin Road | Rocklin, CA 95677
Direct: (916) 625-5162
Website: www.rocklin.ca.us

The Community Development Department's "Customer Service Survey" is now available on the CDD website:
<https://www.rocklin.ca.us/pod/community-development-customer-survey>

Please consider the environment before printing this email.

From: sandy amara <amaraslaw@yahoo.com>
Sent: Monday, October 18, 2021 7:51 AM
To: David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>
Cc: Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Bill Halldin <Bill.Halldin@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>
Subject: College Park South

Dear Mr. Mohlenbrok,

I am writing this letter to urge you to increase the setback for the College Park South project to 75-100 feet, in order to protect the fragile ecosystem that is being impacted by that project. In short, the development will greatly affect the streams and groundwater in the area, and will substantially increase the risk of flooding, groundwater variation, and water quality if the setbacks are not increased. The small increase in setbacks is a small price to pay for overall quality of life to the area. Thank you for your consideration.
 Sandy Amara

6-1

Response to Letter 6: Sandy Amara, Public Comment Submission

Response 6-1: This commenter urges the City to increase the setback to 75-100 foot in order to protect the fragile ecosystem that is being impacted by the project. The commenter indicates that the development will greatly affect the steams and groundwater in the area, and will substantially increase the risk of flooding, groundwater variation, and water quality if the setbacks are not increased. The commenter indicates that the small increase in setbacks is a small price to pay for overall quality of life to the area.

This comment is addressed in Master Response 1, 2, 3, and 4.



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

October 20, 2021

Mr. David Mohlenbrok
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677
David.Mohlenbrok@rocklin.ca.us

DRAFT ENVIRONMENTAL IMPACT REPORT FOR COLLEGE PARK – DATED
SEPTEMBER 2021 (STATE CLEARINGHOUSE NUMBER: 2019012056)

7-1

Dear Mr. Mohlenbrok:

The Department of Toxic Substances Control (DTSC) received an Environmental Impact Report (EIR) for College Park (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the EIR Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive

7-2

Mr. David Mohlenbrok
October 20, 2021
Page 2

in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

7-2 Cont.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 [Abandoned Mine Land Mines Preliminary Assessment Handbook](#)
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

7-3

7-4

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for

Mr. David Mohlenbrok
October 20, 2021
Page 3

[Lead Agency Oversight Application](#). Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#)..

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

7-5

Response to Letter 7: Gavin McCreary, Department of Toxic Substances Control

Response 7-1: This comment is an introductory statement and does not warrant a response.

Response 7-2: This commenter recommends that the DEIR acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. The commenter indicates that in instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The commenter also indicates that the DEIR should identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight. The commenter then discusses aerially deposited lead (ADL) and recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project.

It is noted that Evergreen Sierra LLC (one of the Applicants) has been working with DTSC since August 2018 to address environmental conditions at the Project site under a formal voluntary cleanup agreement (VCA). DTSC's ongoing oversight role at the Project site is intended to ensure that each of the DTSC's concerns will be properly addressed, including the items noted in the DTSC Comment Letter. The DEIR includes all of the background information, analysis, and mitigation measures necessary for DTSC to complete its work on the Project site after the applications for entitlements are considered by the City of Rocklin. There are, however, several edits to the text of the DEIR that are warranted to acknowledge that DTSC will function as a CEQA Responsible Agency for the proposed Project, and to delete the references to the Placer County Environmental Health Department (EHD) as a primary oversight agency for cleanup activities. The edits are made in Section 3.8 Hazards and Hazardous Materials, which is shown in Section 3.0 Errata.

The environmental topics discussed in this comment are addressed in Section 3.8 Hazards and Hazardous Materials. The DEIR indicates that historical information was reviewed as part of the 2016 Phase I Environmental Site Assessment (ESA) and 2020 Phase I ESA to develop a history of the previous uses on the proposed Project site and surrounding area, in order to evaluate the Project site and adjoining properties for evidence of Recognized Environmental Conditions (RECs). This included looking at uses dating back to the late 1800s.

To address potential soil contamination concerns, a Phase II ESA was prepared by Wallace-Kuhl & Associates (WKA) to determine if chemicals of potential concern (CPOC) associated with historical land uses are present in shallow Site soil at concentrations that would pose a threat to human health based on a residential land use scenario (see Appendix F). Approximately 60 samples of the former orchard and 36 soil samples from the areas previously occupied by structures were sent to California Laboratory Services – a California State Water Resources Board certified laboratory – to conduct the necessary soil analyzes. Each soil sample was analyzed discretely for lead.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Lead was detected at concentrations that exceeded commercial screening levels at three locations at the north and south village, which could pose a hazard to future residential uses on-site. It is noted that the DTSC has issued a no further action letter regarding lead on the South Village site. Soil cleanup for lead usually involves one or more of the following approaches:

- Removing the impacted soil from the site by excavation followed by disposal or treatment of excavated soils;
- Encapsulation, by creating a barrier to prevent human contact by construction of a barrier or cap; and/or
- Rendering the arsenic/lead immobile or inert by in-situ stabilization to prevent migration into ground water.

The DEIR indicates that prior to the approval of improvement plans for the North Village site, the applicant would be required to develop a work plan to remediate hazards at the site, as required by Mitigation Measure 3.8-3. Specifically, the work plan would be required to ensure that any contaminated soil is treated such that it does not impact future residents of the development. Mitigation Measure 3.8-3 is presented in the errata.

Response 7-3: This comment indicates that if any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any Project sites with current and/or former mining operations onsite or in the project area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook.

The Project site is not actively used for mining. There are, however, many locations throughout the region that have been used for various mining activities dating back to the 1840s gold rush. Aerial photos dating back to 1938 do not show any clear evidence of mining operations on the Project site. Additionally, historic USGS maps dating back to the late 1800s do not show any evidence of a quarry or other mining operations on the Project site.

Response 7-4: This commenter indicates that if buildings or other structures are to be demolished, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers. The commenter also indicates that proper sampling of imported should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material. Lastly, the commenter indicates investigation for organochlorinated pesticides should be discussed in the EIR. DTSC

recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).

The environmental topics discussed in this comment are addressed in Section 3.8 Hazards and Hazardous Materials. The DEIR indicates that a Phase I ESA, Phase II ESA, Asbestos Report, and Geotechnical Engineering Report were prepared and included in the EIR. Page 3.8-4 discusses the countless categories of hazardous materials and hazardous wastes that could be found, agrichemicals (organophosphate pesticides), among others. Each of the constituents identified in the comment is addressed through the soil and groundwater sampling performed as part of these studies, the results of which are included in the EIR. The DEIR provides a separate discussion of the conclusions for the North and South Village sites presented below as revised in the errata.

North Village

Compliance with federal, State, and local hazardous materials regulations and codes, including Mitigation Measure 3.9-1, would reduce this impact to a less-than-significant level impacts related to hazards for construction workers and the general public involving the release of hazardous materials into the environment or through the routine transport, use, or disposal of hazardous materials during construction and operation phases of the proposed Project.

Additionally, in the event that hazardous materials are discovered during construction, a Soils Management Plan (SMP) would need to be submitted to and approved by the ~~Placer County Environmental Health Department~~DTSC, as required by Mitigation Measure 3.8-1. The SMP will establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. To further ensure the safety of employees and reduce the potential for accidental release of hazardous materials into the environment, the applicant must submit a HMBP to the Placer County Environmental Health Department for review and approval prior to bringing hazardous materials onsite, as required by Mitigation Measure 3.8-2.

As previously stated, demolition of the on-site single-family residence has the potential to expose construction workers to asbestos containing building materials and lead-based paints due to the age of the structure. Pursuant to federal (NESHAP), state (8 CCR 1529), and county regulations, all suspect asbestos-containing materials would either be presumed to contain asbestos or adequate rebuttal sampling would be conducted by an accredited building inspector prior to demolition. Prior to approval of improvement plans for the North Village site, the applicant would need to develop a work plan to remediate hazards at the site, as required by Mitigation Measure 3.8-3. Specifically, the work plan would ensure that any lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk contained in the buildings to be demolished are properly removed and disposed of in coordination with the ~~Placer County Environmental Health Department~~DTSC.

Based on the analysis included in the Phase II Environmental Assessment, OCPs detected in the soil within the North Village site are present at concentrations that fall below their respective residential ESLs. However, as discussed above, the elevated concentrations of both arsenic and lead found at soil sample location AO-50, AO-57, and ASt3-6 may pose a hazard to future residential uses on-site. According to Figure 4 and 5 of the Phase II ESA and the conceptual plan (see Figure 2.0-9 of Chapter 2) for the North Village site, soil sample AO-50 is located in the southwest portion of the site on land designated for Retail Commercial uses while soil sample AO-57 is located in the southeast portion of the site on land designated for High Density Residential uses. Additionally, soil sample ASt3-6 is located in the northwest portion of the North Village site potentially near residential uses. Soil cleanup for lead and arsenic usually involves one or more of the following approaches:

- Removing the impacted soil from the site by excavation followed by disposal or treatment of excavated soils;

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

- Encapsulation, by creating a barrier to prevent human contact by construction of a barrier or cap; and/or
- Rendering the arsenic/lead immobile or inert by in-situ stabilization to prevent migration into ground water.

Prior to the approval of improvement plans for the North Village site, the applicant would be required to develop a work plan ~~to address~~ to remediate hazards at the site, as required by Mitigation Measure 3.8-3. Specifically, the work plan would be required to ensure that any contaminated soil is treated such that it does not impact future residents of the development.

South Village

Compliance with federal, State, and local hazardous materials regulations and codes, including Mitigation Measure 3.9-1, would reduce this impact to a less-than-significant level impacts related to hazards for construction workers and the general public involving the release of hazardous materials into the environment or through the routine transport, use, or disposal of hazardous materials during construction and operation phases of the proposed Project.

Additionally, in the event that hazardous materials are discovered during construction, a Soils Management Plan (SMP) will need to be submitted ~~to~~ and approved by the ~~Placer County Environmental Health Department~~DTSC, as required by Mitigation Measure 3.8-1. The SMP will establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. To further ensure the safety of employees and reduce the potential for accidental release of hazardous materials into the environment, the applicant must submit a HMBP to the Placer County Environmental Health Department for review and approval prior to bringing hazardous materials onsite, as required by Mitigation Measure 3.8-2.

Based on the analysis included in the Phase II Environmental Assessment, OCPs and arsenic detected in the soil within the South Village site are present at concentrations that fall below their respective residential ESLs. However, as discussed above, the elevated concentrations of lead found at soil sample locations BSt2-1, BSt2-2, and BSt2-3 may pose a hazard to future uses, if they are residential. According to Figures 6 and 7 of the Phase II ESA and the conceptual plan (see Figure 2.0-10 of Chapter 2) for the South Village site, soil sample locations BSt2-1, BSt2-2, and BSt2-3 are located in the northern portion of the site zoned for future Planned Development – Business Professional/Commercial (PD-B-P) uses in the College Park General Development Plan (College Park GDP).

According to the College Park GDP, the purpose of the PD-B-P zoning district is to create employment centers with a variety of business/professional office, retail commercial and restricted non-intensive facilities. Therefore, it is anticipated that the future end use would be non-residential. If the end use is determined to be commercial uses in the location of Structure 2 (see Figure 6 and 7 of the Phase II ESA in Appendix F), no further testing would be required and the impact would be less than significant. However, the College Park GDP does identify that assisted living facilities and continuum of care complexes are allowed by-right in the PD-B-P zoning district. For this reason, if the end use is determined to be a residential care facility or be a mix of residential and commercial, the applicant would be required to remove the soil in the area of Structure 2, as required by Mitigation Measure 3.8-5. The soil is recommended to be removed over 45 feet by 55 feet to a depth of one-foot below ground surface (bgs) in the area of Structure 2. The removed soil will be required to be stockpiled, characterized for disposal, and transported off-site to an appropriate licensed waste disposal facility. A set of soil samples should be collected from the excavation to confirm the removal of lead impacted soil in the area.

MITIGATION MEASURE(S)

Implement Mitigation Measure 3.9-1.

Mitigation Measure 3.8-1: *Prior to commencement of grading, the applicant shall submit a Soil Management Plan (SMP) for review and approval by ~~Placer County Environmental Health~~DTSC, or other appropriate agency.*

and the City. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction to reduce the potential for spills and to direct the safe handling of these materials if encountered. The ~~e~~City and ~~Placer County Environmental Health~~DTSC, or other appropriate agency, will approve the SMP prior to any earth moving.

Mitigation Measure 3.8-2: Prior to bringing hazardous materials (including 55 or more gallons for liquids, 500 or more pounds for solids, and/or 200 or more cubic feet for compressed gases) onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to Placer County Environmental Health Division (CUPA) for review and approval. If during the construction process the applicant or their subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).

Mitigation Measure 3.8-3: Prior to approval of improvement plans for the North Village, the applicant shall develop a work plan acceptable to ~~Placer County Environmental Health~~DTSC, or other appropriate agency, and the City to remediate hazards at the site. The work plan shall address the following items:

- The soils sampling locations AO-50 and AO-57 found in the Phase II ESA prepared by WKA (dated July 28, 2016) confirmed presence of arsenic/lead. The work plan shall ensure that any contaminated soil is treated such that it does not impact future residents of the development. This could include: Removing the impacted soil from the site by excavation followed by disposal or treatment of excavated soils; Encapsulation, by creating a barrier to prevent human contact by construction of a barrier or cap; and/or Rendering the arsenic/lead immobile or inert by in-situ stabilization to prevent migration into ground water.
- The work plan shall ensure that any lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk contained in the buildings to be demolished are properly removed and disposed of in coordination with the ~~DTSC, or other appropriate agency~~Placer County Environmental Health Department. Removal, demolition and disposal of any of the above-mentioned chemicals shall be conducted in compliance with California and other local environmental regulations and policies.

Mitigation Measure 3.8-4: If the final end use of the land located within the 9.0-acre portion of the South Village site designated Business Professional/Commercial (see Figure 2.0-7 in Chapter 2.0, Project Description) is determined to be residential or a mix of non-residential and residential uses, the applicant or future project proponent will be required to do the following prior to issuance of improvement plans for this area of the South Village site:

- Remove the soil over the 45 feet by 55 feet area to a depth of one-foot below ground surface in the area of where Structure 2 previously existed (as shown in the Phase II Environmental Site Assessment by Wallace-Kuhl & Associates provided in Appendix F of this DEIR). The removed soil shall be stockpiled, characterized for disposal, and transported off-site to an appropriate licensed waste disposal facility. A set of soil samples shall be collected from the excavation to confirm the removal of lead impacted soil in the area.

Mitigation Measure 3.8-5: If any underground septic tanks, or fuel tanks are uncovered from past site uses during construction, the project proponent shall retain an environmental professional to assist with the removal consistent with the Placer County Environmental Health Department's Underground Storage Tank Program, and Septic Abandonment Permit requirements.

Mitigation Measure 3.8-6: Project site wells that are no longer operated shall be properly abandoned through permit by the Placer County Environmental Health Division permit. The well abandonment work shall be completed by a C-57 State licensed well contractor.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measures 3.8-1 and 3.8-2 would ensure the preparation of a Soil Management Plan and a Hazardous Materials Business Plan, while Mitigation Measures 3.8-6 and 3.8-7 would ensure that any unknown onsite conditions from past Project site uses would be removed in compliance with county and state requirements. Additionally, implementation of Mitigation Measure 3.8-3 would ensure that the a workplan would be developed to remediate potential hazards at the North Village prior to approval of improvement plans while Mitigation Measure 3.8-4 would ensure that contaminated soil on the South Village site is properly treated based on the final end use. Overall, consistency with federal, State, and local laws and regulations related to the handling of hazardous materials discussed above and implementation of Mitigation Measures 3.8-1 through 3.8-6 as well as Mitigation Measure 3.9-1 from Section 3.9, Hydrology and Water Quality, would ensure that these potential impacts are reduced to a *less than significant* level.

The comment regarding imported materials needing to be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material studies warrants a revision to the text of the DEIR to include Mitigation Measure 3.8-7 as follows. This revision is presented in Section 3.0, Errata.

Mitigation Measure 3.8-7: All imported materials shall be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material.

Response 7-5: This comment serves as a conclusion to the letter and does not have any specific comments that warrant responses.

LAW OFFICES OF
Allan R. Frumkin, Inc.
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ALLAN R. FRUMKIN
 JON RIETVELD III
 JUSTIN SWIERCZEK

5900 King Road
 Loomis, CA 95650
 916-660-9298 / FAX 916-652-7380

Via Electronic and U.S. Mail
 David Mohlenbrok
 Director of Community Development
 City of Rocklin, Community Development Department
 3970 Rocklin Road
 Rocklin, CA 95677
 Email: David.Mohlenbrok@rocklin.ca.us



Re: Comments on Draft Environmental Impact Report (DEIR) (State Clearinghouse Number (SCH No.) 2019012056) for the College Park Project and City Approval of Tentative Subdivision Maps, General Plan Amendment, Rezoning, and General Development Plan

Dear Mr. Mohlenbrok:

On behalf of **Save East Rocklin**, (formerly the El Don Neighborhood Advisory Committee), we submit these comments on the Draft Environmental Impact Report ("DEIR") for Unnamed Applicant's (No Applicant Declared by City, Information Withheld) ("Applicant's Unnamed") College Park Project ("Project"). The Unnamed Applicant is seeking approval of Tentative Subdivision Maps, General Plan Amendments, Rezoning, and a General Development Plan for the Project. The Project is the development of the 108.4-acre of land owned by Sierra College over two separate sites being called (North Village and South Village), which will include: Retail Commercial (RC), Business Professional/Commercial (BP/C), Medium Density Residential (MDR), Medium-High Density Residential (MHDR), High-Density Residential (HDR), and Recreation-Conservation (R-C) land uses. Specifically, the proposed College Park Project includes the approval of the College Park GDP, General Plan Amendments, Zone Changes, and Tentative Subdivision Maps to facilitate the development of up to 342 single-family units, 558 multi-family units, 120,000 square feet of non-residential land uses, parking area and other vehicular and non-vehicular circulation improvements, park, recreational amenities, and open space facilities, and utility improvements to support such densities (*Also Declared Undefined Total Buildout Numbers based on Future Applications*). The City also describes the Project as an urban "In-Fill Project" within the City of Rocklin.

8-1

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I. Introduction

The Project is located on the border of the City of Rocklin and City of Loomis, thus both General Plans and Zoning will interreact at the border and must be coordinated to ensure land use compatibility between the two plans and adjoining properties. Beyond the immediate vicinity of the project several new residential high-density projects are being built or proposed which include the High-Density apartment complex at the southwest corner of Rocklin Road and Sierra College Blvd.; the Dominican Sisters of Mary Mother of the Eucharist property located on the southeast corner of Rocklin Road and Barton Road also planned for High-Density apartment complex within the City of Loomis. In addition, the Sierra College Campus Facilities Master Plan (FMP) which is being carried out presently is working on constructing a 1,500-parking garage structure, infrastructure improvements-electrical service, data service, water service, sanitary sewer service, and storm water systems. Each year over the next five years the Sierra College Campus has planned demolition of all buildings and reconstruction, which include: Student Union, Science Building Phase I, Student Housing, Public Training Safety Center, West Placer CSUS Transfer Center, Performing Arts Center, Vocational Instructional Building, Expanding Parking by over 2,000 parking spaces with an additional Parking Structure, and Rocklin Road improvements. As each project is developed, the needs of each individual project will unavoidably tax limited air, biological, aesthetics, utilities, transportation, and government services resources to potentially significant cumulative extent. Furthermore, the lack of sufficient mitigation measures associated with each individual project will inevitably cause cumulative impacts as the projects encroach upon special status species habitat and the campus "Nature Area" as defined in the FMP. The final toll taken by this aggressive conversion of public lands for a college campus to intense urban land uses on Rocklin's planned low density residential and campus learning neighborhood, public health, traffic, air quality, and natural resources, may not be known for several years or longer, but the mounting evidence of detrimental impacts from intense urban development surrounding a college campus environment shows that the effects may be severe.

8-2

In addition, the FMP calls for the Nature Area of the Campus be protected. The proposed project is immediately across the street from the Nature Area. The FMP states: "*Nature Area: The nature area is a unique biological asset to the Rocklin Campus and a rare feature for a community college campus. Many disciplines use this outdoor space for educational purposes. To preserve the uniqueness of the nature area, it is the desire of the FMP task force to minimize encroachment of new development, both in size and nature of impact, into this portion of the Campus.*" The proposed intense development is directly contrary to the policies and implementation of the FMP. The biological resources of the nature areas owned by the Sierra College campus surrounding the City of Rocklin Monte Verde Park and the area between the freeway and the main campus will be severely impacted. In this case the Project is a particularly significant threat to biological resources in the ecoregion subarea – because the Project will remove the last gap in the wall of continuing high density urban development that will effectively block the existing wildlife corridor. As described more extensively in these comments, the DEIR lacks substantial evidence to support the City's finding that the

8-3

Project's cumulatively considerable impacts to biological resources will be mitigated to less than significant. Due to the Project's position as the last remaining "brick" in the wall that will sever east Rocklin's wildlife corridors and habitats, the Project, even more so than neighboring projects, will result in significant cumulatively considerable impacts to special-status species and connectivity and preservation of their habitats.

Now, more than ever, it is essential that the City adequately identify and analyze the Project's foreseeable direct, indirect, and cumulative impacts. It is also imperative that any and all feasible mitigation measures to reduce significant impacts be presented and discussed. Indeed, CEQA requires nothing less.

As explained below, the Project will generate a multitude of significant, unmitigated impacts on Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. The DEIR mischaracterizes, mis analyze, underestimates, quotes data and references that do not exists, withholds information, underestimates and fails to identify many of these impacts. The DEIR for example claims the Project is an "Infill Project" which mischaracterizes the environmental setting of the Project resulting in the analysis to be mis analyzed and underestimated concerning potential impacts. But rather this land does not meet the definition of "Infill Project" which is established by *California Health and Safety Code, Division 31-Housing and Home Finance, Part 12 Housing and Emergency Shelter Trust Fund Act of 2006, Chapter 2 Housing and Emergency Shelter Trust Fund of 2006 and Program, Section 53545.16, subsection (d) and (e) which states:*

"Qualifying infill area" means a contiguous area located within an urbanized area (1) that has been previously developed, or where at least 75 percent of the perimeter of the area adjoins parcels that are developed with urban uses, and (2) in which at least one development application has been approved or is pending approval for a residential or mixed-use residential project that meets the definition and criteria in this section for a qualified infill project."

*(e) (1) "Qualifying infill project" means a residential or mixed-use residential project located within an urbanized area on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.
(2) A property is adjoining the side of a project site if the property is separated from the project site only by an improved public right-of-way.*

8-3 Cont.

8-4

Clearly the statement that the Project is an Infill Project is misleading at best and outright false making the whole analysis flawed based on that characterization of the Project area. The first criteria requires that the land was previously developed. The evidence is that this land has never been developed, but rather was donated to Sierra College for the intent and purpose as public lands to provide space to accommodate needs of the Sierra College Campus. The second factor under criteria number 1 above is that at least 75% of the perimeter of the area adjoins parcels that are developed with urban uses. The adjoining parcels in the City of Loomis which make up over 50% of the perimeter, are agricultural lands and have never been developed with urban uses nor have they been planned for urban development. The second criteria requires that at least one development application has been approved for a residential or mixed-use residential project that meets the definition and criteria for a "qualified infill project". Again, the Project site does not meet criteria 2 since it has never had a residential or mixed-use residential project approved. In addition, the Project site is also on the very edge of the City of Rocklin city limits adjacent to rural agricultural land uses and previous history was of agricultural uses not a site characterized as being in the middle of urban land uses.

8-4 Cont.

With respect to this Project, the DEIR fails to satisfy the basic purposes of CEQA. The DEIR fails to adequately disclose, investigate, and analyze the Project's potentially significant impacts, and fails to provide substantial evidence to conclude that impacts will be mitigated to a less than significant level. Because the DEIR lacks basic information regarding the Project's potentially significant impacts, the DEIR's conclusion that the Project will have a less than significant impact on the environment is unsupported (*California Public Resources Code Section 21064.5*). The City failed to gather the relevant data to support its finding of reducing significant impacts to less than significant, and substantial evidence shows that the Project may result in potentially significant impacts which have not been evaluated. Therefore, a fair argument can be made that the Project may cause significant impacts that have not been disclosed requiring the recirculation of the DEIR. Furthermore, many of the mitigation measures described in the DEIR will not mitigate impacts to the extent claimed. In some instances, the mitigation measures may generate additional impacts that are not evaluated. The DEIR must be revised to resolve its inadequacies and must be recirculated for public review and comment.

8-5

CEQA requires recirculation of a DEIR for public review and comment when significant new information is added to the DEIR following public review, but before certification (*Public Resources Code Section 21092.1*). The CEQA Guidelines clarify that new information is significant if the DEIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect (*CEQA Guidelines Section 15088.5*).

8-6

The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it (*Save Our Peninsula Comm. V. Monterey County Board of Supervisors (1981) 122 Cal.App.3d.813,822*). As explained more fully below, the DEIR does not comply with the requirements of CEQA because the DEIR: 1) Fails to set forth a stable and finite project description; 2) Fails to set forth the environmental baseline and properly characterize the Project site; and 3) Fails to identify, analyze, and mitigate to the extent feasible, all the significant impacts that the Project will have on Public Health, Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards, Hazardous Waste, and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, Tribal Cultural Resources Utilities and Service Systems, and Wildfire. The City may not approve the Project until an adequate DEIR is prepared and circulated for public review and comment.

8-6 Cont.

We have reviewed the DEIR and its technical appendices with assistance from technical consultants.

II. Statement of Interest

Save East Rocklin is an unincorporated association of individuals, property owners, Sierra College Students/Faculty, and residents that may be adversely affected by the potential health, safety, public service, and environmental impacts of the Project. The association includes its two co-chairs El Don Neighborhood residents Denise Gaddis and Bruce Lee and **Save East Rocklin** members and families and other individuals that live, study, play, and/or work in east Rocklin.

The individual members of **Save East Rocklin** live, work, recreate and raise their families in east Rocklin and western Loomis. They would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on constructing the Project itself. They will be first in line to be exposed to any health and safety hazards that may be present on the Project site. They each have a personal interest in protecting the Project area from unnecessary adverse environmental and public health impacts.

8-7

The organizational members of **Save East Rocklin** also have an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for the members that they represent. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for businesses to locate and people to live there. This, in turn, jeopardizes future development by causing construction moratoriums and otherwise reduces future employment opportunities for construction workers. The members of **Save East Rocklin** therefore have a direct interest in enforcing environmental laws to minimize the adverse impacts of projects that would otherwise degrade the environment. Finally, the organizational members of **Save East Rocklin** are concerned about projects that risk serious environmental harm without providing countervailing economic benefits and

protect the Sierra College Campus. The CEQA process allows for a balanced consideration of a project's socioeconomic and environmental impacts, and it is for the purpose of achieving this balance that we offer these comments.

8-7 Cont.

III. Legal Background

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR, except in limited circumstances. (See, e.g., *Public Resources Code Section 21100*) The EIR is the very heart of CEQA. (*Dunn-Edwards vs. BAAQMD (1992) 9 Cal.App.4th 644, 652*) "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Environment vs. California Resources Agency (2002) 103 Cal.App. 4th 98, 109*)

CEQA has two primary purposes. First, CEQA is designed to inform decisionmakers and the public about the potential, significant environmental effects of a project. (*14 California Code of Regulations. ("CEQA Guidelines"), Section 15002, subd. (a) (1)*) (See, e.g., *Public Resources Code Section 21100*) CEQA's purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. In this respect, an EIR "protects not only the environment but also informed self-government." (*Citizens of Goleta Valley vs. Board of Supervisors (1990) 52 Cal.3d 553, 564*) The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."

8-8

To fulfill this function, the discussion of impacts in an EIR must be detailed, complete, and "reflect a good faith effort at full disclosure." (*CEQA Guidelines Section 15151; San Joaquin Raptor/Wildlife Rescue Center vs. County of Stanislaus (1994) 27 Cal.App. 4th 713, 721-722*) CEQA requires an EIR to disclose all potential direct and indirect, significant environmental impacts of a project. (*Public Resources Code Section 21100, subd. (b)(1); CEQA Guidelines Section 15126.2, subd. (a)*) In addition, an adequate EIR must contain the facts and analysis necessary to support its conclusions. (See *Citizens of Goleta Valley 52 Cal. 3d at 568*)

The second purpose of CEQA is to require public agencies to avoid or reduce environmental damage when possible, by requiring appropriate mitigation measures and through the consideration of environmentally superior alternatives. (*CEQA Guidelines Section 15002, subds. (a)(2)-(3); see also, Berkeley Keep Jets Over the Bay Committee vs. Board of Port Commissioners (2001) 91 Cal.App. 4th 1344, 1354; Citizens of Goleta Valley vs. Board of Supervisors (1990) 52 Cal 3d 376, 391, 400*) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can

be avoided or significantly reduced." To that end, if an EIR identifies significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts. (*Public Resources Code Section 21002.1, subd. (a), 21100, subd. (b)(3)*) CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures. (*Public Resources Code Section 21002-21002.1*) Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the EIR to meet this obligation.

8-8 Cont.

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.'" (*Berkeley Jets, 91 Cal.App. 4th 1344, 1355 (emphasis added), quoting, Laurel Heights Improvement Association vs. Regents of University of California (1988) 47 Cal. 3d 376, 391, 409, fin. 12*) As the courts have explained, "a prejudicial abuse of discretion" occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Berkeley Jets, 91 Cal.App.4th at 1355; San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713, 722; Galante Vineyards v. Monterey Peninsula Water Management Dist. (1997) 60 Cal.App.4th 1109, 1117; County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931, 946*)

IV. The DEIR Fails to Reveal the Project Applicant

The DEIR Fails to reveal the Project Applicant and Owners of the land under consideration, as required by the California Housing Crises Act of 2019 and the CEQA public review process. Before an application for the development of housing and mixed-use developments can be accepted, the owner of each property involved must provide a signature to verify the application is being filed with their knowledge. The City is required to document and confirm ownership based on the records of the County Assessor. In the case of publicly owned land (Sierra Joint Community College District) the agent for service of process or an officer of the ownership entity so authorized may sign by showing disclosure from the public agency identifying the agent for service or process, or an officer of the public agency with authority. The City does not have such documentation on file. *California Government Code 65940* requires the City compile a list that shall specify in detail the information that will be required by the applicant for a development project. The City's Universal Application Form for development projects specifically states, "Signature Authorizing Application; provide owner's signature letter if signature is other than property owner." We have requested the signature letter from the City and to date have not received the required letter that was required to be submitted with the application to allow acceptance of the application in accordance with municipal code and California Government Code. The knowledge of who the property owner and applicant are a fundamental right of every person in California according to *California*

8-9

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Government Code Section 6250. The California Public Record Act compels the City to provide applicant and ownership information in the DEIR and in public notices.

The ownership and applicant information are required to allow the public the opportunity to ask questions of the development proponent (Owner and Applicant) as required by the CEQA public review process. Without access to the development proponents the public review process will be limited and impermissibly narrow, thus minimizing the project's impacts and undercutting public review (*Laurel Heights Improvement Association vs. Regents of the University of California (1988) 47 Cal. 3d 376*).

8-9 Cont.

V. The City Lacks Substantial Evidence to Approve the Projects Land Use Requests

The Project requires approval of a General Plan Amendment, Rezone, General Development Plan, and Tentative Subdivision Map to develop a mixed-use urban development with commercial, residential, and recreational land uses. The Project is currently designated as Mixed Use (MU) general plan designation under the current adopted City General Plan. The applicant has requested the City consider changing the General Plan Land Use designations to: Retail Commercial (3 acres); Medium Density Residential (10.9 acres); Medium-High Density Residential (29.4 acres); High Density Residential (25.8 acres) and Recreation-Conservation (30.3 acres) which requires the City to make findings regarding land use consistencies and other environmental factors. As discussed in our comments below, the DEIR fails to disclose the Project's potentially significant, unmitigated impacts on air quality, public health, agriculture, biological resources, hazards, hazardous waste, and hazardous materials, aesthetics, noise, and water quality. These impacts create inconsistencies with the City of Rocklin Zoning Code and General Plan.

8-10

Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy constitutes a significant land use impact and, in itself, indicates a potentially significant impact on the environment (*See Pocket Protectors vs. Sacramento (2005) 124 Cal.App.4th 903*). Any inconsistencies between a proposed project and applicable plans must be discussed in the DEIR (*14 CCR Section 15125(d); City of Long Beach vs. Los Angeles Unified School District (2009) 176 Cal.App.4th 889,918; Friends of the Eel River vs. Sonoma County Water Agency (2003) 108 Cal.App. 4th 859, 874, (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans)*). A project's inconsistencies with local plans and policies also constitute significant impacts under CEQA (*Endangered Habitats League, Inc. vs. County of Orange (2005) 131 Cal.App. 4th 777, 783-4, 32 Cal.Rptr.3d 177; see also County of El Dorado vs. California Department of Transportation (2005) 133 Cal.App. 4th 1376*). Recirculation of the DEIR must be prepared to adequately disclose and mitigate the significant land use impacts discussed below.

City of Rocklin General Plan Policy LU-16 requires that the Planning Commission and City Council make findings concerning compatibility of surrounding land uses which states: *“To the extent feasible, require that new development in areas contiguous to neighboring jurisdictions be compatible with those existing land uses.”* The City of Loomis, which is adjacent to the east of the Project is planned for *“Residential Agricultural”* and *“Residential Estate.”* The existing MU-Mixed Use General Plan Land Use Designation as well as the proposed high density urban development general plan land use designations completely ignored the mandate of this General Plan Policy. Urban high-density land uses which are called for by the Applicant would be in conflict with rural residential agricultural land uses which would constitute being unreasonably incompatible with and injurious to surrounding properties, and detrimental to the health and general welfare of persons residing or working in the vicinity. Nearby livestock operations (*horse stables, goat farms, chicken farms*) may require new levels of fly management to control vectors and fly nuisance due to the illegally adopted MU-Mixed Use General Plan Land Use Designation which ignored this Policy as well as the proposed general plan land use designations. Fly issues are a critical issue for developing an urban area interfacing with an agricultural area which has a stewardship of horse boarding, goat farming, and chicken/egg production which is just one of the reasons for such a policy.

8-11

In addition, the proposed general plan land use designations as well as the existing MU-Mixed Use General Plan Land Use Designation conflicts with California's complicated fabric of policies that address the retention of farmland for agriculture. Application of the MU-Mixed Use General Plan Land Use Designation or the proposed general plan land use designations are in direct conflict with State Policy established by AB 857 (2003), which mandates farmland retention as one of three state planning priorities. Another priority called out in the Rocklin General Plan and the State Government Code requires efficient urban development, which promotes the conservation of farmland, clearly this existing General Plan Land Use Designation of MU-Mixed Use and the proposed general plan amendments will conflict with the characteristics of Agricultural Land Uses which have been practiced for years within the City of Loomis adjacent to this publicly owned land by Sierra Joint Community College District. This law requires state agencies to apply the policy and calls for an annual report by the Governor on their progress. CEQA includes farmland loss as a significant impact that must be avoided or mitigated, and clearly the adoption of the proposed general plan amendment and the existing MU-Mixed Use General Plan Land Use Designation establishes a conflict which constitutes a significant impact which was not addressed and was contrary to the adopted findings of the Rocklin General Plan DEIR and mitigation measures adopted for the implementation of the General Plan and Build-out of the General Plan.

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The Project is currently designated MU- Mixed Use General Plan land use designation under the City's current General Plan after it was amended from the previous General Plan land use designation of Public/Quasi Public PQP which was applied to the Project site by the City in the pre-planned and pre-zoning during the annexation process of the parcels in 2002 by the City of Rocklin and the Placer County Local Agency Formation Commission (LAFCO). As you are aware, the General Plan Land Use designation must be consistent with the General Plan and the underlying zoning of the parcels must be consistent with the General Plan designation under both the City Municipal Code and State law. Unfortunately, the City erroneously changed the General Plan Land Use Designation in 2016 with an inconsistent Mixed Use-MU General Plan Land Use Designation and inconsistent zoning classifications.

According to the General Plan implementation actions the only allowable land use designation under the General Plan is Public/Quasi Public-PQP, and zoning classifications of O-A Open Area and/or PD Planned Development as called out in the *General Plan Zoning Consistency Matrix Table 4-4 page 4A-17* of the Rocklin General Plan and a zoning classification consistent with the City's General Plan and Rocklin Municipal Code Title 17 Zoning. At the time the City adopted its 2012 General Plan, the parcels were located within the City's Planning Area sphere of influence established by Placer County Local Agency Formation Commission. As you are aware, a city must evaluate and consider all areas within the City limits as well as any lands outside its boundaries within the sphere of influence bearing a relation to its future planning when updating its General Plan (*California Government Code Section 65300*). The City prepared and certified an DEIR in August 2011, which analyzed the environmental impacts of applying the Public/Quasi Public-PQP General Plan Land Use Designation and the Sierra College Special Planning Area designations to the publicly owned parcels of the Sierra Joint Community College District. (*General Plan DEIR August 2011*). In that General Plan DEIR the City certified a finding that "no major changes in land use designations are occurring around the periphery of the City of Rocklin Planning Area. Potential conflicts with plans of adjacent municipalities ... County of Placer, and the Town of Loomis...are addressed through policies included in the ... Land Use Element (Policies LU-16, LU-57, LU-58, LU-67) that focus on lands along the periphery of the City." During the adoption of the new MU-Mixed Use General Plan Land Use Designation the City did not make findings concerning the above-mentioned General Plan Policies relied upon in the adopted DEIR to reduce significant impacts to less than significant. In fact, the MU-Mixed Use General Plan Land Use Designation adopted by the City in 2016 conflicts with all the above mentioned policies contrary to the *California Government Code Section 65860(a)* and *California Case Law* requiring the General Plan to be internally and vertically consistent: This case instructs the City on actions required to keep vertical consistency as found in *Citizens of Goleta Valley v. Board of Supervisors, (1990) 52 Cal. 3d, 553, 570*. In addition, the adoption of the MU-Mixed Use General Plan Land Use Designation was in violation of the adopted *DEIR in August 2011* which declared to the public there was no changes to the General Plan land use designations of the Sierra Joint Community College District's publicly owned parcels

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and therefor "No Impact". Adoption of the MU-Mixed Use General Plan Land Use Designation was a significant impact as defined by the *August 2011 DEIR* and its findings and the proposed General Plan Amendment will further violate the adopted *August 2011 DEIR*.

The following policy of the Rocklin General Plan provides further dictates concerning the proposed general plan amendments, Rocklin General Plan Policy LU-57 states: "*Urge Placer County to maintain low density rural land use designations and large parcel zoning in areas that have potential to impact the City.*" When the General Plan was adopted Placer County had jurisdiction over the Project site within the Rocklin General Plan – planning area. The plan called for these parcels to remain in "*large parcel zoning*". After adoption of the General Plan and this Policy, the City of Rocklin annexed the Placer County territory which encompassed all of Sierra Joint Community College District's publicly owned parcels. When the City Annexed this territory, they pre-zoned it with the PQP-Public Quasi Public General Plan Land Use Designation and the OA-Open Area and PD-Planned Development zoning classifications which was consistent with the above stated Policy. Again, the Rocklin General Plan Policy expressly forbids the MU-Mixed Use General Plan Land Use Designation, which is intended to allow high density, small lot urban development (*commercial, high density residential, professional offices*).

The following policy of the Rocklin General Plan provides further dictates concerning the proposed general plan amendments, Rocklin General Plan Policy LU-58 states: "*Discourage residential, commercial, or industrial development at urban densities or intensities in areas on the periphery of the Rocklin Planning Area, unless public services can be provided and annexation is accomplished to an appropriate city.*" When the City adopted the MU-Mixed Use General Plan Land Use Designation for the Project site it was in complete conflict with the stated Policy LU-58 since the MU-Mixed Use General Plan Land Use Designation does not "*Discourage residential, commercial...development at urban densities.*" But rather MU-Mixed Use General Plan Land Use Designation encourages high urban densities beyond that which was not planned for by the Placer County Water Agency Master Plan, which was adopted to support these Project parcels as PQP-Public Quasi Public General Plan Land Use Designation which only allowed public educational facilities which has a far less water demand than the proposed general plan amendments and the MU-Mixed Use General Plan Land Use Designation. Furthermore, the MU-Mixed Use General Plan Land Use Designation is also in conflict with the Sewer Master Plan and Capital Improvement Program adopted by South Placer Municipal Utility District, which was also based on the City of Rocklin General Plan Land Use Designation of PQP-Public Quasi Public.

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2.0 COMMENTS ON DRAFT EIR AND RESPONSES

The DEIR does not document the communications between Placer County, Cities of Roseville and Loomis in compliance with Rocklin General Plan Policy LU-67 states: *"Encourage communication between the County and the Cities of Roseville, Loomis, Lincoln, and Rocklin to ensure the opportunity to comment on actions having cross-border implications and to address other community interface issues, including land use compatibility, circulation and access, and development standards."* Once again, the City of Rocklin did not carry out this Policy in adopting the MU-Mixed Use General Plan Land Use Designation nor in consideration and CEQA evaluation of the proposed general plan amendments. For this reason alone, the DEIR must be recirculated to allow the public the opportunity to engage in their elected officials regarding this matter in the Cities of Loomis, and Roseville as well as Placer County.

The Rocklin General Plan provides guidance on the spatial applications of the fifteen land use designations identified in the General Plan Land Use Element. The MU-Mixed Use General Plan Land Use Designation is expressly limited to *"Downtown Rocklin"* or the *"Redevelopment Project Area"* which is defined as that area encompassing between Interstate 80 and Pacific Street, between Sunset Boulevard and the Sierra College Boulevard Interchange. In Table 4-1: *Summary of Land Use Designations and Population Density Standards*, on page 4A-10 of the General Plan provides counsel on the proper use and placement of the MU-Mixed Use General Plan Land Use Designation within the General Plan – Planning Area of the City, which states *"E... Mixed Use development is anticipated to be concentrated in the Downtown Rocklin Area."* The Downtown Rocklin Area is defined by the General Plan and Geographically it is located over one (1) mile away from the Sierra Joint Community College District's publicly owned lands which were applied the MU-Mixed-Use General Plan Land Use Designation contrary to the instructions and policies of the adopted General Plan in violation of the California Government Code and California Case Law. Furthermore, the General Plan states *"B. Mixed Use shall support development and redevelopment or revitalization of areas that are in decline or economically underutilized."* Again, the publicly owned lands of Sierra Joint Community College District do not qualify as a redevelopment area or area designated for revitalization as adopted by City of Rocklin Ordinance and Resolution for the defined redevelopment area and revitalization areas within the City that again are over one (1) mile distance away from the impacted Sierra Joint Community College District publicly owned parcels in question.

The Rocklin General Plan was very clear on the only consistent General Plan Land Use Designation for the Sierra Joint Community College District publicly owned parcels is *"PQP Public/Quasi-Public"* The General Plan states the PQP-Public Quasi Public General Plan Land Use Designation shall be applied *"A. To identify existing land and structures committed to public agency uses,"* and *"B. To provide areas for development of future public facilities to meet public needs."* To date the land in question is still in public ownership listing by the Placer County Assessor's Office as Sierra Joint Community College District as the owner of the parcels identified with the Project site

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which have been illegally designated "MU-Mixed Use" contrary to the instructions and policies of the General Plan. The General Plan also states that "PQP – Public Quasi Public" land use designation should be applied to all lands which are considered a "Public Facilities of a neighborhood, community or regional nature." The General Plan DEIR (August 2011) and the General Plan (2012) has defined the Sierra Joint Community College District parcels (Project site) as a "Public Facility of Regional Nature," thus the General Plan did not provide any alternative but to provide the land use designation of "PQP – Public Quasi Public." The proposed general plan amendment is not supported by the General Plan Policies.

All land use decisions are governed by the General Plan and must be consistent with the General Plan's direction. This requirement for "vertical consistency" gives general plans meaning and purpose. In *Leshar Communications, Inc. v. City of Walnut Creek*, (1990) 52 Cal. 3d 531, 540, the California Supreme Court addressed the importance of vertical consistency in the context of a land use initiative measure. In that case, a "Traffic Control Initiative" was placed on the ballot to establish a building moratorium to combat traffic congestion. The measure passed. The problem the Court faced, however, was the fact that the measure created vertical inconsistency between Walnut Creek's General Plan and Zoning Regulations. After carefully looking at the language of the measure, the Court held that: (1) the initiative was not offered as, and could not be construed as, an amendment to the city's general plan, and (2) since the initiative was inconsistent with the general plan in effect when the initiative was adopted, the measure was invalid. In analyzing the effect of *Government Code section 65860(c)*, the Court stated:

We cannot at once accept the function of a general plan as a "constitution," or perhaps more accurately a charter for future development, and the proposition that it can be amended without notice to the electorate that such amendment is the purpose of an initiative. Implied amendments or repeals by implication are disfavored in any case, and the doctrine may not be applied here. The Planning and Zoning Law itself precludes consideration of a zoning ordinance which conflicts with a general plan as a pro tanto repeal or implied amendment of the general plan. The general plan stands. A zoning ordinance that is inconsistent with the general plan is invalid when passed and one that was originally consistent but has become inconsistent must be brought into conformity with the general plan. The Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog. The general plan is the charter to which the ordinance must conform. (Citations omitted) Id at 540-41. (emphasis added)

Subdivision (c) of section 65860 does not permit a court to rescue a zoning ordinance that is invalid ab initio. As its language makes clear, the

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subdivision applies only to zoning ordinances which were valid when enacted but are not consistent with a subsequently enacted or amended general plan. It mandates that such ordinances be conformed to the new general plan but does not permit adoption of ordinances which are inconsistent with the general plan. The obvious purpose of subdivision (c) is to ensure an orderly process of bringing the regulatory law into conformity with a new or amended general plan, not to permit development that is inconsistent with that plan. Id at 545-46.

