



CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

November 8, 1985

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of the City Planning Commission's Certification of the North Natomas Community Plan Environmental Impact Report (M84-007)

SUMMARY

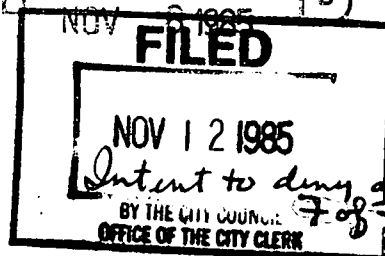
The Environmental Coordinator prepared an Environmental Impact Report (EIR) on the proposed North Natomas Community Plan Alternatives. A Draft EIR was distributed for public review and comment. Each comment on the Draft EIR was responded to in the Final EIR which was also distributed for public review. The Planning Commission conducted one Draft EIR and two Final EIR public hearings. The Commission on October 23, 1985 certified that the EIR was adequate; had been prepared in compliance with State and City regulations; and, that the Commission had reviewed and considered the information contained in the EIR. The Commission also recommended that the City Council certify the EIR. An appeal of the Commission certification of the EIR was filed on November 1, 1985 based on a wide range of issues. Staff recommends that the Council conduct a public hearing, close the public hearing and indicate an intent to deny the appeal based on findings of fact due in two weeks on November 26, 1985.

BACKGROUND INFORMATION

The California Environmental Quality Act and Guidelines provide specific direction on preparation and processing the EIR; which the City's consultant and staff followed in the preparation of the North Natomas Community Plan EIR. The first step was for staff to identify issues to be addressed in the EIR. These issues were developed into a Notice of Preparation (NOP) of the EIR and distributed for public review and comment. Comments received on the NOP further assist in the developing the scope of analysis for the EIR. The NOP was distributed to Federal, State, County, and City agencies and departments, interested community groups and individuals on August 1, 1984 for a 45-day State mandated time period. The City and County Planning Commissions conducted a public hearing on August 30, 1985 and extended the scoping opportunity until October 15, 1984.

In response to the Planning Commission's and public comments on the NOP, staff added two additional alternatives and expanded the discussion of redevelopment plan impacts pursuant to Sacramento Housing and Redevelopment Agency request.

CITY MANAGER'S OFFICE
RECEIVED



#15A
Administration
Room 300 449-5571
Building Inspections
Room 200 449-5716
Planning
Room 200 449-5604

NOVEMBER 8, 1985

The State CEQA Guidelines defined that an EIR is an informational document which will inform decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. An EIR should focus on the significant effects on the environment. The guidelines indicate that significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence. Preparing an EIR necessarily involves some degree of forecasting. While forecasting the unforeseeable is not possible, the guidelines advise that an agency must use its best efforts to find out and disclose all that it reasonably can. The State CEQA Guidelines indicate that the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. The scope of the North Natomas Community Plan EIR assessed the potential significant environmental impacts that may result within the Community Plan study area, and to adjacent Community Plan areas as well as effects in the region.

The State CEQA Guidelines advise that an EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation pursuant to the Guidelines indicate that the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Based on the State CEQA Guidelines for the preparation of an EIR, staff believes the North Natomas Community Plan EIR provides adequate information to decision-makers and does take into account all possible project related environmental effects. Disagreement among experts does not make an EIR inadequate. The EIR needs to be adequate, completed and prepared in a good faith effort of full disclosure. The North Natomas Community Plan EIR assesses comprehensively potential impacts that may result from five land use plan alternatives. Each alternative is equally assessed for easy comparison.

The State CEQA Guidelines indicate that an EIR should be prepared at the earliest opportunity in order to minimize potential environmental impacts. The North Natomas Community Plan EIR was prepared at the earliest time in the Community Plan process and assesses potential impacts of each of the five land use alternatives. The EIR provides an analysis of potential significant impacts by providing a threshold or parameter to provide a community plan to prevent or minimize significant adverse environmental impacts. The process allows the EIR to be integrated into the Community Plan preparation and decision.

The Draft EIR was distributed for a 45-day public review period as mandated by State CEQA Guidelines to Federal, State, County and City agencies and departments, interested community groups and individuals. The joint Planning Commissions conducted a public hearing on August 1, 1985 to receive comments on the Draft EIR. A Final EIR, which responded to all comments on the Draft EIR, was distributed for a 14-day public review period October 4, 1985. The joint Planning Commissions conducted another public hearing on October 17, 1985 and directed staff to review the comments on the Final EIR and continued the hearing to October 23, 1985.

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At the October 23, 1985 Commission hearing, the EIR consultant responded to each comment that was previously presented. In addition, the consultants and staff indicated that no new information had been submitted requiring additional analysis. The City Planning Commission certified the EIR on October 23, 1985. On November 1, 1985, an appeal of the Commission's certification was filed.

The consultants and staff have reviewed the appeal and believe that there are no new environmental issues that are not addressed in the EIR nor does the appeal provide any technical data that refutes the EIR assessment. Detailed response to the appeal is provided in Exhibit A.

Attached to the report for the Council's information is a processing schedule and the following exhibits:

- Exhibit A - Responses to Appeal
- Exhibit B - The Appeal
- Exhibit C - Transcript of the Commission's October 23, 1985 Final EIR Hearing
- Exhibit D - Transcript of Commissions October 17, 1985 Final EIR Hearing-Previously Distributed to Council on October 22, 1985
- Exhibit E - Final EIR on North Natomas Community Plan-Previously Distributed to the Council on October 4, 1985
- Exhibit F - Draft EIR on North Natomas Community Plan-Previously Distributed on July 1, 1985

VOTE OF THE COMMISSION

The City Planning Commission on October 23, 1985 voted 5 ayes, 2 nays and 2 absent to certify that the North Natomas Community Plan Alternatives EIR is adequate and has been prepared in compliance with the California Environmental Quality Act, the State CEQA Guidelines, and the City Environmental Procedures, and that the Planning Commission has reviewed and considered the information contained in the EIR.

RECOMMENDATION

The staff recommends that the City Council:

1. Conduct a public hearing;
2. Close the public hearing and;
3. Indicate an intent to deny the appeal based on Findings of Fact due in two weeks on November 26, 1985.

MEMORANDUM

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Or if the City Council upholds the appeal, then the Council should continue the hearing and advise which issues need additional assessment.

Respectfully submitted,


Marty Van Duyn
Planning Director

RECOMMENDATION APPROVED:


For. Walter J. Slipe, City Manager

MVD:CC:lr
Attachments
M84-007

November 12, 1985
District No. 1

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PROCESSING SCHEDULE

The following outline provides a summary of the completed and remaining steps processing of the North Natomas Planning Studies:

January 31, 1984	Council adopts resolution establishing North Natomas Planning Program.
April 3, 1984	City Council approves work program and budget.
April 4, 1984	Consultants begin preparing background data.
May 17, 1984	City Planning Commission/County Policy Planning Commission (CPC/CPPC) workshop identifying issues and concerns to be addressed in study.
June 21, 1984	CPC/CPPC workshop to hear Consultants background findings.
June 22, 1984	Consultants begin preparing three land use concepts.
August 2, 1984	Consultants begins preparing an analysis of land use concepts.
August 30, 1984	CPC/CPPC hearing to determine EIR scope.
September 1, 1984	Consultants prepare three revised land use concepts.
October 4, 1984	CPC workshop reviewing three original and three revised land use concepts.
October 15, 1984	CPC/CPPC workshop to provide plan parameters and close EIR scoping.
October 11, 1984	Consultant prepares Draft Community Plan.
December 4, 1984	City Council amends schedule and augments budget to include two additional alternatives and SHRA concerns.
December 20, 1984	CPC/CPPC workshop on Draft Plan.
December 21, 1984	Consultants begin preparing Draft EIR.
July 1, 1985	Circulate Draft EIR for a 45-day public review period.
August 1, 1985	CPC/CPPC public hearing on Draft EIR.
August 16, 1985	Consultants begin preparing Final EIR.
October 4, 1985	Circulate Final EIR for 14-day public review period.
October 17, 1985	CPC/CPPC public hearing on Final EIR.
October 23, 1985	CPC certification of Final EIR.

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November 1, 1985	Appeal filed on CPC certification of the EIR and hearing on certification of EIR.
November 12, 1985	City Council hearing on EIR appeal.
November 21, 1985	CPC public hearing on Community Plan.
November 26, 1985	Adopt findings of fact and certify EIR.
December 12, 1985	CPC public hearing on Community Plan and recommendation to Council.
January 7, 1986	City Council hearing on Community Plan.

CC:lr

EXHIBIT A

1. Appeal

Inadequacy of the assessment of the impact and the specification of mitigation measures for the negative impacts on downtown, on other redevelopment areas and on the community's investment in transit, which is an air quality management measure in the Sacramento Air Quality Plan (pages 64-65).

Response

The EIR identifies potential impacts on the downtown in the Draft EIR Summary Table and in the Land Use Section. Exhibit D-38 specifically estimates the projected development for regional areas including the downtown area. The potential impacts on redevelopment areas is clearly assessed in the Final EIR on pages 248-250.

2. Appeal

Inadequacy regarding specification of the level of effort needed to mitigate various impacts in different alternatives, and the feasibility of mitigation measures at the needed level of effort (page 66).

Response

The EIR provides an equal weight analysis for each alternative to assist in the comparison of incremental magnitude of potential impacts. All significant impacts have been identified as well as with feasible mitigation measures. Identification is also made where circumstances show no mitigation is capable of reducing the potential impact to less than a significant level. If an impact was significant for Alternative C then the impact would also be significant for D and E, but not for A or B. This type of assessment provides a simple means to determine the threshold between non-significant and potential significant impacts.

3. Appeal

Inadequacy of the Summary Table in identifying significant impacts and the mitigation measures needed for each (page 67).

Response

The Summary Table identifies the more important potential significant impacts together with mitigation measures, less than significant impacts and significant adverse impact where no mitigation is available. The summary is supposed to be a brief, clear, and a simple identification of the proposed actions, its significant effect with proposed mitigation measures that would reduce or avoid an effect. The EIR Summary Table meets and exceeds this standard and was not intended to include every impact identified in the individual topic Sections.

4. Appeal

Failure to do a good faith exploration of actual alternatives that will minimize and mitigate, and feasible mitigation measures that should be included in any community plan (page 68).

Response

The EIR provides an assessment of alternatives with a reasonable range in an equal weight evaluation which provides easy comparison and thresholds between non-significant and potential significant impacts for each topic section. Mitigation measures were identified where they could feasibly reduce impacts to less than significant.

5. Appeal

Specific identification of the impacts and mitigations for South Natomas intersections (pages 16 and 69).

Response

The Draft EIR Exhibit E-49 and E-50 assessed four local street links and two internal intersection in the South Natomas Community Plan Area. Exhibit E-49 provides the existing LOS which then can be compared to the LOS of each alternative. Exhibit E-50 compares the alternatives effects to the internal intersections which would be severely impacted by North Natomas traffic. These exhibits provide indications on how intensity of development in North Natomas will impact South Natomas and provide a threshold of significant effect.

6. Appeal

Lack of clarity regarding the 10 year vs. 100 year flood management needs (pages 70-71).

Response

The 10 year vs. 100 year flood management aspect is described in the Draft EIR page M-23. The City's design standard is for storm drains (pipes and cannels) to handle a 10-year storm and for all buildings to be above the 100 year storm event elevation. Consequently, if a 100 year storm event occurred, then the additional water not accommodated in the 10 year storm facilities would be in the streets but would not impact buildings. The majority of the City is developed under this design standard to accommodate the typical storm event. Having buildings above the 100 year storm event elevation protects residential and non-residential buildings from that one in a 100 year event which is an common design standard.

7. Appeal

Lack of documentation for the Alternative A development scenario, unreasonable assumptions resulting in an inadequate "no project alternative" (pages 72-73).

Response

The development scenario for Alternative A was explained to the Planning Commission on October 28, 1985 (Transcript pages 72-73) and is based on reasonable forecasting, best professional judgement, and is provided to assess and compare possible impacts with other alternatives.

8. Appeal

Failure to include the cost of maintenance of existing infrastructure outside the North Natomas Community which will be underutilized if North Natomas is urbanized (pages 74-75).

Response

Volume 2 of the Draft EIR provides a general financial assessment but a specific assessment regarding maintenance is very difficult to determine without knowing infill trends, infrastructure condition, maintenance and replacement schedules as well as costs. However, privately financed infrastructure maintenance would effect the land owners. Public financed infrastructure maintenance would occur with or without North Natomas. North Natomas may reduce the maintenance cost for some infrastructure because of reduced utilization.

9. Appeal

Many of the responses of the EIR Consultant to our comments were inadequate and conjectural; we do not consider the responses to our comments to have addressed our comments adequately.

Response

Responses to comments have been as specific and direct as possible. All responses are detailed in the attached meeting transcripts.

10. Appeal

There is considerable confusion about the Alternative A development assumptions and the issue of whether Alternative A is a sham no project alternative. (page 9 of the transcript for Berman's remarks, see also pages 72-73, as noted above, October 23, 1985 hearing). To illustrate the conflicts and The Consultant's inability to clarify the conflicts, we refer you to page 61 of the North Natomas Final EIR, which says that Alternative A has 500 acres of SPA build-out in the year 2005; Exhibit A-

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20 of the Draft EIR shows that Alternative A has 2,000 acres of SPA build-out in 2005. We would also note that Alternative A has 2,000 acres of SPA build-out while Alternative C has 500; how then can it be argued that Alternative A assumptions are consistent with B through E assumptions.

Response

The reasons behind the selection of Alternative A as the No Project alternative are discussed in the Final EIR, see response to comments A-2 and A-10.

