



CITY OF ROCKLIN

MEMORANDUM

DATE: February 20, 2018

TO: Planning Commission Members

FROM: David Mohlenbrok, Environmental Coordinator

RE: Memo for Croftwood 2 Subdivision Project – Comment Received on Mitigated Negative Declaration and Responses

The Croftwood 2 Subdivision Project Mitigated Negative Declaration (MND) was circulated for a public review period from December 14, 2017 to January 16, 2018. Comments received on the MND during the public review period and responses thereto were provided in the Planning Commission's agenda packet as Attachment 3 (pages 48-68) and Attachment 4 (pages 69-80). Subsequent to the distribution of the agenda packet, an additional letter from Lozano Smith, Attorneys at Law on behalf of the Loomis Union School District (LUSD), was received on Friday, February 16, 2018. A copy of that letters is attached to this memo, and a summary of the letter and responses thereto are provided below.

In addition, there are some minor text revisions to the responses that were previously provided to the Planning Commission in the February 13, 2018 "Memo for Croftwood 2 Subdivision Project – Comments Received on Mitigated Negative Declaration and Responses". The revisions were made in Response 1 to the January 16, 2018 Placer County comment letter and in Response 2 and Response 5 to the January 10, 2018 LUSD comment letter, and are noted in **bold and underlined** text below.

SUMMARY OF LOZANO SMITH COMMENT LETTER

Lozano Smith, Attorneys at Law on behalf of the Loomis Union School District (LUSD) provided comments on the Croftwood 2 Subdivision Project MND. Their comments are summarized below:

1. Lozano Smith represents the LUSD and is submitting comments on the Croftwood 2 MND into the formal administrative record on their behalf. A summary comment notes that the proposed MND does not comply with the California Environmental Quality Act (CEQA) for technical and substantive reasons, specifically for its failure to not adequately address the cumulative impact on schools and resorting to SB 50 as a shield against CEQA compliance.

2. The CEQA Analysis Fails to Adequately Consider and Mitigate the Project's Impacts on Schools – The MND and Initial Study (IS) do not accurately evaluate or propose mitigation of environmental impacts on schools caused by the Project. The MND/IS incorrectly concludes that payment of statutory developer fees fully mitigate impacts related to schools. Based on the *Chawanakee Unified School District v. County of Madera* (2011) 196 Cal. App. 4th 1016) case, impacts relating to schools that are not per se “impacts on school facilities” must be identified and analyzed, and if those impacts are significant, they must be mitigated. For example, an impact on traffic is not excused under SB 50, nor are impacts of construction on the non-school physical environment. The City is required to consider, address and mitigate any significant impacts on schools, including a determination of how the City will mitigate these impacts, other than by paying mitigation fees.
3. The CEQA Documentation Fails to Adequately Address Significant Impacts Relating Directly and Indirectly to Interim School Facilities – the MND/IS does not adequately address the issue of interim housing for students that will be generated as a result of the Project. The Project will generate approximately 28 students to the District's already overcrowded sites, and the CEQA analysis must consider that the District is currently near capacity in all of its schools and is already struggling to accommodate students at the anticipated attendance school for students of the Project. To the extent the District does not have existing capacity for these students, the MND/IS must analyze how students will be served until permanent facilities are available.
4. The CEQA Analysis Fails to Consider the Cumulative Impacts Related to Schools – CEQA requires the City to consider any cumulative impacts related to schools resulting from additional development already approved or pending within the District. Cumulative impacts refer to two or more individual effects, which, when considered together, are considerable or which compound or increase other environmental impacts. The MND/IS fail to analyze any of the potential cumulative environmental impacts of the Project when combined with other proposed developments within the District (including but not limited to traffic, noise, public services and interim facilities impacts). Although the MND/IS address cumulative impacts of other environmental factors, it fails to address the cumulative impacts on schools, including cumulative impacts related to a list of 23 specific development projects which would generate at least 1,318 students.
5. The City is Not Legally Limited to SB 50 as a Means of Mitigating Significant Impacts on Schools and School Facilities – in addition to addressing the required mitigation of impacts related to school facilities (including interim facilities, traffic, etc.) as required by *Chawanakee*, there are other mitigation options in addition to school impact fees under SB 50 that may help ensure sufficient school facilities and lessen the impacts of development. Examples include: 1) participation in a Mello-Roos Community Facilities District; 2) Revision to the