The Leshner Communications case illustrates the clear hierarchy between a city's General Plan and its Land Use Designations which establishes appropriate Zoning Regulations for each land use designation and the ultimate supremacy of the General Plan as the guiding document. This case underscores the importance of General Plan consistency requirements and highlights the peril of failing to understand or respect those requirements such as making the general plan land use designation invalid such as is found in the MU-Mixed Use General Plan Land Use Designation applied in violation of the Goals, Policies, Objectives, and Implementation Measures of the Rocklin General Plan. The City of Rocklin prescribes the City Planner and City Manager as City Staff to advise, and the Planning Commission and City Council that have the ultimate responsibility to determine whether a proposed land use development is consistent with its General Plan and virtually every planning consideration should begin with this threshold consistency consideration.

The proposed general plan amendments and existing MU-Mixed Use General Plan Land Use Designation does not carry out a City of Rocklin legitimate power or purpose. *Village of Euclid v. Ambler Realty Co.* upholds that Rocklin can plan and zone for the purpose of community character. The proposed general plan amendments and existing MU-Mixed Use General Plan Land Use Designation is in conflict with the community character which is demonstrated by the development adjacent to the parcels of pasture lands, rural estate residential, and agricultural operations as well as across the street from the parcels of a regional Community College Campus and athletic facilities (Football Stadium, Baseball Fields, Basketball Gym, Tennis Courts, Swimming Pool Facilities, Solar Array Production, and High Rise Parking Facilities) services and land uses which are typical of what was intended by the PQP-Public Quasi-Public General Plan Land Use Designation of the Rocklin General Plan and PD- Planned Development and OA-Open Area zoning classifications. In addition, the Sierra Joint Community College District does not have authority nor established statutory purpose to enter private urban development endeavors, but rather by state code is charged to provide higher education services to the community, and as such the requested general plan amendments does not serve a legitimate purpose of Sierra Joint Community College District.

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The proposed general plan amendments and the existing MU-Mixed Use General Plan Land Use Designation applied to the Sierra Joint Community College District parcels represents an unreasonable inequality in the treatment of similarly situated lands. All lands within the General Plan "that are publicly owned" are applied with a PQP-Public Quasi Public General Plan Land Use Designation with either OA- Open Area or PD-Planned zoning classifications as required by Rocklin General Plan and the Rocklin Municipal Code Title 17, and California State Government Code except these Sierra Joint Community College District parcels within the City. The City's application of the MU-Mixed Use General Plan Land Use Designation to the Sierra Joint Community College District parcels must treat similarly situated property similarly under the law which forbids the City in considering the proposed general plan amendments. The equal protection clause of the United States Constitution "limits all state actions, prohibiting any state from denying a person equal protection through the enactment, administration, or enforcement of its laws and regulations." *Front Royal & Warren County Industrial Park Corp. v. Town of Front Royal*, 135 F.3d 275 (4th Cir. 1998).

The administrative record (*Public Hearing, Staff Reports, CEQA Documentation, LAFCO Annexation Hearing, Pre-Zoning Findings*) did not provide a rational basis for the City to amend the General Plan to MU-Mixed Use General Plan Land Use Designation, on the identified parcels planned for public and educational land uses under the Rocklin General Plan. The record did not establish a legitimate governmental interest of amending the Rocklin General Plan to the MU-Mixed Use General Plan Land Use Designation, nor does policy, regulations, or city precedence support any rational. The MU-Mixed Use General Plan Land Use Designation General Plan Amendment violates the public's rights and interest in publicly owned property on the identified parcels as follows:

- Did not provide a rational basis for the General Plan Amendment to MU-Mixed Use General Plan Land Use Designation;
- Did not confirm a rational basis exists for the boundary line of the MU-Mixed Use General Plan Land Use Designation based on guidelines, policies, goals, and programs in the Rocklin General Plan;
- Did not justify the General Plan Amendment of MU-Mixed Use General Plan Land Use Designation by physical characteristics of the identified parcels or other factors affecting optimum geographical alignment;

The City General Plan Amendment provided for the Sierra Joint Community College District parcels to MU-Mixed Use General Plan Land Use Designation was arbitrary and capricious; the General Plan Amendment action recommended by the City Manager, City Planner and legislated by the City Council was entirely lacking in evidentiary support; and the City failed to follow the procedures required by law. *SN Sands Corp. v. City and County of San Francisco (2008) 167 CA 4th 185, 191*. The City violated its adopted General Plan of 2012 which stated the MU-Mixed Use General Plan Land Use Designation was not be used in the Sierra College Planning area and on Publicly Owned Lands and the General Plan did not list MU-Mixed Use General Plan Land Use Designation as compatible.

The proposed general plan amendments will not correct the current general plan designation violation, only PQP-Public Quasi Public General Plan Land Use Designation will correct the MU-Mixed Use General Plan Land Use Designation "Spot Zone" and bring the general plan designation on the Sierra Joint Community College District parcels into conformance with the Rocklin General Plan, Rocklin Municipal Code, and California Government Code.

The City may correct its mistake of amending the Sierra Joint Community College District's publicly owned parcels of the Rocklin General Plan inconsistency with little effort, as the General Plan Amendment back to the required PQP-Public Quasi Public General Plan Land Use Designation is exempt from further environmental review. The California Environmental Quality Act ("CEQA") exempts actions that do not have the possibility of causing significant environmental impacts (14 Cal. Code Regs. §15061(b)(3)), or those that are consistent with an adopted general plan for which an EIR was prepared and certified, and where there are no potential environmental effects with the proposed action that were not anticipated in the EIR. (14 Cal. Code Regs. § 15183.) As stated earlier, the City certified the General Plan DEIR in 2012 which analyzed the impacts of designating and zoning the Sierra Joint Community College parcels for PQP-Public Quasi-Public General Plan Land Use Designations and OA-Open Area or PD-Planned Development zoning classifications to take advantage of "opportunities associated with Sierra Community College District Public Lands." The Rocklin General Plan Land Use Designation correction to PQP-Public Quasi Public is consistent with the City's adopted General Plan, Goals, Policies, and Objectives as identified above, and does not require additional environmental review.

In sum, the City is required to reject the proposed general plan amendments and initiate the change of the general plan land use designation and the subsequent zoning classifications called out in the Rocklin General Plan as consistent with the PQP-Public Quasi Public General Plan Land Use Designation and that is consistent with the General Plan Goals, Policies, and Objectives to comply with State law and it's the City's own General Plan. As discussed herein and in the expert comments below, there is substantial evidence supporting a fair argument that the Project has potentially significant impacts that are not disclosed or reasonably mitigated in the DEIR. These impacts will be detrimental and injurious to the health, safety, and general welfare of the residents of Rocklin, Placer County, Loomis, and Roseville. As discussed above the proposed general plan amendment is inconsistent with the Rocklin General Plan, directly conflicts with Rocklin General Plan Policies, and violates the environmental declarations of the 2011 EIR adopted for the General Plan. As currently proposed, the Project therefore violates mandatory requirements of the General Plan and Zoning Code and cannot be approved.

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VI. The Project Contravenes the General Plan

As currently proposed, the Project contravenes the General Plan in many respects. The Environmental Setting and the Land Use, Noise sections of a CEQA document are required to "discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans," (*CEQA Guidelines Section 15125(d); CEQA Guidelines, Appendix G, Section XI*). The DEIR's failure to detail the inconsistency with the General Plan is an additional CEQA violation. The DEIR must be recirculated with adequate analysis and mitigation proposed to reduce significant impacts to less than significant impacts from the Project's inconsistency with the General Plan.

The City of Rocklin General Plan Noise Policy N-1 states: "*Determine noise compatibility between land uses, and to provide a basis for developing noise mitigation, an acoustical analysis shall be required as part of the environmental review process for all noise-sensitive land uses which are proposed in areas exposed to existing or projected exterior noise levels exceeding the level standards contained within this Noise Element.*" The Project proposes placing residential housing near the existing Sierra College football stadium which is planned for a substantial update that will increase the capacity of the stadium and thus the noise generation. The Project is required by the General Plan with the language of "*shall*" to develop noise mitigation and an acoustical analysis. The Project conducted a noise analysis which is focused on traffic noise generated by local arterial and collector streets and provides no acoustical analysis for such facilities as the football stadium with associated crowd noise and public announcement systems.

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The proposed Project site is owned by Sierra Joint Community College District which is governed by the California Education Code. Under *Section 66010.4 of the California Education Code* it states the mission of the community college is:

"The missions and functions of California's public and independent segments, and their respective institutions of higher education shall be differentiated as follows:

(a) (1) The California Community Colleges shall, as a primary mission, offer academic and vocational instruction at the lower division level for both younger and older students, including those persons returning to school. Public community colleges shall offer instruction through but not beyond the second year of college. These institutions may grant the associate in arts and the associate in science degree.

(2) In addition to the primary mission of academic and vocational instruction, the community colleges shall offer instruction and courses to achieve all of the following:

(A) The provision of remedial instruction for those in need of it and, in conjunction with the school districts, instruction in English as a second language, adult noncredit instruction, and support services which help

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students succeed at the postsecondary level are reaffirmed and supported as essential and important functions of the community colleges.

(B) The provision of adult noncredit education curricula in areas defined as being in the state's interest is an essential and important function of the community colleges.

(C) The provision of community services courses and programs is an authorized function of the community colleges so long as their provision is compatible with an institution's ability to meet its obligations in its primary missions.

(3) A primary mission of the California Community Colleges is to advance California's economic growth and global competitiveness through education, training, and services that contribute to continuous work force improvement.

(4) The community colleges may conduct to the extent that state funding is provided, institutional research concerning student learning and retention as is needed to facilitate their educational missions."

The California Education Code does not grant to Community Colleges a mission of urban developer to build for private ownership housing, commercial retail space, office space, parks, and other urban development amenities. The California Education Code does not grant authority for Community Colleges to endeavor in urban development as a new revenue source for funding, but rather the law is clear where all funding to achieve the mission of Community Colleges comes from, which is not engaging in Housing, and Commercial Real Estate Development. All property controlled and owned by Sierra Joint Community College District is required to be utilized for the mission of the community college for public purposes. The Sierra Joint Community College District has not sold or conveyed the ownership of the property associated with the Project Site to a private entity at this time. As a result, the General Plan clearly states the only allowable General Plan Land Use Designation for the publicly owned property is "Public Quasi-Public".

The Public Quasi-Public General Plan Land Use Designation states on page 4A-13 of the Rocklin General Plan that this land use designation shall be used to "*Identify existing land and structures committed to public agency uses.*" The General Plan on page 4A-13 goes on to further state "*To provide areas for development of future public facilities to meet public needs,*" and that the Character of this land use designation is "*Public facilities of a neighborhood, community, or regional nature.*" The publicly owned lands of Sierra Joint Community College District clearly fit this land use designation as outlined by the General Plan.

The proposed General Plan Amendment to Retail Commercial, Business Professional/Commercial, Medium Density Residential, Medium-High Density Residential, High Density Residential, and Recreation-Conservation land use designations are only appropriate on private property of which none of the Project site contains. The proposed general plan amendments and existing MU-Mixed Use General

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Plan Land Use Designation does not carry out a City of Rocklin legitimate power or purpose. *Village of Euclid v. Ambler Realty Co.* upholds that Rocklin can plan and zone for the purpose of community character. The proposed general plan amendments and existing MU-Mixed Use General Plan Land Use Designation is in conflict with the community character which is demonstrated by the development adjacent to the parcels of pasture lands, rural estate residential, and agricultural operations (Horse Boarding Facilities) as well as across the street from the parcels of a regional Community College Campus and athletic facilities (Football Stadium, Baseball Fields, Basketball Gym, Tennis Courts, Swimming Pool Facilities, Solar Array Production, and High Rise Parking Facilities) services and land uses which are typical of what was intended by the PQP-Public Quasi-Public General Plan Land Use Designation of the Rocklin General Plan and PD- Planned Development and OA-Open Area zoning classifications. In addition, the Sierra Joint Community College District as demonstrated above does not have authority nor established statutory purpose to enter into private urban development endeavors, but rather by California Education Code is charged to provide higher education services to the community, and as such the requested general plan amendments does not serve a legitimate purpose of Sierra Joint Community College District.

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VII. The DEIR Fails to Adequately Describe the Project

The DEIR fails to meet CEQA's requirements because it lacks an accurate, complete, and stable project description, rendering the entire environmental impacts analysis inadequate. California courts have repeatedly held that "*an accurate, stable, and finite project description is the sin qua non of an informative and legally sufficient CEQA document,*" (*County of Inyo vs. City of Los Angeles (3d Dist. 1977) 71 Cal.App.3d 185, 193*). CEQA requires that a project be described with enough particularity that its impacts can be assessed (*County of Inyo vs. City of Los Angeles (3d Dist. 1977) 71 Cal.App.3d 192*). Accordingly, a lead agency may not hide behind its failure to obtain complete and accurate Project Description (*See Sundstrom vs. County of Mendocino (1988) 202 Cal.App.3d 296, 311*).

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An accurate and complete project description is necessary to perform an adequate evaluation of the potential environmental effects of a proposed project. In contrast, an inaccurate or incomplete project description renders the analysis of environmental impacts inherently unreliable. Without a complete project description, the environmental analysis under CEQA will be impermissibly narrow, thus minimizing the project's impacts and undercutting public review. It is impossible for the public to make informed comments on a project of unknown or ever-changing description. California courts have held that "*a curtailed or distorted project description may stultify the objectives of the reporting process.*" (*County of Inyo vs. City of Los Angeles (3d Dist. 1977) 71 Cal.App.3d 185, 192*) Furthermore, "*only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost...*" (*County of Inyo vs. City of Los Angeles (3d Dist. 1977) 71 Cal.App.3d 192-193*). Without a complete project description, the environmental

analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review. (See, e.g., *Laurel Heights Improvement Assn. vs. Regents of the University of California* (1988) 47 Cal.3d 376)

In *County of Inyo*, the court held that shifts among different project descriptions "vitiate[d] the City's EIR process as a vehicle for "intelligent public participation," because a "curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (*County of Inyo, supra*, 71 Cal.App.3d at p. 197, 198) "[A] project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading." (*Citizens for a Sustainable Treasure Island vs. City and County of San Francisco* (2014) 227 Cal.App. 4th 1036) The DEIR's mischaracterization of the project site as "Infill Development" as well as the statement on page 2.0-9 "It should be noted that there may be additional multi-family dwelling units within the High Density Residential (PD-HDR) zoning district and additional non-residential footage with the General Commercial (PD-C) and Business Professional/Commercial zoning districts, depending on the specific future applications made for development of those areas," (DEIR Land Use Summary, Pg. 2.0-9) fails to provide a definitive description, but rather declares an "Undefined Total Buildout Numbers based on Future Applications" renders the DEIR's project description inaccurate, incomplete, misleading, and unstable. (CEQA Guidelines Section 15070 (a), (b). The DEIR and environmental impact analysis must be based on a finite number of residential dwelling units and commercial retail space allowed under the General Plan Amendments and Rezones requested. The project description must be amended to comply with CEQA requirements for project descriptions and the DEIR recirculated with an accurate and finite project description to comply with CEQA.

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VIII. The DEIR Fails to Adequately Describe the Environmental Setting

The DEIR describes the existing environmental setting inaccurately and incompletely, thereby skewing the entire impact analysis. The existing environmental setting is the starting point from which the lead agency must measure whether a proposed project may cause a significant environmental impact. (See, e.g. *Communities for a Better Environment vs. South Coast Air Quality Management District* (March 15, 2010) 48 Cal.4th 310,316; *Fat vs. County of Sacramento* (2002) 97 Cal.App. 4th 1270, 1277 ("Fat"), citing *Remy, et al., Guide to the California Environmental Quality Act* (1999), p. 165). CEQA requires the lead agencies to include a description of the physical environmental conditions in the vicinity of a project, as they exist at the time environmental review commences (CEQA Guidelines Section 15152 (a); see also *Communities for A Better Environment vs. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 321; see also C.F.R. Section 1502.15). CEQA defines the environmental setting as the physical environmental conditions in the vicinity of the project, as they exist at the

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time the notice of preparation is published, from both a local and *regional* perspective. (CEQA Guidelines Section 15125 (a) (*emphasis added*); *Riverwatch vs. County of San Diego* (1999) 76 Cal.App.4th 1428, 1453 (“*Riverwatch*”))

Describing the environmental setting accurately and completely for each environmental condition in the vicinity of the Project is critical to an accurate, meaningful evaluation of environmental impacts. Courts are clear that, “before the impacts of a Project can be assessed and mitigation measures considered, an [environmental review document] must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.” (*County of Amador vs. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952) In fact, it is:

“a central concept of CEQA, widely accepted by the courts, that the significance of a Project’s impacts cannot be measured unless the DEIR first establishes the actual physical conditions on the property. In other words, baseline determination is the first rather than the last step in the environmental review process. (Save our Peninsula Committee vs. Monterey County Board of Supervisors (2001) 87 Cal.App.4th 99, 125)

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The DEIR must also describe the existing environmental setting in sufficient detail to enable a proper analysis of Project impacts. (*Galante Vineyards vs. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4th 1109, 1122) Section 15125 of the CEQA Guidelines provides that “*knowledge of the regional setting is critical to the assessment of environmental impacts.*” (CEQA Guidelines Section 15125(c)) This level of detail is necessary to “*permit the significant effects of the Project to be considered in the full environmental context.*” (CEQA Guidelines Section 15125(c)) The impacts of a project must be measured against the “*real conditions on the ground.*” (*CBE vs. Sacramento County Air Quality Management District*, 48 Cal.4th at 321; *Save our Peninsula Committee vs. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 121-122; *City of Carmel-by-the-Sea vs. Board of Supervisors of Monterey County* (1986) 183 Cal.App.3d 229, 246) The description of the environmental setting constitutes the “*baseline*” physical conditions against which the lead agency assesses the significance of a project’s impacts. (14 CCR Section 15125(a); *CBE vs. Sacramento County Air Quality Management District*, 48 Cal.4th at 321) “[A]n inappropriate baseline may skew the environmental analysis flowing from it, resulting in an [environmental review document] that fails to comply with CEQA.” (*San Francisco for Livable Neighborhoods vs. City and County of San Francisco* (“SFLN”) (2018) 26 Cal.App.5th 596 – 615). The description of the environmental setting in the DEIR is inadequate

because it omits highly relevant information. The City must gather the relevant data and provide an adequate description of the existing environmental setting in the DEIR.

A. Mischaracterizes the ‘Infill Development’ Status of the Project Site

The DEIR claims the Project site is an “*Infill Project*” which mischaracterizes the environmental setting of the Project resulting in the analysis to be mis analyzed and underestimated concerning potential impacts. But rather this Project site does not meet the definition of “*Infill Project*” which is established by *California Health and Safety Code, Division 31-Housing and Home Finance, Part 12 Housing and Emergency Shelter Trust Fund Act of 2006, Chapter 2 Housing and Emergency Shelter Trust Fund of 2006 and Program, Section 53545.16, subsection (d) and (e)* which states:

“Qualifying infill area” means a contiguous area located within an urbanized area (1) that has been previously developed, or where at least 75 percent of the perimeter of the area adjoins parcels that are developed with urban uses, and (2) in which at least one development application has been approved or is pending approval for a residential or mixed-use residential project that meets the definition and criteria in this section for a qualified infill project.”

(e) (1) “Qualifying infill project” means a residential or mixed-use residential project located within an urbanized area on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. (2) A property is adjoining the side of a project site if the property is separated from the project site only by an improved public right-of-way.

Clearly the statement that the Project site is an “*Infill Project*” is misleading at best and outright false making the whole environmental analysis presented in the DEIR flawed based on that characterization of the Project site. The first criteria requires that the land was previously developed. The evidence is that this Project site has never been developed, but rather was donated to Sierra College for the intent and purpose as public lands to provide space to accommodate needs of the Sierra College Campus. The second factor under criteria number 1 above is that at least 75% of the perimeter of the area adjoins parcels that are developed with urban uses. The adjoining parcels in the City of Loomis which make up over 50% of the

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perimeter, are agricultural lands and have never been developed with urban uses nor have they been planned for urban development. The second criteria requires that at least one development application has been approved for a residential or mixed-use residential project that meets the definition and criteria for a "qualified infill project". Again, the Project site does not meet criteria 2 since it has never had a residential or mixed-use residential project approved. In addition, the Project site is also on the very edge of the City of Rocklin city limits adjacent to rural agricultural land uses and previous history was of agricultural uses not a site characterized as being in the middle of urban land uses.

B. DEIR Fails to Describe the Aesthetics Setting Against Which Impacts Should be Measured

The DEIR does not describe the Aesthetics setting of the Project site. The DEIR does not provide descriptions of existing visual setting of the vicinity of the Project site, nor the region that can be seen from the vicinity of the Project. The aesthetics setting does not provide Topographic Maps of the area from which the Project can be seen nor the viewshed of the residents from the multi-story residential housing. The DEIR does not identify the view areas most sensitive to potential visual impacts of the Project. The DEIR does not provide photographs or locations of photographs which depict the viewsheds. The DEIR does not depict any elevations of existing structures on site. The DEIR does not provide the visual properties of the topography, vegetation, and any modifications to the landscape as a result of the human activities associated with the Project. The DEIR does not provide any Key Observation Points. The DEIR does not provide an assessment of the visual quality of areas that may be impacted by the Project. The DEIR failed to have discussions with community residents who live in close proximity to the Project, failed to identify the scenic corridors and any visually sensitive areas potentially affected by the Project, including recreational and residential areas. The DEIR failed to indicate the approximate number of people using each of these sensitive areas and the estimated number of residences with views of the Project. For purposes of this comment, a scenic corridor is that area of land with scenic natural beauty, adjacent to and visible from a linear feature, such as a road, or creek. The DEIR failed to provide a description of the dimensions (scale, height, and bulk), color, and material of each major visible component of the Project.

The discussion of determination of visual impacts potentially caused by the Project is unsupported and is not based on typical environmental information such as field observations or review of local planning documents (*Sierra College Facilities Master Plan*), project maps and drawings, photographs of the Project area, computer-

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generated visual simulations from identified Key Observation Points (KOPs), and research on design measures for integrating the Project facilities into their environmental settings. The DEIR provides no visual resources inventory, which consists of a scenic quality evaluation, and a delineation of distance zones (foreground, middleground, background) by which to evaluate the Project's aesthetics impacts upon.

The DEIR's failure to accurately and completely describe the existing environmental setting undermines the validity of the City's impacts analysis. A revised and recirculated DEIR must be prepared that contains sufficient detail on the visual context for determining the Project's cumulative impacts on visual resources.

C. DEIR Fails to Describe the Existing Setting for Natural Areas

The DEIR fails to identify the officially designated natural areas that are called out in the Sierra College Facilities Master Plan and address impacts to the designated natural areas within the Project area. The DEIR fails to describe the existing setting for the designated natural areas within the Project area.

By omitting these natural area lands from the DEIR's description of environmental setting, the DEIR omits critical details regarding the Project's impacts. These impacts must be disclosed and analyzed in an EIR. A revised DEIR must be prepared including the description of Sierra College's designated natural areas and the DEIR be recirculated to comply with CEQA.

D. DEIR Fails to Describe the Existing Setting for Sensitive Plant and Wildlife Communities

The entire Project area is located within "*Important Migrant and Wintering Bird Concentration Areas of Western Placer County*," (*Important Migrant and Wintering Bird Concentration Areas of Western Placer County, Placer County Planning Department, Jones and Stokes, May, 2003*). Important Migrant and Wintering Bird Concentration Areas are officially designated places of international significance for conservation of birds and biodiversity. The Project area is also located within the Sierra Nevada Foothills Important Bird Area (IBA) (*See Bird Life International. 2021. Important Bird Areas: Sierra Nevada Foothills, California (online). Available at: <https://www.birdlife.org/worldwide/programme-additional-info/important-bird-and-biodiversity-areas-ibas>. (Accessed October 11, 2021)*). In addition, IBA's are:

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- Recognized world-wide as practical tools for conservation.
- Distinct areas amendable to practical conservation action.
- Identified using robust, standardized criteria.
- Sites that together form part of a wider integrated approach to the conservation and sustainability use of the natural environment.

By omitting these biological designations for IBAs and Important Migrant and Wintering Bird Concentration Areas, which have been identified on the Project area from the DEIR's description of environmental setting, the DEIR omits critical details regarding the Project's impacts on biological resources. These impacts must be disclosed and analyzed in the DEIR, thus requiring the DEIR to be amended and recirculated to comply with CEQA.

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IX. The DEIR Lacks Substantial Evidence to Support the DEIR's Significant Impact Findings and the DEIR Fails to Incorporate All Feasible Mitigation Measures Necessary to Reduce Such Impacts

CEQA has two basic purposes, neither of which the DEIR satisfies. First, CEQA is designed to inform decision makers and the public about the potentially significant environmental impacts of a Project before harm is done to the environment. (*CEQA Guidelines Section 15002(a)(1)*; *Berkeley Keep Jets Over the Bay vs. Board of Port Commissioners (2001) 91 Cal.App.4th 1344, 1354* ("Berkeley Jets"); *County of Inyo vs. Yorty (1973) 32 Cal. App. 3d 795, 810*) The DEIR is the "heart" of this requirement. (*No Oil Inc. vs. City of Los Angeles (1974) 13 Cal3d 68, 84*) The DEIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*County of Inyo vs. Yorty (1973) 32 Cal.App.3d 795, 810*)

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To fulfill this function, the discussion of impacts in a DEIR must be detailed, complete, and "reflect a good faith effort at full disclosure." (*CEQA Guidelines Section 15151*; *San Joaquin Raptor/Wildlife Rescue Center vs. County of Stanislaus (1994) 27 Cal.App. 4th 713, 721-722*) An adequate DEIR must contain facts and analysis, not just an agency's conclusions. (*See Citizens of Goleta Valley vs. Board of Supervisors (1990) 52 Cal.3d 553, 568*) CEQA requires a DEIR to disclose all potential direct and indirect significant environmental impacts of a project. (*Public Resources Code Section 21100(b)(1)*; *CEQA Guidelines Section 15126.2(a)*)

Second, if a DEIR identifies potentially significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts. (*Public Resources Code Section 21002.1(a), 21100(b)(3)*; *CEQA Guidelines Section 15002(a)(2) and (3)*; *Berkeley Jets, 91 Cal.App.4th at 1354*; *Laurel Heights Improvement Association vs.*

Regents of the University of California (1998) 47 Cal.3d 376, 400 CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures. (*Public Resources Code Section 21002-21002.1*) Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the DEIR to meet this obligation.

Under CEQA, a DEIR must not only discuss measures to avoid or minimize adverse impacts, but must ensure that mitigation measures are fully enforceable through permit conditions, agreements, or other legally binding instruments. (*CEQA Guidelines Section 15126.4 subd. (a)(2)*) A CEQA lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau vs. County of Hanford (1990) 221 Cal.App. 3d 692, 727-728*) This approach helps “ensure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug.” (*Concerned Citizens of Costa Mesa, Inc. vs. 32nd District Agricultural Association (1986) 423 Cal. 3d 929, 935*)

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In this case, the DEIR fails to satisfy the basic purposes of CEQA. The DEIR conclusions regarding impacts to aesthetics/visual resources, biological resources, hazards and hazardous wastes, air quality impacts, land use impacts, and public health impacts are not supported by substantial evidence. In preparing the DEIR, the City: 1) failed to provide sufficient information to inform the public and decision-makers about potential environmental impacts; 2) failed to accurately identify and adequately analyze all potentially significant environmental impacts; 3) failed to incorporate adequate measures to mitigate environmental impacts to a less than significant level; and 4) failed to analyze impacts associated with mitigation measures. The City must correct these shortcomings and recirculate a revised DEIR for public review and comment.

X. DEIR Aesthetics Section Fails to Adequately Address Impacts

Aesthetics resources are the natural and cultural features of the landscape that can be seen and that contribute to the public’s appreciative enjoyment of the environment. Visual resource or aesthetic impacts are generally defined in terms of a project’s physical characteristics and potential visibility, and the extent to which the project’s presence will change the perceived visual character and quality of the environment in which it will be located. The initial study does not justify how a construction of thousands of square feet of commercial retail and high-density multi-family residential facilities and the removal of a hills within the Project area among single-family homes and other sensitive visual receptors (Sierra College Campus) is not an impact. The initial study further states that the project will not have impacts to the vista or viewsheds. The City has not defined the viewshed to make an environmental determination. In

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addition, the City has not identified any key observations points (KOPs) of the Project facilities and determined the sensitivity of the viewers from these KOPs to provide supporting record for their conclusion. The City has not addressed the loss of privacy of existing single family homes when a multi-family multi-story structure will loom over the existing neighborhood with a viewshed into the private space of existing residences.

To assess the projects potential impacts on visual resources the view areas most sensitive to the Project's potential visual impacts must be identified. The initial study does not discuss any Key Observation Points (KOPs) for detailed analysis or discussion. KOP's are usually along commonly traveled routes or at other likely observation points (residential homes, users of the Natural Areas and Greenbelts). Factors that should be considered in selection of KOPs are: angle of observation, number of viewers, length of time the project is in view, relative project size, season of use, light conditions, and distance from the project. KOP's should also be discussed in regards to potential mitigation measures and how KOP's geography will affect the ability to mitigate to a less than significant level.

The DEIR also does not identify the types of viewers in order to determine the significance of aesthetics impacts. Visual sensitivity will vary with the type of viewers. Recreational sightseers may be highly sensitive to any changes in visual quality, whereas workers who pass through the area on a regular basis may not be as sensitive to change. In addition, the number of viewers is important in determining the sensitivity. The DEIR also does not discuss the adjacent land uses and how sensitive they might be concerning visual impacts. The DEIR does not discuss the requirements of the Town of Loomis concerning visual impacts to the Town's rural agricultural zoned area which is immediately adjacent to the Project site and provides open vistas to the Sierra Nevada Range in the background.

No final assessment of the visual quality of the views from identified KOPs has been taken into consideration. The City must conduct a broad spectrum of landscape assessment factors in a holistic way be utilized to determine the impacts of the proposed Project on visual/aesthetics resources. In addition, the City should apply a standard and acceptable Visual Analysis Criteria to the Town of Loomis and Sierra Junior Community College District. Factors that should be considered includes an evaluation of:

- Natural features, including topography, water courses, rock outcrops, and natural vegetation.
- Positive and negative effects of man-made alterations and structures on visual quality.
- Visual composition, including assessment of the complexity and vividness of patterns in the landscape.

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- Spatial organization, including assessment of criteria such as perceived accessibility, mystery, enclosure, scale, image, refuge, prospect, and contemplation.

The relevance of these factors for landscape evaluation has been established by landscape perception and assessment research over the past 20 years. Based on these considerations, a group of landscape scholars at Virginia Technical University (*Buhyoff et al., 1994*) developed landscape quality ratings, specifically, the six landscape quality classes listed in Table 1 below. This scale provides a strong framework for qualitative ratings because it is based on findings of the full range of available research on the ways in which the public evaluates visual quality. In addition, the scale has a common-sense quality and is easily understood because it defines landscape quality in relative terms, contrasting landscapes that are low, below average, average, above average, high, and outstanding in visual quality.

Table 1: Landscape visual quality scale used in rating Project area viewsheds.

Rating	Explanation
Outstanding Visual Quality	A rating reserved for landscapes with exceptionally high visual quality. These landscapes are significant nationally or regionally. They usually contain exceptional natural or cultural features that contribute to this rating. They are what we think of as "picture post card" landscapes. People are attracted to these landscapes to view them.
High Visual Quality	Landscapes that have high quality scenic value. This may be due to cultural or natural features contained in the landscape or to the arrangement of spaces contained in the landscape that causes the landscape to be visually interesting or a particularly comfortable place for people. These are often landscapes, which have high potential for recreational activities or in which the visual experience is important.
Moderately High Visual Quality	Landscapes which have above average scenic value but are not of high scenic value. The scenic value of these landscapes may be due to man-made or natural features contained within the landscape, to the arrangement of spaces in the landscape or to the two-dimensional attributes of the landscape.
Moderate Visual Quality	Landscapes that have average scenic value. They usually lack significant man-made or natural

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	features. Their scenic value is primarily a result of the arrangement of spaces contained in the landscape and the two-dimensional visual attributes of the landscape.
Moderately Low Visual Quality	Landscapes that have below average scenic value but not low scenic value. They may contain visually discordant man-made alterations, but the landscape is not dominated by these features. They often lack spaces that people will perceive as inviting and provide little interest in terms of two-dimensional visual attributes of the landscape.
Low Visual Quality	Landscapes with low scenic value. The landscape is often dominated by visually discordant man-made alterations; or they are landscapes that do not include places that people will find inviting and lack interest in terms of two-dimensional visual attributes.

Note: Rating scale based on Buhyoff et al., 1994.

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The discussion of determination of visual impacts potentially caused by the Project is unsupported and is not based on typical environmental information such as field observations or review of local planning documents, project maps and drawings, photographs of the project area, computer-generated visual simulations from identified KOPs, and research on design measures for integrating the facilities into their environmental settings. The City has no visual resources inventory, which consists of a scenic quality evaluation, and a delineation of distance zones (foreground, middleground, background) by which to evaluate the Project’s aesthetics impacts upon.

The City must make an analysis of the visual impacts based on evaluation of the “after” views provided by a computer-generated visual simulations, and their comparison to the existing visual environment. In making a determination of the extent and implications of the visual changes, consideration should be given to:

- The specific changes in the affected visual environment’s composition, character, and any specially valued qualities.
- The affected visual environment’s context.
- The extent to which the affected environment contains places or features that have been designated in plans and policies for protection or special consideration.
- The numbers of viewers, their activities, and the extent to which these activities are related to the aesthetic qualities affected by the likely changes.

The City must apply the basic principles of design in the resolution of visual impacts concerning the Project. The basic philosophy underlying visual quality of a landscape depends on the visual contrast created between a project and the existing landscape. The contrast should be measured by comparing the project features with the major features in the existing landscape. The basic design elements of form, line, color, and texture should be used to make this comparison and to describe the visual contrast created by the Project. The assessment process utilized by the City must provide a means for determining visual impacts and for identifying measures to mitigate these impacts and meet the “*substantial evidence*” rule of *Subdivision (e) Section 21080 of the Public Resources Code*.

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XI. DEIR Agricultural Section Fails to Adequately Address Impacts

The DEIR characterizes the adjacent land uses in the Town of Loomis as “*residential estates*” implying there is no agricultural uses of land adjacent to the proposed high-density mixed use urban development which would be a land use conflict with agricultural operations. This is a mischaracterization of the designated land uses under the zoning within the Town of Loomis adjacent to the Project’s North Village, which is “*Residential Estate*” and “*Residential Agriculture*” both zoning classifications allow agricultural land uses such as orchards, nurseries, vineyards, and cattle grazing. Many of the residents adjacent to the Project currently are actively managing goat farms, chicken farms, horse boarding stables, strawberry fields, orchards, and open pasture grazing. The proposed intense urban land uses will have a significant impact on livestock held in the Town of Loomis nearby the Project site (North Village). Grazing livestock (goats, cows, horses, pigs, chickens) will be subjected to noise, vibrations, fumes, dust, fuel particles, and safety hazards associated with high-density urban land uses. No data has been provided to verify, support, or confirm the less than significant impacts statement on grazing livestock and the keeping and raising of livestock in the Town of Loomis zoning classifications which encourages agricultural operations and residential land uses.

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The DEIR fails to address the potential conflict between agricultural operations of nearby chicken farms, goat farms, and horse boarding stables. Both zoning classifications applied to the Town of Loomis properties adjacent to the Project’s North Village allows livestock operations. The primary complaint about livestock operations is odor, which the DEIR fails to address relative to the proposed Project and existing livestock activity in the Town of Loomis. Odor is generally considered more of a nuisance than a health risk to neighbors. Because of the degree of dilution and dispersion that occurs within short distances from the odor source, odor’s impact on health is uncertain due to the high number of compounds that may be present at extremely low concentrations. There is a difference between the psychological and physiological health effects related to odor exposure. Psychological effects such as irritation can result from exposure to odor and often occur at levels well below those that

can harm human health. Physiological effects can occur from exposure to specific compounds that make up odor, for example, asphyxiation from exposure to hydrogen sulfide (H₂S) in a confined space. It is difficult to evaluate odor and its health effects for the following reasons:

- Psychological and physical health effects are not necessarily independent.
- Odor from livestock is made up of about 160 compounds. Humans have many and varied responses to these compounds.
- The proportion and characteristics of odor contributed by each of the primary sources (barns, storage and land application) are not well understood. Research is underway to characterize odors released from each of these sources.
- Odor intensity and offensiveness vary between individuals. Combining different odor compounds can have positive and negative effects on odor's intensity and offensiveness. These effects are not easily predicted.

Odor formation and transport from Loomis livestock operations is a complex process. Odor formation is most rapid during hot weather when anaerobic conditions set in the fastest. Conversely, atmospheric dispersion is best when heated surfaces induce gusty winds and convective turbulence; therefore, there is no time of day when odor potential is minimized. Odors generate faster in the day but disperse faster at night. Slower nocturnal chemistry is offset by more stagnant meteorology.

In order to predict odor impacts from the nearby Loomis livestock operations on the proposed Project North Village site, the DEIR must address the issue by applying an analytical tool for odors such as the University of Minnesota "*Odor from Feedlots Setback Estimation Tool*" (OFFSET). The OFFSET tool is the result of four years of extensive data collection and field testing. It is a simple tool designed to estimate average odor impacts from a variety of animal facilities and manure storages. These estimations are useful for evaluating the effects of the existing livestock operations and facilities in nearby Town of Loomis on the future development of the Project's North Village. OFFSET is based on odor measurements from Minnesota farms and Minnesota climatic conditions. As such, the use of OFFSET for estimating odor impacts in the Loomis area will provide some understanding of the potential impacts of the Project.

The amount of odor emitted from a particular livestock operation is a function of animal species, housing types, manure storage and handling methods, the size of the odor sources, and the implementation of odor control technologies. However, the impact of these odors on the surrounding neighborhood or community is a function of both the amount of odor emitted and the weather conditions. Weather conditions strongly influence the movement and dilution of odors. Odor impact includes the strength of the

odors and the frequency and duration of the odor events. OFFSET combines odor emission measurements with the average weather conditions to estimate the strength and frequency of odor events at various distances from a given livestock facility.

The OFFSET model will produce a *Total Odor Emission Factor* (TOEF) for each livestock operation in Loomis. Typically, such facilities as goat farms, and horse boarding stables require setbacks of approximately 2.8 miles from any sensitive receptor to have a ninety-nine percent occurrence of an odor free area. During the rest of the time (1% or 7 hours per month) annoying odors will be detected at this distance. Reducing the frequency of odors to 96% would require a separation distance of 0.85 miles. At this distance, annoying odors would be experienced 4% of the time, or 29 hours per month. Odor annoyance frequencies of 99%, 98%, 97%, 96%, 94% and 91% correspond to 7, 15, 22, 29, 44 and 66 hours/month of annoying odors. Since these predicted frequencies are based on "average" weather conditions, actual frequencies of odor events may be significantly different. Until some empirical data and modelling analysis of livestock operations in Loomis is conducted the DEIR fails to meet the environmental documentation requirements of CEQA in addressing likely identified impacts to agricultural operations. The DEIR on page 3.2-11 under Impact 3.2-5 falsely claims the Project is not adjacent to agricultural operations and concludes there is no impact to agricultural operations without evidence or facts.

The DEIR on page 3.2-9 states the Project area is not zoned for agricultural uses. This statement is false and leads to a failed analysis of impacts on agricultural lands designated within the Project area. *Title 13 Zoning, Section 13.24.020 Purpose of residential zoning districts, of the Loomis Municipal Code* expressly states:

" The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.

A. RA (Residential Agricultural) Zoning District. *The RA district is applied to areas appropriate for agricultural uses such as orchards, nurseries and vineyards, cattle grazing and very low-density residential uses, where proposed development and agricultural uses maintain existing natural vegetation and topography to the maximum extent feasible. The maximum allowable density is 4.6 acres per dwelling unit. The RA zoning district is consistent with and implements the residential agricultural land use designation of the general plan.*

B. RE (Residential Estate) Zoning District. *The RE district is applied to areas appropriate for large-lot single-family residential development, together with agricultural uses such as orchards, nurseries and vineyards, cattle grazing, where proposed development and agricultural uses maintain existing natural vegetation and topography to the maximum extent feasible. The maximum allowable density is 2.3 acres per dwelling*

unit. The RE zoning district is consistent with and implements the residential estate land use designation of the general plan."

Clearly the language of the Loomis Zoning Code calls for agricultural operations and the DEIR has mischaracterized the intended agricultural land uses adjacent to the Project's North Village.

The DEIR concludes that the Project would not conflict with existing agricultural zoning and therefore would not have a significant impact. These findings are unsupported, because the locations of agricultural operations allowed by the Loomis Zoning Code immediately adjacent to the Project's North Village have not been recognized nor analyzed in the DEIR. The DEIR does not provide findings, or facts to support the conclusion of no significant impact to adjacent agricultural operations. Thus, the less than significance findings are unsupported requiring the DEIR to correct the mischaracterization and provide the environmental impact analysis and information to support the findings of potential environmental impacts to agricultural resources.

The DEIR fails to disclose local rules and regulations regarding agricultural uses adjacent to the proposed Project. Town of Loomis *Municipal Code Chapter 13.50 Town of Loomis Agricultural Preservation Right to Farm*, establishes a right-to-farm ordinance which the proposed Project will be subject to. This Loomis Town ordinance declares that agricultural land uses not a nuisance at the time it began, cannot become a nuisance later, due to the changed condition of developing the proposed Project and new high density urban land uses called for by the Project and the North Village. The Town of Loomis recognizes and supports the right to farm agricultural lands which are an allowed use within the properties adjacent to the Project's North Village, and that residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with agricultural operations, including noise, odors, insects, fumes, dust, 24-hour operations, and the use of fertilizers. The Town of Loomis has determined that inconveniences or discomfort associated with agricultural operations shall not be considered a nuisance.

As mentioned above agricultural uses are located immediately surrounding the proposed Project site. Livestock operations (goat, chickens, horses) are located adjacent to and within 1 mile of the Project site. Silage fields surrounding the Project site are utilized for spreading manure and effluent from Loomis local livestock operations and are located within ¼ mile of the Project site. Town of Loomis agricultural lands operated as livestock facilities within a mile of the proposed Project have very large impact areas which will conflict with the proposed urban land uses associated with the Project's North Village. The DEIR does not provide a windshield survey or inventory of current livestock operations allowed in close proximity of the proposed Project. Due to the immediate proximity, and the lack of physical barriers, impacts could include late night agricultural operations, nuisance odors, dust and wind erosion, vector/fly issues,

mosquito issues, or vandalism of agricultural areas. The following mitigation measures are typically utilized to reduce the potential conflicts associated ongoing agricultural operations near urban development which should be considered by the City to try and mitigate the significant impacts to agricultural resources:

- The applicant shall inform and notify prospective buyers in writing, prior to purchase, about existing and on-going agricultural activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that the residence or commercial retail facility is located in an agricultural area subject to ground and aerial applications of chemical and early morning or nighttime farm operations which may create noise, dust, et cetera. The language and format of such notification shall be reviewed and approved by the City Development Services Department or Town of Loomis Planning Department prior to recordation of final parcel or subdivision map(s). Each disclosure statement shall be acknowledged with the signature of each prospective owner. Additionally, each prospective owner shall also be notified of the Town of Loomis Right-to-Farm Ordinance.
- The conditions of approval for the tentative parcel or subdivision map(s) shall include requirements ensuring the approval of a suitable design and the installation of a landscaped open space buffer area, fences, and/or walls around the perimeter of the Project site affected by the potential conflicts in land use to minimize conflicts between project residents, non-residential uses, and adjacent agricultural uses prior to occupancy of adjacent residential houses or commercial retail facilities.
- Prior to recordation of the final parcel or subdivision map(s) for residential dwellings adjacent or near to existing agricultural operations, the applicant shall submit a detailed wall and fencing plan for review and approval by the City Development Services Department and the Town of Loomis.

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XII. DEIR Air Quality Section Fails to Adequately Address Impacts

The DEIR concludes that overall impacts to air quality due to construction and operation of the individual projects, Mitigation Measures 3.3-1; 3.3-2; and 3.3-3 for air quality impacts, would be less than significant with mitigation with exception for Air Quality Impacts 3.3-1; 3.3-4; and 3.3-5 which were determined to be significant and unavoidable. The DEIR calculates anticipated construction emissions based on typical urban development projects, as reflected by the CalEEMod which utilized very constraint time lines for construction which typically are not supported by construction schedules in the region associated with such projects. For example, the CalEEMod Off Road equipment estimates states that grading and site preparation for the Project site will take 16 hours of running excavators, 8 hours of running graders, and only 16 hours of running tractors and backhoes which is a very low

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estimate of machinery time to prepare over 100 acres of land for high-density urban development, which leads to very low emissions outputs, thereby under estimating emissions for the Project.

However, urban development projects in California have been found through project-level CEQA review to have significant and unavoidable air quality impacts using similar mitigation measures. The DEIR admits that both "*construction and operation activities would increase the amounts of particulate matter and precursors to PM10 and PM2.5, pollutants for which the air basin is in nonattainment,*" but purports to know the emissions levels of each project to be carried out within the Project's North Village and South Village, despite in the project description it states at this time the Project cannot determine the buildout of the Project, such that it can make a determination on the overall impact after the incorporation of mitigation measures. This is simply too speculative to withstand legal scrutiny and could lead to the underestimation of air quality impacts in future CEQA review.

