

**From:** Dave Sniecchi <[djsniecchi@sbcglobal.net](mailto:djsniecchi@sbcglobal.net)>

**Date:** November 3, 2021 at 5:14:46 PM MDT

**To:** David Mohlenbrok <[David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)>, Bret Finning <[Bret.Finning@rocklin.ca.us](mailto:Bret.Finning@rocklin.ca.us)>, Nathan Anderson <[Nathan.Anderson@rocklin.ca.us](mailto:Nathan.Anderson@rocklin.ca.us)>

**Subject:** College Park Draft EIR - Comments

**Reply-To:** Dave Sniecchi <[djsniecchi@sbcglobal.net](mailto:djsniecchi@sbcglobal.net)>

### **David Mohlenbrok,**

The Sniecchi family has some serious concerns about the harmful and/or costly impacts of the North Village project on the Sniecchi property and request that more accurate and consistent data be obtained and incorporated into the draft EIR for further review. Alternatively, before the City proceeds with College Park, we'd like to see changes made to the project and conditions placed upon it that will mitigate the potential damage and expense to our family. Our two main concerns are with the project's storm water management and the impact of additional traffic from College Park.

17-1

### **Storm Water:**

The natural watershed from the 72.6 acre North Village project is a sheet flow that travels north, down and across a more than 1,000' border with our property, toward Secret Ravine creek. According to the EIR the project intends for all of the current natural runoff, plus an additional 2.8 acres of runoff, to be collected just above our property, then discharged out of 2 pipes (within a few feet of the property line) in a concentrated flow, down onto our property. The Hydrology section (3.9) of the EIR describes those pipes as 6" in diameter while Appendix G's (Preliminary Drainage Study) Exhibit 3 (Grading) shows the discharge of water down onto our property from 24" diameter pipes. Our family has submitted plans to the City showing a proposed development of single family homes whose back yards will be on the property line with North Village, just a few feet from the proposed concentrated discharge of water. Collection basins this close to, and uphill from, future residents of the Sniecchi project may result in dangerous seepage, breach, new unwanted habitats, etc. Whether our project proceeds or not, the studies conducted and plans proposed for North Village are completely insufficient to protect our property from North Village's substantial alteration of the existing drainage pattern that will result in erosion, an increase in the rate and amount of surface runoff that may result in flooding, and redirecting flood flows that may also disrupt, alter, and possibly endanger the aquatic and terrestrial wildlife, and create or disrupt wetlands. Much of this is contrary to Rocklin's General Plan policies (e.g. Community Safety Element, Flooding Policy S-11).

17-2

**Traffic:**

The City of Rocklin’s response to the Sniecchi’s pre-application package mentioned that “development...will be required to complete frontage improvements and widening of Sierra College Boulevard, including the creek crossing...” (SCB Secret Ravine creek bridge). It seems unreasonable for us, the landowners of a relatively small project, to be burdened with a major capital improvement that has regional significance and benefits so many. I would expect this type of project to be funded by a federal, state, or regional transportation improvement program such as STIP or SPRTA, and at the very least be part of some kind of cost sharing by development in the area, based on projected traffic across the Secret Ravine creek bridge. Given that the Sniecchi property development will yield a small fraction of the traffic created by College Park it seems that, in lieu of alternate funding sources, College Park should be contributing to the cost of this capital improvement. Given the traffic related studies performed with the EIR it is difficult to accurately determine College Park’s traffic impact (under CEQA section 15064.3), especially in light of the fact that thresholds of significance for traffic/VMT have not yet been devised or adopted.

17-3

**Response to Letter 17: Dave Sniecchi, Public Comment Submission**

**Response 17-1:** This comment indicates that their family has some serious concerns about the harmful and/or costly impacts of the North Village project on the Sniecchi property. The commenter requests more accurate and consistent data be obtained and incorporated into the DEIR for further review. The commenter would like to see changes made to the project and conditions placed upon it that will mitigate the potential damage and expense to their family. The commenters two main concerns are with the project's storm water management and the impact of additional traffic from College Park.

This comment is an opening statement by the commenter, introducing themselves stating that their family has concerns with storm drainage and traffic. Each of those concerns are more fully discussed in the comments that follow. This comment is an introductory statement and does not warrant a response.

**Response 17-2:** This comment notes that the natural watershed from the 72.6-acre North Village project is a sheet flow that travels north, down and across a more than 1,000-foot border with their property, toward Secret Ravine creek. The commenter indicates that the project intends for all of the current natural runoff, plus an additional 2.8 acres of runoff, to be collected just above their property, then discharged out of 2 pipes (within a few feet of the property line) in a concentrated flow, down onto their property. The commenter references Section 3.9 Hydrology, which describes those pipes as 6 inch in diameter. The commenter notes that Appendix G's (Preliminary Drainage Study) Exhibit 3 (Grading) shows the discharge of water down onto our property from 24-inch diameter pipes. The commenter states *"Our family has submitted plans to the City showing a proposed development of single family homes whose back yards will be on the property line with North Village, just a few feet from the proposed concentrated discharge of water. Collection basins this close to, and uphill from, future residents of the Sniecchi project may result in dangerous seepage, breach, new unwanted habitats, etc. Whether our project proceeds or not, the studies conducted and plans proposed for North Village are completely insufficient to protect our property from North Village's substantial alteration of the existing drainage pattern that will result in erosion, an increase in the rate and amount of surface runoff that may result in flooding, and redirecting flood flows that may also disrupt, alter, and possibly endanger the aquatic and terrestrial wildlife, and create or disrupt wetlands. Much of this is contrary to Rocklin's General Plan policies (e.g. Community Safety Element, Flooding Policy S-11)."*

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

**Response 17-3:** This comment notes that the City of Rocklin's response to the Sniecchi's pre-application package mentioned that "development...will be required to complete frontage improvements and widening of Sierra College Boulevard, including the creek crossing..." (SCB Secret Ravine creek bridge). The commenter states that *"It seems unreasonable for us, the landowners of a relatively small project, to be burdened with a major capital improvement that has regional*

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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*significance and benefits so many. I would expect this type of project to be funded by a federal, state, or regional transportation improvement program such as STIP or SPRTA, and at the very least be part of some kind of cost sharing by development in the area, based on projected traffic across the Secret Ravine creek bridge. Given that the Sniecchi property development will yield a small fraction of the traffic created by College Park it seems that, in lieu of alternate funding sources, College Park should be contributing to the cost of this capital improvement. Given the traffic related studies performed with the EIR it is difficult to accurately determine College Park's traffic impact (under CEQA section 15064.3), especially in light of the fact that thresholds of significance for traffic/VMT have not yet been devised or adopted."*

This comment pertains primarily to a different, unrelated proposed land development project near the North Village and what requirements the City could impose on its approval. The comment does not raise any issues with the technical analysis in the DEIR.

It should be noted that the Placer County Transportation Planning Agency (PCTPA), as the designated Regional Transportation Planning Agency for Placer County, has confirmed to the City of Rocklin that the ultimate widening of Sierra College Boulevard to six lanes in the vicinity of the project is part of the funding program for the joint powers authority known as the South Placer Regional Transportation Authority's (SPRTA), which is comprised of the Cities of Lincoln, Rocklin, Roseville and Placer County. For Sierra College Boulevard between Interstate 80 and Rocklin Road, the fees collected from the SPRTA program would go toward the inside lane widening on Sierra College Boulevard (improvements that have already been completed) and the outside lanes would be attributed to non-SPRTA sources (e.g., new development) as part of the frontage improvements for the respective properties along Sierra College Boulevard.



**TOWN OF LOOMIS**

3665 Taylor Road, P.O. Box 1330, Loomis CA 95650

November 3, 2021

Mr. David Mohlenbrok  
Community Development Director  
City of Rocklin  
3970 Rocklin Road  
Rocklin, CA 95677

RE: College Park Project Draft Environmental Impact Report

Dear Mr. Mohlenbrok,

Please accept the following comments from the Town of Loomis on the September 24, 2021 Draft Environmental Impact Report for the proposed College Park Project in the City of Rocklin.

Thank you for your consideration of our comments and for continuing to send us any referrals that may have any impact on Sierra College Boulevard, Rocklin Road, and other roadways/land uses with in the Town of Loomis.

Sincerely,

Mary Beth Van Voorhis  
Planning Director

Attachments: Town of Loomis staff comments, November 8, 2021  
Kittelson & Associates Transportation and Circulation comments, October 29, 2021

(916) 652-1840 ~ (916) 652-1847 fax  
3665 Taylor Road ~ P.O. Box 1330 ~ Loomis, CA 95650

18-1

Town of Loomis Staff Comments

City of Rocklin College Park Draft Environmental Impact Report (DEIR) September 2021

**General Comments**

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|--|-------------|
| <p>1. The traffic study assumes 378 multi-family dwelling units for the North Village high density residential uses. However, the DEIR states that the High Density Residential (HDR) zoning could provide 325 to 668 multi-family units (pages 2.0-10, 3.10-10, and 3.10-19). The DEIR alternatives chapter also references the possibility of more multi-family residential units than were studied in the traffic study (page 5.0-3, 505 to 848 multi-family units). The traffic analysis, and other resource chapters of the DEIR (e.g., public services and utilities), therefore underestimates the potential impacts of the project by ignoring the range of potential multi-family residential development reported in the DEIR Chapter. DEIR Table 2.0-5 references a project applicant project information package dated April 22, 2021 that would apparently provide more details on the proposed project, but that package is not posted on City's website for the public to review.</p> | <p>18-2</p> |
| <p>2. The traffic analysis failed to study Rocklin Road intersections east of the North Village (e.g., St. Francis Woods Dr.). The analysis included similar and smaller unsignalized intersections along Rocklin Road within the City of Rocklin, and should have included similar unsignalized intersections located within Loomis. Please add analysis to document potential impact to the operation of these intersections.</p>  | <p>18-3</p> |
| <p>3. Affordable senior housing units are referenced for the South Village in Chapter 2, but the proposed general plan land use and zoning designations would allow full market rate residential units. Are the multi-family residential units in South Village analyzed as market rate units, or as affordable housing units in the traffic study? What is the difference in trip generation and vehicle miles traveled (VMT) for affordable senior housing units versus full market rate units? If the units were analyzed as affordable senior units (but could be built as market rate units), did the traffic analysis and other resource areas such as schools, population, etc. under report the potential impacts of residential development proposed within the South Village HDR (PD-15.5+)? If the public services (e.g., schools) analysis assumed the residential units would be full market rate units for a worst-case analysis, then the traffic analysis should do the same.</p>    | <p>18-4</p> |
| <p>4. Analysis of potential traffic impacts associated with the South Village high density residential site entrance on Rocklin Road are under reported. The proposed driveway for the South Village high density housing site will adversely impact Rocklin Road operations because of its proximity to the intersection with Sierra College Boulevard and there is no other alternative access for the 180 high density units located in this part of the South Village. This analysis should be addressed in the DEIR.</p>  | <p>18-5</p> |
| <p>5. Cumulative development consisting of College Park, Sierra College expansion and other residential development recently approved for southeast of the Rocklin Road/Sierra</p>   | <p>18-6</p> |

November 3, 2021

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College Blvd intersection will exceed the roadway capacity that can be accommodated under ultimate Rocklin Road right-of-way (ROW) improvements. The roadway corridor/ROW cannot handle the vehicle trips that this project and other recently approved Rocklin projects, including Sierra College, apartments southwest of the North Village, etc., will create. The Rocklin Road corridor cannot be funded with impact fees and improved with new turn lanes and striping to address the level of service (LOS) impacts created by these Rocklin projects, and therefore adverse impacts to residents in neighboring jurisdictions like Loomis will occur. This needs to be addressed in the DEIR.

18-6 Cont.

6. Based on the range of potential units that could be constructed in the HDR zone (up to 36 units per acre according to page 2.0-10), all other DEIR impacts that use residential unit count or population (e.g., parks, schools, land use compatibility) are under-reporting potential impacts of the project. The DEIR analysis should be updated to address the higher range of potential residential units.
7. The DEIR should include an alternative that eliminates the significant and unavoidable impacts reported for VMT. The DEIR alternative analysis section does not adequately explain why a reduced footprint/density/intensity alternative was not developed that would avoid significant and unavoidable impacts (e.g., VMT). Page 5.01-51 simply states that "neither the Reduced Footprint Alternative nor the Increased Density Alternative fully meet all of the Project objectives". Basing the project objectives solely on the number of housing units or square footage that is developed is wrong. In this case, the College could defer ultimate buildout of the properties. Maintaining a larger portion of the project site as open space for future development, to a time when vehicle trip making is reduced and VMT standards can be met, is a valid consideration. The argument that a reduced footprint/density/intensity alternative cannot meet the project objectives is not supported.
8. Detailed applicant materials such as the tentative maps and preliminary site plan posted on the City's website are not representative of the project studied in the DEIR. The provided materials from November 12, 2020, seem to include the Project materials as documented in the Notice of Preparation, but are not consistent with the more general project description contained in the DEIR. <https://www.rocklin.ca.us/post/college-park-formerly-sierra-villages>.
9. Applicant materials posted on the City's website include mixed use zoning for the southern end of the North Village rather than the Commercial and HDR zones studied in the DEIR. The detailed plans for the project as studied in the DEIR should be provided for review along with the DEIR documentation. DEIR Table 2.0-5 references a project applicant project information package dated April 22, 2021 but that package is not available on the City's website for the public to review.

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**Chapter 2 Project Description**

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| 1. Page 2.0-10 states that lowest densities are along the eastern boundary of the North Village, but that is untrue in the high density residential at the southern end of the North Village which also abuts the eastern boundary of the North Village. These uses are not compatible with the rural residential uses in the Town of Loomis. This statement should be corrected and clarified.  | 18-10 |
| 2. Page 2.0-10 states that the PD-15.5+ designation (North Village) would allow for the development of 325 to 668 multi-family units on 18.5 acres. However, Table 2.0-5 indicates that 378 units would be located in high density residential zones. The number of units proposed needs clarification. In either case, a density of 18 to 36 units per acre is not compatible with residential estate land uses (minimum 2.3 acre residential lots) immediately to the east in the Town of Loomis.  | 18-11 |
| 3. Proposed North Village residential lot sizes are not compatible with adjacent land uses to the north and east. The physical impacts of such dense residential development include aesthetics, light and glare, nighttime lighting, noise, AQ/GHG, biological resources, circulation on adjacent roadways, pedestrian safety on Sierra College Boulevard, public service providers, and water quality/hydrology, and the EIR needs to evaluate those impacts.  | 18-12 |
| 4. Population estimates for the residential units are likely low because of the project's proximity to the Sierra College site, and the fact that students will maximize occupancy to save money. As a result, estimates of impacts related to population are incorrect.   | 18-13 |
| 5. Developing urban uses adjacent to Loomis agricultural uses poses wildland fire risks. The nearest fire station is not equipped for the type of high-density residential land uses proposed. This should be addressed in the EIR.  | 18-14 |
| 6. Roadway construction required in the South Village to access both residential zones is not permissible based on impacts to regulated waters of the United States and is inconsistent with land use, open space/natural resources goals and policies of Rocklin General Plan. See DEIR Figure 3.4-5b. It is also inconsistent with Conservation, Development and Utilization of Natural Resources policies OCR-39 and OCR-40. The EIR needs to address this.   | 18-15 |
| <br><b>Chapter 3</b>   |       |
| 1. Aesthetics/Visual Resources 3.1-1: Urban development proposed at the North Village, especially high density residential on the SE corner, will impact the visual character of Rural Estate land uses in Loomis and should be considered a significant impact. Consistent with Rocklin Municipal Code requirements for Design Review, the Project must be modified to expand low density residential and/or open space along the eastern boundary of the North Village to eliminate impacts to non-urban Loomis land uses. Page 3.1-9 of the DEIR states that an objective of the Design Review process is to, | 18-16 |

- “... encourage harmonious and compatible development; reduce potential visual conflicts with adjacent development (both existing and proposed)....” High density residential structures will create visual conflicts with adjacent rural residential uses in Loomis. Please address this impact and provide appropriate mitigation measures.

18-16 Cont.
- 2. Air Quality 3.3-1: Instead of listing the standard PCAPCD mitigation measures and stating the impact is significant and unavoidable, the DEIR should reference Chapter 5 to determine which alternative could be selected to reduce the impact.

18-17
- 3. Biological 3.4-4: Mitigation for Swainson’s hawk is not adequate to reduce impacts to a less than significant level. The existing North Village nest site should be avoided by expanding the open area zone within the North Village. North Village development plans should be modified to provide open space around the nest location and maintain the nest site for future activity. Existing foraging habitat located east of the North Village in the Town of Loomis also supports the existing nest site.

18-18
- 4. Biological 3.4-10: Mitigation for loss of oak woodland (College Park Oak Tree Mitigation Plan - Appendix C, Attachment E) proposes a permanent conservation easement in an offsite location along Secret Ravine Creek. The selected location is currently zoned Open Area. Protection of an oak woodland located within a site already zoned Open Area is inadequate compensation for the loss of oak woodland within the North Village, where no part of the site is currently zoned Open Area, and the South Village, where some of the proposed impact is located within Open Area zoning. A mitigation site with similar zoning (with potential for future development) must be identified to offset the impacts to the oak woodland. In addition, there is a conflict in the Oak Mitigation Plan as Figure 3 indicates that the proposed conservation area is 19.3 acres while the text in the Plan and DEIR indicate that 22.5 acres would be preserved.

18-19
- 5. Greenhouse Gases 3.7-1: The analysis documents CO<sub>2</sub>e emissions of 11,764 metric tons/year for the unmitigated project. Mitigation measure 3.7-1 is proposed to reduce emissions to less than the Placer County Air Pollution Control District (PCAPCD) threshold of 10,000 MT CO<sub>2</sub>e/year but does not document specifics to ensure emissions will be reduced. The Air Quality impact analysis (section 3.3) used similar assumptions, yet those impacts were determined to be significant and unavoidable. The analysis for 3.7-1 also indicates that because of mitigation measure 3.7-1, the project would be consistent with PCAPCD’s efficiency matrix for impact significance determination of 4.5 MT CO<sub>2</sub>e per capita for urban residential projects but uses an incorrect assumption and divides an emissions threshold of 10,000 MT CO<sub>2</sub>e, rather than the unmitigated total of 11,764 MT CO<sub>2</sub>e, by estimated population (2,520). Using the unmitigated total, since a mitigated total cannot be determined, the result is 4.67 MT CO<sub>2</sub>e, which exceeds the standard. The DEIR analysis indicates that purchase of carbon credits is an option to offset the project impacts should the applicant fail to demonstrate reductions or if local offsets are not available. Carbon credits must not be relied upon to ensure mitigation of greenhouse gas (GHG) impacts at the Rocklin/Loomis boundary. An “action” alternative

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| <p>should be developed that reduces development intensity/density and meets the GHG emissions standard.</p>  | 18-20 Cont. |
| <p>6. Land Use 3.10: DEIR page 3.10-7 indicates the Rocklin General Plan EIR states, "The analysis found that while development and buildout of the General Plan can result in land use impacts, these impacts would be reduced to a less than significant level through the application of General Plan goals and policies that would assist in minimizing or avoiding land use impacts. These goals and policies include, but are not limited to goals and policies in the General Plan Land Use Element requiring <u>buffering of land uses, reviewing development proposals for compatibility issues, establishing and maintaining development standards and encouraging communication between adjacent jurisdictions.</u>" [emphasis added] However, the DEIR fails to address how the project buffers proposed land uses from those existing uses in Loomis or addresses compatibility with land uses in Loomis.</p> | 18-21       |
| <p>7. Impact 3.10-1 (DEIR page 3.10-8) incorrectly states, "The majority of the site is proposed to be developed with a mix of residential uses at varying densities that transition for lower densities along the eastern border with the Town of Loomis to higher density along Sierra College Boulevard and Rocklin Road as well as within the central portion of the site." The proposed high density residential at the southeast portion of the site is not compatible with residential estate located immediately to the east in the Town of Loomis.</p>  | 18-22       |
| <p>8. Impact 3.10-2 (DEIR page 3.10-10): The DEIR analysis states that the project would comply with Rocklin General Plan high density residential use by providing 17.6 to 36.1 units per acre (325-668 units on 18.5 acres) in the North Village. Density of up to 36 units per acre is certainly not compatible with Residential Estate (minimum 2.3 acre lots) land uses immediately to the east in the Town of Loomis.</p>  | 18-23       |
| <p>9. Impact 3.10-2 (DEIR page 3.10-10): The DEIR states that the project would provide affordable housing units and relies upon that assumption to help determine consistency with government code. The DEIR includes no assurance that affordable housing units will be constructed – they are merely proposed. Provide information on how the applicant and Rocklin will ensure these affordable housing units are constructed or revise the analysis if construction and affordability can't be guaranteed.</p>  | 18-24       |
| <p>10. Impact 3.10-2 (DEIR page 3.10-12) Table 3.10-1, Policy LU-5: Mitigation for oak woodland impacts is proposed offsite along Secret Ravine in an "Open Area" zone. Providing offsetting oak woodland conservation on lands that cannot otherwise be developed anyway is not adequate nor consistent with the Rocklin General Plan land uses policy to protect oak trees.</p>  | 18-25       |
| <p>11. Impact 3.10-2 (page 3.10-14) Table 3.10-1, Policy LU-11 and LU-16: High density residential, up to 36 units per acre, proposed for the southeast corner of the North</p>  | 18-26       |



Village is not compatible with the character and scale of the neighborhood immediately to the east in the Town of Loomis, zoned and designated Residential Estate (maximum allowable density of 2.3 acres per dwelling unit). Low density residential uses proposed for the northern portions of the eastern site boundary should be extended south to Rocklin Road. Analysis for Policy LU-16 points out that it is necessary to provide deeper lots along the boundary with the Town of Loomis to be compatible with Loomis land uses, but does not disclose that the southeast portion of the North Village would be inconsistent with the policy. This should be disclosed and analyzed, or the design revised to ensure compatibility.

18-26 Cont.

12. Impact 3.13-3: Estimates for increases in school aged children generated by the South Village must assume that HDR uses could be developed with market rate apartments/condos rather than senior housing. Assuming that some of the HDR units may be affordable senior housing, as stated in the project description without any restrictions would therefore understate impacts to school enrollment. With no assurance that the units would be affordable senior housing, the analysis should assume the units are not limited to seniors and therefore the estimate of school age children should be higher than reported.

18-27

13. Impact 3.13-3: Estimates for increases in school aged children from North Village residential uses result in significant and unavoidable impacts to Loomis Union School District (LUSD) elementary school capacity. The analysis does not address the estimated ages of school aged children, making it difficult to determine whether students could be accommodated by elementary or middle schools in other districts (e.g., Rocklin Unified School District). Addition of high school aged students would further exacerbate overcrowding at Del Oro High School. Impacts are not adequately described in the analysis and mitigation for new students is only addressed for elementary and middle school students in the North Village. Analysis of whether future development proposed by LUSD would address the impact is unclear, as it only references consideration of adding a new school, with no specifics on the ages of students that the new school would need to serve (e.g., elementary age vs. middle school age). There is not an adequate discussion of where students may be enrolled as the North Village is built out. Transporting the students to a new school site will create roadway/intersection impacts that are not disclosed in the DEIR. Since the students cannot go to Franklin Elementary because of existing capacity issues, analysis should also be provided for key intersections along Taylor Road and Horseshoe Bay Road (e.g., Taylor/Sierra College Blvd, Taylor/Horseshoe Bar Road, Taylor/King Road) since many of the North Village children will likely be enrolled in Loomis Grammar School or H. Clarke Powers Elementary School to the north and west of the College Park development. A significant and unavoidable impact conclusion does not eliminate the requirement to disclose impacts.

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14. Impact 3.13-4: Calculations of population and required park lands are confusing in this analysis. The DEIR (page 3.13-24) references a requirement for 12.99 acres of parkland

18-29

based on the Quimby Act population estimate of 2,597. However, as reported in Chapter 2 (page 2.0-10), multi-family units could be much higher than the 558 assumed in the calculation. The analysis states that 270 multi-family units on Parcel B of the North Village would pay in lieu fees rather than dedicate additional parkland onsite. Chapter 2 states that a range of units could be constructed in the North Village, with a total as high as 668 (an additional 290 units not accounted for in the analysis). The confusion continues in the last paragraph on the page, where the analysis references a requirement for 17.14 acres to meet the 5 acres/1,000 population goals. Please revise the text to reflect the correct acreage requirement for parks.

Using either total of 12.99 acres or 17.14 acres, the proposed 7.8 acres of parkland does not meet the Rocklin General Plan goal of 5 acres per 1,000 of added population. The payment of impact fees may improve existing park facilities or reimburse past developers for dedicated parkland, but will not address the need for new parkland to offset the needs created by additional population. Without adequate acreage for new parks, the project will adversely impact parklands within adjacent jurisdictions like Loomis. In the first paragraph of the analysis on page 3.13-24, a reference to "mitigation measure 3.13-1", which is not included in the list of DEIR mitigation measures, seems to support the notion that mitigation is required to increase proposed park acreage and reduce the impact to a less than significant level. Where will that additional parkland be located, and where and what is mitigation measure 3.13-1 that is referenced on page 3.13-24? Does this analysis incorrectly assume that the unimproved open space acreage may be applied as parkland acreage required by the General Plan?

18-29 Cont.

#### Alternatives Chapter 5

1. Each significant and unavoidable impact identified in the DEIR should be first addressed with an alternative that actually reduces the density/intensity of proposed development. The argument that no "action alternative" could be identified and studied in the DEIR that meets the project objectives is hollow. Similar (but to a greater level) to the "Reduced Footprint Alternative", a smaller portion of the North and South Village project areas could be developed at higher densities, leaving larger areas of parkland and open space available for buffers to adjacent land uses/jurisdictions and enjoyment of the community. The undeveloped land would be available for use by the residents and public in the near term, and preserved for longer-term development should long-term goals of the community change.

18-30





October 29, 2021

Project# 25896

To: Mary Beth Van Voorhis  
 Town of Loomis  
 3665 Taylor Road  
 Loomis, CA 95650

From: Mychal Loomis, Kittelson & Associates, Inc.

RE: Rocklin College Park Project – Draft Environmental Impact Report Review

A 45-day public review period for the Draft EIR on the College Park project commenced on September 24, 2021, and will end on November 8, 2021. The proposed project includes the approval of the College Park General Development Plan (GDP) and tentative Subdivision Maps to facilitate the development of up to 3,342 single-family units, 558 multi-family units, 120,000 square feet of non-residential uses, parking, and other vehicular and non-vehicular circulation improvements, park and open space facilities, and utility improvements. The Draft EIR has identified significant and unavoidable environmental impacts to Transportation and Circulation, among other resource areas, from implementation of the project.

Kittelison has performed a review of the documents related to Transportation and Circulation for the College Park project and offers comments for the Town of Loomis to consider in their response to the public review period.

**PREVIOUS COMMENTS ON THE NOTICE OF PREPARATION**

The following comments related to transportation were provided by the Town of Loomis to the City of Rocklin on February 6, 2019, during the Notice of Preparation of an EIR for the Proposed College Park Project

- Request for inclusion of the following locations in the Transportation and Traffic analysis that will be prepared for the project with respect to future impacts on the Town of Loomis
  - o Sierra College Boulevard and Taylor Road
  - o Sierra College Boulevard and Brace Road
  - o Rocklin Road and Barton Road

**DRAFT EIR TRANSPORTATION AND CIRCULATION SECTION COMMENTS**

The following comments are provided based on review of the Draft EIR for the College Park Project dated September 2021.

- The Town requests the inclusion of the intersections of Sierra College Boulevard and Taylor Road and the intersection of Sierra College Boulevard and Brace Road in the Draft EIR.
- The Town takes no exception to the VMT analysis and the resultant conclusions made for Impact 3.14-1 being significant and unavoidable.
- Mitigation Measure 3.14-1 identifies several potential transportation demand measures that are commonly applied to new development. The Town takes no exception to the EIR finding that this mitigation will not return the VMT impact to be less than significant.

Kittelison & Associates, Inc.

18-31

- Discussion under Impact 3.14-3 seems to mix information related to on-ramp and off-ramp queues, which are two separate analyses. The on-ramp and off-ramp queue analysis information should be separated and clarified.
- Discussion under Impact 3.14-3 only provides information on existing plus project conditions for off-ramp queue and does not discuss potential impacts to existing plus approved project conditions nor cumulative conditions. The transportation impact study also omits existing plus approved project conditions. The transportation impact study identifies potential significant impacts to off-ramp queues for cumulative conditions. The findings of the Draft EIR related to this topic do not adequately address the evaluation of exacerbating future conditions of the 95<sup>th</sup> percentile queue of freeway off-ramps. This section likely has a significant and unavoidable impact when considering cumulative freeway off-ramp conditions. Information on existing plus approved project conditions related to freeway off-ramp conditions should also be included.
- There is not currently a southbound right-turn lane at the intersection of Sierra College Boulevard and Stadium Way as shown in Figure 3.14-11. The analysis in the Transportation Impact Study assumed a dedicated right-turn lane at this location. For the analysis results to be representative of actual field conditions, the Town suggests that the City of Rocklin consider requiring construction of a southbound right-turn lane as part of the project to be consistent with the analysis and the site access Figure 3.14-11 and/or removal of the dedicated southbound right-turn assumed in the analysis (unless construction of a dedicated right-turn lane is already a requirement of another party, in which case this should be stated in the Transportation Impact Study).
- The EIR team should consider modifying Figure 3.14-11 to note that Rocklin Road would be widened to allow for two westbound through lanes along project frontage and Sierra College Boulevard would be widened to allow for three northbound through lanes.
- The EIR team should consider showing the proposed intersection improvements referenced on Figure 3.14-11 to clarify improvements the project is providing to the intersection of Sierra College Boulevard and Rocklin Road.
- There is no mitigation 3.14-4 identified in the Transportation and Circulation section. The EIR team should reconcile differences between the mitigation measures identified in Table ES-2, Project Impacts and Proposed Mitigation Measures, and the 3.14 Transportation and Circulation section.
- Mitigation TR-6 documented in the Transportation Impact Study indicates the applicant will pay the appropriate City of Rocklin CIP / Traffic Impact Fee to help fund reconstruction of the I-80/Rocklin Road interchange. The Transportation Impact Study discussion of Mitigation TR-6 also notes that this fund can help improve the I-80/Sierra College Boulevard interchange when the City updates their fee program. Interchange improvements were shown in the Transportation Impact Study to improve operations along Rocklin Road that were adversely affecting the Rocklin Road / Barton Road intersection located in the Town of Loomis. The Town concurs with Mitigation TR-6 identified in the Transportation Impact Study and its effort to contribute funding to these regional investments. The Town respectfully suggests Mitigation TR-6 from the Transportation Impact Study be included in the EIR. Payment of these funds could be added as a mitigation measure to the discussion on Impact 3.14-3.
- The Town suggests that transit impacts due to increased delay and travel time on Rocklin Road and Sierra College Blvd is acknowledged in the discussion to Impact 3.14-5. It is anticipated that the findings would change from less than significant to significant and unavoidable. Possible mitigation could be to include Mitigation TR-6 documented in the Transportation Impact Study, payment of Transportation Impact Fees to fund roadway improvements, including I-80 interchange improvements.
- The Increased Commercial Density alternative appears to warrant further consideration of its potential effects to VMT and operations in the traffic analysis as it is not clearly understood why an increase in non-residential and residential uses would have less traffic impacts. The concept that internal site trips would be sufficient in offsetting the additional 148,104 SF of non-residential use and 4 additional dwelling units should be more clearly demonstrated to support the conclusion that the alternative will have comparatively reduced transportation and circulation impacts.
- There appears to warrant further discussion of an alternative that captures the potential build-out of the site to its full potential of 668 multi-family units in the North Village. While the project provides

specific assumptions for the site, it seems additional units could be built based on the current land use and zoning. The most conservative possible development should be considered in the alternatives evaluation to disclose potential traffic impacts.

- Discussion on Impact 3.14-6 and associated recommendations described in Mitigation Measure 3.14-5 and Figure 3.14-10 in the Transportation and Circulation section do not seem to adequately resolve the sight distance issue identified at two proposed driveways along Sierra College Boulevard. Further, there is no discussion about potential pedestrian crossing demand between Sierra College and the proposed North Village and how that connection would be accommodated or restricted. This is a concern for the Town as it increases risk of collision for Town residents using Sierra College Boulevard and may contribute to increased travel time along the corridor. It is recommended to consider removing the southernly left-turn pocket or provide additional modifications to alleviate the potentially hazardous design created by the project access. If the southbound left-turn is not removed, the analysis should more clearly discuss the impacts of removing the northbound left-turn into Sierra College campus as it relates to intersection operations at Sierra College and Campus Drive, access to Sierra College campus, and overall Sierra College Boulevard operations.
- The intersection operation modifications identified at the intersection of El Don Drive and Rocklin Road noted on Figure 3.14-12 would presumably increase traffic signal green time allotment for El Don Drive. Consequently, the EIR analysis should address signal timing review along Rocklin Road between Sierra College and Aguilar to assess potential corridor operational and queuing impacts related to that intersection timing modification. A mitigation measure or project condition of approval should be added to reflect the needed changes.

#### TRAFFIC IMPACT STUDY COMMENTS

The following comments are provided based on review of the Final Transportation Impact Study for College Park dated June 23, 2021, included as Appendix I to the Draft EIR.

- The Town found that the traffic study generally offered a thorough and reasonable evaluation of the proposed project impacts.
- Provision of 24-hour roadway volume data along Sierra College Boulevard and Rocklin Road that demonstrates the AM and PM peak periods analyzed in the study are higher than college traffic peak hours would be helpful information to provide in the study.
- The intersection geometry at the west leg (eastbound approach) of Sierra College / Schriber shows a change with the project on the peak hour traffic volumes and lane configurations figures. Please confirm geometries are shown and analyzed correctly. If so, include this change in striping in the conditions of approval.
- Clarify in the conditions of approval that a second westbound through lane along Rocklin Road would be constructed along the project frontage.
- The Town of Loomis supports efforts to advance I-80/Rocklin interchange improvements and appreciates that funding is being contributed to the City's fee programs in conjunction with the proposed development.
- Addition of a second westbound left-turn lane at Rocklin Road / I-80 interchange is identified as a potential enhancement and turn lane recommendations are modeled assuming that improvement is in place. Traffic queues will extend beyond turn pocket lengths until that improvement is made. The Town requests clarification on whether the project provides additional funding to help alleviate the anticipated queues created with the project along Rocklin Road.
- The Town of Loomis supports efforts to advance I-80/Sierra College Boulevard interchange improvements and appreciates that funding is being contributed to the City's fee programs in conjunction with the proposed development. The Town requests clarification on timing of an updated City of Rocklin fee program to include I-80/Sierra College Boulevard interchange improvements.

Kittelson & Associates, Inc.

18-31 Cont.

### **Response to Letter 18: Mary Beth Van Voorhis, Town of Loomis**

**Response 18-1:** This comment is an opening statement by the commenter, and serves as a transmittal letter with comments from a hired traffic consultant. Each of traffic related concerns are more fully discussed in the comments that follow. This comment is an introductory statement and does not warrant a response.

**Response 18-2:** This comment states: *“The traffic study assumes 378 multi-family dwelling units for the North Village high density residential uses. However, the DEIR states that the High Density Residential {HDR} zoning could provide 325 to 668 multi-family units (pages 2.0-10, 3.10-10, and 3.10-19). The DEIR alternatives chapter also references the possibility of more multifamily residential units then were studied in the traffic study (page 5.0-3, 505 to 848 multi-family units). The traffic analysis, and other resource chapters of the DEIR (e.g., public services and utilities), therefore underestimates the potential impacts of the project by ignoring the range of potential multi-family residential development reported in the DEIR Chapter. DEIR Table 2.0-5 references a project applicant project information package dated April 22, 2021 that would apparently provide more details on the proposed project, but that package is not posted on City’s website for the public to review.”*

This comment is addressed in part in Master Response 9.

**Response 18-3:** This comment states *“The traffic analysis failed to study Rocklin Road intersections east of the North Village (e.g., St. Francis Woods Dr.). The analysis included similar and smaller unsignalized intersections along Rocklin Road within the City of Rocklin, and should have included similar unsignalized intersections located within Loomis. Please add analysis to document potential impact to the operation of these intersections.”*

The transportation impact analysis in Appendix I analyzed the Rocklin Road/Barton Road intersection located in the Town of Loomis and found that the project would increase delays by two seconds or less during each peak hour (see Table 11). This all-way stop-controlled intersection would continue to operate at LOS B or better. The three side-street stop-control intersections along the project’s frontage on Rocklin Road were analyzed because the project would potentially add a fourth leg to each intersection, directly affecting their operations (much more so than adding a nominal amount of through traffic passing through minor intersections further to the east). Pursuant to Senate Bill (SB) 743, Public Resources Code (PRC) Section 21099, and California Code of Regulations (CCR) Section 15064.3, 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 consideration when identifying a significant impact; hence, studying additional intersections is not necessary.

**Response 18-4:** This comment states *“Affordable senior housing units are referenced for the South Village in Chapter 2, but the proposed general plan land use and zoning designations would allow full market rate residential units. Are the multi-family residential units in South Village analyzed as market rate units, or as affordable housing units in the traffic study? What is the difference in trip generation and vehicle miles traveled {VMT} for affordable senior housing units versus full market rate units? If the units were analyzed as affordable senior units (but could be built as market rate units), did the traffic analysis and other resource areas such as schools, population, etc. under report the potential impacts of residential development proposed within the South Village HDR {PD-15.5+}? If the public services (e.g., schools) analysis assumed the residential units would be full market rate units for a worst-case analysis, then the traffic analysis should do the same.”*

The multi-family units in the South Village are proposed to be senior, affordable units. As noted in Table 6 of Appendix I, since a senior, multi-family affordable trip generation rate was not available within the *Trip Generation Manual*, the senior multi-family category was used, which provides a conservative analysis of project trips. See Response to 15-2 for a discussion on how trip generation and VMT differs for senior and affordable multi-family uses, versus non-age restricted, market-based multi-family uses.

**Response 18-5:** This comment states *“Analysis of potential traffic impacts associated with the South Village high density residential site entrance on Rocklin Road are under reported. The proposed driveway for the South Village high density housing site will adversely impact Rocklin Road operations because of its proximity to the intersection with Sierra College Boulevard and there is no other alternative access for the 180 high density units located in this part of the South Village. This analysis should be addressed in the DEIR.”*

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.

**Response 18-6:** This comment states *“Cumulative development consisting of College Park, Sierra College expansion and other residential development recently approved for southeast of the Rocklin Road/Sierra College Blvd intersection will exceed the roadway capacity that can be accommodated under ultimate Rocklin Road right-of-way (ROW) improvements. The roadway corridor/ROW cannot handle the vehicle trips that this project and other recently approved Rocklin projects, including Sierra College, apartments southwest of the North Village, etc., will create. The Rocklin Road corridor cannot be funded with impact fees and improved with new turn lanes and striping to address the*



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*level of service (LOS) impacts created by these Rocklin projects, and therefore adverse impacts to residents in neighboring jurisdictions like Loomis will occur. This needs to be addressed in the DEIR.”*

The City of Rocklin has initiated a Project 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. The interchange is being designed to operate at Caltrans’ standard of LOS D or better under cumulative conditions. Additionally, the City’s General Plan contemplates the widening of Rocklin Road to six lanes from east of I-80 to Sierra College Boulevard. Partial funding for that improvement is being collected through impact fees levied on new land developments that would directly benefit from the added capacity provided by the widening. Section 15064.3 of the CEQA Guidelines renders this discussion moot for purposes of CEQA since it specifies that a project’s effect on automobile delay shall not constitute a significant environmental impact.

**Response 18-7:** This comment states *“Based on the range of potential units that could be constructed in the HDR zone (up to 36 units per acre according to page 2.0-10), all other DEIR impacts that use residential unit count or population (e.g., parks, schools, land use compatibility) are underreporting potential impacts of the project. The DEIR analysis should be updated to address the higher range of potential residential units.”*

This comment is addressed under Master Response 9.

**Response 18-8:** This comment states *“The DEIR should include an alternative that eliminates the significant and unavoidable impacts reported for VMT. The DEIR alternative analysis section does not adequately explain why a reduced footprint/density/intensity alternative was not developed that would avoid significant and unavoidable impacts (e.g., VMT). Page 5.01-51 simply states that “neither the Reduced Footprint Alternative nor the Increased Density Alternative fully meet all of the Project objectives”. Basing the project objectives solely on the number of housing units or square footage that is developed is wrong. In this case, the College could defer ultimate buildout of the properties. Maintaining a larger portion of the project site as open space for future development, to a time when vehicle trip making is reduced and VMT standards can be met, is a valid consideration. The argument that a reduced footprint/density/intensity alternative cannot meet the project objectives is not supported.”*

Alternatives are addressed in Section 5.0 Alternatives. The range of alternatives addressed in the EIR is sufficient to foster informed decision-making and informed public participation. CEQA requires that a DEIR analyze a reasonable range of feasible alternatives that meet most or all project objectives while reducing or avoiding one or more significant environmental effects of the project. The range of alternatives required in a DEIR is governed by a “rule of reason” that requires a DEIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6[f]). A DEIR must “set forth only those alternatives necessary to permit a reasoned choice.” (CEQA Guidelines, Section 15126.6(f), see also Response 18-30.) At the time of project approval, the

City Council will have 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.

Notably, a reduced footprint/density/intensity alternative would not eliminate the significant and unavoidable VMT impact because VMT is expressed on per dwelling unit or per thousand square feet (ksf) basis. VMT is not expressed as an absolute value in miles. If this was the case, then a decreased project size could potentially reduce impacts to less than significant. Use of absolute VMT, rather than VMT measures per capita or on a similar basis, is contrary to guidance provided in the *Technical Advisory of Evaluating Transportation Impacts in CEQA* (OPR 2018) for residential projects.

**Response 18-9:** This comment states *"Detailed applicant materials such as the tentative maps and preliminary site plan posted on the City's website are not representative of the project studied in the DEIR. The provided materials from November 12, 2020, seem to include the Project materials as documented in the Notice of Preparation, but are not consistent with the more general project description contained in the DEIR. <https://www.rocklin.ca.us/post/college-parkformerly-sierra-villages>. The commenter further states "Applicant materials posted on the City's website include mixed use zoning for the southern end of the North Village rather than the Commercial and HDR zones studied in the DEIR. The detailed plans for the project as studied in the DEIR should be provided for review along with the DEIR documentation. DEIR Table 2.0-5 references a project applicant project information package dated April 22, 2021 but that package is not available on the City's website for the public to review."*

The materials posted on the City's website regarding development applications are intended to provide the public with a general understanding of the location and nature of development projects that are being proposed in the City. The City does not use the website postings to track the evolving nature of development applications, however those materials are available to the public if requested. The project description and associated graphics represented in the DEIR, and not the development application materials posted on the City's website, comprise the basis of the DEIR analysis.

**Response 18-10:** This comment states *"Page 2.0-10 states that lowest densities are along the eastern boundary of the North Village, but that is untrue in the high density residential at the southern end of the North Village which also abuts the eastern boundary of the North Village. These uses are not compatible with the rural residential uses in the Town of Loomis. This statement should be corrected and clarified."*

The discussion on page 2.0-10 accurately describes the plan. The statement in question *"lowest densities are along the eastern boundary of the North Village"* is specifically talking about single-family residential uses, which range in lots size from 1,200 to 5,000 square feet. Single-family

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residential uses with the 5,000 square foot lots are located along the eastern boundary of the North Village, immediately adjacent to the Town of Loomis. This same paragraph, however, also discusses “Multi-family” residential uses. The DEIR states “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.” Multi-family residential uses are appropriately placed along Rocklin Road. The text from DEIR page 2.0-10 is presented below with the context of the whole paragraph:

Single-family residential uses of varying densities would be distributed throughout the northern portion of the project site. Lot sizes would range from 1,200 square feet to 5,000 square feet. Single-family residential densities would transition from the lowest densities along the eastern boundary, adjacent to ~~residential~~ Residential Estate uses in the Town of Loomis, to higher densities proposed along the western boundary, adjacent to Sierra College Boulevard. Overall, the single-family residential component (PD-8.4 and PD-15.4) would allow for the development of 317 single-family residential units. 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.

**Response 18-11:** This comment states *“Page 2.0-10 states that the PD-15.5+ designation (North Village) would allow for the development of 325 to 668 multi-family units on 18.5 acres. However, Table 2.0-5 indicates that 378 units would be located in high density residential zones. The number of units proposed needs clarification. In either case, a density of 18 to 36 units per acre is not compatible with residential estate land uses (minimum 2.3-acre residential lots) immediately to the east in the Town of Loomis.”*

This comment is addressed under Master Response 9, and in part under Response 18-10.

**Response 18-12:** This comment states *“Proposed North Village residential lot sizes are not compatible with adjacent land uses to the north and east. The physical impacts of such dense residential development include aesthetics, light and glare, nighttime lighting, noise, AQ/GHG, biological resources, circulation on adjacent roadways, pedestrian safety on Sierra College Boulevard, public service providers, and water quality/hydrology, and the EIR needs to evaluate those impacts.”*

This comment is addressed, in part, under Master Response 9, and Responses 8-11 and 8-14.

The topics of aesthetics, light and glare, and nighttime lighting are addressed in the DEIR in Section 3.1 Aesthetics. The topic of AQ/GHG is addressed in the DEIR in Section 3.3 Air Quality and Section 3.7 GHG, Climate Change, and Energy. The topic of noise is addressed in the DEIR in Section 3.11 Noise. The topic of biological resources is addressed in the DEIR in Section 3.4 Biological Resources. The topic of circulation on adjacent roadways and pedestrian safety on Sierra College Boulevard is addressed in the DEIR in Section 3.14 Transportation and Circulation. The topic of public service providers is addressed in the DEIR in Section 3.13 Public Services and Recreation and 3.15 Utilities. The topic of water quality/hydrology is addressed in the DEIR in Section 3.19 Hydrology and Water



Quality. Each section includes an Environmental Setting, Regulatory Setting, and Impact analysis with mitigation measures presented. The information provided in these Sections are adequate, and serve to evaluate the environmental topic, and present conclusions based on the evaluation. The physical impacts of the proposed project in these environmental topic categories are presented in the DEIR and the comment does not include any specificity as to why they believe such impacts were not evaluated in the DEIR.

**Response 18-13:** This comment states *“Population estimates for the residential units are likely low because of the project’s proximity to the Sierra College site, and the fact that students will maximize occupancy to save money. As a result, estimates of impacts related to population are incorrect.”*

As discussed in the DEIR in Section 3.12 Population and Housing, the proposed Project is forecast to result in approximately 2,520 new residents. This forecast is based on well-established metrics for household populations in Rocklin. It would be speculative to assume that students will create a higher population level as suggested by the commenter and CEQA does not require speculation (see CEQA Guidelines Section 15145).

**Response 18-14:** This comment states *“Developing urban uses adjacent to Loomis agricultural uses poses wildland fire risks. The nearest fire station is not equipped for the type of high-density residential land uses proposed. This should be addressed in the EIR.”*

The commenter does not explain why development adjacent to Loomis property zoned as RE (Residential Estate) poses increased wildland fire risks. Intuitively, it seems that the risk for fire may decrease with development that would reduce dry and overgrown vegetation that often exists on the North Village site. No matter, as stated in the DEIR, “[t]he site is not located within an area where significant wildland fires are historically known to occur, or within a high or moderate Fire Hazard Severity Zone as indicated by Calfire FHSZ Map;” therefore, Project impacts associated with wildland fires are less than significant. (DEIR, p. 3.8-29.) The DEIR also states, after a thorough evaluation of the capabilities of the Rocklin Fire Department and the much higher level of development that was examined for the Project sites under the General Plan, that “existing fire department facilities are sufficient to serve the proposed Project.” (DEIR, p. 3.13-18.) See above for a discussion on the compatibility of the Project and existing adjacent land uses in Loomis.

**Response 18-15:** This comment states *“Roadway construction required in the South Village to access both residential zones is not permissible based on impacts to regulated waters of the United States and is inconsistent with land use, open space/natural resources goals and policies of Rocklin General Plan. See DEIR Figure 3.4-5b. It is also inconsistent with Conservation, Development and Utilization of Natural Resources policies OCR-39 and OCR-40. The EIR needs to address this.”*

This comment is addressed under Master Response 12.

**Response 18-16:** This comment states *“Aesthetics/Visual Resources 3.1-1: Urban development proposed at the North Village, especially high density residential on the SE corner, will impact the*

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*visual character of Rural Estate land uses in Loomis and should be considered a significant impact. Consistent with Rocklin Municipal Code requirements for Design Review, the Project must be modified to expand low density residential and/or open space along the eastern boundary of the North Village to eliminate impacts to non-urban Loomis land uses. Page 3.1-9 of the DEIR states that an objective of the Design Review process is to, "... encourage harmonious and compatible development; reduce potential visual conflicts with adjacent development (both existing and proposed) .... " High density residential structures will create visual conflicts with adjacent rural residential uses in Loomis. Please address this impact and provide appropriate mitigation measures.*

This comment is addressed, in part, under Master Response 10, and Responses 8-17, 9-3, and 18-12.

The Project sites are located in an urbanized and highly developed area. Any aesthetic views – 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. 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 [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 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 18-17:** This comment states *“Air Quality 3.3-1: Instead of listing the standard PCAPCD mitigation measures and stating the impact is significant and unavoidable, the DEIR should reference Chapter 5 to determine which alternative could be selected to reduce the impact.”*

This comment is addressed in part by Master Responses 9, 11, and 12, and in part in Responses 8-11 and 8-32. It is noted that Chapter 3.3 Air Quality includes an analysis of the proposed Project, whereas, Section 5.0 Alternatives includes an analysis of alternatives. The placement of each analysis, including the mitigation that is specific to the impact associated with the analysis, is appropriately placed in the DEIR. It is also noted that Table 5.0-9 shows that the Existing General Plan Alternative and Increased Intensity Alternative would have greater air pollution impacts, when compared to the proposed Project. The Increased Density Alternative would have equal impacts, and the No Project and Reduced Footprint Alternative would have less impact regarding air pollution.

**Response 18-18:** This comment states *“Biological 3.4-4: Mitigation for Swainson's hawk is not adequate to reduce impacts to a less than significant level. The existing North Village nest site should be avoided by expanding the open area zone within the North Village. North Village development plans should be modified to provide open space around the nest location and maintain the nest site for future activity. Existing foraging habitat located east of the North Village in the Town of Loomis also supports the existing nest site.”*

This comment is addressed under Master Response 12.

**Response 18-19:** This comment states *“Biological 3.4-10: Mitigation for loss of oak woodland (College Park Oak Tree Mitigation Plan - Appendix C, Attachment E) proposes a permanent conservation easement in an offsite location along Secret Ravine Creek. The selected location is currently zoned Open Area. Protection of an oak woodland located within a site already zoned Open Area is inadequate compensation for the loss of oak woodland within the North Village, where no part of the site is currently zoned Open Area, and the South Village, where some of the proposed impact is located within Open Area zoning. A mitigation site with similar zoning (with potential for future development) must be identified to offset the impacts to the oak woodland. In addition, there is a conflict in the Oak Mitigation Plan as Figure 3 indicates that the proposed conservation area is 19.3 acres while the text in the Plan and DEIR indicate that 22.5 acres would be preserved.”*

This comment is addressed under Master Response 5.

**Response 18-20:** This comment states *“Greenhouse Gases 3.7-1: The analysis documents CO<sub>2</sub>e emissions of 11,764 metric tons/year for the unmitigated project. Mitigation measure 3.7-1 is proposed to reduce emissions to less than the Placer County Air Pollution Control District (PCAPCD) threshold of 10,000 MT CO<sub>2</sub>e/year but does not document specifics to ensure emissions will be reduced. The Air Quality impact analysis (section 3.3) used similar assumptions, yet those impacts were determined to be significant and unavoidable. The analysis for 3.7-1 also indicates that because of mitigation measure 3.7-1, the project would be consistent with PCAPCD's efficiency matrix for impact significance determination of 4.5 MT CO<sub>2</sub>e per capita for urban residential projects but uses an incorrect assumption and divides an emissions threshold of 10,000 MT CO<sub>2</sub>e, rather than the*

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*unmitigated total of 11,764 MT CO<sub>2</sub>e, by estimated population (2,520). Using the unmitigated total, since a mitigated total cannot be determined, the result is 4.67 MT CO<sub>2</sub>e, which exceeds the standard. The DEIR analysis indicates that purchase of carbon credits is an option to offset the project impacts should the applicant fail to demonstrate reductions or if local offsets are not available. Carbon credits must not be relied upon to ensure mitigation of greenhouse gas (GHG) impacts at the Rocklin/Loomis boundary. An "action" alternative should be developed that reduces development intensity/density and meets the GHG emissions standard."*

This comment is addressed under Master Responses 11 and 13, and in Responses 8-32 and 18-8. It is noted that nothing in CEQA requires an alternative premised solely on meeting a GHG threshold without mitigation.