In further response to this comment, it should be noted that Exhibit A-20 is a summary of the five Community Plan alternatives. As stated in footnote 1 in this exhibit these data represent the ultimate holding capacity of each alternative, including existing land uses. This exhibit does not state that the ultimate holding capacity would be built out by the year 2005.

The increment of growth that would occur in the Study Area as a result of Alternative A between the years 1984 and 2005 is shown in Exhibit C-11. A similar exhibit has been prepared for Alternatives B, C, D and E. A comparison of these exhibits allows the reader to understand the amount of growth that is projected to occur by 2005 for each alternative and the amount of growth that would occur after 2005 (build out). Where appropriate the EIR differentiates between expected impacts at year 2005 and at buildout.

11. Appeal

Regarding the lack of stadium alternative analysis, the Consultant refers to the Economic Research Associates' study of sports facilities (page 8). We would point out that Economic Analysis of an Arena and/or Stadium for Sacramento, California (prepared for the City of Sacramento, September 1984) was not an EIR, and no documentation was presented in the ERA study to justify the conclusion. Page 11-5 of the ERA study presents a one sentence explanation of why central city and Cal Expo sites for a stadium were eliminated from consideration: "After evaluation site size, availability and existing parking in more detail, it was determined that only Sites D and E could realistically accommodate a stadium and its required parking."

Response

The Economic Analysis of an Arena and/or Stadium for Sacramento, California was referenced in the EIR and is available for public review. The reasons for the use of the information in the economic analysis report in the EIR are discussed on pages D-46, D-47 and D-48 of the Draft EIR. The analysis did include a site evaluation of five potential stadium/arena locations. These locations were: Southern Pacific Sacramento Railroad Yard, Cal Expo, Central Business District, North Natomas, and the Granite quarry. The evaluation concluded that only North Natomas and Granite locations could accommodate a stadium and arena

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complex. The North Natomas location had the highest rating. The proposed Draft Community Plan included a sports complex consequently for equal comparison of alternatives, a sport complex was included in alternatives B, D and E.

It should also be noted that at the time a specific proposal for a stadium is presented to the City; and if the location was different than assumed in the EIR, preparation of a supplemental EIR may be necessary.

12. Appeal

The consultant's comments on stadium traffic analysis (lines 11-21, page 13 of the transcript) are misleading. He refers to page E-112 of the Draft EIR. His comment implies that the worst case involves stadium and arena traffic concurrent with peak commute flows in and out of the City. He does not bother to tell the Planning Commission that he is talking about a Sunday afternoon. In fact the peaks he refers to are the traffic generated by the sports facilities. Nowhere in the Draft EIR or Final EIR are sports facility impacts on commuter traffic assessed. The consultant's does not address our comment that worst case should be based on both the volume of special events traffic and the volume of traffic that otherwise would be using the same roads.

Response

The owners of the land on which the sports complex is proposed indicated early in the study process that the starting hours of operation for the complex would be between 7:30 and 8:00 p.m. on weekday and weekend evenings and at 1:00 p.m. on weekends. Given that studies have documented that 90 percent of attendees at sports complex events arrive in the one hour preceeding the starting time, then based upon the proposed hours of operation, no significant conflict with weekday commuter traffic would occur. The Sunday afternoon analysis was selected because based upon CalTrans hourly counts along I-80 and I-5, Sunday afternoon background traffic is higher than that occurring on a weeknight in the hour preceeding the proposed starting time. In addition, sporting events occurring on weekends historically attract larger crowds than those scheduled on weeknights. This is due primarily to the high volume of inter-regional traffic traveling between the mountains and the Bay Area. The Sunday afternoon analysis therefore, in fact, presents a "worst case" condition.

If the developers of the sports complex wish to change the proposed hours of operation, then a supplemental analysis should be prepared to assess potential changes in the traffic impacts.

13. Appeal

The consultant says that the North Natomas EIR and the Sacramento Light Rail Transit Starter Line EIR (August 1983) are consistent (page 12). However, the North Natomas EIR does not quote or refer to the LRT EIR and no specific information is presented to document his assertions regarding

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their compatibility. The Northeast Sacramento Corridor Preferred Alternative Report (June 1981), specifically refers to "a major goal with respect to transit improvements and urban development is encouragement of infill and clustering of urban development around a larger number of transit stations" as a reason for the preferred alternative being selected (page 27). The Final EIR (August 1983) repeats this goal and contains other references to compatibility between land use and transit development. No where does the Final EIS claim that the LRT starter line is designed solely to serve existing commute trips, as the North Natomas Final EIR asserts. Instead, the purpose of the project is explicitly stated as to meet growth needs in the most cost effective and environmentally benign manner (2-34, 2-39).

Response

The appeal claims the Final EIS states "the LRT starter liner is designed solely to serve existing commute trips". This assertion is entirely incorrect. The Final EIS states on page 133, response to comment E-50, "The initial light rail lines will serve areas that have high levels of development already, or have plans for significant development in the near future".

14. Appeal

The land use assumptions as stated in the August 1983 Final EIS, include the following. These assumptions are in conflict with assumptions about LRT in the North Natomas EIR:

- o Substantial growth in the LRT corridor (pages 1-3, 1-4).
- o Growth in the Central City employment (page 1-4).
- o "To channel additional urban development to locations that, taken together, will be more readily served by public transit systems. Significant opportunities exist, particularly in the Folsom Corridor, to coordinate major new land developments with transity system improvements" (page 1-4).

Response

The Draft EIR does suggest that with or without development of North Natomas, areas served by the light rail starter line will grow a significant level. See Exhibits C-11 through C-15. The Draft EIR also promotes the implementation of public transit to serve transportation needs (pages F-78 through E-90).

15. Appeal

"The North-East Sacramento Study Area encompasses almost 80 percent of the Sacramento urbanized area..." (page 3-9).

Response

The consultants estimate a very similar percentage. This concentration of people in the metropolitan area is probably why the LRT Starter line is located in its developing configuration.

16. Appeal

The 1982 Sacramento Air Quality Plan approved by the SACOG recommends transportation control measures designed to increase ridership on public transit. The proposed light rail system has been adopted in the 1982 Draft Regional Transportation Plan (RTP) by local agencies as one of those measures. This project is in an air quality non-attainment area which has transportation control measures conditionally approved by the Environmental Protection Agency (EPA) in a State Implementation Plan (SIP) on July 1, 1982" (page 3-14).

Response

The Air Quality, Section F in the Draft EIR assessed the potential adverse effects and provides transportation, land use and regional mitigation measures. The discussion is comprehensive and a reasonable projection of possible impacts.

17. Appeal

"By improving public transit, coupled with suburban park and ride lots, LRT will reduce demand for parking spaces in the Sacramento central business district. This is consistent with goals identified in the Sacramento Central City and Capitol Area Plans" (page 3-15).

Response

There is nothing in the Draft EIR that conflicts with this statement.

18. Appeal

"One of the principal reasons that involved jurisdictions have created the Sacramento Transit Development Agency is to ensure that both the City and County of Sacramento continue to be involved in the project. This will facilitate coordination of LRT development with supportive actions including land use decision making as well as traffic and parking management" (page 8-10).

Response

STDA, the County, and the City have been consulted during the preparation of the Draft EIR and have had considerable opportunity to review and comment on the contents of both the Draft EIR and Final EIR. There is nothing in the Draft EIR that conflicts with the stated goal contained within the comment. In addition, since the release of the Draft EIR the Sacramento Transit Development Agency has been eliminated.

19. Appeal

"As to existing land use and vacant parcels, it is expected that over time the presence of LRT will result in development of vacant land mostly with offices and retail commercial facilities in the vicinity of stations" (page 8-12).

Response

There is nothing in the Draft EIR that conflicts with this assumption. The Draft EIR in fact, identifies significant growth in the areas along the light rail starter line. Please refer to Exhibits C-11 through C-15.

20. Appeal

In the sum, the North Natomas EIR would have to be included to be compatible with the Sacramento LRT Starter line Final EIS.

Response

The EIR assesses potential impacts on various regional transportation facilities and a potential LRT route was considered between the downtown and the airport. Prior to the development of a Natomas route, additional environmental analysis would have to be prepared and would assess impacts on the starter line as well as the LRT system including operation, maintenance and cost.

21. Appeal

Regarding the ability of a dome on the stadium to mitigate negative environmental impacts and improve the jobs-housing balance in the community, (pages 25-26), the Consultant presents conflicting information and avoids answering our comment. Page 186 of the Final EIR acknowledges that a metal dome would make the stadium compatible with any adjacent land uses. This would imply an increase in the potential amount of residential land in the community plan, given the statement on page G-24 of the Draft EIR regarding Alternatives B, C, D and E, "in order to avoid stadium noise annoyance to future residents residential land uses should not be designated within the 40 dBA maximum instantaneous A-weighted sound level contour of the stadium." Exhibits G-10 through G-13 show the 40 dBA maximum instantaneous A-weighted sound level contour of the stadium for each of the alternatives. Clearly a dome would increase the amount of potential residential land in the community, and therefore the attainment of a jobs-housing balance favorable to air quality and preservation of agricultural land in surrounding areas.

Response

As previously stated, based upon the analysis prepared in the EIR there does not appear to be the need for a domed stadium nor would a domed stadium significantly reduce any of the adverse impacts identified in the EIR.

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It is correct as indicated in the comment that the development of a stadium with a solid dome would reduce the area within the Study Area that would be subject to a noise level in excess of 40 dBA from the stadium. As stated in the Final EIR (page 166) a thin metal dome would reduce noise levels by about 20 dBA, resulting in noise levels during rock concerts or sporting events which would be inaudible off the stadium property.

Apparently, the commentator believes that with the reduction of noise due to the inclusion of a metal dome on the stadium this would allow housing to be constructed closer to the stadium and therefore allow more housing to be constructed in the Study Area. It should be noted, however, that there would likely be reasons other than noise that would determine how close residential uses should be constructed to the stadium.

The commentator also discusses ways to achieve a jobs-housing balance within the study area. Mitigation measures are provided in Section C in order to reduce the significant adverse impacts on the jobs-housing balance which would result from Alternatives B, C, D or E. These mitigation measures would be more effective in developing a jobs-housing balance than simply allowing residential uses closer to the stadium.

22. Appeal

The Consultant has not backed up the assertions in the Final EIR regarding ozone mitigation measures with documents from the Air Pollution Control District. He has faulty information; he has given the Planning Commission faulty information. Instead of verifying his information with the Air Pollution Control District, he is putting the burden upon that agency to correct him.

The Consultant says on page 30; there is currently smog incident planning, there's some joint city planning PSM (sic) programs being undertaken." This is not true. While the regulations of the APCD provide for emergency episode measures when smog levels reach the alert stages, Sacramento does not have a planning process for avoiding smog alerts through smog season planning, nor is there a joint City-County transportation control program.

Major land use changes increasing air pollution in a non-attainment area logically must be accompanied by all feasible mitigation measures. The EIR does not adequately identify and evaluate all feasible mitigation measures for the air quality deterioration created by the proposed land use changes.

Response

There appears to be some misunderstanding regarding the Final EIRs discussion of smog incident planning and a joint City/County program for transportation control programs planning as feasible mitigation measures.

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The emergency episode plans contained within the Sacramento Air Pollution Control District Rules and Regulations do constitute smog incident planning, in that it contains preplanned abatement strategies for stationary and mobile sources to reduce emissions when levels of air contaminants reach or may reach the level which may be harmful to health. Such strategies could also be applied to lower thresholds, such as the exceedance of a state or national ambient standard. Such a program would reduce stationary emissions or reduce travel through curtailed production, carpooling, suspension of fleet-car use or other means. Unlike the emergency episode planning, which is mandated by federal law, such a program which applied to lower thresholds would likely have to be voluntary.

It is possible for a local incident planning program to be required of North Natomas future employers as part of the conditions of approval of specific projects. Since such a program would be more equitable and effective if applied regionally, it would probably be better as a regional mitigation measure supported and promoted jointly by the City and County.

The Joint City-County Urban Development Task Force formed in 1984 was a cooperative effort of the City and County Planning Department, Regional Transit, the Air Pollution Control District, SACOG, the City Traffic Engineer's office and County Highways and Bridges Division to address transportation issues, including transit and air quality problems. It would be appropriate for the City and County to continue to support and promote this and the current efforts of the Sacramento Air Pollution Control District at obtaining fundings for Joint City-County Transportation Control Measures study as a means of offsetting project impacts.

23. Appeal

The Consultant says that data do not exist to tell us how many days of unhealthy air we can expect to occur under the different alternatives in the EIR. This is much too important an environmental indicator to be dismissed. Knowing that gross emissions for the region will increase a certain percentage tells us almost nothing about what we can expect -- and therefore must plan to prevent -- in terms of the air quality we experience. Models do exist which can be used to make estimates. We know the range of days in violation of clean air standards which have been experienced in Sacramento and the range of days in urban areas with greater levels of emissions. We are not asking the Consultant to predict the weather; we are asking for a reasonable estimate, a range of variation, under the different alternatives, of the increase in days exceeding the national clear air standards (page 24).

Response

Prediction of the number of days that an air quality standard will be exceeded in a future year requires both an appropriate air quality model and adequate input data on meteorology and the spatial and temporal

distribution of emissions. To date, the most sophisticated attempt to model ozone concentrations in Sacramento involved the California Air Resources Board's SMOG model (Simulation Model of Ozone Generation) as part of the non-attainment planning for the Sacramento area. Despite detailed projections of the spacial and temporal distributions of ozone precursors, this model is unable to predict the number of days that a standard will be exceeded in future years.