The DEIR correctly states that the Project or location-specific factors that vary considerably from North Village to South Village cannot feasibly be analyzed in a programmatic document on this scale. It further states that the impact analysis considers broad activities, not site-specific issues associated with each particular project which may or can be built under the proposed Project. However, the DEIR concludes that the generation of greenhouse gas "GHG" emissions, and conflicts with an applicable plan, policy, or regulation intended to address climate change would both be less than significant. The DEIR's conclusion is unsupported.

GHG emissions from construction can vary greatly depending on the level and type of activity occurring at an individual project's site within the Project area (North Village and South Village). GHG emissions can also vary due to the different kinds of equipment being operated. Although the DEIR assures that it does not conduct site-specific analysis, it still make significance findings which are based on anticipated number of megawatt-hours likely to be produced by solar renewable energy and the loss of carbon uptake from anticipated vegetation removed as a result of ground disturbance. The DEIR's conclusion is speculative and is not supported by substantial evidence.

The DEIR does not provide or discuss the methodologies used to estimate the emissions from the Project's construction and operations. The DEIR does not reference appropriate methodologies provided by the California Air Review Board nor EPA. The specific project components have been entered in the CalEEMod software in a size and scope which did not reflect project plans total potential build out as allowed by the proposed general plan amendment as outlined in the project description section of the DEIR. The CalEEMod auto-populated default values for a project of the scale of and nature of the Project was not used and no justification was provided to support the assumptions for the values chosen for the CalEEMod. No values were used in air

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2.0 COMMENTS ON DRAFT EIR AND RESPONSES

quality modeling to represent traffic congestion on Interstate 80 nor Sierra College Boulevard as predicted by regional transportation models. Regional transportation models were not referenced nor cited as data used to establish value parameters in the CalEEMod. Values being used were not consistent with the nature of the planned project and modifications made were not documented nor assumptions declared as necessary to reflect specific arterial roadway and freeway facilities attributes.

The DEIR relies upon emission modeling through the California Emissions Estimator Model (“*CalEEMod*”) to support its findings that the Project would have less than significant air quality impacts. However, review of the air modeling inputs determined that certain inputs were not justified while some inputs were not incorporated at all into the calculation.

First, while CalEEMod recommends default values for various parameters for construction and operational emissions, the DEIR’s output files reveal that the usage hours for numerous off-road construction equipment were artificially changed and resulted in underrepresenting the realistic hours normally inputted. The DEIR provides no explanation for the modifications and therefore it is impossible to verify the inputs used and determine the accuracy of the air model.

Second, the DEIR fails to input all operational emission values associated with proposed land uses, activities, demolishing of buildings within the Project area and infrastructure improvements for the Project. The Project does not evaluate emissions such as wood burning cooking associated with proposed restaurants, air toxic containments associated with the scheduled demolition of Sierra College buildings immediately adjacent to the Project’s North Village and South Village areas and associated construction of roadway improvements on Rocklin Road and Sierra College Boulevard. However, the Project’s CalEEMod output files reveal that none of these land uses were incorporated and, instead, an input value of “zero square feet of ‘User Defined Industrial’” was included in the model without any justification.

Unless the DEIR acknowledges and incorporates **all emissions** related to the Project’s construction and operational activities, the air model results in an underestimation of emissions and should not be relied upon to determine Project significance. As it is, the DEIR does not have substantial evidence to support its findings of less than significant air quality emissions nor does the DEIR provide reasonable mitigation measures for the identified significant and unavoidable impacts. The DEIR must be revised to include an accurate and adequate air quality analysis.

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The DEIR fails to identify sensitive receptors which will be impacted by the proposed Project. Sensitive receptors omitted from the Air Quality impact analysis included nearby daycare centers, Sierra College campus and classrooms, senior care assisted living facilities, elementary schools, apartment complexes, and nearby churches. The density of development in the Project is very high, which will bring additional sensitive receptors in addition to the above identified existing sensitive receptors. Various potential emissions associated with the proposed Project would be considered to pose a potential risk to these receptors should they occur in high enough concentrations. However, computer modeling of emissions associated with the proposed Project underestimated the emissions of construction and operations of the proposed project and yet the DEIR still concluded significant and unavoidable impacts to air quality. In many of the air quality impacts determined to be significant and unavoidable the DEIR does not provide any reasonable mitigation measures to reduce the impacts on these existing sensitive receptors. The DEIR is required by CEQA to identify all sensitive receptors and develop reasonable mitigation measures to reduce air quality impacts to these existing facilities.

The DEIR fails to identify cooking exhausts which will be associated with the numerous restaurants allowed in the proposed Project. The DEIR does not estimate the maximum number of restaurants which will be allowed in the Project nor provide any projections of cooking exhausts. Restaurants will be a significant stationary-source emission from the proposed Project that poses a potential risk to sensitive receptors. The DEIR provides no analysis to determine concentrations of this emission at the Project site nor on identified sensitive receptors and whether such emission falls below established thresholds of significant impact.

The proposed Project will support likely 20 restaurants (*or more, no number provided in Project Description for this allowed land use*) which produce cooking exhaust which if not effectively managed could result in nuisance odors to surrounding residences, assisted living centers, elderly housing, and school populations. In addition, many restaurants choose to cook with solid fuel (charcoal and wood) which will also produce odors and smoke. Such smoke and odors can cause health effects to populations downwind which manifest such as: Red itchy eyes, Skin Rashes, and Respiratory distress, Nausea, Headaches, Retching, Annoyance, Stress, Tearfulness, and Reduced appetite. None of these air quality impacts are addressed in the DEIR.

Exhaust terminations (and outlet locations) are not regulated by the proposed Project to ensure final locations would reduce the possibility of discharging nuisance odors and irritant smoke. The proposed Project does not provide details concerning exhaust system standards to ensure restaurants chimney heights creates adequate and acceptable dispersion of smoke and odors to reduce nuisance and irritant impacts to a less than significant level. EPA Method 9 Opacity Testing is typically applied to ensure design of the exhaust systems will disperse smoke and odors. The proposed Project

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restaurants and associated smoke and odors have not been evaluated to demonstrate such potential impacts will not create a nuisance nor irritant to other tenants within the proposed Project and surrounding neighbors, or if the incidents of cooking smoke do not really infringe upon the other tenant's and surrounding neighbors' quiet enjoyment.

According to *Section 39655 of the California Health and Safety Code*, a toxic air contaminant is, "an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health." In addition, 189 substances that have been listed as federal hazardous air pollutants pursuant to *Section 7412 of Title 42 of the United States Code* are toxic air contaminants under the State's air toxics program pursuant to *Section 39657 (b) of the California Health and Safety Code*. Toxic air contaminants can cause various cancers, depending on the particular chemicals, their type and duration of exposure. Additionally, some of the toxic air contaminants may cause other health effects over the short or long term. The ten toxic air contaminants posing the greatest health risk in California are acetaldehyde, benzene, 1-3 butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride perchlorethylene, and diesel particulate matter. All the above identified ten toxic air contaminants will be generated by the proposed Project, yet the DEIR does not list them as potential new toxic air contaminants being introduced to the Project area nor discloses the potential health impacts.

As mentioned above wood burning smoke from cooking operations of restaurants within the Project will produce smoke when wood or other organic matter is burned for cooking. The smoke from wood burning is made up of a complex mixture of gases and fine particles (*also called particle pollution, particulate matter, or PM*). In addition to particle pollution, wood smoke contains several toxic air pollutants including:

- benzene
- formaldehyde
- acrolein
- polycyclic aromatic hydrocarbons (PAHs)

Wood burning associated with restaurant cooking and the several toxic air pollutants which it produces identified above are not evaluated nor disclosed as a potential impact within the DEIR.

The proposed Project site is directly adjacent to a major arterial roadway planned as a bypass route between U.S. Highway 50 and Interstate 80 within the region. There is a high potential for increased quantities of harmful air contaminants associated with automobiles and diesel vehicles, such as CO, CO₂, CO₃, SO₂ and particulates. These routes carry high volumes of heavy truck traffic as regional routes and interstate freeways. These factors, when coupled with topographical and climactic conditions in

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the Project area, create the potential for a pollution “hot spot”. The DEIR is silent on the traffic hot spots which are experienced on Rocklin Road and Interstate 80, Rocklin Road and Sierra College Boulevard Intersection, Interstate 80 corridor, and Sierra College Boulevard and Interstate 80. All roadways within the Project area carries large volumes of both local and regional traffic resulting in traffic level of service failure and resulting hot spots. The air quality impacts, in terms of both global climate change and human health risks, should be thoroughly evaluated and considered prior to considering the proposed Project.

An EIR must describe the project as a whole and the project’s “reasonably foreseeable” impacts on the environment. (*Public Resources Code Section 20165; CEQA Guidelines Section 15064(d), 15378(a)*) Here, this means analyzing the Project’s decommissioning impacts as well as its construction and operation impacts. The DEIR does not recognize that when the facilities are decommissioned, or planned demolition is carried out as outlined in the Sierra College Facilities Master Plan, equipment operation and site restoration activities would result in impacts to air quality. The DEIR fails to provide any quantification of air emissions for the decommissioning of the Project after its lifespan or the planned demolition to take place over the next several years within the Project area. Thus, emissions from these activities associated with decommissioning and demolition should have been evaluated as part of the DEIR’s analysis of the Project’s impacts to air quality.

Until an adequate analysis is conducted that incorporates emissions related to decommissioning and demolition activities, the DEIR’s analysis results in an underestimation of emissions and should not be relied upon to determine Project significance. As such the DEIR does not have substantial evidence to support its finding of less than significant air quality emissions or provide necessary mitigation measures for the identified significant and unavoidable impacts. The DEIR must be revised to include an accurate and adequate air quality analysis and recirculated to allow public review and input of the new analysis and disclosures.

XIII. DEIR Fails to Adequately Address Impacts to Public Health

One of the primary emissions of concern regarding health effects for land development projects is diesel particulate matter (“DPM”), which can be released during Project construction and operation. DPM consists of fine particles with a diameter less than 2.5 micrometer including a subgroup of ultrafine particles. Diesel exhaust also contains a variety of harmful gases and cancer-causing substances. As the DEIR recognizes, exposure to DPM is a recognized health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. The DEIR also notes that DPM exposure may lead to the serious adverse health effects including aggravated chronic respiratory symptoms, increase in frequency and intensity of asthma attacks, increased hospitalizations, lung cancer and more.

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The DEIR concludes that the Project would have a less than significant health risk impact without adequately evaluating adverse health impacts resulting from exposure to toxic air contaminants (“TACs”). The DEIR relies on the 2007 USEPA rules which requires controls of Mobile Source Air Toxics emissions through cleaner fuels and cleaner engines to mitigate this impact. The DEIR also claims that Rocklin Road, Sierra College Boulevard, and nearby Interstate 80 do not pose a risk to the Project, because the DEIR claims there are no sensitive land uses proposed that could be significantly affected by DPM. Specifically, the DEIR fails to include a health risk assessment to disclose the increased cancer risk that will be caused by exposure to TACs, such as DPM, from the Project’s construction and operational emissions, as well as proximity to major transportation corridors that have been documented to emit large volumes of DPM. By omitting a health risk assessment, the DEIR fails to disclose and mitigate the potentially significant cancer risk posed to nearby residents and children from TACs. Moreover, because the DEIR offers no adequate support for its conclusion that the Project’s health risk impacts will be less than significant, the DEIR’s conclusion is not supported by substantial evidence.

CEQA expressly requires that an EIR discuss, inter alia, “*health and safety problems caused by the physical changes*” resulting from the project. (14 California Code of Regulations, Section 15126.2(a)) When a project results in exposure to toxic contaminants, this analysis requires a “*human health risk assessment.*” (Berkeley Jets, at 1369; Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184, 1219–1220 (CEQA requires that there must be some analysis of the correlation between the project’s emissions and human health impacts))

The DEIR’s finding that the Project’s health risk impacts will be less-than-significant health risk impact is not supported by substantial evidence. Although the DEIR acknowledges that the greatest potential for TAC emissions would be related to DPM emissions from heavy-duty equipment during construction and truck traffic on major transportation corridors, the DEIR simply concludes that the Project’s cancer risk from exposure to DPM would be less than significant without any quantitative analysis. Relying on non-quantitative analysis and unsupported assumptions to determine that a health risk assessment is not necessary results in a premature and improper finding that TAC impacts would be less than significant. For the reasons discussed below, the DEIR’s finding that the Project’s health risk impacts will be less than significant is not supported by substantial evidence.

First, as discussed above, the DEIR’s analysis relies upon a flawed air modeling analysis with inputs that have not been justified and emission values that were not incorporated (e.g., emissions from all operational and decommissioning/demolition activities). As a result, the DEIR’s conclusion that DPM emissions would not exceed

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the significant cancer threshold is unsupported because the emission inputs relied upon are inaccurate and incomplete.

Second, the DEIR cannot conclude a less than significant finding for health risk impacts of DPM based on the assumption that a health risk assessment is not required. More importantly, a less than significant finding for cancer risk is determined by a numeric threshold (*i.e.*, 1 in one million) and therefore a quantitative analysis is necessary. Without a quantitative analysis of the Project's TACs emissions, the DEIR's less than significant finding lacks substantial evidence.

Finally, the DEIR's omission of a quantified health risk assessment is inconsistent with recent guidance published by the Office of Environmental Health Hazard Assessment ("OEHHA"), which recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors. This document was also adopted by the Placer County APCD in 2017, the air pollution and control district for the region of the Project. OEHHA's guidance document also recommends that exposure from projects lasting more than 6 months should be evaluated for the duration of the project, and a 30-year exposure duration should be used to estimate individual cancer risk for the maximally exposed individual resident ("MEIR"). Because the Project's construction will last more than 6 months, and the Project's operational timeline is approximately 30 to 35 years or more, the City is required to conduct an assessment of public health risks, supported by substantial evidence, as recommended by Placer County APCD and OEHHA and as required by CEQA. By failing to prepare a health risk assessment, the DEIR's conclusions of less than significant impacts to public health is unsupported.

Substantial evidence exists to support a finding of significance as to public health impacts from the Project's construction emissions. To demonstrate the potential risk to nearby receptors from Project construction, we performed a screening-level health risk assessment of the Project's construction DPM emissions using the AERSCREEN model. (*AERSCREEN is considered an appropriate air dispersion model for Level 2 health risk screening assessments by the OEHHA and California Air Pollution Control Officers Association ("CAPCOA")*) Because the DEIR did not disclose a value for DPM and PM10 exhaust for operational emissions, our assessment included only the Project's construction emissions.

We determined that unmitigated DPM emissions released during Project construction would result in an excess cancer risk to the 3rd trimester of pregnancy and infants to the MEIR located approximately 25 meters away, of 0.27 and 1.7 in one million, respectively. This results in an excess cancer risk over the course of the Project construction at the MEIR at approximately 1.9 in one million. These risk values exceed Placer County APCD's threshold of 1 in one million, and therefore demonstrate that just the Project's construction emissions alone will result in a significant impact requiring

mitigation. Additionally, because the DEIR failed to include all emissions related to operational activities, demolition, and decommissioning, the health risk from both construction and operational emissions would likely result in a health risk impact that further exceeds the Placer County APCD threshold of 1 in one million.

Our analysis represents the link between the proposed Project's construction emissions and the potentially significant health risk impacts when correct exposure assumptions and current agency guidance are applied. As the analysis is based on a preliminary screening-level health risk assessment, the City must make a reasonable effort to conduct a more refined and thorough health risk assessment to determine the significant health risk impacts and provide adequate mitigation measures to reduce those impacts to less than significant. The results of this new information and analysis should be presented in a revised DEIR and recirculated for further public review and comment. (See CEQA Guidelines Section 15088.5(a)(1))

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XIV. DEIR Fails to Adequately Address Impacts to Biological Resources

The DEIR concludes that all biological impacts can be mitigated to less than significant levels with the incorporation of mitigation measures. These impacts include the loss of native vegetation; adverse effects to jurisdictional waters and wetlands; degradation of vegetation; loss of sensitive plants, wildlife, and nesting birds; adverse impacts to habitat linkages and wildlife movement corridors, the movement of fish, and native wildlife nursery sites; habitat fragmentation and isolation of sensitive species; increased predation of listed and sensitive wildlife species; and avian and bat injury and mortality from collisions with glass on multi-story structures.

These impacts must be reviewed on a project specific level basis before the DEIR can make any significance findings for all future high density urban development which will be allowed in the future by the proposed Project. For instance, in order for the DEIR to accurately analyze loss of sensitive plants and wildlife for future specific projects under the proposed Project's South Village development plan, surveys would need to be conducted for specific development footprints of the South Village project site. This has not been done. As with other impacts, the DEIR merely assumes certain impacts exist based on similar urban residential and commercial development projects within the City by using a "proportional impact analysis approach." This approach includes "calculating the proportion of the FDAs in each ecoregion subunit expected or assumed to be developed" and then multiplying each subunit-specific impact proportion across the biological resources within the FDAs in that ecoregion subunit. The DEIR's conjecture based on the "expectation" or "assumption" of a given specific development in the North Village or South Village is speculative and does not constitute substantial evidence.

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The DEIR's treatment of the Project's existing biological resources setting is grossly inadequate. The DEIR: 1) relied on surveys that failed to comply with United States Department of Fish and Wildlife ("USFWS") and the California Department of Fish and Wildlife ("CDFW") recommendations, 2) relied on habitat assessment and reconnaissance conducted over *five* years ago, 3) relied on data collected for other projects other than the College Park Project, and 4) failed to establish geographic context for the special-status species that occur or have the potential to occur on the Project sites (*North Village and South Village*). The DEIR's failure to accurately and completely describe the existing environmental setting undermines the validity of the City's impacts analysis.

Considering the particular significance of cumulative impacts in the case of this specific Project, the DEIR's description of the geographic context for the cumulative impacts analysis of biological resources is seriously flawed. The DEIR describes the geographic context as a portion of Western Placer County and East Rocklin that consists of similar habitat areas as those that would be directly or indirectly affected by the proposed Project. The DEIR needs to quantify the geographic scope, total amount of each habitat type within the scope, and the total amount of each habitat type that comprises the setting for evaluating the proposed Project's cumulative impacts. A revised and recirculated DEIR must be prepared that contains sufficient detail on the geographic context for determining the proposed Project's cumulative impacts on biological resources.

The DEIR offers no evidence that protocol-level surveys were conducted for Valley Elderberry Longhorn Beetle (VELB). Though the DEIR alleges that old surveys were carried out, the DEIR fails to include USFWS recommended survey information, including surveyor names, start and end times, qualifications, and weather conditions. Furthermore, the consultation with the USFWS and consultation response letter indicates only the North Village site was reviewed and no information was provided for the South Village site with its numerous elderberry plants which existing in the planned development area of the South Village site. Furthermore, the alleged historical surveys only covered the North Village site, and the DEIR fails to justify this limitation. Also, the VELB survey was incorrectly limited to portions of the Project area that contained annual brome grasslands and oak savannah only, which is an inappropriate scope for VELB surveys because VELB may appear in habitat that do not contain such vegetation communities. Protocol "*detection*" surveys are required to sufficiently describe existing conditions, and post-construction "*take*" surveys, such as those proposed by the DEIR, are an inadequate substitute for pre-construction surveys. By failing to implement CDFW and USFWS-recommended protocol surveys, the DEIR fails to establish a complete and accurate existing environmental setting in regards to VELB.

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2.0 COMMENTS ON DRAFT EIR AND RESPONSES

The DEIR's description of the existing environmental setting as it concerns Western Pond Turtle is inadequate on two counts: 1) the DEIR improperly assumes that failure to detect the species during reconnaissance-level surveys is evidence of Western Pond Turtles absence, and 2) the DEIR is internally inconsistent as to whether Western Pond Turtles exist on the site. Western Pond Turtles have been observed by El Don residents on the South Village site and nesting areas upland from the creek have been observed.

The DEIR's reconnaissance-level surveys fail to provide a basis for assuming the turtle's absence because Western Pond Turtles during brumation, they will burrow into the mud above or below the water and remain inactive until it gets warm again and are difficult to detect except when they are above water. The turtles may simply not have been active during the reconnaissance-level surveys though they are present on the Project's South Village development site. The DEIR fails to establish a complete and accurate existing environmental setting as it relates to Western Pond Turtles.

The DEIR concludes that the Tricolored blackbird, which was given Endangered status under the California Endangered Species Act (CESA) in December 2014 and was reclassified and listed as Threatened under CESA on March 18, 2019. The DEIR relies on surveys conducted in 2011 and 2014 which were both negative at the time for occurrence. The DEIR's conclusion, however, is flawed in four respects.

First, the DEIR's conclusion is based on the erroneous observation that the nearest Tricolored blackbird-occupied habitat is near Wellington Way just north of East Roseville Parkway 3.6 miles away. However, observation of the Tricolored blackbird has been made by many El Don neighborhood residents within the South Village development site and the existing colony of just 3 miles away indicate a high probability of this area being used by the Tricolor blackbird. Second, the Project's South Village development site is deep within the dispersal area of the Tricolor blackbird as evidenced by observations of Tricolor blackbird as far as 45 miles west of the site. Third, the habitat on the Project's South Village site appears to be as good or better for Tricolor blackbirds than those locations where the Tricolor blackbird colony has been spotted north of East Roseville Parkway.

Finally, the DEIR evidences no point count bird surveys conducted for the Project's South Village development site. No avian point count surveys were provided nor conducted on the Project's South Village development site. Avian point count surveys for adjacent urban development projects did not cover the Project's South Village development site. In light of the above flaws, the DEIR failed to accurately and completely describe the existing setting for Tricolored blackbirds.

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The DEIR's analysis regarding the lack of special status species on the proposed Project site is not supported by substantial evidence. The DEIR identified the following special-status plant species that were likely to be present on the proposed Project site: *big-scale balsamroot*, *dwarf downingia*, *Bogg's Lake hedge hyssop*, *Ahart's dwarf rush*, and *Sanford's arrowhead*. The DEIR technical appendix for Biology stated that special-status focused plant surveys were conducted in 2017 and 2020, however, the focused studies are not provided in the technical appendix.

Madrone Ecological Consulting (MEC) conducted focused surveys for special-status plants in the Project area and had negative results and concluded special status plant species are known to be absent. There are several errors in the DEIR's determination. First, the statement that the surveys were conducted during the peak blooming periods is not supported by evidence because, contrary to the CDFW Protocols, MEC's biologist/botanist did not visit reference sites to verify that special-status plants known to occur in the region were identifiable at the time of the surveys. The failure to visit reference sites is a critical error because MEC's surveys were conducted during a drought year, and many of the special-status species that have potential to occur at the Project site may not be evident and identifiable during drought years.

Second, it appears MEC made no effort to relocate the special status plant populations that had been detected in the Project area during surveys conducted for the Sierra Joint Community College campus projects. Nevertheless, the CDFW Protocols state: "*the failure to locate a known special status plant occurrence during one field season does not constitute evidence that the plant occurrence no longer exists at a location, particularly if adverse conditions are present.*" (California Department of Fish and Wildlife. 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*) Because MEC's surveys were limited to one field season during two separate years of drought three years apart, the City must assume *big-scale balsamroot*, *dwarf downingia*, *Bogg's Lake hedge hyssop*, *Ahart's dwarf rush*, and *Sanford's arrowhead* continue to occupy the Project site.

Third, the DEIR fails to provide evidence that the botanical field surveyors had the qualifications needed to identify sensitive botanical resources in the Project area.

Fourth, it appears the botanical surveys were limited to the Project's North Village development area, and did not encompass areas that would be impacted by road widenings, new utility easements, abandonment of existing utility easements, and the South Village development area. The survey area should have included the entire Project area, even offsite elements, like the extension and oversizing of sewer and water lines, or upgrades of PG&E electrical services infrastructure which have linear features of improvements which stretch beyond the North and South Villages of development and were not included in special status species surveys. The failure to include the analysis of the environmental setting around the linear features of the

proposed Project and the presence of rare plants causes the biological resources analysis to not be supported by substantial evidence and constitutes a violation of CEQA. An amendment to the DEIR must be prepared to adequately analyze the environmental setting regarding rare plants and recirculate the DEIR.

Loggerhead shrikes are a California species of special concern and have been observed within the proposed Project site, according to the California Department of Fish and Wildlife (“CDFW”). But, the DEIR provides no analysis or mitigation for potentially significant impacts to loggerhead shrike, which was detected onsite. The DEIR fails to disclose or analyze the significance of Project impacts on the loggerhead shrike. Substantial evidence supports a fair argument that the Project will have significant impacts on the loggerhead shrike species. An amendment to the DEIR is required to adequately analyze and mitigate impacts to loggerhead shrike and then require recirculation of the DEIR with the new analysis.

According to the DEIR and biological technical appendix no documentation of nesting birds were provided in the biological assessment provided. The current baseline conditions, then, are that there are no nesting birds on-site, due to the lack of documentation of nesting data. The lack of documented nesting sites are misleading and misrepresent the value of the Project site to nesting birds. Most bird species construct well concealed or camouflaged nests. As a result, finding bird nests generally requires observations of bird behaviors (*e.g., territorial defense behavior, food deliveries*) that are only evident during the breeding season. Whereas MEC’s special-status plant surveys were conducted during the avian breeding season, the survey report provides no evidence that the biologists searched for bird nests. It is impossible that a 100 plus acre site does not support any nesting birds. The environmental setting analysis regarding nesting birds is not supported by substantial evidence. An amended DEIR must be prepared which adequately analyzes and addresses Project impacts to nesting birds.

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XV. DEIR Fails to Adequately Address Impacts to Cultural Resources

Adverse impacts to historic period built-environment resources, 3.5-1, were found to be less than significant in the DEIR. However, the remaining impacts to cultural resources, 3.5-2, 3.5-3, and 3.5-4 were found to be less than significant with mitigation. These include impacts to prehistoric and historic period archaeological resources; disturbance to human remains or cultural items, including funerary objects, sacred objects, and objects of cultural patrimony; and impacts to cultural landscapes. In addition, all impacts to paleontological resources were found to be less than significant with mitigation.

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Cultural resources include sites and deposits, structures, artifacts, rock art, trails, and other traces of Native American human behavior and paleontological resources include fossilized remains, traces, or imprints of organisms. These items can only be thoroughly identified through site-specific assessment. The DEIR claims that the analysis is based on known resources in the Project area. But given the difficulty of identifying resources in overgrown areas, wetlands, and cultivated lands, the DEIR without a comprehensive ground survey can only estimate the number of resources that may be present in the Project area. Furthermore, regarding cultural resources, the DEIR states that large portions of the Project area remain unsurveyed and identification, evaluation, and treatment of cultural resources would need to be conducted on a project-specific level to ensure proper compliance with cultural resources regulations. Regarding paleontological resources, the DEIR assumes that individual future projects in the North Village and South Village seeking approval from the City would be required to evaluate paleontological resources at a project specific level of detail and would need to use the most detailed geologic and paleontological data available as part of project-level assessments.

This analysis is not detailed enough to make a significance finding when further cultural or paleontological resources could be identified during project-level analysis. The Department of the Interior's support for "*advanced landscape-level planning that identifies areas suitable for development because of relatively low natural or cultural resource conflicts*" (*Department of Interior, Order No. 3330, Improving Mitigation Policies and Practices of the Department of Interior (2013)*) does not necessarily include making specific significance determinations under CEQA regarding project-level impacts on cultural and paleontological resources. The extensive background information on the regulatory scheme and historical context for cultural and paleontological resources, as well as the general identification of suitable development lands, is no doubt beneficial for tiering project-level analysis for future projects. However, the DEIR should not purport to make significance findings that may underestimate resources, potentially thwarting adequate project level review in the future, without site-specific information.

XVI. DEIR Fails to Adequately Address Cumulative Impacts

The analysis failed to even address neighboring projects such as the Sierra College Master Facilities Plan Capital Improvement Projects which included the following:

- No analysis of compatibility or conflict with both long term and short term plans of the Sierra College Campus Facilities Master Plan.
- No evaluation of the cumulative impacts of the anticipated projects (short term and long term) called out in the Sierra College Campus Facilities Master Plan. (Parking Garage 1,500 parking spaces, infrastructure improvements-electrical

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- service, data service, water service, sanitary sewer service, and storm water systems)
- Did not address impacts of hazards, and hazardous materials impacts from major schedule demolish of buildings on Sierra Campus immediately across the street from proposed development. (Demo of Buildings B, C, M, Mt, E, F, and Dts)
 - Modernization of Sports Facilities on Campus such as Tennis Courts, Football Field, Baseball Field, Soccer Field, Softball Field and associated impacts on the proposed development.
 - No analysis of impacts on the development of long-term projects (Student Union, Science Building Phase I, Student Housing, Public Training Safety Center, West Placer CSUS Transfer Center, Performing Arts Center, Vocational Instructional Building, Demolition of Buildings A, U, B, C, M, E, I, and Z)
 - Plans call for the Nature Area to be protected. *“Nature Area: The nature area is a unique biological asset to the Rocklin Campus and a rare feature for a community college campus. Many disciplines use this outdoor space for educational purposes. To preserve the uniqueness of the nature area, it is the desire of the FMP task force to minimize encroachment of new development, both in size and nature of impact, into this portion of the Campus.”* No analysis of why new development on the 108 acres does not violate the FMP Task Force.

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Nor does the cumulative analysis analyze the combined impact of the activities proposed in the region. The cumulative impact analysis cannot withstand scrutiny, because here the lead agency, Sierra Joint Community College District and their partner developer made no attempt to accurately describe cumulative conditions despite the existence of relevant data. The failure is particularly pronounced because it is not possible to determine the significance of an impact without actual data. The data needs to include the ongoing impact and effects of the surrounding projects as that is the only way to determine the true cumulative impacts.

The case law is in accord. In *Kings County Farm Bureau vs. City of Hanford*, (1990) 221 Cal.App.3d 692, 729, 270 Cal.Rptr. 650 (“Kings County”), the Court of Appeals found the analysis of cumulative project impacts on water resources inadequate where it provided no information regarding the expected groundwater impacts of nearby energy projects except to say they “would impact regional water sources, but these impacts would be lessened by numerous programs and conservations measures.”

The absence of data was fatal. The court held that “absent some data indicating the volume of ground water used by all such projects, it is impossible to evaluate whether the impacts associated with their use of ground water are significant and whether such impacts will indeed be mitigated by the water conservation efforts upon which the EIR

relies.” (Communities for a Better Environment vs. California Resources Agency, (2002) 103 Cal.App.4th 98, 126 Cal.Rptr. 2d 44)

In Kings County, the Court rejected the cumulative analysis prepared for a proposed coal-fired cogeneration power plant in which the lead agency determined the project’s impact on air quality was not cumulatively considerable because it would contribute less than one percent of area emissions for all criteria pollutants. King County at 718-719. The Court criticized the focus on the ratio between the project’s impacts and the overall environmental problem, rather than on the combined effect of the project in addition to already adverse conditions. Under this impermissible approach, which the Court dubbed the “*ratio theory*,” “*the greater the overall problem, the less significant a project has in a cumulative impact analysis.*” (221 Cal.App.3d at 721) Instead of trivializing a project’s impacts by comparing them to the impacts of other past, present, and probable future projects, CEQA requires the lead agency to first combine the impacts. When this is done properly, the EIR may find that the scope of the environmental problem is so severe that even a minuscule incremental change would cumulatively considerable and thus significant.

An adequate discussion of cumulative impacts must use one of the following methods, known respectively as the “*list*” approach and the “*summary of projections*” (or “*plan*”) approach: (1) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency (*Town of Loomis, City of Roseville, Placer County*), or (2) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect... (CEQA Guidelines Section 15130(b)(l)). These represent two distinct ways of identifying the “*other projects*” that add to the proposed Project’s incremental impacts.

The California Supreme Court has explained that the requirement to assess past projects “*signifies an obligation to consider the present project in the context of a realistic historical account of relevant prior activities that have had significant environmental impacts.*” (*Environmental Protection Information Center vs. California Department. of Forestry & Fire Protection, (2008) 44 Cal.4th 459,524, 118 Cal.Rptr.3d 352*) To do this effectively, an EIR “*must reasonably include information about past projects to the extent such information is relevant to the understanding of the environmental impacts of the present project considered cumulatively with other pending and possible future projects.*” (*Environmental Protection Information Center vs. California Department. of Forestry & Fire Protection, (2008) 44 Cal.4th at 525*)

As written, the DEIR glosses over the aggregate environmental impacts of the proposed Project and misleads the reader through words such as “*may*” and “*potentially*.” This Project cannot be viewed independently from other developing Projects in the region. The DEIR needs to address the cumulative effects of the proposed Project in relation to other nearby projects including all the planned projects outlined in the Sierra College Master Facilities Plan.

The cumulative impact from several projects is the change in the environment which results from the incremental impact of the proposed Project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Greenhouse gas emissions, noise, traffic, air pollution, and habitat fragmentation are aggregate and have cumulative effects. It would be a massive oversight for this proposed Project to be allowed to move forward without fully analyzing its impact in relation to the overall impact of other projects in the region that are currently in development or in the planning stages. (CEQA Guidelines Section 15355(b))

The DEIR lists mitigation measures but does not adequately inventory the resources present at the proposed Project with sufficiency to allow for an informed decision. The DEIR must be rewritten with greater specifics. How many Trees will be affected? How many acres of rare and endangered plants are present. The requirements of CEQA require more detail. CEQA is a comprehensive scheme designed to provide long-term protection to the environment. In enacting CEQA, the Legislature declared its intention that all public agencies responsible for regulating activities affecting the environment give prime consideration to preventing environmental damage when carrying out their duties. CEQA is to be interpreted "to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."

(*Mountain Lion Foundation vs. Fish and Game Com.*, (1997) 16 Cal.4th 105, 112). The process compelled by CEQA "is a meticulous process designed to ensure that the environment is protected ... " (*Planning and Conservation League vs. Department of Water Resources* (2000) 83 Cal.App.4th 892). "The integrity of the [CEQA] process is dependent on the adequacy of the EIR." (*Save Our Peninsula Committee v. Monterey County Board of Supervisors*, (2001) 87 Cal.App.4th 99, 118-119). The EIR is "the heart of CEQA." (*Laurel Heights Improvement Ass'n v. Regents of the University of California, (Laurel Heights I)* (1988) 47 Cal.3d 376, 392). The EIR must provide agencies and the public with "detailed information about the effect which a project is likely to have on the environment, ... list ways in which the significant effects of such project might be minimized; and ... indicate alternatives to such a project." (Public Resources Code Section 21061).

An EIR is an "environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." The EIR is also intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (*Laurel Heights I, supra*, 47 Cal.3d at 392). Here, the DEIR must be rewritten to further signal to the community the significant and cumulative changes to their environment. The rewritten DEIR must address the impact of this proposed Project in conjunction with all other project online or in the pipeline.

8-25 Cont.

Recirculation of the DEIR is required to ensure the public has an opportunity to review the data required for a cumulative impact analysis has outlined above.

8-25 Cont.

XVII. DEIR Fails to Adequately Address Impacts to Geology and Soils

The DEIR finds that the Project’s components North Village and South Village and subcomponents in each village that are not declared and delineated would expose people or structures to injury or damage from seismic, volcanic, or landslide activity; soil or sand erosion would be triggered or accelerated due to plan components and mass grading likely required; the Project’s components would expose people or structures to injury or damage from corrosive or expansive soils; and the Project’s components would destroy or disturb wetlands. However, the DEIR concludes that all impacts would be less than significant with mitigation. The DEIR’s conclusion is speculative and not based on substantial evidence.

Geological and soil conditions for individual project sites within the North Village and South Village are not known and cannot be known until site-specific analysis is conducted for each specific site with the proposed urban structure and improvements. The DEIR admits that the specific impacts of high-density urban development facilities would depend on a variety of factors, including project location within [North Village and South Village Focus Development Areas (“FDAs”)], technology and scale employed, size of the development, and site-specific soil conditions. The DEIR recognizes the uncertainty of specific location of development within FDAs, impact analysis is based on the total acreage of land that could be affected within FDAs.” However, the overall impact analysis is necessarily based on anticipated conditions on individual project sites. The specific conditions of each site, such as erosion potential, are needed to assess the impacts. However, individual project information is unknown at this time; thus, the DEIR’s findings regarding geology and soil impacts are unsupported.

8-26

XVIII. DEIR Fails to Adequately Address Impacts to Greenhouse Gas Emissions

The DEIR fails to adequately disclose, analyze, and mitigate impacts on Climate Change from Greenhouse Gas (“GHG”) emissions. CEQA requires agencies to “*make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.*” (CEQA Guidelines Section 15064.4(a)) A lead agency can determine the significance of a project’s GHG emissions by (1) quantifying GHG emissions resulting from the project; and/or (2) relying on a qualitative analysis or performance based standards. (CEQA Guidelines Section 15064.4 (a)(1) and (a)(2)) The “*agency’s analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes.*” (CEQA Guidelines Section 15064.4(b)) Finally, as with the analysis of all impact areas, the agency must employ all feasible mitigation measures to reduce or eliminate impacts.

8-27

Here, the DEIR fails to adequately disclose, analyze, and mitigate GHG impacts on climate change from the Project's construction and operational activities for several reasons. As discussed earlier, the DEIR's finding of no significant GHG impacts is incorrect because: (1) the GHG analysis relies upon an incorrect and unsubstantiated air model and analysis; and (2) the GHG threshold applied is not applicable to this Project and cannot be relied upon to determine significance of the Project's GHG emissions. Additionally, the DEIR fails to demonstrate with substantial evidence that the Project is consistent with goals, plans, policies or regulations adopted for the purpose of reducing the emissions of GHG.

As such the DEIR improperly concludes that the Project's GHG impacts would be less than significant. The City must make a reasonable effort to conduct a complete and thorough GHG analysis to determine the significant impacts on climate change and propose adequate mitigation measures, based on substantial evidence, that reduces those impacts to less than significant.

The DEIR's GHG analysis relies upon an incorrect and unsubstantiated air model. The DEIR concludes that the Project would result in GHG emissions of 964.7 MT CO₂e/yr. for 2022 and 1,304.2 MT CO₂e/yr. for 2023 (*DEIR pg. 3.7-29 Table 3.7-1*) based upon its CalEEMod modeling. However, as noted and discussed above, the DEIR's CalEEMod modeling is flawed because of the unsubstantiated inputs for construction emissions, the evaluation of mobile-source emissions only for operational emissions, and the lack of evaluation for emissions associated with demolition and decommissioning. Because of this, the DEIR's CalEEMod modeling of construction and operational emissions are likely underestimated. Therefore, the DEIR cannot rely upon its CalEEMod modeling to determine whether the Project's GHG emissions will be significant.

The DEIR improperly applies Placer County APCD's GHG threshold to determine that GHG impacts are less than significant. An agency must consider "*whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.*" (*CEQA Guidelines Section 15064.4(b)(2)*) Particularly for GHG emissions analysis, while the lead agency has discretion to choose a modeling system and methodology, the selection of the methodology and its application must be supported by substantial evidence. (*CEQA Guidelines Section 15064.4(c)*) Here, the DEIR applies a significance threshold for GHG analysis that does not apply to this Project and provides no substantial evidence to support its selection of this particular methodology.

The DEIR relies upon the Placer County APCD's adopted threshold of 10,000 MT CO₂e/yr. to determine whether the Project will result in significant GHG emissions. Notwithstanding that the DEIR relies on a flawed air model that resulted in a calculation of 1,304.2 MT CO₂e/yr. in 2023 the DEIR provides limited justification in its decision to

8-27 Cont.

apply this threshold as the appropriate measure of GHG significance. A 2015 California Supreme Court case ("*Newhall Ranch*") where the court ruled that lead agencies could determine significance of impacts from GHG emissions by applying specific numerical thresholds, the City appears to be relying on this Court ruling. However, while this case, and the subsequent adoption of this rule into the *CEQA Guidelines*, generally permits an agency to apply a numeric threshold, relying on this rule does not justify why this particular threshold from the Placer County APCD was applied to this high-density urban development Project. The *CEQA Guidelines* is explicit in requiring an agency to "support its selection of a model or methodology with substantial evidence." (*CEQA Guidelines Section 15064.4(c)*)

On the contrary, the Placer County APCD's threshold clearly does not apply to this Project. The DEIR cites to the Placer County APCD's adopted threshold of 10,000 MT CO₂e/yr. to its CEQA Guidelines on GHG impacts, which adopts quantitative thresholds when Placer County APCD is the CEQA lead agency. In adopting the Placer County APCD CEQA Guidelines staff anticipated the applicable projects to be large industrial projects or modifications to existing industrial projects that do not require conditional use permits from a land-use agencies within the County. This Project is not a large industrial project which requires Placer County APCD to be the lead agency and in fact is a project that does require permits and approval from City of Rocklin as the lead land-use agency. Notably, the Placer County APCD states that the 10,000 tons per year (tpy) limit is appropriate for determining significance, in part because "ARB and EPA determined that this threshold would be appropriate for facilities whose GHG emissions may be subject to regulation" and then cites to the federal EPA's Final Rule for Mandatory Reporting of Greenhouse Gases ("*EPA GHG Reporting Rule*"). (74 *Fed.Reg.* 56260, 56273, (Oct. 30, 2009), *Mandatory Reporting of Greenhouse Gases; Final Rule ("2009 Federal Register")*) The types of facilities applicable to this EPA regulation, such as stationary fuel combustion sources, fossil-fueled generating units, vehicle manufacturing, and manufacturing of products and chemicals, do not apply to this Project, as a high-density urban development Project. Moreover, these facilities are subject to the EPA GHG Reporting Rule precisely because they are expected to emit above 10,000 tpy of GHGs. (2009 *Federal Register*, p. 56260) Indeed, the *Newhall Ranch* court acknowledged that different land uses are expected to affect GHG emissions in different ways. (*Newhall Ranch*, 62 *Cal4th* 204, 229) It would be illogical then to apply to this particular Project a threshold applied to land uses that *inherently* emit large quantities of GHG. Instead, the DEIR must analyze the significance of impact specific to this Project's land use as a high-density residential and commercial urban development.

In addition, according to the Federal Register explaining the development of this particular GHG regulation, the 10,000 tpy threshold was a figure adopted to determine applicability of a facility to the GHG reporting regulation: "From these analyses, we concluded that a 10,000 metric ton threshold suited the needs of the reporting program

8-27 Cont.

by providing comprehensive coverage of emissions with a reasonable number of reporters, thereby creating the robust data set necessary for the quantitative analyses of the range of likely GHG policies, programs and regulations.” (2009 Federal Register, p. 56272) The adopted 10,000 tpy threshold is therefore not determinative of the significance of the impacts of a source’s GHG emissions. Rather the threshold was intended to determine whether a stationary source would be subject (or applicable) to the GHG reporting requirements.

In sum, the Project does not constitute the types of facilities intended by the Placer County APCD and the threshold of 10,000 tpy is not applicable to determine the significance of the Project’s GHG impacts. Moreover, the DEIR fails to provide substantial evidence to support its application of this threshold. The 10,000 MT CO₂e/yr. threshold, therefore, does not apply and should not be used in determining the Project’s GHG significant impacts.

8-27 Cont.

XIX. DEIR Fails to Adequately Address Hydrology and Water Quality

The DEIR concludes that all impacts related to flood hazards, hydrology, and drainage (Impacts 3.9-1 – 3.9-5) can be mitigated to less than significant levels with CMAs, mitigation measures, and existing regulations. However, the DEIR cannot make assumptions regarding the increase of flooding, alteration of surface water features, or the potential for release of contaminants into water bodies without knowing specific project site information. The DEIR does not utilize detailed quantification of potential effects at a project-specific level of environmental assessment for impacts to surface water, but rather utilizes a generalization of potential effects. The DEIR does not present all available site-specific data, the quantification method used in the DEIR can potentially underestimate the effects. Therefore, the DEIR’s finding that impacts related to flood hazards, hydrology and drainage are less than significant are based on incomplete data and weak assumptions, and not supported by substantial evidence.

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The DEIR concludes that most impacts related to groundwater, water supply and water quality can be mitigated to less than significant levels. The DEIR does not state nor analysis uses estimated water use as the primary indicator of potential impacts on groundwater, water supply, and water quality but recognizes that in some circumstances groundwater may be used, however, it does not provide data to determine the significance of groundwater usage. The DEIR relies on the Western Placer Groundwater Management Plan to mitigate any impacts to groundwater by the Project. This Groundwater Management Plan was prepared on a regional scale and does not address site specific groundwater conditions or how the project will impact groundwater at the specific Project site. Furthermore, the DEIR assumes that groundwater impacts generally occur at the scale of a groundwater basin rather than at the scale of the Project’s ecoregion subarea or FDAs. However, it is known that some impacts occur at a scale even smaller than a groundwater basin, and the DEIR alludes

to this by stating that the North Village and South Village sites are characterized as areas of low annual groundwater recharge.

The DEIR admits that quantifying these impacts requires site- and project specific details, but then it assumes water requirements based on other urban development projects. Without site-specific studies of groundwater and water supply conditions, however, these assumptions and statements within the DEIR cannot be compared to the existing conditions in order to constitute substantial evidence to support the DEIR's findings.

8-28 Cont.