**Response 18-21:** This comment states *"Land Use 3.10: DEIR page 3.10-7 indicates the Rocklin General Plan EIR states, "The analysis found that while development and buildout of the General Plan can result in land use impacts, these impacts would be reduced to a less than significant level through the application of General Plan goals and policies that would assist in minimizing or avoiding land use impacts. These goals and policies include, but are not limited to goals and policies in the General Plan Land Use Element requiring buffering of land uses, reviewing development proposals for compatibility issues, establishing and maintaining development standards and encouraging communication between adjacent jurisdictions." [emphasis added] However, the DEIR fails to address how the project buffers proposed land uses from those existing uses in Loomis or addresses compatibility with land uses in Loomis."*

This comment is addressed, in part, under Master Responses 4, 9, 10, and 11, and Responses 8-11 and 8-14. Additionally, the DEIR discussed on page 2.0-10 that the largest lots for the single-family residential uses in the North Village with the lowest densities are along the eastern boundary of the North Village. These lots range in lots size from 1,200 to 5,000 square feet. Single-family residential uses with the 5,000 square foot lots are located along the eastern boundary of the North Village, immediately adjacent to the Town of Loomis. The multi-family residential uses are appropriately placed along Rocklin Road. The land uses, including both densities are compatible land uses given that that do not create any health concerns or nuisances that are not controlled through local ordinance. Land Use compatibility is more fully discussed under Master Response 9 and Responses 8-11, 8-14, 8-17, 9-3 and 18-12.

**Response 18-22:** This comment states *"Impact 3.10-1 (DEIR page 3.10-8) incorrectly states, "The majority of the site is proposed to be developed with a mix of residential uses at varying densities that transition for lower densities along the eastern border with the Town of Loomis to higher density along Sierra College Boulevard and Rocklin Road as well as within the central portion of the site." The proposed high density residential at the southeast portion of the site is not compatible with residential estate located immediately to the east in the Town of Loomis."*

This comment is addressed under Master Response 9, and Responses 8-11, 8-14, 8-17, 9-3, and 18-12.

**Response 18-23:** This comment states *“Impact 3.10-2 (DEIR page 3.10-10): The DEIR analysis states that the project would comply with Rocklin General Plan high density residential use by providing 17.6 to 36.1 units per acre (325-668 units on 18.5 acres) in the North Village. Density of up to 36 units per acre is certainly not compatible with Residential Estate (minimum 2.3 acre lots) land uses immediately to the east in the Town of Loomis.”*

This comment is addressed under Master Response 9 and Responses 8-11, 8-14, 8-17, 9-3 and 18-12.

**Response 18-24:** This comment states *“Impact 3.10-2 (DEIR page 3.10-10): The DEIR states that the project would provide affordable housing units and relies upon that assumption to help determine consistency with government code. The DEIR includes no assurance that affordable housing units will be constructed -they are merely proposed. Provide information on how the applicant and Rocklin will ensure these affordable housing units are constructed or revise the analysis if construction and affordability can't be guaranteed.”*

Under CEQA, lead agencies are afforded the presumption that the Project will be implemented as proposed (see, e.g., Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086, 1119-20). The DEIR proposes “senior affordable multi-family dwelling units,” and the commenter does not present any evidence that these units will not be constructed. (DEIR, p. 2.0-11.) The commenter appears to imply that this supposed lack of assurance may result in an inconsistency with the Government Code sections listed on page 3.10-10 under Impact 3.10-2. However, in addition to the presumption just articulated, Government Code section 66300, cited on page 3.10-10, does not apply only to “affordable” units—it seeks to preserve land zoned for all types of housing.

**Response 18-25:** This comment states *“Impact 3.10-2 (DEIR page 3.10-12) Table 3.10-1, Policy LU-5: Mitigation for oak woodland impacts is proposed offsite along Secret Ravine in an "Open Area" zone. Providing offsetting oak woodland conservation on lands that cannot otherwise be developed anyway is not adequate nor consistent with the Rocklin General Plan land uses policy to protect oak trees.”*

This comment is addressed under Master Response #5.

**Response 18-26:** This comment states *“Impact 3.10-2 (page 3.10-14) Table 3.10-1, Policy LU-11 and LU-16: High density residential, up to 36 units per acre, proposed for the southeast corner of the North Village is not compatible with the character and scale of the neighborhood immediately to the east in the Town of Loomis, zoned and designated Residential Estate (maximum allowable density of 2.3 acres per dwelling unit). Low density residential uses proposed for the northern portions of the eastern site boundary should be extended south to Rocklin Road. Analysis for Policy LU-16 points out that it is necessary to provide deeper lots along the boundary with the Town of Loomis to be*

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*compatible with Loomis land uses, but does not disclose that the southeast portion of the North Village would be inconsistent with the policy. This should be disclosed and analyzed, or the design revised to ensure compatibility.”*

This comment is addressed under Master Response 10, and Responses 8-1, 9-3, 18-10, 18-21, and 18-22.

**Response 18-27:** This comment states *“Impact 3.13-3: Estimates for increases in school aged children generated by the South Village must assume that HDR uses could be developed with market rate apartments/condos rather than senior housing. Assuming that some of the HDR units may be affordable senior housing, as stated in the project description without any restrictions would therefore understate impacts to school enrollment. With no assurance that the units would be affordable senior housing, the analysis should assume the units are not limited to seniors and therefore the estimate of school age children should be higher than reported.”*

The DEIR’s discussion of the Project’s potential to increase school enrollment conservatively did not assume that the affordable senior housing proposed as part of the Project would generate fewer students than other types of housing available to young families. Consequently, the DEIR overstated impacts relating to school enrollment. There is no need for the City to impose specific limitations on the Project to reduce the student generation potential of this affordable senior housing.

Impact 3.13-3 addresses whether the Project might result in any substantial adverse physical impacts associated with the construction of new or physically altered school facilities needed to handle the student population associated with the Project. In discussing these potential physical impacts, the DEIR states that “because 180 of the proposed units in the South Village would be senior affordable multi-family units, the actual student generation resulting from the project would likely be significantly lower. Therefore, the above analysis is considered conservative.” (DEIR, p. 3.13-19.)

A key point to note here is that Impact 3.13-3 is focused on environmental impacts that could result from new or expanded school facility construction. The “impact” at issue is not the generation of students by itself or whatever financial burdens school districts might face in trying to accommodate an increased student population. Rather, the analysis is concerned with the kinds of environmental impacts associated with any new or expanded school development.

After stating that “[t]he Project would not directly include development of any school facilities,” the DEIR notes that the Loomis Unified School District (LUSD) “is currently in the process of acquiring a site for a new school and associated facilities.” (Id., at p. 3.13-23.) The text goes on to state that “[a]t this stage, the environmental effects of this future school facility are undetermined. Depending on the ultimate location, it is possible that development of the future Loomis school site would result in environmental effects. The proposed project would indirectly contribute to any impacts associated with that school because of the new students that are added from the proposed Project.”

(Ibid.) Faced with this uncertainty, the DEIR called the potential “environmental effects of the future LUSD school facility” significant and unavoidable, but noted that “once an exact location and design is developed by the School District, it is possible that this impact would be reduced to an insignificant level[.]” (Ibid.; see also CEQA Guidelines, § 15145 “[i]f, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact”.)

The DEIR’s approach to addressing school-related impacts is legally sufficient and consistent with California law as it has existed since 1998, when the Legislature passed Senate Bill 50 (Stats. 1998, ch. 407). Under Senate Bill 50, any financial impacts on school districts associated with increased school enrollment are fully mitigated for CEQA purposes by the payment of school impact fees by developers, which are applied to all new construction regardless of age restrictions on the development. (Gov. Code, § 65995, subd. (h); *Chawanakee Unified School Dist. v. County of Madera* (2011) 196 Cal.App.4th 1016, 1025-26 (Chawanakee); see also Ed. Code, § 17620, subds. (a)(1)(B) [fees apply to “new residential construction”], (a)(1)(C)(ii) [unless “that construction qualifies for the exclusion set forth in subdivision (a) of Section 74.3 of the Revenue and Taxation Code”]; Rev. & Tax. Code, § 74.3, subd. (a) [senior housing not listed as an exclusion].)

Senate Bill 50 also forbids local governments from disapproving development proposals, including those requiring only legislative actions, due to the potential of such projects to contribute to, or exacerbate, school overcrowding. (Gov. Code, § 65996, subd. (b).)

The approach to CEQA mitigation set forth in Senate Bill 50 is consistent with prior case law holding that school overcrowding is not considered an environmental effect, but rather an economic or social effect outside the ambit of CEQA. (*Goleta Union School Dist. v. Regents of University of California* (1995) 37 Cal.App.4th 1025, 1029-34 (Goleta); see also CEQA Guidelines, § 15131, subd. (a) [“[e]conomic or social effects of a project shall not be treated as significant effects on the environment”]; and *City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833, 843 [“[t]he need for additional fire protection services is not an environmental impact that CEQA requires a Project applicant to mitigate”].) To the extent that a project will foreseeably cause new school facility construction with environmental impacts, or will otherwise cause physical consequences such as increased traffic or air pollution, such environmental impacts must be addressed. (Chawanakee, *supra*, 196 Cal.App.4th at pp. 1026-29.)

In short, under Senate Bill 50, the only CEQA mitigation that a lead agency may impose for impacts to school facilities is to require payment of school impact fees. The payment of such fees “provide[s] full and complete school facilities mitigation” under CEQA. (Gov. Code, § 65996, subd. (b); see also DEIR, pp. 3.13-11, 3.13-23.) To the extent that the commenter is suggesting that either the City or the Applicants have a legal obligation to mitigate school overcrowding as though it were some kind of recognized environmental impact, the commenter is mistaken.

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Notably, as the DEIR suggests, LUSD will be lead agency for its anticipated new school facility under Public Resources Code section 21151.8 and CEQA Guidelines section 15186. When LUSD proposes to build a new school, LUSD, as the lead agency, will have to conduct impact analysis and formulate its own mitigation. LUSD, therefore, will have to conduct any site-specific review, and in this review take into consideration projected enrollment and associated impacts. In fact, before adopting a negative declaration or certifying a DEIR for school site acquisition or construction, the governing board of the affected school district must make specific findings regarding issues required to be addressed in the negative declaration or EIR. (Pub. Resources Code, § 21151.8, subd. (a)(3); Guidelines, § 15186, subd. (c)(3); Ed. Code, § 17213, subd. (c).)

**Response 18-28:** This comment states *“Impact 3.13-3: Estimates for increases in school aged children from North Village residential uses result in significant and unavoidable impacts to Loomis Union School District (LUSD) elementary school capacity. The analysis does not address the estimated ages of school aged children, making it difficult to determine whether students could be accommodated by elementary or middle schools in other districts (e.g., Rocklin Unified School District). Addition of high school aged students would further exacerbate overcrowding at Del Oro High School. Impacts are not adequately described in the analysis and mitigation for new students is only addressed for elementary and middle school students in the North Village. Analysis of whether future development proposed by LUSD would address the impact is unclear, as it only references consideration of adding a new school, with no specifics on the ages of students that the new school would need to serve (e.g., elementary age vs. middle school age). There is not an adequate discussion of where students may be enrolled as the North Village is built out. Transporting the students to a new school site will create roadway/intersection impacts that are not disclosed in the DEIR. Since the students cannot go to Franklin Elementary because of existing capacity issues, analysis should also be provided for key intersections along Taylor Road and Horseshoe Bay Road (e.g., Taylor/Sierra College Blvd, Taylor/Horseshoe Bar Road, Taylor/King Road) since many of the North Village children will likely be enrolled in Loomis Grammar School or H. Clarke Powers Elementary School to the north and west of the College Park development. A significant and unavoidable impact conclusion does not eliminate the requirement to disclose impacts.*

As discussed on page 3.13-19 and 3.13-20 of the DEIR, and as verified through personal communications with Gordon Medd, former Superintendent of Loomis Union School District, August 12, 2021, “the North Village property is located within the attendance boundary for Franklin Elementary School...The North Village portion of the project would include the development of up to 695 residential units (including 317 single family units and 378 multifamily units). According to the LUSD3, the proposed Project would generate a maximum of 0.473 students per residential unit (with an unknown number of bedrooms), 0.446 students per three-bedroom multifamily residential unit, 0.223 students per two-bedroom multifamily residential unit, and 0.0 students per one-

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<sup>3</sup> Personal communication with Gordon Medd, Superintendent of Loomis Union School District, August 12, 2021.



bedroom multifamily residential unit. It is noted that the bedroom counts for 270 of the 378 multifamily units are currently known. These are the student generation rates utilized by the Loomis Union School District, and the calculations were reviewed by the District prior to publication of the DEIR. Of the 270 multifamily units for which the bedroom count is known, 27 would be three-bedroom units, 146 would be two-bedroom units, and 97 would be one-bedroom units. Using these rates, the North Village would be expected to generate approximately 244 new students at Franklin Elementary School. Franklin Elementary School is currently under capacity by 19 students. The addition of 244 new students at Franklin Elementary School would result in exceedance of the school's capacity.

Based on more recent comments from the Loomis Union School District, those K-8 students generated in the North Village may instead attend Loomis Grammar due to overcrowding at Franklin School, even though Gordon Medd, former Superintendent of Loomis Union School District had previously communicated that the children were within the Franklin Elementary School District boundary. Franklin Elementary school and Loomis Basic Charter School are located on Laird Road approximately 2.29 miles (drive distance) from the North Village site. Loomis Grammar K-8 school is located near the intersection of Taylor and King Road approximately 3.5 miles (drive distance) from the North Village site. Del Oro High School is located along Taylor Road (just north of King Road) approximately 3.6 miles (drive distance) from the North Village site. Together, these schools had an enrollment of 3,714 students during the 2019-2020 school year according to the DEIR. The project would add 306 students to this total, resulting in an 8 percent increase. That increase may be noticeable along key travel routes to the schools including Taylor Road, Horseshoe Bar Road, and King Road. However, increased delays are no longer considered an impact under CEQA; instead, a project's VMT is used to analyze its impact to the roadway network. In this instance, the two schools in Loomis would be a 3-to-4-mile one-way trip from the North Village site. If North Village students were instead to attend schools in the Rocklin Unified School District, they would be expected to attend Sierra Elementary School (2.4-mile one-way trip), Springview Middle School (2.5-mile one-way trip), and Whitney High School (10.9-mile) one-way trip. Overall, if this shift were to occur, VMT generated by North Village home-to-school trips would increase by about 25 percent.

It is noted that student generation in the Rocklin Unified School District and Placer Union High School District is also thoroughly addressed in the DEIR. This includes student generation.

**Response 18-29:** This comment states *“Impact 3.13-4: Calculations of population and required park lands are confusing in this analysis. The DEIR (page 3.13-24) references a requirement for 12.99 acres of parkland based on the Quimby Act population estimate of 2,597. However, as reported in Chapter 2 (page 2.0-10), multi-family units could be much higher than the 558 assumed in the calculation. The analysis states that 270 multi-family units on Parcel B of the North Village would pay in lieu fees rather than dedicate additional parkland onsite. Chapter 2 states that a range of units could be constructed in the North Village, with a total as high as 668 (an additional 290 units not accounted for in the analysis). The confusion continues in the last paragraph on the page, where the analysis references a requirement for 17.14 acres to meet the 5 acres/1,000 population goals. Please revise the text to reflect the correct acreage requirement for parks.*

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*Using either total of 12.99 acres or 17.14 acres, the proposed 7.8 acres of parkland does not meet the Rocklin General Plan goal of 5 acres per 1,000 of added population. The payment of impact fees may improve existing park facilities or reimburse past developers for dedicated parkland, but will not address the need for new parkland to offset the needs created by additional population. Without adequate acreage for new parks, the project will adversely impact parklands within adjacent jurisdictions like Loomis. In the first paragraph of the analysis on page 3.13-24, a reference to "mitigation measure 3.13-1", which is not included in the list of DEIR mitigation measures, seems to support the notion that mitigation is required to increase proposed park acreage and reduce the impact to a less than significant level. Where will that additional parkland be located, and where and what is mitigation measure 3.13-1 that is referenced on page 3.13-24? Does this analysis incorrectly assume that the unimproved open space acreage may be applied as parkland acreage required by the General Plan?"*

This comment is addressed under Master Response 9.

The discussion of park impacts is provided in Section 3.13 Public Services and Recreation. Page 3.13-23 indicates that the proposed Project directly increases the number of persons in the area as a result of employment potential, and residential uses. The project would result in the addition of up to approximately 695 dwelling units on the North Village site and the South Village site would include approximately 205 dwelling units. Based on the City's General Plan Housing Element estimate of 2.80 persons per dwelling unit, the proposed Project is estimated to accommodate approximately 2,520 new residents in Rocklin at buildout.

For the purposes of collecting fees to mitigate for increase park demands (Quimby Act), the California Government Code Section 66477 states: *The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined on the basis of the approved or conditionally approved tentative map or parcel map and the average number of persons per household. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4.* According to the most recent U.S. Census (2014-2018) estimate, the average number of persons residing in a dwelling unit in the City of Rocklin is 2.88. Using this most recently available federal census figure of 2.88 persons per household and the proposed 900 units (695 units in the North Village and 205 units in the South Village), the Quimby Act population would be 2,597 persons.

The City's General Plan identifies a park standard based on a goal of five acres of developed parkland per 1,000 residents within the city limits. As noted previously, the City currently meets its General Plan parkland goal of five acres per 1,000 residents. The project proposes 5.8 acres of new park space and 22.5 acres of open area to serve the community and surrounding area. The City reviews each project for Quimby Act obligations during the building permit phase of the project and calculates the final Quimby Act obligation after considering parkland dedication. Any excess obligation after

parkland dedication is paid by the applicant as a City parkland in-lieu fee. It is noted that the 270 multi-family units on Parcel B of the North Village would pay in-lieu fees rather than dedicate additional parkland on-site.

The project includes formal park areas and natural open space. Uses in the proposed Park and Open Area parcels will provide passive and active recreation opportunities, visual amenities, and accommodate a path system with linkages to surrounding uses. Additionally, park sites will be defined and sized to meet parkland dedication requirements. In the South Village, the Park and Open Area parcels include the floodplain, wetlands and oak woodlands adjacent to Secret Ravine Creek as well as Monte Verde Park, a neighborhood park located adjacent to El Don Drive that includes a playground, open turf and picnic areas. In the North Village, the Park and Open Area parcels create a spine through the center of the site that creates a visual amenity and connectivity among uses. The Park and Open Area parcels include natural features including drainages, wetlands, and oak woodlands.

Pursuant to Chapter 3.16, Article VI (Park and Recreation Facilities Improvement Fee), the project developer would be required to pay the City of Rocklin park and recreation facilities improvement fee. The fee is established on issuance of all building permits for development in the city, and would be paid prior to issuance of building permits. The revenues raised by payment of the improvement fees are used to: pay for the cost of future construction of park and recreational facilities improvements; to reimburse the city for those described or listed park and recreational facilities improvements constructed in whole or in part by the city with funds advanced by the city from other sources; or reimburse developers who have been required or permitted by Section 3.16.430 to install such park and recreational facilities improvements which are oversized with supplemental size or capacity.

The comment does point to an error in the text of the DEIR on page 3.13-24 which is corrected in the Section 3.0 Errata.

**Response 18-30:** This comment states *“Each significant and unavoidable impact identified in the DEIR should be first addressed with an alternative that actually reduces the density/intensity of proposed development. The argument that no “action alternative” could be identified and studied in the DEIR that meets the project objectives is hollow. Similar (but to a greater level) to the “Reduced Footprint Alternative”, a smaller portion of the North and South Village project areas could be developed at higher densities, leaving larger areas of parkland and open space available for buffers to adjacent land uses/jurisdictions and enjoyment of the community. The undeveloped land would be available for use by the residents and public in the near term, and preserved for longer-term development should long-term goals of the community change.”*

CEQA requires that a DEIR analyze a reasonable range of feasible alternatives that meet most or all project objectives while reducing or avoiding one or more significant environmental effects of the project. The range of alternatives required in a DEIR is governed by a “rule of reason” that requires a DEIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines

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Section 15126.6[f]). A DEIR must “set forth only those alternatives necessary to permit a reasoned choice.” (CEQA Guidelines, Section 15126.6(f).) The CEQA Guidelines require only a “range of reasonable alternatives” and, thus limit the number and type of alternatives that need to be evaluated in an EIR. A DEIR need not include any action alternatives inconsistent with the lead agency’s fundamental underlying purpose in proposing a project. (In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings (2008) 43 Cal.4th 1143, 1166.). The following factors may be taken into consideration in the assessment of the feasibility of alternatives: site suitability, economic viability, availability of infrastructure, general plan consistency, other plan or regulatory limitations, jurisdictional boundaries, and the ability of the proponent to attain site control (Section 15126.6 (f) (1)).

Five alternatives to the proposed Project were developed based on input from City staff and the technical analysis performed to identify the environmental effects of the proposed Project. The alternatives analyzed in this DEIR include the following five alternatives in addition to the proposed Project.

- **No Project (No Build) Alternative:** Under this alternative, development of the Project Area would not occur, and the Project Area would remain in its current existing condition.
- **Existing General Plan Alternative:** Under this alternative, development of North Village and South Village site would occur consistent with the existing General Plan designation and zoning for the site. The existing General Plan designation for the North Village is Mixed Use (MU). The existing General Plan designations for the South Village are Mixed Use (MU) and Recreation-Conservation (R-C).
- **Increased Density/Residential Emphasis Alternative:** Under this alternative, the North Village and South Village sites would be developed with the same uses and amenities as described in the Project Description, but the density of the residential uses would be increased and clustered in order to allow for an increase in park/open space areas.
- **Increased Intensity/Commercial Emphasis Alternative:** Under this alternative, the South Village site would be developed with the same components as described in the Project Description; however, the North Village site would redesignate 13.6 acres of Medium High Density Residential (MHDR) to MU to increase the amount of commercial uses while maintaining the number of residential units and approximate overall Project footprint.
- **Reduced Footprint Alternative:** Under this alternative, the Plan Area would be developed with the same components as described in the Project Description, but the area utilized for the development (i.e., the project footprint) would be reduced by approximately 17 percent.

These alternatives constitute a reasonable range of alternatives for the analysis in the EIR. The City solicited input from the community during the early planning stage to try to develop ideas that could be incorporated into a DEIR alternative. This included engaging the public during the scoping meeting and NOP public review. It is not the City’s policy to evaluate every fathomable alternative,

rather, they follow the requirements of CEQA by developing a reasonable range of alternatives, which has been performed.

**Response 18-31:** This comment is not rewritten in its entirety because it consists of a three-page comment letter from Kittelson and Associates. Instead, the comment letter is broken into the following 18 specific topical issues related to transportation and circulation raised in the letter:

1. Town requests inclusion of Sierra College Boulevard/Taylor Road and Sierra College Boulevard/Brace Road intersections in the study.
2. Impact 3.14-3 is missing freeway off-ramp queuing conclusions for existing plus approved projects conditions and cumulative conditions. While the TIS in Appendix I identifies cumulative queuing issues, the DEIR does not.
3. Figure 3.14-11 erroneously shows a southbound right-turn on Sierra College Boulevard at Stadium Drive.
4. Figure 3.14-11 should be modified to note that Rocklin Road would be widened to allow for two westbound travel lanes along the project frontage and Sierra College Boulevard would be widened to allow for three northbound travel lanes along the project frontage.
5. Clarify which improvements shown on Figure 3.14-11 that the project would make to the Sierra College Boulevard/Rocklin Road intersection.
6. Mitigation is not shown for Impact 3.14-4, but is listed in Table ES-2.
7. Town requested mitigation TR-6 from the TIA in Appendix I be included in the EIR.
8. Town suggests that transit impacts caused by increased transit vehicle travel time should be considered significant and unavoidable with recommended mitigation consisting of mitigation TR-6 from the TIS in Appendix I.
9. Further discussion and analysis are required to demonstrate that the Increased Commercial Density Alternative would have reduced transportation and circulation impacts.
10. The project alternatives evaluation should consider buildout of the North Village with its potential of 668 multi-family units based on current land use and zoning.
11. Discussion in Impact 3.14-6 does not adequately resolve the sight distance issue at the two project driveways on Sierra College Boulevard. The Town recommends removal of the southerly left-turn pocket or modifications to it to eliminate the potentially hazardous design created by the project access. Additionally, effects of eliminating the northbound left-turn lane into Sierra College campus should be evaluated.
12. Discussion of pedestrian crossing demand across Sierra College Boulevard is lacking.
13. Modifications to the Rocklin Road/El Don Drive intersection shown in Figure 3.14-12 would presumably increase green time allotment for El Don Drive. The EIR should address the need for signal timing review along Rocklin Road between Aguilar Road and Sierra College to assess potential corridor impacts caused by that intersection modification.

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14. Provide 24-hour counts along Rocklin Road and Sierra College Boulevard to demonstrate that the AM and PM peak hours that were studied were higher than college traffic peak hours.
15. Confirm that change in lane configurations under plus project conditions on eastbound Schriber Drive approach to Sierra College Boulevard are correct. Please confirm geometries are correct and analyzed correctly. Please include the change in striping in the project's conditions of approval.
16. Clarify in conditions of approval that a second westbound travel lane would be included along the project's frontage on Rocklin Road.
17. Town requests clarification regarding whether the project will provide additional funding to help alleviate the anticipated queues created with the project along Rocklin Road.
18. Town requests clarification on the timing of when the City's impact fee program will be updated to include the I-80/Sierra College Boulevard interchange improvements.

Response to comment 1: Pursuant to Senate Bill (SB) 743, Public Resources Code (PRC) Section 21099, and California Code of Regulations (CCR) Section 15064.3, VMT has replaced intersection LOS as the metric for determining roadway network 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 consideration when identifying a significant impact; hence, studying additional intersections is not necessary. For these reasons, project impacts to the roadway system were analyzed using VMT and not intersection LOS. Inclusion of the Sierra College Boulevard/Taylor Road and Sierra College Boulevard/Brace Road intersections was not required for DEIR analysis purposes.

Response to comment 2: Impact 3.14-3 pertains to Existing Plus Project conditions only. Section 4.0 contains the cumulative conditions analysis including cumulative freeway off-ramp queuing impacts in Impact 4-21. Freeway off-ramp queuing was not analyzed for existing plus approved projects plus project conditions because it is not a required CEQA scenario, whereas project-specific (i.e., Existing Plus Project) and cumulatively considerable (i.e., Cumulative Plus Project) scenarios are required. The Existing Plus Approved Projects scenario is a requirement specific to the City of Rocklin.

Response to comment 3: Figure 3.14-2B shows a southbound right-turn lane on Sierra College Boulevard at Stadium Drive under Existing Conditions. At the signalized intersection limit line, the southbound Class II bike lane is 12 feet wide, which is the same dimension as a typical right-turn lane. It remains at least 10 feet wide extended one hundred feet back, meaning that a motorist can occupy the lane (lawfully per the California Vehicle Code) to turn right. Field observations indicate that most motorists turn right into the Sierra College campus from this turn lane. Accordingly, it was modeled as a right-turn lane so as to match existing conditions. The project is not responsible for constructing any improvements in this part of the intersection. The Sierra College Facilities Master

Plan includes construction of a future dedicated, lengthy right-turn lane at this location to support campus expansion.

Response to comment 4: Page 3.14-17 of the DEIR explicitly mentions that the proposed project would widen Rocklin Road to have two westbound lanes along its frontage and widen Sierra College Boulevard to provide three northbound travel lanes along its frontage. This is further demonstrated by the specific lane configurations under Existing Plus Project conditions on DEIR Figures 3.14-7B and 7C at intersections 8, 9, 10, 17, 18, 24, and 25.

Response to comment 5: The project would be responsible for constructing the specific improvements at the Sierra College Boulevard/Rocklin Road intersection shown on Figure 3.14-10.

Response to comment 6: Impact 3.14-4 was determined to be less than significant. Accordingly, no mitigation measures were required. Similarly, Impact 3.14-4 within Table ES-2 on page ES-34 of the DEIR also indicates no mitigation measure is required.

Response to comment 7: Mitigation TR-6 from the TIA requires the Project applicant(s) to pay appropriate City of Rocklin CIP / Traffic Impact Fees. The city requires all new land developments within the city to pay applicable traffic impact fees. This project would pay the applicable fees through the application of a project condition of approval.

Response to comment 8: Impact 3.14-5 in the DEIR identified significant impacts to transit, specifically related to disrupting existing or planned transit service. Mitigation measure 3.14-3 was recommended, which would reduce that impact to a less than significant. The comment does not provide any supporting evidence for the likelihood of increased transit vehicle travel times causing a significant impact. Refer to response to comment 7 above regarding mitigation TR-6 from the TIS in Appendix I.

Response to comment 9: Page 5.0-41 of the DEIR correctly states that the Increased Intensity Alternative would result in an increase in the project's trip generation. This page also correctly concludes that this project alternative would result in slightly reduced VMT impacts due to its increased density. This conclusion is correct because it is well-documented that increasing the density of residential and non-residential is correlated with reduced VMT on a per capita or per employee basis. In fact, the *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (California Air Pollution Control Officers Association, 2021) includes "Increase Residential Density" and "Increase Job Density" as, top land use strategies to reduce GHG and VMT. Specific VMT/GHG reduction estimates are provided on pages 70-75 of this document. Since VMT impacts in the DEIR were analyzed using metrics of VMT per dwelling unit and VMT per ksf of non-residential, it follows that intensifying the site would result in less VMT per unit and per ksf. Thus, the conclusion is valid.

Response to comment 10: The DEIR has analyzed the proposed number of units for the North Village. This is an accurate number of units for the analysis, because it is what is proposed. If the Project

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applicant were to propose a different number that is higher than what was analyzed, then they would be subject to additional environmental review. As discussed on page 2.0-9 of the DEIR, the North Village would provide the following:

The North Village site encompasses approximately 72.6-acres and would include approximately 35.5 acres for single-family residential development, 18.5 acres for multi-family residential development, 3.0 acres for retail commercial uses, and 15.6 acres for park/open space uses. As indicated by Table 2.0-5, buildout of the North Village site is anticipated to result in:

- 317 single-family dwelling units;
- 378 multi-family dwelling units;
- 45,000 square feet of non-residential building uses;
- 9.0 acres of open area; and
- 6.6 acres of parks.



**TABLE 2.0-5: NORTH VILLAGE SITE LAND USE SUMMARY<sup>1</sup>**

PLANNED DEVELOPMENT LAND USE/ZONING		ACRES	DWELLING UNITS	NON-RES. BUILDING SQUARE FOOTAGE
Commercial	PD-C	3.0	0	45,000
Medium Density Residential	PD-8.4	6.1	38	0
Medium-High Density Residential	PD-15.4	29.4	279	0
High Density Residential	PD-15.5+	18.5	378	0
Open Area	PD-OA	9.0	0	0
Park	PD-P	6.6	0	0
<b>Total</b>		<b>72.6</b>	<b>695</b>	<b>45,000</b>

Notes: <sup>1</sup>Data in this table is as provided by the Project applicant in the April 22, 2021 project information package and from the Transportation Impact Study prepared for the Project by Fehr & Peers.

Response to comment 11: This comment offers no specifics in support of its assertion that sight distance issues at the project driveways on Sierra College Boulevard are unresolved and that the southerly left-turn pocket should be removed. Accordingly, no further response can be provided, though it is worth reiterating that sight distance analyses were performed in accordance with professionally accepted procedures, and that Mitigation Measure 3.14-5 requires surveying and documentation as construction progresses confirming that sight distance requirements are being met. According to Figure 3.14-2B, the northbound left-turn lane into the Sierra College campus served 34 vehicles during the AM peak hour in Fall 2018. With removal of this turn lane, most of this demand would shift to the northbound left-turn at the signalized Stadium Drive entry, which serves 50 vehicles during the AM peak hour. Queuing needs for the combined volume of 84 vehicles in that lane can be met by the 200 feet of turn lane storage that is provided. It is also noted that Sierra College did not submit a comment letter expressing opposition or concern over the removal of this turn lane.

Response to comment 12: As shown on DEIR Figures 3.14-10 and 3.14-11, the project would add a marked crosswalk on the south leg of the Sierra College Boulevard/Stadium Way intersection and on the north leg of the Sierra College Boulevard/Rocklin Road intersection. Persons walking between the North Village and Sierra College campus would cross Sierra College Boulevard at one of these protected crossings, neither of which is present today. Each crossing would consist of pedestrian signal heads with push-button activation. This comment also raised questions about pedestrian crossing demand and potential increases in travel time along the corridor. It is expected that both crosswalks would be used often by persons walking or biking between the Sierra College campus and North Village. Although specific demand estimates were not developed, the crosswalks in suburban settings rarely, if ever, have capacity issues associated with excess pedestrian demand. The comment correctly notes that travel times along Sierra College Boulevard could increase due to the pedestrian crossings. This occurs as a result of the amount of “Flashing Don’t Walk” time that must be allocated to the crosswalk to provide sufficient time for a pedestrian to fully complete the crossing before Sierra College Boulevard traffic is allocated a green interval. Increases in travel time

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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along the corridor were considered when deciding where crosswalks should be placed. Specifically, a crosswalk was not added to the north leg of the Sierra College Boulevard/Stadium Way intersection because the east-west approaches would operate with split phasing. If crosswalks were placed at both the north and south legs under this signal phasing plan, simultaneous pedestrian calls would result in the crosswalks operating sequentially (not concurrently). Given the width of Sierra College Boulevard and required time to cross the wide corridor, Sierra College Boulevard through traffic would be continuously stopped for about 80 seconds when both crosswalks receive calls for service. To avoid this added travel time, only the south leg crosswalk was maintained.

Response to comment 13: Modifications to the Rocklin Road/El Don Drive intersection only require modifying the lane assignment of the northbound outside travel lane from a shared through/right lane to a shared left/through/right lane. No change in signal phasing or other signal timings would be necessary (as the north-south approaches already operate with split phasing). This modification is needed to accommodate the increase in northbound left-turning traffic. By providing a shared left/through/right lane, more balanced lane utilization (and reduced queuing) is achieved on the northbound El Don Drive approach.

Response to comment 14: The hourly traffic volumes (Technical Appendix to the Final Transportation Impact Study for College Park (June 23, 2021) are shown for Rocklin Road east of Aguilar Road and Sierra College Boulevard north of Stadium Way on Wednesday, April 13, 2016. Sierra College was in session on the day of the count. The Sierra College Boulevard count indicates that the roadway was busiest during the traditional AM and PM peak periods (i.e., 7 to 9 AM and 4 to 6 PM). On Rocklin Road, there were two distinct morning peaks in traffic. One peak occurred from 7:15 to 8:15 AM with 1,912 vehicles, while the other peak occurred from 8:45 to 9:45 AM with 1,924 vehicles. The later surge is likely associated with students/staff arriving at Sierra College. Thus, volumes were nearly identical during each surge. During the afternoon/evening, there were also two distinct hourly peaks in traffic. One peak occurred from 2:45 to 3:45 PM with 2,256 vehicles, while the other peak occurred from 4:45 to 5:45 PM with 2,196 vehicles. The earlier surge is likely associated with students/staff departing Sierra College. Intersection analysis relied on the traditional PM peak hour time period for several reasons. First, it is consistent with the City of Rocklin General Plan Policy C-10 pertaining to intersection LOS operating requirements for weekday PM peak hour conditions. Second, because microsimulation was applied, a single peak hour for the entire network was needed and selecting the school-related surge hour along Rocklin Road would have meant that volumes at other intersections (i.e., along Sierra College Boulevard) less affected by Sierra College traffic would have been lower than their actual peak. Third, the PM peak hour volume was 60 vehicles lower than the school-related afternoon peak hour volume (a 2.7 percent decrease), which is less than the variation in traffic on a daily basis.

Response to comment 15: At the time the traffic counts were conducted in Fall 2018, the west leg of the Schriber Drive intersection did not exist and the intersection was not signalized. Figure 3.14-

2B shows conditions present at that time. These same lane configurations were assumed in place under Existing Plus Project conditions (see Figure 3.14-7B). The cumulative conditions figures in the TIS in Appendix I show a traffic signal and modified lane geometries on all approaches to match what was recently constructed. The project is not required to improve the Sierra College Boulevard/Schriber Way in any manner.

Response to comment 16: See response to comment 4.

Response to comment 17: The project is required to pay applicable traffic impact fees to the City of Rocklin. Those fees include specific funding allotments to widen Rocklin Road to six lanes and to improve the I-80/Rocklin Road interchange.

Response to comment 18: The City intends to update its impact fee program as part of its ongoing update to the Circulation Element of the General Plan. As part of that update, inclusion of improvements to the I-80/Sierra College Boulevard interchange are being considered. It is not known when the updated fee program will be adopted by the City Council.



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VIA ELECTRONIC MAIL ONLY

November 4, 2021

David Mohlenbrok  
 Community Development Director  
 Community Development Department  
 City of Rocklin  
 3970 Rocklin Road  
 Rocklin, CA 95677  
 Email: [David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)

Re: **Loomis Union School District  
 Notice of Availability – College Park - Draft Environmental Impact Report**

Dear Mr. Mohlenbrok:

On behalf of our client, the Loomis Union School District (“District”), we express our appreciation for this opportunity to present these comments to the City of Rocklin in response to its Notice of Availability for the College Park - Draft Environmental Impact Report received on September 27, 2021. This letter will serve as the District’s comments, more specifically, the District’s urgent concerns regarding the Project.

19-1

As you are aware, Bob Kingsley of Kingsley Bogard LLP submitted a Comment Letter on behalf of the District on February 27, 2019 regarding your Department’s Notice of Preparation of an Environmental Impact Report for the Proposed College Park Project (“Project”). (See Attachment 1.) Since that time, the Project has dramatically changed. But, the District still has many of the same concerns expressed in the letter, and in fact many of the concerns have become even more urgent.

19-2

**COMMENTS**

**1. Mitigation of Impact on Schools**

The District’s negotiations with Cresleigh Homes over a Mitigation Agreement are still ongoing and nothing has been finalized. It is critical that a Mitigation Agreement is finalized that is satisfactory to the District for the District to support this Project.

19-3

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phone (916) 932-2500 fax (916) 932-2510 email [admin@kblegal.us](mailto:admin@kblegal.us) web [kblegal.us](http://kblegal.us)  
 A LIMITED LIABILITY PARTNERSHIP

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**2. Environmental Impact 3.13 – Public Services and Recreation**

As noted in the Executive Summary section at page ES-33, Environmental Impact 3.13-3 is “potentially significant” without mitigation. Environmental Impact 3.13.-3 specifically provides:

The proposed Project would result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts.”

The Executive Summary goes on to provide that there is no feasible mitigation. The District vehemently disagrees. As set forth more specifically below, Environmental Impact 3.13.-3 could be mitigated within the terms of a Mitigation Agreement and with Conditions of Approval.

In addition, The North Village site now provides for 317 Single-Family Residential Units and 378 Multi-Family Residential Units totaling 695 units, which will generate a minimum of 350 new students for the District who are within the boundaries of Franklin Elementary School.

Contrary to the EIR Table 3.13-4 (on page 3.13-17 of the EIR), as well as the conclusion drawn on Page 3.13-7, Franklin Elementary is at absolute full capacity because it also houses Loomis Basin Charter. As a result, all students generated by this Project would now be housed at the Loomis Grammar School, located between Taylor Road and Sierra College. This will necessitate an updated Traffic Study as this area is already negatively impacted by current traffic conditions and will be further exasperated by busing routes of three different school districts for pick up and drop off as mentioned below.

19-4

**3. 3.14 – Transportation and Circulation**

As noted within the Executive Summary, Environmental Impact 3.14-5 is again potentially significant without mitigation. Environmental Impact 3.14-5 specifically provides:

Project implementation could disrupt or interfere with existing or planned transit facilities or services.

The Environmental Impact, however, makes no reference to the impact on transportation and circulation related to the District’s, and the other two school districts’, students generated by the Project. Because of this oversight, the mitigation measure is also silent on how the impact on each District’s bus route and pick up/drop off locations will be mitigated. This impact must be factored into the suggested Mitigation Measure, as well as

19-5

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the overall traffic analysis for the Project.

**4. City of Rocklin's General Plan – Goal for Public Facilities and Services**

The EIR references the City of Rocklin's General Plan (*see* Pages 3.13-11,12 and 13), which contains the relevant goal and policies for public services, including schools and recreation, identified and addressed below separately.

First the overall goal is "[t]o provide high quality public facilities and a full range of public services to all areas and residents of the City, and to ensure that new development does not cause the inefficient use of such facilities and services. To this end, the General Plan has the following relevant policies that address schools and mandate the additional mitigation measures required to address this Project:

- A. Policy PF-1: Provide for adequate lead time in the planning of needed expansions of such facilities.

In order to provide adequate lead time, it is imperative that a Mitigation Agreement with Cresleigh Homes is put in place immediately.

- B. Policy PF-3: Require that any development that generates the need for public services and facilities, including equipment, pay its proportional share of providing those services and facilities. Participation may include, but is not limited to, the formation of assessment districts, special taxes, payment of fees, payment of the City's Construction Tax, purchase of equipment (e.g., school buses), and/or the construction and dedication of facilities (such as new classrooms to house the students generated by this Project).

Level 1 fees for this Project are totally inadequate, therefore, the District strongly advocates at a minimum that an Assessment District for the District's school related expenses be formed.

- C. Policy PF-4: Disapprove development proposals that would negatively impact City-provided public services, unless the negative impact is mitigated.

If a satisfactory mitigation agreement, including the formation of a school related assessment District, cannot be implemented this Project must not be approved.

- D. Policy PF-26: Evaluate all residential development project applications for their impact on school services and facilities. Where an impact is found, the project may be conditioned to the extent and in the manner allowed by law to mitigate the

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19-6





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impact, such as requiring payment of school district fees and/or participation in a community facilities district to fund school facilities.

19-6 Cont.

As we noted above, level 1 school fees alone will not aide the impact of the Project's new students being generated and there must be a Community Facilities District formed within the Project to adequately mitigate the impacts upon the District.

5. **Rocklin General Plan EIR**

The EIR incorporates the Rocklin General Plan EIR to the Project. (See Pages 3.13-15 - 3.13.16.) By doing so the EIR incorporates the goals and policies of the Rocklin General Plan for impacts to public services, which specifically provides:

All applicable mitigation measures from the General Plan EIR, including the mitigation measures for impacts to public services incorporated as goals and policies in the Rocklin General Plan, will be applied to the project. These serve as uniformly applied development policies, adverse physical impacts and standards, and/or as conditions of approval for the project to ensure consistency with the General Plan and compliance with City Rules and Regulations. The District would advocate adding a specific Condition of Approval requiring the Developer to enter into both a Mitigation Agreement and forming a CFD.

19-7

Section 3.13.3 of the EIR, at page 3.13-16, discusses the thresholds of significance for Impacts and Mitigation Measures and states in part:

Consistent with Appendix G of CEQA Guidelines, the proposed Project will have a significant impact on public services or recreation if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services; effects of this future school facility are undetermined.
  - Fire Protection;
  - Police Protection;
  - Schools;
  - Parks;
  - Other Public Facilities...

19-8

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This project will have a significant impact on the District. Therefore, Impact 3.13-3, as it relates to the District on pages 3.13-19 and 20 must be re-written.

In conclusion, the District disagrees with the EIR's statement regarding Impacts and Mitigation Measures 3.13-3 at page 3.13-23, specifically that the impact are significant and unavoidable. The impacts are avoidable as addressed above, through a Mitigation Agreement, CFD and Conditions of Approval with the Developer.

19-8 cont.

Very truly yours,

KINGSLEY BOGARD LLP

A handwritten signature in black ink, appearing to read 'R. E. Thurbon', is written over the typed name.

ROBERT E. THURBON

RET:kc

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**Response to Letter 19: Robert Thurbon, Bob Kingsley of Kingsley Board LLP, Loomis Union School District**

**Response 19-1:** This comment is an opening statement by the commenter and does not warrant a response.

**Response 19-2:** This comment notes that Bob Kingsley of Kingsley Bogard LLP submitted a Comment Letter on behalf of the District on February 27, 2019 regarding the City's Notice of Preparation and that since that time, the Project has dramatically changed. The commenter notes that the District still has many of the same concerns expressed in the letter, and in fact many of the concerns have become even more urgent.

This comment is an opening statement by the commenter and does not warrant a response.

**Response 19-3:** This comment states the following:

*Mitigation of Impact on Schools*

*The District's negotiations with Cresleigh Homes over a Mitigation Agreement are still ongoing and nothing has been finalized. It is critical that a Mitigation Agreement is finalized that is satisfactory to the District for the District to support this Project.*

The above comment does not raise an "environmental" concern, rather it is directed at establishing financial mechanisms that would provide a financial benefit to the School District. The suggested funding mechanisms recommended by the commenter will be provided to the appointed and elected officials for their consideration.

**Response 19-4:** This comment states the following:

*Environmental Impact 3.13 – Public Services and Recreation*

*As noted in the Executive Summary section at page ES-33, Environmental Impact 3.13-3 is "potentially significant" without mitigation. Environmental Impact 3.13.-3 specifically provides:*

*The proposed Project would result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts."*

*The Executive Summary goes on to provide that there is no feasible mitigation. The District vehemently disagrees. As set forth more specifically below, Environmental Impact 3.13.-3 could be mitigated within the terms of a Mitigation Agreement and with Conditions of Approval.*

*In addition, The North Village site now provides for 317 Single-Family Residential Units and 378 Multi-Family Residential Units totaling 695 units, which will generate a minimum of 350 new students for the District who are within the boundaries of Franklin Elementary School.*

*Contrary to the DEIR Table 3.13-4 (on page 3.13-17 of the EIR), as well as the conclusion drawn on Page 3.13-7, Franklin Elementary is at absolute full capacity because it also houses Loomis Basin Charter. As a result, all students generated by this Project would now be housed at the Loomis*

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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*Grammar School, located between Taylor Road and Sierra College. This will necessitate an updated Traffic Study as this area is already negatively impacted by current traffic conditions and will be further exasperated by busing routes of three different school districts for pick up and drop off as mentioned below.*

Here, the District disagrees with the conclusion that there are no feasible mitigation measures that would fully mitigate impacts to a less than significant level; however, the District has not provided any specific measures that they deem feasible and that should be imposed on the project. The proposed project does include an extensive array of mitigation measures that will be imposed on the project. The Mitigation Monitoring and Reporting Program will be implemented throughout the project to ensure that the requirements of the measures are adhered to by the developers.

The impact conclusion provided on page 3.13-23 of the DEIR states *“The Project would not directly include development of any school facilities.”* The discussion continues with *“Nevertheless, as noted above, LUSD is currently in the process of acquiring a site for a new school and associated facilities. At this stage, the environmental effects of this future school facility are undetermined. Depending on the ultimate location, it is possible that development of the future Loomis school site would result in environmental effects. The proposed project would indirectly contribute to any impacts associated with that school because of the new students that are added from the proposed Project. Therefore, due to the uncertainty of the environmental effects of the future LUSD school facility, the indirect impact of the proposed Project on the need for additional school facilities is **significant and unavoidable**. It is noted that once an exact location and design is developed by the School District, it is possible that this impact would be reduced to an insignificant level; however, that conclusion cannot be made at this point in time given the uncertainty of the new school facility.”*

This conclusion is provided because there are no specific plans for the new school, and the exact impacts cannot be fully known at this time. Ultimately, the District will perform environmental analysis of their new school in accordance with CEQA, and will be required to fully disclose the environmental effects of that school project. It is possible that the impact can be mitigated to a less than significant level through design and site location, as well as specific mitigation measures. However, those decisions are at the discretion of the District.

This comment is also addressed, in part, under Response 18-28.

**Response 19-5:** This comment states the following:

*3.14 – Transportation and Circulation*

*As noted within the Executive Summary, Environmental Impact 3.14-5 is again potentially significant without mitigation. Environmental Impact 3.14-5 specifically provides:*

*Project implementation could disrupt or interfere with existing or planned transit facilities or services.*

*The Environmental Impact, however, makes no reference to the impact on transportation and circulation related to the District’s, and the other two school districts’, students generated by the Project. Because of this oversight, the mitigation measure is also silent on how the impact on each*

*District's bus route and pick up/drop off locations will be mitigated. This impact must be factored into the suggested Mitigation Measure, as well as the overall traffic analysis for the Project.*

Based on this comment, the following revisions to Impact 3.14-5 and to Mitigation Measure 3.14-3 have been made. These revisions amplify the discussion on transit services to include the school related transit, and provides a requirement to coordinate with the District and Mid-Placer Public Schools Transportation Agency to ensure that new bus routes and stops are established to serve the new students. It is noted that the requirement, and discretion to establish bus stops and routes for the students lies with the District and the Mid-Placer Public Schools Transportation Agency, but the Project applicant can coordinate with them to better ensure that accommodations are made. Page 3.14-27 is revised as follows:

**Impact 3.14-5: Project implementation could disrupt or interfere with existing or planned transit facilities or services (Less than Significant with Mitigation)**

As previously stated, Placer County Transit and Roseville Transit serve the Project Area with bus stops located in the eastbound and westbound directions of Rocklin Road adjacent to El Don Drive. Additionally, a stop is located in the Rocklin Crossings Shopping Center. As shown in Figure 3.14-6, a driveway is proposed on Rocklin Road east of El Don Drive to serve the South Village, which would also be situated near an existing bus stop. Policy C-50 of the *City of Rocklin General Plan (2012)* calls for the City to work with transit providers to plan, fund, and implement additional transit services that are cost-effective and responsive to existing and future resident needs. Similarly, Policy C-2 calls for the City to coordinate land use and transportation planning to support transit services. Because the introduction of project driveways near existing/planned bus stops could introduce conflicts between buses and passenger vehicles (if not properly planned for), this impact is considered potentially significant.

In addition to the transit agencies discussed above, transit is provided for school aged children by the Loomis Union School District through Mid-Placer Public Schools Transportation Agency. Parents can submit an application for a bus pass to attend the schools in the District. New routes are established based on a variety of factors. Students are expected to walk the following distances to school or bus stops: K-3rd (3/4 miles), 4-8th (1 miles), 9-12th (2.5 miles). Students are assigned to the stop nearest the street address stated on the bus pass application. New bus stops are established based on needs of the students applying for a bus pass. Additionally, the Loomis Union School District and Mid-Placer Public Schools Transportation Agency evaluate and establish new bus routes for new projects.

As outlined in Mitigation Measure 3.14-3, the applicant is required to coordinate with the City of Rocklin and Placer County Transit regarding the placement and design of its project driveways on Sierra College Boulevard and Rocklin Road to ensure that they do not interfere with existing/planned transit operations. This measures also requires the applicant to coordinate with the Loomis Union School District and Mid-Placer Public Schools Transportation Agency regarding bus routes and stops to serve students. Additionally, Mitigation Measure 3.14-3 calls for the applicant to construct a bus shelter and turnout along the North Village project frontage on Sierra College Boulevard north of Rocklin Road to accommodate ingress to each Project driveway. Implementation of Mitigation Measure 3.14-3 would reduce this impact to be **less than significant**.