Attempts to locate Cities with larger or smaller emissions and draw conclusions from them about Sacramento would ignore terrain and meteorolglcal differences, and certainly could not account for the spatial differences in emission patterns inherent in a growing City.

It should also be noted that neither the Air Resources Board nor the Sacramento County APCD suggested in their written comments on the Draft EIR that additional modeling to predict the number of excess of the standard was necessary or appropriate.

24. Appeal

The consultant asserts that mitigation measures are in the financing plan, but he does not note in his testimony that there are mitigation measures that are not in the financing plan. This is a significant oversight in his testimony and the EIR. It is difficult to weight the costs and benefits of adopting a new North Natomas Community Plan in a reasonable way when the costs are not specified. We have not seen a list of which mitigation measures are included and which are not included in the financing plan. We do not believe that costs have been included for mitigation of agricultural land loss, wildlife and vegetation loss, air quality degradation, traffic impacts in South Natomas, transit operating costs, natural drainage, and perhaps others (page 30).

Response

Volume 2 of the Draft EIR provides a fiscal and financial analysis of the Community Plan alternatives. As discussed in this section the scale of development that is included in Alternatives B through E will require major financing of public infrastructure. The total cost of improvements to North Natomas plus the net cost of providing on-going municipal services constitute the financing requirements. Exhibit J-13 provides the total capital cost of public improvements for each Community Plan alternative.

It is acknowledged that some costs have not been included in the financing plan. Costs have not been included for an extensive list of regional roadway improvements, the reason being that these improvements are not attributable solely to development of North Natomas but to overall growth and development in the region as a whole.

Furthermore, the fiscal and financial analysis does not include the cost of some of the mitigation measures recommended in the EIR. There are several reasons for this. One reason is that the cost of these mitigation measures cannot be calculated until the extent of the impact

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is specified. The cost of mitigation will depend upon the amount and location of land uses contained in the recommended Community Plan. Second, the financial responsibility for the mitigation measures has not yet been determined. It is anticipated that many of the mitigation measures would be the direct responsibility of individual developers and would not be part of the total capital costs of public improvements included in the financing plan.

It is anticipated that with the preparation of a preferred Community Plan a financing plan would also be prepared. It is recommended that the financing plan include all appropriate public improvements, including recommended mitigation measures.

CC:lr

**NOTICE OF APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION**

DATE: November 1, 1985

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission of October 23, 1985 when:
(Date)

 Rezoning Application Variance Application
 Special Permit Application X Certification of Final EIR for
North Natomas Community Plan Study
was: X Granted Denied by the Commission

GROUND'S FOR APPEAL: (Explain in detail)

See attached discussion

SACRAMENTO CITY
PLANNING - ENVIRONMENTAL

NOV 1 1985

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PROPERTY LOCATION: North Natomas; generally bounded by Elkhorn Blvd. to the north, the Sacramento River on the west, the I-80 freeway on the south and the East
PROPERTY-DESCRIPTION: Main Drainage Canal on the east.

PROPERTY DESCRIPTION: Area is generally in agricultural use.

ASSESSOR'S PARCEL NO. NA - -

PROPERTY OWNER: Various property owners including Joe and Richard Benevenuti, Greg Lukenbill, Sacramento Savings, Centennial, Schumacher, Iverson, Payne and Reid.
ADDRESS:

APPLICANT: City of Sacramento and various property owners for five project applications.

ADDRESS:

APPELLANT: (Signature) (Signature) for ELOS Environmental Council of Sacto
(SIGNATURE) PRINT NAME

ADDRESS: 909 12th Street, Sacramento, CA 95814

FILING FEE:

☐ by Applicant: \$105.00 RECEIPT NO.

☒ by 3rd party: 60.00

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84-007

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GROUND'S FOR APPEAL

Attached are copies of testimony which ECOS presented to the City Planning Commission on October 17 and on October 23, describing inadequacies in the EIR for the North Natomas Community Plan. In addition to the reasons stated in those comments, we append the following reasons for appealing the Planning Commission decision to certify the EIR:

1. We agree with the comments listed below which were made by other parties at the October 23 hearing (page numbers refer to the transcript of the hearing):

a) Pp. 64-65. Inadequacy of the assessment of the impact and the specification of mitigation measures for the negative impacts on downtown, on other redevelopment areas and on the community's investment in transit, which is an air quality management measure in the Sacramento Air Quality Plan.

b) p. 66. Inadequacy regarding specification of the level of effort needed to mitigate various impacts in different alternatives, and the feasibility of mitigation measures at the needed level of effort.

c) p. 67. Inadequacy of the Summary Table in identifying significant impacts and the mitigation measures needed for each.

d) p. 68. Failure to do a good faith exploration of actual alternatives that will minimize and mitigate, and feasible mitigation measures that should be included in any community plan.

e) p. 69 and p. 16. Specific identification of the impacts and mitigations for South Natomas intersections.

f) pp. 70-71. Lack of clarity regarding the 10 year vs. 100 year flood management needs.

g) pp. 72-73. Lack of documentation for the Alternative A development scenario, unreasonable assumptions resulting in an inadequate "no project alternative".

h) pp. 74-75 Failure to include the cost of maintenance of existing infrastructure outside the North Natomas Community which will be underutilized if North Natomas is urbanized.

2. Many of the responses of the EIR Consultant to our comments were inadequate and conjectural; we do not consider the responses to our comments to have addressed our comments adequately.

3. We find some contradictions between the testimony of Mr. Berman to the Planning Commission and the written document, or other facts, indicating that the Planning Commission may have based its decision on false information. Specifically, please notice the conflicts noted below:

a. There is considerable confusion about the Alternative A development assumptions and the issue of whether Alternative A is a sham no project alternative. (P. 9 of the transcript for Berman's remarks, see also pp. 72-73, as noted above, October 23 hearing.) To illustrate the conflicts and Mr. Berman's inability to clarify the conflicts, we refer you to p. 61 of the North Natomas FEIR, which says that Alternative A has 500 acres of SPA build-out in the year 2005; Exhibit A-20 of the Draft EIR shows that Alternative A has 2000 acres of SPA build-out in 2005. We would also note that Alternative A has 2000 acres of SPA build-out while Alternative C has 500; how then can it be argued that Alternative A assumptions are consistent with B through E assumptions?

b. Regarding the lack of stadium alternative analysis, Mr. Berman refers to the Economic Research Associates' study of sports facilities (p. 8). We would point out that Economic Analysis of an Arena and/or Stadium for Sacramento, California (Prepared for the City of Sacramento, September, 1984) was not an EIR, and no documentation was presented in the ERA study to justify the conclusion. P. 11-5 of the ERA study presents a one sentence explanation of why central city and Cal Expo sites for a stadium were eliminated from consideration: "After evaluating site size, availability and existing parking in more detail, it was determined that only Sites D and E could realistically accommodate a stadium and its required parking."

c. Mr. Berman's comments on stadium traffic analysis (lines 11-22, P. 13 of the transcript) are misleading. He refers to p. E-112 of the DEIR. His comment implies that the worst case involves stadium and arena traffic concurrent with peak commute flows in and out of the city. He does not bother to tell the Planning Commission that he is talking about a Sunday afternoon. In fact the peaks he refers to are the traffic generated by the sports facilities. Nowhere in the DEIR or FEIR are sports facility impacts on commuter traffic assessed. Mr. Berman does not address our comment that worst case should be based on both the volume of special events traffic and the volume of traffic that otherwise would be using the same roads.

d. Mr. Berman says that the North Natomas EIR and the Sacramento Light Rail Transit Starter Line EIR (August, 1983) are consistent. (p. 12) However, the North Natomas EIR does not quote or refer to the LAT EIR and no specific

information is presented to document his assertions regarding their compatibility. The Northeast Sacramento Corridor Preferred Alternative Report (June, 1981); specifically refers to "a major goal with respect to transit improvements and urban development is encouragement of infill and clustering around transit stations" (p. 16), and lists encouraging "the clustering of urban development around a larger number of transit stations" as a reason for the preferred alternative being selected (p. 27). The FEIS (August, 1983) repeats this goal and contains other references to compatibility between land use and transit development. Nowhere does the FEIS claim that the LAT starter line is designed solely to serve existing commute trips, as the North Natomas FEIR asserts. Instead, the purpose of the project is explicitly stated as to meet growth needs in the most cost effective and environmentally benign manner (2-34, 2-39).

The land use assumptions as stated in the August, 1983 FEIS, include the following. These assumptions are in conflict with assumptions about LAT in the North Natomas EIR:

- substantial growth in the LAT corridor (pp. 1-3, 1-4),
- growth in Central City employment (1-4),
- "to channel additional urban development to locations that, taken together, will be more readily served by public transit systems. Significant opportunities exist, particularly in the Folsom Corridor, to coordinate major new land developments with transit system improvements." (p. 1-4)
- "The North-East Sacramento Study Area encompasses almost 80 percent of the Sacramento urbanized area...." (3-9)
- "The 1982 Sacramento Air Quality Plan approved by the SACOG recommends transportation control measures designed to increase ridership on public transit. The proposed light rail system has been adopted in the 1982 Draft Regional Transportation Plan (RTP) by local agencies as one of those measures. This project is in an air quality non-attainment area which has transportation control measures conditionally approved by the Environmental Protection Agency (EPA) in a State Implementation Plan (SIP) on July 1, 1982." (3-14)
- "By improving public transit, coupled with suburban park and ride lots, LAT will reduce demand for parking spaces in the Sacramento central business district. This is consistent with goals identified in the Sacramento Central City and Capitol Area Plans." (3-15)

• "One of the principal reasons that involved jurisdictions have created the Sacramento Transit Development Agency is to ensure that both the City and County of Sacramento continue to be involved in the project. This will facilitate coordination of LRT development with supportive actions including land use decision making as well as traffic and parking management." (8-10)

• "As to existing land use and vacant parcels, it is expected that over time the presence of LRT will result in development of vacant land mostly with offices and retail commercial facilities in the vicinity of stations." (8-12)

In sum, the North Natomas EIR would have to be amended to be compatible with the Sacramento LRT Starter line FEIS.

e. Regarding the ability of a dome on the stadium to mitigate negative environmental impacts and improve the jobs-housing balance in the community, (pp. 25-26) Mr. Berman presents conflicting information and avoids answering our comment. P. 166 of the FEIR acknowledges that a metal dome would make the stadium compatible with any adjacent land uses. This would imply an increase in the potential amount of residential land in the community plan, given the statement on P. G-24 of the DEIR regarding Alternatives B,C,D and E, "In order to avoid stadium noise annoyance to future residents residential land uses should not be designated within the 40 dBA maximum instantaneous A-weighted sound level contour of the stadium." Exhibits G-10 through G-13 show the 40 dBA maximum instantaneous A-weighted sound level contour of the stadium for each of the alternatives. Clearly a dome would increase the amount of potential residential land in the community, and therefore the attainment of a jobs-housing balance favorable to air quality and preservation of agricultural land in surrounding areas.

f. Mr. Berman has not backed up the assertions in the FEIR regarding ozone mitigation measures with documents from the Air Pollution Control District. He has faulty information; he has given the Planning Commission faulty information. Instead of verifying his information with the Air Pollution Control District, he is putting the burden upon that agency to correct him.

Berman says on p. 30: there is currently smog incident planning, there's some joint city planning PSM [sic] programs being undertaken." This is not true. While the regulations of the APCD provide for emergency episode measures when smog levels reach the alert stages, Sacramento does not have a planning process for avoiding smog alerts through smog season planning, nor is there a joint city-county transportation control program.

Major land use changes increasing air pollution in a non-attainment area logically must be accompanied by all feasible mitigation measures. The EIR does not adequately identify and evaluate all feasible mitigation measures for the air quality deterioration created by the proposed land use changes.

g. P. 24. Mr. Berman says that data do not exist to tell us how many days of unhealthy air we can expect to occur under the different alternatives in the EIR. This is much too important an environmental indicator to be dismissed. Knowing that gross emissions for the region will increase a certain percentage tells us almost nothing about what we can expect--and therefore must plan to prevent--in terms of the air quality we experience. Models do exist which can be used to make estimates. We know the range of days in violation of clean air standards which have been experienced in Sacramento and the range of days in urban areas with greater levels of emissions. We are not asking Mr. Berman to predict the weather; we are asking for a reasonable estimate, a range of variation, under the different alternatives, of the increase in days exceeding the national clear air standards.

h. P. 30 Mr. Berman asserts that mitigation measures are in the financing plan, but he does not note in his testimony that there are mitigation measures that are not in the financing plan. This is a significant oversight in his testimony and in the EIR. It is difficult to weigh the costs and benefits of adopting a new North Natomas Community Plan in a reasonable way when the costs are not specified. We have not seen a list of which mitigation measures are included and which are not included in the financing plan. We do not believe that costs have been included for mitigation of agricultural land loss, wildlife and vegetation loss, air quality degradation, traffic impacts in South Natomas, transit operating costs, natural drainage, and perhaps others.

CONCLUSION

There is much good information in the EIR, information which should be important in the evaluation of alternative plans for Sacramento. However, there is much that is missing from the EIR that will be needed to accurately and adequately assess the impacts and required mitigation measures for changes in the land use in the North Natomas Community. Therefore, we believe that the EIR should not be certified, and instead, the Council should direct that the inadequacies which we have identified in the EIR be corrected.