City's mitigation program, for example a system where it only approves a certain amount of development within a specified timeframe to avoid uncontrolled growth, and 3) the City can impose conditions on development related to issues other than school overcrowding, such as the need to widen roads or put in other traffic controls to accommodate increased traffic, safety measures to address pedestrian travel to school, and the need to add sound-proofing to offset noise increases from nearby development and resulting traffic.

6. In summary, based on the considerations previously identified, the District requests the drafting of an EIR to address all of the potential impacts and cumulative impacts of the Project on schools and school facilities, and to properly mitigate those impacts that are significant. The District also urges the City to consider all avenues available to it for mitigation of the potential impacts of its Projects on schools, rather than considering itself unnecessarily limited by SB 50.

RESPONSES

1. The summary comment introduces concerns that the MND/IS does not comply with CEQA for its failure to not adequately address the cumulative impact on schools and resorting to SB 50 as a shield against CEQA compliance, which are further elaborated upon in the letter's subsequent comments. See Responses 1-6 to the LUSD's comments in the February 13, 2018 "Memo for Croftwood 2 Subdivision Project – Comments Received on Mitigated Negative Declaration and Responses" and the specific responses below. The comments from Lozano Smith do not affect the analysis or conclusions reached in the MND, are considered to be noted and will be forwarded to the decision-makers; additional response or revisions to the MND are not necessary.
2. See Responses 1-6 to the LUSD's comments in the February 13, 2018 "Memo for Croftwood 2 Subdivision Project – Comments Received on Mitigated Negative Declaration and Responses", specifically Response 2 regarding overcrowding and inter-District student transfers and Response 5 regarding the MND's traffic analysis and the project's anticipated replacement of inter-District student transfer automobile trips. The comments from Lozano Smith do not affect the analysis or conclusions reached in the MND, are considered to be noted and will be forwarded to the decision-makers; additional response or revisions to the MND are not necessary.
3. See Responses 1-6 to the LUSD's comments in the February 13, 2018 "Memo for Croftwood 2 Subdivision Project – Comments Received on Mitigated Negative Declaration and Responses", specifically Response 2 regarding the project's inclusion in the LUSD's Facilities Master Plan (FMP) overcrowding and inter-District student transfers. The comments from Lozano Smith do not affect the analysis or conclusions reached in the MND, are considered to be noted and will

be forwarded to the decision-makers; additional response or revisions to the MND are not necessary.

4. As noted in the Croftwood 2 Subdivision project's MND/IS, the City's 2012 General Plan EIR was a program EIR which can be relied upon with respect to its analysis of impacts associated with the eventual buildout of future anticipated development anticipated by the General Plan, as set forth in CEQA Guidelines section 15168.

The General Plan EIR analyzed Cumulative Public School Impacts and noted that the cumulative setting for public school impacts includes the district boundaries for the Rocklin Unified School District (RUSD), the Loomis Union School District (LUSD), and the Placer Union High School District (PUHSD) for school services; these boundaries encompass the list of 23 proposed development projects within the Town of Loomis and Placer County that are impacting the LUSD and its schools as noted in the comment.

The discussion of Cumulative Public School Impacts in the General Plan EIR noted the following "Population growth associated with implementation of the proposed project, in combination with other existing, planned, proposed, approved, and reasonably foreseeable development in the cumulative setting, would result in a cumulative increase in student enrollment and require additional school-related facilities to accommodate the growth. The construction of new or expanded school facilities could result in substantial adverse physical impacts, which could cause significant environmental impacts. However, the proposed General Plan Update's mitigating policies and their associated action steps, as well as state law requiring mitigation through payment of development impact fees, ensure that the impact will be less than significant. Therefore, this is a **less than cumulatively considerable** impact."