MITIGATION MEASURE(S)

**Mitigation Measure 3.14-3:** *The Project applicant shall coordinate with the City of Rocklin and Placer County Transit regarding the placement and design of its Project driveways on Sierra College Boulevard and Rocklin Road to ensure that they do not interfere with existing/planned transit operations. The Project applicant shall coordinate with the Loomis Union School District and Mid-Placer Public Schools Transportation Agency to ensure*

*that bus routes and stops are established to serve students in the new neighborhoods. Preferred driveway designs should provide sufficient distance between the stop location and the driveway to provide adequate sight distance and could potentially include a continuous bus turnout / deceleration lane to accommodate ingress to each project driveway.*

**Response 19-6:** This comment states the following:

*City of Rocklin's General Plan – Goal for Public Facilities and Services*

*The EIR references the City of Rocklin's General Plan (see Pages 3.13-11,12 and 13), which contains the relevant goal and policies for public services, including schools and recreation, identified and addressed below separately.*

*First the overall goal is "[t]o provide high quality public facilities and a full range of public services to all areas and residents of the City, and to ensure that new development does not cause the inefficient use of such facilities and services. To this end, the General Plan has the following relevant policies that address schools and mandate the additional mitigation measures required to address this Project:*

- A. *Policy PF-1: Provide for adequate lead time in the planning of needed expansions of such facilities.*

*In order to provide adequate lead time, it is imperative that a Mitigation Agreement with Cresleigh Homes is put in place immediately.*

- B. *Policy PF-3: Require that any development that generates the need for public services and facilities, including equipment, pay its proportional share of providing those services and facilities. Participation may include, but is not limited to, the formation of assessment districts, special taxes, payment of fees, payment of the City's Construction Tax, purchase of equipment (e.g., school buses), and/or the construction and dedication of facilities (such as new classrooms to house the students generated by this Project).*

*Level 1 fees for this Project are totally inadequate, therefore, the District strongly advocates at a minimum that an Assessment District for the District's school related expenses be formed.*

- C. *Policy PF-4: Disapprove development proposals that would negatively impact City-provided public services, unless the negative impact is mitigated.*

*If a satisfactory mitigation agreement, including the formation of a school related assessment District, cannot be implemented this Project must not be approved.*

- D. *D. Policy PF-26: Evaluate all residential development project applications for their impact on school services and facilities. Where an impact is found, the project may be conditioned to the extent and in the manner allowed by law to mitigate the impact, such as requiring payment of school district fees and/or participation in a community facilities district to fund school facilities.*

*As we noted above, level 1 school fees alone will not aide the impact of the Project's new students being generated and there must be a Community Facilities District formed within the Project to adequately mitigate the impacts upon the District.*

The commenter has presented select General Plan Policies and provides a narrative on how the Project could achieve compliance with each policy. Each of the narratives revolves around establishing financial mechanisms that would provide a financial benefit to the School District. Response 18-27 addresses the DEIR's approach to addressing school-related impacts consistent with California law (Senate Bill 50). In short, under Senate Bill 50, the only CEQA mitigation that a lead agency may impose for impacts to school facilities is to require payment of school impact fees. The payment of such fees "provide[s] full and complete school facilities mitigation" under CEQA. (Gov. Code, § 65996, subd. (b); see also DEIR, pp. 3.13-11, 3.13-23.) The above comment does not raise an "environmental" concern. The suggested funding mechanisms recommended by the commenter will be provided to the appointed and elected officials for their consideration.

**Response 19-7:** This comment states the following:

*Rocklin General Plan EIR*

*The EIR incorporates the Rocklin General Plan EIR to the Project. (See Pages 3.13-15 -3.13.16.) By doing so the EIR incorporates the goals and policies of the Rocklin General Plan for impacts to public services, which specifically provides:*

*All applicable mitigation measures from the General Plan EIR, including the mitigation measures for impacts to public services incorporated as goals and policies in the Rocklin General Plan, will be applied to the project. These serve as uniformly applied development policies, adverse physical impacts and standards, and/or as conditions of approval for the project to ensure consistency with the General Plan and compliance with City Rules and Regulations. The District would advocate adding a specific Condition of Approval requiring the Developer to enter into both a Mitigation Agreement and forming a CFD.*

The topic discussed in this comment is addressed throughout the DEIR as it related to environmental topics. More specifically, the City requires compliance with General Plan Policy for all projects, including the proposed Project. The above comment does not raise an "environmental" concern, rather it is directed at establishing financial mechanisms that would provide a financial benefit to the School District. Conditions of Approval are attached to all project approvals by City staff as they review applications for development. The suggested funding mechanisms recommended by the commenter will be provided to the appointed and elected officials for their consideration.

**Response 19-8:** This comment states the following:

*Section 3.13.3 of the EIR, at page 3.13-16, discusses the thresholds of significance for Impacts and Mitigation Measures and states in part:*

*Consistent with Appendix G of CEQA Guidelines, the proposed Project will have a significant impact on public services or recreation if it would:*

- *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order*

*to maintain acceptable service ratios, response times or other performance objectives for any of the public services: effects of this future school facility are undetermined.*

- *Fire Protection;*
- *Police Protection;*
- *Schools;*
- *Parks;*
- *Other Public Facilities...*

*This project will have a significant impact on the District. Therefore, Impact 3.13-3, as it relates to the District on pages 3.13-19 and 20 must be re-written.*

The commenter suggest that the Impact 3.13-3 should be rewritten because it will have a significant impact on the District. The commenter does not provide any specific text suggestions for rewriting this discussion, or the impact conclusion. It is noted that the conclusion for Impact 3.13-3 is presented as “Significant” and Unavoidable, as suggested by the commenter. This is accurate, and appears to be consistent with what the commenter is requesting.

Date: Tue, Nov 2, 2021 at 9:11 PM

Subject: RE: College Park DEIR and Appendices

To: David Mohlenbrok <[David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)>, Bret Finning <[Bret.Finny@rocklin.ca.us](mailto:Bret.Finny@rocklin.ca.us)>, Nathan Anderson <[Nathan.Anderson@rocklin.ca.us](mailto:Nathan.Anderson@rocklin.ca.us)>

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Hello David, Bret and/or Nate,

I have still not received a response from the City staff regarding my concerns with the appendices of the College Park DEIR. Namely, none of the massive 2,400-pages of the DEIR appendices are searchable pdf documents like the 680-page DEIR pdf document itself. I have also not received a response from staff regarding the many tree survey spreadsheets in Appendix C that are not legible. I asked 6 days ago, on October 27<sup>th</sup>, that new **searchable** appendices be posted on the City's College Park DEIR website and that **legible** copies of the tree survey spreadsheets in Appendix C also be posted.

20-1

Not only have I not heard back from any City staff on this, nothing has yet to be posted. We are now 6 days from the due date for written comments on the DEIR. It is impossible for citizens of Rocklin to effectively respond to this massive 3,080-page DEIR without searchable pdf files and without legible documents. It doesn't make sense to me that you can have a searchable DEIR pdf document yet not searchable pdf appendices. I can't imagine it would take much effort at all to comply with my requests. I would think a judge would find this extremely irresponsible of the City for failing to provide these documents. And I would hope our governing City Council members would be concerned about what has been provided to the citizens of Rocklin on this project's DEIR, and I would imagine on many project DEIR's that come before the citizens of Rocklin.

20-2

I look forward to hearing from someone quickly on this matter. Additionally, please consider this email a submitted written comment on the College Park DEIR.

Respectfully,

Denise Gaddis

Spokesperson for

**Save East Rocklin**

Cell: 916-532-9927

[denise@wavecable.com](mailto:denise@wavecable.com)

**Response to Letter 20: Denise Gaddis 3, Public Comment Submission**

**Response 20-1:** This comment indicates that they have not received a response from the City staff regarding their concerns with the appendices of the College Park DEIR. The commenter mentioned that none of the massive 2,400-pages of the DEIR appendices are searchable pdf documents like the 680-page DEIR pdf document itself. The commenter also indicates that they have not received a response from staff regarding the many tree survey spreadsheets in Appendix C that are not legible. The commenter mentioned that they asked 6 days ago, on October 27th, that new searchable appendices be posted on the City's College Park DEIR website and that legible copies of the tree survey spreadsheets in Appendix C also be posted.

This is addressed in Response to Comment 13-1. 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 are included in the appendices, but 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. 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. This comment does not warrant further response or revisions to the DEIR.

**Response 20-2:** This comment states that *"Not only have I not heard back from any City staff on this, nothing has yet to be posted. We are now 6 days from the due date for written comments on the DEIR. It is impossible for citizens of Rocklin to effectively respond to this massive 3,080-page DEIR without searchable pdf files and without legible documents. It doesn't make sense to me that you can have a searchable DEIR pdf document yet not searchable pdf appendices. I can't imagine it would take much effort at all to comply with my requests. I would think a judge would find this extremely irresponsible of the City for failing to provide these documents. And I would hope our governing City Council members would be concerned about what has been provided to the citizens of Rocklin on this project's DEIR, and I would imagine on many project DEIR's that come before the citizens of Rocklin."*

This comment is addressed above in Response 20-1 and in 13-1.



**smcmurtry@denovoplanning.com**

**From:** Nathan Anderson <Nathan.Anderson@rocklin.ca.us>  
**Sent:** Friday, November 5, 2021 8:44 AM  
**To:** 'Steve McMurtry'; 'Josh Smith'; zdahla@denovoplanning.com; George Phillips  
**Cc:** David Mohlenbrok  
**Subject:** FW: College Park

I will be forwarding DEIR comments as I receive them, beginning with the comment below.

Thanks.



**Nathan Anderson** | Senior Planner  
 Planning Division | City of Rocklin  
 3970 Rocklin Road | Rocklin, CA 95677  
[nathan.anderson@rocklin.ca.us](mailto:nathan.anderson@rocklin.ca.us) | (916) 625-5114 | [www.rocklin.ca.us](http://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>

**From:** Michael Thompson <mike.e.thompson@gmail.com>  
**Sent:** Friday, November 5, 2021 8:15 AM  
**To:** David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>  
**Cc:** Nathan Anderson <Nathan.Anderson@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Michael Barron <Michael.Barron@rocklin.ca.us>  
**Subject:** College Park

Good morning,

I would like to discuss my extreme frustration with you in regards to some of the proposed plans for College Park as well as all the other new housing projects all around Sierra College.

We've lived here for 20 years and unless you also live in this area then you have no idea what it's like to try and get to the freeway via El Don and Rocklin Road. Many times we sit through the same signal 3 times when school is in session. We witness accidents it seems almost every week and those are just the ones that happen to be when we're driving at that particular time.

There are new housing projects happening right now on Aguillar and that will add more traffic to an already very busy and very dangerous area.

That however, is nothing compared to what you're planning to do with College Park. It's as if you've never driven in this area. You don't live here so why not do something as horrible as this to add so much traffic and crime in the area that people are forced to move.

This doesn't even start to add in the massive apartment complex going in right now on the corner of Rocklin rd. and Sierra College and you are then planning to add hundreds of additional cars to the road.

Obviously none of you live in this area or have a need to drive in this area or you wouldn't be doing this.

Classic case of narcissistic politicians doing what's best for themselves.

Here are some facts:

- **Traffic**
- According to Rocklin Police Dept. statistics, Rocklin Road is the #1 collision location in the City.
- The City should not approve this massive development without making improvements to Rocklin Road that will be even more impacted with 900 new residences, retail and "other" uses.
- To help alleviate impacts to an already impacted Rocklin Road between I-80 and Sierra College Blvd., right hand turn lanes should be added at the 4 signaled intersections on this stretch of road.
- The City's proposed [I-80/Rocklin Road interchange project](#) will not alleviate traffic impacts on Rocklin Road or Sierra College Blvd.
- The College Park Project Draft EIR (DEIR) does not address traffic impacts to local surface street like El Don Drive and Southside Ranch Road that will be further impacted by increased traffic use of these streets as cut through streets for drivers avoiding Rocklin Road/Sierra College Blvd. congestion.
- **Riparian Area**
- Protect the wildlife corridor/creek that runs through the College Park South site by the City increasing the 50 foot creek setback to 100 feet.
- Do not allow the developer to pave over the SPMUD easement road that runs alongside the creek on the south side at College Park South site. This would create an impervious surface for storm water runoff into the creek as well as impede wildlife.
- Rocklin City policies state "Consider acquisition and development of small areas along creeks at convenient and safe locations for use by the general public," and "Encourage the protection of open space areas...from encroachment or destruction through the use of conservation easements, natural resource buffers, building setbacks or other measures." The City should follow these policies by protecting the area around the Secret Ravine tributary creek that runs through the center of the College Park South site and should acquire this land for use by the general public as is already the case today.
- **Oak Trees**
- The project as it stands reports the removal of an estimated 1,393 of the 1,599 native oak trees (over 87%) on the College Park project sites.
- **Trees**
- The DEIR states the 72-acre College Park North development site would lose 14.07 acres of tree canopy while 4.54 acres would be preserved. On the 36-acre College Park South site 2.54 acres of tree canopy would be removed and 3.53 acres of tree canopy would be preserved. The DEIR claims the loss of existing landscaping and trees would only be a temporary impact until new landscaping matures. It could take 10 years before new landscaping and 5-gallon replacement trees mature.
- **Flooding**
- The creek that runs east-west through the center of the College Park South site sits in a [FEMA 100-year floodplain](#) and floods every year during the rainy season. The creek has already flooded over its banks onto the SPMUD easement road with the [10/24/21 October rain event](#). The City should not allow development within at least 100 feet from the creek to avoid future "flooding hazards" to new homes designated for the area south of the creek.
- **Project Alternatives**
- The Draft EIR (DEIR) provides alternatives to the current project plan. Support the "Reduced Footprint Alternative". Under this alternative, the project footprint would be reduced by 17%.
- The DEIR states "The decreased footprint under this alternative would allow for further setbacks from the FEMA designated 100 year floodplain and creek on the South Village site..."
- **Mitigation Fees**
- The City should not allow the developer to simply pay money or "mitigation fees" like Park & Rec fees that go into a general Park fund and could end up being spent somewhere across town. Collection of mitigation fees for Parks, Public Services, Traffic, etc. should be avoided, rather actual mitigation measures should be imposed.
- **Public Services**
- The College Park project calls for a 4-story and 3-story apartment complex as well as a 4-story condominium complex and a row of 3-story triplexes running along the western edge of the North project site and parallel to Sierra College Blvd. The [Fire Station](#) on this side of town off Rocklin Road does not have a ladder truck to fight fires for these tall structures. The nearest ladder truck is across town near Rocklin High School.

Thanks,

Michael Thompson

### **Response to Letter 21: Michael Thompson, Public Comment Submission**

**Response 21-1:** This comment discusses their extreme frustration with regards to some of the proposed plans for College Park as well as all the other new housing projects all around Sierra College. The commenter indicates that they have lived in Rocklin for 20 years and unless you also live in this area then you have no idea what it's like to try and get to the freeway via El Don and Rocklin Road. The commenter indicates that many times they sit through the same signal three times when school is in session, and they have witnessed accidents almost every week. The commenter notes that new housing projects are happening right now on Aguilar and that will add more traffic to an already very busy and very dangerous area. The commenter also notes that there is nothing compared to what is planned at College Park. The commenter expresses frustrations with traffic and crime that has forced people to move. Lastly, commenter suggests that Rocklin's staff and politicians do not live in the area, and they state that the politicians are narcissists doing what is best for themselves.

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 and frustrations associated with new development occurring in the area. One environmental topic discussed in the commenter's frustrations is relating to traffic, which is addressed in the traffic section of these EIR. The analysis of each of those topics is accurate and does not warrant any changes based on this comment.

**Response 21-2:** This comment states the following:

#### *Traffic*

- *According to Rocklin Police Dept. statistics, Rocklin Road is the #1 collision location in the City.*
- *The City should not approve this massive development without making improvements to Rocklin Road that will be even more impacted with 900 new residences, retail and "other" uses.*
- *To help alleviate impacts to an already impacted Rocklin Road between I-80 and Sierra College Blvd., right hand turn lanes should be added at the 4 signaled intersections on this stretch of road.*
- *The City's proposed I-80/Rocklin Road interchange project will not alleviate traffic impacts on Rocklin Road or Sierra College Blvd.*
- *The College Park Project Draft EIR (DEIR) does not address traffic impacts to local surface street like El Don Drive and Southside Ranch Road that will be further impacted by increased traffic use of these streets as cut through streets for drivers avoiding Rocklin Road/Sierra College Blvd. congestion.*

The DEIR and responses to comments contained in this FEIR describe planned improvement at the I-80/Rocklin Road interchange, improvements to the Rocklin Road/El Don Drive, Sierra College Boulevard/Stadium Way, and Sierra College Boulevard/Rocklin Road intersections, and required widening of Rocklin Road and Sierra College Boulevard along the project frontages. These improvements will help alleviate congestion and queuing that is present along these corridors. Bullet

three is presumably referring to the need for right-turn lanes in the eastbound direction of Rocklin Road at Aguilar Road, El Don Drive, Havenhurst Circle, and Sierra College Boulevard. Construction of a right-turn lane at Aguilar Road would be complicated by lack of available right-of-way, proximity of Secret Ravine, and presence of trees. Construction of a right-turn lane at El Don Drive is complicated by lack of available right-of-way given that the land adjacent to the intersection has been developed. Provision of right-turn lanes at both of these intersections may be considered in conjunction with future planning efforts to widen Rocklin Road to six lanes. The right-turn volumes of 7 AM peak hour vehicles and 16 PM peak hour vehicles at Havenhurst Circle do not warrant a right-turn lane. A right-turn lane already exists at Sierra College Boulevard. Ongoing traffic analysis for the Project Approval & Environmental Document (PA&ED) process to upgrade the Rocklin Road/I-80 interchange has shown that the proposed Diverging Diamond Interchange would substantially benefit traffic on Rocklin Road east of I-80. The interchange is being designed to operate at Caltrans' standards of LOS D or better and adjacent intersections are being designed to comply with the City's LOS C policy. Chapter III of the TIS in Appendix I describes the expected level of usage of El Don Drive (southeasterly toward Sierra College Boulevard) by South Village trips. Ten percent of inbound trips and five percent of outbound trips are expected to use this segment of El Don Drive. Based on the South Village's daily trip generation, this would represent 165 daily trips being added. Some of these trips may also choose to use Southside Ranch Road via Buxton Way or Freeman Drive to reach Sierra College Boulevard, though it is noted that remaining on El Don Drive is shorter and faster (at least during off-peak hours). Capacity improvements would be made by the Project applicant at all four legs of the Sierra College Boulevard/Rocklin Road intersection. This may further act to discourage use of El Don Drive to travel between Sierra College Boulevard and Rocklin Road.

**Response 21-3:** This comment states the following:

*Riparian Area*

- *Protect the wildlife corridor/creek that runs through the College Park South site by the City increasing the 50 foot creek setback to 100 feet.*
- *Do not allow the developer to pave over the SPMUD easement road that runs alongside the creek on the south side at College Park South site. This would create an impervious surface for storm water runoff into the creek as well as impede wildlife.*
- *Rocklin City policies state "Consider acquisition and development of small areas along creeks at convenient and safe locations for use by the general public," and "Encourage the protection of open space areas...from encroachment or destruction through the use of conservation easements, natural resource buffers, building setbacks or other measures." The City should follow these policies by protecting the area around the Secret Ravine tributary creek that runs through the center of the College Park South site and should acquire this land for use by the general public as is already the case today.*

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



**Response 21-4:** This comment states the following:

*Oak Trees*

- *The project as it stands reports the removal of an estimated 1,393 of the 1,599 native oak trees (over 87%) on the College Park project sites.*

*Trees*

- *The DEIR states the 72-acre College Park North development site would lose 14.07 acres of tree canopy while 4.54 acres would be preserved. On the 36-acre College Park South site 2.54 acres of tree canopy would be removed and 3.53 acres of tree canopy would be preserved. The DEIR claims the loss of existing landscaping and trees would only be a temporary impact until new landscaping matures. It could take 10 years before new landscaping and 5-gallon replacement trees mature.*

This comment is addressed in Master Response 5.

**Response 21-5:** This comment states the following:

*Flooding*

- *The creek that runs east-west through the center of the College Park South site sits in a FEMA 100-year floodplain and floods every year during the rainy season. The creek has already flooded over its banks onto the SPMUD easement road with the 10/24/21 October rain event. The City should not allow development within at least 100 feet from the creek to avoid future "flooding hazards" to new homes designated for the area south of the creek.*

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

**Response 21-6:** This comment states the following:

*Project Alternatives*

- *The Draft EIR (DEIR) provides alternatives to the current project plan. Support the "Reduced Footprint Alternative". Under this alternative, the project footprint would be reduced by 17%.*
- *The DEIR states "The decreased footprint under this alternative would allow for further setbacks from the FEMA designated 100 year floodplain and creek on the South Village site..."*

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

**Response 21-7:** This comment states the following:

*Mitigation Fees*

- *The City should not allow the developer to simply pay money or "mitigation fees" like Park & Rec fees that go into a general Park fund and could end up being spent somewhere across town. Collection of mitigation fees for Parks, Public Services, Traffic, etc. should be avoided, rather actual mitigation measures should be imposed.*

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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These comments are noted and will be provided to the Rocklin appointed and elected officials for their consideration. It should be noted, however, that the Quimby Act specifically allows for fee payments to address increased demands for parks. The comment does not raise any specific issues with the EIR, rather it includes a recommendation for an alternative to paying mitigation fees. It is noted that there are established laws, regulations, and ordinances regarding the provision of parks, public services, and traffic improvements. The proposed Project is required to comply with those rules and regulations. In some cases, warrants are reached that require a facility or improvement to be made for a project, while in other cases a warrant is not reached and a fee is deemed sufficient to pay for the pro rata fair share of the project's financial impact on such services. The City of Rocklin intends to maintain operating under the current rules and regulations relating to this subject. The analysis of each of those topics is accurate and does not warrant any changes based on this comment.

**Response 21-8:** This comment states the following:

*Public Services*

- *The College Park project calls for a 4-story and 3-story apartment complex as well as a 4-story condominium complex and a row of 3-story triplexes running along the western edge of the North project site and parallel to Sierra College Blvd. The Fire Station on this side of town off Rocklin Road does not have a ladder truck to fight fires for these tall structures. The nearest ladder truck is across town near Rocklin High School.*

A ladder truck is just one element of many that provide safety and fire protection for taller buildings. The proposed buildings will incorporate multiple overlapping protection systems in their construction and design, via Building and Fire Code requirements and conditions of approval, including but not limited to the inclusion of "standpipe" water distribution systems in structures four stories and greater in height, stairwell access to the roofs of structures four stories and greater in height, 13-R Fire suppression systems in attic areas, Fire Alarm systems, and potential additional systems that may be required on a case by case basis during the detailed Building Permit review for a given structure. It is the stated opinion of the Rocklin Fire Chief that these systems, in concert, will provide a more than adequate level of resident safety and fire protection in these structures.



**smcmurtry@denovoplanning.com**

**From:** Nathan Anderson <Nathan.Anderson@rocklin.ca.us>  
**Sent:** Friday, November 5, 2021 9:21 AM  
**To:** 'Steve McMurtry'; 'Josh Smith'; zdahla@denovoplanning.com; George Phillips  
**Cc:** David Mohlenbrok  
**Subject:** FW: College Park Project

DEIR comment

**From:** Greg Halstead <ghalstead@sbcglobal.net>  
**Sent:** Friday, November 5, 2021 9:18 AM  
**To:** David Mohlenbrok <David.Mohlenbrok@rocklin.ca.us>; Nathan Anderson <Nathan.Anderson@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Michael Barron <Michael.Barron@rocklin.ca.us>  
**Subject:** College Park Project

Good Morning,

I respectfully request that you stop the College Park Project. I've lived in Rocklin for 20 years, and I am disappointed in the speed at which the City is growing Rocklin. I decided to live here (near Rocklin Rd & Sierra College) because it was different than Roseville or Sacramento. Rocklin used to care about our open spaces, trees, wildlife, less traffic, and keeping a small-town feel. Now there doesn't seem to be a project that you won't approve of.

22-1

The zero lot line homes off Aquilar don't fit the neighborhood and there are no sidewalks on the narrow road, yet you allowed the development. The large development on Greenbrae and Aquilar was approved, resulting in hundreds of trees being removed and no consideration for traffic congestion on Aquilar. Due to the lack of sidewalks, it isn't safe for kids to walk on Aquilar, yet you approved the project.

22-2

Now you want to approve a 4-story development on Rocklin Rd. That type of building doesn't fit with the characteristics of the area. The traffic on Rocklin Rd, especially when the college is in session is horrible. Have you tried getting on the freeway at Hwy 80 during that time and the number of light cycles it takes? The report indicates over a thousand trees will be cut down. What is the plan to increase the staffing of the PD or FD as you continue to grow the 95677 side of Rocklin? The Sierra College and Hwy 80 entrances are worse with all of the commercial development in the area and with Costco coming it will be a nightmare.

22-3

Just because an area is zoned for something doesn't mean it should be approved. Please tap the brakes on the growth of Rocklin and ensure the projects are located in areas that are appropriate.

Thanks,  
 Greg

### **Response to Letter 22: Greg Halstead, Public Comment Submission**

**Response 22-1:** This comment requests that the City stop the College Park Project. The commenter notes that they have lived in Rocklin for 20 years, and they are disappointed in the speed at which the City is growing Rocklin. The commenter indicates that they decided to live near Rocklin Rd & Sierra College because it was different than Roseville or Sacramento. The commenter notes that Rocklin used to care about open spaces, trees, wildlife, less traffic, and keeping a small-town feel, but now there doesn't seem to be a project that the City won't approve of.

This comment is an opening statement by the commenter, introducing the commenter and stating their concerns with changes in Rocklin. This comment is an introductory statement and does not warrant a response.

**Response 22-2:** This comment states that *“The zero lot line homes off Aguilar don't fit the neighborhood and there are no sidewalks on the narrow road, yet you allowed the development. The large development on Greenbrae and Aguilar was approved, resulting in hundreds of trees being removed and no consideration for traffic congestion on Aguilar. Due to the lack of sidewalks, it isn't safe for kids to walk on Aguilar, yet you approved the project.”*

It is believed that the project that is being referred to as zero lot line homes off Aguilar is the Granite Bluff subdivision. The Granite Bluff subdivision is not a zero-lot line development but rather a standard, albeit small lot, subdivision with setbacks on each side of the homes constructed on each lot. When additional roadway improvements along a project's frontage are necessary as part of a development project, the City will require the project to either bond for those improvements or construct them. The Granite Bluff subdivision had very little actual frontage on Aguilar Road and that frontage was broken up with existing developed lots that were not a part of the project. As a result, the Granite Bluff project was required to pay a fee to the City “in lieu” of constructing improvements on Aguilar Road. That fee, combined with funds from the City, will be used to construct improvements along that entire stretch of Aguilar Road at one time. With respect to traffic congestion on Aguilar, the College Park project is not anticipated to add a significant volume of automobile trips onto Aguilar Road, given the North Village will have access from Rocklin Road and Sierra College Boulevard, and the South Village will have access from Rocklin Road and El Don Drive. It should also be noted that as a part of the City's Capital Improvement Plan that was adopted with the City budget in June of 2021, Aguilar Road is planned to be improved in the near future and the Capital improvement Plan has \$150,000 in the fiscal year (FY) 2021-22 budget for planning and design, \$500,000 in the FY 2022-23 budget for land acquisition costs, and \$1,725,000 in the FY 2023-24 budget for construction and contingency costs. The City recently issued a Requests for Proposals (RFP) for an engineering design consultant. Once a consultant is under contract the design, environmental review, and right-of-way acquisition for the project can begin. Depending upon the level of environmental review required and the ease of right-of-way acquisition, this process is expected to take approximately 12 -24 months after which a contract for construction could be let.

**Response 22-3:** This comment states *“Now you want to approve a 4-story development on Rocklin Rd. That type of building doesn't fit with the characteristics of the area. The traffic on Rocklin Rd, especially when the college is in session is horrible. Have you tried getting on the freeway at Hwy 80 during that time and the number of light cycles it takes? The report indicates over a thousand trees will be cut down. What is the plan to increase the staffing of the PD or FD as you continue to grow the 95677 side of Rocklin? The Sierra College and Hwy 80 entrances are worse with all of the commercial development in the area and with Costco coming it will be a nightmare... Just because an area is zoned for something doesn't mean it should be approved. Please tap the brakes on the growth of Rocklin and ensure the projects are located in areas that are appropriate”*

This comment is noted, and the commenter's sentiment toward new growth is understood and will be provided to the decision makers for their consideration. For analysis on traffic, refer to Chapter 3.14, Transportation and Circulation, of the DEIR.



1415 L Street, Suite 300, Sacramento, CA 95814. 916.321.9000 sacog.org

- Auburn, Citrus Heights, Colfax, Davis, El Dorado County, Elk Grove, Folsom, Galt, Isleton, Lincoln, Live Oak, Loomis, Marysville, Placer County, Placerville, Rancho Cordova, Rocklin, Roseville, Sacramento, Sacramento County, Sutter County, West Sacramento, Wheatland, Winters, Woodland, Yolo County, Yuba City, Yuba County

November 4, 2021

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

Re: Comments on the College Park Project

Dear Mr. Mohlenbrok:

This letter is in response to the project applicant's request for review of the proposed College Park project in Rocklin. SACOG's comment on this project regarding how it relates to the Preferred Blueprint Scenario map and principles.

The proposed project is the development of two sites, a North Village of 72.6 acres at the NE corner of Rocklin Road and Sierra College Blvd, and the South Village of 35.8 acres at the SE corner of Rocklin Road and El Don Drive. The proposal of the combined two sites, currently zoned mixed use, would be rezoned to offer 3 acres of retail commercial, 9 acres of business professional, 66.1 acres of medium/high density residential and 30.3 acres of recreation-conservation. Housing, commercial retail, office, and open space are all proposed for the combined sites.

The proposed project was compared to the Preferred Blueprint Scenario. The Preferred Blueprint Scenario is a conceptual map based on the principles of smart growth. This Preferred Scenario is not intended to direct how a specific parcel should or should not be developed in a particular manner, but rather give some direction on how the region needs to develop generally to reap the benefits of the Preferred Scenario. For this reason, it is not possible to apply them at a parcel level. With that caveat, the proposed project is consistent with the Preferred Blueprint Scenario.

Findings and Evaluation:

- Infill development and redevelopment is a strategy essential to the success of the Blueprint and the MTP/SCS. The Blueprint Preferred Scenario and the currently adopted MTP/SCS achieve transportation, air quality, and other quality of life benefits by relying in part on infill and redevelopment projects such as this one. This is also key to another Blueprint principle: use existing assets. The SACOG region has many underutilized commercial corridors where local governments are looking to make more efficient use of existing public infrastructure.
Larger infill sites will need to adapt to changing retail climate by offering other uses, particularly housing. The College Park project would be an example in the region that could show how housing, commercial and open space could be integrated together along Rocklin Road, an important commercial corridor within the community.

23-1

23-2

- Compact development and a variety of housing options are critical Blueprint planning principles. The Blueprint, as well as every MTP/SCS update since then, has identified the need for more small lot and attached housing in the region to meet the needs of current and future residents. This project would provide 900 dwelling units, all of which are small lot/attached products, to help implement the city’s Housing Element. The project offers a variety of housing types of meeting the different lifestyles, needs, and incomes of its residents. The proposed project would offer 558 higher density, 279 mid/high density and 63 medium density housing units.
- The conservation of natural resources is a Blueprint principle based in part on compact development and reusing existing developed land. By offering housing in a compact manner, this will allow for the conservation of natural resources and improve quality of life by providing cleaner air and outdoor experiences. Over 30 acres of recreation and conservation lands will be protected on the two sites, creating a natural environment close to housing and jobs.
- Mixed-use development is another Blueprint principle that can be used to describe the importance of area-wide balancing of housing and employment. The Blueprint study revealed the need to aggressively utilize existing infill and/or redevelopment opportunities to create a better jobs/housing balance. By including both commercial and residential uses, the project would allow for more people to live near their work, which reduces the demand on the regional transportation system by allowing for shorter trips and encouraging alternative-mode trips such as walking, biking, and transit.

23-3

In addition, providing a significant amount of small lot and attached housing directly adjacent to the jobs-rich Sierra College campus will improve neighborhood-scale jobs/housing balance. These types of projects can function as local activity centers and contribute to the sense of community, where people tend to walk or bike to destinations and interact more with each other.

23-4

In summary, the proposed College Park project exemplifies many of the Blueprint principles and helps implement the Blueprint. Again, thank you for allowing SACOG’s input on this project. If you have further questions or need further assistance, please don’t hesitate to contact me.

Sincerely,



James Corless  
Executive Director

CC: Jill Gayaldo, Rocklin Mayor  
Ali Zimmerman, Rocklin City Manager  
George Phillips, Phillips Land Law Inc.



**Response to Letter 23: James Corless, Sacramento Area Council of Governments**

**Response 23-1:** This comment is an opening statement by the commenter, introducing the commenter, articulating their understanding of the project, and noting that they have compared the project to the SACOG Preferred Blueprint Scenario map and principles from their agency. The commenter notes that the SACOG Preferred Blueprint Scenario is a conceptual map based on the principles of smart growth and is not intended to direct how a specific parcel should or should not be developed in a particular manner, but rather give some direction on how the region needs to develop generally to reap the benefits of the Preferred Scenario. The commenter notes that it is not possible to apply the principles on a parcel level. The commenter concludes the paragraph by indicating that the proposed project is consistent with the Preferred Blueprint Scenario.

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 indicates that the proposed Project is consistent with their agency's Preferred Blueprint Scenario map and principles. The analysis of each of those topics is accurate and does not warrant any changes based on this comment.

**Response 23-2:** This comment presents the following:

*Findings and Evaluation:*

- *Infill development and redevelopment is a strategy essential to the success of the Blueprint and the MTP/SCS. The Blueprint Preferred Scenario and the currently adopted MTP/SCS achieve transportation, air quality, and other quality of life benefits by relying in part on infill and redevelopment projects such as this one. This is also key to another Blueprint principle: use existing assets. The SACOG region has many underutilized commercial corridors where local governments are looking to make more efficient use of existing public infrastructure.*
- *Larger infill sites will need to adapt to changing retail climate by offering other uses, particularly housing. The College Park project would be an example in the region that could show how housing, commercial and open space could be integrated together along Rocklin Road, an important commercial corridor within the community.*

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 indicates that presents smart growth information that is included in their agency's Preferred Blueprint Scenario map and principles. The analysis of each of those topics is accurate and does not warrant any changes based on this comment.

**Response 23-3:** This comment presents the following:

- *Compact development and a variety of housing options are critical Blueprint planning principles. The Blueprint, as well as every MTP/SCS update since then, has identified the need for more small lot and attached housing in the region to meet the needs of current and future residents. This*

*project would provide 900 dwelling units, all of which are small lot/attached products, to help implement the city's Housing Element. The project offers a variety of housing types of meeting the different lifestyles, needs, and incomes of its residents. The proposed project would offer 558 higher density, 279 mid/high density and 63 medium density housing units.*

- *The conservation of natural resources is a Blueprint principle based in part on compact development and reusing existing developed land. By offering housing in a compact manner, this will allow for the conservation of natural resources and improve quality of life by providing cleaner air and outdoor experiences. Over 30 acres of recreation and conservation lands will be protected on the two sites, creating a natural environment close to housing and jobs.*
- *Mixed-use development is another Blueprint principle that can be used to describe the importance of area-wide balancing of housing and employment. The Blueprint study revealed the need to aggressively utilize existing infill and/or redevelopment opportunities to create a better jobs/housing balance. By including both commercial and residential uses, the project would allow for more people to live near their work, which reduces the demand on the regional transportation system by allowing for shorter trips and encouraging alternative-mode trips such as walking, biking, and transit.*

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 indicates that presents smart growth information that is included in their agency's Preferred Blueprint Scenario map and principles. The analysis of each of those topics is accurate and does not warrant any changes based on this comment.

**Response 23-4:** This comment states the following:

- *In addition, providing a significant amount of small lot and attached housing directly adjacent to the jobs-rich Sierra College campus will improve neighborhood-scale jobs/housing balance. These types of projects can function as local activity centers and contribute to the sense of community, where people tend to walk or bike to destinations and interact more with each other.*
- *In summary, the proposed College Park project exemplifies many of the Blueprint principles and helps implement the Blueprint. Again, thank you for allowing SACOG's input on this project. If you have further questions or need further assistance, please don't hesitate to contact me.*

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 indicates that presents smart growth information that is included in their agency's Preferred Blueprint Scenario map and principles, and concludes that the proposed Project exemplifies many of the Blueprint principals which are necessary to implement that Plan. The analysis of each of those topics is accurate and does not warrant any changes based on this comment.

David Mohlenbrok, Rocklin Community Development Director  
Jill Gayaldo, Rocklin City Council  
Michael Barron, Rocklin Planning Commission  
Bret Finning, Rocklin Planning Division,  
Nathan Anderson, Senior Planner

Arlene Jamar  
4645 Arrowhead Drive  
Rocklin, CA 95677  
November 3, 2021

Rocklin City Officials,

I am writing today to comment on the DEIR for the College Park Development. I intend to draw your attention to particularly important sections of the DEIR that include inadequate mitigations. Among many inadequacies of the DEIR, my comments are limited to the sections 3.7: Greenhouse Gasses, Climate Change, Energy and 3.9: Hydrology, Water Quality.

**3.7: Greenhouse Gasses, Climate Change, Energy**

The impact of the daily, continuous development in Rocklin fails to consider the cumulative effects that facilitate our world crisis of climate change.

**Impact 3.7-1** states that greenhouse gasses generated will have a significant effect on the environment.

**Mitigation 3.7-1** states that *the Project Applicant SHALL be required to demonstrate a reduction of GHG emissions via mitigation requirement and/or implement an off-site GHG emissions reduction program or pay GHG offset fees to compensate for the project's emissions in excess of ..... etc.* A list of 5 potential mitigations continue this paragraph.

**What, specifically will the Project Applicant be required to do to eliminate the quantity of GHGs generated by this development? Within the structure of oversight and accountability, who will verify that this will happen? What are the consequences for non-compliance?**

**Impact 3.7-2:** *The project implementation would not result in the inefficient, wasteful, or unnecessary use of energy resources, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency – no mitigation.*

The idea of energy usage must be important or the author of the DEIR would not have mentioned it. **Considering oversight and accountability, how will the Project Applicant plan for energy usage and verify that it will not be wasted or used inefficiently?**

24-1

**3.9 Hydrology, Water Quality**

The area included in the College Park development is environmentally sensitive. It includes a length of the long, salmon-spawning tributary of the Secret Ravine Creek which is habitat for the federally threatened Central Valley steelhead. Water runs downhill. The whole development area is affected by runoff flowing toward and into the stream.

In addition, the whole development area teems with wildlife that depend on the tributary. Although not quite adjacent, the northern end of the North Park runoff is close to the Secret Ravine Creek where it crosses Sierra College Blvd.

24-2



**Impact 3.9-1** *The proposed Project has the potential to violate water quality standards or waster discharge requirements or otherwise substantially degrade surface or ground water quality.*

**Mitigations 3.9-1,2,3** describes a variety of water control plans to occur prior to any disturbance of the site. These might reduce erosion, sedimentation, pollutants. A *Storm Water Pollution Prevention Plan (SWPPP)* will be is required. The Project Applicant must acquire various permits and demonstrate compliance with various City codes and requirements.

The College Park development will permanently destroy .97 acres of aquatic resources and 68.7 acres of riparian vegetated natural surfaces. The amount of impervious area will result in a huge amount of runoff into the streams.

Nowhere in Mitigations 1, 2, or 3 is a description or plan to keep this runoff from entering the streams. In addition, water running off these impervious surfaces will now be polluted with gasoline, oil, detergent, fertilizer, and pesticides.

**How will this huge amount of polluted and poisoned runoff be held, filtered or treated?**

**Mitigation 3.9-4** states that not until the completion of construction will the Applicant produce a maintenance plan for the responsibility to manage treatment facilities.

**Impact 3.9-2** considers the depletion of groundwater - no mitigation.

**Who will supply water to the owners of depleted groundwater-supplied water wells in the area?**

**Impact 3.9-3** considers the non-alteration of drainage patterns, no addition of impervious surfaces resulting in *erosion, siltation surface runoff, flooding, or polluted runoff* - no mitigation.

**Who will repair privately owned eroded, silted, flooded, and polluted property?**

**Who will repair privately owned eroded, silted, flooded, and polluted property adjacent and downstream of the College Park Development?**

**Impact 3.9-4** considers that the Project has the potential to *flood, release pollutants because of inundation* - no mitigation.

**Who is responsible for impervious-surface flooding and pollution?**

**Impact 3.9-5** considers that the Project might conflict with or obstruct a water quality control plan or sustainable groundwater management plan – no mitigation.

**Climate change affects ground water. Who will initiate the agreement between a water quality control plan or sustainable groundwater management plan?**

I will repeat a few of my concerns written in my letter of March 3, 2019 in response to the NOP for the proposed College Park Development. Any project proposed for the area of East Rocklin from I-80 to the Loomis border must be held until a solution is found for current traffic gridlock conditions. These modifications must be in place **BEFORE** the approval of any development. Currently, five new developments, in addition to the continuation of Monument Springs Road from Roseville all hugely, negatively impact our neighborhoods.

Arlene Jamar

24-2 Cont.

**Response to Letter 24: Arlene Jamar 1, Public Comment Submission**

**Response 24-1:** This comment references Section 3.7 Greenhouse Gases, Climate Change, and Energy. More specifically, the comment references Mitigation Measure 3.7-1 under Impact 3.71 and poses the question *“What, specifically will the Project Applicant be required to do to eliminate the quantity of GHGs generated by this development? Within the structure of oversight and accountability, who will verify that this will happen? What are the consequences for non-compliance?”* The comment also references Impact 3.7-2 and poses the question *“Considering oversight and accountability, how will the Project Applicant plan for energy usage and verify that it will not be wasted or used inefficiently?”*

This comment is addressed, in part, under Master Response 13.

With regards to oversight and accountability, this responsibility lies with the City of Rocklin, which is responsible for monitoring and reporting. Part of this document is a Mitigation Monitoring and Reporting Program (See Section 4.0), which identifies the parties responsible for monitoring and reporting for each individual mitigation measure. This document is used by City staff throughout the Project construction and operation and is intended to ensure records of compliance are maintained. The City has local land use police powers, which provide them with controls over all approvals of land use, infrastructure development, building, and occupancy. The approval of any land use entitlements is contingent on compliance with the mitigation measures that are attached to the approval. Property owners generally have financial incentives in the Project that ensure that they do not breach their obligation to fulfill the mitigation requirements of a land use entitlement; however, non-compliance could result in cease-and-desist orders at any stage of development, and could include a variety of other legal remedies.

**Response 24-2:** This comment references Section 3.9 Hydrology and Water Quality and describes the Project site as including salmon-spawning tributary of Secret Ravine Creek. The comment indicates that the whole development teems with wildlife that depend on the tributary. The comment references Impact 3.9-1, summarizes Mitigation Measure 3.9-1, -2, -3, and indicates that there is not a description of the plan that would keep runoff from entering the streams. The commenter suggests that runoff will be polluted. The comment references Impact 3.9-2 and asked *“Who will supply water to the owners of the depleted groundwater supplied water wells in the area?”* The comment references Impact 3.9-3 and asked *“Who will repair the privately owned eroded, silted, flooded, and polluted property adjacent and downstream of the Project?”* The comment references Impact 3.9-4 and asked *“Who is responsible for impervious surface flooding and pollution?”* The comment references Impact 3.9-5 and asked *“Who will initiate the agreement between water quality control plan or sustainable groundwater management plan?”* The comment concludes by repeating some concerns from their previous letter.

This comment is addressed under Master Responses 1, 2, 3, and 4.

**From:** Jim Kalember <[jim.kalember@gmail.com](mailto:jim.kalember@gmail.com)>  
**Date:** November 5, 2021 at 11:25:20 AM MDT  
**To:** David Mohlenbrok <[David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)>  
**Cc:** Jill Gayaldo <[Jill.Gayaldo@rocklin.ca.us](mailto:Jill.Gayaldo@rocklin.ca.us)>, Bill Halldin <[Bill.Halldin@rocklin.ca.us](mailto:Bill.Halldin@rocklin.ca.us)>, Joe Patterson <[Joe.Patterson@rocklin.ca.us](mailto:Joe.Patterson@rocklin.ca.us)>, Ken Broadway <[Ken.Broadway@rocklin.ca.us](mailto:Ken.Broadway@rocklin.ca.us)>, Greg Janda <[Greg.Janda@rocklin.ca.us](mailto:Greg.Janda@rocklin.ca.us)>, Timothy Alatorre <[Timothy.Alatorre@rocklin.ca.us](mailto:Timothy.Alatorre@rocklin.ca.us)>, Michele Vass <[Michele.Vass@rocklin.ca.us](mailto:Michele.Vass@rocklin.ca.us)>, Roberto Cortez <[Roberto.Cortez@rocklin.ca.us](mailto:Roberto.Cortez@rocklin.ca.us)>, Michael Barron <[Michael.Barron@rocklin.ca.us](mailto:Michael.Barron@rocklin.ca.us)>, Gregg McKenzie <[Gregg.McKenzie@rocklin.ca.us](mailto:Gregg.McKenzie@rocklin.ca.us)>  
**Subject:** College Park South Wetlands and Creek

Dear Mr. Mohlenbrok:

We live in the El Don Estates, adjacent to the College Park Project South Village. There are 2 significant riparian areas here, the channel from the North Pond in the El Don Estates and the tributary to Secret Ravine. These areas are home to numerous species of wildlife, including beavers and foxes. The two areas must be protected with at least a 100' setback. This is not a request to abandon the project, but I and many of my neighbors feel strongly that a compromise of a 100' setback from the streams would allow for the project and wildlife to co-exist. We urge you and the decision makers to simply use 100' as the setback for our precious riparian areas which are such a tremendous asset to the neighborhood and our entire community. I am sure any new residents would agree

Thanks for listening.

James Kalember  
4879 El Cid Drive  
Rocklin, CA 95677  
805-479-4854

25-1

### **Response to Letter 25: Jim Kalember, Public Comment Submission**

**Response 25-1:** This comment indicates that they live in the El Don Estates, adjacent to the College Park Project South Village. The commenter states that *“there are 2 significant riparian areas here, the channel from the North Pond in the El Don Estates and the tributary to Secret Ravine. These areas are home to numerous species of wildlife, including beavers and foxes. The two areas must be protected with at least a 100' setback. This is not a request to abandon the project, but I and many of my neighbors feel strongly that a compromise of a 100' setback from the streams would allow for the project and wildlife to co-exist. We urge you and the decision makers to simply use 100' as the setback for our precious riparian areas which are such a tremendous asset to the neighborhood and our entire community.”*

This comment is addressed under Master Response 4.

**From:** Larry Lucchesi <[larrylucchesi80@gmail.com](mailto:larrylucchesi80@gmail.com)>  
**Date:** November 5, 2021 at 12:29:23 PM MDT  
**To:** David Mohlenbrok <[David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)>  
**Cc:** Jill Gayaldo <[Jill.Gayaldo@rocklin.ca.us](mailto:Jill.Gayaldo@rocklin.ca.us)>, Bill Halldin <[Bill.Halldin@rocklin.ca.us](mailto:Bill.Halldin@rocklin.ca.us)>, Joe Patterson <[Joe.Patterson@rocklin.ca.us](mailto:Joe.Patterson@rocklin.ca.us)>, Ken Broadway <[Ken.Broadway@rocklin.ca.us](mailto:Ken.Broadway@rocklin.ca.us)>, Greg Janda <[Greg.Janda@rocklin.ca.us](mailto:Greg.Janda@rocklin.ca.us)>, Timothy Alatorre <[Timothy.Alatorre@rocklin.ca.us](mailto:Timothy.Alatorre@rocklin.ca.us)>, Michele Vass <[Michele.Vass@rocklin.ca.us](mailto:Michele.Vass@rocklin.ca.us)>, Roberto Cortez <[Roberto.Cortez@rocklin.ca.us](mailto:Roberto.Cortez@rocklin.ca.us)>, Michael Barron <[Michael.Barron@rocklin.ca.us](mailto:Michael.Barron@rocklin.ca.us)>, Gregg McKenzie <[Gregg.McKenzie@rocklin.ca.us](mailto:Gregg.McKenzie@rocklin.ca.us)>  
**Subject: Please Save Our Creek**

Dear Mr. Mohlenbrok:

We're 18 year residents of El Don Estate. I go for walks every day and enjoy immensely the scenery and the wildlife that are on this property. There is enough development going on in Rocklin and this project would severely damage the wildlife habitat. I'm asking that for those of you not familiar with this area not to damage our wonderful riparian area. Please save this natural area by simply using a 100' setback instead of the requested 50'.

Sincerely,

Larry Lucchesi  
4883 El Cid Drive  
Rocklin, CA 95677  
916-315-9739

26-1

**Response to Letter 26: Larry Lucchesi, Public Comment Submission**

**Response 26-1:** This comment indicates that they are 18-year residents of El Don Estate and they go for walks every day, enjoying the scenery and the wildlife that are on this property. The commenter states that *“there is enough development going on in Rocklin and this project would severely damage the wildlife habitat. I'm asking that for those of you not familiar with this area not to damage our wonderful riparian area. Please save this natural area by simply using a 100' setback instead of the requested 50'.”*

This comment is addressed under Master Response 4.

David Mohlenbrok, Rocklin Community Development Director  
 Jill Gayaldo, Rocklin City Council  
 Michael Barron, Rocklin Planning Commission  
 Bret Finning, Rocklin Planning Division,  
 Nathan Anderson, Senior Planner

Arlene Jamar  
 4645 Arrowhead Drive  
 Rocklin, CA 95677  
 November 3, 2021

Rocklin City Officials,

I am writing today to comment on the DEIR for the College Park Development. I intend to draw your attention to particularly important sections of the DEIR that include inadequate mitigations. Among many inadequacies of the DEIR, my comments are limited to the sections 3.7: Greenhouse Gasses, Climate Change, Energy and 3.9: Hydrology, Water Quality.

**3.7: Greenhouse Gasses, Climate Change, Energy**

The impact of the daily, continuous development in Rocklin fails to consider the cumulative effects that facilitate our world crisis of climate change.

**Impact 3.7-1** states that greenhouse gasses generated will have a significant effect on the environment.

**Mitigation 3.7-1** states that *the Project Applicant SHALL be required to demonstrate a reduction of GHG emissions via mitigation requirement and/or implement an off-site GHG emissions reduction program or pay GHG offset fees to compensate for the project’s emissions in excess of..... etc.* A list of 5 potential mitigations continue this paragraph.

**What, specifically will the Project Applicant be required to do to eliminate the quantity of GHGs generated by this development? Within the structure of oversight and accountability, who will verify that this will happen? What are the consequences for non-compliance?**

27-1

**Impact 3.7-2:** *The project implementation would not result in the inefficient, wasteful, or unnecessary use of energy resources, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency – no mitigation.*

The idea of energy usage must be important or the author of the DEIR would not have mentioned it. **Considering oversight and accountability, how will the Project Applicant plan for energy usage and verify that it will not be wasted or used inefficiently?**

**3.9 Hydrology, Water Quality**

The area included in the College Park development is environmentally sensitive. It includes a length of the long, salmon-spawning tributary of the Secret Ravine Creek which is habitat for the federally threatened Central Valley steelhead. Water runs downhill. The whole development area is affected by runoff flowing toward and into the stream.

In addition, the whole development area teems with wildlife that depend on the tributary. Although not quite adjacent, the northern end of the North Park runoff is close to the Secret Ravine Creek where it crosses Sierra College Blvd.

27-2



**Impact 3.9-1** *The proposed Project has the potential to violate water quality standards or waster discharge requirements or otherwise substantially degrade surface or ground water quality.*

**Mitigations 3.9-1,2,3** describes a variety of water control plans to occur prior to any disturbance of the site. These might reduce erosion, sedimentation, pollutants. A *Storm Water Pollution Prevention Plan (SWPPP)* will be is required. The Project Applicant must acquire various permits and demonstrate compliance with various City codes and requirements.

The College Park development will permanently destroy .97 acres of aquatic resources and 68.7 acres of riparian vegetated natural surfaces. The amount of impervious area will result in a huge amount of runoff into the streams.

Nowhere in Mitigations 1, 2, or 3 is a description or plan to keep this runoff from entering the streams. In addition, water running off these impervious surfaces will now be polluted with gasoline, oil, detergent, fertilizer, and pesticides.

**How will this huge amount of polluted and poisoned runoff be held, filtered or treated?**

**Mitigation 3.9-4** states that not until the completion of construction will the Applicant produce a maintenance plan for the responsibility to manage treatment facilities.

**Impact 3.9-2** considers the depletion of groundwater - no mitigation.

**Who will supply water to the owners of depleted groundwater-supplied water wells in the area?**

**Impact 3.9-3** considers the non-alteration of drainage patterns, no addition of impervious surfaces resulting in *erosion, siltation surface runoff, flooding, or polluted runoff* - no mitigation.

**Who will repair privately owned eroded, silted, flooded, and polluted property?**

**Who will repair privately owned eroded, silted, flooded, and polluted property adjacent and downstream of the College Park Development?**

**Impact 3.9-4** considers that the Project has the potential to *flood, release pollutants because of inundation* - no mitigation.

**Who is responsible for impervious-surface flooding and pollution?**

**Impact 3.9-5** considers that the Project might conflict with or obstruct a water quality control plan or sustainable groundwater management plan – no mitigation.

**Climate change affects ground water. Who will initiate the agreement between a water quality control plan or sustainable groundwater management plan?**

I will repeat a few of my concerns written in my letter of March 3, 2019 in response to the NOP for the proposed College Park Development. Any project proposed for the area of East Rocklin from I-80 to the Loomis border must be held until a solution is found for current traffic gridlock conditions. These modifications must be in place **BEFORE** the approval of any development. Currently, five new developments, in addition to the continuation of Monument Springs Road from Roseville all hugely, negatively impact our neighborhoods.