TESTIMONY BEFORE THE CITY PLANNING COMMISSION ON THE NORTH NATOMAS FINAL EIR
October 23, 1985

Honorable Chairperson and members of the Commission, my name is _____ and I am representing the Environmental Council of Sacramento. Last week, our vice-president, Virginia Moose, presented you with a detailed discussion on why ECOS feels that the EIR for the North Natomas project is inadequate. Hopefully, you have had the opportunity to read through this report and I would be willing to answer any questions you may have on the information contained therein. I would also like to briefly provide an overview of why ECOS recommends that you do not certify this EIR as adequate tonight.

The CEQA Guidelines require that an EIR state what its objective is. From reading this EIR and based upon statements made about what this document will be used for, there are actually ~~five~~ ^{four} objectives or intended uses of this document.

The direction of the City Council was for this study to assist them in answering the question of whether North Natomas should be allowed to develop at this time. In addition, its objective is to evaluate the impacts of the proposed Community Plan, which has been identified as Alternative C. This report will also be used as the basis for a decision on the five project applications, which have been combined as Alternative E. In addition, it will be the environmental document used to make a decision on the location of the proposed arena and stadium. We contend that these objectives are not mutually compatible and the relationship of each impact category to each objective should have been specified but wasn't. While we do not argue that this EIR is the longest environmental impact report that the City has ever prepared and that we have ever seen, that fact should not be the justification for finding this document to be adequate for its intended objectives.

In order to address the question of whether North Natomas should be opened up for development and to adequately evaluate land use options that would be of a lesser impact than Alternative C, as is required by the CEQA guidelines, this report should have included an alternative land use plan that was somewhere between Alternative A and Alternative B. Given that this area is currently in agricultural use, there should have been an alternative which evaluated the positive and negative impacts of preserving half of the area in agricultural use and allowing urbanization within the other half, such as using the I-5 freeway as the dividing line. Since this EIR is intended to be sufficient for making a decision on where the arena and stadium should be located, it should have evaluated alternative locations for these facilities both outside of the North Natomas area as well as within North Natomas. All of the urbanization alternatives, B through E include these facilities in the same location.

For these and all of the reasons identified at last week's meeting, we urge you to find that this EIR is not adequate and to direct staff to provide the additional information requested. We feel the North Natomas decision is a major turning point in the future of this City and such a decision should not be made hastily in order to meet an arbitrary schedule.

Thank you for your time.



Environmental Council of Sacramento, Inc.

October 17, 1985

COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT REVIEW FOR THE NORTH NATOMAS COMMUNITY PLAN, Presented to the City Planning Commission

Member Organizations

American Lung
Association of
Sacramento —
Emigrant Trails
Audubon Society
California Native
Plant Society,
Sacramento
Valley Chapter
California Park and
Recreation
Society, District 11
Capital Bicycle
Commuters
Association
League of Women Voters
of Sacramento
Modern Transit Society of
Sacramento
Parenthood
Association of
Sacramento
Sacramento County
Farm Bureau
Sacramento Old City
Association
Sacramento Valley
Bicycle Advocates
Save the American River
Association
Sierra Club, Mother Lode
Chapter
South Natomas
Community
Association
Zero Population Growth

The Environmental Council of Sacramento finds inadequacies with the environmental review of the North Natomas Community Plan. Specifically, we find inadequacies in the EIR in:

- the definition of the alternatives under study and the evaluation of the cumulative impacts of these alternatives;
- the information presented to document the impacts of alternatives;
- the presentation of feasible mitigation measures.

Specific examples of each of these inadequacies are listed on the pages that follow. These inadequacies involve the whole range of environmental issues--traffic and the transportation system, air quality, noise, jobs-housing balance, impacts on existing community plans, downtown vitality and redevelopment areas, natural area and wildlife preservation, toxics, hydrology and public safety.

As a general conclusion we would observe that there remain many questionmarks in assessing the feasibility and cost-effectiveness of urbanizing North Natomas. Also it is clear that the City is unable to resolve inconsistencies among its various plans.

We are asking the Planning Commission specifically to ensure that all mitigation measures included in the text of the DEIR and FEIR be included in the Summary Table of Impacts and Mitigation Measures, or clearly referenced there. Also the Planning Commission should request a list of all environmental impacts for which adequate information is not available at this time, but which should be evaluated at any later more detailed review.

•The Definition of the Alternatives Under Study and the Evaluation of the Cumulative Impacts of these Alternatives is Inadequate

1. Impacts of changes in the community plan should be compared with existing conditions. This is not done, for example, in the Summary Table.

2. The range of alternatives is unnecessarily constricted given a major general plan change. Alternatives between A and B exist which are not adequately evaluated. Alternatives emphasizing housing have not been examined. Every alternative emphasizes industrial and sports facilities. This points to a predecision on sports/industrial which is inappropriate in the absence of a general plan amendment specifying the need and evaluating alternative locations for such facilities. Adequate industrial land already zoned for this purpose exists in Sacramento. Alternative sites for sports facilities exist which have the necessary infrastructure and are not located in areas designated by the General Plan for agricultural and open space use.

3. The Alternative A constitutes a sham no project alternative. This has many ramifications in the EIR, some of which have been pointed out at previous hearings.

a. For example, it is unrealistic to assume that the approved levels of development in the County area of North Natomas will occur if the city does not approve urbanization in the City area of North Natomas. Hence the impacts of Alternative A are overstated, and comparisons with other alternatives are incorrect, for example in the case of housing.

b. Another example: since the rezoning in the County "Northgate Industrial Area" has already been subject to an environmental review, inclusion of the impacts of that development in this EIR is improper in so far as it obscures the impacts of City rezoning of North Natomas farmland to urban uses, as it does for example in its assessment of the impacts on other city community land use plans (p. 16 "Summary").

4. Alternative A is defined so that comparisons are made with other alternatives that imply small differences between the alternatives, yet Alternative B through E impact magnitudes are two to three times the magnitudes of Alternative A, and many times the magnitudes of existing conditions. "The Summary of Impacts and Mitigation Measures" is severely flawed in that major differences in impacts and mitigations needed under different alternatives are masked.

5. A specific example of improper assessment of impacts under Alternative A versus other Alternatives is illustrated on page 33, "Solid Waste" impacts. City lacks the policies, financing and

Page 3

programs to accomodate the solid waste to be generated under Alternatives B through E but under Alternative A, City would not need to develop these mitigation measures since all solid waste generation due to development would be the responsibility of County government. The "Summary" fails to recognize that City lacks the ability to manage the solid waste generated by Alternatives B through E, and that it has no responsibility for mitigation under Alternative A. Instead impacts and mitigations are considered equivalent under Alternatives A through E.

6. One result of points 1 through 5 above is that the cumulative impacts of development under different alternatives have not been assessed adequately. The document has been constructed so that the range of alternatives is constricted and so that differences between Alternatives appear to be minimal. The result is that the environmental impacts of different land use and mitigation measure decisions are minimized and masked.

•The Information Presented to Document the Impacts of Alternatives is Inadequate There are five types of instances in which the information presented is inadequate. The categories and examples are listed below. Also we present our comment on these instances.

1. Response is an undocumented assertion or information is garbled so that it is difficult to tell whether the question has been answered. Our comment is that such assertions should be backed by analysis and documentation. Examples are:

a. P. 133 "The initial light rail lines will serve areas that have high levels of development already, or have plans for significant development in the near future. The development of North Natomas should have minimal or no effect on the ridership of those two lines." See also Page 146, "The light rail starter line will be serving, predominately, existing commuter trips. Development of North Natomas should have little or no impact on the starter line ridership." The analyses in the UMTA Alternatives Analysis and the Light Rail Project EIR are based on the assumption that North Natomas will not be urbanized, and that land use policies would support light rail transit development. The North Natomas EIR assumptions should be consistent with the assumptions in the alternatives analysis and environmental impact report for light rail.

b. P. 134 "The proposed hours of operation of the sports complex should preclude any significant conflict between sports complex and commuter traffic." Where have proposed hours of operation of the sports complex been presented?

c. P. 70. Also P. 103, Response to D-4 The assertion is made that the difference between the Blayney-Dyett Plan for South Natomas and the Plan to be adopted by the City Council is not significant, because the 300,000 additional square feet of nonresidential development is not a significant increase. The type and

Page Four

location of development approvals would have significant impacts in terms of assessing North Natomas Community Plans. See also P. 131, E-43 Response which says that the traffic volumes generated in South Natomas would be 11 percent greater.

d. P. 79. C-10 Comment and Response. It is important to estimate the net additional jobs added by opening up North Natomas and then compare the environmental and fiscal costs of generating those jobs against the benefits to the community brought by the jobs. We do not have a clear statement that the loss of agricultural and agriculturally related jobs by the removal of North Natomas land from agricultural production has been subtracted from the expected employment generated by non-agricultural users. It is not enough to say that the number of jobs created will be greater than the number of jobs eliminated. (See P. 84, Response to C-47)

e. P. 83 Response to C-18. The response does not answer the question. How much risk is there for unmitigated environmental impacts, what impacts would be unmitigated, what additional mitigation would be needed if the employee density factor used varies substantially from the actual employee density factor experienced in North Natomas development? What would be a substantial variation? What we are looking for is assurance that the risk of error in employee density and other assumed characteristics of the community, e.g. worker per household factors) is low. If there is substantial environmental risk involved, then the EIR should have a method for mitigating the impacts which were not estimated because of faulty assumptions. This is particularly important given the statement on P. 87, Response to C-28, that North Natomas cannot be compared to any other urban area because it would be a unique community. This is also important to any phasing plan.

2. Response is "outside scope". Our comment is that such impacts should be documented if EIR is to be adequate. Examples are:

a. P. 130. "An analysis of impacts to the regional light rail/bus transit system resulting from development in North Natomas was beyond the scope of this study." It should be noted that the success of the transit system is a part of the Air Quality Maintenance Plan for Sacramento adopted by the City and County of Sacramento in order to meet federal Clean Air Act requirements. (See also Page 133)

b. P. 135 Costs to freight hauling of alternative community plans is deemed "beyond the scope of this DEIR." (E-56) This impact is not beyond the proper scope of the EIR. For example, does increased cost of freight hauling operations cause a loss of trucking business in our area? If so, the economic value of this loss in terms of jobs needs to be included in the calculation of net jobs produced, and the growth inducing impact on nearby agricultural land needs to be included in calculation of environmental impacts.

c. P. 136 "A detailed analysis of the traffic impacts on the internal South Natomas street system was beyond the scope of this study." We disagree, and support the Natomas Community Association comments on this issue.

d. P. 122 "Because the regional analysis was performed on an ADT basis, specific peak hour information is not available for more comprehensive LOS analysis, and was beyond the scope of this study." What this means is that the EIR assesses traffic impacts, infrastructure sizing, and indirectly air quality impacts, using an assumption about the expected peak to base ratio of traffic that is typical of large metropolitan areas, while Sacramento today has a higher peak to base ratio. This is particularly disturbing because the EIR is saying that we will plan on having traffic patterns like the Los Angeles and the Bay Area have, while the purpose of an EIR is to plan so that we don't repeat the mistakes of the past. This is disturbing also because of the EIR assertion that North Natomas is unique. If North Natomas development is unique, why will the EIR use standard (LA-Bay Area) trip generation assumptions not consistent with the patterns in Sacramento?

e. P. 159 "The preparation of a year 2005 emission inventory for the non-attainment area is beyond the scope of this EIR." This does not answer the question why a year 2005 emission projection for ozone and carbon monoxide for the County was not prepared for the EIR. How can the North Natomas impact on air quality be assessed if a projection of air quality without North Natomas development is not available as a baseline?

3. Response is "information is not available". Our comment is that the information should be available and is needed to document the impacts. Examples are:

a. Page 161, Comment F-23 "Currently there is no methodology by which the number of days violating the standard can be determined from emissions data. The modeling performed as part of the RQP focused on predicting the highest levels of ozone, not the number of days exceeding the standard." We believe that a methodology exists to obtain a reasonable estimate of the number of days exceeding the standard under different development scenarios. This is essential information in assessing the environmental impacts of various alternatives and in planning mitigation measures. We should know whether there will be two, twenty or two hundred more smoggy days under the different alternatives assessed.

b. P. 161-2 Comment F-25 and Response. "However, no data exist that would allow prediction of health costs associated with an incremental increase in pollutant levels in Sacramento." We believe that some data do exist and that an effort to quantify the impacts of air pollution induced by the rezoning proposed in the proposed North Natomas Community Plan is required. Number of days exceeding the standard and costs per exceedance day for the metropolitan area are relevant to the evaluation of a major general plan amendment in a nonattainment area.

4. Response is "staff directed us elsewhere." Our comment is that the EIR is the city's document and city staff should respond to the comment. Examples are:

a. P. 134 Regarding use of a Sunday afternoon as the worst case traffic impact analysis for the stadium/arena complex, the FEIR lists "direction of the city" as a reason. This is inadequate. Other "worst cases" should have been analyzed. Judging worst case on the basis of highest attendance at the complex ignores the importance of the ratio between the traffic generated by the special event to the traffic which otherwise would be using the same transportation facilities at the same time. Friday and Sunday evening travel between the Bay Area and Lake Tahoe, for example, cannot be ignored in assessing the traffic impacts of sports complex use.

5. Response is "information is not appropriate to this level of review but is appropriate at a later review stage." Our comment is that these issues should be listed separately, and the City should commit itself to responding adequately to these comments at a later stage.