XX. DEIR Fails to Adequately Address Land Use and Planning

The DEIR found that any conflicts between the proposed Project and existing and planned land uses and related plans and policies would be mitigated to less than significant levels. However, the DEIR acknowledges that "there are many variables (e.g. location, site resources or topography, type of project, jurisdiction, etc.) and a high potential for land use changes that may cause a land use conflict while implementing development under the new General Plan land use designations. In fact, much of the proposed Project depends on local jurisdictions amending their land use plans in order to be consistent with the proposed Project. (City of Loomis must remove Agricultural Zoning immediately adjacent to the Project area to remove conflicts) Since specific locations of individual projects are unknown at this time, any potentially significant impacts associated with land use inconsistencies must be evaluated at a project level. Thus, the DEIR's finding that any conflicts between the proposed Project and existing and planned land uses and related plans and policies would be mitigated to less than significant levels is unsupported by substantial evidence.

8-29

The DEIR does not disclose the prescriptive easements that run along the creek which crosses through the middle of the entire South Village Project area. The proposed development plan conflicts with these established prescriptive easements. The existing residents residing surrounding (*El Don Neighborhood*) the proposed Project site (South Village) have established a right to a prescriptive easement along the northern banks and southern banks of the unnamed tributary which flows from east to west through the South Village site. The rationale behind prescriptive easements is that long-time users of property can acquire a legal interest at the expense of the property owners (*Sierra Joint Community College District*). A user of land may establish a prescriptive easement by proving that his or her use of another's land was (1) continuous and uninterrupted for five years; (2) open and notorious; and (3) hostile. These trails have been used for over 30 years since the establishment of the El Don neighborhood and have remained uninterrupted. In the past (2016) when Sierra Joint Community College District fenced along El Don Road to prevent passage to the trails, the neighborhood cut holes in the fencing to allow access to the trails.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

The first requirement is relatively straightforward. “*Continuous*” use means that the use occurred over a 5-year period on occasions necessary for the convenience of the user. The residents of the El Don neighborhood which surrounds the South Village site have been using the trails along the tributary on the north and south banks of the Project’s South Village for both vehicle and pedestrian access to the area as well as backyards of their residential lots for the past 32 plus years. The residents use of this access has been continuous and year around. The proposed Project site property owners (*Sierra Joint Community College District*) have failed to post the necessary signage under Civil Code Section 1008, stating “*Right to Pass by Permission, and subject to Control, of Owner*” prior to the residents use of this land ripening into a prescriptive easement (5-year period).

The second requirement—open and notorious—means that the use of the land is sufficiently visible that anyone who viewed it would be able to discover it. Generally, the use will be considered open and notorious as long as it is not hidden or concealed from the property owner (*Sierra Joint Community College District*). The Project’s South Village site is viewable to all the general public as it is worn into a pathway that is large and distinctive from the grass and vegetation growing elsewhere on the proposed Project’s South Village site. The pathway is visible from El Don Road, the Dirt Parking Lot at Sierra College Campus, Monte Verde Park, Freeman Circle, Montclair Drive, Schatz Lane, and St. Frances Way. In addition, several residents have made improvements to the easement to allow all weather passage, establish chairs and gathering place within the easement, and installed gates or doors in the fencing along the property boundary to allow access to the Project’s South Village site. Instead of a solid fence to create a barrier between the existing single-family residential neighborhood and the proposed Project’s South Village site, the doors and gates make it open and notorious so that the easement is present and used.

The final requirement is that use of the land qualifies as “*hostile*,” meaning the El Don neighborhood residents surrounding the proposed Project’s South Village site have used the land on the South Village site without the express permission of Sierra Joint Community College District, the property owner. Hostility is reflected in the fact that the Sierra Joint Community College District and their development partners have proposed a site plan for the proposed Project’s South Village Mixed-Use development that would retake the land by adverse possession (*through easement by prescription*). In addition, in interviewing existing residents who use the easement it was stated that no permission was ever granted, that it simply has always been that way.

The proposed Project’s South Village development has provided a site plan that does not allow pedestrian or vehicle access along the existing trails which run along the north and south banks of the tributary. Landscaping, parking, abandonment and replacement of the sewer line and fencing will interfere with existing and future access along the existing trails. This site plan will result in cutting off the residents from their prescriptive

8-29 Cont.

easement and creating a barrier that would physically divide the existing residents from the commercial areas within their neighborhood. The proposed improvements within the prescriptive easement area within the South Village under the site plan, as submitted, would be in jeopardy until 5 years has passed and the El Don residents (*Easement Owners*) have failed to enforce their easement right in court.

If Sierra Joint Community College District proposes to use this prescriptive easement as shown in the site plan, it must be taken back in the same manner as it was taken, which is an open, notorious, continuous, manner for five years or more. In essence, such self-help is tantamount to re-taking the land by adverse possession (*by easement by prescription*). "It is settled law that an easement, whether acquired through a grant, adverse use, or as an abutter's right, may be extinguished by the owner of the servient tenement by acts adverse to the exercise of the easement for the period required to give title to the land by adverse possession." (*Popovich v. O'Neal*, 219 Cal. App. 2d 553, 556 [Cal. App. 5th Dist. 1963]. See also, *Glatts v. Henson*, 31 Cal.2d 368, 370 [188 P.2d 745]; Rest, Property, § 506, p. 3090; 17 Cal.Jur.2d § 40, p. 149.) "Generally, a prescriptive easement once acquired can be extinguished by actions of the servient tenement which satisfy the same elements required for the creation of the easement." (*Zimmer v. Dykstra*, 39 Cal. App. 3d 422, 435 [Cal. App. 2d Dist. 1974].)

If the proposed site plan is not modified to rectify the prescriptive easement issue, it would constitute a significant impact to land use regarding the division of a community. This significant impact, if not mitigated, would require an overriding consideration be declared within the DEIR, thus requiring recirculation of the DEIR. Furthermore, the future disruption of the property having to demolish what was built on the South Village site, assuming the Easement Owners (*El Don Neighborhood Residents*) prevailed in court, would impact the character, design, and efficient use of the proposed South Village development site. City approval of the current site plan also will pit the existing El Don neighborhood residents against the property owner (*Sierra Joint Community College District*) and applicant for the requested planning approval of College Park (North Village and South Village) Project, making the city potentially a party in the Easement Owners' lawsuit to enforce their easement rights. The Easement Owners (*El Don neighborhood residents*) will hold the City liable for legal costs and damages of the Easement Owners in enforcing their easement rights as a result of the City's decision in the matter to approve the site plan as proposed.

The following mitigation measures, Land Use -1 (LU-1) and Land Use -2 (LU-2) (*see below*) have been recommended for incorporation to the proposed Project's South Village development plan to diminish any potentially significant impacts related to dividing a community or interfering unreasonably with the easement along the north and south banks of the unnamed tributary in the South Village development site. The Project's South Village development site plan will divide the El Don neighborhood unless mitigation measures LU-1 and LU-2 are implemented. With mitigation measures

LU-1 and LU-2 implemented, the proposed South Village residential development will not divide an established community. The proposed project is intended to integrate with the existing surrounding community and land uses and reflect existing land use patterns and local stewardships of land. Therefore, the project will result in a less-than-significant impact with mitigation measures LU-1 and LU-2.

Recommended Mitigation Measures

Mitigation Measure LU-1: A site plan shall be prepared that respects the existing prescriptive easement by providing a 100 feet minimum set back, from the banks of the tributary and providing an all-weather surface (decomposed crushed granite trail) to allow access to and use of the prescriptive easement. City planning staff will verify site plan has incorporated the required easement and allowed the continued access along the north and south banks of the unnamed tributary prior to issuance of building permits. City will confirm with El Don Neighborhood Advisory Council that the 100-foot set back and trail has been incorporated to satisfaction of the Ad hoc Neighborhood Advisory Council.

Mitigation Measures LU-2: A dedicated access easement of 100 feet from the north and south banks of the unnamed tributary shall be provided within the South Village development site of the proposed Project and reflect such easement on the tentative and final parcel or subdivision maps to be prepared for the Project's South Village development. A legal description of the easement shall be recorded with the Placer County recorder's office.

The Proposed Project will require all public utilities to adopt new Capital Improvement Program (CIP) to support high-density urban development forecasted with the Proposed Project. Peak loads to the sewer and water systems will be exaggerated due to the proposed land use changes from college campus to residential and commercial development which will require capacity increasing capital projects be carried out. By virtue of state law and case law, all public works decisions such as the proposed Project and planned improvements of sewer and water systems to service the development contemplated must be consistent with the City General Plan. *California Government Code Section 65103 (c)* requires that each year the local planning agency (*Rocklin Planning Commission*) shall "review the capital improvement program of the city or county and the local public works projects of other local agencies for consistency with their general plan." The DEIR does not evaluate nor make findings that the CIPs of Placer County Water Agency and South Placer Municipal Utility District is consistent with the proposed general plan amendment required by the Government Code referenced above and for environmental assessment. The

DEIR must provide the Rocklin Planning Commission findings of consistency of the CIPs to the Rocklin General Plan as amended to substantiate the proposed general plan amendment will not result in a significant environmental impact. This new information once provided will require the DEIR to be recirculated to allow public review and input.

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XXI. DEIR Fails to Adequately Address Noise

The DEIR concludes that all impacts associated with noise and vibration would be reduced to less than significant levels with mitigation. The impacts were analyzed based on the area of potential development and the summary of common noise impacts associated with all the various types of urban development proposed by the Project's individual and specific developments. Furthermore the DEIR states that impacts related to the various types of urban development (residential, recreational, commercial, public facilities, roadways) and other associated facilities would vary depending on the technology proposed, specific location of the development within the Project area, the time and degree of disturbance resulting from development, and the size and complexity of the facilities. Because the location of individual specific projects, and thus the location of sensitive receptors, are not declared and possibly unknown, the assumption that speculative impacts will affect an unknown number of receptors does not constitute substantial evidence to support the DEIR's finding that impacts associated with noise and vibration would be reduced to less than significant levels with mitigation.

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In addition, the DEIR relies on compliance with the City's noise ordinance, yet the City does not have a noise ordinance compliance officer to enforce the City's regulations on noise. To date the City has received numerous noise complaints regarding construction noise in the east Rocklin neighborhoods which violate the City noise ordinance and the City has yet to cite any violations. The DEIR cannot rely on City noise ordinances which have been documented to not have been enforced to mitigate noise impacts. Without historical practices of code enforcement by the City, there is on evidence that the noise ordinance will have any effect on reducing noise impacts.

XXII. DEIR Fails to Adequately Address Transportation and Traffic

Impacts related to traffic were found to be significant and unavoidable for impacts 3.14-1 which would cause Vehicle Miles Travel (VMT) per dwelling unit to be greater than eighty-five (85%) percent of the City wide averages for that land use type. Impact 3.14-2 was also deemed unavoidable and significant impact due to increased roadway capacity which would induce increased VMT. Impacts 3.14-3, 3.14-4, 3.14-5, 3.14-6, and 3.14-7, were found to be less than significant with mitigation. These impacts include modification of local circulation patterns or

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degrading the performance of the local road networks; altering the availability or accessibility of El Don neighborhood routes of travel; substantial traffic volumes on highway segments designated as part of a Congestion Management Plan; and increasing hazards and the risk for a traffic incident or inhibiting emergency response.

Traffic and public access issues are extremely site-specific, and there are examples of large urban residential and commercial facilities that have resulted in significant and unavoidable traffic impacts. The DEIR acknowledges that the traffic study was based on assumption and not specific site development plans, which states on page 3.14-16 "*Transportation Impact Study is considered to be a conservative estimate of potential transportation and circulation impacts*" and table 3.14-2 states that the traffic impact analysis was based on "*Assumption*" and not a specific development or improvement. The DEIR states that potential impacts of the proposed Project's development depend on several factors: project location; project size; the delivery of equipment, materials, and supplies; and the daily commute for workers, none of which the DEIR admits are not known and could not be known at this time, thus requiring assumptions. The DEIR further states that project-specific changes will undergo CEQA documentation and consistency review with comprehensive transportation and travel management or resource management plans. However, impacts related to traffic could change substantially from what is assumed in the DEIR depending on the location and size of individual projects and areas in which they are sited during buildout of the proposed Project areas (*North Village and South Village*). Program-level analysis does not work here, and the DEIR's conclusions with respect to traffic and public access are speculative and unsupported by substantial evidence at this time.

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XXIII. DEIR Fails to Adequately Address Alternatives

CEQA "*prohibits approval of a plan that has mitigating features when a feasible plan with less environmental impact is available as an alternative.*" (*Citizens of Goleta Valley vs. Board of Supervisors (Goleta I)* (1988) 197 Cal.App.3d 1167, 1182; *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41; *Public Resources Code Sections 21002, 21081; CEQA Guidelines, 14 California Code Regulations, Sections 15002, subd. (a)(3), 15021, subd. (a)(2), 15091, subd. (a)*). A project may not be approved if there are feasible and environmentally superior alternatives, even if those alternatives would impede the attainment of project objectives to some degree. (*Public Resources Code Section 21061.1; CEQA Guidelines, Sections 15126.6, subd. (b), 15364*).

The No Project (No Build) Alternative avoids identified significant and unavoidable impacts associated with the proposed Project, as well as reducing impacts to agricultural resources. This alternative also allows the City at a future date to correct the inconsistency of the Mixed-Use general plan land use designation was identified above and initiating a general plan amendment designating the Project area back to the required Public/Quasi Public general plan land use designation. Out of all the alternative

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considered by the DEIR, the No Project Alternative adequately meets the goals and objectives of the City General Plan. Save East Rocklin urges that the only Alternative, No Project can be legally considered for adoption by the Rocklin Planning Commission and City Council.

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XXIV. DEIR Cited Resources of Data and Technical Information Used to Create the DEIR Which Did Not Exist

The DEIR is required to cite all documents used in its preparation including, where possible, the page and section number of any technical reports. (*CEQA Guidelines Section 15148, Public Resources Code Sections 21003, 21061, 21083 and 21100*). Other documents may be incorporated by reference, provided that the referenced document is summarized in the EIR and is made available for public inspection at a public place identified in the EIR, including a City office. (*CEQA Guidelines Section 15150.*) Several references cited in the DEIR are not available, not in print, or references cited however never used in any Section of the DEIR. The DEIR must provide accurate and verifiable references in accordance with the *CEQA Guidelines* and *Public Resources Code*. The DEIR failed to provide accurate and verifiable references, or develop a data base accessible by the public of the information and data used in the environmental impact analysis.

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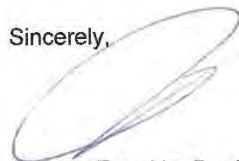
A quick glance of the references cited in the DEIR, it was found that more than 30 references had bad URLs; reference not used in any Section of DEIR; No links provided for a given document; and Publication was out of print. After finding thirty bad references we stopped checking the citation of the DEIR and concluded the DEIR did not comply with CEQA requirements.

XXV. Conclusion

The Project presents significant environmental impacts that the City failed to address and disclose in the DEIR, which must be disclosed, analyzed, and mitigated in a revised DEIR prior to Project approval. The DEIR Project Description is improperly truncated. The Applicant is not disclosed to the Public. The DEIR fails to adequately establish the existing setting upon which to measure impacts to environmental issues. The DEIR also fails to include an adequate analysis of and mitigation measures for the Project's potentially significant impacts. The DEIR cited resources of data and technical information used to create the DEIR and to validate the City analysis which did not exist and/or is out of print. List of References must be accurate to allow public review of the DEIR conclusions and ascertain if such conclusions have considered other perspectives and evidence to ensure an objective examination. The DEIR's conclusions lack substantial evidence with verifiable references as required by CEQA. Due to these significant deficiencies, a revised DEIR that addresses these inadequacies must be recirculated.

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Sincerely,



Allan R. Frumkin, Bar No. 50543

Law Offices of Allan R. Frumkin, Inc.
5900 King Road
Loomis, CA 95650
Telephone: 916-660-9298
Facsimile: 916-852-7380
frumkinlaw@aol.com

Response to Letter 8: Allan Frumkin, Law Offices of Allan Frumkin

Response 8-1: This comment is an introduction to the letter and does not warrant a response.

Response 8-2: This comment provides information regarding the project location and other projects in Rocklin and Loomis, and indicates that coordination in land use planning is necessary to ensure land use compatibility between the two jurisdictions. The comment discusses the Sierra College Campus Facilities Master Plan, a parking garage, utilities, and several high-density residential projects planned. The commenter indicates that as projects are developed there will be impacts on air, biological resources, aesthetics, utilities, transportation, and governmental services, including cumulative impacts. The commenter indicates that sufficient mitigation measures associated with each project is lacking.

This introductory statement is noted. There are not any specific information errors, oversights, or gaps presented by the commenter that are actionable and could be considered by the City for incorporation into the EIR, instead the commenter is silent on specifics in the DEIR. Additionally, there are not any specific feasible mitigation measures presented by the commenter that could be considered for incorporation into the EIR, again, the commenter is silent on specifics. The commenter has not acknowledged the very extensive analysis provided in the DEIR, including measures to address impacts. The commenter also has not acknowledged Project features that tend to reduce impacts and the panoply of federal and state laws, and existing rules, regulations, and standards of federal, state, and local agencies with which the Project must comply.

It is the City's policy, and state law, that Projects be analyzed pursuant to the requirements of CEQA. This process is designed to review environmental impacts, including those outlined in this introductory statement by the commenter, and ultimately develop feasible mitigation measures that can reduce impacts. The City undertook this analysis in good faith, and presented their results in the DEIR. Where the City identified impacts, the City responded by developing feasible mitigation measures that can be implemented. In some cases, there are existing City policy ordinances, and standards, or state and federal laws (existing regulations), that by their very nature, reduce impacts. Where these regulations exist, the City relies on the mitigating effects of such measures by virtue of the compliance with the regulation. Where specific measures beyond regulatory requirements can be developed, the City has developed specific mitigation measures.

The City has prepared the DEIR in good faith, and it has been the City's policy to engage the public for information that could help improve CEQA documents, including revisions to, or new and feasible, mitigation measures that reduce environmental impacts. The public review process is a ripe opportunity for the commenter to provide measures that they deem "feasible", and to specifically present information that supports revisions or updates to the analysis to reconcile any perceived inadequacy. The public review period serves as an administrative remedy, whereby the commenter should object to the perceived inadequacy with a level of specificity that provides the City with a reasonable understanding of how the City can remedy any perceived inadequacy in the EIR. The

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failure of the commenter to provide any substantive and specific information, on what they would consider sufficient mitigation or adequate analysis, makes it difficult, if not impossible, to update mitigation or analysis to their satisfaction. The high degree generalities in the commenter's letter does not demonstrate the inadequacy of an EIR at a time that is ripe to do so. Also, the commenter's silence is not an objection under the administrative remedies requirements at the most ripe time to do so.

Response 8-3: This commenter again identifies their concern for impacts to biological resources, and suggests that the DEIR lacks sufficient mitigation for impacts. The area in question is the "Nature Area," which the commenter says the FMP calls for protection.

Biological Resources is addressed in Section 3.4 Biological Resources. The commenter's reference to the "Nature Area" in the FMP appears to be a misunderstanding by the commenter. The commenter is likely referring to Master Plan policies dealing with the on-campus "Nature Area" located on the north side of the Campus inclusive of Secret Ravine, which would reflect a misreading of the Master Plan. The "Nature Area" is located on-campus between the developed portion of the campus and Interstate 80. Below is an excerpt from the Master Plan:

The Rocklin Campus features approximately 90 acres of oak woodland and green space located between I-80 and the developed campus. This area is densely populated with natural vegetation, primarily oak trees, shrubs and grassland, and is home to many species of reptiles, amphibians, fish, insects and other wildlife.

A prominent element of the nature area is Secret Ravine, a perennial tributary that spans approximately 10.5 miles through surrounding communities and unincorporated portions of Placer County. The stream runs along I-80, stretching from the northeast to the southwest corners of the Rocklin Campus. This area is rich in biodiversity, as it is home to more than 900 species of plants and animals. Lists maintained by the Sierra College Biology Department include approximately 550 plant species, 220 invertebrates, 14 species of fish, 24 species of reptiles and amphibians, 33 mammals and 92 birds. Numerous eco-habitats are also featured in the nature area, including oak woodlands, grasslands, oak savannas, riparian zones, ponds, springs and vernal pools. In addition, evidence of Native American settlement, such as bedrock mortars, pestles and subterranean structures, have been found throughout the area.

The nature area is a very unique biological asset to the Rocklin Campus and a rare feature for a community college campus. Many disciplines use this outdoor space for educational purposes including Biology, Botany, Zoology, Microbiology, Environmental Studies, Geology, Geography, Anthropology, Agriculture, Physical Education, Art, Music, among others. In addition to the collegiate disciplines, this area is also used extensively by the public, as well as other school and community groups. (Master Plan, p. 13; see also id. at p. 21 [additional discussion of Nature Area].)

This area would not be adversely affected by the proposed project. Instead, the oak mitigation plan for the project would preserve a portion of the Nature Area in perpetuity.

Response 8-4: This comment indicates that the project will generate a multitude of significant and unmitigated environmental effects on topics discussed throughout the DEIR. The commenter indicates that the DEIR mischaracterizes, mis-analyzes, underestimates, and fails to identify many of these impacts. The commenter specifically lists: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. The commenter then provides a specific example regarding “Infill Projects” being mischaracterized.

These comments are noted; however, each of the specifically listed topics have an individual Section in the DEIR whereby an environmental setting, regulatory setting, and impact analysis with mitigation requirements are presented. These topics were sufficiently analyzed, the results of which have been publicly disclosed in the DEIR. The commenter’s concerns about these topics are so general, and they lack any specificity or suggestion that could enable to the City consider text changes, additional mitigation, or other specific considerations. As discussed in Response 8-2, the City has prepared the DEIR in good faith, and it has been the City’s policy to engage the public for information that could help improve CEQA documents, including revisions to, or new and feasible, mitigation measures that reduce environmental impacts.

The comment regarding the mischaracterization of Infill Development is addressed under Master Response 6.

Response 8-5: This comment indicates that the DEIR fails to satisfy the basic purposes of CEQA, which are presented as “adequately disclose, investigate, and analyze the Project’s potentially significant impacts.” The commenter continues with a reference to “fair argument that there should be a recirculation of the DEIR. The commenter concludes that the mitigation measure will not mitigate impacts to the extent claimed, and that in some instances, the mitigation measures would create additional impacts that are not evaluated.

The commenter’s mention of a “fair argument” and their citation to Public Resources Code section 21064.5 are misplaced. These refer to the judicial standard of review and document requirements for a negative declaration, not an EIR. An agency must prepare an EIR, rather than a negative declaration, where the agency is presented with substantial evidence, viewed in light of the whole record, supporting a fair argument that a proposed project may have a significant environmental effect. (CEQA Guidelines, § 15064, subd. (f); Pub. Resources Code, § 21080, subd. (d); *Newtown Preservation Society v. County of El Dorado* (2021) 65 Cal.App.5th 771, 781.) “The fair argument standard is a “low threshold” test.” (Ibid.) Courts are not deferential to public agencies on the question of when to prepare an EIR, in that the mere existence of substantial evidence that a

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significant effect may occur is sufficient to trigger the need for an EIR, even if the agency is also presented with other substantial evidence that the project will not have a significant effect. (Ibid.).

Here, of course, there is no debate as to whether the City should prepare a DEIR for the Project. Rather, a DEIR was prepared for public review. The principles relevant to challenges to negative declarations are therefore irrelevant here. Once a lead agency has prepared an EIR, the factual conclusions in the document will be upheld by a reviewing court if they are supported by substantial evidence. Contrary substantial evidence put forward by project opponents does not change the judicial deference to which lead agencies are entitled. Even where project opponents support their attacks with true expert evidence, a lead agency may choose to rely on contrary substantial evidence as found in its EIR. “Disagreement among experts does not make a DEIR inadequate[.]” (CEQA Guidelines, § 15151.)

When reviewing an EIR, a court does “not exercise [its] independent judgment on the evidence, but shall only determine whether the act or decision is supported by substantial evidence in the light of the whole record.” (Pub. Resources Code § 21168; see also *id.*, § 21168.5.)” (Mani Brothers Real Estate Group v. City of Los Angeles (2007) 153 Cal.App.4th 1385, 1396–1397 (Mani Brothers).) “For CEQA purposes substantial evidence is defined by statute as including ‘fact, a reasonable assumption predicated upon fact, and expert opinion supported by fact.’ ([Pub. Resources Code] § 21080, subd. (e)(1).)” (*Id.* at p. 1397.) “Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence.” (Pub. Resources Code, § 21082.2, subd. (c).)

Even where the question is whether a DEIR is sufficiently detailed to adequately and meaningfully address a particular significant environmental effect, an agency’s “underlying factual determinations—including, for example, an agency’s decision as to which methodologies to employ for analyzing an environmental effect—may warrant deference.” (Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 516 (Sierra Club).) “[T]o the extent a mixed question requires a determination whether statutory criteria were satisfied, *de novo* review is appropriate; but to the extent factual questions predominate, a more deferential standard is warranted.” (Ibid.)

Again, there are not any specific information errors, oversights, or information gaps presented by the commenter that are actionable and could be considered by the City for incorporation into the EIR, instead the commenter is silent on specifics in the DEIR. As discussed in Response 8-2, the City has prepared the DEIR in good faith, and it has been the City’s policy to engage the public for information that could help improve CEQA documents, including revisions to, or new and feasible, mitigation measures that reduce environmental impacts.

Response 8-6: This comment discusses the purpose of recirculation and indicates that the DEIR does not comply with the requirements of CEQA because the DEIR: fails to set forth a stable and finite project description, fails to set forth the environment baseline and property characteristic the

project site, fails to identify analyze, and mitigate impacts on a variety of environmental topics. The commenter indicates that the City may not approve the Project until and adequate DEIR is prepared and circulated for public review and comment.

Here again, there are not any specific information errors, oversights, or information gaps presented by the commenter that are actionable and could be considered by the City for incorporation into the EIR, instead the commenter is silent on specifics in the DEIR. As discussed in Response 8-2, the City has prepared the DEIR in good faith, and it has been the City's policy to engage the public for information that could help improve CEQA documents, including revisions to, or new and feasible, mitigation measures that reduce environmental impacts. This comment is also addressed under Master Response #9.

Response 8-7: This comment provides a statement of interest.

This statement of interest is noted.

Response 8-8: This comment provides a legal background relating to CEQA.

This legal background provided relating to CEQA is noted. The City does not agree, nor disagree, with the commenter, rather, it is noted.

Response 8-9: This comment states that the "DEIR Fails to Reveal the Project Applicant", and provides several paragraphs in support of this statement.

The Project applicants are Evergreen Sierra East, LLC, Cresleigh Homes Corporation, and USA Properties Fund, Inc., and the owner of the Project sites is the District. Applications for entitlements are on file with the City of Rocklin. These applications name the Project applicants, whom have been actively meeting with members of Rocklin City staff, Sierra College Staff, and the Rocklin community in order to work with them to address concerns, respond to policy requirements, and ultimately provide hundreds of new housing units at a time of a statewide housing crisis.

The very first pages of the text of the DEIR, on pages ES-1 and ES-2, are quite explicit in stating that the Project sites are owned by the District and have been identified for potential development for years. This point is made again on page 2.0-5, where the text states that:

"...the College's 2014 Facilities Master Plan designates the Project Area for revenue generation to benefit the College's students, programs, and facilities. In 2015, the Trustees initiated a process to identify a developer for the proposed Project and declared the Project Area (North Village and South Village) as surplus property in 2016. In response, the applicant has developed the College Park General Development Plan (College Park GDP), which would allow for the integrated development of the approximately 108-acre Project Area."

It is noted that CEQA does not require a DEIR to disclose the identity of an applicant, as such information is not relevant to environmental impact analysis. In an analogous context, CEQA case law has held that the name of the "end user" for a project is irrelevant to the adequacy of

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environmental review. (See *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 120 Cal.App.4th 396, 442 [an adequate project description does not “require disclosure of the end user of the project”].) Thus, a DEIR can be perfectly adequate from a legal standpoint even if the Project applicants are not identified in the EIR. Regardless, this response represents a disclosure of the entities (Evergreen Sierra East, LLC, or Cresleigh Homes Corporation, or USA Properties Fund, Inc. as the Project Applicants).

Response 8-10: This comment states that the “City Lacks Substantial Evidence to Approve the Projects Land Use Requests” and provides several pages of support for this statement.

This comment is addressed under Master Response 7 and 8.

Response 8-11: This comment indicates that a finding of compatibility with surrounding land uses is necessary, and suggests that the high-density residential designation is in conflict with rural residential uses. The commenter suggests that high density residential land uses would constitute being unreasonably incompatible with and injurious to surrounding properties, and detrimental to the health and general welfare of persons residing or working in the vicinity. The commenter cites livestock operations (horse stables, goat farms, chicken farms) that may require new levels of fly management and vector control.

Multi-family residential uses are proposed within the central portion of the site, as well as in the southeast corner of the North Village site, adjacent to Rocklin Road and the Commercial component. The PD-15.5+ designation would allow for the development of 325 to 668 multi-family units.

When assessing compatibility of land uses, planners generally look for conditions that could present a nuisance or health concern as constructive criteria for determining compatibility. For instance, an industrial building with large semi-truck and trail docking stations that would be emitting toxic diesel particulates adjacent to a school, hospital, or residence would be an example of incompatible uses.

The commenter has suggested that livestock operations could present a nuisance or health issue. After careful review, it is clear that the South Village site does not have any livestock operations existing in the immediate surrounding, nor would any be allowed under the proposed development.

There are two developed residential estate properties’, one 2.3-acre parcel and one five-acre parcel located adjacent to the southeast corner of the North Village. Each of these parcels have a residence and various outbuildings, and appear to have some facilities for animal keeping. For instance, the five-acre parcel has a small fenced arena, a pasture area, and animal shelter. The 2.3-acre parcel has pasture area and an outbuilding that may serve as an animal shelter. Neither of these residential properties has any commercial or large-scale livestock use, and it is not known if they actively have animal keeping on the parcels.

It is noted that animal keeping is an allowed use in the Town of Loomis Residential Estate zoning designation, however, it is not without limits. The Town of Loomis Zoning Ordinance 13.42.060 –

Animal Keeping, includes provisions that are intended to ensure that the raising and maintenance of animals does not create adverse impacts on adjacent properties by reason of dust, noise, visual blight, odor, bright lights, or insect infestations. This ordinance provides animal keeping standards that specify the maximum number of animals allowed per site based on their acreage, as well as maintenance and operational standards that are intended to ensure odor and vector controls. This limitation is a restriction based on the size of the parcel, rather than the openness or developed nature of adjacent properties. These standards are imposed on the property owner that keep the animals on their residence to ensure that they do not create a nuisance or health hazard for people living on site, or on adjacent properties in the vicinity. The Odor and Vector Control Standards specify that all animal enclosures, including, but not limited to, pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Each site shall be maintained in a neat and sanitary manner, and in compliance with Placer County Environmental Health Department and animal control standards. It is anticipated that these property owners would continue to be held to these zoning standards for animal keeping. The density of animals allowed, combined with the vector controls, make animal keeping compatible with the residential uses on the parcel, as well as adjacent residential parcels. There is nothing in the high density residential proposed on the North Village site that would prohibit the continued animal keeping rights of these adjacent properties.

Overall, when looking at residential uses, there are a variety of densities that can be developed, but none are considered incompatible with another because none are nuisance or health concerns. Certain allowed uses in a residential area, such as animal keeping, can become a nuisance or health concern, however, zoning ordinances are established to prevent nuisances and health concerns in where these uses are allowed. The Town of Loomis has done exactly that by adopting Zoning Ordinance 13.42.060 – Animal Keeping.

Response 8-12: This comment suggests that proposed Project is in conflict with the retention of farmland for agriculture. The commenter references AB 857, the Rocklin General Plan, and the State Government Code.

Agricultural resources are addressed in Section 3.2 Agriculture and Forestry Resources. Page 3.2-9 of the DEIR indicates that the Project Area as a whole is classified as containing 90.9 percent Grazing Land and 9.1 percent Urban and Built-Up Land, as shown in Figure 3.2-1 of the DEIR. The Project Area is currently zoned for urban land uses (i.e., commercial, residential and community college) and the Project proposes zoning changes similar to the existing zoning designations. Land uses surrounding the Project Area consist of residential of varying densities, open space, and retail-commercial land uses. The Project Area is not zoned for farmland or agricultural uses and is not located adjacent to land in productive agriculture or lands zoned for agricultural uses. Therefore, the Project would not conflict with lands zoned for agricultural uses.

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According to Farmland Mapping and Monitoring Program (FMMP), farmland with prime soils shall only be considered prime farmland if the land has been used for irrigated agricultural production at some time during the four years prior to the mapping date. Sierra's College Facilities Master Plan, adopted by the Trustees in 2018, does not designate the sites for irrigated agricultural production; nor has the land been used for irrigated agricultural production. Therefore, because the North Village and South Village sites are not irrigated and have not been utilized for agricultural production within four years prior to the latest Placer County mapping date of 2018, the sites would not be considered prime agricultural land.

Overall, the Project would not convert important farmland to non-agricultural uses, would not conflict with existing agricultural zoning, or involve other changes that could result in the conversion of important farmland to non-agricultural uses. The DEIR concluded that the conversion of important farmland as a result of Project implementation is considered a *less than significant* impact on agricultural resources.

Response 8-13: This comment indicates that the City erroneously changed the GP Land Use designation in 2016. The commenter provides several pages of arguments to this effect.

This comment is partly addressed under Master Response 7, and partly by the responses provided above in Response 8-11.

Response 8-14: This comment indicates that the Project contravenes the General Plan. The commenter cites the City's requirements to perform a noise analysis and to review noise sensitive land uses. The commenter specifically cites the placement of housing near the existing football stadium as an issue of concern.

City General Plan Noise Element Policy N-1 directs the City to “[d]etermine noise compatibility between land uses, and to provide a basis for developing mitigation, an acoustical analysis shall be required as part of the environmental review process for all noise-sensitive land uses which are proposed in areas exposed to existing or projected exterior noise levels exceeding the level standards contained within this Noise Element.” (DEIR, p. 3.11-9.) A noise assessment was prepared for the Project by acoustical experts J.C. Brennan & Associates and is included in the DEIR in Appendix H. This noise assessment took into account the proposed development (DEIR, pp. 3.11-14 to 3.11-20) and the exterior land uses and commensurate noise levels surrounding the Project site (DEIR, pp. 3.11-4 to 3.11-8.) This noise assessment served as the basis for developing noise mitigation measures to ensure the Project will have a less-than-significant noise impacts on either existing off-site receptors or future onsite receptors. (See DEIR, pp. 3.11-14 to 3.11-23.)

The DEIR discussed the Sierra College stadium as an existing “single event” noise source that occasionally exceeds City standards, and this source, too, was taken into consideration with conducting analysis and creating mitigation measures, including the installation of sound barriers, noise reducing windows and doors, and other noise reduction measures determined by a qualified acoustical consultant based on final plans. (DEIR, pp. 3.11-7.3.11-20 to 3.11-21.) These other

measures may include increased setbacks and the use of buildings to shield noise from park and residential uses. (DEIR, p. 3.11-21.) Acoustical experts determined that, with these mitigation measures, exterior noise sources would have a less-than-significant impact on future Project residents. (See DEIR, p. 3.11-22.)

Furthermore, mitigation measures for Project traffic noise will reduce sounds overall from college sporting events. More importantly, exiting noise from the stadium is part of the existing environment, and CEQA is concerned with impacts on project residents and users only to the extent that a project would exacerbate such effects. (See *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal. 4th 36g, 386 [“CEQA generally does not require an analysis of how existing environmental conditions will impact a project’s future users or residents”].) Thus, the City went beyond their responsibility under CEQA by considering the effects of stadium noise on future Project residents. The commenter does not suggest that the Project will exacerbate noise coming from the stadium.

Response 8-15: The commenter indicates that the Project site is owned by the District and cites the Education Code and the District’s mission. The commenter then indicates that the Education Code does not grant the District the mission of urban development for housing, commercial, etc. that would be an endeavor toward new revenue sources for funding.

This comment is addressed by the responses provided above in Response 8-10.

Response 8-16: This comment states the DEIR Fails to Adequately Describe the Project, and provides several pages of commentary to support the statement.

This comment is addressed under Master Response 9.

Response 8-17: This comment states that the DEIR fails to adequately describe the environmental setting, and provides several pages to support this statement. This comment is broken into three categories: Mischaracterizing the Project Site as Infill Development; Failure to Describe the Aesthetics Setting; Failure to Describe the Natural Area Setting; and Failure to Describe the Sensitive Plan and Wildlife Communities Setting.

The comment on mischaracterizing the Project site as infill is addressed under Master Response 6. The comment regarding the failure to describe the Nature Area setting is based on the commenter’s misreading of the FMP regarding the Nature Area which is located on the north side of the College. This is explained in Response 8-3. Section 3.4 Biological Resource provides an extensive environmental setting, including maps and database records, for sensitive wildlife and habitat.

Regarding the comment “*Failure to Describe the Aesthetics Setting*”, CEQA does not dictate how a lead agency should evaluate impacts to aesthetic resources, either with respect to the relevant visual setting or the analysis of visual effects. Rather, for both issues, agencies have considerable discretion, and the ultimate question is whether substantial evidence supports the analysis and

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conclusions reached in an EIR. “An agency has considerable discretion to decide the manner of the discussion of potentially significant effects in an EIR.” (Sierra Club v. County of Fresno (2018), 6 Cal.5th at 502, 515.) In general, “[t]he description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives.” (CEQA Guidelines, § 15125, subd. (a).) And “the significance of an activity may vary with the setting.” (Id., § 15064, subd. (b)(1).) “[A]n activity which may not be significant in an urban area may be significant in a rural area.” (Ibid.) “To conclude that replacement of a virgin hillside with a housing project constitutes a significant visual impact says little about the environmental significance of the appearance of a building in an area that is already highly developed.” (Bowman v. City of Berkeley (2004) 122 Cal.App.4th 572, 589 (Bowman).)

Here, the DEIR contains adequate narrative information and supporting maps and other graphics to allow readers to understand the nature of the visual setting – an urban area adjacent to a large community college campus served by two busy major thoroughfares (Rocklin Road and Sierra College Boulevard). A topographic map of the Project sites is provided in the DEIR’s Project Description (Figure 2.0-4). (DEIR, p. 23.) Additional topographic maps are provided throughout Appendices C through F. Landscape and viewshed photographs on and of the Project sites are provided throughout Appendices C, D, and F. Aerial photographs of the Project sites with overlays showing the proposed Project are available in the Project Description (Figures 2.0-9 and 2.0-10). (DEIR, pp. 33, 35.) Additional aerial photographs are available throughout Appendices C through H.

Although topographical and photographic depictions exist in the document, none of these are expressly required by CEQA for an analysis of visual resource impacts. The DEIR provides a thorough narrative description of existing conditions that spans four pages, and then describes impacts to these conditions throughout Section 3.1. (See DEIR, pp. 3.1-1 to 3.1-4.) In particular, the DEIR describes “views of the Project Area” under existing conditions, and upon development, from multiple locations, such as from Sierra College Boulevard and Rocklin Road for the North Village site and Rocklin Road and El Don Drive for the South Village site. (DEIR, pp. 3.1-11 to 3.1-13.)

Taken together, these efforts are sufficient to satisfy the CEQA requirements for the environmental setting for a visual resource impact analysis for a proposed project in a highly developed urban environmental setting.

The methodologies suggested here by the commenter are not required by law. CEQA does not require a “visual resources inventory” with the explicit parameters expressed by the commenter. It does not require a discussion of “Key Observation Points.” Nor does it suggest that a lead agency use factors created almost three decades ago by scholars from the East Coast. Even if these methods were effective and relevant (although the commenter presented no evidence that they are), the methods still would not be required under CEQA. (See, e.g., Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 415 (Laurel Heights I) (“[a] project opponent...can always imagine some additional study or analysis that might provide helpful

information. It is not for them to design the EIR. That further study ...might be helpful does not make it necessary”].) The commenter insists that the “City must apply the basic principles of design” when resolving visual impacts, but, in addition to failing to identify those principles, they do not appear to understand that the City has only an obligation to apply the basic principles of applicable law.

The DEIR, however, does discuss and evaluate “visual resources” on the Project sites. It discusses visual features such as rolling hills, oak trees, and a tributary. (DEIR, pp. 3.1-11 to 3.1-12, 3.1-14.) The DEIR also discusses, using significance thresholds derived from the checklist found in CEQA Guidelines Appendix G, whether any scenic vistas exist (they do not) and whether the sites are viewable from a scenic highway (they are not). (DEIR, pp. 3.1-11, 3.1-16.) The DEIR adequately describes and evaluates the aesthetic resources that professional CEQA practitioners ascertained exist onsite.

Furthermore, as noted in the DEIR: “Impacts related to a change in visual character are largely subjective.... People have different reactions to the visual quality of a project or a project feature, and what is considered ‘attractive’ to one viewer may be considered ‘unattractive’ to other viewers.” (DEIR, p. 3.1-14.) Thereby, what one commenter views as scenic, such as “vegetation”, another observer might view as a nuisance or fire hazard.

The Project sites are located in an urbanized and highly developed area. Any legitimate “Key Observation Points” – meaning those that do not originate from a private view such as a residence – would be located on major local thoroughfares (Sierra College Boulevard and Rocklin Road) that are already replete with development.

Notably, case law is clear that EIRs need not address impacts on purely private views. (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492-94 (*Mira Mar*) [noting, too, that “neither state nor local law protects private views from private lands”].)

The view of the South Village site from Rocklin Road shows primarily a graded and graveled overflow parking lot in which multiple vehicles are often present. The view of the North Village site from Rocklin Road, eastbound, shows a power pole, scattered trees, some vegetation typical for undeveloped land in the region, broken barbed wire fencing, and a long row of awkwardly angled oak trees with small trunk diameters in various states of health that were planted on a raised berm, which impedes views of the site from the roadway. The view of the North Village site from Sierra College Boulevard, northbound, shows the typical undeveloped land vegetation from a different angle, along with scattered trees, a barbed wire fence, power poles and lines, some advertising signage, the singular house that already exists on the property, and an area of denser oaks that blocks views of the larger property.

These views would be seen only briefly from the two thoroughfares used primarily by motorists, including commuters, driving the speed limit of 40 to 50 miles per hour with a primary interest in reaching their destination and not sightseeing through the roadway corridors. Accordingly, views

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from these “Key Observation Points” do not offer any scenic vistas as understood by the City, under CEQA, or by any other applicable standard; and the EIR’s conclusion that the Project will cause less-than-significant impacts is appropriate and supported by substantial evidence. (See DEIR, p. 3.1-16.)

Response 8-18: This comment indicates that the DEIR lacks substantial evidence to support the DEIR’s significant impact findings and the DEIR fails to incorporate all feasible mitigation measures necessary to reduce such impacts.

Here again, there are not any specific information errors, oversights, or information gaps presented by the commenter that are actionable and could be considered by the City for incorporation into the EIR, instead the commenter is silent on specific deficiencies in the DEIR. As discussed in Response 8-2, the City has prepared the DEIR in good faith, and it has been the City’s policy to engage the public for information that could help improve CEQA documents, including revisions to, or new and feasible, mitigation measures that reduce environmental impacts.

Response 8-19: This comment indicates that the DEIR Aesthetics section fails to adequately address impacts. The commenter provides several pages of text in support of this statement.

This comment is addressed in Response 8-17.

Response 8-20: This comment indicates that the DEIR Agricultural section fails to adequately address impacts. The commenter provides several pages of text in support of this statement.

This comment is addressed under Master Response 10.

Response 8-21: This comment indicates that the DEIR Air Quality section fails to adequately address impacts. The commenter provides several pages of text in support of this statement. This comment is addressed under Master Response 11.

Response 8-22: This comment indicates that the DEIR fails to adequately address impacts to Public Health. The commenter provides several pages of text in support of this statement.

This comment is addressed under Master Response 11.

Response 8-23: This comment indicates that the DEIR fails to adequately address impacts to Biological Resources. The commenter provides several pages of text in support of this statement.

This comment is addressed under Master Response 12.

Response 8-24: This comment indicates that the DEIR fails to adequately address impacts to Cultural Resources. The commenter provides several pages of text in support of this statement.

Cultural Resources is addressed in Section 3.5 Cultural and Tribal Resources. CEQA does not require invasive subsurface explorations for possible archaeological resources as part of the process of preparing an EIR. Surface disturbance might harm any subsurface cultural resources found to exist through digging and trenching activities. Such disturbance could also harm surface biological resources. Rather, the typical, and more sensible, approach is to conduct data searches and on-site

pedestrian surveys, and then to impose mitigation measures to deal with any valuable archaeological resources that might ultimately be encountered during project grading or construction. This overall approach recognizes that subsurface cultural resources (whether “unique archaeological resources,” “historical resources of an archaeological nature,” or “tribal cultural resources”) are best left untouched if possible. This is why “preservation in place” is the preferred mitigation strategy for such underground resources. (Pub. Resources Code, § 21083.2, subd. (b); CEQA Guidelines, § 15126.4, subd. (b)(3)(A).)

Both Project sites were thoroughly surveyed for cultural resources. On July 6 and 7, 2016, the entire North Village property was subjected to an intensive pedestrian survey under the guidance of the Secretary of the Interior's Standards for the Identification of Historic Properties (NPS 1983) using 15-meter transects. Additionally, on October 2, 2020, the 1.4-acre Otani Parcel containing an existing residence was subjected to an intensive pedestrian survey under the guidance of the Secretary of the Interior's Standards for the Identification of Historic Properties (NPS 1983) using transects spaced 10 to 15 meters apart. A total of two person-days was expended in the field for each survey. (DEIR, p. 3.5-17.) On July 6, 2016, the entire South Village property was subjected to an intensive pedestrian survey under the guidance of the Secretary of the Interior's Standards for the Identification of Historic Properties (NPS 1983) using 15-meter transects. A total of one-half person-day was expended in the field. (Id., p. 3.5-21.)