27-3 Cont.



**Response to Letter 27: Arlene Jamar 2, Public Comment Submission**

**Response 27-1:** This comment references Section 3.7 Greenhouse Gases, Climate Change, and Energy. More specifically, the comment references Mitigation Measure 3.7-1 under Impact 3.71 and poses the question *“What, specifically will the Project Applicant be required to do to eliminate the quantity of GHGs generated by this development? Within the structure of oversight and accountability, who will verify that this will happen? What are the consequences for non-compliance?”* The comment also references Impact 3.7-2 and post the question *“Considering oversight and accountability, how will the Project Applicant plan for energy usage and verify that it will not be wasted or used inefficiently?”*

This comment is addressed under Master Response 13.

With regards to oversight and accountability, this responsibility lies with the City of Rocklin, which is responsible for monitoring and reporting. Part of this document is a Mitigation Monitoring and Reporting Program (See Section 4.0), which identifies the parties responsible for monitoring and reporting for each individual mitigation measure. This document is used by City staff throughout the Project construction and operation and is intended to ensure records of compliance are maintained. The City has local land use police powers, which provide them with controls over all approvals of land use, infrastructure development, building, and occupancy. The approval of any land use entitlements is contingent on compliance with the mitigation measures that are attached to the approval. Property owners generally have financial incentives in the Project that ensure that they do not breach their obligation to fulfill the mitigation requirements of a land use entitlement; however, non-compliance could result in cease-and-desist orders at any stage of development, and could include a variety of other legal remedies.

**Response 27-2:** This comment references Section 3.9 Hydrology and Water Quality and describes the Project site as including salmon-spawning tributary of Secret Ravine Creek. The comment indicates that the whole development teems with wildlife that depend on the tributary. The comment references Impact 3.9-1, summarizes Mitigation Measure 3.9-1, -2, -3, and indicates that there is not a description of the plan that would keep runoff from entering the streams. The commenter suggests that runoff will be polluted. The comment references Impact 3.9-2 and asked *“Who will supply water to the owners of the depleted groundwater sapped water wells in the area?”* The comment references Impact 3.9-3 and asked *“Who will repair the privately owned eroded, silted, flooded, and polluted property adjacent and downstream of the Project?”* The comment references Impact 3.9-4 and asked *“Who is responsible for impervious surface flooding and pollution?”* The comment references Impact 3.9-5 and asked *“Who will initiate the agreement between water quality control plan or sustainable groundwater management plan?”* The comment concludes by repeating some concerns from their previous letter.

This comment is addressed under Master Responses 1, 2, 3, and 4.

**From:** Denise Gaddis <[denise@wavecable.com](mailto:denise@wavecable.com)>

**Date:** November 4, 2021 at 4:26:49 PM MDT

**To:** David Mohlenbrok <[David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)>, Nathan Anderson <[Nathan.Anderson@rocklin.ca.us](mailto:Nathan.Anderson@rocklin.ca.us)>

**Cc:** Jill Gayaldo <[Jill.Gayaldo@rocklin.ca.us](mailto:Jill.Gayaldo@rocklin.ca.us)>, Bill Halldin <[Bill.Halldin@rocklin.ca.us](mailto:Bill.Halldin@rocklin.ca.us)>, Joe Patterson <[Joe.Patterson@rocklin.ca.us](mailto:Joe.Patterson@rocklin.ca.us)>,

Ken Broadway <[Ken.Broadway@rocklin.ca.us](mailto:Ken.Broadway@rocklin.ca.us)>, Greg Janda <[Greg.Janda@rocklin.ca.us](mailto:Greg.Janda@rocklin.ca.us)>, David Bass <[David.Bass@rocklin.ca.us](mailto:David.Bass@rocklin.ca.us)>,

Michele Vass <[Michele.Vass@rocklin.ca.us](mailto:Michele.Vass@rocklin.ca.us)>, Roberto Cortez <[Roberto.Cortez@rocklin.ca.us](mailto:Roberto.Cortez@rocklin.ca.us)>, Michael Barron

<[Michael.Barron@rocklin.ca.us](mailto:Michael.Barron@rocklin.ca.us)>, Gregg McKenzie <[Gregg.McKenzie@rocklin.ca.us](mailto:Gregg.McKenzie@rocklin.ca.us)>, Sara Clark <[Clark@smwlaw.com](mailto:Clark@smwlaw.com)>

**Subject:** College Park DEIR Comment Letter

Hello David (and Nate),

Please find attached my written response to the College Park DEIR, referencing the DEIR Chapter on Biological Resources.

A couple of points I'd like to make.

First, I would appreciate yourself, assigned planner Nate Anderson, City Councilmembers and Planning Commissioners taking the time to read my letter rather than it just being sent to the EIR Consultant. I've spent many long hours researching and composing this "comment letter".

Second, I would like to note one of many deficiencies in the DEIR regarding Biological Resources. The DEIR Chapter 3.4 Biological Resources and its companion document Appendix C: Technical Reports for the Biological Resources Chapter <[https://www.rocklin.ca.us/sites/main/files/file-attachments/appendix\\_c\\_-\\_college\\_park\\_draft\\_eir.compressed.pdf?1632432685](https://www.rocklin.ca.us/sites/main/files/file-attachments/appendix_c_-_college_park_draft_eir.compressed.pdf?1632432685)> indicate that Madrone Ecological Consulting's biologists surveyed the Project site on 18 separate occasions yet failed to identify 60% of the existing and documented wildlife species that habitat the Project site.

Third, I would like to point out that I as well as many others request that the City increase the development setback from the creek on the College Park South site from 50' to 100' based on the following General Plan language that addresses this issue. The below GP excerpt is the only language that governs this issue. There are no Municipal Code sections that address creek or stream setbacks. I hope that after you read my attached letter you will come to the same conclusion that the City designate an open space easement greater than 50 feet for this perennial tributary creek that comes in from Loomis on the east in and ends into Secret Ravine creek on the west which runs north-south. I do hope to have time to prepare another letter that would address the natural drainage this creek provides in our area, however I believe it is a well understood situation. I believe increasing the creek setbacks would be extremely well received concession for the major impacts this massive development will create in our area.

The City of Rocklin General Plan's Open Space Action Plan <[https://www.rocklin.ca.us/sites/main/files/file-attachments/table\\_a-2\\_-\\_open\\_space\\_-\\_revised\\_2015\\_ulop.pdf?1525299229](https://www.rocklin.ca.us/sites/main/files/file-attachments/table_a-2_-_open_space_-_revised_2015_ulop.pdf?1525299229)>,

Action Plan: Table A-2

General Plan Policy Action Steps – Open Space, Conservation and Recreation Element

28-1

28-2

28-3

States under Action Step OCRA-11 on page 2-43...

"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."

28-3 Cont.

Respectfully,

Denise Gaddis

5521 Freeman Circle | Rocklin CA 95677

Cell: 916-532-9927

[denise@wavecable.com](mailto:denise@wavecable.com)<<mailto:denise@wavecable.com>>

cc: Sara A. Clark, Shute, Mihaly & Weinberger LLP

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

**Date:** November 4, 2021

**To:** David Mohlenbrok and Nathan Anderson

**From:** Denise Gaddis

**Subject:** Response to the College Park DEIR referencing Biological Resources

- [DEIR Chapter 3.4 Biological Resources, pg. 3.4-1](#)
- [Appendix C: Technical Reports for the Biological Resources Chapter](#)

**Question:** Who chose or made the decision to hire Madrone Ecological Consulting to address Biological Resources in the College Park DEIR?

28-4

**Question:** Who is paying the bill for Madrone Ecological Consulting? Hmm, the developer.

Madrone Ecological Consulting has been working for the College Park developer(s) since its inception and is not an unbiased participant in working on the College Park DEIR. Madrone did a number of **2017** Biological Resource reports (see embedded copy of just one report) long before the College Park NOP in 2019.

28-5



Madrone 2017  
Aquatic Resources R

"Draft SC 35 Aquatic Resources Report"

**Question:** How does the alleged "independent" City of Rocklin and De Novo Planning Group justify using a potentially biased source to prepare documents for the College Park DEIR?

28-6

**Question:** How much of "Appendix C: Technical Reports for the Biological Resources Chapter" is simply a copy and paste of Madrone's 2017 documentation?

28-7

Looking at **page 79** of pdf copy of **Appendix C** "Wildlife Species Observed within the College Park Study Areas", Madrone states Survey Dates were

- April 28, May 18, 25, & 26, and June 2 of **2016** (5 surveys done)
- February 22, October 31 and December 6 of **2017** (3 surveys done)
- May 1 & 2, June 11 & 12 and December 11 & 24 of **2019** (6 surveys done)
- January 8 & 22, and February 5 & 19 of **2020** (4 surveys done)

28-8

**Question:** How much of Madrone's data is actually from 2016 and 2017 and simply a repeat of the original report, in other words a copy and paste?

**Question:** Why was the public provided on the City's website, a **non-searchable copy** of [Appendix C: Technical Reports for the Biological Resources Chapter](#) making it impossible for me search and provide citations in my comment letter? The pdf file of the 680-page DEIR itself is a searchable document. But the 2,400-pages of pdf appendices to the DEIR are not.

28-9

**Question:** Please explain how Madrone's report fails to document over 60 wildlife species that are well-known to habitat the College Park South location along the tributary creek. How could Madrone's biologists have possibly missed so many of these species on 18 different survey dates?

28-10



Madrone's report states they observed 33 bird species yet failed to document **37 other** bird species. That's over 50% they failed to document. Almost all of the other species of birds Madrone's report failed to identify are protected under **the Migratory Bird Treaty Act**. For example:

Western Screech Owl, Brewer's Blackbird, Mountain Blue Bird, Western Blue Bird, Bald Eagle, Northern Flicker, Cooper's Hawk, Red-Tailed Hawk, Green Heron, Belted Kingfisher, Ruby-Crowned Kinglet, Mallard Duck, Hooded Merganser Duck, Hooded Oriole, Virginia Rail, Golden-Crowned Sparrow, White-Crowned Sparrow, Cliff Swallow, Red-Breasted Sapsucker, California Thrasher, Spotted Towhee, Yellow Warbler, Yellow-rumped Warbler, Downy Woodpecker, Nuttall's Woodpecker, Ash-throated Flycatcher, California Thrasher, Dark-Eyed Junco, Lesser Goldfinch, Snowy Egret, Western Tanager, Sandhill Cranes, and White-Breasted Nuthatch.

**Impact 3.4-4:** (DEIR pg. 3.4-33) discusses "Birds". **Mitigation Measure 3.4-4:** re: preconstruction nest survey requirements (DEIR pg. 3.4-34), does not specifically address the following documented on site birds.

- 1) Song Sparrow ([California Bird Species of Special Concern](#)) Mitigation Measure 3.4-4 vaguely references "songbirds" at 3<sup>rd</sup> bullet,
- 2) Sandhill Cranes ([California Bird Species of Special Concern](#)) cranes are not mentioned,
- 3) White-tailed kites ([CDFW Fully Protected species](#)) Mitigation Measure 3.4-4 makes a vague reference to "active raptor" at 3<sup>rd</sup> bullet,
- 4) Bald eagles ([CDFW Fully Protected Animals](#)) Mitigation Measure 3.4-4 makes a vague reference to "active raptor" at 3<sup>rd</sup> bullet.

"A pre-construction nesting bird survey shall be conducted by the Project Biologist throughout the Project area and all accessible areas within a 500-foot radius of proposed construction areas, no more than 14 days prior to the initiation of construction."

It would be inappropriate for the developer paid for biologists being the sole person doing the preconstruction nest survey(s) as Madrone's biologists weren't able to identify 60% of the wildlife species on site during 18 field trips. This mitigation measure should be changed to include an independent 3<sup>rd</sup> party biologist participation in any preconstruction nest survey(s).

28-11

**Impact 3.4-4:** (DEIR pg. 3.4-33) discusses "Birds". **Mitigation Measure 3.4-5:** (DEIR pg. 3.4-35). "The following mitigation shall be implemented to address the loss of suitable foraging habitat for Swainson's hawks:

- 1.0 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.

The final determination of whether the foraging habitat is "highly suitable" or "marginally suitable" shall be made by the Project Biologist in consultation with the City of Rocklin. Generally, grasslands, croplands, and other low-lying vegetation is highly suitable foraging habitat. Orchard, vineyard, and woodland are generally unsuitable foraging habitat. Marginally suitable would require some level of low-lying vegetation available with an abundance of prey species. Based on these ratios and the current development plan, a total of 54.15 acres of Swainson's hawk foraging habitat shall be protected to compensate for impacts within the Study Area."

Community concerns:

1) Impact 3.4-4 seems to only focus on the Swainson's hawk. And Mitigation Measure 3.4-5 does only focus on the Swainson's hawks. 54.15 acres of Swainson's hawk foraging habitat shall be protected to compensate for impacts within the Study Area.

**Question:** What about all the other raptors including the White-tailed kite, bald eagle, Cooper's hawk, Osprey, Red-tailed hawk, and Red-shouldered hawk all observed on site and compensation for their suitable foraging habitat?

2) The first two bullet points of the mitigation measure address "suitable foraging habitat shall be protected for each acre of highly suitable foraging habitat impacted." Suitable foraging habitat should remain on site. The developer should not be allowed to divert impacts by paying a mitigation fee or some other alternative **which is not explained**.

3) The mitigation measures states the determination of whether the foraging habitat is "highly suitable" or "marginally suitable" shall be made by the Project Biologist in consultation with the City of Rocklin. It would be inappropriate for the developer paid biologists who weren't able to identify 60% of the wildlife species on site during 18 field trips to do habitat determinations. This mitigation measure should be changed to include an independent 3<sup>rd</sup> party biologist participation in any habitat determinations.

- Madrone's report states they observed 3 reptile/amphibians species yet failed to document 5 other reptile species that exist in this area, most notably the **Western Pond Turtle** (a [CDFW "species of special concern"](#) in California). These turtles are relatively easy to observe in and around the creek. Madrone's report (Appendix C) on page 20 (pdf page 26) even states there is a "High Potential for Occurrence". Attached/embedded is a photo taken of a Western Pond Turtle at the creek on **8/13/2021**.



Western Pond  
Turtle near creek 8.1

"Western Pond Turtle near creek 8.13.21"

I've personally seen them in & around the creek on the South site on many occasions over many years. Madrone's mitigation plan to "relocate" the turtles is simply unacceptable and potentially illegal.

**This is something the City of Rocklin needs to address and correct. On a number of occasions, City staff have made statements to east Rocklin residents that the wildlife on the College Park project site will simply be relocated or their eggs destroyed, etc. Quite inappropriate and illegal.**

The Federal Migratory Bird Treaty Act (MBTA) prohibits the "**take**" of any native migratory bird, their eggs, parts, and nests. Likewise, Section 3513 of the California Fish & Game Code prohibits the "take or possession" of any migratory non-game bird. Therefore, activities that may result in the injury or mortality of native migratory birds including eggs and nesting, would be prohibited under the MBTA.

Additionally, "...**taking** of Western Pond Turtles has been prohibited in all U.S. states where they are found since the 1980's. It's listed as an endangered species in Washington State, and protected in Oregon and California."

28-11  
Cont.

28-12

28-13



"Turtles, in general, are among the most imperiled vertebrates in the world." And "In 2012, Center for Biological Diversity petitioned the U.S. Fish and Wildlife Service to list the western pond turtle under the Endangered Species Act. In 2015, the Service determined the listing may be warranted and is currently reviewing the species' status based on the best available science. The status review is on target for completion in **2023**." ([US Fish & Wildlife](#))

Western Pond Turtle "Populations are declining in...most of their northern range. **Habitat destruction appears to be the major cause of its decline...**and the species is listed as a Species of Special Concern by the California Department of Fish and Wildlife." ([CA Fish & Wildlife](#))

**Allowing a 25-lot subdivision 50' southwards from the College Park South site's creek banks would clearly disrupt this species reproduction.**

The DEIR's description of the existing environmental setting as it concerns the 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 residents on the College Park South site.

**Impact 3.4-2:** (DEIR pg. 3.4-31) references the special-status Western Pond Turtle and **Mitigation Measure 3.4-3** (on pg. 3.4-32) states, "A western pond turtle survey shall be conducted within 150 feet of creek within 48 hours prior to construction in that area...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...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."

Western Pond Turtles are the west coast's only native freshwater turtle. The western pond turtle requires both aquatic and terrestrial habitats. **Typically active from February through November**, with the length of the active season depending on the temperature of the habitat. Western pond turtles hibernate (hibernate) for a short period during the winter (December and January).

Mating typically occurs in late April or early May but may occur year-round. **Females move over land up to 330 feet (100 meters) from the water in the spring to make their nests, and lay their eggs between March and August** in nest sites dug at least four inches (ten centimeters) deep, covering the site with soil and vegetation. **Eggs can take up to 80 days (3 months) to hatch**, at which point the young turtles rest in the nest, absorbing the yolk sac until they are large enough to enter the water. **Hatchlings stay in the nest after hatching until spring**. On average they enter the water after 48 days, **taking up to a week to move** from their nesting site to aquatic habitat. The Western Pond Turtle is in decline throughout 75 - 80% of its range. (References: The [Natomas Basin Conservancy](#), [CaliforniaHerps](#) and [Center for Biological Diversity](#).)

Mitigation measure 3.4-3 for Impact 3.4-2 is inadequate. The Western Pond Turtle survey should be conducted within a minimum of 330 feet of the creek's bank. The mitigation measure goes on to state that if a Western Pond Turtle or its hatchlings are discovered that a qualified

Page 4 of 13

28-13 Cont.

biologist shall relocate the individual to suitable habitat outside of the proposed impact area prior to construction. 1) This is vague as it does not indicate where any turtles would be relocated to. 2) Turtles should not be relocated outside the South Village site. 3) Any identified Western pond turtle hatchlings should not be "relocated" until the following spring.

28-13  
Cont.

- Madrone's report states they observed 3 mammals yet failed to document **13 other** mammal species in the study area including American Mink, North American Beaver and North American River Otter that habitat in the creek on the College Park South site. I can't imagine how Madrone's biologist on **18 occasions** did not observe beaver. During each of the 18 survey dates noted by Madrone there existed a quite large and visible beaver den (refer to embedded/attached photo) as well as a quite large and visible beaver dam (refer to embedded/attached photo). Also refer to this link to see 2021 video of beavers in the tributary creek <https://rocklinwetlands.org/the-beaver-of-monte-verde-park-wetlands/>.



beaver den.jpg

"beaver den"



beaver dam July 2021.jpg

"beaver dam July 2021"

28-14

But notably not mentioned by Madrone is the **Sierra Nevada Red Fox** which may have been spotted in the Freeman Circle neighborhood coming from the College Park South site and is a **highly endangered** species. However, I believe it is more probable that the "red" fox observed was a Central Valley red fox which is not endangered. But which of the two "red" fox was observed is unknown for sure at this time. But it is not impossible that it was a Sierra Nevada red fox.

- Madrone's report doesn't even address invertebrates such as the various species of butterflies identified on the College Park South site. Most notably being the **California Dogface Butterfly**, California's state butterfly.

The California dogface butterfly, also called "dog-head butterfly," is found only in California. This butterfly is most common from April to May and July through August. Breeding season is early spring and late summer. Averaging 100 eggs per season.

*"The butterflies' existence can become threatened by extensive forest fires and loss of habitat due to land conversion...Locally, the Placer Land Trust has been instrumental in protecting potential habitat for the California Dogface Butterfly." (Sierra College)*

Kind of ironic that the College on one hand wants to protect its habitat yet now with this development will destroy this butterfly's habitat.

- Madrone's report only identifies one species of fish, the mosquito fish.

28-15



Species that habitat the creek area were previously pointed out in my 2019 response to the NOP. I provided a link to **Save East Rocklin's Photo Gallery** that documents all the wildlife species residing in this College Park South area. So **there is no disputing the existence of these species.**

Link provided was and still is:

<https://drive.google.com/drive/folders/0B11ebQtuPdbNeiBibURKUHIQdnM?resourcekey=0--1xBH-MLaSWIACRM2oe6vQ>.

It would be impossible to copy all the wildlife photos to this document and remain small enough in size to be emailed. I believe it is incumbent on the City and the EIR consultant De Novo to utilize this link to observe the wildlife photographs as evidence of their existence on the College Park South project site where all these photographs were taken. If absolutely necessary and advised by the City of Rocklin, I can download the photos to a thumb drive and hand delivery to the City.

There's also another local website ([Rocklin Wetlands](http://RocklinWetlands)) created by one of the El Don neighborhood neighbors with incredible videos of many species on site, please go to <https://rocklinwetlands.org/video/>

Rocklin Wetlands website also has an incredible 2021 photo gallery of many of the varies species that habitat the College Park South site, please go to <https://rocklinwetlands.org/photo-gallery-monte-verde-park-wetlands/>

**Question:** Why does the DEIR fail to mention all the documented species reported by me in my 2019 NOP comment letter?

Below is an accurate listing of all the observed and identified wildlife species identified on the College Park South project site. The list is separated by **61 wildlife species** observed by local residents that Madrone's biologists failed to identify in their 18 site surveys. The other list is **40 wildlife species** Madrone did observe on site. **Again, how could the developer's biologists miss 61 of 101 identified species on site?**

28-16

61 SPECIES OBSERVED  
 By Local Residents  
 In the College Park South Project Site

REPTILES	MAMMALS	BIRDS
1. Garter Snake 2. Sharp-Tailed Snake 3. Southern Alligator Lizard 4. Western Fence Lizard 5. <b>Western Pond Turtle</b> Conservation Status: <a href="#">CDFW Species of Special Concern</a>	1. American Mink 2. Bat (unidentified sp.) 3. Black-Tailed Deer 4. Bobcat 5. Coyote 6. Eastern Fox Squirrel 7. Gray Fox 8. North American Beaver 9. North American River Otter 10. North American Raccoon 11. Opossum 12. <b>Sierra Nevada Red Fox</b> ( <i>Vulpes vulpes necator</i> ) Conservation Status: <a href="#">CDFW State Threatened</a>  or <b>more likely</b> the <b>Sacramento Valley red fox</b> ( <i>Vulpes vulpes patwin</i> ) native subspecies in California's Central Valley 13. Western Gray Squirrel	1. Ash-throated Flycatcher 2. <b>Bald Eagle</b> Conservation Status: Still protected under multiple federal laws and regulations. Eagles, their feathers, as well as nest and roost sites are all protected. <a href="#">CDFW Fully Protected Animals</a> 3. Belted Kingfisher 4. Brewer's Blackbird 5. California Thrasher 6. Cedar Waxwing 7. Cliff Swallow 8. Cooper's Hawk 9. Dark-Eyed Junco 10. Downy Woodpecker 11. Golden-Crowned Sparrow 12. Great Horned Owl 13. Green Heron 14. Hooded Merganser Duck 15. Hooded Oriole 16. Lesser Goldfinch 17. Mallard Duck 18. Mountain Blue Bird 19. Northern Flicker 20. Nuttall's Woodpecker 21. Osprey (Fish-Hawk) 22. Red-Breasted Sapsucker 23. Red-Tailed Hawk 24. Ruby-Crowned Kinglet 25. <b>Sandhill Cranes</b> Conservation Status: <a href="#">California Bird Species of Special Concern</a> 26. Snowy Egret 27. Spotted Towhee 28. <b>Tricolored Black Bird</b> Conservation Status: <a href="#">State Threatened</a> 29. Virginia Rail 30. Western Bluebird 31. Western Screech Owl 32. Western Tanager 33. White-Breasted Nuthatch 34. White-Crowned Sparrow 35. Wood Duck 36. Yellow-rumped Warbler 37. <b>Yellow Warbler</b>
INVERTEBRATES (insects etc.)  (1) California Dogface Butterfly (California State butterfly) <a href="#">Sierra College documentation</a> . "The butterflies existence can become <i>threatened</i> by extensive forest fires and <i>loss of habitat</i> due to land conversion...Locally, the Placer Land Trust has been instrumental in protecting potential habitat for the California Dogface Butterfly."  (2) Bee Species (LeafCutters, LongHorns, BumbleBees, MasonBees, & more)  (3) Cuckoo Wasp Genus Chrysua (indicator of healthy native bee populations)  (4) Many other species of Butterflies & Moths, e.g. a. Pipevine Swallowtail butterfly b. Anise Swallowtail butterfly c. Gulf Fritillary butterfly  (5) Monarch Butterfly  (6) Dragonfly		

28-16 Cont.

Conservation Status:  
[California Bird Species of Special Concern](#)

40 SPECIES OBSERVED  
 By *Madrone Biologists*  
 In the College Park South Project Site

REPTILES and AMPHIBIANS	MAMMALS	BIRDS
1. American Bullfrog 2. Gopher Snake 3. Sierran chorus frog	1. Black-tailed jackrabbit 2. Desert cottontail 3. Striped skunk	1. <b>White-tailed Kite</b> Conservation Status: <a href="#">CDFW Fully Protected species</a> 2. <b>Swainson's Hawk</b> Conservation Status: <a href="#">State Threatened</a> 3. Red-shouldered Hawk 4. <b>Song Sparrow</b> Conservation Status: <a href="#">California Bird Species of Special Concern</a> 5. Acorn Woodpecker 6. American Crow 7. American Goldfinch 8. American kestrel 9. American Robin 10. Anna's hummingbird 11. Barn owl 12. Bewick's wren 13. Black-headed Grosbeak 14. Black Phoebe 15. Bushtit 16. California Quail 17. California Scrub Jay 18. California Towhee 19. Canadian Goose 20. European Starling 21. Great Blue Heron 22. Great Egret 23. House finch 24. Killdeer 25. Mourning dove 26. Northern Mockingbird 27. Oak titmouse 28. Pygmy Nuthatch 29. Red-Winged Blackbird 30. Tree Swallow 31. Turkey Vulture 32. Western Kingbird 33. Wild Turkey
FISH (1) Mosquito fish		
INVERTEBRATES (Insects etc.) None Listed		

28-16 Cont.



- DEIR Chapter 3.4 Biological Resources talks about bats and pre-construction roosting bat surveys. However, Appendix C does not address any observation of bats or having done any bat surveys. There are some bat species listed by CDFW as sensitive or threatened.

28-17

**Question:** Why were no bat surveys conducted by Madrone for the DEIR? How does Madrone plan to conduct a nighttime bat survey? And how can Madrone allege they don't exist if they haven't done a nighttime survey?

I would also like to take this opportunity to address some of the species Madrone did identify in their survey. Many raptors do and others have the potential to nest in the study area as well as many other bird species protected by the **Federal Migratory Bird Treaty Act (MBTA)**. If nesting on site, as is usually the case, removal of these nests or the trees they use for nesting would impact the species. Furthermore, birds nesting in this area and adjacent to any construction could be disturbed by that construction which could result in nest abandonment. The College Park South location as well as the North location are prime foraging habitat for the White-tailed kite and the Swainson's hawk as well as other raptor species that are well known to this area. The California Department of Fish and Wildlife often requires surveys for raptor (bird of prey) nests from **January 15 to September 15**. Several species court and nest outside this time frame, such as some herons and egrets, many raptors, and most Humming birds.

**Federal Migratory Bird Treaty Act (MBTA)**  
California Fish & Game Code Section 3513

28-18

The Federal Migratory Bird Treaty Act (MBTA) prohibits the "take" of any native migratory bird, their eggs, parts, and nests. Likewise, Section 3513 of the California Fish & Game Code prohibits the "take or possession" of any migratory non-game bird. Therefore, **activities that may result in the injury or mortality of native migratory birds including eggs and nesting, would be prohibited under the MBTA.**

**California Environmental Quality Act**

The California Environmental Quality Act (CEQA) requires evaluations of project effects on biological resources. These evaluations must consider direct effects on a biological resource within the project site itself, indirect effects on adjacent resources and cumulative effects within a larger area or region.

Significant adverse impacts on biological resources would include the following:

- Substantial adverse effects on any species identified as candidate, sensitive, or special-status in local or regional plans, policies, or regulations or by CDFW or USFWS (these effects could be either direct or via habitat modification).
- Substantial adverse impacts to species designated by CA Dept. of Fish and Games as Species of Special Concern.
- Substantial adverse effects on riparian habitat or other sensitive habitat identified in local or regional plans, policies or regulations or by CDFW and USFWS.
- Substantial adverse effects on federally protected wetlands defined under Section 404 of the Clean Water Act. These effects include direct removal, filling, or hydrologic interruption of marshes and wetlands.
- Substantial interference with movements of native resident or migratory fish or wildlife species population, or with use of native wildlife nursery sties
- Conflicts with local policies or ordinances protecting biological resources (e.g. tree preservation policies; and

- Conflict with provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan.

28-18 Con

**City of Rocklin Riparian Policy**

The City of Rocklin General Plan's [Open Space Action Plan](#),

Action Plan: **Table A-2**

General Plan Policy Action Steps – Open Space, Conservation and Recreation Element

States under **Action Step OCRA-11** on page 2-43...

"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."

28-19

I certainly believe that this unique wildlife area requires a larger setback in order to protect this extraordinary area. This would be a sufficient "mitigation" and concession by the developer and City. Please refer to Save East Rocklin's [wildlife photo gallery](#) for pictures of the various wildlife species taken on the College Park South site. All these photographs/videos were taken on the College Park South property. And I have hundreds more.

Additionally, Madrone's report states that 49-acres on the North site and over 10-acres on the South site of suitable habitat will be impacted by the College Park development.

**White-Tailed Kite**

The [white-tailed kite](#) is a [CDFW Fully Protected species](#). The white-tailed kite is well-known to exist and make its nest in the trees alongside the creek on the College Park South site. I've personally seen them on the South site on many occasions over many years. And they were observed by Madrone's biologist(s).

**Question:** How does Sierra College (developer) plan to adequately avoid impacts to white-tailed kites including protecting their habitat and not disturbing their breeding/nesting season during the months of **January through August**?

28-20

Nesting bird surveys should be done within 500' of any planned construction areas within three days prior to the start of activities, should activities occur within white-tailed kite nesting season (January 1 through June 30). Suitable buffers should be established until the nests are no longer occupied and



## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

the juvenile birds have fledged. An alternative of behavioral baseline establishment and monitoring for changes of avian behavior is proposed as well. Preconstruction surveys of occupied white-tailed kite habitat most likely will not be sufficient to make Project impacts to this species less than significant.

Madrone's report indicates that white-tailed kites have been observed on the Project site. Breeding habitat exists on the Project site in riparian areas. The Project proposes removal of foraging habitat by white-tailed kite, which will result in direct impacts to this species. Indirect impacts to this species may occur from construction noise or increased human presence.

**Impacts to the white-tailed kite are significant:** White-tailed kite are **Fully Protected under Fish & Game Code section 3511(b)(6)**. A Fully Protected species may not be **taken** at any time and any impacts to white-tailed kite would be considered significant.

- To reduce impacts to less than significant: In addition to the mitigation proposed, CDFW generally recommends that a qualified biologist remain on site while any construction activities, particularly vegetation removal, occur within 500' of potential white-tailed kite habitat.
- Should white-tail kite be detected (which they will), no activity should occur within 500' of the observation.
- The CDFW generally recommends adding an additional white-tailed kite-specific mitigation measure that states:

Impacts to white-tailed kite shall be fully avoided. A qualified biologist shall remain on site during all vegetation clearing and construction-related activities. Should a white-tailed kite nest be detected, a buffer of 500' shall be established and no activity shall occur within the buffer zone until the biologist determines, and CDFW confirms, that all chicks have fledged and are no longer reliant on the nest site. If an individual white-tailed kite is observed, no activity shall occur within 500', until the bird has relocated on its own.

### Swainson's Hawk

The Swainson's hawk is a raptor species that is listed as threatened by CDFW. Madrone lists the Swainson's hawk as being observed on site. Many local residents have seen them and have photographed them.

**Question:** How does Sierra College (developer) plan to adequately avoid impacts to Swainson's hawks including protecting their habitat and not disturbing their breeding/nesting season during the months of February through August?

Madrone suggests the following very standard, vague, and inadequate mitigation measures. These are not acceptable mitigation measures given the highly sensitive nature of the areas in question.

- Apply for a US Corp of Engineers Section 404 permit.
- Apply for a Regional Water Quality Control Board (RWQCB) Section 401 water quality certification.
- Apply for a CDFW Section 1600 Lake or Streambed Alteration Agreement.

Madrone's so-called mitigation measures are wholly inadequate. For example suggesting that their biologist do a "pre-construction bird nesting survey" is absurd as they weren't even able to identify 60 wildlife species on the site after **18** separate surveys.

28-20 Cont.

Chapter 3.4 Biological Resources states, as part of the Biological Resources Assessment, three Madrone biologists conducted field surveys of various portions of the Project Area. These surveys occurred between 2016 and 2020.

The same mitigation measures documented above for the white-tailed kite should also be applied to the Swainson's hawk.

**California Fish and Game Code, Section 3503.5 – Raptor Nests**

Section 3503.5 makes it unlawful to take, possess, or destroy hawks or owls.

28-20 Cont.

**CONCLUSION:**

**I. The DEIR fails to comply with CEQA.**

An EIR must provide the public and decision-makers with detailed information about a proposed project's potentially significant environmental effects, identify ways to minimize and mitigate significant adverse impacts, and explore less damaging alternatives. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 511. CEQA requires that an EIR accurately disclose sufficient information to enable the public "to understand and to consider meaningfully the issues raised by the proposed project." *Id.* at 516. An EIR that omits essential information about a Project's environmental setting or impacts is legally inadequate. *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 935. Moreover, the EIR must provide substantial evidence to support its conclusions, including determinations about the significance of project impacts and the effectiveness of proposed mitigation measures. *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.

28-21

**II. The DEIR fails to adequately disclose, analyze, and mitigate the Project's impacts on wildlife.**

The Madrone Biologists even after 18 site surveys failed to identify 60% of the documented wildlife species that habitat the College Park South Project site. Biological surveys should be redone by an independent 3<sup>rd</sup> biologist.

**APPROPRIATE MITIGATION / PROJECT ALTERNATIVE**

The appropriate mitigation measure / project alternative to offset the "significant" biological resource impacts of the proposed College Park South development is to implement a 100 foot development setback from the tributary creek on the College Park South site. The City of Rocklin's General Plan addresses this issue.

Reference: General Plan's [Open Space Action Plan](#),

**Action Plan: Table A-2**

**General Plan Policy Action Steps – Open Space, Conservation and Recreation Element**

that states under **Action Step OCRA-11** on page 2-43...

"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

28-22

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."

28-22 Cont.

Placer County sets a good example and has a 100 foot creek setback. Rocklin should follow suit.

Respectfully,

Denise Gaddis  
5521 Freeman Circle | Rocklin, CA 95677  
916-532-9927  
[denise@wavecable.com](mailto:denise@wavecable.com)



**From:** Denise Gaddis <[denise@wavecable.com](mailto:denise@wavecable.com)>  
**Sent:** Friday, November 5, 2021 12:38 PM  
**To:** David Mohlenbrok <[David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)>; Nathan Anderson <[Nathan.Anderson@rocklin.ca.us](mailto:Nathan.Anderson@rocklin.ca.us)>  
**Cc:** Jill Gayaldo <[Jill.Gayaldo@rocklin.ca.us](mailto:Jill.Gayaldo@rocklin.ca.us)>; Bill Halldin <[Bill.Halldin@rocklin.ca.us](mailto:Bill.Halldin@rocklin.ca.us)>; Joe Patterson <[Joe.Patterson@rocklin.ca.us](mailto:Joe.Patterson@rocklin.ca.us)>; Ken Broadway <[Ken.Broadway@rocklin.ca.us](mailto:Ken.Broadway@rocklin.ca.us)>; Greg Janda <[Greg.Janda@rocklin.ca.us](mailto:Greg.Janda@rocklin.ca.us)>; David Bass <[David.Bass@rocklin.ca.us](mailto:David.Bass@rocklin.ca.us)>; Michele Vass <[Michele.Vass@rocklin.ca.us](mailto:Michele.Vass@rocklin.ca.us)>; Roberto Cortez <[Roberto.Cortez@rocklin.ca.us](mailto:Roberto.Cortez@rocklin.ca.us)>; Michael Barron <[Michael.Barron@rocklin.ca.us](mailto:Michael.Barron@rocklin.ca.us)>; Gregg McKenzie <[Gregg.McKenzie@rocklin.ca.us](mailto:Gregg.McKenzie@rocklin.ca.us)>; Sara Clark <[Clark@smwlaw.com](mailto:Clark@smwlaw.com)>; 'Patrick Woolsey' <[pwoolsey@smwlaw.com](mailto:pwoolsey@smwlaw.com)>  
**Subject:** RE: College Park DEIR Comment Letter

Hello All,

I am resubmitting my comment letter as some of the embedded documents may not work for some, so now attaching one of them to this email. Others instead of embedded in my attached document I copied a picture of them in new "Revised" comment letter attached.

I am also going to forward in a separate email due to size limitations, a new Attachment A with photographs of wildlife observed on the College Park South site in the event the link to these photos does not work for some.

I apologize for the inconvenience.

Denise Gaddis  
5521 Freeman Circle | Rocklin CA 95677  
Cell: 916-532-9927  
[denise@wavecable.com](mailto:denise@wavecable.com)

28-23

**From:** Denise Gaddis [<mailto:denise@wavecable.com>]

**Sent:** Thursday, November 4, 2021 3:04 PM

**To:** 'David Mohlenbrok' <[David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)>; 'Nathan Anderson' <[Nathan.Anderson@rocklin.ca.us](mailto:Nathan.Anderson@rocklin.ca.us)>

**Cc:** 'jill.gayaldo@rocklin.ca.us' <[jill.gayaldo@rocklin.ca.us](mailto:jill.gayaldo@rocklin.ca.us)>; 'bill.halldin@rocklin.ca.us' <[bill.halldin@rocklin.ca.us](mailto:bill.halldin@rocklin.ca.us)>;

'joe.patterson@rocklin.ca.us' <[joe.patterson@rocklin.ca.us](mailto:joe.patterson@rocklin.ca.us)>; 'ken.broadway@rocklin.ca.us'

<[ken.broadway@rocklin.ca.us](mailto:ken.broadway@rocklin.ca.us)>; 'greg.janda@rocklin.ca.us' <[greg.janda@rocklin.ca.us](mailto:greg.janda@rocklin.ca.us)>; 'david.bass@rocklin.ca.us'

<[david.bass@rocklin.ca.us](mailto:david.bass@rocklin.ca.us)>; 'michele.vass@rocklin.ca.us' <[michele.vass@rocklin.ca.us](mailto:michele.vass@rocklin.ca.us)>;

'roberto.cortez@rocklin.ca.us' <[roberto.cortez@rocklin.ca.us](mailto:roberto.cortez@rocklin.ca.us)>; 'michael.barron@rocklin.ca.us'

<[michael.barron@rocklin.ca.us](mailto:michael.barron@rocklin.ca.us)>; 'gregg.mckenzie@rocklin.ca.us' <[gregg.mckenzie@rocklin.ca.us](mailto:gregg.mckenzie@rocklin.ca.us)>; Sara Clark

([Clark@smwlaw.com](mailto:Clark@smwlaw.com)) <[Clark@smwlaw.com](mailto:Clark@smwlaw.com)>

**Subject:** College Park DEIR Comment Letter

Hello David (and Nate),

Please find attached my written response to the College Park DEIR, referencing the DEIR Chapter on Biological Resources.

A couple of points I'd like to make.

First, I would appreciate yourself, assigned planner Nate Anderson, City Councilmembers and Planning Commissioners taking the time to read my letter rather than it just being sent to the EIR Consultant. I've spent many long hours researching and composing this "comment letter".

Second, I would like to note one of many deficiencies in the DEIR regarding Biological Resources. The DEIR Chapter 3.4 Biological Resources and its companion document Appendix C: Technical Reports for the Biological Resources Chapter indicate that Madrone Ecological Consulting's biologists surveyed the Project site on 18 separate occasions yet failed to identify 60% of the existing and documented wildlife species that habitat the Project site.

28-23  
Cont.

Third, I would like to point out that I as well as many others request that the City increase the development setback from the creek on the College Park South site from 50' to 100' based on the following General Plan language that addresses this issue. The below GP excerpt is the only language that governs this issue. There are no Municipal Code sections that address creek or stream setbacks. I hope that after you read my attached letter you will come to the same conclusion that the City designate an open space easement greater than 50 feet for this perennial tributary creek that comes in from Loomis on the east in and ends into Secret Ravine creek on the west which runs north-south. I do hope to have time to prepare another letter that would address the natural drainage this creek provides in our area, however I believe it is a well understood situation. I believe increasing the creek setbacks would be extremely well received concession for the major impacts this massive development will create in our area.

The City of Rocklin General Plan's [Open Space Action Plan](#),  
Action Plan: **Table A-2**  
General Plan Policy Action Steps – Open Space, Conservation and Recreation  
Element

States under **Action Step OCRA-11** on page 2-43...

"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."

Respectfully,

Denise Gaddis  
5521 Freeman Circle | Rocklin CA 95677  
Cell: 916-532-9927  
[denise@wavecable.com](mailto:denise@wavecable.com)

cc: Sara A. Clark, Shute, Mihaly & Weinberger LLP

(Excluded Madrone Ecological Consulting's Technical Reports as they are included in Appendix C of the Draft EIR)

### **Response to Letter 28: Denise Gaddis 4, Public Comment Submission**

**Response 28-1:** This comment is an introductory statement and does not warrant a response.

**Response 28-2:** This comment indicates that they have concerns that there are deficiencies in the DEIR regarding Biological Resources. The comment indicates that Madrone Ecological Consulting's biologists surveyed the Project site 18 separate times and failed to identify 60% of the existing and documented wildlife species habitat on the Project site.

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](http://www.madroneeco.com). It is also noted that 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.

**Response 28-3:** This comment states the following:

Third, I would like to point out that I as well as many others request that the City increase the development setback from the creek on the College Park South site from 50' to 100' based on the following General Plan language that addresses this issue. The below GP excerpt is the only language that governs this issue. There are no Municipal Code sections that address creek or stream setbacks. I hope that after you read my attached letter you will come to the same conclusion that the City designate an open space easement greater than 50 feet for this perennial tributary creek that comes in from Loomis on the east in and ends into Secret Ravine creek on the west which runs north-south. I do hope to have time to prepare another letter that would address the natural drainage this creek provides in our area, however I believe it is a well understood situation. I believe increasing the creek setbacks would be extremely well received concession for the major impacts this massive development will create in our area.

The City of Rocklin General Plan's Open Space Action Plan<[https://www.rocklin.ca.us/sites/main/files/file-attachments/table\\_a-2\\_-\\_open\\_space\\_-\\_revised\\_2015\\_ulop.pdf?1525299229](https://www.rocklin.ca.us/sites/main/files/file-attachments/table_a-2_-_open_space_-_revised_2015_ulop.pdf?1525299229)>,

Action Plan: Table A-2

General Plan Policy Action Steps – Open Space, Conservation and Recreation Element

States under Action Step OCRA-11 on page 2-43...

"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.”

This comment is addressed under Master Response 4.

**Response 28-4:** This comment states the following:

Question: Who chose or made the decision to hire Madrone Ecological Consulting to address Biological Resources in the College Park DEIR?

Madrone Ecological Consulting was hired by the Project applicant. The title page of Madrone’s Biological Resources Assessment included in Appendix C of the DEIR states that it was prepared for Evergreen Sierra East, LLC.

**Response 28-5:** This comment states the following:

Question: Who is paying the bill for Madrone Ecological Consulting? Hmm, the developer.

Madrone Ecological Consulting has been working for the College Park developer(s) since its inception and is not an unbiased participant in working on the College Park DEIR. Madrone did a number of 2017 Biological Resource reports (see embedded copy of just one report) long before the College Park NOP in 2019.

This comment is addressed in Response 28-2.

**Response 28-6:** This comment states the following:

Question: How does the alleged “independent” City of Rocklin and De Novo Planning Group justify using a potentially biased source to prepare documents for the College Park DEIR?

This comment is addressed in Response 28-2.

**Response 28-7:** This comment states the following:

Question: How much of “Appendix C: Technical Reports for the Biological Resources Chapter” is simply a copy and paste of Madrone’s 2017 documentation?

Looking at page 79 of pdf copy of Appendix C “Wildlife Species Observed within the College Park Study Areas”, Madrone states Survey Dates were

Appendix C of the Draft EIR contains Madrone Ecological Consulting’s technical reports. These are not a copy and paste, or re-creation of a report, rather, they are Madrone Ecological Consulting’s original reports. It is noted that this FEIR includes revisions to the Madrone Ecological Consulting’s reports that were provided in Appendix C. The revisions were performed to update and amplify the

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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report based on comments provided through the DEIR public review period. The revised report can be reviewed in Appendix A to the Final EIR.

**Response 28-8:** This comment states the following:

- April 28, May 18, 25, & 26, and June 2 of 2016 (5 surveys done)
- February 22, October 31 and December 6 of 2017 (3 surveys done)
- May 1 & 2, June 11 & 12 and December 11 & 24 of 2019 (6 surveys done)
- January 8 & 22, and February 5 & 19 of 2020 (4 surveys done)

Question: How much of Madrone’s data is actually from 2016 and 2017 and simply a repeat of the original report, in other words a copy and paste?

Madrone Ecological Consulting’s report is a reflection of multiple years of field surveys to study the site. This is illustrated by the various surveys presented by the commenter. It is appropriate for surveys to be performed for a Project site when it is contemplated for development, and in subsequent years, additional surveys should be performed as a method of reverification of conditions. These subsequent surveys also serve to supplement the previous surveys by capturing variation in seasonal and annual conditions. The volume of surveys performed for this Project are relatively high and exceed the minimum acceptable requirements for plant surveys and habitat assessments, and also are broad enough in time to increase observations of wildlife that are present. It is noted that the DEIR also includes mitigation measures that require preconstruction surveys for sensitive species as a form of reverification, and also an assurance that new occupations by wildlife can be protected.

**Response 28-9:** This comment states the following:

Question: Why was the public provided on the City’s website, a non-searchable copy of Appendix C: Technical Reports for the Biological Resources Chapter making it impossible for me search and provide citations in my comment letter? The pdf file of the 680-page DEIR itself is a searchable document. But the 2,400-pages of pdf appendices to the DEIR are not.

The search function was 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 were created in a searchable vector format. Raster files included in the appendices are limited to NOP comments provided to the City in a scanned image and map, which are functionally not searchable with the Control F command.

It is noted that on November 4, 2021, the City utilized an optical character recognition (OCR) to create a “searchable” versions of the Appendices on its website. The availability of the OCR appendix files was communicated to the commenter. This comment does not warrant further response or revisions to the Draft EIR. Note that CEQA does not require a lead agency to make its electronic files

searchable, but the City of Rocklin strives to make public review of its CEQA documents reader friendly.

**Response 28-10:** This comment states the following:

Question: Please explain how Madrone's report fails to document over 60 wildlife species that are well-known to habitat the College Park South location along the tributary creek. How could Madrone's biologists have possibly missed so many of these species on 18 different survey dates?

This comment is addressed in Response 28-2.

**Response 28-11:** This comment references the Madrone report and indicates that it failed to document 37 birds as follows:

Western Screech Owl, Brewer's Blackbird, Mountain Blue Bird, Western Blue Bird, Bald Eagle, Northern Flicker, Cooper's Hawk, Red-Tailed Hawk, Green Heron, Belted Kingfisher, Ruby-Crowned Kinglet, Mallard Duck, Hooded Merganser Duck, Hooded Oriole, Virginia Rail, Golden-Crowned Sparrow, White-Crowned Sparrow, Cliff Swallow, Red-Breasted Sapsucker, California Thrasher, Spotted Towhee, Yellow Warbler, Yellow-rumped Warbler, Downy Woodpecker, Nutall's Woodpecker, Ash-throated Flycatcher, California Thrasher, Dark-Eyed Junco, Lesser Goldfinch, Snowy Egret, Western Tanager, Sandhill Cranes, and White-Breasted Nuthatch.

This comment references Impact 3.4-4 and the requirements under Mitigation Measure 3.4-4, and states that there are only vague references to Song Sparrow, Sandhill Cranes, White tailed kits, and Bald Eagles. It should be noted that this measure is not intended to be vague, instead, it is intended to be broad ranging and covering each of these species, in addition to others. For instance, this measure requires "*A pre-construction nesting bird survey shall be conducted by the Project Biologist throughout the Project area and all accessible areas within a 500-foot radius of proposed construction areas, no more than 14 days prior to the initiation of construction.*" This measure appropriately covers "nesting birds", which is inclusive of those species that have protected status under federal, state, or local law. This includes raptors, song-birds, water birds, etc.

The City notes the commenter's displeasure with Madrone Ecological Consulting. This portion of the comment is addressed in Response 28-2.

The commenter also provided the following statements regarding suitability of mitigation:

2) The first two bullet points of the mitigation measure address "suitable foraging habitat shall be protected for each acre of highly suitable foraging habitat impacted." Suitable foraging habitat should remain on site. The developer should not be allowed to divert impacts by paying a mitigation fee or some other alternative **which is not explained.**

3) The mitigation measures states the determination of whether the foraging habitat is "highly suitable" or "marginally suitable" shall be made by the Project Biologist in consultation with the City of Rocklin. It would be inappropriate for the developer paid biologists who weren't able to identify 60% of the wildlife species on site during 18 field trips to do habitat determinations. This mitigation measure should be changed to include an independent 3rd party biologist participation in any habitat determinations.

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Mitigation Measure 3.4-5 requires protection of Swainson's hawk foraging habitat as an offset for the loss of foraging habitat. Mitigation Measure 3.4-5 is presented below. This measure would allow the Project applicant to compensate for this foraging habitat loss through a mitigation bank or another mechanism that is acceptable to the City. A mitigation bank is a location where mitigation habitat has been established and certified by the regulator agency, and credits are then sold to Project applicants in need of compensatory mitigation. Compensatory mitigation is an acceptable form of mitigation for loss of habitat. See also Master Response 12.

**Mitigation Measure 3.4-5:** *The following mitigation shall be implemented to address the loss of suitable foraging habitat for Swainson's hawks:*

- *1.0 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.*

*The final determination of whether the foraging habitat is "highly suitable" or "marginally suitable" shall be made by the Project Biologist in consultation with the City of Rocklin. Generally, grasslands, croplands, and other low-lying vegetation is highly suitable foraging habitat. Orchard, vineyard, and woodland are generally unsuitable foraging habitat. Marginally suitable would require some level of low-lying vegetation available with an abundance of prey species. Based on these ratios and the current development plan, a total of 54.15 acres of Swainson's hawk foraging habitat shall be protected to compensate for impacts within the Study Area.*

The City, again, notes the commenter's displeasure with Madrone Ecological Consulting. This portion of the comment is addressed in Response 28-2.

**Response 28-12:** This comment states the following:

Madrone's report states they observed 3 [reptile/amphibians](#) species yet failed to document

5 other reptile species that exist in this area, most notably the **Western Pond Turtle** (a [CDFW "species of special concern"](#) in California). These turtles are relatively easy to observe in and around the creek. Madrone's report (Appendix C) on page 20 (pdf page 26) even states there is a "High Potential for Occurrence". Attached/embedded is a photo taken of a Western Pond Turtle at the creek on **8/13/2021**.

(Images excluded but provided in the letter above)

I've personally seen them in & around the creek on the South site on many occasions over many years. Madrone's mitigation plan to "relocate" the turtles is simply unacceptable and potentially illegal.

This is something the City of Rocklin needs to address and correct. On a number of occasions, City staff have made statements to east Rocklin residents that the wildlife on the College Park project site will simply be relocated or their eggs destroyed, etc. Quite inappropriate and illegal.

This comment is addressed in part under Master Responses 4 and 12, and in Response 16-2 above. Additional discussion is provided below.



The commenter has misstated 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 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.

This comment is addressed, in part, under Master Response 12 and Response 16-3. 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.

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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A study to determine the distance that western pond turtles nest 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 28-13:** This comment includes a discussion of the Federal Migratory Bird Treaty Act (MBTA) and then provides additional discussion on taking of western pond turtle. The commenter indicates that the proposed subdivision would disrupt reproduction for this species and indicates that the description of the existing environmental setting as it concerns western pond turtle is inadequate because the surveyors did not observe this species during field surveys, while neighbors have seen this species on site. The commenter then discusses Impact 3.4-2 and Mitigation Measure 3.4-3 from the Draft EIR. The commenter states that Mitigation Measure 3.4-3 is inadequate and that the survey should be conducted within a minimum of 330 feet of the creek's bank. The commenter also indicates that the measure is vague as to where turtles would be relocated to, and recommends that turtles should not be relocated outside the South Village site and that hatchlings should not be "relocated" until the following spring.