The Presentation of Feasible Mitigation Measures is Inadequate There are many instances in which available mitigation measures are not evaluated and/or are not included as feasible mitigation measures in the Summary Table, and instances in which the costs of feasible mitigation measures are not included in the financing plan. Our comment is that all feasible mitigation measures should be included in the FEIR, and that the costs of the mitigation measures should be included in the financing plan. Examples are:

a. P. 29, A domed stadium. A domed stadium would mitigate many of the negative environmental impacts of the sports facility on the balance of land uses in the community plan, permitting a greater supply of housing in North Natomas, less commuting, a better jobs/housing balance. Yet the additional cost of an enclosed stadium is not estimated, and it is not listed as a feasible mitigation measure.

b. "Summary" P. 133 Light rail is not included in the Summary Table.

c. P. 135 FEIR notes that "operating hours of the facility [sports complex] should be limited to reduce conflicts with weekday peak hour traffic," but this is not listed as a mitigation measure in the Summary Table or elsewhere.

d. P. 172. H-13-14. The City today lacks policy, financing and program for managing solid waste that is currently being generated given the limits of current landfill capacity. Why does the EIR assume that the City can solve its current solid waste management problem and the additional solid waste burden represented by the North Natomas Community Plan? Why does the EIR not list as a necessary mitigation measure the need to find additional disposal capacity? Why does the EIR show no difference in solid waste management impacts between Alternative A and Alternatives B through E when under A, City would have no waste disposal problem over the existing plan, while under B through E, the City would have a substantially increased waste disposal plan?

e. List in the Summary Table the specific mitigation measures contained in the letter from the Sacramento Audubon Society, 5th and 6th paragraphs, regarding a nature preserve area contiguous with Fisherman's Lake, retention ponds, etc.

f. PP. 163-164 F-30 regarding additional mitigation measures for the air quality impacts. Participation of project sponsors and major employers within the North Natomas area should be included as a mitigation measure. The responses on feasibility of smog incident planning and joint city/county tsm program should be verified with the Air Pollution Control District. We are not aware that either of these programs currently exist as part of air pollution control.

g. Phasing of North Natomas development contingent on build out and occupancy of particular areas already zoned for similar development is a feasible mitigation measure which should be listed.

h. Mitigation measures should be included in the financing plan.

1 MEETING
2 SACRAMENTO CITY PLANNING COMMISSION

3
4
5 CERTIFICATION OF EIR
6 NORTH NATOMAS COMMUNITY PLAN ALTERNATIVES
7

8
9
10 EL DORADO ROOM
11 SACRAMENTO COMMUNITY CONVENTION CENTER
12 1100 14TH STREET
13 SECOND FLOOR
14 SACRAMENTO, CALIFORNIA
15

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20 WEDNESDAY, OCTOBER 23, 1985
21 7:40 P.M.
22

23
24 Reported by:

25 CATHLEEN SLOCUM, C.S.R.
License No. 2822

1 MEMBERS PRESENT:

2 Chris Hunter, Acting Chairperson
3 Brian Holloway
4 James L. Fong
5 Ed Goodin
6 Frank Ramirez
7 Lyla K. Ferris
8 Sandra A. Simpson

9 MEMBERS ABSENT:

10 Lawrence A. Augusta, Chairman
11 William A. Ishmael

12 STAFF PRESENT:

13 Marty Van Duhn, Planning Director
14

15 ALSO PRESENT:

16 Bob Berman, EIR Consultant
17 Angus McDonald, Financial Consultant
18 Stephen L. Jenkins, Project Manager
19 Gary Hansen, Transportation Consultant
20

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P R O C E E D I N G S

--oOo--

MR. VAN DUYN: Good evening. Because we do not have a chair present this evening for the City Planning Commission, the rules of procedure are that the Planning Director initiates the opening of the meeting with the request that the members present on the Planning Commission make a motion for a chair to sit in for this evening only, and your first order of business therefore is to make a motion to have one of you sit as chair this evening, vote on that, and then proceed with the opening of the meeting.

COMMISSIONER RAMIREZ: Motion that Chris Hunter sit as chair for this evening.

COMMISSIONER HOLLOWAY: Second.

MR. VAN DUYN: There's been a motion and a second that Chris Hunter be appointed chairperson for this evening. I'll just take a mass motion.

All those in favor?

(Ayes.)

MR. VAN DUYN: Opposed?

COMMISSIONER HOLLOWAY: It's a thankless job.

MR. VAN DUYN: Chris, we want to start off this evening by having Steve Jenkins make some introductory remarks and then our environmental consultant, Bob

Berman, wants to make some comments for the record this evening, and then -- I'll just leave Steve up to the rest of the process. Following that this is a public hearing and we are allowed to take whatever public testimony is deemed necessary to complete your deliberations. Steve.

MR. JENKINS: Thank you, Marty.

For the record, Steve Jenkins, Planning Consultant and Project Manager on the North Natomas planning studies.

The item before you this evening is a recommendation to certify the Environmental Impact Report for the North Natomas Community Planning Studies.

Last Friday, the 18th of October, a staff report was distributed to you along with an agenda for this evening. The staff recommendation as contained in that staff report recommends, number one, that you certify that the North Natomas Community Plan Alternative EIR is adequate and has been prepared in compliance with the California Environmental Quality Act, the State CEQA Guidelines, the City Environmental Procedures, and that the City Planning Commission has reviewed and considered the information contained in the EIR. The second recommendation is that you recommend that the City Council certify the EIR by adopting the attached

1 resolution which I believe you all have.

2 By way of background, the City Attorney
3 recommends that a public hearing be conducted this evening
4 on your action with respect to the certification of the
5 Environmental Impact Report. Last Thursday you met to take
6 public testimony on the Final Impact Report. Copies of
7 the written transcript of that hearing as well as all
8 written comments received as of the close of the comment
9 period last Friday, have been distributed to you in a
10 staff report dated October 22nd.

11 Staff and members of the North Natomas consultant
12 team have reviewed the testimony presented at the hearing
13 last Thursday. They have reviewed all written comments
14 that were submitted during the comment period, and
15 believe that no new information has been submitted which
16 would require additional analysis on the North Natomas
17 Environmental Impact Report. As a result, the staff
18 recommendation is for certification.

19 I would like to stress this evening, as I have
20 at the other hearings, that this is not a hearing on the
21 applications that have been submitted to the city or
22 any particular land use plan alternative that might be
23 contained within the North Natomas EIR. Hearings on
24 those, on the merits of either the plans or the applica-
25 tions will be conducted before the Planning Commission

1 beginning on November 21st and at the City Council beginning
2 on January 7th, 1986. We would like to have any
3 comments or questions deal strictly with the matter that's
4 before us this evening.

5 We have in attendance several members of our
6 consultants' team, including Bob Berman of the Firm of
7 Nichols and Berman who prepared the Environmental
8 Impact Report. We have Gary Hansen from the firm of
9 Omni-Means who did the transportation analysis, and we
10 will have shortly I think a representative from Angus
11 McDonald who did the economic and financial analysis who
12 are available to answer any questions that you may have.

13 At this time I'd like to introduce Bob Berman
14 who will discuss several of the comments that were
15 received, I believe, and give a general presentation on
16 the Environmental Impact Report. Bob.

17 MR. BERMAN: Good evening, my name is Bob Berman.
18 I'm with the firm of Nichols-Berman and we are responsible
19 for the preparation of the Draft and Final Environmental
20 Impact Report.

21 As Steve indicated, we received a number
22 of comments last week at the hearing, both orally and
23 written comments, on the Environmental Impact Report.
24 What we'd like to do tonight, what I would like to do
25 tonight is go through all those written comments and

1 provide to you a response, our response in terms of those
2 comments and to provide you with some background as to
3 why we've come to the conclusion that the Draft EIR
4 is adequate for certification.

5 As I mentioned, I do want to go through each
6 of the letters and each of the comments. I believe you
7 all have copies of the written comments. So you'll be
8 able to follow along. If there are other questions, at
9 the end of that period, I'd be glad to answer them from
10 the Commission or if, as I'm going through, if there's
11 a specific question somebody might have, feel free to
12 interrupt me and ask a question so we can clarify it at
13 that point.

14 Now, if we've coordinated this right, the
15 comments that you have in your packets will be in the
16 same order as the comments that I'm going to go through.
17 If you're having trouble finding them, just let me know
18 and we can reorganize.

19 The first letter that was received, the first
20 in the packet, is a letter from the Sacramento Housing
21 and Redevelopment Agency. Basically in that letter the
22 Agency concurs with the findings of the Environmental
23 Impact Report and requests the support, requests the
24 inclusion of appropriate measures in the Community Plan
25 to mitigate potential impacts of North Natomas. Certainly

1 that's fine and certainly there's no problem with the
2 Commission later on considering those mitigation measures.
3 But as I say, the Agency generally, the Agency does concur
4 with the findings of the EIR.

5 Next you have a letter from Regional Transit.
6 Regional Transit makes several suggestions in regard
7 to ensuring that transit is an important element of any
8 development in North Natomas. They request the
9 identification of routes, park-and-ride locations,
10 light rail transit right-of-way.

11 They discuss the dedication of land and
12 financial commitments for site improvements and
13 third, they discuss operating funds for transit to be
14 made a part of development in North Natomas. Certainly
15 these issues are appropriate issues for discussion in the
16 preparation of the Community Plan, but they do not require
17 any change or any addition to the Final Environmental
18 Impact Report. Again, these are issues that certainly
19 the information is presented in the EIR and certainly
20 that should be a part of the deliberations on the
21 Community Plan itself.

22 Next is a letter from the State of California,
23 Department of Transportation, Caltrans, and they indicate
24 that their comments have been adequately addressed in the
25 Final Environmental Impact Report.

Next you have a letter from ECOS, the Environmental Council of Sacramento. We'll start on page 2 of the ECOS letter. Comment number one they talk about impacts should be, impacts, other impacts should be shown in the Summary Table. Basically they have quite a few comments regarding the Summary Table.

Basically our feeling is and our conclusion is that the Summary Table is just that. It's a summary of expected impacts and mitigation. By using the text of the environmental report, the reader can compare the expected impacts in the year 2005 under each of the alternatives with the existing conditions as described in the setting sections. They've requested that be done in the Summary Table. The Summary Table is too long the way it is. That may well double the size of the Summary Table.

Second, they say that the range of alternatives is unnecessarily constricted given a major general plan change. We would point out that the EIR does provide a wide range of alternatives. Certainly in terms of dwelling units there's a range of alternatives from 744 in Alternative A to some 43,000 in Alternative E. Employment is a range of 26,000 to 117,000. I would also point out that during the Notice of Preparation period, I guess almost a year ago now, during that period

the city did decide based upon comments by the Planning Commission and members of the public to expand the scope of the Environmental Impact Report and to include two additional alternatives. As you will recall, that was specifically why Alternatives B and D were included in the EIR.

They also have a concern regarding the use of the location of sports facilities in the alternatives and they ask that alternative sites for sports facilities should be looked at. I would point out that the city did have a study undertaken, Economic Analysis of an Arena and/or Stadium for Sacramento, California, prepared by ERA. Section 5 of this report discusses site evaluation. They look at five potential sites: Southern Pacific Railroad Yard, Cal-Expo, downtown, North Natomas, and the Granite Mining Pit. After the evaluation was done in that report, it was determined that only North Natomas and the Granite Mining Pit could accommodate a stadium and that North Natomas rated the highest. It was based upon that work that the decision was made to include the stadium location within the Alternatives B through E.

Okay. Next they call Alternative A a sham no-project. I think we've been through, I know last time I was before you I spoke why Alternative A was selected

as the no-project alternative. The reasons why are provided in the Final EIR, Response to Comments, A-2, A-10. We believe that the description of Alternative A as a sham no project is simply the opinion of the commentators. There's good reason why Alternative A is in there and it's been adequately described in the Environmental Impact Report.

Next in the discussion of Alternative A they say its unrealistic to assume certain levels of development in the county area of North Natomas if the city does not approve urbanization. Again I would point out that the EIR recognizes existing developments within the study area and within the region. Exhibit C-7 in the Environmental Impact Report. Development that is approved but unbuilt or properly considered in the, are properly considered in the impact sections to best understand the cumulative impacts. They also indicate another example that since the rezoning in the county has already been subject to environmental review, inclusion of that development in this EIR is improper.

I'm not really -- because they're saying here, it clouds the issues. It obscures the issues of the city rezoning. I'm not really sure of the intent of that comment. I would note that the Summary Table does compare the differences in outcomes of the five alternatives.

Now, we acknowledge that in many instances the impacts of Alternatives C through E are similar. What we've tried to attempt to do in the Summary Table is that when differences are significant, these are clearly discussed in the text and summarized in the Summary Table so that you can distinguish between the outcomes of the different alternatives.

They note as an example of the obscuring of the impacts that there's an improper assessment of impacts under Alternative A versus the other alternatives with regard to solid waste. We would note for the record that it is correct, the comment is correct that under Alternative A the main responsibility for solid waste would fall to the county. Page H-25 through H-29 discuss solid waste in both existing conditions for the city and the county. Page H-26 discusses impacts on both the city and the county. The change to indicate that the county would be responsible for solid waste under Alternative A, we don't believe that's significant enough to deem the Environmental Impact Report inadequate.

Their next, on page 3, their point number six, again, they're saying that the cumulative impacts of development under different alternatives have not been assessed adequately. The document has been constructed

1 so that the range of alternatives is constructed. The
 2 difference between alternatives appear to be minimal.
 3 We believe that contrary to the opinion put forth in the
 4 comment, the Environmental Impact Report has been
 5 developed to allow comparison of the alternatives, and I
 6 would like to point out and I think this is important
 7 for all of us to remember is most EIRs that are done,
 8 and I'm sure you're all familiar with enough of them,
 9 in most cases the EIR evaluates the impact of the
 10 proposed project and then later on towards the back of the
 11 EIR is a section that talks about alternatives and the
 12 alternative section usually doesn't get that, all that
 13 significant of a play. What we've done in this
 14 Environmental Impact Report is somewhat different. There
 15 is no preferred alternative. There is no preferred
 16 project. Rather, this EIR evaluates in equal weight
 17 five alternatives and it provides the impacts, jobs,
 18 housing, in equal weight of five alternatives and it
 19 provides the information for the planning process so that
 20 once the city gets into the discussions, the merits of
 21 the community plan, each of those five alternatives can
 22 be evaluated and from that, whether it's one of the
 23 alternatives or a combination of the alternatives, a
 24 community plan can emerge. But I think it's real
 25 important to realize that we've gone in effect an extra

1 step to provide that type of comparative analysis in this
 2 EIR.