These ground surveys were sufficient, and, to use the commenter's term, even “comprehensive.” The surveys certainly complied with prevailing government standards. Any more intrusive surveys would require ground disturbance, which could be detrimental to culturally and biologically sensitive areas and not necessary in light of Mitigation Measure 3.5-1, which ensures any cultural resources found during construction will be properly mitigated, pursuant to statutory guidance. The commenter pointed to no legal authority indicating that more is required.

Response 8-25: This comment indicates that the DEIR fails to adequately address cumulative impacts. The commenter provides several pages of text in support of this statement.

CEQA Guidelines section 15130, subdivision (b)(1), provides that “an adequate discussion of significant cumulative impacts” must include either (i) “[a] list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency” or (ii) “[a] summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect.”

With respect to the second option, “[s]uch plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such

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document shall be referenced and made available to the public at a location specified by the lead agency.” (CEQA Guidelines, § 15130, subd. (b)(1)(B).)

As this language makes clear, an agency’s use of the “summary of projections” approach to ascertaining future cumulative conditions obviates any need to identify specific projects expected to occur within a cumulative time frame. Such a project-by-project listing is only necessary where an agency employs what is commonly called “the list method.”

Here, the DEIR used the “summary of projections” approach. This approach is fully explained in Section 4.1 of the DEIR. (DEIR, pp. 4.0-1 – 4.0-3.) “This DEIR uses a projection approach for the cumulative analysis and considers the development anticipated to occur upon buildout of the various General Plans in the area.” (Id. at p. 4.0-3.)

Response 8-26: This comment indicates that the DEIR fails to adequately address impacts to Geology and Soils. The commenter provides several pages of text in support of this statement.

Geology and Soils is addressed in Section 3.6 Geology and Soils. The DEIR’s conclusions regarding impacts associated with geology and soils “are based primarily on the Geotechnical Engineering Report prepared by Wallace-Kuhl & Associates for the Project, which is included in Appendix E of the EIR.” (DEIR, p. 3.6-15.) The commenter suggests Wallace-Kuhl analysis is speculative, although they present no evidence to support their assertions.

Wallace-Kuhl & Associates, established in 1984, is a professional engineering firm that specializes in geotechnical engineering. Because Wallace-Kuhl engineers have technical training and abundant relevant experience, the conclusions from their report constitute substantial evidence that supports the DEIR’s conclusions (see Master Response 2 for legal authority on an agency’s entitlement to rely on experts and consultants).

Response 8-27: This comment indicates that the DEIR fails to adequately address impacts to Greenhouse Gas Emissions. The commenter provides several pages of text in support of this statement.

This comment is addressed under Master Response 11 and 13.

Response 8-28: This comment indicates that the DEIR fails to adequately address impacts to Water Quality. The commenter provides several pages of text in support of this statement.

This comment is addressed under Master Response 1, 2, and 3.

Response 8-29: This comment indicates that the DEIR fails to adequately address impacts to Land Use Planning. The commenter provides several pages of text in support of this statement.

Rezoning property within Loomis is not part of the Project and would be entirely within the discretion of Loomis. Nevertheless, there are no such changes necessary because, as discussed in previous responses, the Project does not conflict with adjacent land uses in Loomis.

The assertion that the Project design must accommodate an alleged prescriptive easement that has come into existence on public agency property through long-term trespassing is not a CEQA topic, but is a matter of other state laws, the most basic of which prohibits prescriptive easements from materializing on publicly-owned property. The legal principles relating to this category of easements are set forth in the California Civil Code, Division 2, Part 4. Section 1007 of that code makes it clear that “property ... dedicated to or owned by the state or any public entity” cannot be acquired through occupancy. (Civ. Code, § 1007.) This rule applies to both Project sites, which are currently owned by the District—a public entity—and have been since well before either site may have been used by nearby residents for recreational purposes.

“The basis of that doctrine is ‘[t]here can be no adverse holding of such land which will deprive the public of the right thereto, or give title to the adverse claimant, or create a title by virtue of the statute of limitations. The rule is universal in its application to all property set apart or reserved for public use, and the public use for which it is appropriated is immaterial... The public is not to lose its rights through the negligence of its agents, nor because it has not chosen to resist an encroachment by one of its own number, whose duty it was, as much as that of every other citizen, to protect the state in its rights.’” (Friends of the Trails v. Blasius (2000) 78 Cal.App.4th 810, 827, quoting People v. Kerber (1908) 152 Cal. 731, 734.)

Moreover, Civil Code section 1009, subdivision (b), precludes prescriptive easements on privately owned property for recreational purposes. Consequently, there is no scenario here whereby nearby residents can assert a credible claim to a prescriptive easement. To the contrary, commenters describe a kind of unauthorized use of the South Village site that suggests ongoing or occasional trespassing and vandalism—making property “improvements,” establishing a “gathering place,” and cutting holes in fencing, all of which actions are illegal.

CEQA does not require that a DEIR make consistency findings between proposed general plan amendments and public utility CIPs. The DEIR does, however, discuss potential impacts to both PCWA and SPMUD. (See, e.g., DEIR, pp. 3.15-2 [SPMUD wastewater system and participation as a partner in the South Placer Wastewater Authority (SPWA)], 3.15-3 to 3.15-4 [SPMUD’s Strategic Plan and Sewer System Management Plan], 3.15-6 to 3.15-7 [less than significant effects on SPMUD’s wastewater system], 3.15-8 to 3.15-14 [PCWA’s water system], 3.15-17 to 3.15-23 [PCWA’s Urban Water Management Plan and less than significant effects on PCWA’s water system].)

The DEIR concludes that “[w]astewater generated by the proposed Project would be treated at the [SWPA] Dry Creek Wastewater Treatment Plant. The proposed Project’s wastewater generation would represent approximately 0.38% of the treatment plant’s total remaining capacity. This increased demand would not be expected to adversely affect the wastewater treatment plant’s capacity.” (DEIR, p. 3.15-7.) The effect would be less than significant. (Ibid.)

The DEIR also concludes that, according to PCWA’s 2020 Urban Water Management Plan, there is sufficient water to serve the property. (DEIR, pp. 3.9-25 to 3.9-26, 3.15-8 to 3.15-14, 3.15-17, 3.15-

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23.) As discussed in Master Response 3, PCWA prepared a water supply assessment (WSA) for the project. (DEIR, Appendix J.) The WSA concludes that the Project's water demand is within the previous budgeted demand and PCWA has concluded that the 2020 WSA remains appropriate for the revised project. The Agency concludes that existing and planned future supplies will be sufficient to meet the demands of the Project, in addition to existing and planned future uses, including agricultural and manufacturing uses.

SPMUD wrote a comment letter asking for additional information, but indicated that, with its information requests granted, a will-serve letter could be obtained. Regardless, these two agencies have a duty to serve development approved by the City and should update their CIPs if need be. (See, e.g., *Swanson v. Marin Municipal Water Dist.* (1976) 56 Cal. App. 3d 512, 524 [water district has a "continuing obligation to exert every reasonable effort to augment its available water supply in order to meet increasing demands"]; *Glenbrook Development Co. v. City of Brea* (1967) 253 Cal. App. 2d 267, 277 ["county water district has a mandatory duty of furnishing water to inhabitants within the district's boundaries"]; see also *Lukrawka v. Spring Valley Water Co.* (1915) 169 Cal. 318, 332 [water company accepting franchise to furnish water assumes duty to provide service system that keeps pace with municipality's growth]; *Building Industry Assn. of Northern California v. Marin Municipal Water Dist.* (1991) 235 Cal. App. 3d 1641, 1648–1649 [discussing municipal water district's duty to augment its water supply and its discretion in determining how the existing water system can and should be augmented]; *Lockary v. Kayfetz* (9th Cir. 1990) 917 F. 2d 1150, 1155–1157 [water agencies that fail to take seriously the duty to acquire new supplies may expose themselves to liability for inverse condemnation if their inaction denies a property owner all economically viable use of its land].)

Response 8-30: This comment indicates that the DEIR fails to adequately address impacts to Noise. The commenter provides several pages of text in support of this statement.

Noise is addressed in Section 3.11 Noise. This is a project-level DEIR and the noise analysis included in Appendix H of the DEIR is sufficient for foreseeable uses under the General Plan and zoning designations being sought. As a project EIR, the DEIR "examine[s] all phases of the project including planning, construction, and operation." (CEQA Guidelines, § 15161.) The location of onsite development and sensitive receptors within and around the site is currently known with sufficient specificity to conduct a defensible noise analysis.

For existing offsite sensitive noise receptors, the major source of operational noise will be the additional traffic on existing streets generated by the Project. The amount of traffic from the Project will not be affected by the placement of buildings within the two Project sites. The DEIR addresses this potential operational noise effect on page 3.11-15 as follows:

Based upon Table 3.11-7, the Project will result in increases in traffic noise levels between 0 dB and 1 dB under the Existing + Project scenario. The Project will result in increases in traffic noise levels between 0 dB and 2 dB under the Cumulative + Project scenario. Some

noise sensitive receptors located along the Project-area roadways are currently exposed to exterior traffic noise levels exceeding the City of Rocklin exterior noise level standard for residential uses. As shown by Table 3.11-7, these receptors will continue to experience elevated exterior noise levels with implementation of the proposed Project. However, the Project will not result in a significant increase in traffic noise levels. In one case, under the Existing + Project scenario, the Project will result in an exceedance of the 60 dB Ldn standard by 1 dB (Rocklin Road between Sierra College Blvd. and Rocklin Manor West). However, this is an apartment complex, and the common outdoor area is located more than 200-feet from the roadway; as such, the predicted traffic noise levels will be less than 60 dB Ldn. Therefore, this would be a less than significant.

Noise impacts on Project residents will also be less than significant. Although noise impacts on project residents are technically outside the scope of CEQA, except to the extent that the Project will slightly exacerbate existing noise levels (see California Building Industry Assn. v. Bay Area Air Quality Management Dist. (2015) 62 Cal.4th 369, 377-378), the City notes that, with mitigation, Project residents, including those inhabiting the upper floors in three- and four-story structures, will enjoy interior noise levels considered to be acceptable under Rocklin standards (45 dB Ldn). Reductions in traffic-related noise will be achieved through construction techniques and materials that include, among other things, special windows and sliding glass doors designed to greatly reduce exterior noise. (See DEIR, pp. 3.11-18 - 3.11-21.)

Mitigation Measure 3.11-3 requires that, “[p]rior to issuance of building permits, the North Village residences within Village 8, which are 100-feet from the Sierra College Boulevard centerline, will be required to incorporate STC 32 or higher windows and sliding glass doors into the final building design for second floor rooms. This applies to windows and sliding glass doors parallel and perpendicular to Sierra College Boulevard.” (Id. at p. 3-11-21.)

In addition, with mitigation, the Project will also achieve acceptable exterior noise levels within the Project sites due to features such as noise barriers, setbacks, and the shielding of outdoor activity areas with building facades. (Id., pp. 3.11-16 – 3.11-18, 3.11-20 – 3.11-22.)

Response 8-31: This comment indicates that the DEIR fails to adequately address impacts to Transportation and Traffic. The commenter provides several pages of text in support of this statement.

Transportation and Traffic is addressed in Section 3.14 Transportation and Circulation. The analysis presented in the DEIR is project-level and therefore is already site specific. This DEIR is not the equivalent of a program DEIR for a general plan or specific plan. The amount of vehicle miles traveled (VMT) to be generated is based on reasonable assumptions about buildout and developed using the City’s travel demand model. (See DEIR, pp. 3.14-13 to 3.14-16.) The fact that project-specific transportation demand reduction plans will be required does not mean that the impact analysis is too general and thus deficient.

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Response 8-32: This comment indicates that the DEIR fails to adequately address Alternatives and suggests that the No Project Alternative is the only permissible alternative. The commenter provides several pages of text in support of this statement.

Alternatives are addressed in Section 5.0 Alternatives. The City Council has broad discretion to approve the proposed Project if it finds it to be the best choice from a policy perspective, particularly in light of recent findings by the Legislature that the State is suffering a housing crisis of historic proportions. CEQA constrains the City Council's police power somewhat, but does not substantially reduce the robustness of that power.

Public Resources Code section 21004 provides that “[i]n mitigating or avoiding a significant effect of a project on the environment, a public agency may exercise only those express or implied powers provided by law other than [CEQA]. However, a public agency may use discretionary powers provided by such other law for the purpose of mitigating or avoiding a significant effect on the environment subject to the express or implied constraints or limitations that may be provided by law.” In other words, CEQA does not give agencies any power that they do not already possess, but does require agencies to exercise the powers they do have in order (i) to ascertain whether the environmental effects of their proposed actions would be significant, and if so, (ii) to formulate feasible mitigation measures or alternative courses of action that could be implemented pursuant to those powers. (See also CEQA Guidelines, § 15040; *Kenneth Mebane Ranches v. Superior Court* (1992) 10 Cal.App.4th 276, 291 [“CEQA does not grant a local public entity additional powers, independent of those granted by other laws”]; *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 102 [“an agency’s authority to impose mitigation measures must be based on legal authority other than CEQA”].)

Here, the Rocklin City Council, like any other, has a robust police power, though it is circumscribed in some situations by state legislation intended to serve statewide purposes such as, for example, the need to provide housing during a time of crisis-level housing shortfalls. (See, e.g., Gov. Code, §§ 65589.5, subd. (j), 66300, subd. (b).) But generally, when a city or county is engaged in land use planning, the local agency’s CEQA obligation to adopt feasible mitigation measures or alternatives as means of lessening or avoiding significant environmental effects still leaves the agency with broad legislative discretion to achieve outcomes consistent with what the agency’s decisionmakers regard as desirable public policy. (See, e.g., *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 [“‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”]; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [same]; *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17 [same]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [upholding CEQA findings rejecting alternatives in reliance on applicant’s project objectives]; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315 [court upholds an agency action rejecting an alternative

because it would not “entirely fulfill” a particular project objective and “would be ‘substantially less effective’ in meeting” the lead agency’s “goals”]; and In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings (2008) 43 Cal.4th 1143, 1165, 1166 [“feasibility is strongly linked to achievement of each of the primary program objectives”; “a lead agency may structure its DEIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”].)

In light of (i) the City’s broad police power, (ii) legislation limiting that power in light of the State’s unprecedented housing crisis, and (iii) the fact that CEQA case law interprets the concept of “feasibility” in a way that imposes minimal limits on an agency’s regulatory authority, the notion that the No Project Alternative is the only legally permissible choice before the City Council is not accurate.

Response 8-33: This comment indicates that the DEIR cited resources of data and technical information used to create the DEIR which did not exist. The commenter provides several pages of text in support of this statement.

Based on this comment, updates to the references are necessary to ensure all links are accurate, and all references are available for public review either online or in print. The revisions to Section are shown in Section 3.0 Errata, and are merely intended to clarify and makes insignificant modifications in the EIR.

Response 8-34: This comment provides a conclusion statement.

This statement is noted, there are no specific comments that warrant further response.

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From: Dominic Parisi <dominicparisi@gmail.com>
Sent: Sunday, October 24, 2021 12:08 AM
To: David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>
Subject: College Park EIR Feedback

Hello David,

I'm a resident of the former Greenbrae Island area, and I wanted to take this opportunity to share my thoughts on the Environmental Impact Report that has been published on the planned College Park project. I have skimmed through the various documents and collected some of my thoughts in no particular order:

2.3 Goals and Objectives - There are several mentions of "high quality" neighborhoods or architecture. I can't imagine what definition of "quality" could include the proposed medium density housing given their claustrophobic lots and floor plans. Nothing about this plan comes close to a "quality" neighborhood.

3.1-1 Aesthetics and Visual Impact - As the report mentioned, measuring aesthetics intrinsically subjective, however, the conclusion that this project will have a "less than significant" impact on the aesthetics of this area is unsupported. If all that we are doing is comparing this project with the vague development goals of the General Plan, then almost any project could be deemed to have insignificant impact given the current zoning designations. Such a comparison is a waste of time. A more valuable analysis would be to compare the current state of the land with the proposed end state. From that perspective, it is clear that the proposed project will have a significant impact of the aesthetics of the project areas. As the report states: "vacant lands provide visual relief from urban and suburban developments, and help to define the character of a region". This should not simply be brushed away given that no officially designated scenic vistas are present. These projects will change the character of our region. Period. That is not a "less than significant" impact.

As a side note on this point, this section on oak trees is particularly absurd: "The loss of existing landscaping and trees would also be a temporary impact until new landscaping matures. However, these construction-related impacts would be temporary and viewer sensitivity in the majority of cases would be slight to moderate.". What definition of "temporary" is being used here? How can the replacement of over 1,000 mature and seasoned oak trees with cheap landscaping be termed a temporary issue?

Appendix I Table 11 Peak Hour Intersection LOS - This table highlights one of my major concerns with the project. I have already noticed significantly higher transit times on El Don and Rocklin Rd with the addition of the Granite Bluffs development which has not even been completed yet. The South Village project will further exacerbate the situation, and the report clearly demonstrates this with the LOS of the Rocklin Rd/El Don signal moving from a C to an F. For someone like me that uses that intersections multiple times daily, this is truly disheartening.

9-1

9-2

9-3

9-4

9-5

Appendix H 3.11-2 Construction Noise - While I'm definitely not an expert in acoustical science, I do live near two in-progress construction projects that are very similar to the proposed ones. I can say that I would not deem the noise generated as "less than significant". There have been several occasions where our house has discernibly shook from the construction work being done on Greenbrae Road. I realize that, as the report notes, construction activities are required to implement the General Plan, but the impact on the community should not be downplayed. The noise is dismissed as "temporary" and required, but a project of this scale will take many months to complete negatively affecting the quality of life for the entire neighborhood during that time.

9-6

Finally, I wasn't able to find any specific mention of this in the EIR, but I wanted to bring up one final point. Building medium and high density residential in the heart of an established low density residential area causes a tremendous and significant impact on the existing neighborhood. The entire character of the area changes from a quite suburban retreat to an urbanized population center. This is one of my principal issues with this project. As it stands the South Village especially will degrade the whole character of my neighborhood. The North Village, while definitely not something I want to happen, is at least consistent with the area it is being placed into. The main issue with the North Village is the impact on traffic congestion and the overall urbanization of Rocklin.

9-7

In light of these issues, my preference would be first to select the "No Project" alternative. If this is impossible, then, my next request would be to lower the density of the proposed residential developments in the South Village to match the surrounding neighborhood. This will have a positive effect on almost every area of the EIR (traffic, aesthetics, noise, etc.) while still allowing Sierra College to develop their land and derive income from it. If this "down zoning" would require "up zoning" an equivalent area within the city limits, it appears that there are many suitable locations especially in the north west portion of the city that could accommodate this.

9-8

Thank you for hearing my thoughts, and please let me know if you have any questions or feedback for me.

Thanks,
Dominic
530-748-5516

Response to Letter 9: Dominic Parisi, Public Comment Submission

Response 9-1: This comment is an opening statement by the commenter, introducing the commenter as a former Greenbrae Island area resident. The commenter states that they wanted to take the opportunity to share their thoughts on the DEIR and that they skimmed through various documents.

This comment is an introductory statement and does not warrant a response.

Response 9-2: This comment references Section 2.3 Goals and Objectives, and notes that the DEIR has “several mentions of “high quality” neighborhoods or architecture.” The commenter states “*I can't imagine what definition of “quality” could include the proposed medium density housing given their claustrophobic lots and floor plans. Nothing about this plan comes close to a “quality” neighborhood.*”

This comment articulates dissatisfaction for medium density housing. The comment suggests that small lots and floor plans do not represent a quality neighborhood. The City of Rocklin has prepared a Housing Element, which functions as a comprehensive statement of its current and future housing needs at all income levels. The Housing Element functions in coordination with the Land Use Element to achieve a mix of housing choices throughout the community and to make adequate housing sites available for people of all income levels. The proposed Project includes medium density, medium-high density, and high density residential housing, which generally speaking, will be more affordable than housing built on larger lots typical of rural residential, and low density residential. The lower cost for these housing types is a function of less land needed for the housing unit, and less building material and labor needed to build each housing unit.

The City has development standards for all housing products, which includes architectural design and zoning requirements. These development standards are established to ensure that construction is high quality, meeting both state and local building requirements. Overall, the proposed Project is in alignment with the City’s goals of providing adequate housing sites available for people of all income levels. The City will continue to identify sites for smaller lots and structures in their long range planning documents to ensure that adequate housing is available for all income levels. The comment does not warrant any changes to the EIR, but these comments are noted and will be provided to the Rocklin appointed and elected officials for their consideration.

Response 9-3: This comment references 3.1-1 Aesthetics and Visual Impact, and notes “*the conclusion that this project will have a “less than significant” impact on the aesthetics of this area is unsupported. If all that we are doing is comparing this project with the vague development goals of the General Plan, then almost any project could be deemed to have insignificant impact given the current zoning designations. Such a comparison is a waste of time. A more valuable analysis would be to compare the current state of the land with the proposed end state. From that perspective, it is clear that the proposed project will have a significant impact of the aesthetics of the project areas.*”

As the report states: "vacant lands provide visual relief from urban and suburban developments, and help to define the character of a region". This should not simply be brushed away given that no officially designated scenic vistas are present. These projects will change the character of our region. Period. That is not a "less than significant" impact.

As noted on page 3.1-14 through 3.1-16 of the DEIR, implementation of the proposed Project would change the existing visual character of the Project Area through the conversion of undeveloped land to urban uses. The DEIR notes that the proposed Project would not result in substantial adverse effects on a designated scenic vista because no part of the Project Area is designated as a scenic vista. The DEIR discloses that development of both the North and South Village sites have been anticipated by the General Plan, as the current land use designations allow for urban development of the sites.

In order to reduce visual impacts, development within the Project Area is required to be consistent with the General Plan and the Rocklin Zoning Ordinance which includes design standards in order to ensure quality and cohesive design. Additionally, the Project would be required to be consistent with the proposed College Park General Development Plan (GDP), which would establish the relationship between land uses within the Project Area and other surrounding land uses, establish the permitted and conditionally permitted land uses for all zoning districts within the Project Area, and establish the unique development standards for the Project Area. These standards include specifications for density, setbacks, lot areas and lot widths and building height. Implementation of the development standards from the College Park GDP and application of the City's General Plan goals and policies and the City's Design Review Guidelines would ensure quality design throughout the Project Area, and result in a Project that would be internally cohesive while maintaining aesthetics similar to surrounding uses.

The City of Rocklin General Plan includes goals and policies designed to protect visual resources and promote quality design in urban areas. The proposed Project would be subject to the policies and goals of the Rocklin General Plan, Design Review Guidelines for the "College District" (where applicable based on location), as well as the City's design review process. These design guidelines include standards that encourage originality in building and landscaping design in a manner that will enhance the physical appearance of the community; encourage harmonious and compatible development; reduce potential visual conflicts with adjacent development (both existing and proposed); and involve area residents, owners and merchants in the review process. Specifically, these design guidelines address locating or siting of the proposed structure and/or addition to an existing structure; site planning; building elevations / architecture; signage; parking lots, landscaping and pedestrian access; walls and fencing; special features; and design guidelines for small lot single family residential subdivisions. The design guidelines encourage compatible height, scale, and aesthetic character of each structure with its site improvements and buildings in the surrounding area. As described in the City's Design Review Guidelines, these guidelines are meant to inspire and provide designers with basic direction in preparing review documents that focus on high quality design and use of materials but also allow for flexibility of design in response to market forces while allowing for a more predictable review process.

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While the proposed Project would result in a substantial alteration to the existing urban form and character of the North Village and South Village sites, the Project sites are located in a developed and urbanized area of the City. The proposed Project would be subject to Chapter 17.72, Design Review, of the City's Zoning Code which contains standards and provisions related to site design and visual requirements; and the City's Design Guidelines which includes architectural design principles and a provides criteria for evaluation of plans. The purpose of the site plan and design review ordinance is to ensure that proposed development in the city is in conformity with the intent and provisions of the ordinance. Compliance with the ordinance would ensure the proposed development is compatible with surrounding development in terms of scale, style and construction materials, is of the highest quality of land planning and design, reflects the design themes of the community, and is consistent with the City's General Plan and land use and planning. Accordingly, consistency with these regulations would ensure that future development under the proposed Project would not conflict with applicable zoning or other regulation governing scenic quality and reduce visual impacts of scenic resources to the greatest extent possible.

Response 9-4: This comment states *"As a side note on this point, this section on oak trees is particularly absurd: "The loss of existing landscaping and trees would also be a temporary impact until new landscaping matures. However, these construction-related impacts would be temporary and viewer sensitivity in the majority of cases would be slight to moderate." What definition of "temporary" is being used here? How can the replacement of over 1,000 mature and seasoned oak trees with cheap landscaping be termed a temporary issue?"*

This comment is addressed, in part, under Master Response # 5. Additional discussion is provided below.

As discussed in Master Response 5, the Project's impacts on oak woodlands are appropriately mitigated through compliance with the City of Rocklin Oak Tree Preservation Guidelines, which allows for off-site tree replacement, contributions to the Rocklin Oak Tree Mitigation Fund, and dedication of land instead of paying fees. If the option of land dedication is chosen, it would, among other things, require the preservation of an existing high-quality oak woodland habitat located on the existing Sierra College campus because it is allowed under the City's Oak Ordinance and because it can be biologically superior to compensatory mitigation approaches. The College Park Oak Tree Mitigation Plan, prescribed by Mitigation Measure 3.4-9, provides for conservation of oak trees. The trees to be conserved are more mature, have fewer defects, and include a broader species diversity than the trees present on the Project sites. (See FEIR, Appendix A [Biological Resources Assessment, Attachment E: College Park Oak Mitigation Plan], pp. 13-14.) Thus, these protected healthy and mature trees, which could continue to thrive for many decades into the future, will provide better carbon sequestration, and evaporative cooling effects than a large portion of those slated for removal as part of the Project. It is noted that more than 10 percent of the trees proposed for removal are either dead, wounded, or in varying states of decay, and a large portion of the remainder of the trees to be removed are of an inferior ecological quality, with defects and a lack of species diversity. (See FEIR, Appendix A [Biological Resources Assessment, Attachment E: College

Park Oak Mitigation Plan], pp. 4-5, 13-14.) The entire mitigation strategy is outlined in more detail under Master Response 5.

In addition to the conservation of oak woodland as mitigation, the trees to be removed from the Project site will be partially, if not fully, offset by the planting more than 1,000 new, healthy trees in residential yards, parks, along roadway corridors, etc. The landscape architects for the Project have identified a minimum of 1,085 trees that will be planted, but have noted that there will also be more, though the total cannot be quantified precisely. These new trees will sequester carbon, provide evaporative cooling, and aesthetic benefits in the same manner as the many unhealthy, older oak trees to be removed. It is acknowledged that new trees planted will take time to fully mature.

Response 9-5: This comment references Appendix I Table 11 Peak Hour Intersection LOS and notes *“This table highlights one of my major concerns with the project. I have already noticed significantly higher transit times on El Don and Rocklin Rd with the addition of the Granite Bluffs development which has not even been completed yet. The South Village project will further exacerbate the situation, and the report clearly demonstrates this with the LOS of the Rocklin Rd/El Don signal moving from a C to an F. For someone like me that uses that intersections multiple times daily, this is truly disheartening.*

The comment accurately describes the expected degradation of the Rocklin Road/El Don Drive intersection from LOS C to F during the PM peak hour. The use of the word “transit” appears to be intended to mean the period of time that a vehicle is traveling along El Don and Rocklin Road. It is noted that pursuant to Senate Bill (SB) 743, Public Resources Code (PRC) Section 21099, and California Code of Regulations (CCR) Section 15064.3, Vehicle Miles Traveled (VMT) has replaced congestion as the metric for determining transportation impacts under CEQA. Section 15064.3 of the CEQA Guidelines provides that VMT is the “most appropriate measure of transportation impacts” and mandates analysis of VMT impacts effective July 1, 2020. A project’s effect on automobile delay is no longer a CEQA consideration when identifying a significant impact; hence, studying additional intersections is not necessary. Automobile delay would be a method of calculating the period of time it takes to travel along the roadways of concern, which would in turn allow for a calculation of level of service (LOS).

Nevertheless, Mitigation Measure 3.12-4 requires the Project applicant to restripe the northbound El Don Drive approach to Rocklin Road so that it consists of a single left-turn lane and a shared left/through/right lane. Table 21 of Appendix I indicates that a set of identified operational improvements along Rocklin Road, including this restriping, would improve conditions at the Rocklin Road/El Don Drive intersection from LOS F to D during the PM peak hour. Table 22 of Appendix I indicates that with these improvements, LOS D would also be maintained under Existing Plus Approved Projects Plus Project conditions, for which the Granite Bluffs development is one of the approved projects whose traffic is assumed (see Table 14 of Appendix I). Additionally, it is noted that the Rocklin Road/Aguilar Road intersection, which is the primary access serving Granite Bluffs, would operate at LOS C under this scenario. Finally, it is noted that the City of Rocklin has initiated a Project

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Approval & Environmental Document (PA&ED) process to upgrade the Rocklin Road/I-80 interchange. The interchange improvements are tentatively expected to be complete around 2028. Thus, a number of project-related and background improvements to the Rocklin Road corridor are planned to reduce the likelihood that transit delays would become excessive.

Response 9-6: This comment references Appendix H 3.11-2 Construction Noise and notes *“While I’m definitely not an expert in acoustical science, I do live near two in-progress construction projects that are very similar to the proposed ones. I can say that I would not deem the noise generated as “less than significant”. There have been several occasions where our house has discernibly shook from the construction work being done on Greenbrae Road. I realize that, as the report notes, construction activities are required to implement the General Plan, but the impact on the community should not be downplayed. The noise is dismissed as “temporary” and required, but a project of this scale will take many months to complete negatively affecting the quality of life for the entire neighborhood during that time.*

Construction related noise is a common concern for neighbors, and as such, the City of Rocklin has established a noise policy on all construction projects within or near residential areas as follows: No Noise on Weekdays before 7 a.m. or after 7 p.m.; and No Noise on Weekends before 8 a.m. or after 7 p.m. Construction noise is considered temporary in the sense that it occurs during the construction period and once the project is built, construction noise ceases. Mitigation Measure 3.11-5 provides a variety of measures that are intended to minimize construction related noise impacts to the extent possible. This includes construction activities adhering to the requirements of the City of Rocklin Construction Noise Guidelines and all construction equipment must be fitted with factory equipped mufflers and be in good working order.

Construction vibration is also addressed in the DEIR on page 3.11-23 through 3.11-24. The DEIR indicates that the majority of construction would take place 100 feet or further from sensitive receptor/structures, resulting in minimal exposure. At a distance of 100 feet, maximum construction vibration levels are 0.026 in/sec p.p.v. (see Table 3.11-11); thus, construction vibrations are not predicted to generate excessive groundborne vibration that would result in damage to existing buildings or cause annoyance to sensitive receptors. The closest structure is located over 50 feet from the nearest proposed residence or internal roadway. At a distance of 50 feet, construction vibration levels could range from 0.000 in/sec p.p.v to 0.074 in/sec p.p.v, below the general threshold at which human annoyance could occur. These comments are noted and will be provided to the Rocklin appointed and elected officials for their consideration.

Response 9-7: This comment states *“Finally, I wasn’t able to find any specific mention of this in the EIR, but I wanted to bring up one final point. Building medium and high density residential in the heart of an established low density residential area causes a tremendous and significant impact on the existing neighborhood. The entire character of the area changes from a quiet suburban retreat to an urbanized population center. This is one of my principal issues with this project. As it stands the*

South Village especially will degrade the whole character of my neighborhood. The North Village, while definitely not something I want to happen, is at least consistent with the area it is being placed into. The main issue with the North Village is the impact on traffic congestion and the overall urbanization of Rocklin. "

This commenter again presents their dissatisfaction for medium and high density housing, and cites concerns with traffic congestion and overall urbanization. As stated earlier, the City of Rocklin has prepared a Housing Element, which functions as a comprehensive statement of its current and future housing needs at all income levels. The Housing Element functions in coordination with the Land Use Element to achieve a mix of housing choices throughout the community and to make adequate housing sites available for people of all income levels. Overall, the proposed Project is in alignment with the City's goals of providing adequate housing sites available for people of all income levels. Additionally, a traffic analysis has been performed consistent with the requirements of the California Environmental Quality Act, and the City's Circulation Element. The comment does not warrant any changes to the EIR, but these comments are noted and will be provided to the Rocklin appointed and elected officials for their consideration.

Response 9-8: This comment states that *"...my preference would be first to select the "No Project" alternative. If this is impossible, then, my next request would be to lower the density of the proposed residential developments in the South Village to match the surrounding neighborhood. This will have a positive effect on almost every area of the EIR (traffic, aesthetics, noise, etc.) while still allowing Sierra College to develop their land and derive income from it. If this "down zoning" would require "up zoning" an equivalent area within the city limits, it appears that there are many suitable locations especially in the north west portion of the city that could accommodate this.*

The commenter has provided their preferences for selecting alternatives. The commenter indicates that their alternative preferences would have a positive effect on almost every area of the EIR. This comment is partly discussed in Response 8-32. These comments are noted and will be provided to the Rocklin appointed and elected officials for their consideration.

On Mon, Oct 25, 2021 at 11:05 AM <gmapa@reatta.com> wrote:

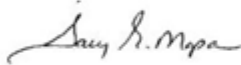
Greetings David Mohlenbrok

Please accept my comment (below and attached) to be included in College Park Final EIR testimony. (Your Reply appreciated)

Attention: David Mohlenbrok, Community Development Director, City of Rocklin. David.Mohlenbrok@rocklin.ca.us

RE: College Park and Protecting the Tributaries to Secret Ravine Creek in Rocklin. From Gary G. Mapa; The following Comment Submitted October 25, 2021

There is no argument that we are experiencing a housing shortage of catastrophic levels, not only statewide and nationwide, but more importantly locally. As a 44+ year CA Real Estate professional (Realtor) and a recent appointee by the Placer County Board of Supervisors to the Placer County Housing Development Advisory Task Force I am keenly aware of this shortage of housing desperately essential to all categories of our citizenry. In addition, I am co-founder and Vice President of Save Auburn Ravine Salmon and Steelhead. **We/You do not get a SECOND CHANCE to PROTECT and SAVE our ENVIRONMENT!** All tributaries are "con-tributaries" to our ecosystem. Find a way, by design, to retain or even, as an incentive, increase the number of housing units within the project area while implementing a development wise 100-foot setback from nature's irreplaceable resources. Once construction commences, you "can't put that toothpaste back in the tube."



Gary G. Mapa, Broker, DRE #00597441

Site Acquisition Resultants, Inc.

Real Estate Solutions

P.O. Box 621

Applegate, CA 95703

530-320-9097 (Cell-Business)

530-878-7260 (Fax)

gmapa@reatta.com

www.sarsas.org

Save Auburn Ravine Salmon and Steelhead

This is what I do!

What have you done to contribute lately?

10 -1

Response to Letter 10: Gary Mapa Public Comment Submission

Response 10-1: This comment indicates that there is no argument that we are experiencing a housing shortage of catastrophic levels, not only statewide and nationwide, but more importantly locally. The commenter states that they are a 44+ year CA Real Estate professional (Realtor) and a recent appointee by the Placer County Board of Supervisors to the Placer County Housing Development Advisory Task Force and that they are keenly aware of this shortage of housing desperately essential to all categories of our citizenry. The commenter also states that they are a co-founder and Vice President of Save Auburn Ravine Salmon and Steelhead and that ***“We/You do not get a SECOND CHANCE to PROTECT and SAVE our ENVIRONMENT! All tributaries are “con-tributaries” to our ecosystem. Find a way, by design, to retain or even, as an incentive, increase the number of housing units within the project area while implementing a development wise 100-foot setback from nature’s irreplaceable resources. Once construction commences, you “can’t put that toothpaste back in the tube.”***

This comment is addressed under Master Response # 4.

From: Jack Sanchez <jsanchez39@gmail.com>

Sent: Monday, October 25, 2021 12:05 PM

To: Gary G. Mapa <gmapa@reatta.com>; Jack Sanchez <jsanchez39@gmail.com>; Jerry Plummer <plummerj@surewest.net>; Jim Ferris <ferrisjim54@gmail.com>; Jim Holmes <jholmes@placer.ca.gov>; Jim Mayfield <jmayfield@wavecable.com>; Joshua La Pointe <joshualapointe8@gmail.com>; Larry Gonzi <gonzi.larry@gmail.com>; Randy Hansen <rrhansen09@comcast.net>; Thomas Beattie <tbeattie@att.net>; Valerie Sanchez <vsanchez248@gmail.com>; William Wauters <williamwauters@yahoo.com>

Cc: David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>; Denise Gaddis <denise@wavecable.com>; billp@goldcountrymedia.com; John DONLEVY <jdonlevy@auburn.ca.gov>; Mike Davis <auburndood@yahoo.com>; Noel Cameron <cameron.noel@gmail.com>; Ryan Kinnan <rkinnan@auburn.ca.gov>; Sandy Amara <samara@auburn.ca.gov>; Sue Ingle <wescottssue@att.net>; Shirley <shirl@infostations.com>; Rachel Radell-Harris <rradell-harris@auburn.ca.gov>; Michael Garabedian <michaelgarabedian@earthlink.net>

Subject: Re: College Park- Comment to Final EIR.

Hello All,

Hope that all of you will email David Mohlenbrok with reasons for not building too close to Aguilar Creek (AC), a tributary of Secret Ravine, which runs through Sierra College and is the best salmon creek in Rocklin, Roseville and Loomis and please cc me on your email.

What you do is incredibly important to keep our threatened salmon and endangered steelhead extant.

Ask to keep all buildings at least 100 feet from AC to allow fish to endure and prevail.

Thanks for all you do for fish,
Jack

11 -1

Response to Letter 11: Jack Sanchez, Save Auburn Ravine Salmon and Steelhead (SARSAS)

Response 11-1: This comment cc'd the City of Rocklin, but seems to be intended to inform citizens and request that they email the City with reasons for not building too close to Aguilar Creek (AC), a tributary of Secret Ravine. The comment indicates that the tributary runs through Sierra College and is the best salmon creek in Rocklin, Roseville and Loomis. The comment requests that they ask for all buildings to be at least 100 feet from the tributary to allow fish to endure and prevail.

This comment is addressed under Master Response # 4.

From: Laurie Rindell <lindell@pacbell.net>

Sent: Monday, October 25, 2021 12:54 PM

To: Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Bill Halldin <Bill.Halldin@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>; Nathan Anderson <Nathan.Anderson@rocklin.ca.us>; David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>; Shauna Nauman <Shauna.Nauman@rocklin.ca.us>; Dara Dungworth <Dara.Dungworth@rocklin.ca.us>; Bret Finning <Bret.Finning@rocklin.ca.us>

Subject: Concerns about the Creek & Habitat besides Monte Verde Park off of El Don Dr.

Rocklin City Council Members, & Planning Department Staff,

I was hoping that the plans of the College Parks South location would have incorporated some elements that addressed more of what was planned for the sewer/fire access road beside the creek that is adjacent to Monte Verde Park, however this does not appear to be mentioned. I am sure that in review of the DEIR for this project comments will be made in regards to this since this is a huge oversight. I want to make sure that those who are part of the decision making process of the future of this area are aware of issues that I and my neighbors have observed along this waterway before any development takes place.

I am including some recent photos of the creek besides Monte Verde Park and sewer/fire access road that runs along it. There is an elevated strip of land on the bank of the creek to the north on the opposite side of where the access road lies. This elevated land prevents the waterway from moving into the floodplain area of the Monte Verde Park and pushes the floodwaters towards the access road. Because there is no space for a vegetation buffer between the access road and the creek waters' edge, flooding occurs (and in time it is likely that erosion, sediment issues, and habitat degradation will follow). In the last few years more extensive clearing of the vegetation has made this issue more prominent. Even if the College Parks South development alleviates part of this problem by allowing for the west end of the sewer line besides the creek to be discontinued, the access road that remains in the same location will be problematic for the health of the waterway. I fear that increased run-off from paved surfaces will only make matters worse (not to mention the pollution that will be added to the water from this). I don't think that this can be solved without increasing setbacks along the creek area.

12-1

I've been trying to learn more about how Rocklin and other cities approach the problems of design that can arise with development plans that occur adjacent to natural waterways like the creek besides Monte Verde Park. Although the city of Rocklin does mention several things in the General Plan, Open Space, Conservation & Recreation Element document it does not provide the definition of what the city of Rocklin considers as a healthy stream nor does it outline ways in which the health of the waterway is to be considered when approving construction plans. I believe that this area of knowledge is expanding since so many areas of California and our nation are undergoing urbanization. The city of Oakland, CA has an older creek ordinance document that provides a visual of some of the issues they plan to avoid through design and setbacks. (<http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak026400.pdf>) It also outlines what a healthy stream should aim to be.

12-2

I am wondering if you could find the time to look briefly at this document. I hope that the information is familiar and some of these elements are already being considered. Forgive my lack of understanding but are there members in Rocklin's planning department who have an understanding of stream hydrology or restoration? I realize that these issues can be complex and I am sure your time is limited. Obviously none of us wants ill-effects to occur in the waterway but I would feel more confident knowing that the decisions made in my community take into consideration all of the complexity of watershed hydrology, biology, and ecology of the system.

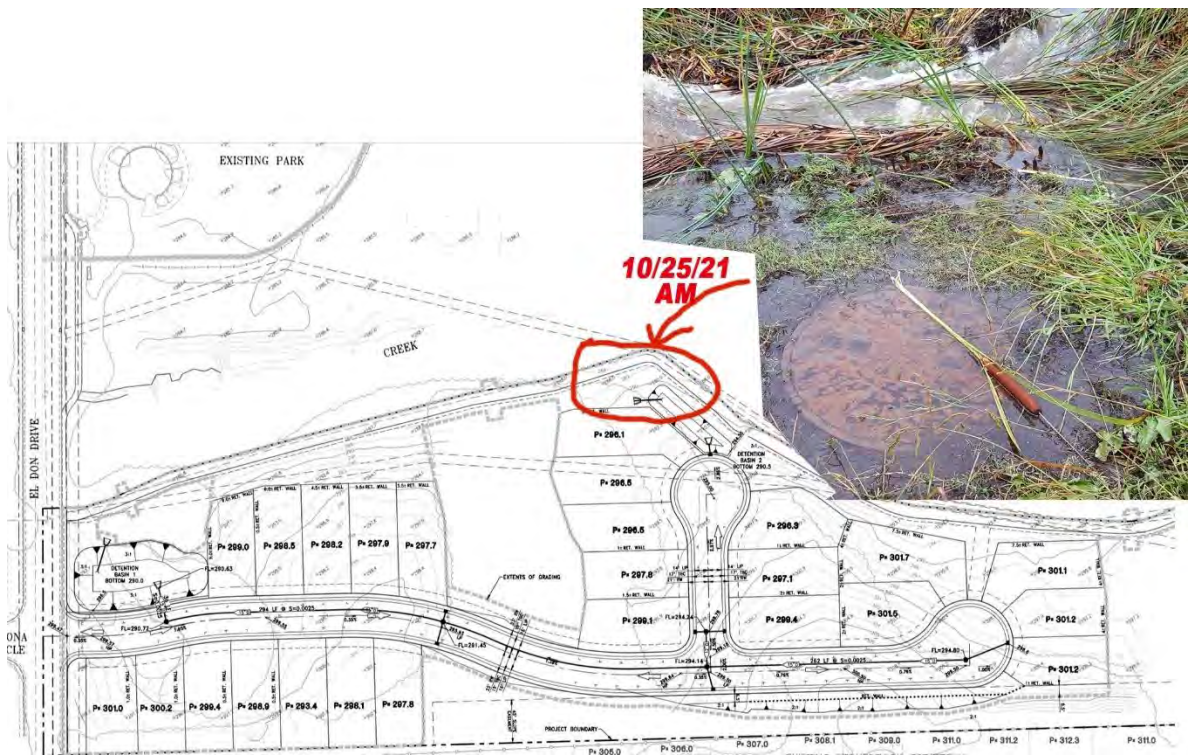
I've included a satellite photo from 1993 that gives some historical reference of where the elevated land/ levee started out --- not sure if the city of Rocklin designed this or tried to work with the existing land features when designing the park. It would be interesting to find out. This levee bottlenecks the creek at the bend -- included is a pic of the flooding over the sewer manhole that occurred 10/24/21 to 10/25/21. You may already know that there is a third smaller culvert on the side of Monte Verde Park that allows some water to flow under El Don Dr. from the park side. The levee has a paved "overflow" dip in it -- I assume to allow floodwater relief in downpours however it is unlikely that the water would ever travel this way since the area where the levee meets the sidewalk on El Don is lower -- with a clogged culvert water would likely just flow into the street. Some neighbors recalled this happening long ago.

12-3

Also one of the 2 main culverts that run under El Don Dr. is sinking as of 10/25 am.

I have more photos and info that I would be glad to provide if it will help.