This comment is addressed, in part, under Master Responses 4 and 12, and Response 28-12. Mitigation Measure 3.4-3 is updated based on this comment to reflect more specificity on what is considered suitable habitat for relocation of western pond turtle in the event that they are found in the impact area.

***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 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.*

**Response 28-14:** This comment states the following:

Madrone's report states they observed 3 **mammals** yet failed to document **13 other** mammal species in the study area including American Mink, North American Beaver and North American River Otter that habitat in the creek on the College Park South site. I can't imagine how Madrone's biologist on **18 occasions** did not observe beaver. During each of the 18 survey dates noted by Madrone there existed a quite large and visible beaver den (refer to embedded/attached photo) as well as a quite large and visible beaver dam (refer to embedded/attached photo). Also refer to this link to see 2021 video of beavers in the tributary creek <https://rocklinwetlands.org/the-beaver-of-monte-verde-park-wetlands/>.

(Images excluded but provided in the letter above)

But notably not mentioned by Madrone is the **Sierra Nevada Red Fox** which may have been spotted in the Freeman Circle neighborhood coming from the College Park South site and is a **highly endangered** species. However, I believe it is more probable that the "red" fox observed was a Central Valley red fox which is not endangered. But which of the two "red" fox was observed is unknown for sure at this time. But it is not impossible that it was a Sierra Nevada red fox.

This comment follows the theme of many of the other comments provided by this commenter (i.e. surveys failed to identify 60% of wildlife and should be redone). This portion of the comment is addressed in Response 28-2.

It is specifically noted that the observations of Sierra Nevada red fox are inaccurate. The Project site is well outside of their known ranges and these observations are almost certainly misidentified common fox species.

The DEIR does mention that common species in the region include river otters, and beavers. Mink is another common species in the region's aquatic areas. None of these species are special status; however, it is noted that the aquatic resources on the South Village site are preserved through the open space designation.

**Response 28-15:** This comment states the following:

Madrone's report doesn't even address **invertebrates** such as the various species of butterflies identified on the College Park South site. Most notably being the **California Dogface Butterfly**, California's state butterfly.

The California dogface butterfly, also called "dog-head butterfly," is found only in California.

This butterfly is most common from April to May and July through August. Breeding season is early spring and late summer. Averaging 100 eggs per season.

*"The butterflies' existence can become threatened by extensive forest fires and loss of habitat due to land conversion...Locally, the Placer Land Trust has been instrumental in protecting potential habitat for the California Dogface Butterfly."* ([Sierra College](#))

Kind of ironic that the College on one hand wants to protect its habitat yet now with this development will destroy this butterfly's habitat.

Madrone's report only identifies one species of **fish**, the mosquito fish.

The commenter has misstated that the DEIR does not address invertebrates. In fact, invertebrates are discussed on multiple pages in the DEIR including page 3.4-14 and on page 3.4-30. The focus of

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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this invertebrate analysis is on protected species of invertebrates. The reference to the California dogface butterfly is noted; however, this species is not a protected species.

Additionally, the DEIR addresses fish species on page 3.4-13, -14 and 3.4-32. This includes discussion of Delta smelt and steelhead. The DEIR indicates that 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.

**Response 28-16:** This comment discusses a 2019 NOP comment letter that they provided and notes a variety of photos of species on the Save East Rocklin photo gallery. The commenter provides several links and notes that it would be impossible to copy all of the wildlife photos into the document. The commenter requests that the City and their consultant utilize the list as evidence of the species existence on the Project site. The commenter also provides a link to the El Don neighborhood videos and Rocklin Wetlands for photos of species and habitat on site. Lastly, the commenter provides the following question:

**Question:** Why does the DEIR fail to mention all the documented species reported by me in my 2019 NOP comment letter?

Below is an accurate listing of all the observed and identified wildlife species identified on the College Park South project site. The list is separated by **61 wildlife species** observed by local residents that Madrone's biologists failed to identify in their 18 site surveys. The other list is **40 wildlife species** Madrone did observe on site. Again, how could the developer's biologists miss 61 of 101 identified species on site?

(Two tables are excluded here, but are provided in the letter above)

This comment follows the theme of many of the other comments provided by this commenter (i.e. surveys failed to identify 60% of wildlife and should be redone). This comment has been addressed by previous responses above (Response 28-2).

**Response 28-17:** This comment states the following:

DEIR Chapter 3.4 Biological Resources talks about bats and pre-construction roosting bat surveys. However, Appendix C does not address any observation of bats or having done any bat surveys. There are some bat species listed by CDFW as sensitive or threatened.

**Question:** Why were no bat surveys conducted by Madrone for the DEIR? How does Madrone plan to conduct a nighttime bat survey? And how can Madrone allege they don't exist if they haven't done a nighttime survey?

This topic is discussed on page 3.4-35 of the DEIR under Impact 3.4-5. This discussion includes a reference to Table 3.4-2, which shows four special-status bat species documented in the region. The species include: hoary bat (*Lasiurus cinereus*), silver-haired bat (*Lasionycteris noctivagans*), pallid bat (*Antrozous pallidus*), and Western red bat (*Lasiurus blossevillii*). The field surveys included a day survey (habitat assessment and visual surveys). Habitat assessments include a search for roosting habitat, and visual surveys include a search for bat sign (i.e. guano, smells, etc.) and individual bats. Based on the habitat assessment and visual survey, it was determined that additional dusk/dawn surveys were not necessary.

As discussed in the Draft EIR, there is a high potential for these bat species to occur on-site. The DEIR identifies the trees in habitats throughout the North and South Village Study Areas as suitable habitat for various special-status bats species. Outbuildings in the North Village Study Area also provide habitat for various special-status bat species.

Mitigation Measure 3.4-6 requires roosting bat surveys and avoidance measures for special-status bats. This is intended to be prior to construction, as it is possible for bat roosts to establish in future years even though they were absent during the previous surveys. This mitigation measure requires pre-construction roosting bat surveys to be conducted by a qualified biologist within 14 days prior to any tree or building removal that will occur during the breeding season (April through August). If preconstruction surveys indicate that no roosts of special-status bats are present, or that roosts are inactive or potential habitat is unoccupied, no further mitigation is required. If roosting bats are found, exclusion shall be conducted as recommended by the qualified biologist. Methods may include acoustic monitoring, evening emergence surveys, and the utilization of two-step tree removal supervised by the qualified biologist. Two-step tree removal involves removal of all branches that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree. Once the bats have been excluded from buildings or allowed to fly off from trees and roost elsewhere, the building or tree removal may occur.

**Response 28-18:** This comment presents a summary of the federal Migratory Bird Treaty Act (MBTA). The commenter then presents information about CEQA as it relates to biological resources and impact determinations for several biological topics.

These comments are noted. Section 3.4 Biological Resources discussed the MBTA, as well as the CEQA topics. No revisions are warranted to the DEIR based on this comment.

**Response 28-19:** This comment presents the City of Rocklin Riparian Policy and states “I certainly believe that this unique wildlife area requires a larger setback in order to protect this extraordinary area. This would be a sufficient “mitigation” and concession by the developer and City. Please refer to Save East Rocklin’s wildlife photo gallery for pictures of the various wildlife species taken on the College Park South site. All these photographs/videos were taken on the College Park South property. And I have hundreds more.”

This comment is partially addressed under Master Response 4. As noted in the City’s policy, a 50’ buffer is required from the top of the creek bank, or to the edge of the associated riparian habitat (whichever distance is greater). A larger buffer can be considered; however, one is not proposed and the commenter has not provided any scientific evidence for the need for a larger buffer. This suggestion to increase the buffer beyond the policy requirement will be provided to the appointed and elected officials for their consideration.

**Response 28-20:** This commenter presents information on white-tailed kite, Swainson’s hawk, and nesting birds, and various regulations that protect these birds. The commenter suggests mitigation

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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buffers of 500' to protect these birds. The commenter challenges the Madrone mitigation measures as not acceptable. The commenter, again, indicates that Madrone did not identify 60 wildlife species on the site after 18 surveys. Lastly, the commenter presents the following two questions:

**Question:** How does Sierra College (developer) plan to adequately avoid impacts to white-tailed kites including protecting their habitat and not disturbing their breeding/nesting season during the months of January through August?

**Question:** How does Sierra College (developer) plan to adequately avoid impacts to Swainson's hawks including protecting their habitat and not disturbing their breeding/nesting season during the months of February through August?

Swainson's hawk is addressed in the Draft EIR, 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.

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 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. Mitigation Measure 3.4-5 includes mitigation intended to offset the loss of foraging habitat this species. Mitigation Measure 3.4-5 is presented below:

**Mitigation Measure 3.4-5:** *The following mitigation shall be implemented to address the loss of suitable foraging habitat for Swainson's hawks:*

- 1.0 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.

*The final determination of whether the foraging habitat is “highly suitable” or “marginally suitable” shall be made by the Project Biologist in consultation with the City of Rocklin. Generally, grasslands, croplands, and other low-lying vegetation is highly suitable foraging habitat. Orchard, vineyard, and woodland are generally unsuitable foraging habitat. Marginally suitable would require some level of low-lying vegetation available with an abundance of prey species. Based on these ratios and the current development plan, a total of 54.15 acres of Swainson’s hawk foraging habitat shall be protected to compensate for impacts within the Study Area.*

This comment is addressed under Master Response 12.

**Response 28-21:** This comment states that the DEIR fails to comply with CEQA, and cites various statutes and case law. The commenter then states that the *“The DEIR fails to adequately disclose, analyze, and mitigate the Project’s impacts on wildlife...The Madrone Biologists even after 18 site surveys failed to identify 60% of the documented wildlife species that habitat the College Park South Project site. Biological surveys should be redone by an independent 3rd biologist.”*

This comment is addressed under Response 28-2. It should also be noted that the court cases cited by the commenter go to the level of detail and clarity of the impact analysis in an EIR. The City believes that the DEIR meets these standards.

**Response 28-22:** This commenter references the Rocklin policy relating to creek setbacks, and again recommends this setback as an appropriate mitigation measure and also project alternatives. The commenter indicates that Placer County has a 100’ setback.

This comment is addressed under Master Response 4, as well as under Response 28-19.

**Response 28-23:** This comment is a series of email communications from Denise Gaddis to City staff. The first email on November 5, 2021 indicates that they will be sending information, and that they have attached a document. The second email is a duplicate of the email that is responded to in Response 28-3, -4, and -5 above. The commenter attached the Madrone Aquatic Resources Delineation and Biological Resources Assessment.

These documents were included in Appendix C of the DEIR and do not need to be presented here again. It is noted that this FEIR includes revisions to the Madrone Ecological Consulting’s reports that were provided in Appendix C. The revisions were performed to update and amplify the report based on comments provided through the DEIR public review period. The revised report can be reviewed in Appendix A to the FEIR.



## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

**ARONOWITZ • SKIDMORE • LYON**  
A Professional Law Corporation

Lawrence E. Skidmore

530.823.9736  
lskidmore@aslaw.org

November 5, 2021

David Mohlenbrok  
Community Development Director  
City of Rocklin  
3970 Rocklin Road  
Rocklin, CA 95677  
Copy sent via e-mail: [David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)

Nathan Anderson  
Senior Planner  
City of Rocklin  
3970 Rocklin Road  
Rocklin, CA 95677  
Copy sent via e-mail: [Nathan.Anderson@rocklin.ca.us](mailto:Nathan.Anderson@rocklin.ca.us)

Re: COLLEGE PARK PROJECT - Draft Environmental Impact Report

Dear Mr. Mohlenbrok and Mr. Anderson:

As you know from earlier correspondence from Paul Aronowitz of my office, we represent Denise Gaddis in her continued efforts to make sure that the developer of the College Park project respects the integrity of the 45° slope easement behind her home at 5521 Freeman Circle and those adjacent to her. I am writing to make sure her concerns about the project become part of the comments on the Draft EIR.

29-1

The current development plans for the College Park project reflect that the development includes a retaining wall to be constructed along Court A within that slope easement. It is also our understanding that the developer intends to include landscaping within the 45° slope easement which would most likely include some form of a watering system. The tentative subdivision map for the project shows that the Court A improvements will be constructed abutting the northerly perimeter of the easement with the Preliminary Grading and Drainage map for the development showing a retaining wall to be constructed 8.5' south of that perimeter within the easement. The two maps in that regard are inconsistent in that the Tentative Subdivision Map does not show the encroachment into the easement which is shown on the Preliminary Grading and Drainage map. Neither the easement nor the encroachment into the easement is reflected in the College Park DEIR for the project encroachment.

29-2

200 Auburn Folsom Rd., Ste. 305 • Auburn, CA 95603-5046 • 530.823.9736 • Fax 530.823.5241 • [www.aslaw.org](http://www.aslaw.org)

Mssrs. Mohlenbrok and Anderson  
November 5, 2021  
Page 2 of 3

The Preliminary Grading and Drainage map for the project reflects the topography of the Freeman Circle properties and the project land to the north abutting those properties. At their northerly property lines, the Freeman Circle properties sit at an elevation ranging from 305 feet to 312 feet. From there, the existing elevation of the adjoining project property at the proposed location of Court A ranges from between 305 feet to approximately 311 feet. The elevation of Court A after improvements appears will be approximately 300 feet. That means to achieve the elevation of the improvements for Court A, at the highest current elevation, there will have to be a cut in the slope of approximately 11 feet. Although the actual height of the retaining wall will not be that tall because there is a 2:1 slope to the top of the wall, the cut in the slope to accommodate the wall will be significant threatening the integrity of the slope supporting the improvements of the homes along Freeman Circle.

I understand from your correspondence and communications between Ms. Gaddis and the developer's counsel, George Phillips that they believe that the retaining wall (and landscaping) are an authorized improvements within the slope easement, that the retaining wall will hold back the soils of the slope sufficient to protect the Freeman Circle properties. We disagree. The express purpose of the easement is of

of depositing earth fill in order that Landowner may construct a fence on Landowner's Property. Landowner shall place the earth fill and shall finish and maintain the filled area of the Slope Easement Property in such a manner that the resulting slope will have the configuration shown on the diagram attached hereto as Exhibit D.

I have enclosed a copy of the Easement Agreement containing that language I quoted for your reference.

Placing a retaining wall (and landscaping) within that slope easement conflicts with the rights of the dominant easement owners to maintain the slope described in the easement. The easement did not reserve to the servient owner and now the developer the right to modify the easement to replace the slope with a retaining wall. Taken to the extreme, the developer's position would be that it could remove the slope entirely and replace it with a retaining wall abutting the Freeman Circle properties. The lateral support of the Freeman Circle properties should not have to rely upon the integrity of a retaining wall, and potential degradation of soil behind or in front of that wall by landscaping, over which they have no control and did not construct.

The integrity of that slope and the protection of those homes will depend on that retaining wall. There are no plans in the proposed development nor any mention in the College Park DEIR to address the failure of the wall and the accompanying loss of earthen support for the Freeman Circle homes. In other words, who is responsible for the retaining wall ten years from now when the developer has sold all lots and the retaining wall fails resulting in the loss of lateral support for the Freeman Circle properties? The developer should be required to remove the retaining wall from the proposed plans or, alternatively, if allowed to modify the slope within the easement and disturb the existing contours, the developer should be required to provide a bond to repair the wall and compensate the Freeman Circle property owners if it fails.

200 Auburn Folsom Rd., Ste. 305 • Auburn, CA 95603-5046 • 530.823.9736 • Fax 530.823.5241 • www.asilaw.org

29-3

Mssrs. Mohlenbrok and Anderson  
November 5, 2021  
Page 3 of 3

The plans also show the boundaries of the development encroaching into the slope easement. The conditions for approval of the project should require that slope within the easement and the boundaries of the development remain undisturbed.

29-3 cont.

Please take these comments into consideration in connection with the Draft EIR and approval of the College Park project.

Sincerely yours,

ARONOWITZ SKIDMORE LYON  
A PROFESSIONAL LAW CORPORATION



Lawrence E. Skidmore

LES/lam

Encl.

Cc. Denise Gaddis via e-mail  
George Phillips via e-mail: [gphillips@phillipslandlaw.com](mailto:gphillips@phillipslandlaw.com)  
Rocklin City Council members via e-mail  
Rocklin Planning Commission members via e-mail

46017

OFFICIAL RECORDS  
REQUESTED BY

RECORDING REQUESTED BY AND  
WHEN RECORDED, RETURN TO:

Southfork Partnership  
2150-B Douglas Boulevard  
Roseville, CA 95661

PLACER TITLE CO.  
Aug 13 11 41 AM '97

MARY ANN HULSE  
PLACER CO RECORDER  
46017

P.L.	16
S.L.	14
M.	1
P.L.	
A.L.	
PH	
DATE	31

DOCUMENTARY TRANSFER TAX \$  
 (computed on full value of property conveyed or  
 on the value of the interest conveyed)  
 I, the undersigned, hereby certify that the above  
 is a true and correct copy of the original as  
 recorded in the office of the Recorder of Deeds  
 for the County of Placer, State of California.  
 MARY ANN HULSE  
 Recorder of Deeds  
 Placer County, California

EASEMENT AGREEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SIERRA JOINT COMMUNITY COLLEGE DISTRICT OF PLACER, NEVADA, EL DORADO and SACRAMENTO COUNTIES, a public school district who acquired title as Sierra Joint Junior College District of Placer, Nevada, El Dorado and Sacramento Counties, hereinafter called "Sierra," hereby grants the easements described herein to SOUTHFORK PARTNERSHIP, a California general partnership, hereinafter called "Landowner," on, over, across and under the real property described in Exhibits A and B attached hereto and incorporated herein on the terms and conditions contained herein.

Sierra and Landowner hereby agree as follows:

1. Drainage Easement. Sierra hereby grants a drainage easement to Landowner on, over, across and under the real property described on Exhibit A attached hereto and incorporated herein, hereinafter called the "Drainage Easement Property."

A. By granting the foregoing easement, Sierra agrees to accept the flowage and passage of surface storm waters from real property owned by Landowner, which is more particularly described in Exhibit C attached hereto and incorporated herein, hereinafter called "Landowner's Property," into the creek on the Drainage Easement Property commonly known as Rodrigo Ravine. Sierra further agrees to

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29-4

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accept all additional surface storm water generated as a result of the development of Landowner's Property which may include covering substantial portions of Landowner's Property with structures or paving.

B. Rodrigo Ravine passes through a culvert under a road on the Drainage Easement. Storm water tends to collect in the area immediately upstream from the culvert, hereinafter referred to as the "Pond Area." Sierra agrees that the easement granted herein shall include the collection or impoundment of water from Landowner's Property in the Pond Area.

C. Landowner or Landowner's successors may desire to install drainage pipes for the purpose of draining surface waters from Landowner's Property. The easement granted hereby includes, but is not limited to, the right to install, maintain, repair and replace drainage pipes as contemplated in this paragraph 3, and the right to discharge surface storm water onto the Drainage Easement Property through such drainage pipes.

D. Landowner shall indemnify and hold Sierra harmless from all damages directly attributable to drainage from Landowner's property generated as a result of the development of Landowner's Property.

2. Slope Easement. Sierra hereby grants an easement to Landowner on, over and across the real property described on Exhibit B attached hereto and incorporated herein, hereinafter called the "Slope Easement Property" for the purpose of depositing earth fill in order that Landowner may construct a fence on Landowner's Property. Landowner shall place the earth fill and shall finish and maintain the filled area of the Slope Easement Property in such a manner that the resulting slope will have the configuration shown on the diagram attached hereto as Exhibit D. Such placement, finishing and maintenance shall be completed in

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accordance with the specifications attached hereto as Exhibit E.

3. Dominant Tenement. Landowner's Property shall be the dominant tenement for the easements granted herein.

4. Successors. The rights and obligations of this Drainage Easement Agreement shall inure to the benefit of, and shall be binding upon the parties hereto, their heirs, successors in interest and assigns in the Drainage Easement Property, the Slope Property, and Landowner's Property.

SIERRA JOINT COMMUNITY COLLEGE  
DISTRICT OF PLACER, NEVADA, EL  
DORADO and SACRAMENTO COUNTIES,  
a public school district

DATED: April 28, 1987. By Barbara J. Vincent  
Its Local President

DATED: April 28, 1987. By Donald C. Osgood  
Its Board Secretary

BK3245 P6557

29-4 Cont.

The undersigned hereby accepts the easement granted hereinabove and agrees to the terms hereof.

SOUTHFORK PARTNERSHIP, a  
California general partnership

By: COKER-EWING COMPANY, a  
California general partnership,  
General Partner

By: COKER DEVELOPMENT, INC.,  
a California corporation,  
General Partner

DATED: 4-24, 1987. By Robert B. Coker, Jr.  
President

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By: EWING DEVELOPMENT, INC.,  
a California corporation,  
General Partner

DATED: 4-29, 1987.

By: Harry W. Ewing  
HARRY W. EWING,  
President

By: HOME CAPITAL CORPORATION,  
a California corporation,  
General Partner

DATED: 4-29, 1987.

By: Gerald C. Angove  
Its President

DATED: 4-29, 1987.

By: Alon White  
Its Senior Vice President

STATE OF CALIFORNIA  
COUNTY OF Placer

On April 28, 1987, before me, the undersigned notary  
public, personally appeared Barbara Vineyard, Gerald C. Angove

personally known to me  
 proved to me on the basis of satisfactory evidence

to be the persons who executed this instrument as Board Members  
on behalf of SIERRA JOINT COMMUNITY COLLEGE DISTRICT OF  
PLACER, NEVADA and SACRAMENTO COUNTIES, the public school  
district therein named, and acknowledged to me that SIERRA  
COLLEGE executed it pursuant to its bylaws or a resolution of  
its board of directors or trustees.

Vicki L. Reader



BK 3245 PG 58

29-4 Cont.



STATE OF CALIFORNIA

COUNTY OF Placer

On April 29, 1988, before me, the undersigned notary public, personally appeared ROBERT B. COKER, JR.,

personally known to me  
 proved to me on the basis of satisfactory evidence

to be the person who executed this instrument as President on behalf of COKER DEVELOPMENT, INC., the corporation therein named, the corporation being one of the partners of COKER-EWING COMPANY, the partnership therein named, such partnership being one of the partners of SOUTHFORK PARTNERSHIP, the partnership that executed the within instrument, and acknowledged to me that COKER DEVELOPMENT, INC., executed it as the partner of COKER-EWING COMPANY, COKER-EWING COMPANY executed it as the partner of SOUTHFORK PARTNERSHIP, and that SOUTHFORK PARTNERSHIP executed it.

*Sharon D. Kulbacki*



STATE OF CALIFORNIA

COUNTY OF Placer

On April 29, 1988, before me, the undersigned notary public, personally appeared HARRY W. EWING,

personally known to me  
 proved to me on the basis of satisfactory evidence

to be the person who executed this instrument as President on behalf of EWING DEVELOPMENT, INC., the corporation therein named, the corporation being one of the partners of COKER-EWING COMPANY, the partnership therein named, such partnership being one of the partners of SOUTHFORK PARTNERSHIP, the partnership that executed the within instrument, and acknowledged to me that EWING DEVELOPMENT, INC., executed it as the partner of COKER-EWING COMPANY, COKER-EWING COMPANY executed it as the partner of SOUTHFORK PARTNERSHIP, and that SOUTHFORK PARTNERSHIP executed it.

*Sharon D. Kulbacki*



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29-4 Cont.

STATE OF CALIFORNIA

COUNTY OF Placer

On April 29, 1988, before me, the undersigned notary public, personally appeared Michael B. McCook and Don White,

[ ] personally known to me  
[  ] proved to me on the basis of satisfactory evidence

to be the persons who executed this instrument as President and Vice President on behalf of HOME CAPITAL CORPORATION, the corporation therein named, the corporation being one of the partners of SOUTHFORK PARTNERSHIP, the partnership that executed the within instrument, and acknowledged to me that HOME CAPITAL CORPORATION executed it as the partner of SOUTHFORK PARTNERSHIP, and that SOUTHFORK PARTNERSHIP executed it.

*Sharon D. Kulbacki*



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29-4 Cont.

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EXHIBIT "A"

PARCEL ONE:

That portion of Southeast quarter of Section 20, Township 11 North, Range 7 East, MDB&M, more particularly described as follows:

Beginning at an iron pin 1/2 inch in diameter set on the West line of parcel described hereby from which point the quarter Section corner on the East line of Section 20, Township 11 North, Range 7 East, MDB&M, bears North 34°11'25" East 998.07 feet; thence South 513 feet, more or less, to the South line of the Northeast quarter of the Southeast quarter of said Section 20; thence Easterly along the South line of the Northeast quarter of the Southeast quarter of said Section 20 for a distance of 547 feet, more or less, to the East line of said Section 20; thence North 0°36' East along the East line of said Section 20 for a distance of 882.62 feet to a point distant South 0°36' West 437.42 feet from the quarter Section corner on the East line of said Section 20; thence due West 208.71 feet; thence North 208.71 feet to the Southwest corner of the parcel described in Volume 622 at page 432 of the Official record of Placer County; thence North 0°36' East along the West line of parcel described in last mentioned deed for a distance of 228.71 feet, more or less, to the East-West centerline of said Section 20, a point in County Road Number P-26; thence Westerly along the said Section centerline and in the said County Road for a distance of 352 feet, more or less, to a point due North of the point of beginning; thence due South 20 feet, more or less, to an iron pin 1/2 inch in diameter; thence due South 794.58 feet to the point of beginning.

Excepting therefrom all that portion described in the Grant to Corporation of the President of the American River Stake of the Church of Jesus Christ of Latter-Day Saints, recorded July 15, 1968 in Book 1206, page 222, Official Records of Placer County.

PARCEL TWO:

The most Westerly 15 acres of the Northeast quarter of the Southeast quarter of Section 20, Township 11 North, Range 7 East, MDB&M.

PARCEL THREE:

The most Easterly 25 acres of the Northeast quarter of the Southeast quarter of Section 20, Township 11 North, Range 7 East, MDB&M.

Excepting therefrom the Easterly 208.71 feet of the Northerly 437.42 feet thereof.

Continued on next page

BK3245 PG561

29-4 Cont.

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PARCEL THREE continued...

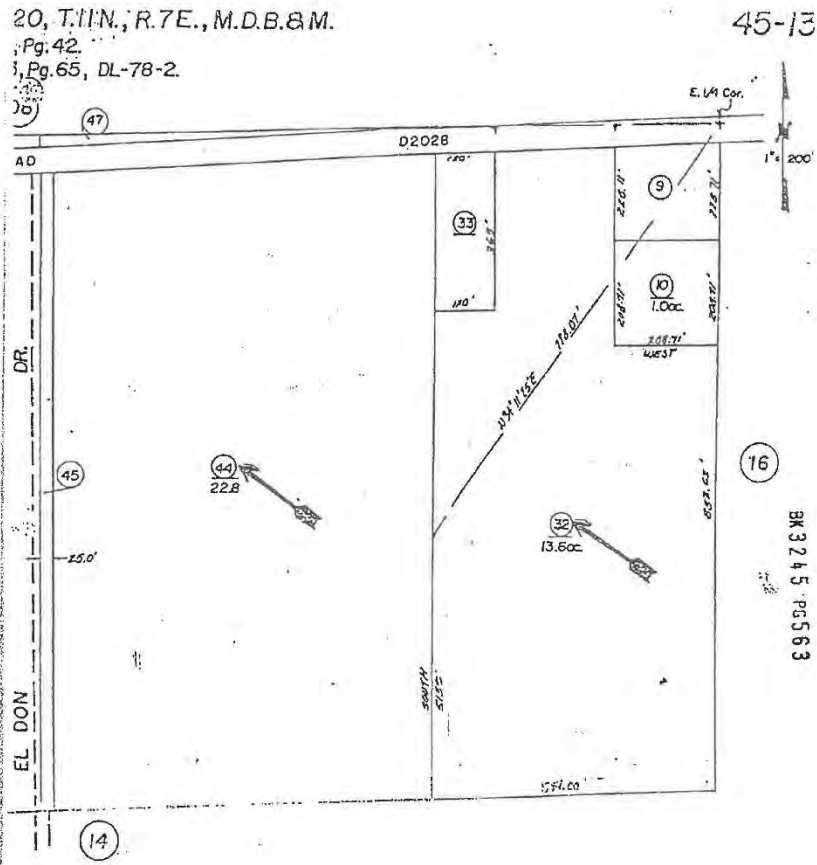
Also excepting therefrom:

Beginning at an iron pin 1/2 inch in diameter set on the West line of parcel described hereby from which point the quarter Section corner on the East line of Section 20, Township 11 North, Range 7 East, MDB&M, bear North 34°11'25" East 998.07 feet; thence South 513 feet, more or less, to the South line of the Northeast quarter of the Southeast quarter of said Section 20, thence Easterly along the South line of the Northeast quarter of the Southeast quarter of said Section 20, for a distance of 547 feet, more or less, to the East line of said Section 20; thence North 0°36' East along the East line of said Section 20 for a distance of 882.62 feet to a point distant South 0°36' West 437.42 feet from the quarter-Section corner on the East line of said Section 20; thence due West 208.71 feet; thence North 208.71 feet to the Southwest corner of the parcel described in Volume 622 at page 432 of the Official Records of Placer County; thence North 0°36' East along the West line of parcel described in last mentioned deed for a distance of 228.71 feet, more or less, to the East-West centerline of said Section 20, a point in County Road Number P-26; thence Westerly along said Section centerline and in the said County Road a distance of 352 feet, more or less, to a point due North of the point of beginning; thence due South 20 feet more or less to an iron pin 1/2 inch in diameter; thence due South 794.58 feet to the point of beginning.

APN: 45-130-32, 44, 45 & 47

BR 3245 PG 582

29-4 Cont.



"Important: This plat is not a survey. It is merely furnished as a convenience to locate the land in relation to adjoining streets and other lands and not to guarantee any dimensions, distances, bearings or acreage.

29-4 Cont.

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EXHIBIT "B"

DESCRIPTION OF SLOPE EASEMENT

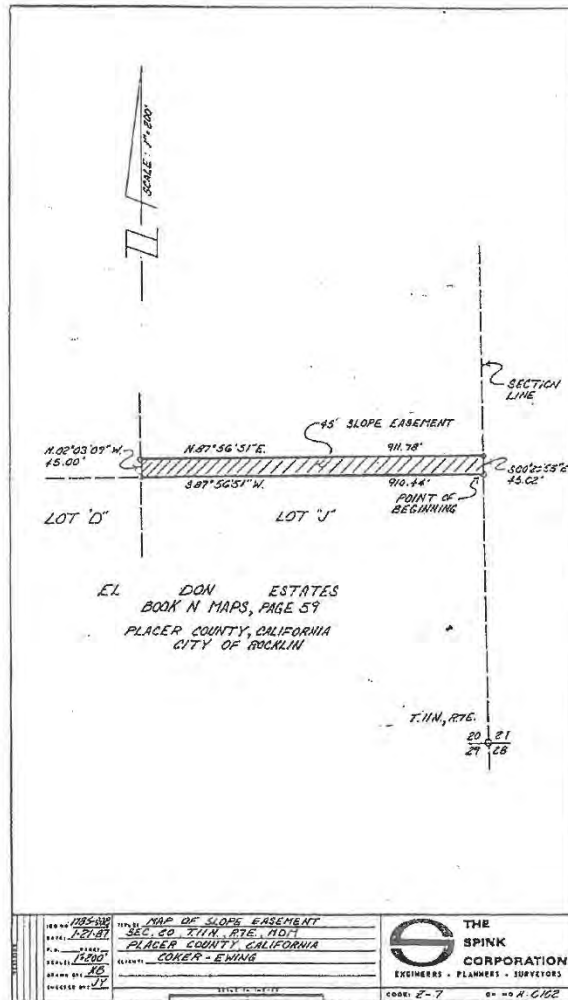
All that portion of the Southeast one-quarter of Section 20, Township 11 North, Range 7 East, Mount Diablo Meridian, City of Rocklin, County of Placer, State of California, described as follows:

An easement for construction and forever maintaining cut and fill slopes thereon, on, over and across all that certain real property described as follows:

Beginning at the Northeast corner of Lot "J", as said lot is shown and so designated on that certain plat of El Don Estates, said plat being filed in the Placer County Recorders office in Book N of Maps, Page 59; thence from said point of beginning along the North line of said Lot "J" South 87° 56' 51" West 910.44 feet to the Northwest corner of said Lot "J"; thence leaving said line North 02° 03' 09" West 45.00 feet; thence parallel with said North line North 87° 56' 51" East 911.78 feet to a point on the East line of said Section 20; thence along said East line South 00° 20' 55" East 45.02 feet to the point of beginning.

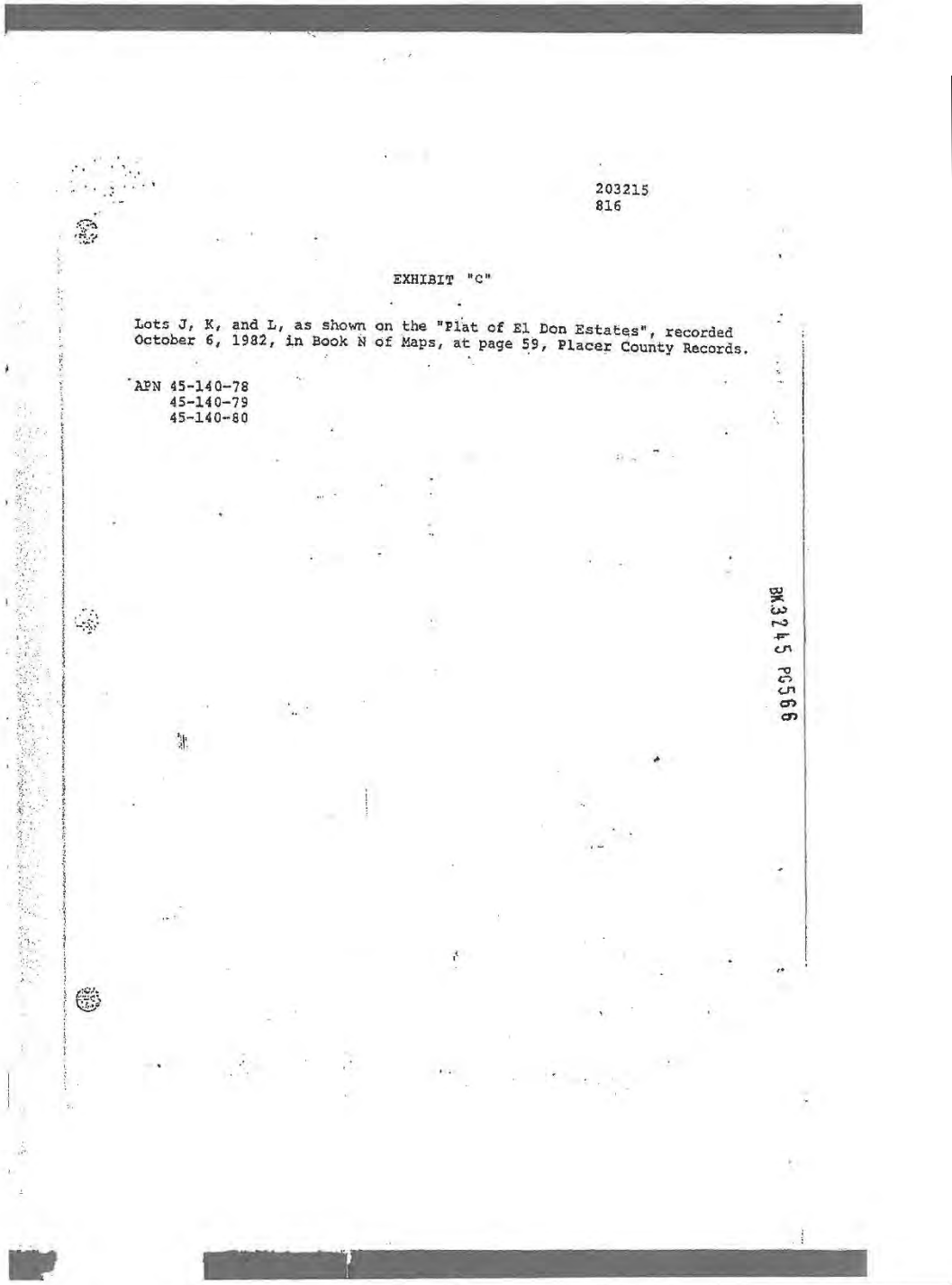
PK 3 2 4 5 PG 5 6 4

29-4 Cont.



29-4 Cont.





203215  
816

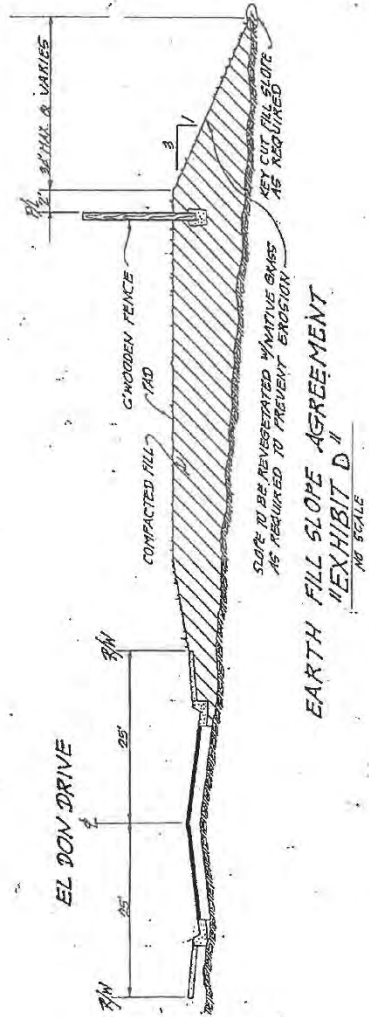
EXHIBIT "C"

Lots J, K, and L, as shown on the "Plat of El Don Estates", recorded October 6, 1982, in Book N of Maps, at page 59, Placer County Records.

APN 45-140-78  
45-140-79  
45-140-80

BK3745 P5566

29-4 Cont.



SK 3245 PG 567

29-4 Cont.

EXHIBIT "E"  
GRANITE SPRINGS VILLAGE  
GRADING SPECIFICATIONS  
FILL SLOPE AGREEMENT

Fill slope embankments shall be constructed as shown on the exhibits. Embankment areas shall be filled with excess excavated material generated within the Granite Springs Village project site consisting of soil or soil-rock mixture which is free from organic matter or other deleterious substances. This fill material shall not contain rocks or rock fragments over six-inches in greatest dimension.

Prior to placement of any fill material all existing vegetation shall be cut and removed from the area. Additionally, all ruts, hammocks or other uneven surface features shall be removed by surface grading prior to placement of fill. Where embankment is to be made onto any existing slopes greater than 3-feet (horizontal) to 1-foot (vertical) the existing sloped shall be plowed or cut into as the embankment is constructed so as to key the new embankment to the existing slope.

Fill material shall be spread and compacted in lifts not exceeding 8-inches in uncompacted thickness. Each lift shall be compacted to a minimum of 90% at an above optimum moisture.

All fill slopes shall be trimmed to give a neat and uniform appearance.

BK 3 2 4 5  
PG 5 6 8

THE SPINK CORPORATION  
46017

29-4 Cont.

**Response to Letter 29: Lawrence Skidmore, Aronowitz, Skidmore, and Lyon**

**Response 29-1:** Commenting on behalf of Denise Gaddis, the commenter refers to the subject matter of the comment letter, which expresses concerns about the integrity of an existing 45-foot slope and drainage easement adjacent and to the south of his client’s residence. The comment does not raise environmental issues, and therefore no response is required.

**Response 29-2:** The commenter describes his interpretation of a retaining wall proposed to be constructed on the South Village site, north of his client’s residence, within the existing slope and drainage easement. The commenter states the assumption that the developer intends to include landscaping within the easement area. The commenter also describes a discrepancy they believe exists in the developer’s exhibits and expresses his view that the easement is not “reflected in the College Park DEIR for the project encroachment.”

The comment does not raise environmental issues under CEQA, but instead raises questions relating to a private property interest (a slope and drainage easement) as reflected within a private agreement consummated in 1987 between the Sierra Joint Community College District and Southfork Partnership, which owned Ms. Gaddis’s property at the time. This agreement is not a part of the Project, nor is the City of Rocklin a party to the agreement, which does not involve the City’s regulatory authority under its General Plan or zoning. This EIR, thus, is not the proper forum for resolving any dispute relating to that agreement. No additional response is required. The comment is noted and will be provided to Rocklin appointed and elected officials for their consideration. Notwithstanding the foregoing, as a courtesy, a response is provided here.

Both the tentative subdivision map and the preliminary grading and drainage plan, included as part of the Project application (available online at <https://www.rocklin.ca.us/post/college-park-formerly-sierra-villages>), show the slope and drainage easement referenced by the commenter. The preliminary grading and drainage plan appropriately provides details associated with grading and drainage that are not included on the tentative subdivision map, such as the retaining wall near the southern boundary of the South Village site. There is no discrepancy or conflict between these exhibits—they are intended to be viewed together as part of the total application package. It is common practice for different plans and maps to show different details. Although not shown on any exhibit, the applicant had anticipated installing some landscaping material in the easement area near the retaining wall.

**Response 29-3:** The commenter notes the grade differences between his client’s residence and the proposed development to the north as well as concerns about the continued integrity of the slope and drainage easement resulting from construction of the retaining wall and potential landscaping in the easement area.

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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Due to the variation of existing topography at the northern property line of Parcel C-1 on the South Village site, and the grade of the proposed development improvements, the applicant prepared a project design proposing the construction of a retaining wall running east and west that encroaches into an existing slope and drainage easement (see Appendix C of the DEIR, College Park Sites “C-1” Preliminary Drainage Study, Appendix 3 [Preliminary Grading and Drainage Plan]). This retaining wall, and adjacent proposed grading activities, will be designed in consultation with a geotechnical and structural engineer to preserve the integrity of existing slopes within the easement area and prevent any negative influence on the existing yards and residences at the shared southern boundary of the South Village site. Mitigation Measure 3.6-1 requires the applicant to submit “grading and improvement plans that incorporate all recommendations from the Geotechnical Engineering Report Rocklin College Square (WKA No. 10958.02) prepared by Wallace-Kuhl & Associates (dated June 23, 2016) (see Appendix E),” including those specifically for “Retaining Walls,” for review and approval by the City of Rocklin Community Development Department and the Building and Engineering Services departments prior to issuance of grading and building permits for Project phases (DEIR, p. 3.6-18). Recommendations included in the Geotechnical Engineering Report (see DEIR, Appendix E) ensure the structural integrity of any retaining wall constructed as part of the Project, including those involving slopes and near building foundations (see DEIR, Appendix E, p. 18–19).

The use of retaining walls to preserve the integrity of existing slopes is a standard and accepted practice. The City has every reason to expect that the professional engineers and geotechnical experts working for the applicant will perform their work competently and will comply with all applicable regulations, standards, and mitigation measures relating to how grading and other earthwork will be conducted (see Mitigation Measure 3.6-1; see also Mitigation Measures 3.9-2 and 3.9-5). Indeed, the DEIR determined that potential impacts associated with liquefaction and landslides would be less than significant with mitigation (see DEIR, p. 3.6-7), and potential impacts to the existing drainage pattern near the South Village site will be less than significant with mitigation (see DEIR, page 3.9-32).

As an alternative to the proposed design, the applicant is able to revise the Project design to eliminate the encroachment into the slope and drainage easement area and instead construct the retaining wall at the northern edge of, and outside, the 45-foot easement. This, and any such revised design, would be subject to approval by the City of Rocklin Community Development Department and the Building and Engineering Services departments prior to issuance of grading and building permits for the applicable phase of the Project (see Mitigation Measures 3.6-1). Under this revised design, no landscape material would be installed within the easement area.

**Response 29-4:** The commenter has included a copy of the slope and drainage easement agreement and states that the Project “conflicts with the rights of the dominant easement owners to maintain

the slope described in the easement.” This comment does not raise environmental issues under CEQA, but instead asserts an interpretation of an aspect of a private contractual document to which the City is not a party. The issue does not relate to the City’s regulatory authority under its General Plan, zoning, or ordinances. Rather, the comment raises a dispute over the meaning of a private contract. Thus, no response is required; however, see response to comment 29-3 about preserving the integrity of the existing slope. The information is noted and will be provided to Rocklin appointed and elected officials for their consideration.

Your name:  
John Schwander

Your e-mail:  
[wokonfire321@gmail.com](mailto:wokonfire321@gmail.com)

Message:  
Good afternoon Mr. Mohlenbrok,

City of Rocklin - College Park Project

30-1

Thank you for allowing me to respond to the Draft Environmental Impact Report for the North and South Village sites (College Park Project). I would appreciate a response to my recommendations by the appropriate stakeholders (City of Rocklin Planning Commission and City of Rocklin City Council).

#### TRAFFIC IMPACTS

My Questions:

Are the offsite road improvements for the College Park Project adequately scoped and fully funded to mitigate the cumulative traffic impacts at this time, or are they scheduled for a future project phase?

30-2

What is the College Park Project design and construction schedule for commercial, residential, and off-site road improvements?



Has the impact of having additional cars on campus and/or in our neighborhoods been addressed since the overflow student parking lot (El Don Drive/Rocklin Road) will be eliminated if the College Park Project proceeds as planned?

30-2  
cont'd

I understand the traffic study looked at pre-COVID conditions but I could not find any information that included the duration involved to monitor the traffic flow. Was 24/7 monitoring conducted for one entire semester? If not; what was the methodology?

Discussion:

For many years I observed significant traffic congestion during my freeway work commute from this area to downtown Sacramento. Maybe there were other reasons for the round trip daily traffic bottleneck, but I could only conclude that commercial and residential growth in the region occurred well ahead of securing funding to mitigate the associated traffic impacts. Eventually, more lanes were added on I-80 East and I-80 West so when that occurred my guess was funding had finally been secured to proceed with the improvements.

My sense is similar traffic impacts will occur if the College Park project proceeds as planned. More housing, more people, more cars going down Rocklin Road and Sierra College Blvd to their daily destinations (out and back). One reason for my concern is because in the Draft Environmental Impact Report (Appendix I) I read a comment that the I-80 interchange at Rocklin Road would need substantial improvements; yet securing full funding for that effort remains needed. Perhaps "on paper" the remaining portion of the funding will be listed several years out in the Master Plan, however, project priorities could always change which could lower the importance of these improvements.

30-3

What happens then?

Furthermore, even with full funding in place now or later to improve the I-80/Rocklin Interchange, I believe other traffic flow improvements will still be needed inside Sierra College and on Rocklin Road between Sierra College Blvd. and the I-80 Interchange. At this point I have not seen any project plans other than turn in/out lanes to the new developments. While those are well thought out improvements; lacking additional design and funding solutions, I remain concerned because (1) traffic congestion already exists; (2) more traffic will be generated from the College Park project; (3) my assumption is that student growth at Sierra College will continue in the years ahead; and (4) the overflow parking lot (proposed College Park South Site) will be eliminated, leaving students the choice of parking either on campus or possible parking along along El Don Drive as likely alternatives for more traffic issues.

30-4

Recommendation:

Do not proceed with the design and construction of the College Park Project until a better solution to mitigate the cumulative traffic impacts is developed, fully funded, presented and discussed in a future meeting with the City and the community. As an update to this statement, it's my understanding that significant offsite road improvements are planned in the future contingent on funding. I also understand the offsite road improvements are independent of the College Park project. For these reasons I cannot support this project because to me the significant road improvements that are needed are driven by the College Park project. These improvements should not proceed as a stand-alone project.

30-5

I worked with other team members on Major and Minor State Capital Outlay Projects for 20 years. The projects had to be well-planned so that all impacts were addressed and funded via a mitigation plan. I don't see that happening here - it's a partial solution that most likely will upset many people in the neighboring community. My sense is the State Legislative staff would have told us to pause and work out a better land use plan than the one being proposed here in Rocklin.

30-6

I hope this information is helpful for reconsideration.

Thank you,

John Schwander

### **Response to Letter 30: John Schwander, Public Comment Submission**

**Response 30-1:** This comment is an introductory statement and does not warrant a response.

**Response 30-2:** This comment presents the following questions regarding traffic impacts:

- Are the offsite road improvements for the College Park Project adequately scoped and fully funded to mitigate the cumulative traffic impacts at this time, or are they scheduled for a future project phase?
- What is the College Park Project design and construction schedule for commercial, residential, and off-site road improvements?
- Has the impact of having additional cars on campus and/or in our neighborhoods been addressed since the overflow student parking lot (El Don Drive/Rocklin Road) will be eliminated if the College Park Project proceeds as planned?
- I understand the traffic study looked at pre-COVID conditions but I could not find any information that included the duration involved to monitor the traffic flow. Was 24/7 monitoring conducted for one entire semester? If not; what was the methodology?

First, it is noted that unlike previous Draft EIRs published in Rocklin, this DEIR does not include any peak hour intersection level of service (LOS) results. This is due to the Senate Bill (SB) 743 and the implementing CEQA Guidelines. The legislation associated with this landmark law specified that “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.” The method used for analysis follows a vehicle mile traveled approach, which does not necessarily correlate directly with congestion measurements.

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.

The exact construction schedule of offsite improvement is not known, and will be dictated by improvement plan approvals, grading permit approvals, and market demand for the project. However, we are providing a general narrative regarding the triggers of certain offsite improvements below.

Development of Site A in the North Village site is anticipated to trigger full improvements along both sides of Sierra College Boulevard, as well as full improvements to Sierra College Blvd/Rocklin Road intersection and approaches with Site A. It is not anticipated that partial improvements would be made because they would be difficult to make and the traffic study shows degraded operation at this location caused by Site A only. Development of Site B is anticipated to trigger full improvements to Sierra College Blvd/Rocklin Road intersection and the full improvements along Rocklin Road. If Site A was developed first, the street connection through Site B would be necessary.

Development of the South Village site will result in triggers for the construction of raised median on Rocklin Road between El Don Drive and Havenhurst Circle with the first to build either the Business Professional/Commercial or High Density, whichever project goes first. The Rocklin Road frontage improvements east of El Don Drive are only triggered by Business Professional/Commercial parcel. The El Don Drive lane reassignment at Rocklin Road is only triggered by Business Professional/Commercial parcel. The All Way Stop at El Don/Corona Circle is triggered by the Single Family Parcel.

**Regarding Bullet 3:** A new 1,500 space parking garage has been constructed on the north side of the campus, with convenient access from Sierra College Boulevard. The overflow parking lot on the south side of Rocklin Road at El Don Drive has been permanently closed. Thus, the combination of fewer parking spaces along Rocklin Road and a convenient garage near many of the campus buildings will likely result in less campus-related traffic along Rocklin Road in the near-term.

**Regarding Bullet 4:** The pre-COVID traffic data collection occurred in October 2018 while Sierra College was in session. Consistent with traffic monitoring requirements for the campus, the data collection occurred during the middle of the semester (i.e., not within the first two weeks as conditions are above average as students have not yet dropped classes, etc.). Monitoring/counting of traffic volumes for an entire semester would be cost prohibitive and therefore was not performed. Small day-to-day variations do occur as evidenced by two consecutive daily traffic volume counts collected on Rocklin Road east of I-80 in April 2016. On Wednesday, April 13, 2016, the roadway carried 26,647 vehicles. On Thursday, April 14, 2016, the roadway carried 27,214 vehicles, a 2.1% increase. When multiple mid-week days of counts are available, volumes are

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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averaged and then used for analysis purposes. But collection of traffic data for a single day is also common, particularly when day-to-day variation is not considerable as was the case on Rocklin Road.

**Response 30-3:** This commenter provides the following discussion:

For many years I observed significant traffic congestion during my freeway work commute from this area to downtown Sacramento. Maybe there were other reasons for the round-trip daily traffic bottleneck, but I could only conclude that commercial and residential growth in the region occurred well ahead of securing funding to mitigate the associated traffic impacts. Eventually, more lanes were added on I-80 East and I-80 West so when that occurred my guess was funding had finally been secured to proceed with the improvements.

My sense is similar traffic impacts will occur if the College Park project proceeds as planned. More housing, more people, more cars going down Rocklin Road and Sierra College Blvd to their daily destinations (out and back). One reason for my concern is because in the Draft Environmental Impact Report (Appendix I) I read a comment that the I-80 interchange at Rocklin Road would need substantial improvements; yet securing full funding for that effort remains needed. Perhaps “on paper” the remaining portion of the funding will be listed several years out in the Master Plan; however, project priorities could always change which could lower the importance of these improvements.

What happens then?