The General Plan EIR also noted that any significant expansion of school facilities or the development of new school facilities (elementary through post-secondary) would be subject to the appropriate level of environmental review, the General Plan Update contains policies which would address the project's cumulative contribution to impacts on public schools, and current California state law indicates that the environmental impact of new development of K-12 school facilities is considered to be fully mitigated through the payment of required development impact fees.

The City has concluded that the cumulative impacts of the proposed Croftwood 2 Subdivision project on school facilities are "within the scope" of the analysis in the General Plan EIR and further cumulative analysis in the MND was, and is still not, necessary. The comments from Lozano Smith do not affect the analysis or conclusions reached in the MND, are considered to be noted and will be

forwarded to the decision-makers; additional response or revisions to the MND are not necessary.

5. The City appreciates the identification of mitigation options in addition to school impact fees under SB 50, however based upon the analysis and conclusions of the General Plan EIR and the Croftwood 2 Subdivision MND, the City does not believe that mitigation beyond payment of SB 50 school impact fees is necessary. In addition to the mitigation options identified in the comment, it should be noted that LUSD's FMP identifies funding sources available to the District, including Mello-Roos/Community Facilities District Special Taxes and Bonds, Developer/Mitigation Fees, State School Facility Program, New Construction Funding, Financial Hardship Funding, General Obligation Bonds, and School Facility Improvement Districts. The comments from Lozano Smith do not affect the analysis or conclusions reached in the MND, are considered to be noted and will be forwarded to the decision-makers; additional response or revisions to the MND are not necessary.
6. See Responses 1-5 above and see Responses 1-6 to the LUSD's comments in the February 13, 2018 "Memo for Croftwood 2 Subdivision Project – Comments Received on Mitigated Negative Declaration and Responses". The comments from Lozano Smith do not affect the analysis or conclusions reached in the MND, are considered to be noted and will be forwarded to the decision-makers; additional response or revisions to the MND are not necessary.

REVISIONS TO RESPONSES TO PLACER COUNTY COMMENT LETTER (revisions in **bold and underline**)

1. The City of Rocklin is a member agency of the Placer County Flood Control and Water Conservation District (PCFCWCD). The PCFCWCD has developed a regional flood control plan for the Dry Creek Watershed which is designed to mitigate for increased runoff resulting from development within the watershed. Two relevant flood control projects, Miners Ravine Off-channel Detention Basin and Antelope Creek Flood Control Project are being implemented.

The Miners Ravine Off-channel Detention Basin is completed and is located along Miners Ravine on the west and east sides of Sierra College Boulevard. The basin is partially within the Roseville Corporate Limits and partially within unincorporated Placer County lands. The basin provides habitat, stream and floodplain restoration components while providing substantial mitigation for increases in urban runoff and peak flood flow increases due to new and existing development in the watershed.

The Antelope Creek Flood Control Project is a two phase project to be located between Atlantic Street and Antelope Creek Drive in Roseville which will provide substantial mitigation for increases in urban runoff and peak flood flow increases

due to new and existing development in the watershed. The first phase of that flood control project, the upstream weir, was just completed. The second phase will be constructed in the future.

The proposed project is located within the Dry Creek watershed and surface runoff from the project will enter Secret Ravine, which is adjacent to the project site to the west. While it is acknowledged that regional flood control projects such as the Miner's Ravine Off-Channel Detention Basin and Antelope Creek Flood Control Project provide additional drainage capacity for the Dry Creek watershed, neither of those facilities will receive direct discharge from the project because they are located upstream of where Secret Ravine joins both Miner's Ravine and Antelope Creek. However, these facilities will provide an indirect benefit to the project since they provide additional drainage capacity for the overall Dry Creek watershed.