Thank you for your time,
Laurie Rindell







Response to Letter 12: Laurie Rindell 1, Public Comment Submission

Response 12-1: This commenter states “was hoping that the plans of the College Parks South location would have incorporated some elements that addressed more of what was planned for the sewer/fire access road beside the creek that is adjacent to Monte Verde Park, however this does not appear to be mentioned. I am sure that in review of the DEIR for this project comments will be made in regards to this since this is a huge oversight. I want to make sure that those who are part of the decision-making process of the future of this area are aware of issues that I and my neighbors have observed along this waterway before any development takes place.” The commenter continues “I am including some recent photos of the creek besides Monte Verde Park and sewer/fire access road that runs along it. There is an elevated strip of land on the bank of the creek to the north on the opposite side of where the access road lies. This elevated land prevents the waterway from moving into the floodplain area of the Monte Verde Park and pushes the floodwaters towards the access road. Because there is no space for a vegetation buffer between the access road and the creek waters’ edge, flooding occurs (and in time it is likely that erosion, sediment issues, and habitat degradation will follow). In the last few years more extensive clearing of the vegetation has made this issue more prominent. Even if the College Parks South development alleviates part of this problem by allowing for the west end of the sewer line besides the creek to be discontinued, the access road that remains in the same location will be problematic for the health of the waterway. I fear that increased run-off from paved surfaces will only make matters worse (not to mention the pollution that will be added to the water from this). I don’t think that this can be solved without increasing setbacks along the creek area.

This comment is addressed under Master Response # 2.

Response 12-2: This commenter indicates that they have been trying to learn more about how Rocklin and other cities approach the problems with development adjacent to natural waterways and notes that the City of Rocklin does not provide a definition of what is considered a healthy stream or ways that the health of the waterway is to be considered. The commenter cites a creek ordinance from Oakland as an example of what a healthy stream should aim to be, and recommends that the City find the time to look briefly at this document. The commenter states that they would feel more confident knowing that the decisions made in their community take into consideration all of the complexity of watershed hydrology, biology, and ecology of the system.

The comment presented is a question that is less about the DEIR, and more about the City of Rocklin’s approach to stream protection. The City’s approach is to require those proposing development to hire technical experts who understand and specialize in all of the complexities of watershed hydrology, biology, and ecology of the system for projects that are proximate to such streams. This includes biologists, hydrologists, and engineers, who collectively analyze the project relative to the stream. The analysis includes a review of all relevant federal, state, and local regulations that relate to stream protection. The technical experts then provide an assessment of

the project affects, and determine whether the proposal meets regulatory requirements, and then this information is reviewed by the City and/or consultants hired by the City.

It is noted that the City of Rocklin has a variety of policies established in their General Plan that are aimed at protecting the health and integrity of streams for a variety of purposes. One policy in particular (presented on page 3.4-27 of the DEIR) is the Riparian Policy which requires that an open space easement be recorded over all areas within 50 feet of the edge of the bank of all perennial and intermittent streams and creeks providing natural drainage. In addition, where riparian habitat extends further than 50 feet from the edge of bank, the easement must be extended to include that riparian area as well. The policy notes that features that may be considered acceptable within the 50-foot setback, buffer area and/or open space easements include, but are not limited to, bridges, trails, drainage facilities, utilities, and fencing intended to delineate or protect a specific resource. Installation and maintenance of those features shall minimize impacts to resources to the extent feasible. The topic of Aquatic Habitat/Creek Setbacks are addressed in more detail under Master Response #4.

The DEIR noted that a portion of the Project site is transected by an unnamed tributary of Secret Ravine Creek and the application of City policies has resulted in a riparian buffer along the creek.

Response 12-3: The commenter indicates that they have included a satellite photo from 1993 that gives some historical reference of where the elevated land/ levee started out. The commenter notes that the levee bottlenecks the creek at the bend, which is shown in an attached picture that shows flooding over the sewer manhole from 10/24/21 to 10/25/21. The commenter also notes that there is a third smaller culvert on the side of Monte Verde Park that allows some water to flow under El Don Dr. from the park side. The commenter notes that the levee has a paved “overflow” dip in it that is assumed to allow floodwater relief in downpours. The commenter notes that it is unlikely that the water would ever travel this way since the area where the levee meets the sidewalk on El Don is lower. The commenter states that with a clogged culvert water would likely just flow into the street and indicates that some neighbors recalled this happening long ago. The commenter also notes that one of the 2 main culverts that run under El Don Dr. is sinking. The comment concludes by offering more photos and info to help.

This comment is addressed under Master Response # 2.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

On Oct 27, 2021, at 11:41 PM, Denise Gaddis <denise@wavecable.com> wrote:

David, **or Bret** as I hear David is now on vacation until AFTER the DEIR review period.

I have a number of concerns regarding the College Park DEIR and its Appendices.

1. With the DEIR pdf document I can do a "Control" "F" to bring up a search box, then search the DEIR on key words. However, with the Appendices this feature does not work. Clearly these appendix documents have been altered to disable this function.

13-1

a. Please immediately provide copies of searchable documents as November 8th is drawing near. And please post searchable copies on the City's website.

2. Where is the "Arborist" report that actually has a map showing which oak trees will be removed as part of the College Park (South and North) project sites? The College Park Oak Tree Mitigation Plan in Appendix C provides a spreadsheet list of trees but there is no corresponding map that indicates where these trees are physically located.

13-2

a. Please provide and post a corresponding map that aligns with the numbered list of trees.

3. On page 3.1-14 of the DEIR it references Madrone Ecological Consulting. 2021. Biological Resources Assessment: College Park [**Attachment D: Oak Tree Mitigation Plan**]. **There is no Attachment D.**

13-3

a. There is an Appendix D "Technical Reports for the Cultural Resources Chapter" but this appendix discusses cultural resources not oak trees.

4. Again, although there is a College Park Oak Tree Mitigation Plan (Evergreen Sierra East, 2021) buried in Appendix C in Attachment E...there is nothing more than a spreadsheet (see attached sample copy). **AND Attachment E, including the spreadsheets are blurry and unreadable.**

13-4

a. Please provide as well as post "**legible**" copies of all the College Park "Tree Inventory" spreadsheets.

We feel given the above information along with many other issues with the College Park DEIR that the 45-day review period should be extended beyond the November 8th deadline.

Respectfully,

Denise Gaddis

Save East Rocklin | formerly El Don Neighborhood Advisory Committee

Cell: 916-532-9927

denise@wavecable.com

cc: Sara Clark, Attorney for Save East Rocklin

Response to Letter 13: Denise Gaddis 1, Public Comment Submission

Response 13-1: This comment states the following:

1. *With the DEIR pdf document I can do a “Control” “F” to bring up a search box, then search the DEIR on key words. However, with the Appendices this feature does not work. Clearly these appendix documents have been altered to disable this function.*
 - a. *Please immediately provide copies of searchable documents as November 8th is drawing near. And please post searchable copies on the City’s website.*

The “Control F” is a search function that is not disabled in the Appendices. The issue is a raster vs vector file. A raster file is composed of the colored blocks commonly referred to as pixels, which are not searchable because the text appears in pixels. A vector file, on the other hand, includes data points on a grid that make the text searchable. All text and modeling results generated for the project are provided in a searchable vector format. Raster files included in the appendices are limited to NOP comments provided to the City. These raster files are composed of scanned images and maps, which are functionally not searchable with the Control F command. This comment does not warrant further response or revisions to the DEIR. It should also be noted that on November 4, 2021, the City did post “searchable” versions of the Appendices on its website. This includes converting rasterized text into a vector format.

Response 13-2: This comment states the following:

2. *Where is the “Arborist” report that actually has a map showing which oak trees will be removed as part of the College Park (South and North) project sites? The College Park Oak Tree Mitigation Plan in Appendix C provides a spreadsheet list of trees but there is no corresponding map that indicates where these trees are physically located.*
 - a. *Please provide and post a corresponding map that aligns with the numbered list of trees.*

The DEIR does not include a “standalone” Arborist Report, instead, the results of the Arborist’s survey/assessment is included in the Biological Resources Assessment (BRA) on Pages 33, 37-39, and in the Oak Tree Mitigation Plan, which is Attachment E to the BRA. The BRA, inclusive of the Oak Tree Mitigation Plan, has been updated to reflect a variety of comments and suggestions that the City received during the DEIR public circulation period. The Updated BRA included in this Final EIR as Appendix A. Master Response 5 provides a discussion of the oak mitigation strategy as outlined in the updated Oak Tree Mitigation Plan.

The survey and assessment for the majority of the Project site was performed by Certified Arborist (Certification #WE-0510A) Edwin Stirtz with California Tree and Landscape Consulting, Inc. (Cal TLC). A second survey of the Ohtani Property within the South Village site was performed by Certified Arborist (Certification #WE-8666A) Daria Snider from Madrone Ecological Consulting. The surveys included an inventory of all native oak (*Quercus* species) trees with a Diameter at Breast Height (DBH) of 6” or greater within the Study Area. For each tree surveyed and tagged, the arborists recorded the tree identification number, tree species, DBH, approximate dripline radius, and general health and structure

Response 13-3: This comment states the following:

3. *On page 3.1-14 of the DEIR it references Madrone Ecological Consulting. 2021. Biological Resources Assessment: College Park [Attachment D: Oak Tree Mitigation Plan]. There is no Attachment D.*
 - a. *There is an Appendix D "Technical Reports for the Cultural Resources Chapter" but this appendix discusses cultural resources not oak trees.*

This comment is noted. For clarity, both "Attachment" and "Appendix" are used in the DEIR. The Biological Resources Assessment: College Park is Appendix C of the DEIR. There are five "Attachments" to the Biological Resources Assessment. The Oak Tree Mitigation Plan is Attachment E. Based on this comment, we have updated the footnote on page 3.1-12, 3.1-13, and 3.1-14 of the DEIR to note the correct Attachment as "E", and to note that the Oak Tree Mitigation Plan was prepared by Cal TLC. It is also noted that the Biological Resources Assessment: College Park has been updated as part of this FEIR, and is included as Appendix A of this FEIR. The date of the updated Biological Resources Assessment is August 2022. The updates include revisions to the Oak Tree Mitigation Plan (See FEIR Appendix A, Attachment E) to reflect a variety of comments and suggestions that the City received during the DEIR public circulation period. Master Response 5 provides a discussion of the oak mitigation strategy as outlined in the updated Oak Tree Mitigation Plan.

Response 13-4: This comment states the following:

4. *Again, although there is a College Park Oak Tree Mitigation Plan (Evergreen Sierra East, 2021) buried in Appendix C in Attachment E...there is nothing more than a spreadsheet (see attached sample copy). AND Attachment E, including the spreadsheets are blurry and unreadable.*
 - a. *Please provide as well as post "legible" copies of all the College Park "Tree Inventory" spreadsheets.*

A complete and legible inventory of the trees was presented in a tablature form (i.e. "spreadsheet") within Attachment E of Appendix C of the Draft EIR, and for cartographic clarity, this information was also graphically presented in Figures 1 and 2 in the Oak Tree Mitigation Plan, also within Attachment E of Appendix C of the Draft EIR. The Oak Tree Mitigation Plan is likewise attached as Attachment E of Appendix A of the Final EIR. See also Master Response 5 and Response 13-3.

From: Denise Gaddis <denise@wavecable.com>
Date: October 28, 2021 at 12:26:00 AM MDT
To: David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>, Bret Finning <Bret.Finning@rocklin.ca.us>, Sara Clark <Clark@smwlaw.com>, Nathan Anderson <Nathan.Anderson@rocklin.ca.us>
Cc: Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>, Bill Halldin <Bill.Halldin@rocklin.ca.us>, Joe Patterson <Joe.Patterson@rocklin.ca.us>, Ken Broadway <Ken.Broadway@rocklin.ca.us>, Greg Janda <Greg.Janda@rocklin.ca.us>, Timothy Alatorre <Timothy.Alatorre@rocklin.ca.us>, Michele Vass <Michele.Vass@rocklin.ca.us>, Roberto Cortez <Roberto.Cortez@rocklin.ca.us>, Michael Barron <Michael.Barron@rocklin.ca.us>, Gregg McKenzie <Gregg.McKenzie@rocklin.ca.us>
Subject: October 24th Rain Event/Flooding around Creek on College Park

Hello David, et al.

I wanted to bring to your attention the flooding that occurred with our recent 24 hour rain event that occurred on October 24, 2021. Refer to first attachment. The creek on the proposed College Park South project site often overflows its banks during winter months. This first photograph demonstrates what happened on just the first rain event of the year. I have hundreds of additional photos and videos. For example, I have a video of myself in 2017 standing on the SPMUD easement road that runs parallel to the creek where the water is up to the top of my boots or 18" deep. This is why the east Rocklin community is asking the Commissioners and Councilmembers to increase the standard creek setback from 50 feet to 100 feet. It just seems ludicrous to allow development any closer to this year round creek that continually overflows its banks. And the addition of development in this area will only add to more impervious surfaces which will be detrimental to the area south of the creek that currently is a catch basin for all the storm drains from housing developments south of the site.

14-1

I'm also attaching a second photograph taken on October 25th where the rush of the creek waters washed away the soil around the two culvert pipes running under El Don Drive. El Don Drive has been closed between Wildflower Land and Corona Circle until repairs to eroded roadway and culverts has been fixed.

Finally, I request that this email be considered a written response to the College Park DEIR.

14-2

Respectfully,

Denise Gaddis
 Save East Rocklin | formerly El Don Neighborhood Advisory Committee
 Cell: 916-532-9927
denise@wavecable.com <<mailto:denise@wavecable.com>>

cc: Sara Clark, Attorney for Save East Rocklin



2.0 COMMENTS ON DRAFT EIR AND RESPONSES



Response to Letter 14: Denise Gaddis 2, Public Comment Submission

Response 14-1: This commenter indicates that flooding occurred with the 24-hour rain event on October 24, 2021 and that the creek on Project site often overflows its banks during winter months. The commenter has included a photograph illustrating the flood event and notes that they have hundreds of additional photos and videos (including a 2017 video with 18" of water on the SPMUD easement road that runs parallel to the creek. The commenter notes that the east Rocklin community is asking the Commissioners and Councilmembers to increase the standard creek setback from 50 feet to 100 feet because of the flooding. The commenter states that *"It just seems ludicrous to allow development any closer to this year-round creek that continually overflows its banks. And the addition of development in this area will only add to more impervious surfaces which will be detrimental to the area south of the creek that currently is a catch basin for all the storm drains from housing developments south of the site."*

This comment is addressed under Master Response # 1, 2, and 4.

Response 14-2: This comment indicates that a second photograph taken on October 25th is attached where the rush of the creek waters washed away the soil around the two culvert pipes running under El Don Drive. El Don Drive has been closed between Wildflower Land and Corona Circle until repairs to eroded roadway and culverts has been fixed. The commenter also requests that this email be considered a written response to the College Park DEIR.

This comment is addressed under Master Response # 1, and 2.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

From: Trudy Van Dyk <trudy@trucalifornia.com>
Date: November 2, 2021 at 11:50:34 AM MDT
To: David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>
Subject: College Park Development DEIR

Mr Mohlenbrok,

As a long-time resident of Rocklin (Corona Circle) I am deeply concerned for the direction that Rocklin is taking in terms of development. In regards to the DEIR for the new College Park Development.....

15-1

The **Table** identifies a 195-unit (not 180-unit) Senior Affordable Multi-Family Land use aka the [Sierra College Senior Apartments Project](#) having **No Significant Impact**. In addition, the table's legend states, "quantitative VMT metrics not shown because retail and affordable housing **presumed** to be less-than significant". It is inaccurate to state this 4-story, low-income, "senior" apartment complex (potential nursing home facility), especially given its right-turn-only from Rocklin Road ingress and its **right-turn only** egress onto Rocklin Road will not have "significant" impacts to traffic on Rocklin Road. Additionally, it is a well-known fact that senior care facilities actually have increased traffic and **public services** impacts due to high volumes of emergency calls. How does the City plan to address the "significant" impacts of this 4-story, 195-unit (or 180-unit) apartment complex on Rocklin Road traffic as well as the impacts to the city's public services (police and fire)?

15-2

Response to Letter 15: Trudy Van Dyk, Public Comment Submission

Response 15-1: This comment serves as an introduction and indicates that they are a long-time resident of Rocklin (Corona Circle) and is deeply concerned for the direction that Rocklin is taking in terms of development.

This comment is noted and will be provided to the Rocklin appointed and elected officials for their consideration. The comment does not raise any specific issues with the EIR, rather it includes concerns for the direction of the City.

Response 15-2: This comment states the following: *“The Table identifies a 195-unit (not 180-unit) Senior Affordable Multi-Family Land use aka the Sierra College Senior Apartments Project having No Significant Impact. In addition, the table’s legend states, “quantitative VMT metrics not shown because retail and affordable housing presumed to be less-than significant”. It is inaccurate to state this 4-story, low-income, “senior” apartment complex (potential nursing home facility), especially given its right-turn-only from Rocklin Road ingress and its right-turn only egress onto Rocklin Road will not have “significant” impacts to traffic on Rocklin Road. Additionally, it is a well-known fact that senior care facilities actually have increased traffic and public services impacts due to high volumes of emergency calls. How does the City plan to address the “significant” impacts of this 4-story, 195-unit (or 180-unit) apartment complex on Rocklin Road traffic as well as the impacts to the city’s public services (police and fire)?”*

Page 3.14-16 of the DEIR describes how the project description includes a 180-unit senior, affordable multi-family development on the South Village. It further explains that when the transportation impact study was being prepared, 195 units were planned at the time. Analyses within the transportation Section are based on the more conservative value of 195 units. An assisted living or congregate care type facility, which would include employees, deliveries, visitors, etc. is not proposed. As for the finding of no significant VMT impact, footnote 5 on page 3.14-22 of the DEIR describes how the Office of Planning & Research’s Technical Advisory concludes that VMT impacts associated with affordable housing are presumed less-than-significant. A comparison of Tables 3.14-4 and 3.14-5 indicates that senior multi-family housing daily trip rates are 50 percent less than non-age restricted multi-family trip rates. Additionally, while the *Trip Generation Manual* did not contain senior, multi-family affordable category, it is expected that they would generate even fewer trips due to the older age of residents and likelihood for fewer persons per unit and fewer employed persons. Since VMT is the product of the number of daily trips multiplied by trip length, affordable multi-family housing would be expected to generate substantially lower VMT per unit than market-based multi-family. Refer to Response 9.5 for planned improvements along Rocklin Road to accommodate project trips. Impact Statement 3.14-7 contains a detailed discussion of the potential for the project to cause significant impacts to emergency vehicle response. That evaluation concluded that the project would not result in inadequate emergency access.

Laurie Rindell
5032 St. Francis Way
Rocklin, CA 95677

David Mohlenbrok
Community Development Director
City of Rocklin
3970 Rocklin Road,
Rocklin, CA, 95677
David.Mohlenbrok@rocklin.ca.us

November, 2, 2021

Re: Comments on the College Park Project DEIR

Dear David Mohlenbrok,

I would like to submit the following comments in regards to the Draft Environmental Report for the proposed College Park Project. I have a Bachelors of Science degree from UC Davis, I am a former student of Sierra College, and have been a member of the Rocklin community for quite some time now. Listed below are issues not adequately addressed, impacts that are not foreseen, and mitigation efforts that are lacking for those impacts. I hope that the city of Rocklin takes them into consideration without bias so that wise decisions can be made for long-term health of our community and environment. The two are interconnected and have value beyond short-term economics.

16-1

THE COLLEGE PARK DEIR BIOLOGICAL REPORT FAILS TO REPORT A SIGNIFICANT NUMBER OF SPECIES & IS AN INADEQUATE SURVEY OF THE NATURAL HABITAT

There are a significant number of species that were NOT observed by Madrone Ecological Consulting in the College Park DEIR biological study. This is concerning for many reasons. The first being that if such a large number of species were not observed including those of special status then it is very likely that others might have been missed as well including those that require mitigation efforts. The second concern is that mitigation efforts during construction may require these same biologists and methods to make determinations about the presence of sensitive species. Below on the next page is a list of all the species that I observed but were NOT observed in the report by Madrone Ecological found in the College Park DEIR Appendix C. A majority of these were photographed (exceptions would be in low light/night conditions). To confirm the ID of these, help from other naturalists & biologists was sought out. (It should also be mentioned that those species that were listed in the observations by the Madrone Ecological group were also observed by myself although photos are not included here since it was determined unnecessary.)

16-2

SPECIES OBSERVED in College Park SouthArea 2016 to present.

All species listed below are the animals NOT included in the College Park DEIR observations

REPTILES	MAMMALS	BIRDS
<ol style="list-style-type: none"> 1. <u>Western Pond Turtle</u> 2. Sharp-Tailed Snake 3. Garter Snake 4. Southern Alligator Lizard 5. Western Fence Lizard 	<ol style="list-style-type: none"> 1. Black-Tailed Deer 2. North American River Otter 3. North American Beaver 4. American Mink 5. Bobcat 6. North American Raccoon 7. Opossum 8. Coyote 9. Western Gray Squirrel 10. Eastern Fox Squirrel 11. Bat (unidentified sp.) 	<ol style="list-style-type: none"> 1. <u>California Thrasher</u> 2. Western Screech Owl 3. Great Horned Owl 4. Snowy Egret 5. Green Heron 6. Virginia Rail 7. Belted Kingfisher 8. Cooper's Hawk 9. Red-Tailed Hawk 10. Cliff Swallow 11. Ash-Throated Flycatcher 12. Cedar Waxwing 13. Hooded Oriole 14. Western Tanager 15. Brewer's Blackbird 16. Northern Flicker 17. Red-Breasted Sapsucker 18. Nuttall's Woodpecker 19. Downy Woodpecker 20. Spotted Towhee 21. White-Breasted Nuthatch 22. Ruby-Crowned Kinglet 23. Yellow Warbler 24. Yellow-Rumped Warbler 25. Golden-Crowned Sparrow 26. White-Crowned Sparrow 27. Dark-Eyed Junco 28. Western Bluebird 29. Mallard Duck
<p>INVERTEBRATES (insects etc.)</p> <p><u>California Dogface Butterfly</u> (Our CA state butterfly!) Conservation Status: imperiled (N2N3) in United States (NatureServe)</p> <p>Native Bees Species (LeafCutters, LongHorns, BumbleBees, MasonBees, & more varieties)</p> <p>Cuckoo Wasp Genus Chrysua (indicator of healthy native bee populations)</p> <p>Many other species of Butterflies & Moths are not included here.</p> <p><u>Monarch Butterfly</u> (last observation in this area was 2016 -- sadly no new observations since decline...this species may be on its way out)</p>	<p>FISH</p> <p>Unidentified Minnow type species (possibly California Roach)</p> <p>(Underlined species are those whose numbers are declining.)</p>	

16-2 Cont

From Appendix C of the College Park DEIR Biological Report

Wildlife Species Observed within
The College Park Study Areas

Survey Dates: 28 April, 18, 25, and 26 May, and 2 June 2016;
22 February, 31 October, and 6 December 2017;
1 and 2 May, 11 and 12 June, and 11 and 24 December 2019;
and 8 and 22 January and 5 and 19 February 2020

Species Name	Common name
Birds	
<i>Agelaius phoeniceus</i>	Red-winged blackbird
<i>Aphelocoma californica</i>	California scrub-jay
<i>Ardea alba</i>	Great egret
<i>Ardea herodias</i>	Great blue heron
<i>Baeolophus inornatus</i>	Oak titmouse
<i>Branta canadensis</i>	Canada goose
<i>Buteo lineatus</i>	Red-shouldered hawk
<i>Buteo swainsoni</i>	Swainson's hawk
<i>Callipepla californica</i>	California quail
<i>Calypte anna</i>	Anna's hummingbird
<i>Cathartes aura</i>	Turkey vulture
<i>Charadrius vociferus</i>	Killdeer
<i>Corvus brachyrhynchos</i>	American crow
<i>Elanus leucurus</i>	White-tailed kite
<i>Falco sparverius</i>	American kestrel
<i>Haemorhous mexicanus</i>	House finch
<i>Melanerpes formicivorus</i>	Acorn woodpecker
<i>Meleagris gallopavo</i>	Wild turkey
<i>Melospiza melodia</i>	Song sparrow
<i>Melospiza crissalis</i>	California towhee
<i>Mimus polyglottos</i>	Northern mockingbird
<i>Pheucticus melanocephalus</i>	Black-headed grosbeak
<i>Psaltriparus minimus</i>	Bushtit
<i>Sayornis nigricans</i>	Black phoebe
<i>Sitta pygmaea</i>	Pygmy nuthatch
<i>Spinus tristis</i>	American goldfinch
<i>Sturnus vulgaris</i>	European starling
<i>Tachycineta bicolor</i>	Tree swallow
<i>Thryomanes bewickii</i>	Bewick's wren
<i>Turdus migratorius</i>	American robin
<i>Tyrannus verticalis</i>	Western kingbird
<i>Tyto alba</i>	Barn owl
<i>Zenaidura macroura</i>	Mourning dove

College Park

Page 1

16-2 Cont

Wildlife Species Observed within
The College Park Study Areas

Survey Dates: 28 April, 18, 25, and 26 May, and 2 June 2016;
22 February, 31 October, and 6 December 2017;
1 and 2 May, 11 and 12 June, and 11 and 24 December 2019;
and 8 and 22 January and 5 and 19 February 2020

Species Name	Common name
Reptiles and Amphibians	
<i>Lithobates catesbeianus</i>	American bullfrog
<i>Pituophis catenifer</i>	Gopher Snake
<i>Pseudacris sierra</i>	Sierran chorus frog
Mammals	
<i>Lepus californicus</i>	Black-tailed jackrabbit
<i>Mephitis mephitis</i>	Striped skunk
<i>Sylvilagus audubonii</i>	Desert cottontail
Fish	
<i>Gambusia affinis</i>	Mosquito fish

16-2 Cont

PHOTOS OF REPTILES OBSERVED THAT WERE MISSED IN DEIR



GarterSnake4_18_17.jpg



SouthernAlligatorLizard_4_27_17.jpg



WesternFenceLizard_12_31_08.jpg



WesternPondTurtle_8_13_21.jpg

16-2 Cont.

PHOTOS OF MAMMALS OBSERVED THAT WERE MISSED IN DEIR



Beaver_8_19_21.jpg



BlackTailedDeer_3_17_17.jpg



Bobcat_10_12_16.jpg



Coyote_2_2_18.jpg



EasternFoxSquirrel_11_2_20.jpg



Raccoon_7_3_17.jpg

16-2 Cont.



RiverOtter_11_14_2016.jpg

16-2 Cont.

PHOTOS OF BIRDS OBSERVED THAT WERE MISSED IN DEIR



AshThroatedFlycatcher_4_19_16.jpg



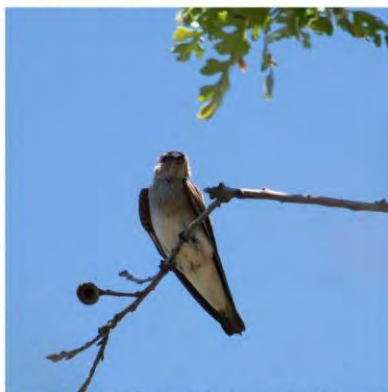
BeltedKingfisher_6_20_19.jpg



CaliforniaThrasher_10_20_21.jpg



CedarWaxwing_3_2_17.jpg



CliffSwallow_Juv_6_14_21.jpg



CoopersHawk_10_13_21.jpg

16-2 Cont.



DownyWoodpecker_4_12_16.jpg



GoldenCrownedSparrow_2_24_16.jpg



GreenHeron_3_14_19.jpg



HoodedOriole_5_5_16.jpg

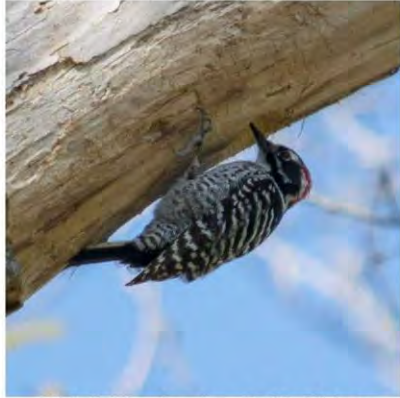


MallardDuck_6_2_16.jpg



NorthernFlicker_10_8_21.jpg

16-2 Cont.



NuttallsWoodpecker_3_25_21.jpg



RedBreastedSapsucker_10_1_21.jpg



RedNapedSapsucker_3_4_16.jpg



RedTailedHawk_9_23_21.jpg



RubyCrownedKinglet_3_2_17.jpg



SnowyEgret_4_7_20.jpg

16-2 Cont.



SpottedTowhee_1_28_16.jpg



VirginiaRail_4_10_17.jpg



VirginiaRailChicks_4_10_17.jpg



WesternBluebird_10_18_21.jpg



WhiteBreastedNuthatch_1_21_16.jpg



WhiteCrownedSparrow_10_18_21.jpg

16-2 Cont.



YellowRumpedWarbler_10_7_21.jpg



YellowWarbler_8_13_21.jpg

16-2 Cont.

PHOTOS OF INVERTEBRATES OBSERVED THAT WERE MISSED IN DEIR



CaliforniaBumblebee_7_3_20.jpg



CaliforniaDogfaceButterfly_4_22_20.jpg



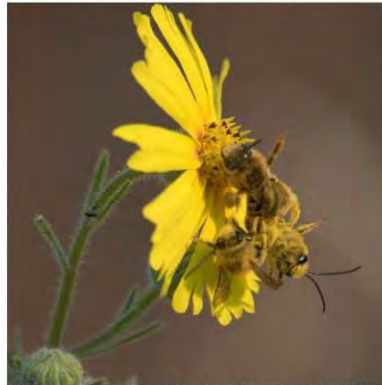
CuckooWaspChrysura_5_24_19.jpg



LonghornNativeBee_4_22_20.jpg



MonarchButterfly_9_5_08.jpg



PomonaLonghornNativeBee_8_28_20.jpg

16-2 Cont.

PHOTO OF FISH OBSERVED THAT WAS MISSED IN DEIR

Unidentified Minnow type species
(possibly California Roach)
10/29/2021



16-2 Cont.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

THE COLLEGE PARK DEIR BIOLOGICAL SURVEY FAILED TO OBSERVE THE WESTERN POND TURTLE (WPT), A SPECIES OF SPECIAL CONCERN. THE DEIR DOES NOT ADDRESS THE IMPACTS UPON THE WPT POPULATION NOR PROPOSES ADEQUATE MITIGATION.

The DEIR Biological Survey failed to observe the Western Pond Turtles (WPT) in the area of the creek besides Monte Verde Park in the College Park South location in ALL of the years the study took place. This species was observed over the years from 2016 to the present in this location and was photographed as recently as October 2021 (see pic below).



Although WPTs spend much of their lives within the water they also require dry land for nesting that is not inundated during other seasons (turtle embryos require air, submerged eggs will not be viable). The land to the north of the creek sits within the flood plain and therefore cannot serve as a viable nest site location for WPT nestlings that overwinter in that area. The areas of dry land that are potential nesting sites all occur to the south of the creek. El Don Dr. to the west and existing residential homes to the east restricts nesting site availability to the College Park South area planned for development on the south side of the creek. The two detention basins south of the creek in the College Park South plans also would cause further reduction of nest site land availability for the WPT since they would retain flood water and do not remain dry for viable eggs. Development of these lands would substantially eliminate a community by preventing nesting success and thereby significantly reduce or eliminate the next generation of WPT. WPT nests are typically found within 300 ft from the water but can occur at much greater distances. Research also suggests that WPTs have nest site fidelity which means that they will return to the same location to nest every year (see Master Theses study by Wendy St. John M.S. Biology, Sonoma State University, Drivers of Non-Random Nest-Site Selection in an Oviparous Vertebrate, Information Retrieved: 10/31/21 <https://scholarworks.calstate.edu/concern/theses/z890rt90c>).

16-3.

Although WPT nest sites (which are very difficult to find) were not discovered, another species of turtle was observed making a nest some 50 feet or so south of the creek waters in the location of the College Park South residential project plans (see pic below).



16-3 Cont.

Seeing as there are no dry nest site alternatives to the north, west, or east this would further suggest that the land to be developed would be the most likely candidate for a nesting site location for the WPT. It is important to note that many WPT researchers use telemetry to make observations to follow where individual WPTs nest. Nest sites are so camouflaged that the likelihood of finding a site visually is low. For this reason biological survey methods that do not use these methods are likely not sufficient for determining if nesting sites are present. There is no mention of mitigation for nest site loss and habitat in the DEIR.

THE DEIR DOES NOT ACKNOWLEDGE THAT DEVELOPMENT PLANS WOULD HAVE A SUBSTANTIAL IMPACT ON REPRODUCTION OF THE WPT COMMUNITY SUCH THAT IT WOULD SUBSTANTIALLY REDUCE THE LOCAL POPULATION OVER TIME. THE DEIR ALSO DOES NOT PROPOSE A MITIGATION MEASURE FOR IMPACTS ON THIS SPECIES OF SPECIAL CONCERN. (see below from DEIR)

*“Impact 3.4-3: The proposed Project would not, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special-status, in local or regional plans, policies, regulations, or by the CDFW or USFWS - Fish
Mitigation measure: None required.”*

16-4

Seeing as the WPT was never observed once in the DEIR there is much concern that Mitigation Measure 3.4-3 (see below) would be ineffective especially if the same group & survey methods used in the DEIR Biological Report are to be used.

“Mitigation Measure 3.4-3: A western pond turtle survey shall be conducted in all areas within 150 feet of the main (east-west) perennial creek in the South Village Study Area within 48 hours prior to construction in that area. If no western pond turtles or nests are found, no further mitigation is necessary. If a western pond turtle is observed within the proposed impact area, a qualified biologist shall relocate the individual to suitable habitat outside of the proposed impact area prior to construction. If a western pond turtle nest is observed within the proposed impact area, the nest shall be fenced off and avoided until the eggs hatch. The exclusion fencing shall be placed no less than 25 feet from the nest. A qualified biologist shall monitor the nest daily during construction to ensure that hatchlings do not disperse into the construction area. Relocation of hatchlings will occur as stipulated above, if necessary.”

16-5

THE COLLEGE PARK DEIR FAILED TO OBSERVE PROTECTED SPECIES SUCH AS THE CALIFORNIA BLACK RAIL AND THE VALLEY ELDERBERRY LONGHORN BEETLE (VELB)

Given that the Biological survey did not make mention of any observations of invertebrates in the College Park locations & missed observations of the Virginia Rail there is a likelihood that species such as the California Black Rail (BLRA) and VELB may be present.

The California Black Rail occupies habitat in the Sierra Foothills wetland areas. The California Black Rail & the Virginia Rail (a larger bird than the BLRA) are both secretive birds that are difficult to observe in their natural habitat (note that reads obscure much of the nesting Virginia Rail in the photo included previously that was taken of the bird within the College Park south area). They are so difficult to find that rather than visual observation researchers use broadcast recorded calls to elicit responses from rails that may be in the habitat. There is no mention of using sound techniques to try to detect the California Black Rail in the College Park DEIR Biological Study.

Researchers such as those participating in the Black Rail Study Project have included Virginia Rails in “*detection efforts, since they are commonly found in the same wetlands*” (quoted from <https://nature.berkeley.edu/beislab/rail/Newsletter2011Final.pdf> : Retrieved on 10/31/21). It has been shown that both birds may reside in areas of overlap within wetland habitat. From research it was determined that “*despite their size differences, Black and Virginia Rails appear to be tolerant co-inhabitants of their small wetland patches*” (from <https://nature.berkeley.edu/beislab/rail/Newsletter2011Final.pdf> : Retrieved 10/31/21).

16-6

The College Parks DEIR Appendix C lists the California Black Rail as having a low potential for occurrence in the West location stating that there is -

“marginally suitable habitat for this species is present in and adjacent to the perennial creek that runs from west to east across the Western Study Area as well as the seasonal wetlands mapped within the Study Area.”

This is incorrect. According to the University of California, Division of Agriculture & Natural

Resources, Sierra Foothill Research and Extension Center the area of occurrence of the California Black Rail was redefined by its discovery in the Sierra foothills. They state that -

"This species had never been found in the foothills before and was believed to be restricted to coastal marshes and a lower portion of the Colorado River. Based upon this discovery, an extensive inventory of this species has now discovered over 100 sites where black rails occupy foothill wetlands."

(From the website link <https://sfrec.ucanr.edu/files/250456.pdf> Retrieved: 10/31/21, University of California, Division of Agriculture & Natural Resources, Sierra Foothill Research and Extension Center 2021)

It is important to note that the California Black Rail has been observed in habitat within the nearby location of Clover Valley in Rocklin as well.

Another more complete biological study is necessary to look for the presence of the California Black Rail and a proposal for mitigation for habitat impacts and losses is required.

THE COLLEGE PARK DEIR PROPOSES INSUFFICIENT MITIGATION MEASURES FOR SWAINSON HAWK (SWHA) & WHITE TAILED KITE (WTKI)

First of all, because WTKI is a CA fully-protected species under FGC section 3511(b)(6) mitigation IS required for impacts to this species.

In the DEIR Appendix C it states that:

"7.6.1 Swainson's Hawk

Approximately 49.0 acres of highly suitable foraging habitat and 10.4 acres of marginally suitable foraging habitat for Swainson's hawks will be impacted during construction of the proposed Project We would recommend the following mitigation for these impacts:

- *One acre of suitable foraging habitat shall be protected for each acre of highly suitable foraging habitat impacted. Protection shall be via purchase of mitigation bank credits or otherland protection mechanism acceptable to the city.*
- *0.5 acre of suitable foraging habitat shall be protected for each acre of marginally suitable foraging habitat impacted. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City. Based on these ratios and the current development plan, a total 54.15 acres of Swainson's Hawk foraging habitat would be protected to compensate for impacts within the Study Area.*

7.6.2 Other Birds

Approximately 59.4 acres of annual brome grassland within the Project Area that represents potential foraging habitat for northern harrier, white-tailed kite, and loggerhead shrike will be impacted by construction of the proposed Project. Though mitigation for impacts to foraging habitat for these species is not required pursuant to CEQA, the protection of Swainson's hawk foraging habitat as described above in Section 7.5.1 will offset the loss of foraging habitat for these and other birds."

16-6 Cont.

16-7

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

(* Note that it is assumed that there is a typo in the DEIR and that 7.5.1 is meant to read 7.6.1. In case there is confusion 7.5.1 is listed here below.)

7.5.1 Swainson's Hawk

A targeted Swainson's nest survey shall be conducted throughout the Project area and all accessible areas within a ¼ mile radius of the proposed construction area no more than 14 days prior to construction activities. If active Swainson's hawk nests are found within ¼ mile of a construction area, construction shall cease within ¼ mile of the nest, until a qualified biologist (Project Biologist) determines that the young have fledged or it is determined that the nesting attempt has failed. If the applicant desires to work within ¼ mile of the nest, the applicant shall consult with CDFW and the City to determine if the nest buffer can be reduced. The Project applicant, the Project biologist, the City, and CDFW shall collectively determine the nest avoidance buffer, and what (if any) nest monitoring is necessary.)

Using the same mitigation foraging habitat area proposed for the SWHA in the DEIR for the WTKI would not be sufficient mitigation for these reasons:

1. The amount of foraging space in the College Park North area alone has been demonstrated not to be enough habitat for the requirements of both the SWHA and the WTKI. The WTKI has been observed foraging in the College Park South area where the habitat type differs from that of the North area. The home range of the SWHA is large in size - some individuals will move as much as 30 km from their nest area to forage. For this reason it is likely that the observed nesting SWHA forages in areas outside of the College Park North location as well.
2. The two species have different foraging behaviors and require different types of habitat. There is some overlap in foraging habitat type between both species but it is not extensive. While both use grasslands, the SWHA is a visual hunter & prefers grazed grassland. The WTKI prefers ungrazed grassland and finds its prey using sight, sound, and UV rodent trail markings. In terms of prey, both take small rodents, but the SWHA also commonly takes rodents as large as ground squirrels and other items (lizards, snakes, birds at times). WTKI almost exclusively takes small rodents. Mitigation foraging land for one species would not provide for both.

REFERENCES for WTKI/SWHA Foraging Habitats

WTKI

Dunk, J. R. (2020). White-tailed Kite (*Elanus leucurus*), version 1.0. In *Birds of the World* (A. F. Poole and F. B. Gill, Editors). Cornell Lab of Ornithology, Ithaca, NY, USA.
<https://doi.org/10.2173/bovw.whtkit.01>

- Prefers ungrazed grasslands (Bammann 1975, JRD), wetlands dominated by grasses, and fence
- rows and irrigation ditches (with residual vegetation) adjacent to grazed lands (Bammann 1975)
- forages VERY close to nesting site (usually within 1 km)

16-7 Cont.

(Pandolfino, E. R., M. P. Herzog, S. L. Hooper, and Z. Smith. 2011. Winter habitat associations of diurnal raptors in California's Central Valley. *Western Birds* 42:62-84.)

- Primary foraging habitats in winter in Central Valley are wetlands, ungrazed grassland, alfalfa and hay fields.

SWHA

Bechard, M. J., C. S. Houston, J. H. Sarasola, and A. S. England (2020). Swainson's Hawk (*Buteo swainsoni*), version 1.0. In *Birds of the World* (A. F. Poole, Editor). Cornell Lab of Ornithology, Ithaca, NY, USA.

<https://doi.org/10.2173/bow.swahaw.01>

- Forages in open grassland, shrub steppe, and agricultural areas in North American breeding range. Often forages exclusively in row, grain, and hay crop agriculture. Exploitation of prey maximized by farming operations such as disking, seeding, cultivating, swathing, and baling.
- Flood irrigation of alfalfa fields and burning of fields concentrates foraging at edges of fields (J.A. Estep pers. comm.).
- Home range can be huge, some moving as much as 30km from nest to forage.

THE COLLEGE PARK DEIR PROPOSES INSUFFICIENT MITIGATION MEASURES FOR SWAINSON HAWK (SWHA) NESTING MONITORING

SWHA will forage as far as 10 miles or more away from their nest. Thus, the mitigation to do nest surveys up to 1/4 mile would be insufficient to avoid impacts on nesting hawks that need the College Park North development site for foraging and successful nesting.

It also should be noted that Madrone Ecological Consulting has completed a separate report for the environmental impact documents of the planned development in Joiner Ranch East in Lincoln, CA in which it states on pg 25 "*If it is determined that the project site is within 10 miles of an active Swainson's hawk nest (an active nest is defined as a nest with documented Swainson's hawk use within the past 5 years), the applicant will mitigate for the loss of suitable Swainson's hawk foraging habitat.*" This document also suggests that there may be other nesting sites for the SWHA within a 10 mile radius of the College Park North property and that the property could serve as a foraging space for those individuals. No mitigation in the College Park DEIR is suggested for surveying for SWHA nests within 10 mi of the area. (document can be found at this link (<http://www.lincolncalifornia.gov/home/showdocument?id=14726> Retrieved: 10/31/21) see below pic)

16-7 Cont.

16-8

7.5 Loss of Foraging Habitat

7.5.1 Swainson's Hawk

Approximately 23.4 acres of non-native annual grassland that represents suitable foraging habitat for Swainson's hawks will be impacted during construction of the proposed Project. These impacts shall be mitigated through purchase and conservation of similar habitat as follows:

At the present time (February 2020), a Swainson's hawk nest is reported in the CNDDDB approximately 0.15 miles northwest of the Study Area (CNDDDB Occurrence Number 1485); however, the last successful documented nesting at this location was in 2003 (CNDDDB 2018). Prior to Project construction, a qualified biologist shall conduct a review of Swainson's hawk nest data available in the CNDDDB and contact CDFW to determine if they have any additional nest data. If desired by the Project proponent, the biologist may conduct a survey of these nests to determine if they are still present. The biologist shall provide the City with a summary of his/her findings. If it is determined that the project site is within 10 miles of an active Swainson's hawk nest (an active nest is defined as a nest with documented Swainson's hawk use within the past 5 years), the applicant will mitigate for the loss of suitable Swainson's hawk foraging habitat by implementing one of the below measures:

- Active nest identified within 1 mile of the project site: One acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.
- Active nest identified within 5 miles (but greater than 1 mile) of the project site: 0.75 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.
- Active nest identified within 10 miles (but greater than 5 miles) of the project site: 0.5 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.

SUGGESTED ALTERNATIVE TO MITIGATION PROPOSED FOR SWHA & WTKI IN THE COLLEGE PARK DEIR

Mitigation for both the SWHA & WTKI requires preservation of grassland at landscape scale which would be better accomplished by obtaining permits for the College Park project through the Placer County Conservation Program (PCCP) rather than purchasing mitigation bank credits. Mitigation credits are targeted specifically to the needs of certain species in areas which may not be available for purchase within the bounds of Placer County.

For example Westervelt Ecological indicates on their website

(<https://wesmitigation.com/cabanks/mariner-vernal-pool-conservation-bank-sold-out/> : Retrieved 10/30/21) that they are sold out of Swainson Hawk credits;

"The Mariner Vernal Pool Conservation Bank is a 160-acre site located in Placer County. The bank, which is now sold out of credits, supports vernal pool preservation credits to off-set impacts to vernal pool habitat, required under the Endangered Species Act and as authorized by U.S. Fish & Wildlife Service. In addition the site supports foraging habitat for Swainson's hawk."

Although Rocklin is not a participating entity in PCCP in this instance it could be the better choice. This alternative would be better suited to ensure that both of these species suffer less impact from being evicted from the current habitat.

IDENTIFICATION OF THE RIPARIAN ZONE AS SPECIFIED IN THE DEIR COLLEGE PARK SOUTH LOCATION IS INCORRECT

From the City of Rocklin General Plan 4B-3 October 2012 Open Space, Conservation & Recreation Element -

"Applications for development entitlements are required to show the actual boundaries of open space, resource and conservation areas or items such as slopes, floodplains, riparian areas, wetlands, treed areas, significant habitat and other topographic features, as well as the buffer areas necessary to protect them."

The College Park DEIR Biological survey that took place in the western property has defined the areas of where the Riparian zone is located solely by observing where hydrophytic vegetation was growing.

From the DEIR Appendix C

"The riparian zone is generally considered to be the area adjacent to a drainage that is hydrologically influenced by the water flowing through that drainage. The most common way to approximate this hydrologic influence is extent of hydrophytic (water-loving) vegetation growing in what would otherwise be an upland area"

(see Fig 4, next page)

16-9

16-10

2.0 COMMENTS ON DRAFT EIR AND RESPONSES



16-10Cont.