See response to comment 30-2 regarding triggers for offsite roadway improvements along Rocklin Road and College Park. Additionally, it is noted that the Sierra College Facilities Master Plan includes capacity improvements at each of the campus entry/exit points. Monitoring of traffic levels and operations at those accesses will occur in order to determine the need for improvements. Analysis of conditions on I-80 to the west are no longer required under CEQA per SB 743, which became effective statewide in 2020.

**Response 30-4:** This commenter provides the following discussion

Furthermore, even with full funding in place now or later to improve the I-80/Rocklin Interchange, I believe other traffic flow improvements will still be needed inside Sierra College and on Rocklin Road between Sierra College Blvd. and the I-80 Interchange. At this point I have not seen any project plans other than turn in/out lanes to the new developments. While those are well thought out improvements; lacking additional design and funding solutions, I remain concerned because (1) traffic congestion already exists; (2) more traffic will be generated from the College Park project; (3) my assumption is that student growth at Sierra College will continue in the years ahead; and (4) the overflow parking lot (proposed College Park South Site) will be eliminated, leaving students the choice of parking either on campus or possible parking along along El Don Drive as likely alternatives for more traffic issues.

Areas of concern 1 – 3 in this comment were discussed and evaluated in the DEIR. Area of concern 4, which relates to the overflow parking lot on the south side of Rocklin Road was discussed as part of response to comment 30-2. That lot is now permanently closed. Parking is prohibited on the

west side of El Don Drive. On the east side of El Don Drive, 90-minute on-street parking is provided with capacity for about a dozen parked vehicles. Wildflower Lane requires a parking permit to prevent students from parking in that residential area. In summary, this comment does not raise any issues with the environmental review that was conducted. Therefore, no further response is required.

**Response 30-5:** This commenter provides the following recommendation:

Do not proceed with the design and construction of the College Park Project until a better solution to mitigate the cumulative traffic impacts is developed, fully funded, presented and discussed in a future meeting with the City and the community. As an update to this statement, it's my understanding that significant offsite road improvements are planned in the future contingent on funding. I also understand the offsite road improvements are independent of the College Park project. For these reasons I cannot support this project because to me the significant road improvements that are needed are driven by the College Park project. These improvements should not proceed as a stand-alone project.

This is a recommendation to not proceed with the project until there is a better solution to mitigate cumulative traffic impacts. The commenter does not specify what the perceived “better solution” might be, and they do not offer any specific recommendations that affect the design and construction of the project. There is nothing specific in the DEIR that is addressed in this recommendation. It is also noted that CEQA is not the basis for mitigating LOS related impacts, and what the commenter suggests is not required by CEQA. These concerns and recommendations will be provided to the appointed and elected officials for their consideration.

**Response 30-6:** This commenter provides the following discussion:

I worked with other team members on Major and Minor State Capital Outlay Projects for 20 years. The projects had to be well-planned so that all impacts were addressed and funded via a mitigation plan. I don't see that happening here - it's a partial solution that most likely will upset many people in the neighboring community. My sense is the State Legislative staff would have told us to pause and work out a better land use plan than the one being proposed here in Rocklin.

This is a conclusion statement, reiterating their concerns and suggesting a “pause” in order to work out a better land use plan. This comment is noted. There is nothing specific in the DEIR that is addressed in this discussion. These concerns and recommendations will be provided to the appointed and elected officials for their consideration.



## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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**From:** Ken Smith <[ksmith1949@att.net](mailto:ksmith1949@att.net)>  
**Sent:** Friday, November 5, 2021 8:26 AM  
**To:** Nathan Anderson <[Nathan.Anderson@rocklin.ca.us](mailto:Nathan.Anderson@rocklin.ca.us)>  
**Subject:** College Park

I recently heard of a planned development at Rocklin Road and El Don. This is not a good plan. I live in the Granite Springs development and after living here 31 years I can say the area is now overdeveloped. We keep adding homes piled on top of each other with no yards, trees, or any kind of landscaping. People who bought homes here were trying to get away from the Stanford Ranch congestion. Now it appears the community is headed in the same direction. It's already a nightmare during the day with Sierra College students causing traffic and accidents on Rocklin road. This is only going to get worse. Clean air and rising temperatures already exist and now we should add more buildings that generate heat and cars to pollute the air? The traffic backups on Rocklin Road while school is in is horrendous and I am sure polluting our air. I would think the city would at minimum widen Rocklin Road and replace the overpass to accommodate current traffic before planning for more traffic. Please reconsider any new development with environmental impact that will not harm existing homeowners.

31-1

Sincerely,

Ken & Debbie Smith  
4834 Buxton Way  
Rocklin, CA 95677

Sent from [Mail](#) for Windows

**Response to Letter 31: Ken Smith, Public Comment Submission**

**Response 31-1:** This comment states the following:

I recently heard of a planned development at Rocklin Road and El Don. This is not a good plan. I live in the Granite Springs development and after living here 31 years I can say the area is now overdeveloped. We keep adding homes piled on top of each other with no yards, trees, or any kind of landscaping. People who bought homes here were trying to get away from the Stanford Ranch congestion. Now it appears the community is headed in the same direction. It's already a nightmare during the day with Sierra College students causing traffic and accidents on Rocklin road. This is only going to get worse. Clean air and rising temperatures already exist and now we should add more buildings that generate heat and cars to pollute the air? The traffic backups on Rocklin Road while school is in is horrendous and I am sure polluting our air. I would think the city would at minimum widen Rocklin Road and replace the overpass to accommodate current traffic before planning for more traffic. Please reconsider any new development with environmental impact that will not harm existing homeowners.

These comments reflect the commenters concerns for additional growth in the area. These growth concerns are noted and will be provided to the Rocklin appointed and elected officials for their consideration.

The commenter also provides some concerns for air pollution and traffic. Their concerns are presented as a general concern, as opposed to a technical questions or comments associated with the air quality or traffic modeling that was performed for the project, or the analysis and mitigation provided in the DEIR. Air Quality is thoroughly addressed in Section 3.3 Air Quality, 3.7 Greenhouse Gas Emissions, and 3.14 Transportation and Circulation. This comment does not raise any specific issues with the DEIR that warrant revisions. These concerns are noted and will be provided to the Rocklin appointed and elected officials for their consideration.

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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**From:** Pamela Franklin <[pamelajeane12@att.net](mailto:pamelajeane12@att.net)>  
**Date:** November 5, 2021 at 9:34:17 AM MDT  
**To:** David Mohlenbrok <[David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)>  
**Subject:** College Park

What the city of Rocklin is proposing will cause several issues.

- |  |      |
|--|------|
| <p>1. Currently the traffic in East Rocklin, especially Rocklin Road, is already congested, often backing up at the on ramp to I-80 and also at Sierra College Blvd and Rocklin Road. I've witnessed several fender benders under the overpass at I-80 and Rocklin Road. I can only imagine the congestion that will result with the addition of so many vehicles impacting the roadway.</p> | 32-1 |
| <p>2. What has made Rocklin a pleasant city in which to live is being eroded. It seems like every open space is being allocated to high density housing rather than recreational use, as is evident in the College Park proposal. Indeed, "College Park" is a misnomer in itself.</p>  | 32-2 |
| <p>3. Rather than be set apart as a good city in which to live, this project will contribute to making our city just like other cities with traffic congestion, paved over formerly open more and more homes, apartments, and increased crime rates.</p>   | 32-3 |

Pamela Franklin  
6055 Stonehill Drive  
Rocklin, CA 95677

**Response to Letter 32: Pamela Franklin, Public Comment Submission**

**Response 32-1:** This comment states the following:

What the city of Rocklin is proposing will cause several issues.

1. Currently the traffic in East Rocklin, especially Rocklin Road, is already congested, often backing up at the on ramp to I-80 and also at Sierra College Blvd and Rocklin Road. I've witnessed several fender benders under the overpass at I-80 and Rocklin Road. I can only imagine the congestion that will result with the addition of so many vehicles impacting the roadway.

This comment reflects the commenter's concerns with traffic congestion and vehicle accidents. Traffic is addressed in Section 3.14 Transportation and Circulation. It is noted that unlike previous Draft EIRs published in Rocklin, this DEIR does not include any peak hour intersection level of service (LOS) results. This is due to the Senate Bill (SB) 743 and the implementing CEQA Guidelines. The legislation associated with this landmark law specified that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." The method used for analysis follows a vehicle mile traveled approach, which does not necessarily correlate directly with congestion measurements.

**Response 32-2:** This comment states the following:

2. What has made Rocklin a pleasant city in which to live is being eroded. It seems like every open space is being allocated to high density housing rather than recreational use, as is evident in the College Park proposal. Indeed, "College Park" is a misnomer in itself.

This comment reflects the commenter's concerns for quality of life as a result of losing open space to high density housing. It is noted that the Project site contains open space designations in specific areas intended to be preserved for habitat, wildlife, and recreational purposes; however, the area proposed to be developed is not designated for open space. The fact that these areas to be developed are "undeveloped" at the current time, does not equate to them being designated open space land. Instead, they have been designated for development for over a decade. Implementation of the proposed Project does not result in developing any land that is "designated" as open space under the General Plan. Nevertheless, the commenter's concerns will be provided to the appointed and elected officials for their consideration. See also Master Response 10 for a discussion on community character and the role it plays in CEQA.

**Response 32-3:** This comment states the following:

3. Rather than be set apart as a good city in which to live, this project will contribute to making our city just like other cities with traffic congestion, paved over formerly open spaces, and more and more homes, apartments, and increased crime rates.

This comment reflects the commenter's concerns that traffic congestion, paved over open space, increased crime, and more housing will change the quality of the City. Traffic is addressed in Section 3.14 Transportation and Circulation. The City responds to crime through their local law enforcement

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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agencies, which is addressed in Section 3.13 Public Services and Recreation. As stated in Response 32-2, the proposed Project does not result in developing land that is designated for “Open Space”. There are open space designations in specific areas intended to be preserved for habitat, wildlife, and recreational purposes; however, the area proposed to be developed is not designated for open space. The City recognizes that not all citizens support growth within the community; however, the growth planned under the proposed Project is consistent with long term plans for these properties. The commenter’s concerns will be provided to the appointed and elected officials for their consideration.

**From:** Kali Hetrick <[kalihetrick@gmail.com](mailto:kalihetrick@gmail.com)>  
**Sent:** Friday, November 5, 2021 5:59 PM  
**To:** David Mohlenbrok <[David.Mohlenbrok@rocklin.ca.us](mailto:David.Mohlenbrok@rocklin.ca.us)>  
**Cc:** Nathan Anderson <[Nathan.Anderson@rocklin.ca.us](mailto:Nathan.Anderson@rocklin.ca.us)>; Jill Gayaldo <[Jill.Gayaldo@rocklin.ca.us](mailto:Jill.Gayaldo@rocklin.ca.us)>; Michael Barron <[Michael.Barron@rocklin.ca.us](mailto:Michael.Barron@rocklin.ca.us)>  
**Subject:** College Park DEIR COMMENTS

To Whom it May Concern,

I have many concerns about the excessive building in East Rocklin.

These are my top concerns for this project:

- Hurts local wildlife and our protection from flooding. Set backs should be increased for community & property protection. Please, follow your own polices:

- Rocklin City policies state "Consider acquisition and development of small areas along creeks at convenient and safe locations for use by the general public," and "Encourage the protection of open space areas...from encroachment or destruction through the use of conservation easements, natural resource buffers, building setbacks or other measures." The City should follow these policies by protecting the area around the Secret Ravine tributary creek that runs through the center of the College Park South site and should acquire this land for use by the general public as is already the case today.

- The traffic on Rocklin Rd is already a problem at this intersection is already a problem. NO NEW development should be done in this area prior to infrastructure/road upgrades. The new 1-80s/Rocklin Rd project that is years away does not solve or lesson the traffic impacts of this project. It will arguably, make it worse. 900 residents will mean 1000's more trips a day. I implore the city to use actual numbers when the University is not impacted by COVID or smaller summer attendance.

- Medication Fees should be used East Rocklin, not at other sites or Quarry Park.

-Community Safety

All police and fire are located on the other side of I-80. Traffic in this area effects response times and community safety. Including the safety of school age children at Sierra Elementary off Sierra College.

- Currently, or local FD does not have the required equipment to ensure the safety of the residence.

Please, do not move farther with this project. It needs to be smaller, with large easements near the water. Safety of our current residents and future residents should be a priority along with actual improvements to roads.

Concerned East Rocklin Residents  
 Kali & Chris Hetrick

33-1

33-2

**Response to Letter 33: Kali Hetrick, Public Comment Submission**

**Response 33-1:** This comment states the following:

I have many concerns about the excessive building in East Rocklin.

These are my top concerns for this project:

- Hurts local wildlife and our protection from flooding. Set backs should be increased for community & property protection. Please, follow your own polices:

- Rocklin City policies state “Consider acquisition and development of small areas along creeks at convenient and safe locations for use by the general public,” and “Encourage the protection of open space areas...from encroachment or destruction through the use of conservation easements, natural resource buffers, building setbacks or other measures.” The City should follow these policies by protecting the area around the Secret Ravine tributary creek that runs through the center of the College Park South site and should acquire this land for use by the general public as is already the case today.

This comment reflects the commenter’s concerns for the creek area, which serves as open space and wildlife habitat. This comment is addressed under Master Response 2 and 4.

**Response 33-2:** This comment states the following:

- The traffic on Rocklin Rd is already a problem at this intersection is already a problem. NO NEW development should be done in this area prior to infrastructure/road upgrades. The new 1-80s/Rocklin Rd project that is years away does not solve or lesson the traffic impacts of this project. It will arguably, make it worse. 900 residents will mean 1000’s more trips a day. I implore the city to use actual numbers when the University is not impacted by COVID or smaller summer attendance.

- Medication Fees should be used East Rocklin, not at other sites or Quarry Park.

-Community Safety

All police and fire are located on the other side of I-80. Traffic in this area effects response times and community safety. Including the safety of school age children at Sierra Elementary off Sierra College.

- Currently, or local FD does not have the required equipment to ensure the safety of the residence.

Please, do not move farther with this project. It needs to be smaller, with large easements near the water. Safety of our current residents and future residents should be a priority along with actual improvements to roads.

This comment reflects the commenters concerns that medication fees, police and fire service, traffic, the size of the project, easements near water, and improvements to roads. Medication fees are not a CEQA topic and are not addressed in the Draft EIR. It is likely that the commenter meant “Mitigation” fees, instead of “Medication” fees. Assuming that was the intent, it is noted that the City charges mitigation fees, which are then allocated to traffic improvement projects on a priority basis as the need is warranted. These decisions are made in the capital improvement planning and engineering process by City staff, and often in coordination with neighboring jurisdictions including Caltrans. The commenter’s recommendation for the use of mitigation fees for East Rocklin are noted.



Local law enforcement and fire service is addressed in Section 3.13 Public Services and Recreation.

Traffic is addressed in Section 3.14 Transportation and Circulation. 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.

It is noted that unlike previous Draft EIRs published in Rocklin, this DEIR does not include any peak hour intersection level of service (LOS) results. This is due to the Senate Bill (SB) 743 and the implementing CEQA Guidelines. The legislation associated with this landmark law specified that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." The method used for analysis follows vehicle miles traveled, which does not necessarily correlate directly with congestion measurements. Nevertheless, independent of CEQA, which focuses on VMT, the City will still require the payment of traffic impact fees pursuant to its General Plan and police power.

The City recognizes that not all citizens support growth within the community; however, the growth planned under the proposed Project is consistent with long term plans for these properties. The commenters concerns will be provided to the appointed and elected officials for their consideration.

From: Cecilia Boswell <[boswellcecilia@yahoo.com](mailto:boswellcecilia@yahoo.com)>  
Sent: Saturday, November 6, 2021 10:45 AM  
To: Nathan Anderson <[Nathan.Anderson@rocklin.ca.us](mailto:Nathan.Anderson@rocklin.ca.us)>  
Subject: College Park project

I oppose the development of "College Park" for an additional reason I have not seen stressed to date and that is the increase in crime east Rocklin will experience from this development. Previous studies have shown that an increase in population will also increase the incidents of criminal activity. Please keep east Rocklin a safe place to live for those of us who live here now.

Proud & Concerned citizen of Rocklin for 30 years,

Cece Boswell  
5617 Montero Court  
Rocklin, Ca. 95677  
Sent from my iPad

34-1

**Response to Letter 34: Cecilia Boswell, Public Comment Submission**

**Response 34-1:** This comment states the following:

I oppose the development of “College Park” for an additional reason I have not seen stressed to date and that is the increase in crime east Rocklin will experience from this development. Previous studies have shown that an increase in population will also increase the incidents of criminal activity. Please keep east Rocklin a safe place to live for those of us who live here now.

Proud & Concerned citizen of Rocklin for 30 years,

This comment reflects the commenter’s concerns with the potential for increased crime. Local law enforcement service is addressed in Section 3.13 Public Services and Recreation. It is noted that crime is not an environmental issue and not a CEQA issue. The City recognizes that not all citizens support growth within the community; however, the growth planned under the proposed Project is consistent with long term plans for these properties. The commenter’s concerns will be provided to the appointed and elected officials for their consideration.

November 8<sup>th</sup>, 2021

RE: Draft Environmental Impact Report for the College Park Project

Dear David Mohlenbrok,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the College Park Project in Rocklin. The size and scope of this project has regional impacts and should be carefully evaluated to strike the right balance of benefits and impacts. With modifications, the project could provide more benefit to the residents of Rocklin and surrounding communities along with supporting the goals of Sierra College and could also do a better job at avoiding and minimizing impacts to natural resources.

35-1

**Housing Mix & RHNA Gap**

The current project proposal results in the development of 317 single-family dwelling units, 378 multi-family dwelling units, 45,000 square feet of non-residential building uses, and 15.6 acres of open area and parks across both sites. The plan to build over ~50% of the residential units as single family homes rather than doing more clustered higher density homes runs counter to the state housing crisis and the need to provide affordable and workforce housing. Given this is part of the Sierra College campus and has core infrastructure with transit nearby, the project should focus on more clustered housing. The current proposal continues to perpetuate archaic suburban sprawl design.

Per the recently approved Placer County housing element, the County overall has not kept pace with the need to provide affordable and workforce housing. Rocklin has also not performed as expected. It is important to promote a diverse housing mix for any new project in order to create equity for all residents that seek to live and work in this area. Rocklin's affordable housing performance to date only does not even meet 50% of the need. See image below.

35-2

**Can you explain how the current project proposal will meet affordable housing demand of the future and contribute to the RHNA inventory to meet state mandates?**

**Rocklin's Regional Housing Needs Allocation (RHNA) 2013-2021**

**Rocklin's RHNA Numbers by 2013-2021**

Income Category (Annual Household)	Number of Units Required	Percent	Number of Units Completed As of January 2017
<b>Lower Income</b> (\$20,000 - \$29,999) (\$30,000 - \$39,999) (\$40,000 - \$49,999) (\$50,000 - \$59,999)	1,336	68.4%	18
<b>Medium Income</b> (\$60,000 - \$69,999)	500	26.0%	0
<b>Upper/Moderate</b> (\$70,000+)	1,224	63.6%	2,076
<b>Total of All Categories</b>	<b>3,060</b>	<b>100%</b>	

Note - The RHNA number must identify potential need by the city and not account for income categories. However, the purpose of identifying income categories does not account for income.

ROCKLIN



**Lighting Mitigation**

The mitigation plan shows no mitigation necessary for light or glare impacts from a 600+ unit residential and large commercial footprint.

2. **How has it been determined that there is no mitigation plan for light pollution that would impact neighboring areas especially on the North property and also impact wildlife, many of which depend on nocturnal hunting? Is this set forth in the City's design guidelines?**

35-3

**Oak Tree Impacts**

The plan to remove an estimated 1,393 of the 1,599 native oak trees including 16 heritage oaks—over 87%—runs counter to many of the City of Rocklin's policies. Per the Land Use Element Policy 5 of the General Plan, it states: *"Encourage residential, commercial, and industrial development projects to be designed in a manner that effectively protects existing oak trees designated to be retained through the development review process."* In addition, the General Plan's goal for Preservation of Open Space and Natural Resources states: *"To designate, protect, and conserve open space land in a manner that protects natural resources and balances needs for the economic, physical and social development of the City."* Further, Policy OCR-42 presented: *"Encourage the protection of open space areas, natural resource areas, hilltops, and hillsides from encroachment or destruction through the use of conservation easements, natural resource buffers, building setbacks or other measures."*

35-4

3. **Can you explain how the current project proposal aligns to the City's policies and goals to preserve oak habitat and trees given the significant impacts?**

**Wildlife Species Impacts**

The biological resources analysis leveraged the CNDDDB but the DEIR is not inclusive of recently reported habitat and biodiversity in the specified radius search area. Two recent (2021) pre-construction biological surveys conducted in Granite Bay at the Rancho Del Oro and Whitehawks II developments that fall within the search radius have identified many protected bird species under the MBTA as well as presence onsite of the Valley Elderberry Longhorn Beetle. White-tailed Kites are also known to live in the radius area within Granite Bay.

35-5

4. **Why was this information not included in the DEIR?**  
 5. **Why is there not a targeted mitigation measure for the White-tailed Kite that was observed on site and known in the area? This would seem counter to the state protected status.**

The DEIR is also inadequate in showing the impacts to the connection in the landscape for foraging hawks. The biological resources analysis identified a Swainson's Hawk nesting tree and the 49.4 acres of brome grassland suitable for foraging. The development footprint extends nearly to the edge of the oak woodland boundary and includes the Fremont Cottonwood nest tree within the impacted area rather than extending the Open Space boundary to buffer and preserve this nesting site long-term. California Fish and Game Code 3503.5 states: *"It is*

35-6



*unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Even though there is a mitigation measure to avoid nesting activity, a simple extension of the Open Space could be implemented to avoid take of the nest tree all together.*

35-6-  
Cont.

6. **Why would the Swainson’s Hawk nest tree not be preserved by simply extending the Open Space to include this area?**

7. **How is the current development impact area not counter to California Fish and Game code 3503.5?**

The mitigation measure for the 49.4 acres of foraging habitat was identified but there was no detail provided on the location, equivalent value, etc. To mitigate this significant impact to a less than significant level, the foraging habitat should be preserved in close proximity to the original nesting site.

8. **Can you please explain specifically where this will be located and the habitat value of the designated site?**

**Riparian and Wetland Impacts**

The current project proposal indicates a 50 foot setback from riparian areas. According to the City of Rocklin General Plan’s Open Space Action Plan, it states: *“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.”*

35-7

9. **In order to protect the critical wildlife corridor and essential tributary of the Secret Ravine Creek as part of the important Dry Creek Watershed which supports state protected salmonid species, explain the rationale for not using a 100 foot setback?**

**Alternatives Analysis**

Based on the alternatives analysis, in the “Increased Density/Residential Emphasis Alternative”, it states: *“the North Village and South Village sites would be developed with the same components as described in the Project Description, but density of the residential uses would be increased. The same number of residential units as the proposed Project would be constructed on each site under this alternative; however, the residential areas would be clustered throughout the Project Area at increased densities to allow for an increase in park/open space areas. The increased density under this alternative would allow for further avoidance of riparian wetlands, seasonal wetlands, seasonal wetland swale, seeps, and ephemeral drainage areas, as well as allow for further setbacks from the 100-year floodplain and creek on the South Village*

35-8

*site. The proposed amenities, amount of non-residential uses, bicycle and pedestrian improvements, and landscaping would be the same as the proposed Project. The Increased Density Alternative would result in development of the entire Project Area; however, under this alternative, there would be approximately 29.1 more acres of park/open space land that may provide habitat for a variety of species than the proposed Project. This addition of park and open space land would provide biological benefits even though the remainder of the Project Area would be developed. Additionally, it is anticipated that the increased density under this alternative would allow for further avoidance of the sensitive aquatic habitat that is being removed under the proposed Project, as well as seasonal wetlands, seasonal wetland swale, seeps, and ephemeral drainage areas. The Increased Density Alternative would also allow for further setbacks from the 100-year floodplain and creek on the South Village site. As such, the Increased Density Alternative would result in slightly less impacts to biological resources when compared to the proposed Project.”*

This alternative is by far superior than the currently proposed project. By selecting the “Increased Density/Residential Emphasis Alternative”, it clearly satisfies many of the biological and waterway issues identified, it achieves the project objectives for number of units and would better support state mandated affordable housing requirements. This alternative employs modern clustering techniques and context sensitive building design that also avoids unnecessary impacts to important natural features that make Rocklin and Placer County a unique place to live.

We have the opportunity to create a good project that balances benefits and impacts at a regional level for those residing in Rocklin and the surrounding communities of Placer County. I request your responses to my questions and urge you to choose the “Increased Density/Residential Emphasis Alternative” instead of the current project proposal.

Thank you,  
Amber Beckler

35-8  
Cont’d.

35-9



**Response to Letter 35: Amber Beckler, Public Comment Submission**

**Response 35-1:** This comment states the following:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the College Park Project in Rocklin. The size and scope of this project has regional impacts and should be carefully evaluated to strike the right balance of benefits and impacts. With modifications, the project could provide more benefit to the residents of Rocklin and surrounding communities along with supporting the goals of Sierra College and could also do a better job at avoiding and minimizing impacts to natural resources.

This comment serves as an introductory statement, and provides a recommendation to carefully evaluate the size and scope of the project relative to regional impacts. The commenter suggests that the Project could be modified to provide more benefit to the residents and surrounding communities, and that it could do a better job at avoiding/minimizing impacts to natural resources; however, there are no specific modifications recommended in this comment. Rather, it is a general recommendation to modify the project. The DEIR is a good faith effort by the City to carefully evaluate the Project, and to avoid/minimize impacts to natural resources, among other things. There is extensive analysis, and mitigation measures, in the DEIR that reflect this good faith effort.

**Response 35-2:** This comment states the following:

**Housing Mix & RHNA Gap**

The current project proposal results in the development of 317 single-family dwelling units, 378 multi-family dwelling units, 45,000 square feet of non-residential building uses, and 15.6 acres of open area and parks across both sites. The plan to build over ~50% of the residential units as single family homes rather than doing more clustered higher density homes runs counter to the state housing crisis and the need to provide affordable and workforce housing. Given this is part of the Sierra College campus and has core infrastructure with transit nearby, the project should focus on more clustered housing. The current proposal continues to perpetuate archaic suburban sprawl design.

Per the recently approved Placer County housing element, the County overall has not kept pace with the need to provide affordable and workforce housing. Rocklin has also not performed as expected. It is important to promote a diverse housing mix for any new project in order to create equity for all residents that seek to live and work in this area. Rocklin's affordable housing performance to date only does not even meet 50% of the need. See image below.

1. Can you explain how the current project proposal will meet affordable housing demand of the future and contribute to the RHNA inventory to meet state mandates?

(A Table is presented in the comment that shows the Rocklin RHNA numbers for 2013-2021. This is excluded here, but is shown above in the comment letter.)

The DEIR proposes "senior affordable multifamily dwelling units," which is not acknowledged by the commenter. (DEIR, p. 2.0-11.) In fact, there are 180 senior affordable units proposed, which is 20% of the 900 residential units proposed between the North and South Village. This is consistent with the City's effort to try to satisfy its Regional Housing Needs Assessment (RHNA) obligations. The City will continue to make efforts to achieve RHNA numbers, and increase affordable units in the City; however, it does not intend to place the entire affordable unit burden on a single project. Such effort

would be inappropriate. The proposed Project's contribution to affordable units is adequate and consistent with the identification of affordable housing sites within the City's Housing Element.

The proposed Project also includes a diverse mix of residential densities including: Medium Density Residential, Medium High Density Residential, and High Density Residential. The Medium Density Residential category in the General Plan establishes a density of between 3.5 and 8.4 dwelling units per gross acre. At a proposed density of approximately 6.2 units per acre (38 units on 6.1 acres) in the North Village and approximately 5.2 units per acre (25 units on 4.8 acres) in the South Village, the proposed medium density portion of the project complies with the City's existing General Plan Medium Density Residential levels. The Medium High Density Residential category in the General Plan establishes a density of between 8.5 and 15.4 dwelling units per gross acre. At a proposed density of approximately 9.5 units per acre (279 units on approximately 29.4 acres) in the North Village, the proposed medium high density portion of the project complies with the City's existing Medium High Density Residential General Plan density range. The High Density Residential category in the General Plan establishes a density of 15.5+ dwelling units per gross acre. At a proposed density of approximately 17.6 units per acre to 36.1 units per acre (325 – 668 units on 18.5 acres) in the North Village and approximately 24.7 units per acre (180 units on 7.3 acres) in the South Village, the proposed high density portion of the Project complies with the City's existing General Plan High Density Residential levels.

It is also noted that the proposed Project is consistent with California's legislative findings about the current housing crisis, including Senate Bill (SB) 330, which is intended to maximize the production of housing (Gov. Code, § 66300(f)(2).) Where housing is an allowable use, SB 330 generally precludes cities from amending their general plan/specific plan land use designations or zoning to a less intensive use in comparison to those in place on January 1, 2018. However, there are exceptions to this limitation, including concurrently adopted changes in other development standards, ensuring no net loss in residential capacity. Based on a review of the proposed General Plan Amendments and Rezone under the Project, City staff has determined that the Project complies with SB 330, as the Project would not result in a net loss in residential capacity. Additionally, the Project would provide a diverse range of housing, including affordable and market rate units, which would assist with providing increased housing opportunities for households of varying AMI and ability levels.

**Response 35-3:** This comment states the following:

Lighting Mitigation

The mitigation plan shows no mitigation necessary for light or glare impacts from a 600+ unit residential and large commercial footprint.

2. How has it been determined that there is no mitigation plan for light pollution that would impact neighboring areas especially on the North property and also impact wildlife, many of which depend on nocturnal hunting? Is this set forth in the City's design guidelines?

Light and Glare is addressed in Section 3.1 Aesthetics. Page 3.1-3 states the following:

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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*There are two typical types of light intrusion. First, light emanates from the interior of structures and passes out through windows. Secondly, light projects from exterior sources such as street lighting, security lighting, balcony lighting, and landscape lighting. "Light spill" is typically defined as the presence of unwanted and/or misdirected light on properties adjacent to the property being illuminated. Light introduction can be a nuisance to adjacent residential areas and diminish the view of the clear night sky, and, if uncontrolled, can disturb wildlife in natural habitat areas.*

*Glare is the sensation produced by luminance within the visual field that is significantly greater than the luminance to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.*

*With the exception of the existing single-family residence on the North Village site, existing sources of light or glare are not currently located within the Project Area; however, existing parking lot lighting, building lighting, and street lighting are located in the vicinity of both sites. Existing sources of light near the Project Area include street lighting along Sierra College Boulevard and Rocklin Road, street lighting from internal roadways on Sierra College Campus located to the west, parking lot and parking garage lighting associated with the Sierra College Campus, and street lighting, parking lot lighting and building lighting associated with the nearby residential, commercial and office areas. Sources of glare onto the North Village may include the windows located on the Sierra College Campus to the west, commercial retail center to the south west and the existing residential area to the south and southeast. Sources of glare onto the South Village may include the windows located on the Sierra College Campus to the north, commercial retail center to the northeast and the existing residential areas to the east, south and west.*

*According to the Rocklin General Plan EIR (adopted in 2012), the majority of the City of Rocklin is characterized as Lighting Zone (LZ) 3, which typifies denser areas of development such as the retail commercial areas along I-80 as well as the areas north and south of Sunset Boulevard, central Rocklin, and southeast Rocklin. Lower lighting levels were present in hillside areas that were sparsely populated. At the time of the 2012 Rocklin General Plan EIR, these areas generally included northwest Rocklin (Whitney Ranch) and the neighborhoods around Sierra College Boulevard in the southeast part of the city.*

Page 3.1-19 of the DEIR provides the conclusion from the analysis. Overall, implementation of the proposed Project would introduce new sources of light and glare into the Project Area; however, as identified in the DEIR, application of the City's design review process and implementation of City goals and policies would minimize potential impacts associated with light and glare in the Project Area. As noted in the DEIR, there are no specific features within the proposed Project that would create unusual light and glare inconsistent with the surrounding uses. Therefore, implementation of existing City Design Review Guidelines and the General Plan policies addressing light and glare would reduce potential impacts associated with light and glare to a less than significant level.

It is noted that the existing City policy ordinances, and standards (existing regulations), by their very nature, reduce impacts. Where regulations exist to address a potential impact (i.e. City Design Review Guidelines), the City relies on the mitigating effects of such measures by virtue of the compliance with the regulation. To that effect, the City reviews project designs taking into consideration Policy LU 4, which requires the incorporation of dark sky concepts into designs, and the City Design Review Guidelines, which can be found at the following link - [https://www.rocklin.ca.us/sites/main/files/file-attachments/design\\_review\\_criteria\\_update\\_-\\_citywide\\_doc\\_12-16.pdf?1622575285](https://www.rocklin.ca.us/sites/main/files/file-attachments/design_review_criteria_update_-_citywide_doc_12-16.pdf?1622575285). These Guidelines were developed to address light and glare issues, among other things, that can result from new improvements and buildings. During the design process, specific design considerations are incorporated into those designs based on guidance in the guidelines. Item D (Design Review Criteria), subsection 2 (Site Planning) and item b. of the Design Review Guidelines includes encouraging fixtures to be of a design and size compatible with the building and with adjacent areas; and prohibiting adverse light and glare onto adjacent properties. Moreover, these guidelines include standards that encourage smaller scale parking lot lights instead of fewer, overly tall and large parking lot lights which have the potential to cause greater adverse light onto adjacent properties. The use of bollard lighting, decorative poles and fixtures is strongly encouraged within the city's design guidelines. Outdoor light fixtures mounted on building walls should relate to the height of pedestrians and not exceed 8 to 10 feet. Lastly, signage facing adjacent residential areas should be non-illuminated unless it can be demonstrated that due to physical distances between the uses or the method of lighting and the proposed placement will not create compatibility concerns. The design guidelines also state that the light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not cause adverse glare to surrounding areas. The intent of these measures is to ensure that light and glare are minimized by following the City's existing standards.

**Response 35-4:** This comment states the following:

Oak Tree Impacts

The plan to remove an estimated 1,393 of the 1,599 native oak trees including 16 heritage oaks —over 87%— runs counter to many of the City of Rocklin's policies. Per the Land Use Element Policy 5 of the General Plan, it states: "Encourage residential, commercial, and industrial development projects to be designed in a manner that effectively protects existing oak trees designated to be retained through the development review process." In addition, the General Plan's goal for Preservation of Open Space and Natural Resources states: "To designate, protect, and conserve open space land in a manner that protects natural resources and balances needs for the economic, physical and social development of the City." Further, Policy OCR-42 presented: "Encourage the protection of open space areas, natural resource areas, hilltops, and hillsides from encroachment or destruction through the use of conservation easements, natural resource buffers, building setbacks or other measures."

3. Can you explain how the current project proposal aligns to the City's policies and goals to preserve oak habitat and trees given the significant impacts?

This comment is addressed under Master Response 5.

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

**Response 35-5:** This comment states the following:

**Wildlife Species Impacts**

The biological resources analysis leveraged the CNDDDB but the DEIR is not inclusive of recently reported habitat and biodiversity in the specified radius search area. Two recent (2021) pre-construction biological surveys conducted in Granite Bay at the Rancho Del Oro and Whitehawks II developments that fall within the search radius have identified many protected bird species under the MBTA as well as presence onsite of the Valley Elderberry Longhorn Beetle. White-tailed Kites are also known to live in the radius area within Granite Bay.

**4. Why was this information not included in the DEIR?**

**5. Why is there not a targeted mitigation measure for the White-tailed Kite that was observed on site and known in the area? This would seem counter to the state protected status.**

This comment is addressed, in part, under Master Response 12. Valley elderberry longhorn beetle (VELB) is specifically addressed under Master Response 12.

As detailed in the Biological Resources Assessment (BRA) (an updated version of which is included within the FEIR as Appendix A), 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 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 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.

The commenter references other studies in the region, and implies that there is habitat and special status species that may occur on those sites based on preconstruction surveys; however, there are no specific species identified here. The BRA utilized the CNDDDB as one source of information to develop a list of species with the potential to occur on the site. However, as discussed on page 3.4-6, there are numerous other sources of information that are used to develop a list of species with the potential to occur. The list is provided on page Table 3.4-1 (DEIR p 3.4-8) and Table 43.4-2 (DEIR p. 3.4-11) provide the list of special status species that were initially determined to have potential

to be present based on their regional presence. The evaluation for presence is then refined based on habitat requirements of the species relative to the habitat on the Project site. This list is considered a comprehensive list, and nothing in the commenter's comment identifies additional special status species that should be evaluated.

This comment is addressed under Master Response 12.

**Response 35-6:** This comment states the following:

The DEIR is also inadequate in showing the impacts to the connection in the landscape for foraging hawks. The biological resources analysis identified a Swainson's Hawk nesting tree and the 49.4 acres of brome grassland suitable for foraging. The development footprint extends nearly to the edge of the oak woodland boundary and includes the Freemont Cottonwood nest tree within the impacted area rather than extending the Open Space boundary to buffer and preserve this nesting site long-term. California Fish and Game Code 3503.5 states: "It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Even though there is a mitigation measure to avoid nesting activity, a simple extension of the Open Space could be implemented to avoid take of the nest tree all together.

**6. Why would the Swainson's Hawk nest tree not be preserved by simply extending the Open Space to include this area?**

**7. How is the current development impact area not counter to California Fish and Game code 3503.5?**

The mitigation measure for the 49.4 acres of foraging habitat was identified but there was no detail provided on the location, equivalent value, etc. To mitigate this significant impact to a less than significant level, the foraging habitat should be preserved in close proximity to the original nesting site.

**8. Can you please explain specifically where this will be located and the habitat value of the designated site?**

This comment is addressed under Master Response 5 and 12.

**Response 35-7:** This comment states the following:

**Riparian and Wetland Impacts**

The current project proposal indicates a 50 foot setback from riparian areas. According to the City of Rocklin General Plan's Open Space Action Plan, it states: "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."

**9. In order to protect the critical wildlife corridor and essential tributary of the Secret Ravine Creek as part of the important Dry Creek Watershed which supports state protected salmonid species, explain the rationale for not using a 100 foot setback?**

This comment is addressed under Master Response 4.

**Response 35-8:** This comment states the following:

**Alternatives Analysis**

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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Based on the alternatives analysis, in the “Increased Density/Residential Emphasis Alternative”, it states: “the North Village and South Village sites would be developed with the same components as described in the Project Description, but density of the residential uses would be increased. The same number of residential units as the proposed Project would be constructed on each site under this alternative; however, the residential areas would be clustered throughout the Project Area at increased densities to allow for an increase in park/open space areas. The increased density under this alternative would allow for further avoidance of riparian wetlands, seasonal wetlands, seasonal wetland swale, seeps, and ephemeral drainage areas, as well as allow for further setbacks from the 100-year floodplain and creek on the South Village site. The proposed amenities, amount of non-residential uses, bicycle and pedestrian improvements, and landscaping would be the same as the proposed Project. The Increased Density Alternative would result in development of the entire Project Area; however, under this alternative, there would be approximately 29.1 more acres of park/open space land that may provide habitat for a variety of species than the proposed Project. This addition of park and open space land would provide biological benefits even though the remainder of the Project Area would be developed. Additionally, it is anticipated that the increased density under this alternative would allow for further avoidance of the sensitive aquatic habitat that is being removed under the proposed Project, as well as seasonal wetlands, seasonal wetland swale, seeps, and ephemeral drainage areas. The Increased Density Alternative would also allow for further setbacks from the 100-year floodplain and creek on the South Village site. As such, the Increased Density Alternative would result in slightly less impacts to biological resources when compared to the proposed Project.”

This alternative is by far superior than the currently proposed project. By selecting the “Increased Density/Residential Emphasis Alternative”, it clearly satisfies many of the biological and waterway issues identified, it achieves the project objectives for number of units and would better support state mandated affordable housing requirements. This alternative employs modern clustering techniques and context sensitive building design that also avoids unnecessary impacts to important natural features that make Rocklin and Placer County a unique place to live.

This comment serves as a recommendation from the commenter that the “Increased Density/Residential Emphasis Alternative” is a superior alternative to the proposed Project and satisfies many of the biological and waterway issues, and would better achieve affordable housing requirements. This recommendation is noted and will be provided to the appointed and elected officials for their consideration.

**Response 35-9:** This comment states the following:

We have the opportunity to create a good project that balances benefits and impacts at a regional level for those residing in Rocklin and the surrounding communities of Placer County. I request your responses to my questions and urge you to choose the “Increased Density/Residential Emphasis Alternative” instead of the current project proposal.

This comment serves as a conclusion to the comment letter, and includes a request for responses to the questions provided. Responses are provided in this Final EIR. The recommendation to choose the “Increased Density/Residential Emphasis Alternative” instead of the proposed Project will be provided to the appointed and elected officials for their consideration.



Davinder Mahal  
5109 Southside Ranch Road,  
Rocklin, CA 95677

November 7, 2021

Dear Council members,

My wife and I moved to Rocklin in May 2017 from the Bay Area. We moved to have a more relaxed pace of life, to be close to family, and to start a family of our own. When we saw the east side of Rocklin off Sierra College Blvd, we loved the area. The vast fields of oak trees, the open spaces, homes on large lots, we just loved it and immediately knew this was an area we wanted to settle down in.

We started to notice changes over time especially when large oak trees were suddenly cut down devastating the natural surroundings. Later we learnt there were plans to destroy the natural beauty of our neighborhoods and build compact high density residential housing.

36-1

I have read and seen the plans, attended community meetings with the builders, been present and spoken at a city meeting when discussing these new developments. I have also been involved with our community lead group at "Save East Rocklin".

I oppose the College Park development for numerous reasons.

We have already seen the destruction of Oak trees from the corner of Sierra College Blvd and Rocklin Road. This project would remove even more of these beautiful mature Oak trees along with other trees and wildlife. This will impact the natural beauty in the area and destroy the natural habitat. And while this project is not the size of cutting down the rainforests, this has its effect on global warming. It would take decades to even attempt to recover from this destruction if it can at all.

36-2

College Park South will impact the wildlife creek in that area as well as the residential communities just south of this location. This is where we purchased our home. My neighborhood would be impacted in many ways. College Park South is located on a beautiful wildlife zone and sits on top of a 100-year flood zone. This area floods during each rainy season and this year on October 24<sup>th</sup>, 2021, had a major flooding resulting in El Don Drive to be closed until it can be

36-3

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

repaired. This can cause major flooding issues for new homes proposed to be built in this area. This beautiful area of wildlife should be preserved and allowed to flourish.

36-3 Cont.

Traffic is a major problem for this area. I am unhappy with the amount of additional traffic that will be added to our area. Our streets are already congested as they are, especially coming out of the college when it is in session, but with all this additional housing it will cause a massive impact on Sierra College Blvd and Rocklin Road. These roads are not suitable for this amount of traffic. The report DEIR does not take into consideration the impact of traffic on the streets in our community such as El Don Drive and Southside Ranch Road. As our home is on Southside Ranch Road, I have seen the traffic firsthand that already travels down this road. People already take shortcuts through our streets. With mobile phone GPS apps our streets will often be used for shortcuts when traffic is overloading Rocklin Road and Sierra College Blvd. With increased housing in our area then our streets will be even more congested.

36-4

This increase in traffic on our major streets as well as our community streets make it dangerous for families, especially children walking and crossing in our area. There are no speed bumps in the area, but even if there were, there would be such an increase in traffic that it would make our communities dangerous to our families. Our family-friendly communities will no longer be family-friendly.

If this proposal was to be approved, then Rocklin Road and Sierra College Blvd should be improved to handle the amount of traffic that comes from Sierra College in addition to all the traffic generated from the new homes.

In addition, I have seen the proposed plan for the new Rocklin Road I-80 interchange and I don't believe this resolves any issues for the congestion. Also, as a pedestrian, the extra-long walkways to pass over this interchange simply blows my mind. I could not believe that anyone would propose such a thing. More studies and designs should be created to help with the flow of traffic. Pedestrians should be considered first class citizens and good alternatives and crossings should be created.

36-5

Developers who want to create all these new homes should also pay fees to address the issues within these areas. These fees should have a direct effect in mitigating the issues rather than just putting fees into a large fund for the city that could result in money being spent elsewhere. Fees should directly affect and be used in the areas that are being impacted by this project.

College Park North proposes to build 4-story and 3-story buildings. These types of buildings will ruin the landscape of our beautiful area. Can the city of Rocklin support such tall buildings in the

36-6

event of an emergency? From my understanding our Fire Department could not quickly respond as they do not have ladders for such tall buildings.

36-6  
Cont.

I would ask the city to stop development at the College Park South project and instead focus on College Park North. Here in College Park North reduce the housing density to match that of the existing areas. This would help reduce traffic and allow these new areas to blend into the surroundings of our neighborhoods.

I expect the city of Rocklin to consider and build new developments. New development can be good if it is done responsibly taking the wildlife and nature into consideration along with the existing communities that are already established in these areas. We must look at if the new development matches that of the existing development. Does it provide value not only to the developers building it, but the people that already live in these areas. Does it match the density of housing that's already in the established area? Is it destroying wildlife, the natural habitat of thousands of lives, and the scenery that has made our city of Rocklin so amazing?

36-7

I have lived in areas where cities just build and place all sorts of different types of buildings and housing in similar areas. It looks a mess, it destroys the quality of life in those areas, and it completely ruins the standard of living in those cities.

Please help us keep our neighborhoods safe for our families. Keep them consistent with the values of the City of Rocklin. I hope you take my concerns into consideration when evaluating the College Park proposal.

Sincerely,  
Davinder Mahal

**Response to Letter 36: Davinder Mahal, Public Comment Submission**

**Response 36-1:** This comment services as an introductory statement, introducing the commenter, providing background on their residency, and concerns for changes that have occurred since they moved from the Bay Area. These comments are noted, there are no comments that warrant revisions to the text in the Draft EIR.

**Response 36-2:** This comment states:

I oppose the College Park development for numerous reasons. We have already seen the destruction of Oak trees from the corner of Sierra College Blvd and Rocklin Road. This project would remove even more of these beautiful mature Oak trees along with other trees and wildlife. This will impact the natural beauty in the area and destroy the natural habitat. And while this project is not the size of cutting down the rainforests, this has its effect on global warming. It would take decades to even attempt to recover from this destruction if it can at all.

This comment is addressed under Master Response 5.

**Response 36-3:** This comment identifies

College Park South will impact the wildlife creek in that area as well as the residential communities just south of this location. This is where we purchased our home. My neighborhood would be impacted in many ways. College Park South is located on a beautiful wildlife zone and sits on top of a 100-year flood zone. This area floods during each rainy season and this year on October 24th, 2021, had a major flooding resulting in El Don Drive to be closed until it can be repaired. This can cause major flooding issues for new homes proposed to be built in this area. This beautiful area of wildlife should be preserved and allowed to flourish.

This comment is addressed under Master Response 2 and 4.

**Response 36-4:** This comment states:

Traffic is a major problem for this area. I am unhappy with the amount of additional traffic that will be added to our area. Our streets are already congested as they are, especially coming out of the college when it is in session, but with all this additional housing it will cause a massive impact on Sierra College Blvd and Rocklin Road. These roads are not suitable for this amount of traffic. The report DEIR does not take into consideration the impact of traffic on the streets in our community such as El Don Drive and Southside Ranch Road. As our home is on Southside Ranch Road, I have seen the traffic firsthand that already travels down this road. People already take shortcuts through our streets. With mobile phone GPS apps our streets will often be used for shortcuts when traffic is overloading Rocklin Road and Sierra College Blvd. With increased housing in our area then our streets will be even more congested.

This increase in traffic on our major streets as well as our community streets make it dangerous for families, especially children walking and crossing in our area. There are no speed bumps in the area, but even if there were, there would be such an increase in traffic that it would make our communities dangerous to our families. Our family-friendly communities will no longer be family-friendly.

If this proposal was to be approved, then Rocklin Road and Sierra College Blvd should be improved to handle the amount of traffic that comes from Sierra College in addition to all the traffic generated from the new homes.

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 consideration when identifying a significant impact; hence, studying intersection congestion is not necessary.

Nevertheless, Table 21 of Appendix I indicates that a set of identified operational improvements along Rocklin Road, would improve conditions 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 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 36-5:** This comment states:

In addition, I have seen the proposed plan for the new Rocklin Road I-80 interchange and I don’t believe this resolves any issues for the congestion. Also, as a pedestrian, the extra-long walkways to pass over this interchange simply blows my mind. I could not believe that anyone would propose such a thing. More studies and designs should be created to help with the flow of traffic. Pedestrians should be considered first class citizens and good alternatives and crossings should be created.

Developers who want to create all these new homes should also pay fees to address the issues within these areas. These fees should have a direct effect in mitigating the issues rather than just putting fees into a large fund for the city that could result in money being spent elsewhere. Fees should directly affect and be used in the areas that are being impacted by this project.

The first part of this comment is related to specific design features for the proposed modification to the I-80/Rocklin Road interchange. That comment is unrelated to the College Park project and its DEIR. No further response to that part of the comment is warranted.

The second part of this comment, which relates to funding of roadway improvements, was addressed in comment 30-2 and 33-2. It is further noted here that the City of Rocklin, like many other agencies, identifies specific funding amounts within its CIP for individual improvements. However, those funds are not held in separate accounts earmarked for each particular improvement. Instead, funds (paid through payment of TIM fees from new development) is pooled in order to fund prioritized improvements. This also allows for increased opportunities for receiving state and federal funds through “dollar matching program” (i.e., an agency that is able to demonstrate a local match may compete better). This comment is more generally related to how the City operates its CIP, and not related to the environmental review of the project. Thus, no further response is needed.

**Response 36-6:** This comment states:

College Park North proposes to build 4-story and 3-story buildings. These types of buildings will ruin the landscape of our beautiful area. Can the city of Rocklin support such tall buildings in the event of an emergency? From my understanding our Fire Department could not quickly respond as they do not have ladders for such tall buildings.

This comment reflects the commenter's concern that tall buildings would ruin the aesthetics of the area, and also concerns that emergency services may not be able to provide service. Aesthetics are addressed in Section 3.1 Aesthetics. of the sites. It is noted that building height, tall or short, is not itself an environmental impact.

The proposed Project would develop new buildings in locations that have been anticipated for development under the adopted General Plan. 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. The City's Design Review Guidelines can be found

at the following link - [https://www.rocklin.ca.us/sites/main/files/file-attachments/design\\_review\\_criteria\\_update\\_-\\_citywide\\_doc\\_12-16.pdf?1622575285](https://www.rocklin.ca.us/sites/main/files/file-attachments/design_review_criteria_update_-_citywide_doc_12-16.pdf?1622575285).

Emergency services, including fire department services, are discussed in Section 3.13 Public Services and Recreation. The Rocklin Fire Department would provide fire response services for the Project. The Rocklin Municipal Code adopts by reference the 2019 Edition of the California Fire Code, as amended. The Project would be required to comply with the California Fire Code to ensure adequate site access, fire flow, fire hydrants, turning radii, and other fire safety criteria are provided. Additionally, the Rocklin General Plan includes the following policies to ensure development within the City implements fire safety criteria to reduce risk to fire.

- Policy PF-20. Provide fire apparatus access in new development consistent with Rocklin Fire Department requirements, including appropriate access into open space and undeveloped portions of properties.
- Policy PF-21. Provide progressive fire protection resources as necessary to meet community needs.
- Policy PF-23. Require special fire suppression mitigation (such as sprinklering) for any new residential development located more than two road miles from a fire station and for any new commercial development located more than one and one-half road miles from a fire station.

Based on the current adequacy of existing response times and the ability of the Rocklin Fire Department to serve the City, existing fire department facilities are sufficient to serve the proposed Project. The proposed buildings will incorporate multiple overlapping protection systems in their construction and design, via Building and Fire Code requirements and conditions of approval, including but not limited to the inclusion of “standpipe” water distribution systems in structures four stories and greater in height, stairwell access to the roofs of structures four stories and greater in height, 13-R Fire suppression systems in attic areas, Fire Alarm systems, and potential additional systems that may be required on a case by case basis during the detailed Building Permit review for a given structure. It is the stated opinion of the Rocklin Fire Chief that these systems, in concert, will provide a more than adequate level of resident safety and fire protection in these structures.

Additionally, the project does not directly induce unplanned growth. While the proposed Project could accommodate 2,520 new residents, if the site were developed as envisioned under the General Plan, the City could anticipate approximately 2,814 to 11,256 new residents.

**Response 36-7:** This comment states:

I would ask the city to stop development at the College Park South project and instead focus on College Park North. Here in College Park North reduce the housing density to match that of the existing areas. This would help reduce traffic and allow these new areas to blend into the surroundings of our neighborhoods.



## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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I expect the city of Rocklin to consider and build new developments. New development can be good if it is done responsibly taking the wildlife and nature into consideration along with the existing communities that are already established in these areas. We must look at if the new development matches that of the existing development. Does it provide value not only to the developers building it, but the people that already live in these areas. Does it match the density of housing that's already in the established area? Is it destroying wildlife, the natural habitat of thousands of lives, and the scenery that has made our city of Rocklin so amazing?

I have lived in areas where cities just build and place all sorts of different types of buildings and housing in similar areas. It looks a mess, it destroys the quality of life in those areas, and it completely ruins the standard of living in those cities.

Please help us keep our neighborhoods safe for our families. Keep them consistent with the values of the City of Rocklin. I hope you take my concerns into consideration when evaluating the College Park proposal.

This comment is a conclusion to the letter, summarizing the commenter's concerns with the Project. This includes concerns for traffic, the density proposed, wildlife, habitat, visual impacts, and quality of life impacts. The commenter recommends that the project be stopped. These comments are noted and will be provided to the appointed and elected officials for their consideration.

David Mohlenbrok  
 2021  
 Director of Community Development  
 City of Rocklin, Community Development Department  
 3920 Rocklin Road  
 Rocklin, CA 95677  
 Email: [david.Mohlenbrok@rocklin.ca.us](mailto:david.Mohlenbrok@rocklin.ca.us)  
 Re: Response to College Park DEIR

November 6,

My name is Kathi Gandara and I have resided at the same residence in East Rocklin since 1989. I received the Notice of Availability of the Draft Environmental Impact Report and have reviewed the report. Given the length of the report and attachments, I would like to begin with the comment that 45 days is insufficient time to do a thorough review of the report and prepare a response. That being said, this letter is in response the planned College Park Project.

To summarize, the Draft Environmental Impact Report cites eleven significant and unavoidable environmental impacts that will have a direct impact on the residents and wildlife in East Rocklin. They include air quality, public services, cumulative air quality, cumulative public services, and cumulative transportation and circulation. The report further cites mitigations for impacts regarding natural habitat and wildlife, oak tree mitigation and glare that according to the report reduce the impact to less than significant. I disagree with these findings, as the report does not do a thorough assessment of the impacts, particularly when one considers the total sum of projects currently under construction and other that are planned, such as the college campus construction planned construction in Loomis.

37-1

**Trees and Natural Habitat**

Per the Planning for the Future of Rocklin's Urban Forest, dated September 2006, and prepared for the City of Rocklin by Physosphere Research, I would like to quote the following starting on page 6 of the report:

***Trees help save energy***

*In hot climates, one of the principal economic benefits provided by trees is due to shade.*

- *Trees in residential yards that shade western and eastern facing windows, roofs, and walls can reduce energy needed for cooling by as much as 34% (Simpson and McPherson 1996).*

37-2

- *On hot summer days, temperatures within urbanized areas can be up to 10°F hotter than the surrounding countryside, a phenomenon known as the urban heat island effect (<http://www.epa.gov/heatisland/>). Buildings and pavement made of dark materials absorb the sun's rays, leading to an increase in the temperature of the surfaces and the air around them. Trees and other vegetation reduce summer temperatures through direct shading of surfaces and through the process of evapotranspiration. Evapotranspiration refers to the way that water is evaporated from within plant leaves, exiting through tiny pores in the leaf. As the water evaporates, it cools the leaf and the air around it in much the same way that swamp coolers function. By combating the urban heat island effect, trees reduce the overall summer temperature within urban areas, helping to reduce energy use.*
- *Trees serve as windbreaks, which helps save energy by reducing the amount of outside air that infiltrates into heated or cooled building interiors (Heisler 1986).*

#### ***Trees improve air quality***

- *Trees improve ambient air quality by removing gaseous air pollutants and particulates from the air (Scott et al, 1998).*
- *Although the majority of human-caused smog precursors come from moving vehicles, parked cars also emit volatile hydrocarbons and nitrogen oxides into the atmosphere that react to form smog. Cars parked in shade are much cooler and release fewer volatile hydrocarbons and nitrogen oxides into the atmosphere (Scott et al, 1999).*

#### ***Trees provide other important urban services***

- *Tree canopies intercept rainfall, moderating stormwater runoff and reducing the amount of pollutants that wash off buildings and paved surfaces into creeks and storm drains (Xiao et al, 1998, Xiao and McPherson 2003, Geiger 2003).*
- *Tree shade over pavement slows down pavement deterioration (McPherson et al 1999).*
- *Trees planted along roadways can have a "traffic calming" effect which reduces driving speeds by visually narrowing the road (Otak, Inc. 2002).*
- *Tree roots help to hold soil in place, and tree canopies shield soil from the impact of rain drops, resulting in decreased soil erosion during storms, which improves stream water quality and reduces silt deposits in reservoirs and flood control basins.*

#### ***Trees provide direct economic benefits***

- *A variety of studies show that trees increase residential property values. People pay more for homes with attractive trees, that are in neighborhoods with attractive trees, or that are near open space areas with trees. (Anderson and Cordell 1988, Wolf 1998b).*
- *A study by researchers in the State of Washington found that consumers perceive business districts with trees to be higher quality than those without trees. Consumers were willing to pay up to 10% more for goods bought in tree-lined business districts (Wolf 2003a,b).*

37-2 Cont.

***Social benefits related to trees***

- *A growing body of research has shown that the presence of trees in neighborhoods and views of trees and nature contribute to both physical and mental health of urban residents.*
- *Trees are associated with lower crime rates, and improved mental health, stronger ties between neighbors, and greater feelings of safety and well-being of City residents (Kuo 2003).*
- *Researchers have shown that office workers who can see nature from their desks have 23% less time off sick and report greater job satisfaction than those who can not see any nature (Wolf 1998).*
- *Hospital patients with views of trees have been shown to recover significantly faster than those who can not see any natural features (Ulrich 1985).*
- *As trees reduce the urban heat island effect, they also reduce the formation of photochemical smog because the chemical reactions that form smog are favored by higher temperatures (<http://eetd.lbl.gov/HeatIsland/AirQuality/>).*

Clearly, the benefits of trees in our community has been well established by the City of Rocklin. The DEIR identifies a total of 1,599 oak trees on the property within the College Park project area. The project would remove 166 unhealthy trees and 1,227 healthy trees, leaving just 206 oak trees. This is after the recent removal of over 300 heritage oaks on the property that is being developed for the Sierra Gate Apartment complex. Not a single tree was left on that property. (At least the Shaliko Apartments integrated oak trees into the design.) According to the California Wildlife Foundation/California Oaks, "*California's oaks and the species they support are at risk until responsible, forward-thinking executive and legislative branches enact and enforce measures to ensure NO NET LOSS of OAKS.*" It is time for Rocklin to engage in forward-thinking decision making and follow Rocklin's policies. The DEIR proposes a tree and natural habitat mitigation plan that results in a huge net loss of trees. Preserving the natural habitat along the Secret Ravine Creek on College property next to the freeway does not replace the loss of trees within the proposed for development. Paying a mitigation fee does not replace trees in East Rocklin, and you don't mitigate the loss of trees with trees that have historically been in place and are already part of the college walking trails. It is the equivalent of purchasing something you already own. Further, the strip of land proposed for mitigation is a very narrow strip of land within a much larger riparian area that is a tributary to Secret Ravine Creek and would be protected under California Fish and Wildlife. Does this mean the area around Secret Ravine Creek on college property would be developed in the future? In terms of a suitable replacement, the DEIR report does not clarify whether an assessment was made as to whether displaced species on the proposed College Property also inhabit the area near the freeway where air pollution and freeway noise are much greater than their current

37-2 Cont.

habitats. Will the Swainson's Hawk or White Tailed Kite actually nest next to a freeway where the fledglings will be learning to fly? The DEIR does not answer this question.

37-2 Cont.

Rocklin City Policy OCR-24 states: "*Consider acquisition and development of small areas along creeks at convenient and safe locations for use by the general public,*" and, Policy OCR-1 "*Encourages the protection of open space areas, natural resource areas, hilltops, and hillsides from encroachment or destruction through the use of conservation easements, natural resource buffers, building setbacks or other measures.*" The College Park South location fits this description and should therefore be considered for protection as an open space/natural resource area. It is a relatively small piece of property, that with minimal modifications could become a walking trail within a natural habitat. Limiting the riparian areas next to the creek in the proposed South Village to only 50 feet not only deprives the natural wildlife space to flourish, the loss of trees and other vegetation will result in rising temperatures along the creek, which in turn will a long lasting negative impact on the biodiversity of the creek area.

37-3

Under Biological Resources on page 591 of the DEIR, the report states the following, "*The cumulative setting for biological resources includes the Project Area and the greater Placer region. **Development associated with implementation of the local General Plan(s) would contribute to the ongoing loss of natural and agricultural lands in Placer County, including the Project Area. Cumulative development would result in the conversion of existing habitat to urban uses.** The local General Plan(s), in addition to regional, State and federal regulations, includes policies and measures that mitigate impacts to biological resources associated with General Plan buildout. Additionally, local land use authorities in Placer County have established the Placer County Conservation Plan (PCCP), which is a habitat conservation plan, natural community conservation plan, and county aquatic resources program for Placer County that provides a mechanism for compensatory mitigation for habitat and species loss in accordance with federal and State laws. However, it is noted that the cities of Rocklin, Roseville, Loomis, and Auburn are non-participating members of the PCCP.*" My question is why doesn't Rocklin participate in the Placer County Conservation Plan? Do we want to be known as major contributors to the loss of natural lands, or do we want to be part of the solution? Any loss of natural lands is a loss, regardless of what the city does to mitigate that loss with the promise to protect a different natural habitat.

37-4

Finally, the DEIR does not adequately address the fact that the year-round creek that runs east-west through the proposed site for the College Park South is a tributary creek to Secret Ravine Creek and sits in a FEMA 100-year flood plain. As I write this letter, El Don Drive is currently closed due to flooding and damage to the culvert

37-5

connecting the creek under El Don Drive. Plain and simple, this is a poor location to build homes.

37-5 Cont.

#### **Air Pollution**

Page 151 of the DEIR report states, “*Significant air quality impacts will occur as a result of the development under the General Plan and further, that these impacts cannot be reduced to a less than significant level.*” The DEIR further states on page 155, “*Proposed project would be a direct and indirect source of air pollution in that it would generate and attract vehicle trips in the region.*” On page 154 of the DEIR **Impact 3.3-1: Proposed Project operation would expose sensitive receptors to substantial pollutant concentrations or result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard. (Significant and Unavoidable).** **Impact 3.3-5** states the following, “*The proposed Project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. (Significant and Unavoidable).*” We are already in non-attainment. We do not need a plan that makes our air quality worse. We need a plan to improve our air better. Already, my husband and I turn on the air conditioner to cool our home in the evenings instead of opening our windows due to poor air quality. Before we go outside, we routinely check the air quality. The report acknowledges that air quality will worsen, however, I question whether the report reveals the full extent that air quality will worsen given the failure of the report to take into consideration the impact of losing a total of 1,395 oak trees that are currently helping clean our air. The report is also not clear regarding cumulative impacts from other development in the area and future growth of the college. Either way, the report is clear that our air will be more unhealthy than it already is. This is a grave concern for me and should also be a grave concern to our leaders.

37-6

#### **Parks**

The College Park Project does not comply with the City of Rocklin Policy OCR-19 goal of providing five acres of parkland per 1,000 residents. Page 488 of the DEIR states the following, “*The overall project College Park proposes 7.8 acres of park and 22.5 acres of open space. **The addition of 7.8 acres of developed park space would be 9.34 acres less than the 17.1 acres that would meet the 5 acres per 1,000 goal.***” This misses the City’s goal by over half in an area of high density housing. Having the developer pay a mitigation fee does nothing to meet the needs of the residents in densely populated developments. I reviewed the map of parks in the City of Rocklin and it is clear that the amount of space dedicated to parks in East Rocklin is less than the rest of the city.

37-7

Another observation I made is that the largest park in East Rocklin is adjacent to the mini-mansions. This is not the place to shortchange East Rocklin of the same amount of parkland that is afforded to the rest of Rocklin. Nor is it appropriate to short change people living in a high density area the same amount of park land that is afforded the rest of our residents. We can do better than this and we must.

37-7 Cont.

#### Energy Use

Rocklin City Policy OCR-56 states the following: *Encourage energy conservation in new developments.* The design of the College Park project will have the net effect of increasing energy use. The DEIR does not take into account the fact that with homes so close together, air circulation between homes will be stifled, there will be little to no trees and vegetation near homes due to lack of space and heat will radiate off of homes into the surrounding area creating a heat island. This will have a net effect of increased energy use during the summer months.

37-8

#### Traffic

Rocklin Road is already heavily impacted by local and college traffic. The report addresses traditional peak traffic times when people are typically going to and from work, however residents in our area experience peak traffic bursts throughout the day Mondays through Thursdays when school is in session. Current travel time from my home off of El Don can be up to 25 minutes just to get to the freeway on-ramp heading towards Sacramento. The projected development will only make this short segment of my trips longer. Construction of the Sierra College parking garage will not mitigate the traffic on Rocklin Road, because students traveling via Highway 80 from Roseville will still exit the freeway at Rocklin Road and travel down Rocklin Road to Sierra College to get to the garage. Students coming from the Auburn area, are already inclined to exit the freeway at Sierra College to avoid the traffic at Rocklin Road, so nothing will likely change there.

37-9

The addition of thousands of projected vehicle trips per day from the proposed development will exacerbate existing traffic, including a slowing down of traffic on Highway 80 and the air pollution of idling vehicles. (**Impact 4.21:** *The Project would contribute to further worsened vehicular queuing (onto the freeway mainline) at the I-80 eastbound off-ramp at Rocklin Road and I-80 eastbound and westbound off-ramps at Sierra College Boulevard under cumulative conditions.*)

The DEIR does not adequately address traffic impacts to El Don Drive and Southside Ranch that are already used as shortcuts from Sierra College Blvd to Rocklin Road. As



traffic backs up on Rocklin Road, more people will discover the short-cuts and travel through our residential neighborhood to avoid the Sierra College/Rocklin Road intersection. Speeding is already a concern within the neighborhood. It will only get worse.

The DEIR does not address the cumulative impact of the proposed projects combined with other projects already in progress such as the Sierra Gates apartments, the Granite Bluff subdivision and the Quick Quack Car wash that is currently under construction.

According to Rocklin Police Dept. statistics, Rocklin Road, between I-80 and Sierra College Blvd., is ranked as the City's #1 traffic collision location for the past 6 years. Additionally, Sierra College Blvd., has ranked in the city's top 5 collision locations. I was recently informed by someone in the insurance industry that insurance rates in the 95677 zip code are higher than the 95765 zip code due to the number of collisions on Rocklin Road, and given the projected increase in population, our insurance rates will go up further. Additional vehicles in the area will make our streets more dangerous than they currently are. Neighbors who leave the area on their bicycles to go on long bike rides have already stated that they will load their bikes onto their vehicles to drive out of the area and park somewhere when they want to go on bike rides. This is not the sign of a bicycle friendly community.

37-9 Cont.

I attended the most recent zoom meeting regarding the plan to mitigate traffic with the planned redesign of the Highway 80/Rocklin Road interchange at a cost of around \$40 million give or take depending on which option is adopted. Given the options, I do not see that the new plan will provide enough of an improvement in traffic flow to mitigate the overall increase in traffic. The plan does nothing to address the congestion at Rocklin Road and El Don Drive. Additionally, the right turn only egresses and ingresses will have the cumulative effect of multiple U-turns by frustrated drivers as they try to navigate to the left lanes for their U-turns on the most accident prone street in the City of Rocklin, which in turn will lead to even more traffic and frustrated students who are late for their classes.

**Senior Apartments**

There are numerous concerns with the proposed senior apartment complex that are not adequately addressed in the DEIR. First, the property does not meet the definition of infill as described in the report and instead, is part of a natural habitat that would best be preserved. Second, a four story, 60' tall building is completely out of character with the surrounding neighborhood. Third, the DEIR does not clarify

37-10

whether Rocklin has a fire truck that is able to reach the fourth floor of a building. If so, where is the truck located and what will be the response times? Fourth, there is only one access road which will be constructed the same manner that the currently washed out El Don Drive is constructed. What happens when culvert washes out? City policy states that creek crossings should be avoided. Culverts hinder movement of wildlife. If the creek is to be crossed, we should learn from the situation at El Don and build a real bridge. Fifth, East Rocklin is not user friendly for public transportation. On the Sierra Gate Apartments website, the area is rated 22 out of 100 for minimal transit. Expecting seniors to effectively use transportation is magical thinking. They will more likely rely on others to give them rides or spend what little they have on Uber and Lyft with an end result of more traffic. Sixth, as illustrated in the proposed plan for the Senior Apartments, parking spots on the perimeter face directly into the backyards of residents on Havenhurst who will be subject to vehicle noise and headlights shining into their homes at all hours of the day and night. It will negatively impact their sleep, mental health and property values. I propose that the senior apartments be located closer to shopping to accommodate seniors who do not have their own transportation. Another alternative would be the North Village that will be closer to the Walmart and Target shopping centers.

37-10 Cont.

#### **Housing Goals**

I would like to address Rocklin's goals for affordable housing. I ask, how does the City of Rocklin define affordable housing? Is it low income apartments, market rate apartments and other rentals? Or, do we define affordable housing as homes people of modest means can afford to purchase and build equity? We currently have more potential buyers than homes available to purchase, leaving plenty of overpriced apartments that trap people in the cycle of being perpetual renters.

There is a lot of talk about meeting the housing of people who work in the area. Sadly, the people who work in the area will mostly be working at low paying jobs in the retail and food industry. Will they realistically be able to afford to live in the new "luxury" apartment at are being built? I doubt it. Most local employees will be commuting into the area to work and the people moving into the area will mostly be commuting out of the area. Suggesting that people telecommute is also wishful thinking. People's ability to telecommute is decided by their employers.

37-11

I suggest that instead of having **seven apartment complexes** in the immediate vicinity of Rocklin Road and Sierra College Blvd., why not build more modest homes for purchase? Some communities have figured it out and are already converting

apartments into condominiums that can be purchased. Rocklin can be forward thinking and be part of the solution, or Rocklin can contribute to people being shut out of home ownership. After all, apartments and other rental properties are essentially forms of temporary housing that only benefits the landlords. People in apartments do not put down permanent roots in the community. further, people who own their homes move less frequently which impacts the stability of school populations. Student turnover is disruptive not only to the children who move frequently, but also to the other students in the school.

37-11 Cont.

If the City wants truly affordable housing, the development in the North Village should replace the planned apartments in favor of modestly priced dwellings for purchase. Further, the development should require the homes be owner occupied, so as homeowners move on, individuals and families who wish to purchase a home will not be outbid by investors.

**Retail Commercial Space**

The project is currently slated to add a significant amount of retail and commercial space. I have resided in the area for 32 years and have seen business after business leave the two small shopping areas on Rocklin Road. The shopping center on Rocklin Road and Sierra College Blvd. where Starbucks is currently located has history of over thirty years of having multiple vacancies. Vacancy is presently about 50% making it an eyesore. As shops have closed, we were told by the business owners that the rent was too high. If rents are too high for a shopping center that is well over thirty years old, how will new retail office building be any more affordable for small businesses? We do not need anymore vacant strip malls in our area.

37-12

**Alternative Plans**

The DEIR report addresses five alternative plans to the project. There are only two that result in any level of mitigation of the environmental impacts. The first, and most appropriate plan is not to proceed with the project. Sadly, it appears that we are left with the least worst of alternative plans, none of which are in the best interest of ourcommunity.

37-13

Of the remaining options, the least worst plan is the reduced imprint alternative. It is the only alternative that provides any level of environmental mitigation. The DEIR report states that while a 17% decrease in the imprint will not fully mitigate environmental impacts, it will provide some mitigation. Fewer homes would result in less traffic and consequently less air pollution. It would also allow for further setbacks

from the creek and could avoid the permanent removal of 0.971 acres of sensitive aquatic habitat and at least some of the 68.7 acres of terrestrial vegetation communities.

Page 659 of DEIR report regarding the reduced footprint states, *“The decreased footprint under this alternative would allow for further setbacks from the 100-year floodplain and creek on the South Village site, as well as avoidance of the aquatic resources that are impacted under the Proposed Project (riparian wetlands, seasonal wetlands, seasonal wetland swale, seeps, and perennial creek). The decreased footprint under this alternative would allow for avoidance of the aquatic resources that are impacted under the Proposed Project (riparian wetlands, seasonal wetlands, seasonal wetland swale, seeps, ephemeral drainage, and roadside ditch).”*

Similarly, page 661 of the DEIR states, *“Therefore, the Reduced Footprint Alternative would result in reduced impacts to air quality compared to the proposed Project. ....Under the Reduced Footprint Alternative, the area utilized for the development (i.e., the project footprint) would be reduced by approximately 17 percent or 18.0-acres. This reduction to the development footprint would allow for further setbacks from the 100-year floodplain and creek on the South Village site, as well as avoidance of the aquatic resources that are impacted under the Proposed Project (riparian wetlands, seasonal wetlands, seasonal wetland swale, seeps, and perennial creek). Additionally, the decreased footprint under this alternative would provide biological benefits preserving land that may provide habitat for a variety of species. Therefore, the Reduced Footprint Alternative would result in reduced impacts to biological resources when compared to the proposed Project.”*

Page 663 of the DEIR addresses air pollution and the impact of the reduced footprint, *“Under the Reduced Footprint Alternative, the area utilized for the development (i.e., the Project footprint) would be reduced by approximately 17 percent or 18.0-acres, resulting in a reduction in the total unit count from 900 units to between 641 units. However, there would still be approximately 120,000 sf of non-residential building, 22.5 acres of Open Space, and 7.8 acres of Park. While uses in the Reduced Footprint Alternative would be required to adhere to the same mitigation measure as the proposed Project, the significant decrease in total residential unit count would significantly decrease the total greenhouse gas emissions. As such, the greenhouse gas emissions impact is reduced when compared to the proposed Project.”*

Page 666 of the DEIR addresses traffic with the reduced footprint, *“The reduction in total VMT under this alternative compared to the proposed Project would result in reduced impacts compared to the proposed Project. However, similar to the proposed Project, it is*

37-13 Cont.

*anticipated that the VMT under this alternative would still result in significant and unavoidable impacts even with mitigation implemented.”*

On page 667, the DEIR summarizes the various alternatives as follows, “As shown in the table, the No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Increased Density and Reduced Footprint Alternatives both rank higher than the proposed Project. Comparatively, the Reduced Footprint Alternative would result in less impact than the Increased Density Alternative because it provides the greatest reduction of potential impacts in comparison to the proposed Project. However, neither the Reduced Footprint Alternative nor the Increased Density Alternative fully meet all of the Project objectives.” The least worst of the project does not go far enough and can be improved upon by reducing the imprint by more than 17%.

37-13

#### **Closing Thoughts and Recommendations**

I understand there is a need for additional housing in California, however it is crucial that we strike a balance between quantity of houses, quality of the community and our health and quality of life. It is also important that we strike a balance in the kinds of homes we build. Rentals or homes that are owner occupied? I attended the open house at the Rocklin Event Center where representatives of the developers to shared their proposed plans. The pictures were nice, and I was told the senior apartments would be located in a clearing. (Not completely true.) Out of curiosity, I asked several presenters whether they would purchase a home in my neighborhood given the proposed planned development. Not a single presenter stated they would purchase a home in my area. This tells me that the project does not enhance the community and needs significant changes. If your own people don't want to live here, why would anyone else?

37-14

It is imperative that the City approve projects that enhance our communities and are user friendly. More smog, more traffic, lack of adequate park land, loss of wildlife, and the removal of trees that help mitigate the smog does not enhance our community. I find it curious that out of the numerous potential impacts cited in the DEIR, not a single mitigation measures had an end result of making a single potential impact better, while eleven impacts remain significant and unavoidable. **Eleven significant and unavoidable impacts is a big deal to those of us who have to live with them.** I look at the homes off of Aguilar Road that are now under construction and I compare them to similar homes under construction off of Twelve Bridges in Lincoln. Given a

choice, I would choose a home in the Lincoln Development over the homes in Rocklin. The homes in Lincoln have enough space between them to allow the sun to shine in the backyard, trees and other vegetation to grow and the homes are not ten miles to the feeder high school. If Lincoln can allow a decent amount of space between homes, why can't Rocklin? Rocklin is currently considered one of California's best cities to live in. I do not see Rocklin remaining on that list if development such as the proposed College Park plan combined with surrounding development is allowed to move forward as proposed.

Prior to writing this letter, I spent the last few days walking my neighborhood and asking neighbors what their thoughts are regarding the development that is being proposed. Many neighbors had no clue that the College Park Project was being proposed, and instead, cited their awareness and disapproval of the Sierra Gate Apartments and development along Aguilar Road. When told about the addition of the College Park development, all but two people expressed opposition. Comments such as, "What about the traffic? It is already bad," were the most typical responses. The next comment was generally questions about the loss of more oak trees and wildlife habitat. Comments such as the following were common. "Where will the animals go?" "It makes me sick that they cut down all of the trees on the corner of Rocklin Road and Sierra College Blvd." What did not surprise me was the complete sense of apathy so many neighbors expressed. Common comments were, "They are going to do what they are going to do." "They don't listen to us." "It doesn't do anything to speak up." The community clearly does not feel heard, or cared about by our city leaders. Instead, the community feels that the City Council bows to developers and lets them do whatever they want to do. There is no trust that the Council will do what is right for the community and the beautiful natural habitats that have co-existed within our community.

The Council has an opportunity to change the community's perception that our elected officials don't care and take action to earn trust back by not approving the project as submitted and significantly reducing the footprint by more than the 17% in the alternative plan. I also recommend that monies in current mitigation funds be used to purchase the wetland and riparian areas in the proposed South Village to be maintained and preserved as natural habitat. The land could be turned over to the Placer Land Trust for management. Given that the City of Rocklin found a way to save the 184 acres that was once the Sunset Whitney Oaks Golf Course, (a non-natural habitat) at a cost to the city of \$5.8 million, I am convinced that the City of Rocklin

37-14 Cont.



can tap into existing mitigation funds to preserve the much smaller natural habitats and trees currently located on the current college property.

I propose the following recommendations:

- The City should adopt either a no build or alternative plan of a reduced footprint. A 17% reduction in footprint does provide for some mitigation, however, it does not go far enough. If planned correctly, a small imprint will allow significantly more trees to remain in the current tree canopies as well as protect our riparian areas.
- Current money in the City's mitigations funds should be used to purchase the property in the proposed South Village to create a walking trail near the natural habitat. The City found the resources to preserve the former Sunset Whitney Golf Course. This can be done again. East Rocklin deserves the same protection of our riparian areas as the rest of Rocklin enjoys. By doing this, creek setbacks will be more than the minimum 50 feet which is completely inadequate. The .971 acres of sensitive aquatic habitat will be preserved and homes will not be built in an area that clearly floods more than once every 100 years.
- Instead of paying another mitigation fee, park land should be set aside at the rate of 5 acres per 1,000 residents. A minimum of 9.34 acres of park land should be added to the project. The current plan shows a bias against East Rocklin regarding park development. This needs to be corrected.
- The senior apartments should be moved to a location that is within walking distance to shopping. However, if the City moves forward and approves the senior apartments, the height of the building should be reduced to no more than two stories and the footprint of the complex should be reduced to allow for the riparian habitat to remain natural and to remain consistent with homes in the area. Access to the property should be via a bridge, not a culvert.
- The North Village should have an active homeowner's association. Homes should be owner occupied to create real opportunities for individuals and families to own homes and build equity. Rental apartments should not be built.
- North Village should include a community swimming pool for summer recreation.
- Retail/office space should be reconsidered given the high vacancy rate and turnover of the current retail/office space on Rocklin Road.

37-14 Cont.

In conclusion, I find myself writing not only for myself, but also for my neighbors who have lost confidence in our city leaders to do the right thing for our community

37-15



instead of what developers propose. I implore our leaders to use this opportunity to lead by stopping the destruction of our rich riparian habitats and plan sensible development that provides home ownership for all instead of investment opportunities for others.

Sincerely,

Kathi Gandara

5609 Montero Ct.

Rocklin, CA 95677

(916) 316-4621

37-15 Cont.

**Response to Letter 37: Kathi Gandara, Public Comment Submission**

**Response 37-1:** This comment is an introductory statement and also reflects the commenter's concern that 45 days was not sufficient time to review the Draft EIR. This comment references eleven significant and unavoidable environmental impacts discussed in the Draft EIR, and mitigation for various impacts. The commenter indicates that they disagree with the findings in the Draft EIR, and indicates that it is not a thorough assessment of the impacts.

The City has circulated the DEIR in accordance with state law, which mandates 45 days for public review of the DEIR. There are not any specific errors, oversights, or gaps presented by the commenter that are actionable and could be considered by the City for incorporation into the DEIR, instead the commenter is silent on specifics in the Draft EIR. Additionally, there are not any specific feasible mitigation measures presented by the commenter that could be considered for incorporation into the DEIR, again, the commenter is silent on specifics. The commenter fails to acknowledge the very extensive analysis provided in the Draft EIR, including measures to address impacts. The commenter also fails to acknowledge 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. The City undertook this analysis in good faith, and presented their results in the Draft EIR. Where the City identified impacts, they attempted to mitigate the impacts 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.

**Response 37-2:** The commenter has cited the *Planning for Future of Rocklin's Urban Forest* (September 2006) and provided numerous quotes. The main topics referenced in the quotes include: trees help save energy, trees improve air quality, trees provide other important urban services, trees provide direct economic benefits, and social benefits related to trees. The quotes are then followed up with discussion about the loss of oaks on other projects in the city, and the anticipated loss of 1,599 oak trees on the Project site. The comment indicates that preserving oaks elsewhere, or paying fees, does not mitigate the loss of the oaks. The commenter asks whether the area around Secret Ravine Creek on college property would be developed in the future, and indicates that the DEIR does not clarify whether an assessment was made regarding displaced species on the Project site possibly inhabiting the area near the freeway where air pollution and freeway noise is greater than the current habitat.

This comment is addressed under Master Responses 4, 5, and 11.

The proposed project does not include any development of other properties such as the natural habitat along the Secret Ravine Creek on the College Campus. That area is defined as Nature Area

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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under the Facilities Master Plan (FMP), and based on policies adopted by the College District, it appears that the Nature Area is anticipated to remain undeveloped. Regardless, that property is not included in the proposed applications under consideration by the City of Rocklin for the Project site.

Section 3.4 Biological Resources includes an extensive analysis of sensitive species and habitat. Additionally, there are mitigation measures incorporated into the DEIR that include avoidance measures to ensure that individual species are not directly harmed/killed, and compensatory measures that are intended to provide an offset for loss of habitat. The Project includes a riparian buffer along the unnamed tributary to Secret Ravine 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. This corridor is the most sensitive habitat within the Project site in terms of diversity of vegetation and wildlife. See also Master Response 4.

**Response 37-3:** The commenter cites General Plan Policy OCR-24 and states the following:

*The College Park South location fits this description and should therefore be considered for protection as an open space/ natural resource area. It is a relatively small piece of property, that with minimal modifications could become a walking trail within a natural habitat. Limiting the riparian areas next to the creek in the proposed South Village to only 50 feet not only deprives the natural wildlife space to flourish, the loss of trees and other vegetation will result in rising temperatures along the creek, which in turn will have a long lasting negative impact on the biodiversity of the creek area.*

This comment is addressed under Master Response 4.

**Response 37-4:** This comment discusses the Placer County Conservation Plan, and asks the question:

*"why doesn't Rocklin participate in the Placer County Conservation Plan? Do we want to be known as major contributors to the loss of natural lands, or do we want to be part of the solution? Any loss of natural lands is a loss, regardless of what the city does to mitigate that loss with the promise to protect a different natural habitat."*

The PCCP is addressed on page 3.4-24 of the Draft EIR. The Placer County Conservation Program (PCCP) was adopted in September 2020 and the City of Rocklin is a non-participating City in the PCCP. Inclusion of the City of Rocklin in the PCCP is not proposed, and this action is outside the scope of the Draft EIR. The recommendation to participate in the PCCP will be provided to the appointed and elected officials for their consideration.

**Response 37-5:** This comment suggests that the DEIR does not adequately address flooding.

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. The area surrounding the creek and immediately north of the creek is identified as open space/preserve area. The Tentative Subdivision Map and Grading Plans for the South Village note

an approved creek setback from Secret Ravine as well as an additional open space buffer between the creek and the proposed single-family residential lots. The creek setback and proposed open space buffer ensures that 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 area to a less than significant. This comment is addressed under Master Responses 2 and 4.

**Response 37-6:** The comment provides several quotes from the DEIR related to Air Quality and provides the following statements:

*We are already in non-attainment. We do not need a plan that makes our air quality worse. We need a plan to improve our air better. Already, my husband and I turn on the air conditioner to cool our home in the evenings instead of opening our windows due to poor air quality. Before we go outside, we routinely check the air quality. The report acknowledges that air quality will worsen, however, I question whether the report reveals the full extent that air quality will worsen given the failure of the report to take into consideration the impact of losing a total of 1,393 oak trees that are currently helping clean our air. The report is also not clear regarding cumulative impacts from other development in the area and future growth of the college. Either way, the report is clear that our air will be more unhealthy than it already is. This is a grave concern for me and should also be a grave concern to our leaders.*

This comment is addressed, in part, under Master Responses 5, 11, and 13. The impacts to air quality are fully addressed in Section 3.3 Air Quality and 3.7 Greenhouse Gas Emissions. This includes modeling of the emissions generated by the Project in accordance with the Placer County Air Pollution Control District's guidelines. As it relates to impacts from the loss of oak trees, the CEQA Guidelines do not require that an EIR discuss the loss of carbon sequestration or air pollution filtration as a result of the removal of vegetation or trees; it only dictates that an EIR discuss Air Quality and GHG emissions, which the DEIR does (see Sections 3.3 and 3.7). The focus on emissions, as opposed to the potential loss of sequestration, is a result of the original 2007 legislative directive by which the Governor's Office of Planning and Research and the California Natural Resource Agency developed and promulgated the CEQA Guidelines dealing with GHG emissions. This statute, Public Resources Code section 21083.05, was amended again in 2012, but its focus on emissions is still unmistakable:

The Office of Planning and Research shall periodically update the guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption to incorporate new information or criteria established by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

Notwithstanding the Legislature's focus on emissions, the loss of existing carbon sequestration and any pollution filtration benefits from the trees to be removed from the Project site will be partially, if not fully, offset by the planting substantially more than 1,000 new, healthy trees in residential yards, parks, along roadway corridors, etc. The landscape architects for the Project have identified

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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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. These new trees will sequester carbon the same manner as the many unhealthy, older oak trees to be removed.

Furthermore, 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.) As is well known, dead trees eventually decay and release carbon dioxide, a GHG, into the atmosphere. Thus, under a No Project scenario in which the dead, wounded, and otherwise unhealthy trees are not removed to make room for development, the process of decay would contribute to GHG emissions.

In contrast, the oak trees proposed for conservation in the College Park Oak Tree Mitigation Plan, prescribed by Mitigation Measure 3.4-9, are more mature, have fewer defects, and include a broader species diversity than the trees present on the Project sites. (See DEIR, Appendix C: Attachment E [College Park Oak Mitigation Plan], pp. 14–15.) Thus, these protected healthy and mature trees, which could continue to thrive for many decades into the future, will provide better carbon sequestration and release far less carbon into the atmosphere than a large portion of those slated for removal as part of the Project.

**Response 37-7:** The comment states the following:

*The College Park Project does not comply with the City of Rocklin Policy OCR-19 goal of providing five acres of parkland per 1,000 residents. Page 488 of the DEIR states the following, "The overall project College Park proposes 7.8 acres of park and 22.5 acres of open space. The addition of 7.8 acres of developed park space would be 9.34 acres less than the 17.1 acres that would meet the 5 acres per 1,000 goal." This misses the City's goal by over half in an area of high density housing. Having the developer pay a mitigation fee does nothing to meet the needs of the residents in densely populated developments. I reviewed the map of parks in the City of Rocklin and it is clear that the amount of space dedicated to parks in East Rocklin is less than the rest of the city. Another observation I made is that the largest park in East Rocklin is adjacent to the mini-mansions. This is not the place to shortchange East Rocklin of the same amount of parkland that is afforded to the rest of Rocklin. Nor is it appropriate to short change people living in a high density area the same amount of park land that is afforded the rest of our residents. We can do better than this and we must.*

This comment is noted. The commenter disagrees with the Project design, and believes that additional park land should be included in the design. As noted on page 3.13-24 of the Draft EIR, the Project would require developed parkland. The project proposes 5.8 acres of park space and 22.5 acres of open area to serve the community and surrounding area. The Project applicant would pay park in-lieu fees in accordance with the Quimby Act. The City determines the parkland obligation in accordance with the Quimby Act at the time of building permit issuance or recordation of parcel or subdivision maps. The comment does point to an error in the text of the DEIR on page 3.13-24 which is corrected in Section 3.0 Errata.

**Response 37-8:** The comment states the following:

*Rocklin City Policy OCR-56 states the following: Encourage energy conservation in new developments. The design of the College Park project will have the net effect of increasing energy use. the DEIR does not take into account the fact that with homes so close together, air circulation between homes will be stifled, there will be little to no trees and vegetation near homes due to lack of space and heat will radiate off of homes into the surrounding area creating a heat island. This will have a net effect of increased energy use during the summer months.*

Energy use is addressed in Section 3.7 Greenhouse Gas Emissions. The proposed Project would use energy resources for the operation of project buildings (i.e., electricity), for on-road vehicle trips (e.g., gasoline and diesel fuel) generated by the proposed Project, and from off-road construction activities associated with the proposed Project (e.g., diesel fuel). Each of these activities would require the use of energy resources. The proposed Project would be responsible for conserving energy, to the extent feasible, and relies heavily on reducing per capita energy consumption to achieve this goal, including through Statewide and local measures.

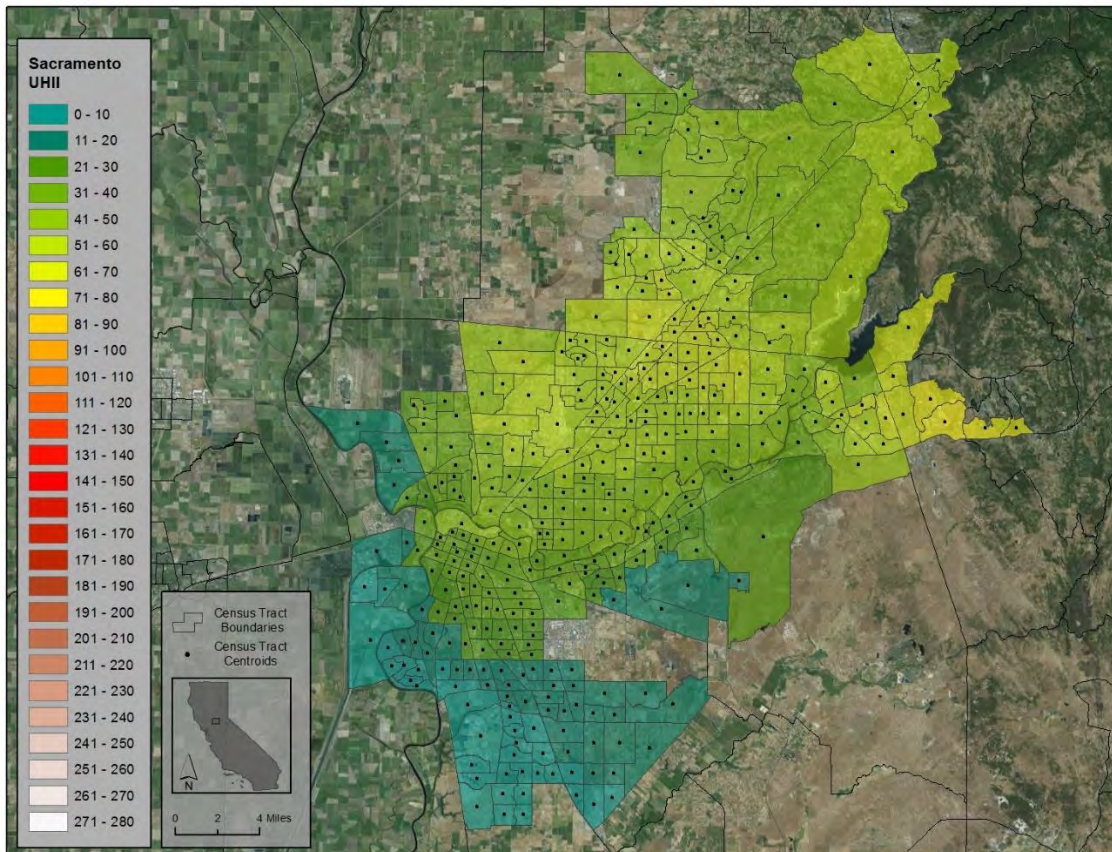
The proposed Project would be in compliance with all applicable federal, state, and local regulations regulating energy usage. For example, PG&E is responsible for the mix of energy resources used to provide electricity for its customers, and is in the process of implementing the Statewide Renewable Portfolio Standard (RPS) to increase the proportion of renewable energy (e.g., solar and wind) within its energy portfolio. PG&E is expected to achieve at least a 40% mix of renewable energy resources by 2030. Additionally, energy-saving regulations, including the latest State Title 24 building energy efficiency standards (“part 6”), would be applicable to the proposed Project. The proposed Project would comply with the 2019 Building Energy Efficiency Standards, requiring the installation of solar panels on all new residential buildings, and water-use reductions required by CALGreen (Part 11 of Title 24). Other Statewide measures, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g., the Pavley Bill and the Low Carbon Fuel Standard), would improve vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time. Furthermore, as described previously, the proposed Project would incorporate mitigation that would further reduce energy consumption.

As a result, the proposed Project would not result in any significant adverse impacts related to Project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for each stage of the proposed Project including construction, operations, maintenance, and/or removal. Pacific Gas & Electric (PG&E), the electricity provider to the site, maintains sufficient capacity to serve the proposed Project. The proposed Project would comply with all existing energy standards, including those established by the City of Rocklin, and would not result in significant adverse impacts on energy resources. For these reasons, the proposed Project would not be expected cause an inefficient, wasteful, or unnecessary use of energy resources nor conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

The comment states that *“the DEIR does not take into account the fact that with homes so close together, air circulation between homes will be stifled, there will be little to no trees and vegetation near homes due to lack of space and heat will radiate off of homes into the surrounding area creating a heat island. This will have a net effect of increased energy use during the summer months.”* Heat

islands are an environmental topic that is monitored in communities by the California EPA through the Urban Heat Island Index. Heat islands are created by a combination of heat-absorptive surfaces (such as dark pavement and roofing), heat-generating activities (such as engines and generators), and the absence of vegetation (which provides evaporative cooling). It is well recognized that large urban areas often experience higher temperatures, greater pollution, and more negative health impacts during hot summer months, when compared to more rural communities. This phenomenon is known as the urban heat island.

In 2012 the California Legislature required that the California EPA to develop an Urban Heat Island Index (AB 296, Chapter 667, Statutes of 2012) and to design it so that “cities can have a quantifiable goal for heat reduction.” In 2015, the CalEPA released a study entitled, “Creating and Mapping an Urban Heat Island Index for California” which defines and examines the characteristics of the urban heat island and, for the first time, created an Urban Heat Island Index to quantify the extent and severity of urban heat islands for individual cities. The study also produced Urban Heat Island Interactive Maps, showing the urban heat island effect for each census tract in and around most urban areas throughout the state. In the Rocklin area the Heat Island Index ranges from 46 to 48. The map below illustrates the California EPA’s Urban Heat Island Index for the Sacramento region.





An Urban Heat Island Index is calculated as a positive temperature differential over time between an urban census tract and nearby upwind rural reference points at a height of two meters above ground level, where people experience heat. The Index is reported in degree-hours per day on a Celsius scale. An increase of one degree over an eight-hour period would equal eight degree-hours, as would an increase of two degrees over a four-hour period. The degree-hour therefore combines both the intensity of the heat and the duration of the heat into a single numerical measure.

To perform an approximate conversion to a total number of degrees Fahrenheit per day, the Index is divided by 24 hours (i.e. hours in a full day) and multiplied by 1.8 degrees (i.e. the Celsius conversion factor). For Rocklin, the index of 46 to 48 degree-hours per day in the vicinity of the Project site calculates out to an approximate average temperature difference of between 3.45 and 3.6 F. This heat index calculation shows that there is a relatively low to modest increase due to the urban heat island.

It is well documented that the Urban Heat Island Index will increase during heat waves, and urban areas are hit harder than the surrounding suburban and rural areas. Rocklin is generally considered suburban with undeveloped rural pockets, and the California EPA's Urban Heat Island Index study has not shown that there is a significant increase in heat due to urban heat island effects. Nevertheless, the City of Rocklin requires landscaping as a part of all projects developed in the City. The vegetation within the landscaping is intended to provide evaporative cooling to reduce the heat island impacts from increased heat-absorptive surfaces (such as dark pavement and roofing), and heat-generating activities (such as engines and generators). Overall, the potential for urban heat islands on the Project site, and in Rocklin as a whole, is considered low.

**Response 37-9:** The comment states the following:

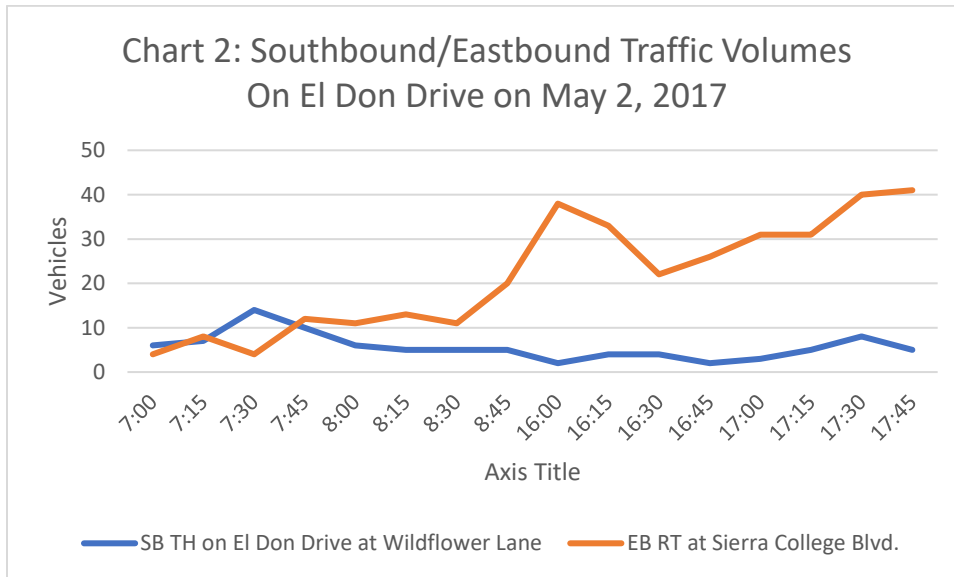
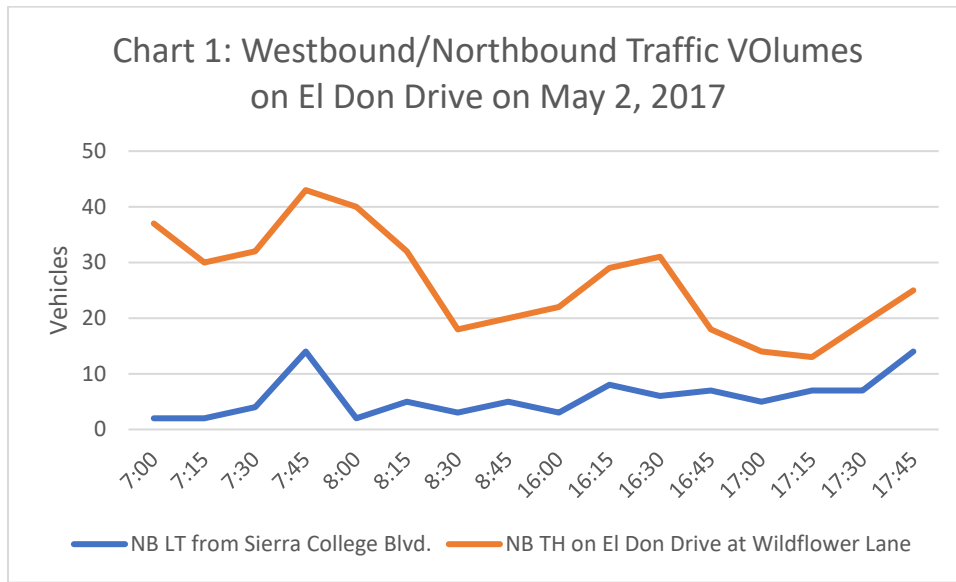
*Rocklin Road is already heavily impacted by local and college traffic. The report addresses traditional peak traffic times when people are typically going to and from work, however residents in our area experience peak traffic bursts throughout the day Mondays through Thursdays when school is in session. Current travel time from my home off of El Don can be up to 25 minutes just to get to the freeway on-ramp heading towards Sacramento. The projected development will only make this short segment of my trips longer. Construction of the Sierra College parking garage will not mitigate the traffic on Rocklin Road, because students traveling via Highway 80 from Roseville will still exit the freeway at Rocklin Road and travel down Rocklin Road to Sierra College to get to the garage. Students coming from the Auburn area, are already inclined to exit the freeway at Sierra College to avoid the traffic at Rocklin Road, so nothing will likely change there. The addition of thousands of projected vehicle trips per day from the proposed development will exacerbate existing traffic, including a slowing down of traffic on Highway 80 and the air pollution of idling vehicles. (Impact 4.21: The Project would contribute to further worsened vehicular queuing (onto the freeway mainline) at the I-80 eastbound off-ramp at Rocklin Road and I-80 eastbound and westbound off-ramps at Sierra College Boulevard under cumulative conditions.) The DEIR does not adequately address traffic impacts to El Don Drive and Southside Ranch that are already used as shortcuts from Sierra College Blvd to Rocklin Road. As traffic backs up on Rocklin Road, more people will discover the shortcuts and travel through our residential neighborhood to avoid the Sierra College/Rocklin Road intersection. Speeding is already a concern within the neighborhood. It will only get worse. The DEIR does not address the cumulative impact of the proposed projects combined with other projects already in progress such as the Sierra*

*Gates apartments, the Granite Bluff subdivision and the Quick Quack Car wash that is currently under construction. According to Rocklin Police Dept. statistics, Rocklin Road, between I-80 and Sierra College Blvd., is ranked as the City's #1 traffic collision location for the past 6 years. Additionally, Sierra College Blvd., has ranked in the city's top 5 collision locations. I was recently informed by someone in the insurance industry that insurance rates in the 95677 zip code are higher than the 95765 zip code due to the number of collisions on Rocklin Road, and given the projected increase in population, our insurance rates will go up further. Additional vehicles in the area will make our streets more dangerous than they currently are. Neighbors who leave the area on their bicycles to go on long bike rides have already stated that they will load their bikes onto their vehicles to drive out of the area and park somewhere when they want to go on bike rides. This is not the sign of a bicycle friendly community. I attended the most recent zoom meeting regarding the plan to mitigate traffic with the planned redesign of the Highway 80/Rocklin Road interchange at a cost of around \$40 million give or take depending on which option is adopted. Given the options, I do not see that the new plan will provide enough of an improvement in traffic flow to mitigate the overall increase in traffic. The plan does nothing to address the congestion at Rocklin Road and El Don Drive. Additionally, the right turn only egresses and ingresses will have the cumulative effect of multiple U-turns by frustrated drivers as they try to navigate to the left lanes for their U-turns on the most accident prone street in the City of Rocklin, which in turn will lead to even more traffic and frustrated students who are late for their classes.*

This comment contains a number of transportation-related points, each of which has a response provided below.