3 Moving on then, on page 3 there's a discussion
 4 that comes up a couple of times, and that's in regard
 5 to the light rail lines, and it states when there's
 6 disagreement with the findings of the EIR, that the
 7 initial light rail lines will serve areas that have
 8 high levels of development or plans for significant
 9 development in the near future in that the development
 10 of North Natomas would have minimal or no effect on the
 11 ridership of these lines. This is a comment that's come
 12 up a couple of times. Again, we stand by the findings
 13 that we made in the EIR. We would point out that the
 14 starter line will serve areas that already have high
 15 levels of development or have plans for significant
 16 development in the near future. This information
 17 comes directly from or is consistent with the information
 18 contained in the light rail environmental impact report.
 19 Because the starter line will serve predominantly
 20 existing commuter trips, development of North Natomas
 21 will not significantly affect ridership on the light rail
 22 line. Now, that is a conclusion that we've made. Again,
 23 since this initial review has indicated that there would
 24 be no impact on the light rail line, it's not necessary
 25 to do additional evaluation in the EIR. That's the

1 conclusion based upon the information that's available.

2 There's also a discussion here about, a
3 concern about the proposed hours of operation of the
4 sports complex would affect commuter traffic, a concern
5 that we didn't pick the right hours of the operation of
6 the sports complex.

7 I would direct you to response E-96 in the
8 EIR discusses the use of what we define as the worst
9 case conditions to give decisionmakers an appreciation
10 of the greatest negative environmental effects.

11 As discussed on page E-112, the Draft EIR
12 assumed that the stadium arena would be operating
13 concurrently with the coinciding inbound and outbound
14 peak hours. Therefore, the worst case condition.
15 We will concur with the findings of ECOS that at the
16 present time no precise schedules are available for the
17 stadium or the arena. However, it is expected that
18 activities at the stadium would be scheduled so to
19 minimize both facilities operating concurrently and
20 coinciding with the inbound and outbound peak hours.
21 So that the analysis that's done in the EIR is, in terms
22 of definition, the worst case analysis.

23 There's also a concern that the EIR does not
24 adequately take into account the adopted South Natomas
25 Plan. We indicated in the final EIR that the differences

1 between the Blayney-Dyett Plan and the Council-adopted
2 Plan was not significant to require additional evaluation
3 in the EIR. Again, it is the opinion of the preparers
4 of the EIR that this difference is not significant.
5 This is based in large part upon the professional judgment
6 of the preparers of the EIR. I would note that Alternative
7 C talks about commercial, in North Natomas, commercial
8 development of about 1.2 million square feet, office
9 development about 6.1 million square feet, a total of
10 about a little over 7 million square feet. The difference
11 between the Blayney-Dyett South Natomas Plan and the
12 Council-adopted Plan is about 300,000 square feet, and we
13 would submit that that difference would not make a
14 significant difference in terms of the impacts when
15 you're looking at some 7 million square feet of development.

16 COMMISSIONER RAMIREZ: Excuse me. I have a
17 question on that issue.

18 With respect to the cumulative impacts on
19 South Natomas from potential development of North
20 Natomas, you're essentially saying that the intersections
21 then would not undergo any more significant congestion?

22 MR. BERMAN: There would not be a significant
23 change from that, what is shown, from what is
24 described in the Environmental Impact Report. Again,
25 the EIR in the traffic analysis looked at the traffic on

1 the regional transportation network, Interstate 80,
2 Interstate 5, that type of thing. We're saying that that
3 difference in the South Natomas Plan would not significantly
4 change those numbers.

5 COMMISSIONER RAMIREZ: How about internally,
6 aside from the regional?

7 MR. BERMAN: Well, as you recall, this EIR
8 does not look at all the intersections within South
9 Natomas. What this EIR has done is gone about, looked
10 at the roads as they first enter, in this case, South
11 Natomas. But there's not a detailed analysis of the
12 intersections. We felt that, well, based upon the type
13 of analysis that was done of the regional system, it was
14 not possible to do that.

15 COMMISSIONER RAMIREZ: So if I'm interested
16 in knowing the impacts of those intersections, how would
17 I determine that?

18 MR. BERMAN: Gary Hansen, do you want to talk
19 a little bit about that?

20 MR. HANSEN: My name is Gary Hansen. I'm with
21 the firm of Omni-Means. We prepared the traffic analysis.

22 If you wanted to know the specific impacts of
23 the additional square footage in South Natomas, you'd
24 have to first identify exactly where that additional
25 square footage would occur.

1 COMMISSIONER RAMIREZ: I'm interested in knowing
2 the additional traffic as a result of the square footage
3 of North Natomas, how that might impact the intersections
4 in South Natomas with the different alternatives.

5 MR. HANSEN: Well, it will, depending on the
6 total trip generation in North Natomas which varies
7 depending on the intensity of the land use, there is going
8 to be a spill-over effect and it's going to be fairly
9 linear and that if A is sending X amount into North
10 Natomas, then as you go up in the land use densities there
11 will be a greater amount of interaction between the two
12 communities.

13 COMMISSIONER RAMIREZ: Have you done an
14 analysis on that?

15 MR. HANSEN: No, we did not specifically address
16 the South Natomas intersections.

17 COMMISSIONER RAMIREZ: Conceivably then the
18 final action we take will have some spill-over effects,
19 as you call it, on the South Natomas, but yet we haven't
20 analyzed that impact, whatever that impact may be.

21 MR. HANSEN: No, we did not as part of the
22 North Natomas EIR.

23 COMMISSIONER RAMIREZ: And you're indicating
24 that's not a requirement in the EIR, those cumulative
25 impacts on South Natomas?

1 MR. HANSEN: I think Bob is better capable of
2 responding as to whether or not that's adequate.

3 MR. BERMAN: Let me just correct, we did look,
4 the EIR does look at some streets and some intersections
5 in South Natomas. If you turn to Exhibit -- again, I'm
6 a little ahead of myself here. I believe it's Exhibit
7 E-49. E-49, it starts with local streets in South
8 Natomas, Northgate, West El Camino, Truxel, San Juan,
9 and then it takes us down basically to the first inter-
10 section. Exhibit E-50 talks about the San Juan-Northgate
11 intersection, San Juan-Truxel intersection. So basically
12 we do look at the streets in effect as they just
13 enter into adjacent communities, but we didn't go any
14 further than that. Again, because that gets into a
15 whole different level of detail.

16 Again, the traffic analysis, as we've defined
17 here, is an analysis on the regional system and the
18 information that's available to us only allows that type
19 of regional analysis.

20 COMMISSIONER RAMIREZ: I understand what you
21 did. My question is how do we determine the impacts
22 on those internal intersections and roadways? Does that
23 require a separate analysis by the city?

24 MR. BERMAN: It would require additionally
25 what type of land use information they need. Basically

1 it would require more specific information in terms of
2 the location of nonresidential uses and more information
3 in terms of, more detail in terms of specific designs of
4 those future developments in order to better understand
5 the impacts on the intersections, sidewalk, driveway
6 cuts and that type of information.

7 COMMISSIONER RAMIREZ: Thank you.

8 MR. BERMAN: Okay. There's a question --
9 I'm on page 4 now of the ECOS letter -- a question about
10 net additional jobs added by opening North Natomas
11 and a concern about not having a clear statement to the
12 loss of agriculture and agriculture-related jobs by the
13 removal of North Natomas land from agriculture. Page L-75
14 of the EIR states that the estimated full-time direct
15 employment loss from the conversion of ag land would
16 range from 19 to 59 jobs depending upon the alternative.
17 The loss of these jobs is not significant, but it has
18 been accounted for in the Environmental Impact Report.

19 There's also a question, their next comment
20 is a concern about -- the EIR makes certain assumptions.
21 One of which discusses employee density factors, that is,
22 how many employees per square foot or how many square
23 feet per employees, this type of thing. In order to use
24 a consistent, the EIR uses a consistent number through
25 the document in terms of the number, in terms of the

number of square feet per employee for commercial uses, for office uses, that type of thing. This number is based upon the judgment of the staff and the EIR consultant and we firmly believe that the number used is the most valid for the study area. We would not deny that you could use a different number. You could certainly evaluate a series of different employee factors. It's our feeling that this may be somewhat of an interesting academic exercise.

But basically it would involve far too much speculation to be of much use in the EIR. The speculation just wouldn't get you much additional information. The number that we've used, as I say, we, the staff and the consultants, believe is the number most valid for North Natomas.

Again, their next point, Number 2-A on page 4, a concern about the analysis of the impact upon light rail and bus transit resulting from development. Again, I would point out that the EIR has been prepared for a community plan. The EIR does recognize, does recognize the regional aspects of the community plan and the incorporation of mitigation measures is included in the EIR. Earlier I discussed the impacts that North Natomas would have on the starter line. We would agree with, I guess with the assertion here that the development

of North Natomas would affect the expansion of the starter line in terms of potential lane additions, shorter headways, the development of trunk lines. However, we note that there were far too many variables at this time to prepare any type of accurate forecast of these impacts.

As discussed in the letter that you received from Regional Transit, any expansion of light rail will need to go through its own environmental analysis and it's at that time that we believe you'll get the type of information that's being requested here as to the impact of North Natomas on the expansion of the light rail system.

There's a question about the cost of freight hauling of the alternatives or the cost of the alternative on freight hauling on the freeway system. We would note that the EIR acknowledges that traffic congestion would delay freight operations on certain freeway segments and local roadways and that this would result in higher operating costs. Again, to try to tell you what those higher operating costs would be is far too speculative at this level of detail.

Again a note now on the question, and the question that was brought up earlier by the Commissioner, in terms of the traffic impacts on the internal

1 South Natomas street system. Again, I would point out
 2 that the EIR describes the impacts of the alternative
 3 community plan on the regional highway system. The
 4 impact of North Natomas on the system can be clearly
 5 understood reading the EIR. As a community plan, this
 6 is a level of detail that is adequate. I would,
 7 however, point out, as I already indicated, that the
 8 EIR does provide some analysis on local streets immediately
 9 adjacent to North Natomas. This includes Northgate,
 10 West El Camino, Truxel and San Juan in South Natomas and
 11 also the intersections of San Juan and Northgate and
 12 San Juan and Truxel. So there has been an attempt to look
 13 at that tier as we move into adjacent communities.

14 The next point, they bring up a question about
 15 the regional analysis being performed on, it says traffic,
 16 on an ADT basis and we indicate that we used a certain
 17 assumption in terms of 10 percent of the traffic occurring,
 18 10 percent of the ADT occurring in the peak hour.

19 There's an assertion here that this is
 20 incorrect, that the use of this 10 percent, the number
 21 is incorrect.

22 Again, I would like to point out on page E-21
 23 we describe why the peak hour analysis was used. Again,
 24 based upon the judgment, professional judgment of the
 25 traffic engineer and it's adequate for regional analysis.

1 But I'd also like to point out -- this has been somewhat
 2 lost in the discussion -- that the EIR also evaluates
 3 the impacts of the five individual applications that
 4 have been filed with the city. For those, for each of
 5 the five applications, a peak hour analysis has been
 6 done. Again, this is proper because you're there
 7 looking at the individual applications. You have a much
 8 greater specific level of detail. But in regards to the
 9 concern expressed about the use of a 10 percent ADT for the
 10 peak hour, we note that it is correct that Caltrans,
 11 the Department of Transportation states that the
 12 existing peak hour in Sacramento is not typical of other
 13 regions. They estimate a peak hour somewhere between
 14 9 to 12 percent of the ADT, most often using an
 15 11 percent figure. Now, we believe that Sacramento, the
 16 region will become a more typical urban area in the
 17 future. Typical is defined as a region having
 18 more dispersed employment patterns, dispersed commuter
 19 patterns. With the development of projects such as
 20 North Natomas, Delta Shores, the Highway 50 corridor,
 21 Sacramento will become, will have more suburban employment
 22 centers and the downtown commute patterns that currently
 23 affect the peak hour conditions will be diminished. So
 24 we believe our assertion that the 10 percent figure
 25 for the ADT is correct based upon what is happening in

1 Sacramento.

2 In any case, we would note that the differences
3 that we're talking about, our assertion of 10 percent
4 versus a number that Caltrans uses of 11 percent in the
5 Sacramento Region, is really insignificant in terms of
6 the impacts. That they're just, at this level of detail,
7 that difference is insignificant.

8 Okay. There is some discussion about, as you
9 will recall, in terms of air quality. Most of the
10 existing data in terms of air quality that's been prepared
11 by other agencies does not go to the year 2005.