The proposed project incorporates a water quality treatment and detention basin. The Preliminary Hydrology and Hydraulics Study, prepared for the Croftwood II Residential Subdivision, examined and confirmed that the proposed basin would reduce, not increase, the post-project rate of runoff to less than that which would occur under existing conditions. The basin's treatment and storage components were sized in accordance with Placer County Flood Control and Water Conservation District standards. Therefore, the proposed project would not substantially increase the rate of surface runoff in a manner that would result in flooding on- or off-site.; nor would the proposed project exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

The discussion of Determination presented in Section IX describes prior environmental analyses of hydrologic impacts due to development contemplated in the City's General Plan which were analyzed in the General Plan EIR. The analysis found that buildout of the General Plan could result in hydrology and water quality impacts but that these impacts would be reduced to a less than significant level through the application of the City's Improvement Standards and Standard Specifications, the Rocklin Municipal Code, General Plan goals and policies related to hydrology, flooding and water quantity, and compliance with local, state and federal water quality standards and floodplain development. **As part of its improvement plans,** the project will be required to prepare a **final** drainage plan consistent with the City's policies which require no adverse cumulative drainage effects. The comments from the PCFCWCD do not affect the analysis or conclusions reached in the MND, are considered to be noted and will be forwarded to the decision-makers; additional response or revisions to the MND are not necessary.

REVISIONS TO RESPONSES TO LUSD COMMENT LETTER (revisions in **bold and underline**)

2. The proposed project is located within the boundaries of the Loomis Union School District (LUSD). The LUSD adopted a School Facilities Master Plan (FMP) in February 2016. The FMP is noted as being essential in planning for growth expected to occur within a school district's boundaries over the next 10 to 15 years, and it is intended to be a flexible document that will be revisited and updated periodically to serve as the framework for the construction of facilities necessary to serve as an effective district. The FMP notes that some areas of the City of Rocklin are within the boundaries of the LUSD and that there are two specific development areas that will have an impact on the LUSD. The FMP then lists specific development projects within the City of Rocklin including the adjacent Croftwood Unit # 1 Subdivision (aka Crowne Point) and its 156 single family units, but the FMP does not specifically include the Croftwood Unit # 2 Subdivision, presumably because the application for this project was made on January 27, 2017, subsequent to the FMP adoption. Nonetheless, because there was a previously approved project consisting of **60** single family residences on the project site, because the proposed Croftwood # 2 Subdivision project does not change the project site's long-standing General Plan land use and zoning designations for single family residential uses **and also contains 60 single family residential lots**, and because the Croftwood Unit # 2 Subdivision project is located in one of the specific development areas that will have an impact on the LUSD as noted in the FMP, the generation of LUSD students as a result of the project should be a part of the LUSD's continuous basis for planning educational facilities that will meet their needs, goals and objectives.

As noted in the MND, the proposed project will be required to pay applicable school impact fees in effect at the time of building permit issuance to finance school facilities, and the assessment of developer fees is regulated through the State Government Code. The assessment of developer fees is regulated through the State Government Code. Proposition 1A/Senate Bill 50 (SB50, Chapter 407, Statutes of 1998) establishes the base amount that developers can be assessed per square foot of residential and non-residential development. If a district meets certain standards, the base adjustment can be adjusted upward a certain amount. Under SB 50, payment of the identified fees by a developer is deemed to be "full and complete mitigation" of impacts on schools resulting from new development. Participation in these funding mechanisms, as applicable, will reduce school impacts to a less than significant level as a matter of state law.

California Government Code section 65995(h) states that "the payment or satisfaction of a fee, charge or other requirement levied or imposed pursuant to Section 17620 of the Education Code in the amount specified in Section 65995 and, if applicable, any amounts specified in Section 65995.5 or 65995.7 are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning,

use, or development of any real property, or any change in governmental organization or reorganization as defined in Section 56201 or 56073, on the provision of adequate school facilities.” This provision applies to elementary, middle and high school facilities.