- *Rocklin Road traffic conditions.* Because the City's LOS policy pertains to the weekday PM peak hour, conditions during that hour are reported in the DEIR. Under pre-COVID conditions, it was not uncommon for westbound Rocklin Road traffic to spill back to El Don Drive during the PM peak hour. This was caused by the heavy westbound left-turn volume onto westbound I-80. Improvements to the I-80/Rocklin Road interchange will increase capacity for that movement, thereby reducing queuing.
- *Sierra College parking garage.* This garage is situated in the northeast area of the campus, about 1,000 feet west of Sierra College Boulevard. It is accessed via the signalized Stadium Entrance intersection. The garage is not easily accessed from the campus accesses off Rocklin Road (as passage of the internal Wolverine Way is typically blocked via a gate). Motorists desiring to access the garage from Rocklin Road would need to use the circuitous loop road situated east of the football field. Many students will realize that turning right from I-80 onto southbound Sierra College Boulevard and then right at Stadium Entrance will be the quickest and most direct way to access the garage. It should also be noted that with the opening of the parking garage, Sierra College's former overflow parking at the southeast corner of Rocklin Road and El Don Drive is no longer in use.
- *Traffic impacts on El Don Drive and Southside Ranch Road.* Page 31 of Appendix I describes the expected usage of El Don Drive by project trips and states that "Under uncongested conditions, it would likely be quicker for motorists to remain on the arterial streets. However, diversion could occur during peak periods when delays increase on the arterial streets". Chart 1 shows 15-minute traffic volumes for specific movements in

the westbound/northbound directions of El Don Drive on May 2, 2017. These two movements are reported because a strong correlation between them would suggest cut-through travel from northbound Sierra College Boulevard is occurring. This data shows two distinct spikes (7:45-8:00 AM and 5:45 – 6:00 PM) in which an increase in northbound left-turning traffic from Sierra College Boulevard occurs at the same time as an increase in northbound El Don Drive at Wildflower Lane. This suggests that there is some cut-through traffic occurring during the busiest part of each peak hour (and also potentially associated with the overflow lot being open at the time of the counts). Cut-through traffic is less common outside these two peaks (as evidenced by the lack of correlated peaks and valleys in Chart 1). Chart 2 shows 15-minute traffic volumes on southbound/eastbound El Don Drive on May 2, 2017. This chart represents the reverse cut-through movement consisting of motorists turning right onto El Don Drive from Rocklin Road. This data indicates no apparent spikes in cut-through travel. While data was not collected on Southside Ranch Road, it's a parallel route to El Don Drive with a similar placement of all-way stops. The project would be responsible for upgrading the Sierra College Boulevard/Rocklin Road intersection to its planned ultimate lane configurations, which would act to discourage El Don Drive or Southside Ranch Road as cut-through routes. Usage of El Don Drive and other streets south of the South Village was disclosed in the DEIR. However, formal traffic impact statements were not provided because Level of Service (LOS) is no longer considered a significance criterion under CEQA as described under Responses 9-5 and 30-2. Unlike previous Draft EIRs published in Rocklin, this DEIR does not include any peak hour intersection level of service (LOS) results due to the Senate Bill (SB) 743 and the implementing CEQA Guidelines. The legislation associated with this landmark law specified that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." The method used for analysis follows a vehicle mile traveled approach, which does not necessarily correlate directly with congestion measurements. Nonetheless, Table 11 of Appendix I showed that the project would worsen average delays at the Sierra College Boulevard/El Don Drive intersection by one second or less during each peak hour.



- Speeding on El Don Drive.* A 25-mph posted speed limit sign is prominently placed in the westbound direction of El Don Drive just west of Sierra College Boulevard. A speed feedback sign (i.e., dynamic sign advising motorist of approaching speed) is located 600 feet further to the west as a means of controlling speeds. As noted on page 94 of Appendix I, a motorist traveling the entire 0.8-mile distance of El Don Drive from Sierra College Boulevard to Rocklin Road would encounter four existing all-way stop-controlled intersections. A fifth all-way stop intersection would be constructed at Corona Circle/Street A should the project be approved and constructed.
- Cumulative impacts of other land uses.* The DEIR’s transportation impact analysis considered cumulative projects (see list in Table 14 of Appendix I for a partial list and Chapter V for a discussion of cumulative land uses). Both the VMT analysis and

intersection LOS evaluation considered reasonably foreseeable development both in Rocklin and adjacent agencies.

- *Collision history on Rocklin Road and Sierra College Boulevard.* Because automobile collisions typically occur at intersections, as opposed to a mid-block location, historical City-wide intersection collision data was requested from the City of Rocklin Police Department. On June 14, 2022, the following data, which ranked the top ten intersections for collisions over the last six years, was provided by the Rocklin Police Department:

Location	Year						Grand Total
	2017	2018	2019	2020	2021	2022	
PACIFIC ST/SUNSET BL	13	8	13	12	11	3	60
SUNSET BL/PARK DR	9	9	5	8	14	5	50
SIERRA COLLEGE BL/CROSSINGS DR	7	5	9	8	10	6	45
STANFORD RANCH RD/SUNSET BL	9	5	9	7	7	3	40
ROCKLIN RD/EL DON DR	13	14	9	1	1	1	39
ROCKLIN RD/I80	10	6	4	6	10	2	38
SIERRA COLLEGE BL/ROCKLIN RD	8	8	5	7	7	1	36
SPRINGVIEW DR/SUNSET BL	5	7	8	3	11	1	35
SCHRIBER WY/SIERRA COLLEGE BL	1	2	6	7	14	5	35
SIERRA COLLEGE BL/GRANITE DR	3	7	5	7	7	3	32
<b>Grand Total</b>	<b>78</b>	<b>71</b>	<b>73</b>	<b>66</b>	<b>92</b>	<b>30</b>	<b>410</b>

As represented in the data, four intersections along Sierra College Boulevard are in the top ten (i.e., Sierra College Boulevard/Crossings Drive is 3rd, Sierra College/Rocklin Road is 7th, Sierra College Boulevard/Schriber Way is 9th, and Sierra College Boulevard/Granite Drive is 10th). The data also identified three intersections along Rocklin Road that are in the top ten (i.e., Rocklin Road/El Don Drive is 5th, Rocklin Road/I-80 is 6th, and Rocklin Road/Sierra College Boulevard is 7th). It should be noted that the intersection of Rocklin Road/Sierra College Boulevard is represented in both lists. Collectively, intersections along Sierra College Boulevard and Rocklin Road represent six of the top ten intersections for collisions in the last six years, although three of the six intersections (Sierra College/Crossings Drive, Sierra College Boulevard/Schriber Way, and Sierra College Boulevard/Granite Drive) are not directly within the project area.

When assessing where the top ten collision intersections in the City are located, it is not surprising that they are all on the City’s main arterials (e.g., Pacific Street,

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Sunset Boulevard, Park Drive, Sierra College Boulevard, Rocklin Road, Stanford Ranch Road), because these roadways are some of the primary routes to get into and out of Rocklin, and as such, they are traveled by high volumes of vehicles.

While the project will add traffic to Sierra College Boulevard and Rocklin Road, it is somewhat speculative to assume that additional traffic will translate into additional accidents. There is no reason to believe that project generated traffic on Rocklin Road and Sierra College Boulevard will consist of drivers that are more prone to get into or cause accidents than the existing motoring public. Potential additional accidents as a result of increased traffic are not considered to be a physical impact on the environment that would normally be addressed in a CEQA document.

The comment regarding additional traffic from the project will result in additional accidents does not specifically focus on the comprehensiveness and accuracy of the analysis in the DEIR and therefore such a comment does not affect the analysis or conclusions in the DEIR, but the comment will be forwarded to appointed and elected officials for their consideration.

- *Bicycling conditions.* As described on page 3.14-26 of the DEIR, the project would improve bicycling conditions in the project vicinity over current conditions. It would also not be inconsistent with or preclude construction of any planned bicycle facilities contained in the City's *Parks and Trails Master Plan (2017)*. This portion of the comment does not raise any issues related to the DEIR analysis or conclusions. Therefore, no further response is required.
- *I-80/Rocklin Road interchange improvements.* Interchange improvements will indirectly benefit conditions at Rocklin Road/El Don Drive intersection by eliminating the downstream bottleneck. It is further noted that the proposed project is required to restripe the northbound El Don Drive approach to consist of a left-turn lane and a shared left/through/right lane to improve lane utilization and reduce delays. The Sierra College Facilities Master Plan includes plans for a second eastbound left-turn lane at Campus Drive/El Don Drive, and the City's CIP includes the widening of Rocklin Road to six lanes. Thus, a number of different operational improvements are planned to improve conditions at Rocklin Road and El Don Drive.
- *Right-turn only driveways on Rocklin Road.* Two right-turn only driveways would be provided on Rocklin Road to serve the South Village. Left-turn movements would be prohibited by the extending the raised median. It is necessary to prevent left-turns given the spacing between El Don Drive and Havenhurst Circle and the plan for a right-turn only driveway to also be constructed on the north side of the street to accommodate ingress/egress from Sierra College. The project would increase westbound Rocklin Road u-turns at El Don Drive (by 32 vehicles during the AM peak

hour) and eastbound Rocklin Road u-turns at Havenhurst Circle (by 44 vehicles during the PM peak hour). Both of these signalized intersections currently permit u-turns. The traffic operations analysis reflected these movements.

**Response 37-10:** The comment states the following:

*There are numerous concerns with the proposed senior apartment complex that are not adequately addressed in the DEIR. First, the property does not meet the definition of infill as described in the report and instead, is part of a natural habitat that would best be preserved. Second, a four story, 60' tall building is completely out of character with the surrounding neighborhood. Third, the DEIR does not clarify whether Rocklin has a fire truck that is able to reach the fourth floor of a building. If so, where is the truck located and what will be the response times? Fourth, there is only one access road which will be constructed the same manner that the currently washed out El Don Drive is constructed. What happens when culvert washes out? City policy states that creek crossings should be avoided. Culverts hinder movement of wildlife. If the creek is to be crossed, we should learn from the situation at El Don and build a real bridge. Fifth, East Rocklin is not user friendly for public transportation. On the Sierra Gate Apartments website, the area is rated 22 out of 100 for minimal transit. Expecting seniors to effectively use transportation is magical thinking. They will more likely rely on others to give them rides or spend what little they have on Uber and Lyft with an end result of more traffic. Sixth, as illustrated in the proposed plan for the Senior Apartments, parking spots on the perimeter face directly into the backyards of residents on Havenhurst who will be subject to vehicle noise and headlights shining into their homes at all hours of the day and night. It will negatively impact their sleep, mental health and property values. I propose that the senior apartments be located closer to shopping to accommodate seniors who do not have their own transportation. Another alternative would be the North Village that will be closer to the Walmart and Target shopping centers.*

This comment is addressed, in part, under Master Response 6.

All building construction must be built in compliance with the zoning ordinance, which establishes the appropriate building heights for each zone. A ladder truck is just one element of many that provide safety and fire protection for taller buildings. The proposed buildings will incorporate multiple overlapping protection systems in their construction and design, via Building and Fire Code requirements and conditions of approval, including but not limited to the inclusion of “standpipe” water distribution systems in structures four stories and greater in height, stairwell access to the roofs of structures four stories and greater in height, 13-R Fire suppression systems in attic areas, Fire Alarm systems, and potential additional systems that may be required on a case by case basis during the detailed Building Permit review for a given structure. It is the stated opinion of the Rocklin Fire Chief that these systems, in concert, will provide a more than adequate level of resident safety and fire protection in these structures.

Local access to the North Village site would be provided by Rocklin Road and Sierra College Boulevard, while local access to the South Village would be provided by Rocklin Road and El Don Drive. El Don Drive is a two-lane collector/residential street with a posted speed limit of 25 mph. Directly south of Rocklin Road, El Don Drive is a median-divided street. South of Foothill Road, El Don Drive becomes a two-lane undivided roadway with fronting residences, extending to Sierra College Boulevard.



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The proposed development will decrease the existing drainage flows (discharge), currently experienced within the undeveloped areas by a minimum of 10%. Coupled with the recent drainage culvert improvements on El Don, specific at College Park South, the neighborhoods served by this drainage corridor will see an overall decrease in peak 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.

Impact 3.14-5 in the DEIR identified significant impacts to transit, specifically related to disrupting existing or planned transit service. Placer County Transit and Roseville Transit serve the Project Area with bus stops located in the eastbound and westbound directions of Rocklin Road adjacent to El Don Drive. Additionally, a stop is located in the Rocklin Crossings Shopping Center. As shown in Figure 3.14-6 of the Draft EIR, a driveway is proposed on Rocklin Road east of El Don Drive to serve the South Village, which would also be situated near an existing bus stop.

In addition to the transit agencies discussed above, transit is provided for school aged children by the Loomis Union School District through Mid-Placer Public Schools Transportation Agency. Parents can submit an application for a bus pass to attend the schools in the District. New routes are established based on a variety of factors. Students are expected to walk the following distances to school or bus stops: K-3<sup>rd</sup> (3/4 miles), 4-8<sup>th</sup> (1 miles), 9-12<sup>th</sup> (2.5 miles). Students are assigned to the stop nearest the street address stated on the bus pass application. New bus stops are established based on needs of the students applying for a bus pass. Additionally, the Loomis Union School District and Mid-Placer Public Schools Transportation Agency evaluate and establish new bus routes for new projects.

As outlined in Mitigation Measure 3.14-3, the applicant is required to coordinate with the City of Rocklin and Placer County Transit regarding the placement and design of its project driveways on Sierra College Boulevard and Rocklin Road to ensure that they do not interfere with existing/planned transit operations. This measure also requires the applicant to coordinate with the Loomis Union School District and Mid-Placer Public Schools Transportation Agency regarding bus routes and stops to serve students. Additionally, Mitigation Measure 3.14-3 calls for the applicant to construct a bus shelter and turnout along the North Village project frontage on Sierra College Boulevard north of Rocklin Road to accommodate ingress to each Project driveway.

The recommended design revisions for parking orientation will be provided to the appointed and elected officials for their consideration. Regarding the comment that parking orientation has the potential to cause vehicle noise, noise impacts were analyzed in Section 3.11 consistent with the City's noise standards and where impacts are identified, mitigation is provided. There will be a masonry wall separating parking areas from neighboring backyards, so there will be no vehicle lights shining into homes at all hours of the day and night as suggested by the commenter.

**Response 37-11:** The commenter provides several questions about how affordable housing, including how the City defines affordable, low income, market rate, etc. The comment includes

narrative regarding the socioeconomics of housing and people in the area, and suggests building more modest homes instead of the seven apartment complexes.

This comment is noted. The commenter is directed to the City's Housing Element for a more detailed discussion about affordable housing in the City, including its definition. The socioeconomic concerns that the commenter has are considerations that will be heard by the appointed and elected officials; however, they are not environmental topics covered under CEQA and the Draft EIR.

**Response 37-12:** The comment discusses retail commercial space and cites a problem with vacancy at existing retail spaces.

This comment is noted. The economic concerns that the commenter has for high rents and retail vacancies are considerations that will be heard by the appointed and elected officials; however, they are not environmental topics covered under CEQA and the Draft EIR.

**Response 37-13:** The comment discusses alternatives, and suggest that there are only two that result in any level of mitigation of the environmental impacts. The commenter suggests that the reduced footprint alternative is the least worst of these alternatives. The commenter quotes several pages of the DEIR regarding reduced impacts from greater setbacks, reduced emissions, and reduced traffic. The commenter concludes that the "least worst of the project does not go far enough and can be improved upon by reducing the imprint by more than 17%."

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 DEIR, rather it includes a recommendation for an alternative.

**Response 37-14:** This comment provides closing thoughts and recommendations by the commenter. These are largely a summary of concerns discussed throughout the comment letter, with a bulleted list of recommendations. The bulleted recommendations are as follows:

- The City should adopt either a no build or alternative plan of a reduced footprint. A 17% reduction in footprint does provide for some mitigation, however, it does not go far enough. If planned correctly, a small imprint will allow significantly more trees to remain in the current tree canopies as well as protect our riparian areas.
- Current money in the City's mitigations funds should be used to purchase the property in the proposed South Village to create a walking trail near the natural habitat. The City found the resources to preserve the former Sunset Whitney Golf Course. This can be done again. East Rocklin deserves the same protection of our riparian areas as the rest of Rocklin enjoys. By doing this, creek setbacks will be more than the minimum 50 feet which is completely inadequate. The .971 acres of sensitive aquatic habitat will be preserved and homes will not be built in an area that clearly floods more than once every 100 years.
- Instead of paying another mitigation fee, park land should be set aside at the rate of 5 acres per 1,000 residents. A minimum of 9.34 acres of park land should be added to the project. The current plan shows a bias against East Rocklin regarding park development. This needs to be corrected.
- The senior apartments should be moved to a location that is within walking distance to shopping. However, if the City moves forward and approves the senior apartments, the height of the building should be reduced to no more than two stories and the footprint of the complex should be reduced to allow for the riparian habitat to remain

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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natural and to remain consistent with homes in the area. Access to the property should be via a bridge, not a culvert.

- The North Village should have an active homeowner’s association. Homes should be owner occupied to create real opportunities for individuals and families to own homes and build equity. Rental apartments should not be built.
- North Village should include a community swimming pool for summer recreation.
- Retail/office space should be reconsidered given the high vacancy rate and turnover of the current retail/office space on Rocklin Road.

The first bullet is addressed in Response 37-13. The second bullet is a financial budgeting consideration for the City. The third bullet is addressed in Response 37-7. The fourth bullet is addressed in 37-10. The fifth, sixth, and seventh bullet are socioeconomic concerns that are not environmental topics under CEQA. The socioeconomic concerns that the commenter has are considerations that will be heard by the appointed and elected officials; however, they are not environmental topics covered under CEQA and the DEIR.

**Response 37-15:** This is a closing statement and does not warrant a response.



November 7, 2021

**Via Electronic**

David Mohlenbrok  
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City of Rocklin, Community Development Department  
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**Reference: 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:

It is our understanding that Unnamed Applicant's (No Applicant Declared by City, Information Withheld) ("Applicant's Unnamed") College Park Project ("Project") has submitted a Planning Application to the City and paid for the preparation of a Draft Environmental Impact Report (DEIR). The Unnamed Applicant is seeking approval of Tentative Subdivision Maps, General Plan Amendments, Rezoning, and a General Development Plan for the proposed Project. The proposed Project is the development of the 108.4-acre of land owned by Sierra Joint Community College District 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 General Development Plan, 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.

Thank you for the opportunity to comment on the College Park Project and the City of Rocklin's consideration of a Tentative Subdivision Map, General Plan Amendment, Rezoning and General Plan Development and Draft Environmental Impact Report (DEIR). On behalf of the Montclair Circle Property Owners, Sierra Geotech DBE, Inc., submits the following comments which are meant as guidance for the City of Rocklin (City), and the information requested is necessary to: 1) more fully understand the project, 2) assess whether the proposed Project will be constructed and operated in compliance with applicable regulations, 3) assess whether the proposed project will result in significant environmental impacts, 4) assess whether the EIR fully discloses the impacts of the proposed project and effects on Sierra College Campus existing operations and long range planning for the Sierra College Campus and implementation of the Master Facilities Plan, 5) assess mitigation measures and overriding consideration of significant impacts, if necessary. The following paragraphs are organized by each section addressed in the DEIR and comments on the adequacy of these sections to meet the data adequacy requirements of CEQA and the analysis to support the City's environmental documentation for the proposed project. The Montclair Circle Property Owners would request the following analysis to provide the nearby property owners with the necessary information to maintain the living environment of the Montclair neighborhood.

38-1



### GENERAL COMMENTS

The proposed 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 proposed 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.

38-2

Analysis of the internal form and the character of the boundaries of the Sierra College Campus is useful in understanding the interaction between the college campus and its immediate environment which includes the proposed Project area of public lands owned by Sierra Joint Community College District. The form of the Sierra College Campus affects its ability to expand and change internally. The proposed Project which is being considered by the City will also interact or drive the form and character of the proposed campus as it implements the FMP. Formal – axial patterns with strongly marked boundaries which seem to assert, "There, it is finished," are difficult to modify internally and are nearly impossible to expand gracefully once the closed design is filled in as will occur with the proposed Project. The DEIR does not provide proper analysis concerning this relationship.

For the proposed Project to meet the objectives of the FMP for the Sierra Campus, the proposed Project Unnamed Applicant must understand Sierra Joint Community College District's vision for the Sierra Campus as outlined in the Sierra Joint Community College District's master planning and ensure the completed and imposing visage of the campus is reflected in the spatial relationships of land uses in the proposed Project. This has not been documented in the DEIR nor specific findings made. The proposed Project will affect the planned design of the Sierra Campus FMP and must be shown to have been developed to provide the space or palette for a future campus design as contemplated by the FMP. In the same sense, blurred boundaries between the campus and a variegated mixed-use urban development proposed by the proposed Project can permit varied responses to changed situations and yet permit retention of old forms and values.

38-3

A college campus area is the most complex type of institutional land use. A college campus displays in magnified form the entire range of problems of accommodating and integrating higher education into the overall pattern of urban development. A college campus has large, time-differentiated effects on traffic and





parking; influence the characteristics of demand on housing in adjacent areas; and generate demand for retail and service establishments that are different from those of the typical urban residential neighborhood. The proposed Project does not demonstrate it is planned for such coordination, nor has the DEIR made the necessary findings to ensure the proposed Project will be integrated with the Sierra College Campus FMP. The DEIR is silent on the complexity of the two land uses and discussion of compatibility with the complex college institutional land uses be immediately adjacent to the proposed Project.

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 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.

38-3 Cont.

Now, more than ever, it is essential that the City adequately identify and analyze the proposed 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. CEQA requires the decision-making agency (City) to balance, as applicable, the economic, legal, social, technological or other benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable." (CEQA Guidelines §15093(a).) CEQA requires the agency to state, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record. (CEQA Guidelines § 15093(b).) The DEIR has provided no substantial evidence to support specific reasons for considering the proposed Project acceptable given the proposed project may have identified significant impacts once an adequate environmental analysis and data is presented.

38-4

As explained below, the proposed 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 exist, 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.

Clearly the statement that the proposed Project is an Infill Project is misleading at best and outright false making the whole analysis flawed based on that characterization of the proposed 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 proposed Project site does not meet criteria 2 since it has never had a residential or mixed-use residential project approved. In addition, the proposed 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.

38-4 Cont.

With respect to this proposed Project, the DEIR fails to satisfy the basic purposes of CEQA. The DEIR fails to adequately disclose, investigate, and analyze the proposed 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 proposed 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 proposed Project may result in potentially significant impacts which have not been evaluated. Therefore, a fair argument can be made that the proposed 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.

38-5

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*). 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

38-6





environmental baseline and properly characterize the proposed Project site; and 3) Fails to identify, analyze, and mitigate to the extent feasible, all the significant impacts that the proposed 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 proposed Project until an adequate DEIR is prepared and circulated for public review and comment.

38-6 Cont.

**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.

38-7

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.

**SECTION ES AND 1 EXECUTIVE SUMMARY AND INTRODUCTION**

On Page ES-1 six lines down the DEIR Project Description states: “The North Village Site is generally bound by Sierra College Boulevard to the west, Rocklin Road to the south, the Rocklin City limits to the east, and vacant land to the north.” Please define the North Village Site specifically rather than “generally bound” which denotes there is no exact geographic boundary to the proposed Project which is a violation of the Government Code and Public Resources Code.

38-8

On Page ES-1 ten lines down the DEIR Project Description states: “The South Village site is generally bound by Rocklin Road to the north, El Don Drive to the west, and residential subdivisions to the south and east.” Please define the North Village Site specifically rather than “generally bound” which denotes there is no exact geographic boundary to the proposed Project which is a violation of the Government Code and Public Resources Code.

38-9

On page ES-1 the Project Description on the second paragraph cites “The North Village and South Village sites are infill development sites located within the City of Rocklin approximately one quarter mile apart along the Rocklin Road corridor.” This statement is not accurate and misleading. The North Village is not off Rocklin Road but rather it is adjacent to Sierra College Boulevard. In addition, this paragraph characterizes the Rocklin Road as a “Corridor” which is a mischaracterization since this area of Rocklin Road does not meet the definition of “Corridor” which is a heavily populated strip of land or railroad access between two urban areas or a transport corridor which is a linear area that is defined by one or more modes of transportation.

38-10

The DEIR claims the Project site is an “Infill Development Project” which mischaracterizes the environmental setting of the proposed Project resulting in the analysis to be mis analyzed and underestimated concerning potential impacts. But rather this proposed 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

38-11



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 proposed Project site is an "Infill Development" in the second paragraph on page ES-1 of the DEIR is misleading at best and outright false making the whole environmental analysis presented in the DEIR flawed based on that characterization of the proposed Project site. The first criteria requires that the land was previously developed. The evidence is that this proposed Project site has never been developed, but rather was donated to Sierra Joint Community College District 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 proposed Project site does not meet criteria 2 since it has never had a residential or mixed-use residential project approved. In addition, the proposed 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. The DEIR must correct the mischaracterization and base the environmental analysis on an appropriate description of the Project setting, thus requiring the DEIR be recirculated.

38-11 Cont.

Third paragraph on page ES-1 the DEIR states that *"For years, the potential of North and South Village sites has been envisioned for development to economically benefit Sierra College."* There is no evidence in the record to substantiate this statement. But rather the evidence is that the land is titled to Sierra Joint Community College District as public lands by the grant deed and Sierra Joint Community College District has no authority granted to it by the Education Code for a mission as an Urban Real Estate Developer for private purposed and profit.

Third paragraph on page ES-1 the DEIR states *"The College's Facilities Master Plan, adopted by the Trustees in 2018 describes and illustrates the long-term vision of facility planning at its Rocklin campus and does not designate the Project Area for campus uses."* This statement is not cited from the FMP and cannot be verified in the FMP. The DEIR for the FMP on page 3-2 states *"The District owns 72 acres east of Sierra College Boulevard and 36 acres south of Rocklin Road, which are now considered "surplus," and have been excluded from the FMP."* The DEIR does not characterize nor evaluate the proposed Project area as a private development which has been considered as part of the FMP or CEQA evaluation of the FMP and Sierra Joint Community College District Lands. It is documented that only the land is now "considered surplus", yet to date the Sierra Joint Community College District has not sold the surplus property to allow private development, but rather it is still held by title as public lands owned by Sierra Joint Community College District. This portion of the Executive Summary is misleading and does not provide accurate information supported by cited public documents to verify such statements.

38-12





Third paragraph on page ES-1 the DEIR states *"the College's 2014 Facilities Master Plan designates the Project Area for revenue generation to benefit the College's students, programs, and facilities."* The DEIR provides no citation for this statement from the 2014 FMP, please provide citation. The above DEIR statement is contrary to the *California Education Code Section 17457* which states *"Notwithstanding any other provision of this part, in connection with a sale, sale back, lease, or leaseback of school district property, no proceeds obtained by the school district from the sale of the sale back or leaseback agreement, or interests therein, or a debt instrument payable from payments under the sale back or leaseback agreement shall be used for general operating purposes of the school district."* The statement above in the DEIR is misleading stating that the Sierra Joint Community College District will utilize the revenue generated by the sale of the proposed Project area as surplus lands will then be used for "students", and "programs" which are forbidden by *Education Code, California Education Code Section 17463.7* which states *"(a) Notwithstanding any other law, a school district may deposit the proceeds from the sale or lease of surplus real property, together with any personal property located on the property, purchased with nonstate funds, into the general fund of the school district and may use the proceeds for any one-time general fund purpose. If the purchase of the property was made using the proceeds of a local general obligation bond or revenue derived from developer fees, the amount of the proceeds of the transaction that may be deposited into the general fund of the school district may not exceed the percentage computed by the difference between the purchase price of the property and the proceeds from the transaction, divided by the amount of the proceeds of the transaction. For purposes of this section, proceeds of the transaction means either of the following, as appropriate: (d) Before the school district exercises the authority granted pursuant to this section, the governing board of the school district shall adopt a plan at a public meeting for expending one-time resources pursuant to this section. The plan shall identify the source and the intended use of the surplus property proceeds and describe the reasons why the expenditure will not result in ongoing fiscal obligations for the school district."* Again, the DEIR mischaracterizes the allowed use of the proceeds from the sale of the surplus property misleading the public and not fully disclosing the requirements of proceeds from the District's sale and the District's adopted reasons why the designated expenditure of the proceeds comply with the *Education Code*.

38-12 Cont.

The first line on page ES-2 of the DEIR it states *"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."* In this sentence and no other location with the DEIR is the Applicant revealed to the public. 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 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*).

38-12 Cont.

## SECTION 2 PROJECT DESCRIPTION

### 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*).

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*)

38-13

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.





#### 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.4<sup>th</sup> 310, 316; *Fat vs. County of Sacramento* (2002) 97 Cal.App. 4<sup>th</sup> 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.4<sup>th</sup> 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 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.4<sup>th</sup> 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.4<sup>th</sup> 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.4<sup>th</sup> 99, 125)

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.4<sup>th</sup> 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.4<sup>th</sup> at 321; *Save our Peninsula Committee vs. Monterey County Board of Supervisors* (2001) 87 Cal.App.4<sup>th</sup> 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.4<sup>th</sup> 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.5<sup>th</sup> 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.

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## SECTION 3 ENVIRONMENTAL SETTING, THRESHOLDS OF SIGNIFICANCE, ENVIRONMENTAL IMPACTS, AND MITIGATION MEASURES

### 3.1 Aesthetics and Visual Resources

#### *DEIR Fails To Describe the Aesthetics Setting Against Which Impacts Should be Measured*

The DEIR does not describe the Aesthetics setting of the proposed Project site. The DEIR does not provide descriptions of existing visual setting of the vicinity of the proposed Project site, nor the region that can be seen from the vicinity of the proposed Project. The aesthetics setting does not provide Topographic Maps of the area from which the proposed 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 proposed 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 proposed 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 proposed Project. The DEIR failed to have discussions with community residents who live in close proximity to the proposed Project, failed to identify the scenic corridors and any visually sensitive areas potentially affected by the proposed 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 proposed 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 proposed Project.

The discussion of determination of visual impacts potentially caused by the proposed 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 proposed Project area, computer-generated visual simulations from identified Key Observation Points (KOPs), and research on design measures for integrating the proposed 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 proposed 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 proposed Project's cumulative impacts on visual resources.

#### *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 DEIR 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 proposed Project area among single-family homes and other sensitive visual receptors (Sierra College Campus) is not an impact. The DEIR further states that the project will not have impacts to the vista or viewsheds. The City has not

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defined the viewshed to make an environmental determination. In addition, the City has not identified any key observations points (KOPs) of the proposed 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 proposed Project's potential impacts on visual resources the view areas most sensitive to the proposed Project's potential visual impacts must be identified. The DEIR 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 proposed 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 Joint 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.
- 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.

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**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 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 Buihyoff et al., 1994.*

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The discussion of determination of visual impacts potentially caused by the proposed 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 proposed 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 proposed 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 proposed 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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### 3.2 Agricultural Resources

#### *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 classifications within the Town of Loomis adjacent to the proposed 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 proposed 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 proposed 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 proposed 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 (H<sub>2</sub>S) 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.*

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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 proposed 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 proposed 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 proposed Project site. Silage fields surrounding the proposed Project site are utilized for spreading manure and effluent from Loomis local livestock operations and are located within ¼ mile of the proposed 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 proposed 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

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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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### 3.3 Air Quality

#### *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 timelines 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 proposed 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 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 proposed Project.

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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 proposed project to be carried out within the proposed Project's North Village and South Village, despite in the project description it states at this time the proposed Project cannot determine the buildout of the proposed 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 proposed 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 proposed 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 makes 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 proposed Project's construction and operations. The DEIR does not reference appropriate methodologies provided by the California Air Resources 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 proposed 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 quality modeling to represent traffic congestion on Interstate 80, Rocklin Road, 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 where 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 proposed 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 proposed Project area and infrastructure improvements for the proposed Project. The proposed 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 proposed Project's North Village and South Village areas and associated construction of roadway improvements on Rocklin Road and Sierra College Boulevard. However, the proposed Project's CalEEMod output files reveal that none of these land uses were incorporated and,

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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 proposed Project's construction and operational activities, the air model results in an underestimation of emissions and should not be relied upon to determine the proposed 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.

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 proposed 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 proposed 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 proposed 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 restaurants and associated smoke and odors have not been evaluated to demonstrate such potential impacts will not create a nuisance nor irritant to other

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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 proposed 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, CO<sub>2</sub>, CO<sub>3</sub>, SO<sub>2</sub> 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 the proposed 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 proposed 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 proposed Project's demolition impacts associated with the FMP 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

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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 proposed 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 proposed 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 proposed 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.

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### 3.4 Biological Resources

#### *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 proposed Project area. The DEIR fails to describe the existing setting for the designated natural areas within the proposed Project area.

By omitting these natural area lands from the DEIR's description of environmental setting, the DEIR omits critical details regarding the proposed Project's impacts. These impacts must be disclosed and analyzed in a DEIR. 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.

#### *DEIR Fails to Describe the Existing Setting for Sensitive Plant and Wildlife Communities*

The entire proposed 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 proposed 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 amenable 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 proposed Project area from the DEIR's description of environmental setting, the DEIR omits critical details regarding the proposed 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.





### *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.

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 proposed 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

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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.

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.

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

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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.

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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 was 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 is 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.

**3.5 Cultural Resources**

*DEIR Fails to Adequately Address Impacts to Cultural Resources*

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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.

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 proposed 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 proposed Project area. Furthermore, regarding cultural resources, the DEIR states that large portions of the proposed 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.

### 3.6 Geology and Soils

#### *DEIR Fails to Adequately Address Impacts to Geology and Soils*

The DEIR finds that the proposed 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

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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.

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**3.7 Greenhouse Gases, Climate Change and Energy**

*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.

Here, the DEIR fails to adequately disclose, analyze, and mitigate GHG impacts on climate change from the proposed 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 proposed Project and cannot be relied upon to determine significance of the proposed Project’s GHG emissions. Additionally, the DEIR fails to demonstrate with substantial evidence that the proposed 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 proposed 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.

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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 CO<sub>2</sub>e/yr. for 2022 and 1,304.2 MT CO<sub>2</sub>e/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 proposed 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 CO<sub>2</sub>e/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 CO<sub>2</sub>e/yr. in 2023 the DEIR provides limited justification in its decision to 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 CO<sub>2</sub>e/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 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 CO<sub>2</sub>e/yr. threshold, therefore, does not apply and should not be used in determining the Project's GHG significant impacts.

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### 3.8 Hazards and Hazardous Materials

#### *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 the proposed 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.

The DEIR concludes that the proposed 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 proposed 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 proposed 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 proposed Project's health risk impacts will be less than significant, the DEIR's conclusion is not supported by substantial evidence.

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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 proposed 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 proposed 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 proposed 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

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not exceed 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 proposed 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 proposed Project's construction will last more than 6 months, and the proposed 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 proposed Project's construction emissions. To demonstrate the potential risk to nearby receptors from proposed Project construction, we performed a screening-level health risk assessment of the proposed 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 proposed Project's construction emissions.

We determined that unmitigated DPM emissions released during the proposed Project's 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 proposed Project's 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 proposed 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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**3.9 Hydrology and Water Quality**

*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.

**3.10 Land Use and Planning Section**

*DEIR Does Not Provide Substantial Evidence to Approve the Proposed Project Land Use Requests*

The proposed 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 proposed Project is currently designated as Mixed Use (MU) general plan designation under the current adopted City General Plan. The Unnamed 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 proposed 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.

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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 Unknown 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.

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.

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.

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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 the City staff 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 and therefore *"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*.

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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.

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 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.

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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 *Leshler 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 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.*

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The *Leshler 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

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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.

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

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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.

The proposed Project is located on publicly owned land by Sierra Joint Community College District which the Board of Trustees adopted an Environmental Impact Report (EIR) in November 2018 which states that to mitigate to a less than significant level the impacts of land use in implementing the FMP the Board of Trustees adopted Mitigation Measure LU-68 found on page 4.9-15 of the DEIR dated November 2018, which states "Adopt and implement land use strategies that utilize existing infrastructure, reduce the need for new roads, utilities, and other public works in newly developing areas, and enhance non-automobile transportation." Clearly this proposed Project area owned by Sierra Joint Community College District is defined as "newly developing areas" and must be planned for so as not to require new utilities, roadway capacity expansion, and only utilize existing infrastructure. The proposed General Plan Amendment, and Rezone will violate the adopted mitigation measure for this proposed Project area and will be a violation of the Public Resources Code.

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The Mitigation Measure LU-68 must be enforced by the City and the Board of Trustees of the Sierra Joint Community College District. CEQA operates under the principle of "one project, one document." In other words, one environmental document should be prepared for a given project. When agencies other than the lead agency (such as responsible agencies) must comply with CEQA for the same project, the document prepared by the lead agency must be used by these other agencies to fulfill their CEQA obligations, with some limited exceptions.

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. In addition, the City as a Responsible Agency under CEQA is obligated to carry out the adopted Mitigation Measure LU-68 from the FMP EIR adopted by the Board of Trustees of the Sierra Joint Community College District which forbids the approval of the requested General Plan Amendment and Rezone. 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, and violates the adopted Mitigation Measure LU-68 for the FMP EIR in November 2018. As currently proposed, the proposed Project therefore violates mandatory requirements of the Public Resources Code, Rocklin General Plan and Rocklin Zoning Code and cannot be approved.

*The Proposed Project Contravenes the Rocklin 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

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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. The DEIR is not data adequate to allow evaluation of land use spatial relationships to such incompatible land uses due to noise.

***City of Rocklin and Sierra Joint Community College District Lacks Purpose Required to Approve General Plan Amendment and Rezone***

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 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 below 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 owned properties which make up the proposed Project area.

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*

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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 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."

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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. To date the Sierra Joint Community College District has not sold this land to allow private ownership and thereby provide purpose for the City of Rocklin.

*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

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## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES



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.

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.

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 easement and creating a barrier that would physically divide the existing residents from the

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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

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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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### 3.11 Noise

#### *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 proposed 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 proposed 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.

### 3.14 Transportation and Circulation

#### *DEIR Fails to Adequately Address Transportation and Traffic*

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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 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 depends 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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**Omitted Section Wildfires**

The DEIR does not address Wildfires as required by the CEQA Guidelines. Wildland-Urban Interface (WUI) Fire Risks were not evaluated or addressed in the DEIR. The proposed Project will increase the risk of wildland fires due to the increasing amount of urbanizing acreage of Wildland-Urban Interface (WUI) with the east side of Rocklin. The proposed Project site meets the definition of WUI due to the spatial relationship of the proposed Project site between urban landscapes and wild landscapes. The proposed Project site is adjacent to native natural vegetation areas. The proposed project site is currently in close proximity to wildlands in their natural vegetative habitat. The WUI is thus a focal area for human-environmental conflicts, such as the destruction of property and loss of life by wildfires. The proposed project site is typified as an intermix WUI development with the ideal conditions to produce the highest wildfire risk possible within the City of Rocklin. Due to the nature of the proposed project meeting the definition of WUI and the trends in wildland fires associated with WUI the proposed project would result in a significant and unavoidable impact which will expose people and structures to significant risk of loss, injury, or death involving wildland fires. No mitigation measures can avoid the impact of WUI and the fact that the proposed project site is separated from continuous urban development by vacant, or wildlands.

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The proposed project site is home to oak woodlands, and grasslands plant communities. These plant communities are some of the most fire-prone plant communities in North America, and wildfire plays a pivotal role in the oak woodlands ecology. Fire suppression near urban areas can lead to a buildup of fuel, which can result in larger fires. Dry, hot summers in the Rocklin can dry out vegetation in the summer, leading to easily ignitable organic material. The DEIR needs to address this hazardous condition associated with the proposed project site and provide mitigation as may be appropriate.





#### SECTION 4 OTHER CEQA REQUIRED TOPICS

##### **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 Cal.3d 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*)

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. 32<sup>nd</sup> District Agricultural Association (1986) 423 Cal. 3d 929, 935*)

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

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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.

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**4.1 Cumulative Setting and Impact Analysis**

*DEIR Fails to Adequately Address Cumulative Impacts*

The cumulative impact 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 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 impact analysis analyze the combined impact of the activities proposed in the region. The cumulative impact analysis cannot withstand scrutiny, because here the City and the Unnamed Applicant 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 be 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)(1)). 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 proposed 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

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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).

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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. 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.

**SECTION 5 ALTERNATIVES TO THE PROPOSED PROJECT**

**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*).

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

**CONCLUSION**

In conclusion, the Montclair Circle Property Owners appreciates the opportunity to comment on the Draft Environmental Impact Report required for the proposed College Park Project to address concerns of the residents and property owners of the Montclair Circle neighborhood. The proposed Project presents significant environmental impacts that the City failed to address and disclose in the DEIR, which must be

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disclosed, analyzed, and mitigated in a revised DEIR prior to Project approval by the City. The DEIR Project Description is improperly truncated. The Unnamed 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 proposed 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. DEIR was filled with numerous mischaracterizations of the proposed Project, setting, and adopted public policy by the Board of Trustees of the Sierra Joint Community College District which may mislead the public and cause error in the impact analysis, findings, and conclusions. 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. If you have any questions, please advise.

38-33 Cont.

Regards,

**SIERRA GEOTECH, DBE, INC**

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**Response to Letter 38: Brent Moore 2, Public Comment Submission**

It is noted that the contents of this letter are largely a repeat of comments provided in the Allan Frumpkin Letter (Letter 8). Where the comment is repeated, we will defer the commenter to the Letter 8 responses rather than duplicating the response here.

**Response 38-1:** This comment services as an introductory statement. The commenter also emphasizes that the Applicant is unnamed in the Draft EIR.

This comment is addressed under Response 8-9.

**Response 38-2:** This comment provides general comments about the proposed Project and other projects in the region. The theme of this comment is generally that each new project places a tax on air, biological, aesthetics, utilities, transportation and government services and causes cumulative impacts.

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 Draft EIR. The City has prepared the DEIR in good faith.

**Response 38-3:** This comment indicates that an analysis of internal form and character of the Sierra College Campus is useful in understanding the interaction between the college campus and its immediate environment. The commenter indicates that an analysis of the Sierra College Campus and its immediate environment is not provided in the Draft EIR. The comment continues to discuss relationships between college campus, and urban development, and asserts that traffic and parking influence the characteristics of demand on housing, retail, and services. The comment indicates that the DEIR is silent on the complexity of the two land uses

It is noted that the internal form of the Sierra College Campus is not proposed to be modified in any way based on the proposed Project. Section 2.0 Project Description clearly articulates what is proposed, and nothing alludes to modifications to the internal form or character of the campus. Instead, the internal form and character of the Sierra College Campus is governed by the FMP. It is notable, that 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 Facilities 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 Facilities 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 Facilities 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.*

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*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.

As it relates to the Project site, the Rocklin General Plan is the document that guides development, including form and function. The City of Rocklin has planned to promote orderly and well-planned development which enhances the City. The General Plan describes that it seeks to promote flexibility and innovation in new development through the use of planned unit developments, development agreements, specific plans, mixed-use projects, and other innovative design and planning techniques.

The Project proposes a mix of residential, business professional, commercial, and parks and open space uses. The proposed Project would not disrupt or physically divide an established community, as the Project Area is currently undeveloped, with the exception of a single home on an approximately 1-acre parcel on the North Village site, and is primarily surrounded by existing roadways, undeveloped land, or existing development that is consistent with the proposed uses for the sites. Site plans provided in the Project Description illustrate the form of the development.

Overall, the Project represents a mixed-use development within the City limits, adjacent to areas of the City that are currently urbanized. The proposed Project would not divide an established community; rather it would extend or support existing uses within the surrounding area. Within both the North and South Villages, open space and park areas would provide connections and transitions between residential uses and non-residential development. Pedestrian and bicycle

connections to the Project Area would enhance mobility within the Project Area and to the surrounding environs.

**Response 38-4:** This comment suggests that there is not substantial evidence provided that support the reasons the proposed project is acceptable. The comment indicates that the analysis is not adequate. The comment also lists a variety of environmental topics and indicates that the Project will generate a multitude of significant, unmitigated impacts associated with these topics. The commenter proceeds to indicate that DEIR claims that the Project is an “Infill Project” which mischaracterizes, mis-analyzes, underestimates, and fails to identify many of these impacts. The commenter then provides several paragraphs in support of the commenter’s conclusion that the Project is not an Infill Project.

These comments are addressed under Master Response 6 and Response 8-4.

**Response 38-5:** 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.

This comment is addressed under Response 8-5.

**Response 38-6:** 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 an adequate DEIR is prepared and circulated for public review and comment.

This comment is addressed under Response 8-6.

**Response 38-7:** This comment indicates that the DEIR cited resources of data and technical information used to create the DEIR which did not exist.

This comment is addressed under Response 8-33.

**Response 38-8:** This comment concerns the use of the word “generally” when describing the location of the North Village site in the Draft EIR. The commenter suggests that the use of this word is a violation of the Government Code and Public Resources Code due to a failure to describe the Project location.

As discussed in the DEIR Section 2.0 Project Description, the Project includes several distinct planning boundaries defined below. The following terms are used throughout this DEIR to describe planning area boundaries within the Project sites:

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- Project Area – The Project Area is 108.4 acres in the southeastern portion of the City of Rocklin, consisting of the 72.6-acre North Village site and the 35.8-acre South Village site.
- North Village – The North Village site is 72.6 acres located northeast of the intersection of Rocklin Road and Sierra College Boulevard. The North Village Site is generally bound by Sierra College Boulevard to the west, Rocklin Road to the south, the Rocklin City limits to the east, and vacant land to the north.
- South Village – The South Village site is 35.8 acres located southeast of the intersection of Rocklin Road and El Don Drive. The South Village site is generally bound by Rocklin Road to the north, El Don Drive to the west, and residential subdivisions to the south and east.

These are accurate descriptions for the reader to orient themselves to the project location, which is then supported by an extensive series of figures that illustrate the precise location of the project. For instance, Figures 2.0-1 and 2.0-2 show the Project’s regional location and Project vicinity, respectively. Figure 2.0-3 (APN Map) shows the North Village site consists of APNs 045-150-023, -048, and -052 and the South Village site consists of APNs 045-131-001 and -003. Figure 2.0-4 shows a United States Geologic Survey (USGS) topographic map of the project area and its surroundings. The collection of text and illustrations sufficiently addresses the location of the project, and the argument that the use of the word “generally” is far from a violation of the Government Code and Public Resources Code.

**Response 38-9:** This comment creates some confusion given its inconsistent quotes about the “South Village site” and then its request to define the North Village site. Taken within the context of the Comment 38-8, it appears to be a copy and paste error by the commenter from that comment. Assuming the commenter meant to reference the South Village site consistently in this paragraph, the comment is fully addressed by Response 38-8 above.

**Response 38-10:** This commenter references a statement in the DEIR that the North Village and South Village. The commenter mentions that the North Village is not off Rocklin Road, but is adjacent to Sierra College Boulevard. The commenter also believes that the use of the word “corridor” is a mischaracterization of Rocklin Road.

The commenter is directed to review Figure 2.0-2 Vicinity Map, which clearly shows that Rocklin Road is located on the southern boundary of the North Village site, while Sierra College Boulevard is along the western boundary.

Additionally, the word “Corridor” in its simplest form is defined as a “passage.” A roadway is a passage, and the use of this descriptive term is appropriate in the Draft EIR.

**Response 38-11:** This commenter again provides a redundant discussion from Comment 38-4 regarding the use of the word “Infill Development.”

This comment is adequately addressed in Master Response #6.

**Response 38-12:** This commenter suggests that the College District has no legal authority to sell the Project site for the development of the property. The commenter then provides discussion about the FMP, requirements for disclosing applicants' names, application requirements, etc. in support of their claim that the District cannot sell the property for development.

This comment is addressed under Master Response #8.

**Response 38-13:** This commenter states the DEIR fails to adequately describe the Project.

This comment is addressed under Master Response #9.

**Response 38-14:** This commenter states the DEIR fails to adequately describe the Environmental Setting.

Each individual Section in the DEIR includes an environmental setting. The commenter does not identify what they feel is inadequate about the environmental settings that are included in the DEIR. These concerns are so general, and they lack any specificity or suggestion that could enable the City to consider text changes to the satisfaction of the commenter. This comment is also addressed under Response 8-17.

**Response 38-15:** This commenter states the DEIR fails to adequately describe the Aesthetic Setting and adequately address impacts.

This comment is addressed under Response 8-17.

**Response 38-16:** This commenter states the DEIR Agricultural Section fails to adequately address impacts.

This comment is addressed under Master Response #10.

**Response 38-17:** This commenter states the DEIR Air Quality Section fails to adequately address impacts.

This comment is addressed under Master Response #11.

**Response 38-18:** This commenter states the DEIR fails to adequately address Nature Areas and fails to describe the existing setting for sensitive plant and wildlife communities.

Regarding "Nature Areas", the commenter's misunderstanding of the location of Nature Areas defined in the FMP is discussed in previous responses, including Response 8-3. This comment is also addressed under Master Response #11.

**Response 38-19:** This commenter states the DEIR fails to adequately address Cultural Resources Impacts.

This comment is addressed under Response 8-24.

**Response 38-20:** This comment indicates that the DEIR fails to adequately address impacts to Geology and Soils.



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This comment is addressed under Response 8-26.

**Response 38-21:** This comment indicates that the DEIR fails to adequately address impacts to Greenhouse Gas Emissions.

This comment is addressed under Master Response #13.

**Response 38-22:** This comment indicates that the DEIR fails to adequately address impacts to Public Health as it relates to air quality.

This impact is addressed under Master Responses 11 and 13.

**Response 38-23:** This comment indicates that the DEIR fails to adequately address impacts to Hydrology and Water Quality.

Water Quality impacts are addressed in Section 3.9 Hydrology and Water Quality. This comment is addressed in Master Response 1, 2, and 3.

**Response 38-24:** This comment indicates that the DEIR does not provide substantial evidence to approve the proposed Project land use requests.

This comment is addressed under Master Response #7.

**Response 38-25:** 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.

This comment is addressed under Response 8-14.

**Response 38-26:** This comment indicates that the DEIR fails to adequately address impacts to Land Use and Planning.

This comment is addressed under Response 8-29.

**Response 38-27:** 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.

This comment is addressed under Response 8-30.

**Response 38-28:** This comment indicates that the DEIR fails to adequately address impacts to Transportation and Circulation

This comment is addressed under Response 8-31.

**Response 38-29:** This comment indicates that the DEIR fails to adequately address Wildfires.

The Project site is not within a high fire hazard severity zone as shown on Figure 4-13b of the General Plan, and is not considered as a high risk for wildland fire. Wildland fire has been addressed in the General Plan EIR, which is specifically referenced on page 3.8-17 of the DEIR where it states: "As a

*“program EIR” under CEQA Guidelines section 15168, the General Plan EIR analyzed the anticipated human health and hazards impacts that would occur as a result of the future urban development that was contemplated by the General Plan. These impacts included wildland fire hazards, transportation, use and disposal of hazardous materials, and emergency response and evacuation plans (City of Rocklin General Plan Update Draft EIR, 2011 pages 4.7-1 through 4.7-30). The analysis found that while development and buildout of the Rocklin General Plan can introduce a variety of human health and hazards impacts, these impacts would be reduced to a less than significant level through the application of development standards in the Rocklin Municipal Code, the application of General Plan goals and policies that would assist in minimizing or avoiding hazardous conditions, and compliance with local, state and federal standards related to hazards and hazardous materials.*

*These goals, policies and standards include, but are not limited to, Chapter 2.32 of the Rocklin Municipal Code which requires the preparation and maintenance of an emergency operations plan, preventative measures in the City’s Improvement Standards and Standard Specifications, compliance with local, state and federal standards related to hazards and hazardous materials and goals and policies in the General Plan Community Safety and Open Space, Conservation and Recreation Elements requiring coordination with emergency management agencies, annexation into fee districts for fire prevention/suppression and medical response, incorporation of fuel modification/fire hazard reduction planning, and requirements for site-specific hazard investigations and risk analysis.”* The Project site is designated for urban development, and it that approval, the City considered the risks associated with wildland fire when they certified the DEIR.

In addition to the fact that wildland fire has been considered by the City in their previous approval of urban development on the Project stie, page 3.8-9 of the DEIR addresses wildland fire as follows:

**Impact 3.8-6: The project has the potential to expose people or structures to a risk of loss, injury or death from wildland fires (Less than Significant)**

The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as underbrush and dry vegetation are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area to mass ratio and require more heat to reach the ignition point. For additional information related to fire station facilities, capabilities and response see section 3.14 (Public Services).

The site is not located within an area where wildland fires are known to occur, or within a high or moderate Fire Hazard Severity Zone as indicated by Calfire FHSZ Maps. The site is surrounded by developed land uses as well as open space and vacant land zoned for future Residential/Community College and Residential Estate developments. Therefore, this is a **less than significant** impact.

Fire protection services is discussed in Section 3.13 Public Services and Recreation.

**Response 38-30:** 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.

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This comment is addressed under Response 8-18.

**Response 38-31:** This comment indicates that the DEIR fails to adequately address cumulative impacts. The commenter provides several pages of text in support of this statement.

This comment is addressed under Response 8-25.

**Response 38-32:** This comment indicates that the DEIR fails to adequately address Alternatives. The commenter provides several pages of text in support of this statement.

This comment is addressed under Response 8-32.

**Response 38-33:** This comment is a summary and conclusion for the letter. It does not require a direct response.

The recommendations provided by the commenter will be provided to the appointed and elected officials for their consideration.