What is depicted in Fig 4 is an inaccurate measure of the riparian zone for several reasons. The sewer access road that runs directly along the south side of the creek bank is maintained by both Sierra College maintenance crews and South Placer Municipal Utility District (SPMUD) crews, both of which cut back much of the vegetation and tree limbs in the road area. The natural habitat which normally acts to stabilize the creek bank would not naturally occur in the neat line that currently exists directly north of the sewer access road. The hydrophytic vegetation along this area is cut back which makes it difficult to determine where the riparian area lies. The argument that the road area is not part of the riparian zone is incorrect since the substrate remains wet in areas and does support the growth of hydrophytic vegetation. Identification of the riparian area and its vegetative buffer zone is important in considering development setbacks from the creek waters to preserve the health of the waterway and habitat in the long term. From above the City of Rocklin's General Plan states that identifying the "**buffer areas necessary to protect them** (them, meaning riparian areas)" is required of the developer & should be included in determining the extent of the riparian zone. This year SPMUD's maintenance vegetation clearing of the access road had to stop at a point where the creek water has naturally moved outward within the floodplain and cattails/riparian vegetation have grown into the space of the access road (see pic & map pg 29). Note that at the time that this photo was taken in the summer months of 2021 & during our current drought, the creek was at minimal levels so that the water's edge in wetter seasons and years would be much further south (to the left side of the image) across the mowed area in the photo. Seeing as to how close to the water's edge that this maintenance took place it is likely that this action should have followed the protocols within a California Fish and Wildlife Streambed Alteration Agreement obtained for the creek area.



16-10
Cont.

Even in the drought a few months after the vegetation clearing occurred, riparian vegetation (that naturally occurs along the banks of the creek and within the water) was growing back in the mowed area. (see pic).

The other area along the path of the access road where riparian vegetation occurs naturally but is cleared away is at the point at which the north to south drainage (from the El Don Estates Pond adjacent to the south most boundary of the College Park property) joins the creek.

The EPA emphasizes the necessity of intact riparian areas that occur with adequate setbacks for well functioning creeks & streams. Some of the functions of this zone are listed here as well as issues that arise when the waterway path is altered:

Intact riparian zones, or vegetated areas adjacent to stream channels, can serve several functions (Allan 1995):

- Provide organic matter for stream food webs
- Provide habitat (e.g., woody debris, bank vegetation)
- Reduce bank and channel erosion
- Moderate stream temperatures
- Intercept and process groundwater nutrients and pollutants

Alterations can contribute to multiple instream stressors, including:

Water/sediment quality: decreased nutrient uptake and retention, increased erosion of bank sediments (and associated contaminants)

Temperature: decreased shading and thermal buffering

Hydrology: decreased woody debris inputs, decreased interception of surface and groundwater flows

Physical habitat: increased erosion of bank sediments, decreased woody debris inputs

Energy sources: decreased leaf inputs, increased algal biomass (due to decreased shading), increased dissolved organic carbon

U.S. EPA (Environmental Protection Agency). Causal Analysis/Diagnosis Decision Information System (CADDIS): Urbanization - Riparian/Channel Alteration. Retrieved: October, 24, 2021. Available from:



16-10Cont.

<https://www.epa.gov/caddis-vol2/caddis-volume-2-sources-stressors-responses-urbanization-riparian-channel-alteration> Office of Research and Development, Washington, DC, 2017.

THE DEIR FOR COLLEGE PARK SOUTH DOES NOT IDENTIFY HOW THE SOUTH TO NORTH DRAINAGE FROM THE ADJACENT EL DON ESTATES PROPERTY & POND WILL BE CONVEYED ACROSS THE PATH OF THE SEWER/FIRE ACCESS ROAD INTO THE EAST TO WEST CREEK AREA. THE DEIR FAILS TO ADDRESS HABITAT IMPACTS THAT WOULD OCCUR IN REGARDS TO THIS AND NO MITIGATION EFFORTS HAVE BEEN PROPOSED.

The pipes that traverse beneath the current gravel sewer access road & convey the south to north drainage from El Don Estates Pond to the creek are currently insufficient to prevent flooding & erosion issues (see below images from 10/24/21).



16-11



Note that the sparse vegetative buffer is not more than a foot or so in width. Due to the treatment and proximity of the access road to the creek waters this habitat is already experiencing some degradation at the area to the west. During periods of heavy rainfall the flow of the creek is greatly increased at the point at where the south to north drainage has joined it. In recent years this heavy flow point washed out the banks of the previous east to west path of the water, altering so that beyond the confluence joining it has expanded to the full width of the space up to the edge of the access road. The water cannot move outward in the northward direction to the side of Monte Verde Park due to an elevated strip of land/levee or berm that unnaturally occurs in the floodplain. Extensive clearing of vegetation besides the access road in the last few years along with the lack of space for an effective vegetative buffer on the south bank of the creek (especially along the west end) has caused the water to flow in a straight channel in the last few years.

The planned College Park South development will further impact this area in these ways :

- Looking at the boundaries of the lots & length of the proposed bridge, the width of the path of the south to north drainage and the vegetation/trees beside it will be reduced. More water will have to flow into the creek at a smaller entry width. Erosion, sediment, & turbid water issues will be more prominent at this point. Will the outflow be distributed among multiple pipes? What design measures will be taken to prevent flooding scenarios that may occur with clogged pipes? If the surface of the road is paved and maintenance must be done on faults/damage with the pipe system how will this impact access through the road area in the event of fire or sewer emergency?
- How the proposed bridge itself further restricts the path of the south to north drainage has not been addressed. Is the bridge open beneath it or will it be a more solid structure

16-11
Cont.

containing culverts? Altering the flow of water through culverts has environmental impacts and maintenance is required to prevent clogging. What impacts will closing the road for these types of maintenance scenarios have upon the residents and environment? These factors need to be addressed and mitigated for.

- The DEIR doesn't take into consideration the water runoff that comes from the yards of the individual lots. How will this be conveyed and what types of water quality measures are taken before it enters the creek?
- One of the planned detention basins also empties stormwater into this area. What impacts will this add?
- More impermeable surfaces means more water runoff overall. Impermeable surfaces along the access road will contribute to impacts experienced by the waterway. These impacts must be addressed.
- Water that runs directly over paved surfaces increases water temperature, decreases oxygen content, introduces pollution, & adds sediment and nutrients. Is there a mitigation plan to monitor the water quality from water inputs from this area, the detention basins and other areas? How will water quality be monitored and by who?
- Any modification of the access road to elevate it or add pipes/water conveyance structures will impact the banks, vegetation, and natural path of the waterway.

16-11
Cont.

THE DEIR FAILS TO ADDRESS HABITAT IMPACTS THAT WOULD OCCUR IN REGARDS TO TREATMENT OF THE SEWER/FIRE ACCESS ROAD OF THE COLLEGE PARK SOUTH PROPERTY. NO MITIGATION EFFORTS IN REGARDS TO THIS HAVE BEEN PROPOSED.

From the College Park DEIR (ES-29):

"Impact 3.9-3: The proposed Project would not alter the existing drainage pattern of the site or area, including the alteration of the course of a river or through the addition of impervious surfaces, in a manner which would result in substantial erosion, siltation, surface runoff, flooding, or polluted runoff. Impact LS – less than significant. Mitigation -None required."

The statement above is incorrect if the current College Park plans are not altered to relocate the existing sewer/fire access road. Currently SPMUD accesses the sewer line by driving south off of their easement road into the College Park South planned development area, thus avoiding the submerged part of the access road mentioned in previous comments above (see pic below).



The area slightly beyond this to the west at the northernmost point of the bend in the access road is where flooding occurs such that water covers the sewer manhole (see pic below).



This is where the width of the creek is the narrowest and the water is bound by the elevated land on the north bank and the access road to the south. This bottleneck has great potential for erosion & flooding as what was observed on 10/25/21. Some of this problem may be alleviated since SPMUD has indicated that part of the current underlying sewer line is likely to be abandoned from the point at which it meets El Don Dr. to the point where the most eastern Cul

16-11 Cont.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

measures must be taken in this case. To elevate the existing access easement road would have a major impact on the waterway and habitat.

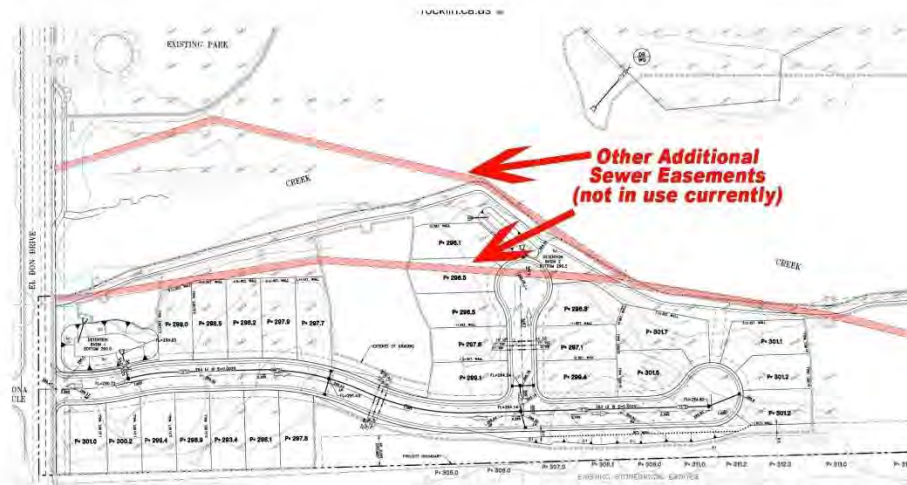
The impact would have long term effects by restricting the space of the natural flow and making the creek subject to further channelization. Roots of plants that would normally occur in a natural vegetative buffer area stabilize the bank of a waterway thereby preventing erosion. Without this stabilization, erosion and sediment would enter the creek area during high water flow causing significant impacts. Stabilizing the bank of the creek naturally without having a buffer space would be impossible in this scenario.

The City of Rocklin has specified that development projects be evaluated so that they do not create scenarios that may deteriorate or degrade the streambed.

From the *City of Rocklin General Plan 4B-33 October 2012 Open Space, Conservation & Recreation Element*:

"OCR-51 Evaluate development along stream channels to ensure that it does not create any of the following effects in a significant manner: reduced stream capacity, increased erosion or deterioration of the channel."

The College Park South plans indicate several sewer easements in other locations than the current access road (see pic below).



Historically it appears that the placement of where the access easement should be on this property was debated. At some point one easement should be chosen to be the primary path and all others should be legally abandoned.

It is also unclear as to how the access road surface shall be treated. Assuming that the developer leaves the access road along the path where it currently is and elevates it as mentioned in the second option above, the road would have no bank area between it and the

16-11 Cont.

creek waters. In a natural system vegetation along the bank areas also traps water and pollutants and slows the flow of stormwater runoff. Currently the access road has a surface layer of loose gravel. This allows for some soil permeability which helps prevent some storm water runoff (despite the minimized vegetation from clearing efforts), and helps reduce the introduction of pollutants into the creek water. This would be lost with an impermeable surface. If the developer chooses to pave the road there would be huge impacts to the creek waters and wetlands habitat. According to the EPA "As little as 10 percent impervious cover in a watershed can result in stream degradation."

(https://www3.epa.gov/npdes/pubs/nps_urban-facts_final.pdf).

Impermeable surfaces limit the amount of precipitation that is able to soak into the soil to recharge groundwater. They replace the plants & soil that otherwise would naturally help to absorb and break down airborne pollutants. Impermeable surfaces absorb and radiate heat. It has been shown that temperatures in paved areas can be several degrees warmer than those of the surrounding region. This increases the rate of evaporation of the adjacent water and habitat. This effect would be compounded with drought, climate change, and reduced airflow caused by bordering structures such as the multiple story buildings that the developer is proposing.

Another element to consider is the cumulative impact of pollution and sediment entering the creek waters and how this has effects downstream. This creek (unnamed tributary) joins the water flowing through Secret Ravine. Steelhead trout and Chinook salmon that make their way up through Secret Ravine could be affected by cumulative pollution. Ironically this could have a negative effect on inhabitants of the Secret Ravine creek area habitat on the Sierra College Campus that the College Park group is proposing to preserve as mitigation for the oaks removed from both north and south locations.

16-11 Cont.

MITIGATION EFFORTS SHOULD INCLUDE LARGER SETBACKS TO THE EDGE OF THE CREEK IN THE COLLEGE PARK SOUTH PLANS

ORCA-11 in the City of Rocklin's General Plan Policy Action Steps - Open Space, Conservation and Recreation Element states the following :

- *Apply open space easements to all lands located within 50 feet from the edge of the bank of all perennial and intermittent streams and creeks providing natural drainage.*
- *The easement will also extend to include associated riparian habitat.*
- *In addition, the City may designate an easement greater than 50 feet for perennial streams when it is determined such a buffer is necessary to adequately protect drainage and habitat areas. In designating these areas as open space, the City is preserving natural resources and protecting these areas from development.*
- *However, features which may be considered acceptable within the 50 foot setback, buffer area and/or open space easements include, but are not limited to, de minimis encroachments of a public thoroughfare, bridges, trails, drainage facilities, utilities, and fencing intended to delineate or protect a specific resource.*
- *Installation and maintenance of those features shall minimize impacts to resources to the extent feasible.*

16-12

- *The above setbacks and buffers shall apply to residential and non-residential development unless the land owner can demonstrate that literal application of this Action Plan item would preclude all economically viable use of the land under existing zoning.*

The city specifically states that utilities are considered acceptable within the 50 foot setback buffer area of the creek but also states that "installation and maintenance of those features shall minimize impacts to resources to the extent feasible." The location of the current access road easement has not minimized the impacts to the creek bank in that vegetative buffers were required to be removed and in one section the area of the easement had to be bypassed since the waterway lies over that part of the road. This narrow space is made to deal with the impacts of a utility access road, drainage to the floodplain restricted by the elevated levee/berm that runs along the north bank of the creek, and public thoroughfare. This makes more than enough of an argument to increase the setback area of the creek beyond 50 ft so that (as the city states) an effort is made to minimize impacts to resources of the creek waters and habitat. The fact that there are several sewer access road easements shown in the existing plans goes to show that this area has been difficult to consider in regards to accomplishing the needs of the natural habitat and those of the land owner. In ORCA-11 the buffer to be considered is one that "is necessary to adequately protect drainage and habitat areas". To protect the health of the creek habitat it is not just important to "extend (the setback buffer) to include associated riparian habitat" but it is also important to prevent channelization of the waterway by reducing its width such that natural meandering & slowing of the waters cannot occur with the input of additional runoff and flooding.

Although the City of Rocklin does not state in the General Plan what a healthy creek habitat is there are many sources and studies that conclude that healthy waterways have these elements:

- They are connected to the floodplain & contain space enough to flood (which includes added runoff from adjacent areas)
- They have banks that are stabilized by vegetation and there is minimal bank erosion
- They meander to create a variety of habitat areas such as pools, runs, and riffles
- They have room to adjust to changing climate conditions, seasons, and the physical changes that occur in the landscape long term
- They have areas of shade from trees & vegetation that helps cool the water
- They have areas to provide for wildlife and contain a diverse group of insect, fish, and vertebrate species.
- The waterway contains water quality & levels of dissolved oxygen to support a diverse group of benthic macroinvertebrates (the presence of these animals are used as a standard measure of the stream water quality)
- They have areas that allow for water to be filtered of pollutants through processes like sedimentation (where heavy metals and other pollutants stick to soil particles and are buried when the particles settle to the bottom)
- They have areas of plants that absorb excess organic nutrients & convert them to less harmful forms, thus protecting the water from nutrient overload that can result in harmful algal blooms, the production of toxic chemicals, and hypoxia.

16-12 Cont.

- They are able to recharge groundwater supplies that later helps the habitat retain moisture during dry periods

Finally, designating greater setbacks does not "preclude all economically viable use of the land under existing zoning".

16-12 Cont.

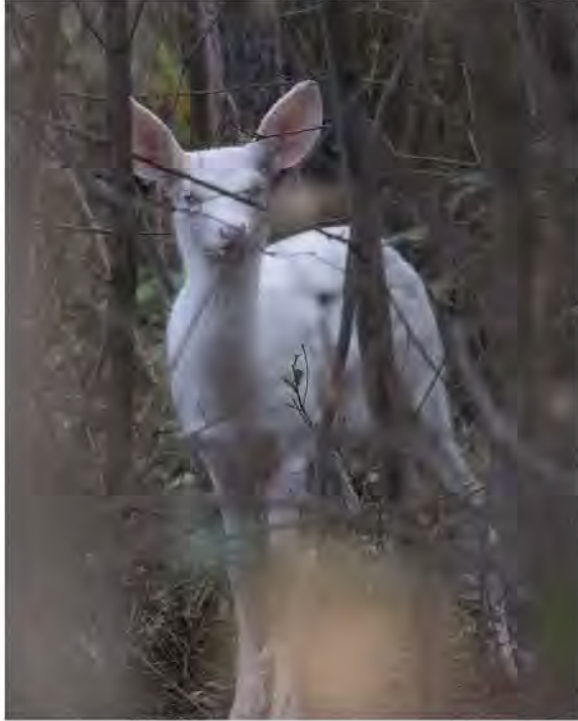
THE DEIR DOES NOT ADDRESS THE IMPACT THAT THE COLLEGE PARKS PROJECT WOULD HAVE ON THE EXISTING WILDLIFE CORRIDOR. NO MITIGATION EFFORTS IN REGARDS TO THIS HAVE BEEN PROPOSED.

From the College Parks DEIR (pg ES-16)

" Impact 3.4-9: The proposed Project would not interfere substantially with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites. Mitigation Measure - None required."

There must be connection among habitats for the ecology of a specific habitat to function well and thus the need for connections among off-site located habitats. The unnamed tributary along with its surrounding habitat on the College Parks South location serves as a wildlife corridor. Evidence of this comes from the observation of species that often move great distances depending on season, territory, or survival needs. Species such as the Bobcat and River Otter, which require territory or foraging spaces much larger than the College Parks area have been seen in the College Parks South location. Bobcats have large territory spaces often 25-50 square miles in size. A mother Bobcat with at least 2 kittens was observed along the creek area of the College Parks South area in 2016 (see image in previous comments).

16-13



Black-tailed deer also traverse this corridor. In one case an albino or leucistic deer was observed within the College Parks South habitat. Personal communication with a wildlife rehabilitator working for Gold Country Wildlife indicated that it is possible that this same white deer was also seen along adjoining creek habitat in Rocklin/Roseville that passes through Secret Ravine further to the south.

16-13 Cont.

From the city of Rocklin General Plan:

"OCR-6 Look for opportunities to interconnect open space and natural areas to accommodate wildlife movement and sustain ecosystems and biodiversity."

Development that restricts the width of this area besides the creek in the College Park south area in effect acts to restrict habitats along the wildlife corridor further. Plans that include larger setbacks from the wetlands and creek area would be in agreement with the goal that is set in OCR-6.

THE COLLEGE PARK DEIR FAILS TO ADDRESS IMPACTS THAT WOULD OCCUR IN REGARDS TO THE CULVERT PLACEMENT AND SINGLE ROADWAY THAT LEADS TO THE HIGH DENSITY RESIDENTIAL SIERRA COLLEGE SENIOR APARTMENTS LOCATED NORTH OF THE CREEK IN THE COLLEGE PARK WEST AREA

The plans proposed for Sierra College Senior Apartments show only one roadway into and out of the high density residential area. This roadway is planned to utilize under road culverts to cross the area of drainage that runs northeast to southwest then flows into the creek (which runs from east to west beside Monte Verde Park). Nothing in the DEIR mentions impacts that this single exit/entrance may have nor does it mention what mitigation measures would be taken in regards to these impacts.

Since there is not an alternate roadway in and out of the high density residential Sierra College Senior Apartments the road proposed must be reliable at all times for any future residents in the event that emergency services are required. Culverts can fail over time and can become blocked with debris after storms. Recently the culverts under the nearby street of El Don Drive became unstable enough such that the entire roadway was closed for repairs starting on 10/25/21 and is still closed as of 11/2/21. Situations such as this cannot happen to the roadway proposed for Sierra College Senior Apartments because there is not an alternate route in or out. Any flooding that could potentially occur with this roadway would also cause impacts. Bordered by the creek at the south edge of the property and the pre-existing developed areas to the east and west, this area does not have potential for alternate routes. This area is a poor choice for high density types of development. Although the area in the College Parks west location on the corner of Rocklin Rd. and El Don Dr. is not currently zoned for this type of project it is located along one edge of Monte Verde Park and has the potential to have routes that do not cross drainage or waterways in and out from two streets rather than one.

The other impacts that the roadway culvert of Sierra College Senior Apartments would have are in regards to the drainage/waterway that flows into the creek. Impacts include flooding and the introduction of pollutants from the street & impermeable surfaces. Permits from the appropriate agencies to alter the flow of water through a culvert and build over the natural environment would be required. The DEIR does not acknowledge impacts or propose mitigation.

16-14

THE COLLEGE PARK DEIR FAILS TO ADDRESS IMPACTS THAT WOULD OCCUR IN REGARDS TO THE SEASONAL WETLANDS & ADJACENT CREEK TO THE NORTH OF THE SIERRA COLLEGE SENIOR APARTMENTS PROJECT

In the proposed plans for the Sierra College Senior Apartments the parking areas to the north of the seasonal wetlands do not have adequate setbacks. Again the city of Rocklin General Plan states:

16-15

"ORCA-11 Apply open space easements to all lands located within 50 feet from the edge of the bank of all perennial and intermittent streams and creeks providing natural drainage. The easement will also extend to include associated riparian habitat"

OCR-11 Protect the groundwater recharge value of riparian and wetland areas while recognizing that minor modifications to such areas may be a necessary outcome of the development process."

Water from the seasonal wetlands depression seeps into the creek to the south. There is no document available to view how close that the Sierra College Senior Apartments building and parking area is from the mapped seasonal wetlands that are shown on Fig 4 of the DEIR Appendix C Biological study. The DEIR does not address the impacts of these structures upon the habitat of the remaining seasonal wetlands and runoff from parking areas into this area and then into the main creek to the south. Again vegetative buffers are needed to reduce pollution, sediment, and erosion that could enter the waterway and impact the natural habitat. Also as stated previously flooding issues can arise from lack of ground permeability. To get a rough approximate idea, below is a composite image from the Sierra College Senior Apartments plans placed on top of the seasonal wetlands (shown in light yellow- green) mapped in Fig 4. (see next page).

Not only is there no setback of the parking area along the southern area of the property within the seasonal wetland area in the east but it would appear that part of the parking lot covers a portion of the seasonal wetland area. This could not be considered as a "minor modification" to the riparian area and would impact the waters of the creek. If the developers are considering filling in these seasonal wetlands the impacts must be determined and the proper permits and mitigation must be followed. It must be stated that the high density residential plans for Sierra College Senior Apartments have not had the same amount of time to be thought through and revised as other plans in the total College Park Project North & South. The application for this project was only first received by the city on June 15, 2021. There are no plans that have proposed elements such as land grading, storm drainage, sewer lines and utilities, etc.. This limits what may be analyzed & discussed in the Draft Environmental Impact Report (agencies cannot comment on what is not yet in the plans) and it could be argued that the project is by passing the process of CEQA in this manner. All of these unclear elements have impacts that must be addressed and mitigated for.

16-15 Cont.

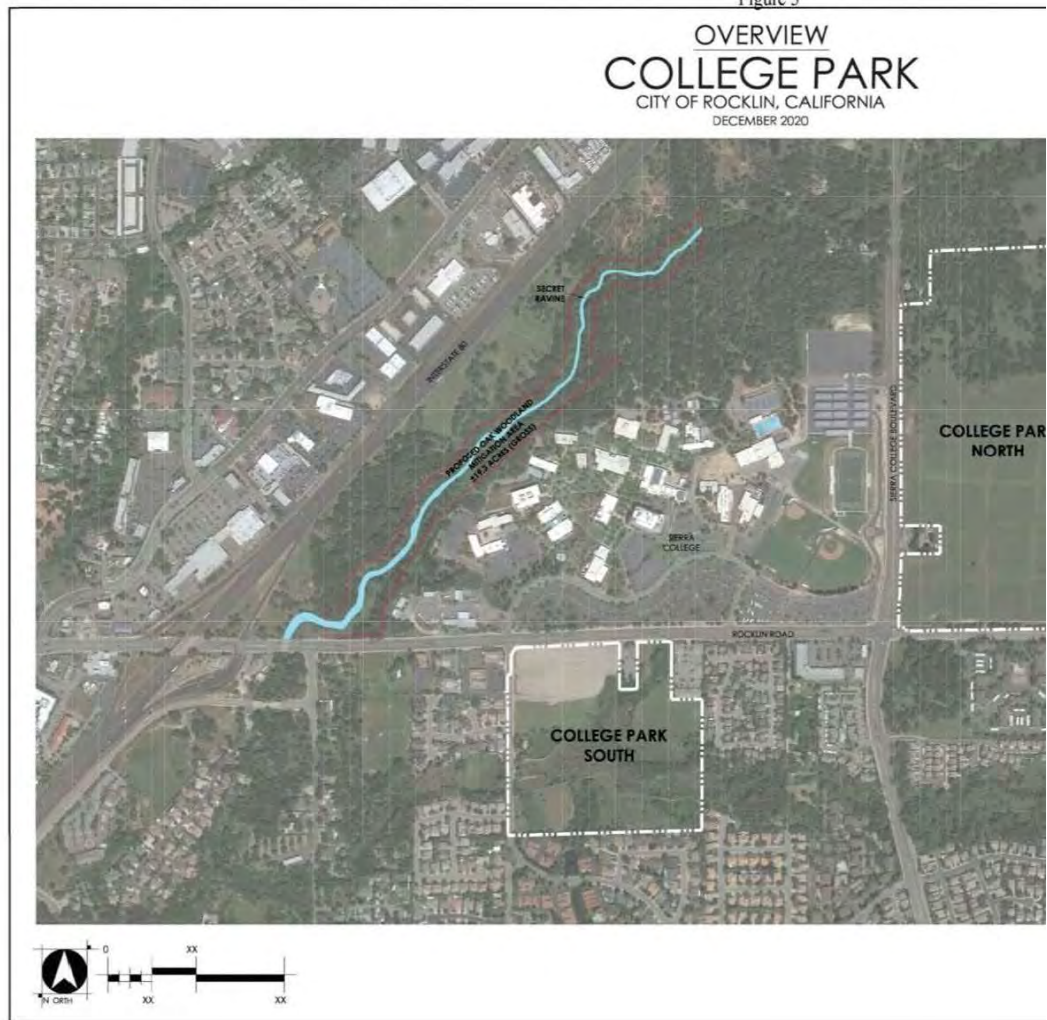


16-15
Cont.

MITIGATION IN THE COLLEGE PARKS DEIR PROPOSED FOR THE IMPACT TO NATIVE OAK TREES IS INSUFFICIENT

For purposes of clarity I will use the term "on campus site" to mean the proposed oak woodland mitigation area of +/- 19.3 acres on the Sierra College Campus that consists of the Secret Ravine Tributary (see map of area from the College Parks DEIR Appendix C Fig 3 pg 11)

Figure 3



16-16

- The mitigation effort does not replace lost oaks. There is a net loss of oaks within the total environment. No matter what the value of the established on campus site oak habitat is there is no potential in this scenario for the number of oaks in the total environment to return even partially to where it started. The effort also does not clearly indicate that action will be taken to improve the environment of the on campus site (such as habitat restoration, replanting fallen trees etc.) or what measures will be taken to ensure that the existing oak trees will survive into the future. The mitigation proposal instead states that the value of the established on campus site oak habitat compensates the net loss of oaks which is incorrect (see issues with this below).
- The on campus mitigation area is the same space that the Sierra College Nature Trail runs through. There are strong indications on the Sierra College website and from the published Field Guide (Sierra Foothills Nature Guide: A Guide to Biology and Ecology of the Sierra College Nature Trail, ISBN 0-9716046-1-4) that Sierra College already has had intentions to preserve this site into the future.
Below is from the Sierra College website -

"About the Rocklin Campus

The Rocklin Campus first opened in 1962. It spans 311 acres of land nestled in the Sierra Nevada foothills of South Placer County. We are minutes from Sacramento along Interstate 80 in one of the most rapidly growing areas of California. Our campus features over 50 buildings, including technology labs, a campus center, and a four-story Learning Resources Center that hosts our robust library and computer labs. We are also proud of our Natural History Museum, our extensive West Arboretum, our athletic facilities, and our 70 acres of walking trails that snake through oak woodlands."

"Nature Trails. Our nature trails wind through 70 acres of local foothill oak woodlands and stream-side communities along Secret Ravine. From our natural hideaways, you can spot local wildlife and hike by vernal pools, including some made from 19th-century gold excavation sites."

(Available at: <https://www.sierracollege.edu/about-us/visit/rocklin-campus.php>. Visit Sierra College:Rocklin Campus | Sierra College. Retrieved: October, 30, 2021.)

The developer cannot make a mitigation effort to conserve land that another already intends to conserve.

- The DEIR presupposes that the oaks to be preserved at the on campus site would be otherwise lost if the mitigation effort was not made. This is false for the following reasons. The on campus site has areas of steep terrain. Due to the topography it would be very difficult to build upon or even remove some of the existing oaks that are there since removing the trees would also create erosion issues. In the case where the site was not preserved it still would have some protections under California Fish & Wildlife and other agencies due to the existence of migrating salmon in the waterway. The mitigation land is in less danger of oak loss due to construction for these reasons.

16-16 Cont.

- The on campus mitigation site width is narrow. Judging by the nearby Sierra College Campus building Weaver Hall that is about 170 ft across, the width of the on campus site is not greater than about 200 ft.. Due to this more oaks are located closer to the perimeter of the preserve and are subject to the environmental impacts of construction on campus, impacts along the west boundary beside the freeway, or whatever else is planned along the perimeter of this area. Many oaks cannot be protected along the borders.
- The on campus mitigation site is a poor environment for biological diversity. The current on campus site has a great deal of natural habitat with additional oaks along its western border that does not fall within the bounds of the proposed mitigation space thus its current diversity will not be protected unless the mitigation encompasses the entire space. The on campus site shape and size has very little interior habitat with a great quantity of its edges being transitional areas. In this type of space more non-natives are potentially introduced along the borders and there is more exposure to disease. Species that require interior spaces to breed have reduced areas. It is incorrect for the DEIR to state that this habitat has and would continue to have the "ecological complexity" that it infers.
- The on campus site is in close proximity to the freeway. Sounds and pollution from the constant traffic along I-80 make this area not ideal for the trees and ecosystems they would typically support in another location that does not have such noise levels. (Noise pollution results in less diversity of other species, including birds etc. that trees rely on for seed distribution.) The DEIR claims that there is greater species diversity within the bounds of the on campus site but fails to show proof of this with biological survey results.
- The educational value of the on campus site is of limited value for science study of natural ecosystems since such a narrow strip of land is not representative of a natural habitat and is less diverse with the added effects of its borders (i.e. freeway noise, pollution, campus development, and human activity).

16-16 Cont.

THE DEIR DOES NOT PROPOSE SUFFICIENT MITIGATION FOR THE SIGNIFICANT TRAFFIC IMPACTS THAT WOULD OCCUR DUE TO THE PROPOSED COLLEGE PARK PROJECT

The DEIR lists street construction projects that the city of Rocklin proposes to build but has not done so yet due to lack of funds or for other reasons. These are below:

The following describes the key roadway network assumptions in the model within the study area:

- *Rocklin Road is widened to have six continuous lanes from east of I-80 to Sierra College Boulevard per the City's adopted Circulation Element. A small amount of widening to six lanes is also planned/assumed between the I-80 WB Ramps and Granite Drive.*

- *Sierra College Boulevard is widened to consist of three continuous travel lanes in each direction from south of I-80 to just beyond El Don Drive per the City's adopted Circulation Element. A small amount of widening to six lanes is also planned north of Granite Drive.*

- *Dominguez Road is extended southeast from Granite Drive over I-80 to Sierra College Boulevard (as two lanes) per the City's Circulation Element.*

- *I-80/Rocklin Road and I-80/Sierra College Boulevard interchanges are assumed to remain in their current conditions, though it is noted that partial funding for improvements to the Rocklin Road interchange is included in the City's CIP / Traffic Impact Fee program. The City is contemplating greater funding allocations to both interchanges as part of future CIP/Traffic Impact fee program updates (in conjunction with the Circulation Element update). As part of planned/funded improvements to the I-80/SR 65 interchange, the eastbound off ramp at Rocklin Road is planned to be upgraded to a two-lane exit (i.e., becomes the terminus of an auxiliary (weave) lane between SR 65 and Rocklin Road.*

- *Minor Improvements such as additional turn lanes, are assumed at several signalized study intersections (e.g., Rocklin Road/Granite Drive, Sierra College Boulevard/Granite Drive, Sierra College Boulevard/Rocklin Road) consistent with mitigation measures contained in the City of Rocklin General Plan (2011).*

16-17

There are several issues with this:

1. Undue traffic hardships placed on the community by the huge numbers of added traffic resulting from the College Parks project being constructed BEFORE Rocklin City street & overpass improvement projects are completed. Car before the horse scenario.
2. The possibility exists that the City of Rocklin may be unable to get the funding for projects and time extensions may delay alleviation of impacts caused.
3. Despite all the extensive efforts made in the DEIR traffic studies to come up with an idea of what might actually occur as a result of the College Parks development project, it is important to remember that all of these calculations are not actual outcomes. For this reason it would be wiser to proceed with a project this large in scope only AFTER the city has made the alterations of the roadway and overpasses as specified in its plans.

At the very least the city should complete at least a few of the roadway projects before development is initiated. The DEIR does not currently propose adequate mitigation efforts.

16-17 Cont.

Finally, I would like to state that in participating in the process of researching, reading and writing comments for this DEIR I have learned much about CEQA, my community, those that work for my city & county, and the agencies that guide them. I have met many helpful knowledgeable people who have taken time out of their schedules to provide information that may help determine the best solutions for these issues. It is recognized that growth in our city is unavoidable. However, members of our community, future residents, and the students of Sierra College should not have to bear the burden of impacts that come from poor choices made in neighboring spaces. Some of these impacts are potentially permanent losses that will carry on well into the future. My comments here along with all the voices in our community are part of this history. I hope that we all can make the sacrifices needed for the people, environment, and future of our crowded world.

Sincerely,
Laurie Rindell

16-18 Cont.

Response to Letter 16: Laurie Rindell 2, Public Comment Submission

Response 16-1: This comment is an introduction to the letter. The commenter provides an introduction with their educational credentials, and notes that they are a Rocklin citizen. The commenter indicates that issues listed within their letter are not adequately addressed, *“impacts that are not foreseen, and mitigation efforts that are lacking for those impacts.”* The commenter requests that Rocklin consider the long-term health of the community and environment, and notes that both are interconnected and have value.

This comment is noted, and the concerns will be provided to the appointed and elected decision makers for their consideration. There are not specific comments provided above that warrant revisions to the DEIR.

Response 16-2: This comment states the following:

THE COLLEGE PARK DEIR BIOLOGICAL REPORT FAILS TO REPORT A SIGNIFICANT NUMBER OF SPECIES & IS AN INADEQUATE SURVEY OF THE NATURAL HABITAT

There are a significant number of species that were NOT observed by Madrone Ecological Consulting in the College Park DEIR biological study. This is concerning for many reasons. The first being that if such a large number of species were not observed including those of special status then it is very likely that others might have been missed as well including those that require mitigation efforts. The second concern is that mitigation efforts during construction may require these same biologists and methods to make determinations about the presence of sensitive species. Below on the next page is a list of all the species that I observed but were NOT observed in the report by Madrone Ecological found in the College Park DEIR Appendix C. A majority of these were photographed (exceptions would be in low light/night conditions). To confirm the ID of these, help from other naturalists & biologists was sought out. (It should also be mentioned that those species that were listed in the observations by the Madrone Ecological group were also observed by myself although photos are not included here since it was determined unnecessary.)

The City notes the commenter’s displeasure with Madrone Ecological Consulting throughout this comment letter; however, Madrone Ecological Consulting is a widely used biological resources firm with an excellent regional and local reputation that employs highly qualified biologists. Resumes of Sarah VonderOhe and Daria Snider are provided in the letter from James Moose to David Mohlenbrok dated February 11, 2022. Madrone has worked on hundreds of projects in the region on behalf of agencies, developers, and other entities, and, as a result, are highly knowledgeable about biological conditions in Placer County and highly qualified to detect local species and habitats. For more information, please refer to Madrone’s website at www.madroneeco.com. It is also noted that the Madrone’s work has been peer reviewed by De Novo Planning Group’s Principal and Biologist Steve McMurtry under contract to the City of Rocklin. Mr. McMurtry has 21 years of experience, has worked on hundreds of projects throughout California, has qualified as an expert witness in court on matters of biological resources, and is capable of verifying the accuracy and completeness of Madrone’s work. Lastly, all documentation is reviewed by the City, which exercises its independent judgement before issuing an EIR. See also Master Response 12.

The commenter references wildlife species that were not observed by Madrone Ecological Consulting. It should be noted that a list of species observed is exactly that, species observed during a survey. It is not intended to mean that other species could not exist on the site. For instance, after comparing the wildlife list contained in the Madrone Biological Resources Assessment against “lists” provided by residents, it is apparent a number of relatively common wildlife species that Madrone observed during surveys were not observed by the residents. This includes American crow, American kestrel, oak titmouse, pygmy nuthatch, tree swallow, and Bewick’s wren, among others.

Prior to going out in the field Madrone reviewed the various databases and species occurrence lists publicly available including but not limited to:

- California Natural Diversity Database (CNDDDB);
- USFWS Information for Planning and Conservation (IPaC);
- California Native Plant Society (CNPS) Rare and Endangered Plant; and
- Western Bat Working Group (WBWG) Species Matrix.

These lists are further supplemented by professional knowledge and experience of species that are likely to occur regionally. As detailed in the Biological Resources Assessment (BRA) (an updated version of which is included within the FEIR as Appendix A), some of the biological resource surveys conducted for this Project were reconnaissance-level in nature to identify habitat for special-status species. Protocol-level surveys were conducted were required or for species such as plants that are not mobile. A number of wildlife species are highly mobile; as a result, negative protocol-level surveys would not be informative in regards to their presence or absence from a site during construction a year or more in the future. As a result, it is common practice to adopt a more conservative approach whereby one maps habitats on-site and assumes a species could be present if suitable habitat is present. Focused surveys for a species are conducted shortly prior to construction to ensure that any individuals of a species that are present at that time are appropriately protected and avoided.

Response 16-3: This comment indicates that the Biological Survey failed to observe the Western Pond Turtle in the area of the creek beside the monte Verde Park in the South Village. The commenter indicates that this species has been observed in this location since 2016, and as recently as October 2021. The commenter provides some photos that they presumably took of this species in this location and provides a narrative of this species habitat and life cycle. The commenter indicates that this species requires both aquatic and upland areas, and that development of the upland area would substantially eliminate the species from this area.

This comment is addressed in part under Master Responses 4 and 12, and in Response 16-2 above. Additional discussion is provided below.

The comment alludes to the idea that the DEIR does not address western pond turtle. In fact, western pond turtle is discussed on multiple pages in the DEIR including 3.4-13 which indicates that

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there is suitable habitat for this species in perennial creeks in the South Village Area. The conclusion was that there is a high potential for this species to be present. On page 3.4-31 and -32, western pond turtle is discussed under Impact 3.4-2 as follows:

Impact 3.4-2: The proposed Project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special-status, in local or regional plans, policies, regulations, or by the CDFW or USFWS - Reptile and Amphibian (Less than Significant with Mitigation)

As shown in Table 3.4-2, four special-status reptile and amphibian species are documented in the region. The species include: California red-legged frog (*Rana draytonii*), giant garter snake (*Thamnophis gigas*), western pond turtle (*Emys marmorata*), and western spadefoot (*Spea hammondi*). As shown in the table, the Project Area does not provide suitable habitat for California red-legged frog, giant garter snake, or western spadefoot. The North Village Study Area also does not provide suitable habitat for western pond turtle.

The main perennial creek running through the South Village Study Area represents suitable habitat for western pond turtle, and the adjacent riparian wetlands and riparian woodlands provide suitable nesting habitat. Portions of the riparian wetland and riparian woodlands south of the creek will be impacted during Project construction. If western pond turtles or their nests were present in those areas during construction, individual turtles could be injured or killed, or nests could be destroyed.

Mitigation Measure 3.4-2 requires preparation and administration of Worker Environmental Awareness Training for the construction crews. Mitigation Measure 3.4-3 requires surveys and avoidance measures for western pond turtle. Implementation of the proposed Project, with the below mitigation measures, would reduce the potential for impacts to special-status reptile and amphibian species to a **less-than-significant** level.

The only location in the DEIR where there is a conclusion that western pond turtle is absent is in reference to the North Village site, which does not contain any habitat that could support the species. This conclusion is not based on the lack of observations during a reconnaissance-level survey, but rather based on the lack of the habitat that the species requires.

In regard to upland habitat, Holland (1994) notes that western pond turtles rely heavily on aquatic habitat including ponds, rivers, lakes, and streams for most of the year. The species may venture into the uplands within the vicinity to overwinter or to lay eggs. Typically, western pond turtles overwinter by burying themselves in mud at the bottom of their aquatic habitats such as ponds, lakes, and slow-moving rivers and streams. In rocky habitats where mud is not present, such as mountain streams and rivers, western pond turtle will overwinter in the uplands adjacent to the aquatic habitat by burying themselves in loose soil or duff. Based upon the habitat within the South Village site, any turtles present will be overwintering in the ample areas of mud found at the bottom of the ponds and creeks.

A study to determine the distance that western pond turtle nests from the aquatic habitat was conducted by Holland in 1994 that included 252 turtles. It was found that the turtles nested from 3 to 402 meters from the water or an average of 49.2 meters (161.4 feet) and that 205 of the 252 (81.3%) turtles nested within 61.0 meters (200.1 feet).

The minimum width of the avoidance corridor containing the turtle's aquatic habitat is 165 feet, and the width is over 250 feet in most areas. The corridor is over 300 feet wide in many areas, and the maximum width is 390 feet. This represents sufficient upland habitat for the turtles to successfully nest post project development.

The DEIR does adequately address the habitat and potential for presence of western pond turtle. At no time has the City staff made statements, or in any way implied, that western pond turtle, or their eggs, would be destroyed. This is not an accurate statement and does not represent the treatment of this species in Rocklin.

Response 16-4: This comment states the following:

THE DEIR DOES NOT ACKNOWLEDGE THAT DEVELOPMENT PLANS WOULD HAVE A SUBSTANTIAL IMPACT ON REPRODUCTION OF THE WPT COMMUNITY SUCH THAT IT WOULD SUBSTANTIALLY REDUCE THE LOCAL POPULATION OVER TIME. THE DEIR ALSO DOES NOT PROPOSE A MITIGATION MEASURE FOR IMPACTS ON THIS SPECIES OF SPECIAL CONCERN. (see below from DEIR)

"Impact 3.4-3: The proposed Project would not, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special-status, in local or regional plans, policies, regulations, or by the CDFW or USFWS – Fish Mitigation measure: None required."

The commenter is mistaken by the focus of the above listed impact (Impact 3.4-3). This impact discussion is clearly about the potential impact on fish species as reflected in the full context of the discussion from page 3.4-32 of the DEIR, as well as the reference to "Fish" in the statement:

Impact 3.4-3: The proposed Project would not, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special-status, in local or regional plans, policies, regulations, or by the CDFW or USFWS - Fish (No Impact)

As shown in Table 3.4-2, two special-status fish species are documented in the region. The species include: Delta smelt (*Hypomesus transpacificus*) and steelhead - Central Valley DPS (*Oncorhynchus mykiss irideu*). As shown in the table, the Project Area does not provide suitable habitat for either fish species. Although the Project Area contains seasonal drainages and wetlands, these on-site aquatic habitats are not suitable for this species. Implementation of the proposed project would have **no impact** on special-status fish species.

This discussion is clearly not about western pond turtle, and does not suggest that there is no impact on the western pond turtle. This discussion is about fish as identified in the Impact 3.4-3 statement.

Response 16-5: This comment states the following:

Seeing as the WPT was never observed once in the DEIR there is much concern that Mitigation Measure 3.4-3 (see below) would be ineffective especially if the same group & survey methods used in the DEIR Biological Report are to be used.

"Mitigation Measure 3.4-3: A western pond turtle survey shall be conducted in all areas within 150 feet of the main (east-west) perennial creek in the South Village Study Area within 48 hours prior to

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construction in that area. If no western pond turtles or nests are found, no further mitigation is necessary. If a western pond turtle is observed within the proposed impact area, a qualified biologist shall relocate the individual to ~~suitable~~ habitat of equivalent or greater value (e.g., riparian wetlands or riparian woodlands) outside of the proposed impact area prior to construction. If a western pond turtle nest is observed within the proposed impact area, the nest shall be fenced off and avoided until the eggs hatch. The exclusion fencing shall be placed no less than 25 feet from the nest. A qualified biologist shall monitor the nest daily during construction to ensure that hatchlings do not disperse into the construction area. Relocation of hatchlings will occur as stipulated above, if necessary.”

This comment is addressed under Master Responses 4 and 12, as well as Response 16-3. It should also be noted that the mitigation measure for impacts to western pond turtle (Mitigation Measure 3.4-3) has been modified from the version noted above by the commenter.