In response to the LUSD’s concerns expressed about overcrowding and the potential need for expansion of LUSD school facilities, the LUSD’s FMP discussion of District Enrollment notes “Additionally, approximately 350 students currently enrolled reside outside of the District’s boundaries.” The FMP’s discussion of Projected Enrollment notes “Due to the anticipated enrollment with the new developments, the District may need to look at denials of future interdistrict transfer requests into the District in order to accommodate the new students that will have priority at District sites.” The Croftwood Unit # 2 Subdivision’s generation of approximately 28 students into a District that has approximately 350 students currently enrolled from outside of the District’s boundaries should not be viewed as a cause of overcrowding, but rather as an impetus for the proper balancing of inter-District transfers. The comments from the LUSD do not affect the analysis or conclusions reached in the MND, are considered to be noted and will be forwarded to the decision-makers; additional response or revisions to the MND are not necessary.

5. In response to the comment on the MND’s discussion of hazardous emissions near schools, the MND properly responds to the Initial Study checklist question VIII. c) of “Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?” by noting there are no schools within one-quarter mile of the project site and therefore concluding there is no impact.

In response to the comment on the MND’s discussion of traffic and the list of study intersections that were included in the project-specific traffic study that is summarized in the MND. The traffic modeling performed for the Croftwood Unit # 2 Subdivision’s traffic study assumes that vehicle trips that are generated from the project site disperse to other destinations such as work, shopping, entertainment, schools, etc., but the modeling does not track the specific location or end destination of the trips beyond the intersections that were selected for the project’s traffic study. **However, the traffic study at page 20, Table 6, does include regional trip assumptions, and project trips were assigned to the local street system based on such regional trip assumptions, and are set forth in Figure 4 on page 22 of the traffic study for the project.** The intersections that were selected for the project’s traffic study were selected based on the professional traffic engineer’s judgement in consultation with City staff, based upon the potential for the project’s traffic to affect Level of Service (LOS) operating conditions at the intersections. The volume of traffic generated from the proposed project that would occur on roadways and intersections throughout the LUSD boundaries as trips being made to and from the routes to

any of the possible attendance school sites is considered to be nominal and not at a level that would create LOS impacts.

It is also very likely that the trips generated by students from the Croftwood Unit # 2 Subdivision would be shorter in distance than those trips that are currently occurring from students attending LUSD schools via inter-District transfers, and those longer trips would be eliminated as the number of inter-District student transfers is reduced to accommodate additional students from within the District such as those generated by the Croftwood Unit # 2 project. In addition to the trips themselves being shorter (and the amount of automobile emissions being correspondingly reduced), it is anticipated that there would not be an overall increase in the number of trips on roadways and intersections throughout the LUSD boundaries since the trips created by the addition of 28 new students from the Croftwood Unit # 2 project would theoretically replace the trips currently being made by 28 existing inter-District transfer students.

The comments from the LUSD do not affect the analysis or conclusions reached in the MND, are considered to be noted and will be forwarded to the decision-makers; additional response or revisions to the MND are not necessary.

ATTACHMENT 1 – COMMENT LETTER

(Lozano Smith on behalf of the Loomis Union School District)



Megan E. Macy
Attorney at Law

E-mail: mmacy@lozanosmith.com

February 16, 2018

By U.S. Mail & Email: David.Mohlenbrok@rocklin.ca.us

David Mohlenbrok, Environmental Services Manager
Public Services Department
4081 Alvis Court
Rocklin, CA 95677

Planning Commission
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677

Re: Adoption of a Mitigated Negative Declaration for the Proposed Croftwood Unit #2 Project

Dear Members of the Planning Commission of the City of Rocklin:

This office represents Loomis Union School District ("District") in relation to the proposed Mitigated Negative Declaration ("MND") and Initial Study and Environmental Checklist ("Initial Study") for the Croftwood Unit #2 Subdivision ("Project"). It is intended that these comments be included as part of the formal administrative record for the Project.