12 Most of it goes to the year 1995. One of the early
13 comments in the Draft EIR was we would like air
14 quality analysis done to the year 2005. We've indicated
15 that that's really not possible to do based upon the
16 information that we have. If I can just point out that
17 in response to comment F-22, what is needed to do the
18 types of projections that are being asked for for the
19 year 2005 would require some 47 categories of pollutant
20 sources to be adjusted by growth factors. Information
21 would be needed regarding population growth, growth
22 in industrial processes such as petroleum, changes in
23 agriculture acreages, range in agricultural burning
24 activity, growth factors for chemical, food, mineral,
25 wood, paper industries. Because the Sacramento area,

1 the Sacramento Air Quality Maintenance Area uses,
2 includes two counties, these types of projections for
3 these 47 factors would have to be done for all those
4 areas in not only Sacramento County but Placer County
5 and Yolo County. Again, I think the point, and I think
6 the point is quite clear, that type of information just
7 is not available to do the year 2005 projections.
8 And I would note that both the Air Resources Board,
9 State of California, and the Sacramento County Air
10 Pollution Control District appear satisfied with the
11 air quality analysis that was done in the EIR.

12 There are additional comments requesting that,
13 in terms of trying to determine the number of days that
14 the air quality standard would be exceeded in Sacramento
15 with the North Natomas development. Also questions about
16 the cost, health costs associated with the incremental
17 increase in pollutant levels in Sacramento. Again,
18 this data simply does not exist.

19 I would note in terms of the health costs,
20 it is true that there is information available regarding
21 health costs and air quality in some relationship. What
22 we're talking about in the EIR is the impact that the
23 incremental change in air quality would have in terms of
24 health costs. That information is not available. There's
25 no published data that tells you the five percent

1 increase in ozone levels in North Natomas, what impact
2 will that five percent have in terms of health and those
3 costs. So it's not there.

4 Again, the next comment on page 5, comment
5 4-A, again questioning the use of a Sunday afternoon
6 as the worst case traffic analysis, they're saying that
7 this is inadequate.

8 Again, I note that we've already discussed
9 the methods that we've used, page E-112 and E-113 of the
10 EIR, page 151 of the Final EIR discusses the methods
11 that we use to come up with this analysis. Again, if
12 people disagree with the answers, that's fine. There
13 can be differences of opinion. But we certainly believe
14 that we have looked at the worst case analysis in terms
15 of the stadium traffic complex.

16 On the bottom of page 5 there's a comment about
17 a domed stadium and it's indicated that a domed
18 stadium should be included as a mitigation measure. A
19 domed stadium would mitigate many of the negative
20 environmental effects of the sports facility on the
21 balance of land uses in the community plan providing
22 a greater supply of housing in North Natomas, less
23 commuting, a better jobs-housing balance.

24 We would simply point out that this is
25 certainly the opinion of the commentor that a domed

1 stadium is a feasible mitigation measure. Based upon the
2 analysis that we prepared in the EIR, there does not appear
3 to be the need for a domed stadium nor would a domed
4 stadium significantly reduce any of the adverse impacts
5 identified in the Environmental Impact Report. But
6 certainly the city is well within their requirements
7 if later on they want to require a domed stadium, that
8 certainly can be done.

9 COMMISSIONER RAMIREZ: I'm assuming that the
10 commentor was referring to noise problems.

11 MR. BERMAN: Well, it's not clear what the
12 noise problems, what the comment was referring to. In
13 terms of noise, we indicated in the EIR that there
14 were not significant noise problems associated with the
15 stadium and there are contour lines that are drawn.
16 And in fact, we went to a lower threshold of noise, I
17 believe it's 45 dba, in order to determine what the
18 impacts of the stadium would be. Simply it is not,
19 based upon the land use plans that we've gotten, the
20 five alternatives, residential development, residential
21 development within North Natomas would not be impacted
22 by noise at the stadium and existing residential
23 development outside of North Natomas would not be
24 impacted by noise at the stadium.

25 The other point that has to be made is if you

1 did want to put a domed stadium on for noise control,
 2 it would really depend on the type of dome that's used.
 3 If it's simply a fabric type dome that's now being used,
 4 that would have almost no effect on noise. It would
 5 have to be some kind of a solid facility, a concrete or
 6 a steel facility. So we did look at that. But, again,
 7 it's our finding that that is not necessary.

8 COMMISSIONER RAMIREZ: And that data of yours
 9 was gathered based on what, a capacity crowd, for
 10 example, in a stadium?

11 MR. BERMAN: The main concern in the stadium
 12 is the loudspeaker system, the playing of music between
 13 innings of a baseball game, the beginning of a football
 14 game, or a rock concert. We made certain assumptions
 15 in the EIR in terms of the type, the type of loudspeaker
 16 system that would be used and the types of db's that would
 17 be put out, and that was based upon an evaluation that
 18 we did of other stadiums. We tried to get some tickets
 19 to the superbowl at the time to test it out, but we
 20 couldn't get that in the budget. But it was based upon,
 21 you know, again, because there is no design for the
 22 stadium, it's based upon our assumptions in terms of
 23 the loudspeaker systems that are being used and it's
 24 also based upon the assumption that it will be a fully
 25 encircled stadium, that it would not be an open-ended

1 stadium. An open-ended stadium would have different
 2 noise configurations.

3 COMMISSIONER RAMIREZ: So as a design is brought
 4 forward at the project planning stage, the specific
 5 project, that's when we take a more critical look at the
 6 design verses the noise factor?

7 MR. BERMAN: Absolutely. I think, and this
 8 point comes up a couple of times later on here, is that
 9 if specific projects come in, they will need to be looked
 10 at. If the assumptions or if the specific projects are
 11 different than the assumptions that are made in the
 12 EIR, in this case in terms of noise, it may well be,
 13 necessary to do some supplemental environmental work to
 14 look at that different information.

15 Okay. Moving along here, on page 6 of the
 16 ECOS letter there's a couple of comments regarding the
 17 summary again. The Summary Table does not include
 18 light rail. Again, I mean, the Summary
 19 Table is just that. It's a summary table. It's not
 20 all inclusive. The Summary Table is far too long the
 21 way it is. But the thing that controls in terms of
 22 mitigation measures is certainly the information that's
 23 in the bulk of the EIR.

24 Concerns that the operating hours of the
 25 sports facility should be limited to reduce conflicts

1 between peak hour traffic, they're right, that's not
 2 listed as a specific mitigation measure in the EIR.
 3 Certainly it could be added as a mitigation measure if
 4 the Commission deems that necessary. Again, the
 5 next one is some comments about solid waste and the
 6 fact that we don't recognize, the EIR does not recognize
 7 that Alternative A, only the county would be responsible.
 8 It also indicates that the city is having certain problems
 9 now in terms of the location of running out of space
 10 for solid waste. The EIR Section H does recognize
 11 anticipated impacts and recommends mitigation measures
 12 in terms of the solid waste management plan and we also
 13 recognize, and I think you all up there recognize that
 14 the city is now directly taking efforts, too, to solve
 15 its solid waste problems, waste to energy plants,
 16 additional landfills. And certainly what we're saying
 17 is this as additional, if additional solid waste
 18 is being generated in North Natomas, those numbers need
 19 to be taken into account by the city as they're doing
 20 their efforts in terms of solid waste management.

21 The next comment, again, they ask for some
 22 additional mitigation measures to be incorporated that
 23 were recommended by the Autobon Society. We believe that
 24 the mitigation measures contained in the EIR are
 25 sufficient to mitigate wildlife impacts and no additional

1 measures are recommended. Again, you're certainly free.

2 There's some question about we had indicated
 3 that there is currently smog incident planning, there's
 4 some joint city planning PSM programs being undertaken.
 5 There's a question they were not aware this is being
 6 done. This is now apparently being done within the
 7 region.

8 Finally, two other comments, one regards
 9 phasing, the phasing of North Natomas development
 10 contingent on build-out and occupancy of a particular
 11 area zoned for a similar development as a feasible
 12 mitigation measure which also should be listed. Again,
 13 our comment at this point is that the phasing of the
 14 community plan is a proper discussion in the deliberations
 15 which will be part of the community plan process.
 16 You're certainly free to do any type of phasing that you
 17 would like. The information is, there's certainly
 18 enough information in the volumes of the EIR to determine
 19 the types of phasing that you think is feasible. It's
 20 not necessary to go back and do something different in
 21 the EIR. Finally about mitigation measures being
 22 included in the financing plan, there are mitigation
 23 measures included in the financing plan.

24 Okay. Now, I'm going to keep going here.
 25 That's the bulk of the comments of the most detailed and

1 hopefully the rest of this will go a little quicker here.
2 Let's try.

3 The next comments that we have are from Modern
4 Transit Society of Sacramento.

5 Their first comment is a comment about the
6 use of city dispensed gas tax and state dispensed gas tax
7 revenues, and it goes on for a couple of paragraphs.
8 Quite frankly we're not clear exactly what the comment
9 means, what the comment is aiming to in terms of gas
10 tax revenues. The fiscal and financial analysis
11 done for North Natomas makes no such assumptions with
12 regard to the utilization of gas tax revenues. That's
13 the best we can say. We just don't make the assumptions
14 that are being stated here.

15 There's also a concern that additional
16 transportation projects should be included in the, should
17 be costed out and added to the EIR as mitigation measures.
18 I just wanted to go through because I'm concerned when
19 information is presented that there is good reason for
20 that information. There's a discussion of the need for
21 a grid of major streets between El Paso and Elkhorn.
22 We would note that no agency has deemed that this
23 arrangement is necessary. The county has indicated a
24 preference for this type of road improvement, but it's
25 really more a matter of philosophy. Both the proposed

1 system and grid system would work.

2 A new state freeway extending to Orapgevale,
3 the so-called Route 102. We note that many years ago there
4 was a proposed freeway route extending from the I-5/99
5 interchange eastward to Interstate 80 between Elkhorn and
6 Antelope. Again, no agency has indicated that this is
7 necessary. Just that it is potentially available
8 to reduce I-80 traffic. We would note that it would
9 reduce, we would note that it would reduce I-80 traffic.
10 That's correct. However, it's not recommended or
11 required as a mitigation measure.

12 The question about the extension of Truxel^D,
13 across the American River, this is recommended as a
14 potential mitigation measure by Caltrans. The EIR
15 concurs on page E-76, E-77 of the Draft EIR. We would
16 note that it's not a reasonable mitigation measure for
17 Alternative C given marginal impacts on I-5 and should
18 be considered for Alternatives ^DB and E.

19 A question about the Arden-Garden Connector.
20 We note that for North Natomas it really wouldn't mitigate
21 anything. It would be a minor improvement upon
22 Interstate 80. Also the new beltway freeway connecting
23 East and South Sacramento, again we note that this is
24 not identified by any agency as a firm project nor as
25 a North Natomas mitigation measure. It would not affect

1 North Natomas traffic. It would affect regional
2 traffic flows in the system by providing some additional
3 south to east access.

4 Other comments by the Modern Transit Society
5 the Sacramento citizen, the Sacramento citizen in city
6 or county should stay very awake to all these costs.
7 It's clear that the EIR shifts much of the cost to
8 alleviating traffic congestion from North Natomas
9 to the people of the region. There's some other comments
10 about this being an auto-based solo driver community.
11 The fact that the property owners, the shopper, the
12 resident of the city and the county are not the ones
13 who pay this large, should not be the ones who pay this
14 large but untallied bill. Again, these comments, these
15 are certainly the opinion of the commentor. It's certainly
16 proper that they make these opinions. The EIR provides
17 adequate information to allow decisionmakers to make the
18 informed decisions that need to get made. It's not
19 necessary to go back and respond or revise the EIR in
20 regards to these opinions.

21 There is, again, a comment about the lacking of
22 specific cost assignments for the contribution of North
23 Natomas to the regional transportation congestion. Again,
24 I would note as we have before that the EIR notes that
25 most of the regional improvements discussed in the EIR are

1 not attributed to development of North Natomas but to
2 overall growth in development of the region and, therefore,
3 specific cost estimates have not been prepared. However,
4 I would note that in the letter of August 22nd, 1985,
5 Caltrans did make an estimate of the costs related to
6 improvements in the regional highway system specifically
7 associated with development of North Natomas and that
8 letter is in the Final Environmental Impact Report.

9 Other comments of similar -- there's a question
10 about the problem of the ability to get more traffic
11 off Route 5 into downtown Sacramento via J Street
12 and that this is not assessed. We'll note it is correct
13 that an analysis on this interchange was not completed
14 for the EIR. We would also note, however, that the
15 projected traffic increases on I-5 at this location indicate
16 that there would be a similar increase on the interchange
17 ramps could be expected and that there is. There
18 obviously will be an impact upon the interchange similar
19 to the increase in traffic on I-5.

20 Then there's some comments about air quality
21 and whether we want the institution of city and county
22 controls on growth and the problems of the need to amend
23 the air quality plan. Again, we would note that this is
24 the opinion of the commentor. That the EIR discusses
25 procedures that are necessary to obtain consistency

1 between the Air Quality Plan, the General Plan and the
2 North Natomas Community Plan.

3 Okay. Moving on to Sacramento Transportation
4 Coalition letter, we're beginning to get several comments
5 that we've already had. Their first comment, the bottom
6 of the first page, impacts on downtown, again, a question
7 of more information in terms of what is the impact upon
8 downtown Sacramento.

9 One thing that I think is important to under-
10 stand, and I think everyone understands, is that the
11 CEQA Guidelines, Sacramento Environmental Quality Act
12 is quite clear that in the absence of quantitative
13 data it is permissible to provide qualitative information.
14 Okay.