Response 16-6: This comment states the following:

THE COLLEGE PARK DEIR FAILED TO OBSERVE PROTECTED SPECIES SUCH AS THE CALIFORNIA BLACK RAIL AND THE VALLEY ELDERBERRY LONGHORN BEETLE (VELB)

Given that the biological survey did not make mention of any observations of invertebrates in the College Park locations & missed observations of the Virginia Rail there is a likelihood that species such as the California Black Rail (BLRA) and VELB may be present. The California Black Rail occupies habitat in the Sierra Foothills wetland areas.

The California Black Rail & the Virginia Rail (a larger bird than the BLRA) are both secretive birds that are difficult to observe in their natural habitat (note that reeds obscure much of the nesting Virginia Rail in the photo included previously that was taken of the bird within the College Park south area). They are so difficult to find that rather than visual observation researchers use broadcast recorded calls to elicit responses from rails that may be in the habitat. There is no mention of using sound techniques to try to detect the California Black Rail in the College Park DEIR Biological Study.

Researchers such as those participating in the Black Rail Study Project have included Virginia Rails in “detection efforts, since they are commonly found in the same wetlands” (quoted from <https://nature.berkeley.edu/beislab/rail/Newsletter2011Final.pdf> : Retrieved on 10/31/21). It has been shown that both birds may reside in areas of overlap within wetland habitat. From research it was determined that “despite their size differences, Black and Virginia Rails appear to be tolerant co-inhabitants of their small wetland patches” (from <https://nature.berkeley.edu/beislab/rail/Newsletter2011Final.pdf> : Retrieved 10/31/21).

The College Parks DEIR Appendix C lists the California Black Rail as having a low potential for occurrence in the West location stating that there is -“marginally suitable habitat for this species is present in and adjacent to the perennial creek that runs from west to east across the Western Study Area as well as the seasonal wetlands mapped within the Study Area.”

This is incorrect. According to the University of California, Division of Agriculture & Natural Resources, Sierra Foothill Research and Extension Center the area of occurrence of the California Black Rail was redefined by its discovery in the Sierra foothills. They state that - “This species had never been found in the foothills before and was believed to be restricted to coastal marshes and a lower portion of the Colorado River. Based upon this discovery, an extensive inventory of this species has now discovered over 100 sites where black rails occupy foothill wetlands.”

(From the website link <https://sfrec.ucanr.edu/files/250456.pdf> Retrieved: 10/31/21, University of California, Division of Agriculture & Natural Resources, Sierra Foothill Research and Extension Center 2021)

It is important to note that the California Black Rail has been observed in habitat within the nearby location of Clover Valley in Rocklin as well.

Another more complete biological study is necessary to look for the presence of the California Black Rail and a proposal for mitigation for habitat impacts and losses is required.

This comment is addressed under Master Response 12. **Response 16-7:** This states the following:

THE COLLEGE PARK DEIR PROPOSES INSUFFICIENT MITIGATION MEASURES FOR SWAINSON HAWK (SWHA) & WHITE TAILED KITE (WTKI)

First of all, because WTKI is a CA fully-protected species under FGC section 3511(b)(6) mitigation IS required for impacts to this species. In the DEIR Appendix C it states that:

“7.6.1 Swainson’s Hawk

Approximately 49.0 acres of highly suitable foraging habitat and 10.4 acres of marginally suitable foraging habitat for Swainson’s hawks will be impacted during construction of the proposed Project We would recommend the following mitigation for these impacts:

- *One acre of suitable foraging habitat shall be protected for each acre of highly suitable foraging habitat impacted. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the city.*
- *0.5 acre of suitable foraging habitat shall be protected for each acre of marginally suitable foraging habitat impacted. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City. Based on these ratios and the current development plan, a total 54.15 acres of Swainson’s Hawk foraging habitat would be protected to compensate for impacts within the Study Area.*

7.6.2 Other Birds

Approximately 59.4 acres of annual brome grassland within the Project Area that represents potential foraging habitat for northern harrier, white-tailed kite, and loggerhead shrike will be impacted by construction of the proposed Project. Though mitigation for impacts to foraging habitat for these species is not required pursuant to CEQA, the protection of Swainson’s hawk foraging habitat as described above in Section 7.5.1 will offset the loss of foraging habitat for these and other birds.”

(* Note that it is assumed that there is a typo in the DEIR and that 7.5.1 is meant to read 7.6.1. In case there is confusion 7.5.1 is listed here below.)

7.5.1 Swainson’s Hawk

A targeted Swainson’s nest survey shall be conducted throughout the Project area and all accessible areas within a ¼ mile radius of the proposed construction area no more than 14 days prior to construction activities. If active Swainson’s hawk nests are found within ¼ mile of a construction area, construction shall cease within ¼ mile of the nest, until a qualified biologist (Project Biologist) determines that the young have fledged or it is determined that the nesting attempt has failed. If the applicant desires to work within ¼ mile of the nest, the applicant shall consult with CDFW and the City to determine if the nest buffer can be reduced. The Project applicant, the Project biologist, the City, and CDFW shall collectively determine the nest avoidance buffer, and what (if any) nest monitoring is necessary.)

Using the same mitigation foraging habitat area proposed for the SWHA in the DEIR for the WTKI would not be sufficient mitigation for these reasons:

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1. The amount of foraging space in the College Park North area alone has been demonstrated not to be enough habitat for the requirements of both the SWHA and the WTKI. The WTKI has been observed foraging in the College Park South area where the habitat type differs from that of the North area. The home range of the SWHA is large in size - some individuals will move as much as 30 km from their nest area to forage. For this reason, it is likely that the observed nesting SWHA forages in areas outside of the College Park North location as well.
 2. The two species have different foraging behaviors and require different types of habitats. There is some overlap in foraging habitat type between both species but it is not extensive. While both use grasslands, the SWHA is a visual hunter & prefers grazed grassland. The WTKI prefers ungrazed grassland and finds its prey using sight, sound, and UV rodent trail markings. In terms of prey, both take small rodents, but the SWHA also commonly takes rodents as large as ground squirrels and other items (lizards, snakes, birds at times). WTKI almost exclusively takes small rodents. Mitigation foraging land for one species would not provide for both.
- REFERENCES for WTKI/SWHA Foraging Habitats

WTKI

Dunk, J. R. (2020). White-tailed Kite (*Elanus leucurus*), version 1.0. In *Birds of the World* (A. F. Poole and F. B. Gill, Editors). Cornell Lab of Ornithology, Ithaca, NY, USA. <https://doi.org/10.2173/bow.whitkit.01>

- Prefers *ungrazed grasslands (Bammann 1975, JRD), wetlands dominated by grasses, and fence rows and irrigation ditches (with residual vegetation) adjacent to grazed lands (Bammann 1975)*
- *forages VERY close to nesting site (usually within 1 km)* (Pandolfino, E. R., M. P. Herzog, S. L. Hooper, and Z. Smith. 2011. Winter habitat associations of diurnal raptors in California's Central Valley. *Western Birds* 42:62-84.)
- Primary *foraging* habitats in winter in Central Valley are wetlands, ungrazed grassland, alfalfa and hay fields.

SWHA

Bechard, M. J., C. S. Houston, J. H. Sarasola, and A. S. England (2020). Swainson's Hawk (*Buteo swainsoni*), version 1.0. In *Birds of the World* (A. F. Poole, Editor). Cornell Lab of Ornithology, Ithaca, NY, USA.

<https://doi.org/10.2173/bow.swahaw.01>

- Forages in *open grassland, shrub steppe, and agricultural areas in North American breeding range. Often forages exclusively in row, grain, and hay crop agriculture. Exploitation of prey maximized by farming operations such as disking, seeding, cultivating, swathing, and baling.*
- *Flood irrigation of alfalfa fields and burning of fields concentrates foraging at edges of fields (J.A. Estep pers. comm.).*
- *Home range can be huge, some moving as much as 30km from nest to forage.*

This comment is addressed under Master Response 12.

Regarding the commenter's note about a potential typo in the DEIR where 7.5.1 is meant to be 7.6.1, there is no such typo in the text of the DEIR. The commenter may have been referring to a Biological Resources Assessment in the appendix. It is noted that the Biological Resources Assessment in the Appendix prepared by Madrone has been updated and is provided as Appendix A of this FEIR.

Response 16-8: This comment states the following:

THE COLLEGE PARK DEIR PROPOSES INSUFFICIENT MITIGATION MEASURES FOR SWAINSON HAWK (SWHA) NESTING MONITORING

SWHA will forage as far as 10 miles or more away from their nest. Thus, the mitigation to do nest surveys up to 1/4 mile would be insufficient to avoid impacts on nesting hawks that need the College Park North development site for foraging and successful nesting.

It also should be noted that Madrone Ecological Consulting has completed a separate report for the environmental impact documents of the planned development in Joiner Ranch East in Lincoln, CA in which it states on pg. 25 *"If it is determined that the project site is within 10 miles of an active Swainson's hawk nest (an active nest is defined as a nest with documented Swainson's hawk use within the past 5 years), the applicant will mitigate for the loss of suitable Swainson's hawk foraging habitat."* This document also suggests that there may be other nesting sites for the SWHA within a 10 mile radius of the College Park North property and that the property could serve as a foraging space for those individuals. No mitigation in the College Park DEIR is suggested for surveying for SWHA nests within 10 mi of the area. (document can be found at this link (<http://www.lincolncalifornia.gov/home/showdocument?id=14726> Retrieved: 10/31/21) see below pic)

This commenter also provides an excerpt from the Madrone Biological Report. As discussed in Response 16-7 above, the Biological Resources Assessment in the Appendix prepared by Madrone has been updated and is provided in Section 3.0 Errata.

It is noted that Swainson's hawk biology includes foraging of up to 10 miles from a nest site as stated by the commenter. As previously noted, Swainson's hawk is addressed in the DEIR, first on page 3.4-12 which indicates that this species is present in the North Village Study Area. The trees on-site are identified as suitable nesting habitat and one active nest has been documented within this Study Area. The discussion also says that annual brome grassland is suitable foraging habitat. The discussion indicates that there is a high potential for this species in the South Village Study Area. The trees on-site are suitable nesting habitat, and the annual brome grassland is suitable foraging habitat. This is an adequate assessment of the Project site.

It is not feasible to survey for every conceivable nest within a 10 mile radius of the Project site. More specifically, property rights prohibit the City from accessing all properties within a 10 mile radius for a survey making it legally infeasible. Instead, Madrone has relied on the CNDDDB as a source of information for known nests in the region, and completed surveys on the Project site and areas proximate to the Project site that could be surveyed from a public right-of-way. The results of the surveys were accurately documented in the DEIR, and Appendix. See also Master Response 12.

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Response 16-9: This comment states the following:

SUGGESTED ALTERNATIVE TO MITIGATION PROPOSED FOR SWHA & WTKI IN THE COLLEGE PARK DEIR

Mitigation for both the SWHA & WTKI requires preservation of grassland at landscape scale which would be better accomplished by obtaining permits for the College Park project through the Placer County Conservation Program (PCCP) rather than purchasing mitigation bank credits. Mitigation credits are targeted specifically to the needs of certain species in areas which may not be available for purchase within the bounds of Placer County.

For example Westervelt Ecological indicates on their website (<https://wesmitigation.com/cabanks/mariner-vernal-pool-conservation-bank-sold-out/> : Retrieved 10/30/21) that they are sold out of Swainson's Hawk credits;

"The Mariner Vernal Pool Conservation Bank is a 160-acre site located in Placer County. The bank, which is now sold out of credits, supports vernal pool preservation credits to off-set impacts to vernal pool habitat, required under the Endangered Species Act and as authorized by U.S. Fish & Wildlife Service. In addition the site supports foraging habitat for Swainson's hawk."

Although Rocklin is not a participating entity in PCCP in this instance it could be the better choice. This alternative would be better suited to ensure that both of these species suffer less impact from being evicted from the current habitat.

The Placer County Conservation Program is discussed on Page 3.4-24 of the DEIR, which also indicates that the City of Rocklin is not a participating agency. While the City recognizes this suggested alternative mitigation, it is not considered feasible because projects in Rocklin are not eligible. Nevertheless, if the Project applicant were to consult with the PCCP for purchase of mitigation credits through the project, this would be considered acceptable mitigation as long as it meets the minimum requirements of Mitigation Measure 3.4-5.

Response 16-10: This comment states the following:

IDENTIFICATION OF THE RIPARIAN ZONE AS SPECIFIED IN THE DEIR COLLEGE PARK SOUTH LOCATION IS INCORRECT

From the City of Rocklin General Plan 4B-3 October 2012 Open Space, Conservation & Recreation Element -

"Applications for development entitlements are required to show the actual boundaries of open space, resource and conservation areas or items such as slopes, floodplains, riparian areas, wetlands, treed areas, significant habitat and other topographic features, as well as the buffer areas necessary to protect them."

The College Park DEIR Biological survey that took place in the western property has defined the areas of where the Riparian zone is located solely by observing where hydrophytic vegetation was growing.

From the DEIR Appendix C

"The riparian zone is generally considered to be the area adjacent to a drainage that is hydrologically influenced by the water flowing through that drainage. The most common way to approximate this hydrologic influence is extent of hydrophytic (water-loving) vegetation growing in what would otherwise be an upland area"

(see Fig 4, next page)

The commenter then provides Figure 4 from the Madrone Biological Resources Assessment, which is excluded here, but is provided in the letter above. The commenter then states:

What is depicted in Fig 4 is an inaccurate measure of the riparian zone for several reasons. The sewer access road that runs directly along the south side of the creek bank is maintained by both Sierra College maintenance crews and South Placer Municipal Utility District (SPMUD) crews, both of which cut back much of the vegetation and tree limbs in the road area. The natural habitat which normally acts to stabilize the creek bank would not naturally occur in the neat line that currently exists directly north of the sewer access road. The hydrophytic vegetation along this area is cut back which makes it difficult to determine where the riparian area lies. The argument that the road area is not part of the riparian zone is incorrect since the substrate remains wet in areas and does support the growth of hydrophytic vegetation. Identification of the riparian area and its vegetative buffer zone is important in considering development setbacks from the creek waters to preserve the health of the waterway and habitat in the long term. From above the City of Rocklin's General Plan states that identifying the " **buffer areas necessary to protect them** (them, meaning riparian areas)" is required of the developer & should be included in determining the extent of the riparian zone. This year SPMUD's maintenance vegetation clearing of the access road had to stop at a point where the creek water has naturally moved outward within the floodplain and cattails/riparian vegetation have grown into the space of the access road (see pic & map pg 29). Note that at the time that this photo was taken in the summer months of 2021 & during our current drought, the creek was at minimal levels so that the water's edge in wetter seasons and years would be much further south (to the left side of the image) across the mowed area in the photo. Seeing as to how close to the water's edge that this maintenance took place it is likely that this action should have followed the protocols within a California Fish and Wildlife Streambed Alteration Agreement obtained for the creek area.

The commenter then provides a picture with text notes illustrating the submerged area of access road, which is excluded here, but is provided in the letter above. The commenter then states:

Even in the drought a few months after the vegetation clearing occurred, riparian vegetation (that naturally occurs along the banks of the creek and within the water) was growing back in the mowed area. (see pic).

The other area along the path of the access road where riparian vegetation occurs naturally but is cleared away is at the point at which the north to south drainage (from the El Don Estates Pond adjacent to the south most boundary of the College Park property) joins the creek.

The EPA emphasizes the necessity of intact riparian areas that occur with adequate setbacks for well functioning creeks & streams. Some of the functions of this zone are listed here as well as issues that arise when the waterway path is altered:

Intact riparian zones, or vegetated areas adjacent to stream channels, can serve several functions (Allan 1995):

- Provide organic matter for stream food webs
- Provide habitat (e.g., woody debris, bank vegetation)
- Reduce bank and channel erosion
- Moderate stream temperatures
- Intercept and process groundwater nutrients and pollutants

Alterations can contribute to multiple instream stressors, including:

Water/sediment quality: decreased nutrient uptake and retention, increased erosion of bank sediments (and associated contaminants)

Temperature: decreased shading and thermal buffering

Hydrology: decreased woody debris inputs, decreased interception of surface and groundwater flows

Physical habitat: increased erosion of bank sediments, decreased woody debris inputs

Energy sources: decreased leaf inputs, increased algal biomass (due to decreased shading), increased dissolved organic carbon

U.S. EPA (Environmental Protection Agency). Causal Analysis/Diagnosis Decision Information System (CADDIS): Urbanization - Riparian/Channel Alteration. Retrieved: *October, 24, 2021*.

This comment is addressed under Master Response 4.

Response 16-11: This comment states the following:

THE DEIR FOR COLLEGE PARK SOUTH DOES NOT IDENTIFY HOW THE SOUTH TO NORTH DRAINAGE FROM THE ADJACENT EL DON ESTATES PROPERTY & POND WILL BE CONVEYED ACROSS THE PATH OF THE SEWER/FIRE ACCESS ROAD INTO THE EAST TO WEST CREEK AREA. THE DEIR FAILS TO ADDRESS HABITAT IMPACTS THAT WOULD OCCUR IN REGARDS TO THIS AND NO MITIGATION EFFORTS HAVE BEEN PROPOSED.

The pipes that traverse beneath the current gravel sewer access road & convey the south to north drainage from El Don Estates Pond to the creek are currently insufficient to prevent flooding & erosion issues (see below images from 10/24/21).

The commenter then provides a picture with text notes illustrating the current sewer/fire access road in a flooded state, which is excluded here, but is provided in the letter above. The commenter then states:

Note that the sparse vegetative buffer is not more than a foot or so in width. Due to the treatment and proximity of the access road to the creek waters this habitat is already experiencing some degradation at the area to the west. During periods of heavy rainfall the flow of the creek is greatly increased at the point at where the south to north drainage has joined it. In recent years this heavy flow point washed out the banks of the previous east to west path of the water, altering so that beyond the confluence joining it has expanded to the full width of the space up to the edge of the access road. The water cannot move outward in the northward direction to the side of Monte Verde Park due to an elevated strip of land/levee or berm that unnaturally occurs in the floodplain. Extensive clearing of vegetation besides the access road in the last few years along with the lack of space for an effective vegetative buffer on the south bank of the creek (especially along the west end) has caused the water to flow in a straight channel in the last few years.

The planned College Park South development will further impact this area in these ways:

- Looking at the boundaries of the lots & length of the proposed bridge, the width of the path of the south to north drainage and the vegetation/trees beside it will be reduced. More water will have to flow into the creek at a smaller entry width. Erosion, sediment, & turbid water issues will be more prominent at this point. Will the outflow be distributed among multiple pipes? What design measures will be taken to prevent flooding scenarios that may occur with clogged pipes? If the surface of the road is paved and maintenance must be done on faults/damage with the pipe system how will this impact access through the road area in the event of fire or sewer emergency?
- How the proposed bridge itself further restricts the path of the south to north drainage has not been addressed. Is the bridge open beneath it or will it be a more solid structure containing culverts? Altering the flow of water through culverts has environmental impacts and maintenance is required to prevent clogging. What impacts will closing the road for these types of maintenance scenarios have upon the residents and environment? These factors need to be addressed and mitigated for.

- The DEIR doesn't take into consideration the water runoff that comes from the yards of the individual lots. How will this be conveyed and what types of water quality measures are taken before it enters the creek?
- One of the planned detention basins also empties stormwater into this area. What impacts will this add?
- More impermeable surfaces means more water runoff overall. Impermeable surfaces along the access road will contribute to impacts experienced by the waterway. These impacts must be addressed.
- Water that runs directly over paved surfaces increases water temperature, decreases oxygen content, introduces pollution, & adds sediment and nutrients. Is there a mitigation plan to monitor the water quality from water inputs from this area, the detention basins and other areas? How will water quality be monitored and by who?
- Any modification of the access road to elevate it or add pipes/water conveyance structures will impact the banks, vegetation, and natural path of the waterway.

THE DEIR FAILS TO ADDRESS HABITAT IMPACTS THAT WOULD OCCUR IN REGARDS TO TREATMENT OF THE SEWER/FIRE ACCESS ROAD OF THE COLLEGE PARK SOUTH PROPERTY. NO MITIGATION EFFORTS IN REGARDS TO THIS HAVE BEEN PROPOSED.

From the College Park DEIR (ES-29):

"Impact 3.9-3: The proposed Project would not alter the existing drainage pattern of the site or area, including the alteration of the course of a river or through the addition of impervious surfaces, in a manner which would result in substantial erosion, siltation, surface runoff, flooding, or polluted runoff. Impact LS – less than significant. Mitigation -None required."

The statement above is incorrect if the current College Park plans are not altered to relocate the existing sewer/fire access road. Currently SPMUD accesses the sewer line by driving south off of their easement road into the College Park South planned development area, thus avoiding the submerged part of the access road mentioned in previous comments above (see pic below).

The commenter then provides a picture with text notes illustrating their flood concerns, which is excluded here, but is provided in the letter above. The commenter then states:

This would appear to leave two options for how the access road location could be addressed. The first would be that the sewer easement/access road be moved inland to the south away from the point at which the creek occurs inland. This would be the better option for the creek and wetland habitat however it requires that the developer alter their plans to allow for the new path of the new access road.

From the City of Rocklin General Plan Open Space, Conservation & Recreation Element B-32:

***Policies for the Conservation, Development and Utilization of Natural Resources OCR-39** Require the protection of wetlands, vernal pools, and rare, threatened and endangered species of both plants and animals through either avoidance of these resources, or implementation of appropriate mitigation measures where avoidance is not feasible, as determined by the City of Rocklin.*

The city's policy would support the option of moving the road and thus with "avoidance" protect the wetlands (and sensitive species such as the Western Pond Turtle that needs riparian areas for juvenile offspring to hide from predators). Moving the road inward would be feasible since the sewer line in the western section of the road would be discontinued.

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The second option (which eliminates natural vegetative buffers) would be to keep the access road where it is and alter the flow of the creek & riparian bank area. Any work done in or to the waterway would require permits and consultation from other agencies such as the department of California Fish & Wildlife and the US Army Corps of Engineers. Section 404 of the Clean Water Act of 1977, regulates the alteration of wetland habitats, important in preserving vital habitat for the protected species California Black Rail, Western Pond Turtle and many other species. Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged and fill material into waters - no discharge of dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the waters would be significantly degraded. The City of Rocklin's policy **OCR-39** states that mitigation measures must be taken in this case. To elevate the existing access easement road would have a major impact on the waterway and habitat.

The impact would have long term effects by restricting the space of the natural flow and making the creek subject to further channelization. Roots of plants that would normally occur in a natural vegetative buffer area stabilize the bank of a waterway thereby preventing erosion. Without this stabilization, erosion and sediment would enter the creek area during high water flow causing significant impacts. Stabilizing the bank of the creek naturally without having a buffer space would be impossible in this scenario.

The City of Rocklin has specified that development projects be evaluated so that they do not create scenarios that may deteriorate or degrade the streambed.

From the *City of Rocklin General Plan 4B-33 October 2012 Open Space, Conservation & Recreation Element*:

"OCR-51 Evaluate development along stream channels to ensure that it does not create any of the following effects in a significant manner: reduced stream capacity, increased erosion or deterioration of the channel."

The College Park South plans indicate several sewer easements in other locations than the current access road (see pic below).

The commenter then provides a picture with text notes illustrating other sewer easements, which is excluded here, but is provided in the letter above. The commenter then states:

Historically it appears that the placement of where the access easement should be on this property was debated. At some point one easement should be chosen to be the primary path and all others should be legally abandoned.

It is also unclear as to how the access road surface shall be treated. Assuming that the developer leaves the access road along the path where it currently is and elevates it as mentioned in the second option above, the road would have no bank area between it and the creek waters. In a natural system vegetation along the bank areas also traps water and pollutants and slows the flow of stormwater runoff. Currently the access road has a surface layer of loose gravel. This allows for some soil permeability which helps prevent some storm water runoff (despite the minimized vegetation from clearing efforts), and helps reduce the introduction of pollutants into the creek water. This would be lost with an impermeable surface. If the developer chooses to pave the road there would be huge impacts to the creek waters and wetlands habitat. According to the EPA *"As little as 10 percent impervious cover in a watershed can result in stream degradation."* (https://www3.epa.gov/npdes/pubs/nps_urban-facts_final.pdf).

Impermeable surfaces limit the amount of precipitation that is able to soak into the soil to recharge groundwater. They replace the plants & soil that otherwise would naturally help to absorb and break down airborne pollutants. Impermeable surfaces absorb and radiate heat. It has been shown that temperatures in paved areas can be several degrees warmer than those of the surrounding region. This increases the rate of evaporation of the adjacent water and habitat. This effect would be compounded with drought, climate change,

and reduced airflow caused by bordering structures such as the multiple story buildings that the developer is proposing.

Another element to consider is the cumulative impact of pollution and sediment entering the creek waters and how this has effects downstream. This creek (unnamed tributary) joins the water flowing through Secret Ravine. Steelhead trout and Chinook salmon that make their way up through Secret Ravine could be affected by cumulative pollution. Ironically this could have a negative effect on inhabitants of the Secret Ravine creek area habitat on the Sierra College Campus that the College Park group is proposing to preserve as mitigation for the oaks removed from both north and south locations.

This comment is addressed under Master Responses 1, 2, and 4.

Response 16-12: This comment states the following:

MITIGATION EFFORTS SHOULD INCLUDE LARGER SETBACKS TO THE EDGE OF THE CREEK IN THE COLLEGE PARK SOUTH PLANS

ORCA-11 in the City of Rocklin's General Plan Policy Action Steps - Open Space, Conservation and Recreation Element states the following ;

- *Apply open space easements to all lands located within 50 feet from the edge of the bank of all perennial and intermittent streams and creeks providing natural drainage.*
- *The easement will also extend to include associated riparian habitat.*
- *In addition, the City may designate an easement greater than 50 feet for perennial streams when it is determined such a buffer is necessary to adequately protect drainage and habitat areas. In designating these areas as open space, the City is preserving natural resources and protecting these areas from development.*
- *However, features which may be considered acceptable within the 50 foot setback, buffer area and/or open space easements include, but are not limited to, de minimis encroachments of a public thoroughfare, bridges, trails, drainage facilities, utilities, and fencing intended to delineate or protect a specific resource.*
- *Installation and maintenance of those features shall minimize impacts to resources to the extent feasible.*
- *The above setbacks and buffers shall apply to residential and non-residential development unless the land owner can demonstrate that literal application of this Action Plan item would preclude all economically viable use of the land under existing zoning.*

The city specifically states that utilities are considered acceptable within the 50 foot setback buffer area of the creek but also states that "installation and maintenance of those features shall **minimize impacts to resources** to the extent feasible." The location of the current access road easement has not minimized the impacts to the creek bank in that vegetative buffers were required to be removed and in one section the area of the easement had to be bypassed since the waterway lies over that part of the road. This narrow space is made to deal with the impacts of a utility access road, drainage to the floodplain restricted by the elevated levee/berm that runs along the north bank of the creek, and public thoroughfare. This makes more than enough of an argument to increase the setback area of the creek beyond 50 ft so that (as the city states) an effort is made to **minimize impacts to resources** of the creek waters and habitat. The fact that there are several sewer access road easements shown in the existing plans goes to show that this area has been difficult to consider in regards to accomplishing the needs of the natural habitat and those of the land owner. In ORCA-11 the buffer to be considered is one that "**is necessary to adequately protect drainage and habitat areas**". To protect the health of the creek habitat it is not just important to "**extend** (the setback buffer) **to include associated riparian habitat**" but it is also important to prevent channelization of the waterway by reducing its width such that natural meandering & slowing of the waters cannot occur with the input of additional runoff and flooding.

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Although the City of Rocklin does not state in the General Plan what a healthy creek habitat is there are many sources and studies that conclude that healthy waterways have these elements:

- They are connected to the floodplain & contain space enough to flood (which includes added runoff from adjacent areas)
- They have banks that are stabilized by vegetation and there is minimal bank erosion
- They meander to create a variety of habitat areas such as pools, runs, and riffles
- They have room to adjust to changing climate conditions, seasons, and the physical changes that occur in the landscape long term
- They have areas of shade from trees & vegetation that helps cool the water
- They have areas to provide for wildlife and contain a diverse group of insect, fish, and vertebrate species.
- The waterway contains water quality & levels of dissolved oxygen to support a diverse group of benthic macroinvertebrates (the presence of these animals are used as a standard measure of the stream water quality)
- They have areas that allow for water to be filtered of pollutants through processes like sedimentation (where heavy metals and other pollutants stick to soil particles and are buried when the particles settle to the bottom)
- They have areas of plants that absorb excess organic nutrients & convert them to less harmful forms, thus protecting the water from nutrient overload that can result in harmful algal blooms, the production of toxic chemicals, and hypoxia.
- They are able to recharge groundwater supplies that later helps the habitat retain moisture during dry periods

Finally, designating greater setbacks does not “preclude all economically viable use of the land under existing zoning”.

This comment is addressed under Master Responses 1, 2, and 4.

Response 16-13: This comment states the following:

THE DEIR DOES NOT ADDRESS THE IMPACT THAT THE COLLEGE PARKS PROJECT WOULD HAVE ON THE EXISTING WILDLIFE CORRIDOR. NO MITIGATION EFFORTS IN REGARDS TO THIS HAVE BEEN PROPOSED.

From the College Parks DEIR (pg ES-16)

“ Impact 3.4-9: The proposed Project would not interfere substantially with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites. Mitigation Measure - None required.”

There must be connection among habitats for the ecology of a specific habitat to function well and thus the need for connections among off-site located habitats. The unnamed tributary along with its surrounding habitat on the College Parks South location serves as a wildlife corridor. Evidence of this comes from the observation of species that often move great distances depending on season, territory, or survival needs. Species such as the Bobcat and River Otter, which require territory or foraging spaces much larger than the College Parks area have been seen in the College Parks South location. Bobcats have large territory spaces often 25-50 square miles in size. A mother Bobcat with at least 2 kittens was observed along the creek area of the College Parks South area in 2016 (see image in previous comments).

This comment is addressed under Master Response 4.

Response 16-14: This comment states the following:

THE COLLEGE PARK DEIR FAILS TO ADDRESS IMPACTS THAT WOULD OCCUR IN REGARDS TO THE CULVERT PLACEMENT AND SINGLE ROADWAY THAT LEADS TO THE HIGH DENSITY RESIDENTIAL SIERRA COLLEGE SENIOR APARTMENTS LOCATED NORTH OF THE CREEK IN THE COLLEGE PARK WEST AREA

The plans proposed for Sierra College Senior Apartments show only **one** roadway into and out of the high density residential area. This roadway is planned to utilize under road culverts to cross the area of drainage that runs northeast to southwest then flows into the creek (which runs from east to west beside Monte Verde Park). Nothing in the DEIR mentions impacts that this single exit/entrance may have nor does it mention what mitigation measures would be taken in regards to these impacts.

Since there is not an alternate roadway in and out of the high density residential Sierra College Senior Apartments the road proposed must be reliable at all times for any future residents in the event that emergency services are required. Culverts can fail over time and can become blocked with debris after storms. Recently the culverts under the nearby street of El Don Drive became unstable enough such that the entire roadway was closed for repairs starting on 10/25/21 and is still closed as of 11/2/21. Situations such as this cannot happen to the roadway proposed for Sierra College Senior Apartments because there is not an alternate route in or out. Any flooding that could potentially occur with this roadway would also cause impacts. Bordered by the creek at the south edge of the property and the pre-existing developed areas to the east and west, this area does not have potential for alternate routes. This area is a poor choice for high density types of development. Although the area in the College Parks west location on the corner of Rocklin Rd. and El Don Dr. is not currently zoned for this type of project it is located along one edge of Monte Verde Park and has the potential to have routes that do not cross drainage or waterways in and out from two streets rather than one.

The other impacts that the roadway culvert of Sierra College Senior Apartments would have are in regards to the drainage/waterway that flows into the creek. Impacts include flooding and the introduction of pollutants from the street & impermeable surfaces. Permits from the appropriate agencies to alter the flow of water through a culvert and build over the natural environment would be required. The DEIR does not acknowledge impacts or propose mitigation.

Vehicular access to the multi-family parcel would be provided by a right-turn only driveway on Rocklin Road. The driveway would be situated about 900 feet east of El Don Drive and 530 feet west of Havenhurst Circle. According to Table 3.14-5 of the DEIR, the senior, multi-family project would result in less than 50 vehicles per hour using this driveway, which is considered a modest level of utilization. Since the driveway would be situated over 1,500 feet west of the Sierra College Boulevard driveway and restricted to right-turns only, driveway operations would not have any adverse effects on the Rocklin Road/Sierra College Boulevard intersection.

This comment is addressed under Master Responses 1 and 2.

Response 16-15: This comment states the following:

THE COLLEGE PARK DEIR FAILS TO ADDRESS IMPACTS THAT WOULD OCCUR IN REGARDS TO THE SEASONAL WETLANDS & ADJACENT CREEK TO THE NORTH OF THE SIERRA COLLEGE SENIOR APARTMENTS PROJECT

In the proposed plans for the Sierra College Senior Apartments the parking areas to the north of the seasonal wetlands do not have adequate setbacks. Again the city of Rocklin General Plan states:

“ORCA-11 Apply open space easements to all lands located within 50 feet from the edge of the bank of all perennial and intermittent streams and creeks providing natural drainage. The easement will also extend to include associated riparian habitat”

OCR-11 Protect the groundwater recharge value of riparian and wetland areas while recognizing that minor modifications to such areas may be a necessary outcome of the development process.”

Water from the seasonal wetlands depression seeps into the creek to the south. There is no document available to view how close that the Sierra College Senior Apartments building and parking area is from the mapped seasonal wetlands that are shown on Fig 4 of the DEIR Appendix C Biological study. The DEIR does not address the impacts of these structures upon the habitat of the remaining seasonal wetlands and runoff from parking areas into this area and then into the main creek to the south. Again vegetative buffers are needed to reduce pollution, sediment, and erosion that could enter the waterway and impact the natural habitat. Also as stated previously flooding issues can arise from lack of ground permeability. To get a rough approximate idea, below is a composite image from the Sierra College Senior Apartments plans placed on top of the seasonal wetlands (shown in light yellow- green) mapped in Fig 4. (see next page).

Not only is there no setback of the parking area along the southern area of the property within the seasonal wetland area in the east but it would appear that part of the parking lot covers a portion of the seasonal wetland area. This could not be considered as a “minor modification” to the riparian area and would impact the waters of the creek. If the developers are considering filling in these seasonal wetlands the impacts must be determined and the proper permits and mitigation must be followed. It must be stated that the high density residential plans for Sierra College Senior Apartments have not had the same amount of time to be thought through and revised as other plans in the total College Park Project North & South. The application for this project was only first received by the city on June 15, 2021. There are no plans that have proposed elements such as land grading, storm drainage, sewer lines and utilities, etc.. This limits what may be analyzed & discussed in the Draft Environmental Impact Report (agencies cannot comment on what is not yet in the plans) and it could be argued that the project is by passing the process of CEQA in this manner. All of these unclear elements have impacts that must be addressed and mitigated for.

The commenter then provides a picture with text notes illustrating a site plan for the apartments overlaid on a habitat map, which is excluded here, but is provided in the letter above.

This comment is addressed, in part, under Master Responses 1, 2, 4, and 12.

Response 16-16: This comment states the following:

MITIGATION IN THE COLLEGE PARKS DEIR PROPOSED FOR THE IMPACT TO NATIVE OAK TREES IS INSUFFICIENT

For purposes of clarity, I will use the term “on campus site” to mean the proposed oak woodland mitigation area of +/- 19.3 acres on the Sierra College Campus that consists of the Secret Ravine Tributary (see map of area from the College Parks DEIR Appendix C Fig 3 pg 11)

The commenter then provides a figure from the Biological Resources Assessment, which is excluded here, but is provided in the letter above. The commenter then states:

- The mitigation effort does not replace lost oaks. There is a net loss of oaks within the total environment. No matter what the value of the established on campus site oak habitat is there is no potential in this scenario for the number of oaks in the total environment to return even partially to where it started. The effort also does not clearly indicate that action will be taken to improve the environment of the on campus site (such as habitat restoration, replanting fallen trees etc.) or what measures will be taken to ensure that the existing oak trees

will survive into the future. The mitigation proposal instead states that the value of the established on campus site oak habitat compensates the net loss of oaks which is incorrect (see issues with this below).

- The on campus mitigation area is the same space that the Sierra College Nature Trail runs through. There are strong indications on the Sierra College website and from the published Field Guide (Sierra Foothills Nature Guide: A Guide to Biology and Ecology of the Sierra College Nature Trail, ISBN 0-9716046-1-4) that Sierra College already has had intentions to preserve this site into the future.

Below is from the Sierra College website -

“About the Rocklin Campus

The Rocklin Campus first opened in 1962. It spans 311 acres of land nestled in the Sierra Nevada foothills of South Placer County. We are minutes from Sacramento along Interstate 80 in one of the most rapidly growing areas of California. Our campus features over 50 buildings, including technology labs, a campus center, and a four-story Learning Resources Center that hosts our robust library and computer labs. We are also proud of our Natural History Museum, our extensive West Arboretum, our athletic facilities, and our 70 acres of walking trails that snake through oak woodlands.”

“Nature Trails. Our nature trails wind through 70 acres of local foothill oak woodlands and stream-side communities along Secret Ravine. From our natural hideaways, you can spot local wildlife and hike by vernal pools, including some made from 19th-century gold excavation sites.”

(Available at: <https://www.sierracollege.edu/about-us/visit/rocklin-campus.php>. Visit Sierra College:Rocklin Campus | Sierra College. Retrieved: October, 30, 2021.)

The developer cannot make a mitigation effort to conserve land that another already intends to conserve.

- The DEIR presupposes that the oaks to be preserved at the on campus site would be otherwise lost if the mitigation effort was not made. This is false for the following reasons. The on campus site has areas of steep terrain. Due to the topography it would be very difficult to build upon or even remove some of the existing oaks that are there since removing the trees would also create erosion issues. In the case where the site was not preserved it still would have some protections under California Fish & Wildlife and other agencies due to the existence of migrating salmon in the waterway. The mitigation land is in less danger of oak loss due to construction for these reasons.
- The on campus mitigation site width is narrow. Judging by the nearby Sierra College Campus building Weaver Hall that is about 170 ft across, the width of the on campus site is not greater than about 200 ft.. Due to this more oaks are located closer to the perimeter of the preserve and are subject to the environmental impacts of construction on campus, impacts along the west boundary beside the freeway, or whatever else is planned along the perimeter of this area. Many oaks cannot be protected along the borders.
- The on campus mitigation site is a poor environment for biological diversity. The current on campus site has a great deal of natural habitat with additional oaks along its western border that does not fall within the bounds of the proposed mitigation space thus its current diversity will not be protected unless the mitigation encompasses the entire space. The on campus site shape and size has very little interior habitat with a great quantity of its edges being transitional areas. In this type of space more non-natives are potentially introduced along the borders and there is more exposure to disease. Species that require interior spaces to breed have reduced areas. It is incorrect for the DEIR to state that this habitat has and would continue to have the “ecological complexity” that it infers.
- The on campus site is in close proximity to the freeway. Sounds and pollution from the constant traffic along I-80 make this area not ideal for the trees and ecosystems they would typically support in another location that does not have such noise levels. (Noise pollution results in less diversity of other species, including birds etc. that trees rely on for seed distribution.) The DEIR claims that there is greater species diversity within the bounds of the on campus site but fails to show proof of this with biological survey results.

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- The educational value of the on campus site is of limited value for science study of natural ecosystems since such a narrow strip of land is not representative of a natural habitat and is less diverse with the added effects of its borders (i.e. freeway noise, pollution, campus development, and human activity).

This comment is addressed under Master Response 5.

Response 16-17: This comment states the following:

THE DEIR DOES NOT PROPOSE SUFFICIENT MITIGATION FOR THE SIGNIFICANT TRAFFIC IMPACTS THAT WOULD OCCUR DUE TO THE PROPOSED COLLEGE PARK PROJECT

The DEIR lists street construction projects that the city of Rocklin proposes to build but has not done so yet due to lack of funds or for other reasons. These are below:

The following describes the key roadway network assumptions in the model within the study area:

- *Rocklin Road is widened to have six continuous lanes from east of I-80 to Sierra College Boulevard per the City's adopted Circulation Element. A small amount of widening to six lanes is also planned/assumed between the I-80 WB Ramps and Granite Drive.*
- *Sierra College Boulevard is widened to consist of three continuous travel lanes in each direction from south of I-80 to just beyond El Don Drive per the City's adopted Circulation Element. A small amount of widening to six lanes is also planned north of Granite Drive.*
- *Dominguez Road is extended southeast from Granite Drive over I-80 to Sierra College Boulevard (as two lanes) per the City's Circulation Element.*
- *I-80/Rocklin Road and I-80/Sierra College Boulevard interchanges are assumed to remain in their current conditions, though it is noted that partial funding for improvements to the Rocklin Road interchange is included in the City's CIP / Traffic Impact Fee program. The City is contemplating greater funding allocations to both interchanges as part of future CIP/Traffic Impact fee program updates (in conjunction with the Circulation Element update). As part of planned/funded improvements to the I-80/SR 65 interchange, the eastbound off ramp at Rocklin Road is planned to be upgraded to a two-lane exit (i.e., becomes the terminus of an auxiliary (weave) lane between SR 65 and Rocklin Road.*
- *Minor Improvements such as additional turn lanes, are assumed at several signalized study intersections (e.g., Rocklin Road/Granite Drive, Sierra College Boulevard/Granite Drive, Sierra College Boulevard/Rocklin Road) consistent with mitigation measures contained in the City of Rocklin General Plan (2011).*

There are several issues with this:

1. Undue traffic hardships placed on the community by the huge numbers of added traffic resulting from the College Parks project being constructed BEFORE Rocklin City street & overpass improvement projects are completed. Cart before the horse scenario.
2. The possibility exists that the City of Rocklin may be unable to get the funding for projects and time extensions may delay alleviation of impacts caused.
3. Despite all the extensive efforts made in the DEIR traffic studies to come up with an idea of what might actually occur as a result of the College Parks development project, it is important to remember that all of these calculations are not actual outcomes. For this reason it would be wiser to proceed with a project this large in scope only AFTER the city has made the alterations of the roadway and overpasses as specified in its plans.

At the very least the city should complete at least a few of the roadway projects before development is initiated. The DEIR does not currently propose adequate mitigation efforts

Finally, I would like to state that in participating in the process of researching, reading and writing comments for this DEIR I have learned much about CEQA, my community, those that work for my city & county, and the agencies that guide them. I have met many helpful knowledgeable people who have taken time out of their schedules to provide information that may help determine the best solutions for these issues. It is recognized that growth in our city is unavoidable. However, members of our community, future residents, and the students of Sierra College should not have to bear the burden of impacts that come from poor choices made in neighboring spaces. Some of these impacts are potentially permanent losses that will carry on well into the future. My comments here along with all the voices in our community are part of this history. I hope that we all can make the sacrifices needed for the people, environment, and future of our crowded world.

Review of the existing and existing plus project AM and PM peak hour traffic forecasts reveals that the proposed project would cause an 18 percent increase in traffic on Rocklin Road east of Aguilar Road, a 12 percent increase in traffic on Sierra College Boulevard south of Bass Pro Drive, and an 11 percent increase in traffic at the Sierra College Boulevard/Rocklin Road intersection. Whether this increase constitutes 'huge' or not is largely irrelevant because intersection delay is no longer considered a significant impact under CEQA. Nonetheless, these calculations have been prepared to quantify the traffic increase.

It is typical for public agencies to allow development to begin prior to certain improvements being made because the early development phases generate impact fee revenues that help fund those improvements. Funding for these improvements occurs from multiple sources including the City's Capital Improvement Program (CIP). The project will be conditioned to contribute its fair share to the cost of circulation improvements via the existing citywide traffic impact mitigation (TIM) fee program that would be applied as a uniformly applied development policy and standard. The traffic impact mitigation fee program is one of the various methods that the City of Rocklin uses for financing improvements identified in the Capital Improvement Program (CIP). The CIP, which is overseen by the City's Public Services Department, is updated periodically to respond to changing conditions and to assure that growth in the City and surrounding jurisdictions does not degrade the level of service on the City's roadways. The roadway improvements that are identified in the CIP in response to anticipated growth in population and development in the City are consistent with the City's Circulation Element. The traffic impact fee program collects funds from new development in the City to finance a portion of the roadway improvements that result from traffic generated by the new development. Fees are calculated on a citywide basis, differentiated by type of development in relationship to their relative traffic impacts. The intent of the fee is to provide an equitable means of ensuring that future development contributes their fair share of roadway improvements, so that the City's General Plan Circulation policies and quality of life can be maintained. Of the more significant roadway projects noted by the commenter, the City's current Capital Improvement Program includes Rocklin Road widening to six lanes from west of Sierra College Boulevard to the Interstate 80 (I-80) Eastbound Ramps and from the I-80 Westbound Ramps to west of Granite Drive, Sierra College Boulevard widening to six lanes from the Aguilar tributary to I-80 and the Dominguez Road extension from Sierra College Boulevard to Granite Drive.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Ongoing studies of improvements to the I-80/Rocklin Road interchange are targeting an opening date of year 2028 for the new interchange. While delays are always possible with infrastructure projects, the fact that detailed traffic operations analysis is being performed for a 2028 opening day and a 2048 design year horizon suggests some level of confidence in the interchange reconstruction timing.

EIRs rely on calculations to predict expected outcomes. They focus on analyses of proposed projects or actions, which by definition cannot have already occurred so that their outcome may be known. The transportation analysis in the DEIR relied on state-of-the-practice analytical techniques to estimate project trips, evaluate VMT impacts, and identify mitigation measures. This comment does not raise any specific topics related to the accuracy or correctness of the EIR. Therefore, no further response is needed.