As set forth in this letter, the proposed MND does not comply with the California Environmental Quality Act ("CEQA") for technical and substantive reasons. Specifically, the environmental analysis fails to adequately address the cumulative impacts on schools which are certain to result from the Project, and attempts to avoid these issues by resorting to using Senate Bill (SB) 50 as a shield against CEQA compliance. As a result, it completely fails to evaluate the potential impacts on schools within the District.

This letter incorporates by reference all correspondence previously submitted by the District to the City, including but not limited to:

- January 10, 2018, Letter from the District to David Mohlenbrok, Environmental Services Manager, Public Services Department, City of Rocklin, submitted in response to the MND and Initial Study for the Project.

Limited Liability Partnership

One Capitol Mall, Suite 640 Sacramento, California 95814 Tel 916-329-7433 Fax 916-329-9050

In addition to the comments raised in the above-referenced letter, the District offers the following specific comments for the Planning Commission's consideration.

1. Substantive Defects in the Environmental Review Process

a. The CEQA analysis Fails to Adequately Consider and Mitigate the Project's Impacts on Schools

Based upon the information provided by the District in response to the MND and in the District's comments to the Initial Study, the City is aware of the circumstances relating to impacts on schools. However, the MND and Initial Study do not accurately evaluate or propose mitigation of environmental impacts on schools caused by the Project.

Instead, the Initial Study incorrectly concludes that payment of statutory developer fees fully mitigate impacts related to schools.¹ (Initial Study, pgs. 75-76.) It does not. In general, SB 50 provides, among other things, that payment of fees, charges, dedications or other requirements which can be levied against new construction to fund construction or reconstruction of school facilities is deemed to provide full and complete mitigation of impacts of development on school facilities. (*See, Chawanakee Unified School District v. County of Madera* (2011) 196 Cal.App.4th 1016.) The *Chawanakee* court, however, expressly found that the phrase "impacts on school facilities" *does not cover all possible environmental impacts that have any type of connection or relationship to schools*. (*Id.* at 1028.) Therefore, impacts relating to schools that are not per se "impacts on school facilities" must be identified and analyzed. If those impacts are significant, they must be mitigated. A project's indirect impacts on parts of the physical environment that are not school facilities are also not excused from being considered and mitigated. (*Ibid.*) For example, an impact on traffic is not excused under SB 50, nor are impacts of construction on the non-school physical environment. These and other impacts of the Project are discussed below, and must be considered and mitigated. Also, as discussed in Section 3, below, the City has other options available to mitigate the Project's impacts beyond or in addition to SB 50.

As a result of the *Chawanakee* case, the City is required to consider, address, and mitigate any significant impacts which its development is likely to have on schools. Since the City has not done so, the MND should address the significant impacts on schools, including a determination of how the City will mitigate these impacts, other than by paying mitigation fees.

b. The CEQA Documentation Fails to Adequately Address Significant Impacts Relating Directly and Indirectly to Interim School Facilities

Neither the Initial Study nor the MND adequately address the issue of interim housing for students that will be generated as a result of the Project. Interim housing was an issue directly tackled by the *Chawanakee* court, which concluded that interim housing must be both evaluated and mitigated above and beyond payment of a statutory developer fee.

¹ The City references SB 50 as appropriate mitigation to nearly every issue raised by the District's comments to the Initial Study.

The Initial Study, in a conclusory fashion, provides that the Project will have a less than significant impact on school facilities and fails to address student generation from the Project. Using the District's student generation rate per household of 0.467, the Project will generate approximately 28 students to the District's already overcrowded sites. Contrary to the City's response to the District's comment that the generation of students as a result of the Project should be "a part of the District's continuous basis for planning educational facilities that will meet its needs, goals, and objectives," the CEQA analysis must consider that the District is currently near capacity in all of its schools and is already struggling to accommodate students at the anticipated attendance school for students of the Project. To the extent the District does not have existing capacity for these students, the Initial Study and MND must analyze how students will be served until permanent facilities are available.

c. The CEQA Analysis Fails to Consider the Cumulative Impacts Related to Schools

CEQA requires the City to consider any cumulative impacts related to schools resulting from additional development already approved or pending within the District. (Pub. Res. Code, § 21083.) Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (CEQA Guidelines, § 15355.) The individual effects may be changes resulting from a single project or a number of separate projects. (*Id.* at 15355(a).) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. (*Id.* at 15355(b).) In considering whether an initial study must include related projects, the primary determination is whether it is reasonable and practical to include the projects and whether, without their inclusion, the severity and significance of the cumulative impacts will be reflected adequately. (See, *Friends of the Eel River v. Sonoma Cty. Water Agency*, (2003) 108 Cal.App.4th 859, *as modified on denial of reh'g* (June 13, 2003).)

In this case, the MND and Initial Study fail to analyze any of the potential cumulative environmental impacts of the Project when combined with other proposed developments within the District (including but not limited to traffic, noise, public services and interim facilities impacts). Although the Initial Study addresses cumulative impacts of other environmental factors, it fails to address the cumulative impacts on schools. Such analysis necessarily must include not just developments within Rocklin's city limits, but also proposed development within the Town of Loomis and Placer County that are impacting the District and its schools. These include cumulative impacts related to the following developments:

1. Cherokee Estates
2. Costco Wholesale
3. Croftwood # 1 (Crowne Point)
4. Del Oro Vistas
5. Eden Roc II
6. Hawk Homestead
7. Heritage Park Estates Phase II
8. Lake Vista Estates

9. Morgan Estates
10. Nejadian
11. Oak Vista
12. Orchard at Penryn
13. Penryn Townhomes
14. Poppy Ridge Estates
15. Poppy Ridge Estates II
16. Rocklin 60
17. Sierra De Montserrat
18. Sierra Gateway Apartments
19. Sierra Villages- North
20. Taylor Road Mixed Use Project
21. The Grove
22. Vista Del Lago
23. Whitebridge Estates, aka Cambridge Estates

These projects are anticipated to generate at least 1318 students based on a 0.473 student generation rate. The related cumulative impacts resulting from this student generation must be evaluated.

2. The City is Not Legally Limited to SB 50 as a Means of Mitigating Significant Impacts on Schools and School Facilities

In addition to addressing the required mitigation of impacts related to school facilities (including interim facilities, traffic, etc.) as required by *Chawanakee*, a host of mitigation options in addition to School Impact Fees under SB 50 may help ensure sufficient school facilities and lessen the impacts of development. Examples include:

- Participation in a Mello-Roos Community Facilities District. As expressed in Government Code section 65995, subdivision (g)(2), a developer may “voluntarily elect to establish, or annex into, a community facilities district [...]”
- Revision of the City’s mitigation program, whether through revisions to its General Plan or through changes to the school district’s procedures under that plan. For example, the City could implement a system where it will only approve a certain amount of development within a specified time frame in order to avoid uncontrolled growth. The City may consider a program in which development applications are approved based on a point system. For each commitment that the developer makes to the community – such as funding schools – the developer’s point total is increased.
- The City can impose conditions on development related to issues other than school overcrowding, such as the need to widen roads or put in other traffic controls to accommodate increased traffic (both from students and generally), safety measures to address pedestrian travel to school, and the need to add sound-proofing to offset noise increases from nearby development and resulting traffic.

David Mohlenbrok
Members of the Planning Commission
February 16, 2018
Page 5

In sum, based on the considerations identified above, the District requests the drafting of an EIR to address *all* of the potential impacts and cumulative impacts of the Project on schools and school facilities, and to properly mitigate those impacts that are significant. The District also urges the City to consider all avenues available to it for mitigation of the potential impacts of its Project on schools, rather than considering itself unnecessarily limited by SB 50.

Sincerely,

LOZANO SMITH

A handwritten signature in cursive script, appearing to read "Megan Macy".

Megan Macy

MEM/at

cc: Gordon Medd, Superintendent