15 The guidelines are quite clear on that. The
16 EIR states, and states on page 128 of the Final EIR,
17 that some developers and potential users or residents of
18 an area may decide to locate elsewhere due to traffic
19 congestion. We concur with that. Again, there is no
20 quantitative answer to that. I think you have to
21 recognize it's going to happen. We made some comparisons
22 of some things that are happening in the Bay Area. We
23 believe those comparisons are accurate. Further on the
24 Coalition asks for a clear analysis of the impact of
25 each community plan on downtown development, on the

T3

1 economic viability on downtown. Again, we would note that
2 the EIR does discuss the impact of development in North
3 Natomas on other areas within the region. If you look
4 at pages B-72 through B-75, there is a discussion of
5 cumulative impacts. If you look at Exhibits B-75,
6 76 and 77, there is a discussion of the implications on
7 other areas of the region, including downtown Sacramento
8 from North Natomas. There's specific numbers in terms
9 of population, housing and employment. Section C of the
10 EIR also discusses impact of downtown plus other
11 Sacramento regions.

12 So there is information and it is in the,
13 Environmental Impact Report in terms of the impacts of
14 North Natomas on downtown.

15 Next the Transportation Coalition brought up
16 again the question of the trip generation numbers and,
17 again, the question about the 10 percent ADT. I discussed
18 this earlier. I won't go through that again.

19 They also again asked for questions about
20 an analysis of the impacts to the regional light rail and
21 bus system regarding development in North Natomas. Again,
22 I responded to that question earlier. So I won't go back
23 over that unless there are any specific questions.

24 Next there is some information from the South
25 Natomas Community Council. There was not any written

1 comments from them, from the South Natomas Community
2 Association. Again, their main concern as I recall was
3 the impact upon specific intersections within South
4 Natomas, and I think we've already discussed our
5 response to that.

6 Moving on then, there's some comments from
7 Keith Seegmiller, resident of North Natomas and president
8 of SCOLD, Sacramento Coalition Opposing Leap-Frog
9 Development. Their first comment, Final Environmental
10 Impact Report page 193 bottom, they bring up a question
11 about the start-up costs and about the inadequacy of
12 the costs for the drainage system. Now, this comment
13 has come up a few times and I think we need to clarify
14 that the costs that are included in the Environmental
15 Impact Report on the drainage system were prepared by
16 licensed engineers and were prepared upon good assumptions.
17 There was a document prepared, and it's mentioned in the
18 EIR, as part of the studies and an initial drainage
19 report was prepared that looked at an overall drainage
20 concept for North Natomas and then later on a supplemental
21 report was prepared on drainage plans.

22 Page 15 of that supplemental report talks about
23 how the costs were prepared. Estimated costs are based
24 upon Engineering News Record 20, and cites construction
25 cost index 4200, capital costs include a 35 percent

1 allowance for engineering contingency, land costs based
2 upon current sale prices in South Natomas with 25 percent
3 added to cover cost of appraisal, acquisition. Then
4 as you get later on in that document, there's a cost
5 that's broken out for the canals, the specific structures,
6 the storm drains, for the pump stations, the detention
7 storage, additional engineering costs. There's costs
8 for the land. There's costs for storage and additional
9 acquisition contingency costs.

10 The numbers that are used in the EIR are
11 based upon engineering estimates and there's good backup
12 and I'm not clear why it's continually indicated that
13 there's something inadequate. Again, I do note for the
14 record that some comments on the Draft EIR indicate that
15 the costs were way too high. Some indicated the costs
16 were way too low. We can't satisfy, not everyone is
17 going to be satisfied with what the costs are. But the
18 fact is that the costs included are good numbers.

19 There's also a comment regarding page 195 about
20 potential tax increment to other areas of Sacramento
21 will be sucked away by development of North Natomas.
22 The Final EIR does discuss the impact that development
23 in North Natomas would have on other areas of the city
24 where urban growth was planned to be accommodated. Again,
25 this is cited on page 248. It is noted in the Final EIR

1 that within redevelopment areas the division of new
 2 developments would adversely affect the Agency's tax
 3 increment. Again, to go beyond that, to try to quantify
 4 what the change in that tax increment would be is far
 5 too speculative to be of any use. We would note, however,
 6 that we would certainly concur with the measures suggested
 7 by the Redevelopment Agency in regarding the mitigation
 8 of impacts to existing Sacramento neighborhoods.

9 Next there is a letter, there's a comment from
 10 Mr. Seegmiller regarding the costs again, \$58 million
 11 dollar sewer improvement costs. Again, there's a question
 12 about whether or not this is a good number. We certainly
 13 know of no discrepancies between sewer cost estimates
 14 produced by CH2M Hill and the cost estimates
 15 included in the Draft EIR. The table in CH2M's final
 16 report dated April 30th indicates Alternative C,
 17 sewage construction costs, of \$58,750,000. This is a
 18 figure that is used in the Draft Environmental Impact
 19 Report. Again, you may not like that number or that
 20 cost, but it is based upon good information.

21 There is also a comment that the major, we
 22 indicate that the major sewer improvements and treatment
 23 facilities are assumed to be financed by fees not a
 24 special tax. The comment is that this is really, this
 25 is a tax. It's not a fee. Our only response to that

1 is that the financing mechanism that we assumed for the
 2 major sewer improvements reflects the current policy of
 3 the Sacramento Regional County Sanitation District.
 4 That's the policies we followed.

5 Finally, there's a comment that I guess is more
 6 of a general comment that the EIR leaves too many things
 7 to be done later, that this is our last chance. That
 8 everything has to be tied down at this point.

9 Again, I would just like to make a comment
 10 in terms of a bigger context of why are we doing EIRs and
 11 what the guidelines, what the CEQA Guidelines talk about.
 12 As I'm sure you're aware, that any EIR should be
 13 prepared with a degree of analysis to provide decision-
 14 makers with the information which enables them to make a
 15 decision which intelligently takes account of
 16 environmental consequences. An evaluation of environmental
 17 effects of the proposed project need not be exhaustive,
 18 but the sufficiency of an EIR is to be reviewed in the
 19 light of what is reasonably feasible. We certainly
 20 believe that we have met that test.

21 I would also note, and it is true, that at
 22 certain points in the EIR it says that more precise
 23 studies are needed when a specific community plan is
 24 prepared. That's true. That's what it does say. We
 25 again would note that as long as the fundamental assumptions

1 contained in the environmental analysis remain appropriate
 2 in the light of those future studies, then the environmental
 3 analysis of the EIR would suffice. If, however, the
 4 final designs change substantially from assumptions that
 5 are made in the EIR, then a supplemental EIR, supplemental
 6 environmental document may be required. That's how the
 7 process works and I think we have to recognize that.

8 Next there's a letter from the Grant Joint
 9 Union High School District. They don't have any comments
 10 on the adequacy of the EIR. They do note that they
 11 would, apparently they would like an additional high
 12 school. But, again, they're not questioning the
 13 adequacy of the EIR. And then finally there's a comment
 14 from Daniel Yamshon, Sacramento Coalition opposing
 15 Leap-Frog Development. I would like to make clarification.
 16 On the cover letter of these comments there's a comment
 17 that's made that should be clarified. He indicates that
 18 after talking about the problems of the Draft EIR, he
 19 says:

20 "This does not mean, however,
 21 that there is not much useful information
 22 in the Final EIR such as the conclusion
 23 that there's no compelling community need
 24 for any of the proposed development in
 25 North Natomas."

1 I would like to clarify for the record that
 2 is not the conclusion of the Environmental Impact Report
 3 that there is no compelling need for any of the proposed
 4 development in North Natomas. What the EIR states is that
 5 the General Plan requires that the landowner show a
 6 compelling community need to convert ag lands to urban
 7 uses. What the EIR states is that to date none of the
 8 applications submitted to the city address this issue.
 9 If it is decided to permit urbanization of North Natomas,
 10 these findings will have to be made. But I did want to
 11 clarify that.

12 Okay. There's some discussion, some concerns
 13 about hydrology. Again, as we noted in the Final EIR
 14 that subsequent to the initial drainage studies, more
 15 detailed studies and system cost analysis were prepared
 16 in the supplemental report. This report is dated
 17 April of 1985 and it's available at the Planning
 18 Department. We would also note that it's not uncommon
 19 at this level of detail that drainage studies are not
 20 performed at the time of the General Plan amendment
 21 zoning determinations are made on a project of this
 22 size. Again, where assumptions are appropriate,
 23 the early environmental analysis requires that the EIR
 24 analyze reasonable hypotheticals. The studies that,
 25 should studies later on reveal specific problems that

1 were not analyzed in the EIR, a supplement may be
2 appropriate.

3 Okay. He also talks about, again, a question
4 about some of the costs. Again, the costs that we
5 prepared are we believe good costs. They're neither
6 inflated nor deflated. They were prepared by licensed
7 engineering professionals.

8 I already discussed the drainage costs.

9 There's also a question about omitted problems
10 regarding the severe local and regional impacts on surface
11 and groundwater and some of the costs associated by this.
12 Again I think we need to clearly indicate, the EIR does
13 acknowledge concern with local and regional impacts and
14 surface and groundwater quality. You know, this is what
15 the EIR is supposed to do. But it also clearly states
16 on page 228 that the implementation of specific mitigation
17 measures reduce the risk of contamination of canal
18 drainage water and Sacramento water, the problem can
19 be minimized through those mitigation measures.

20 We also noted in the EIR that probably water
21 quality benefit of the project would be the eventual
22 reduction of pesticide residues from agriculture runoff
23 and tailwater discharge. So the question of concern
24 that's expressed here, you'll have to go to the EIR and
25 see that the concern, that we do talk about the

1 mitigation measures and we do talk about the potential
2 benefits that may occur in this case in terms of the
3 water quality.

4 There's also a question here that's not
5 addressed is the cost in lowering the land values to be,
6 of using streets for onsite water storage. Well,
7 this question has come up a couple of times. Again,
8 the question of we're using these streets for onsite water
9 storage. It's being proposed the use of streets for onsite
10 water storage. Let's clarify that the design criteria
11 that's been used for the drainage study's similar to the
12 criteria used in other portions of Sacramento. Certainly
13 not expected that the use of this criteria would lower
14 land values in the area. But I would also like to
15 clarify this issue of street flooding. It is correct
16 that under the drainage plan it's recognized that local
17 street flooding would occur during the 100-year
18 design storm. Okay. Again, we're not talking about
19 flooding happening every year. We're talking about a
20 100-year storm. This results primarily from acceptance
21 of a certain level of risk by the designers of the system
22 during extreme storms rather than any conscious effort
23 to use the streets as flood water detention. Basically
24 that in a very rare event, a 100-year storm, there
25 would be some flooding in the streets. Likely not an

1 awful lot of flooding, but it would certainly occur.
 2 We also do -- although, again, it's not -- at the last
 3 meeting we talked about flood evacuation rates and using
 4 the light rail transit lines for floodways and things
 5 like that. This is not an occurrence that's going to
 6 happen year after year. It's a rare occurrence.

7 I would also point out that the EIR does
 8 recommend a mitigation measure to reduce this impact,
 9 and that's the use of progressively larger drainage
 10 pipes to reduce the occurrence of on-site flooding.

11 Okay. There's also a question of transit,
 12 and I think we responded earlier to his comments regarding
 13 cost of transit and the impact of North Natomas on
 14 transit. Bear with me here. I'm almost done.

15 There's a discussion about Alternative A. Again,
 16 disagreement with the use of Alternative A as no
 17 project. I think I've adequately described this,
 18 discussed this at the last hearing. I can certainly go
 19 back over that if anyone's interested.

20 So there's also a question of agriculture
 21 and there's a discussion about the use of the PIK program.
 22 I'm not quite clear what the concern is with the use of
 23 the PIK Program. I want to point out that Appendix L-3
 24 of the Draft EIR does discuss what the Payment In Kind
 25 Program was. But I would also point out that the EIR

1 identifies crop distribution for the study area for
 2 1983. This is the most recent year for which map data
 3 were available in the preparation of the EIR. The
 4 fact is, fortunately or unfortunately, the fact is
 5 that in 1983 certain lands in the study area were withdrawn
 6 due to the Federal Government's PIK Program. We
 7 recognize this. We recognized this early on. Picked
 8 that one up right away. What we did in order to assess
 9 the impacts on agriculture production accurately, we
 10 went through and looked at the full potential, full
 11 productive potential of the study area. If you look
 12 at Exhibits L-20, L-21, these numbers that look at,
 13 the full potential of the study area, the full productive
 14 potential of the study area are described. So whether
 15 or not the PIK Program was in use or not really is not
 16 relevant to the discussion of the impact discussion in
 17 the EIR. I hope that clarifies that.

18 Finally there's a question on phasing. Again
 19 I think I discussed the question of phasing, the
 20 phasing maps, and this type of thing last time. Okay.
 21 That ends the written comments.

22 There's also a transcript. There's only a
 23 couple of comments in the transcript I'd like to respond
 24 to. There were, as you will recall numerous comments
 25 about the Natomas Airpark at the last hearing. I would

1 point out that the Draft EIR, pages D-23, D-24 discusses
2 the Natomas Airpark and the Regional Aviation System
3 Plan of 1984, RASP.

4 I would also point out that page D-48 discusses
5 the impact of the community plan on the airport. Quite
6 clearly it says continued operation of North Natomas
7 would be permitted under Alternative A and it's potential
8 for future use as a reliever airport would remain
9 unchanged. Alternatives B through E, however, would
10 convert the Natomas Airpark to other land uses. There
11 are no suitable sites in the North Natomas study area
12 where the airport could be relocated. I think that
13 pretty clearly states what the impact is. Again,
14 there's not much more one can do with that. It's a
15 decision that has to be put upon the decisionmakers
16 whether or not you want to accept that or not.
17 But the EIR clearly discusses the impact upon Natomas
18 Airpark.

19 There are some mitigation measures that we
20 discussed in the document. One is an alternative would
21 be to revise the land uses to maintain Natomas Airpark
22 and use the proposed golf course and other open space
23 as the required 65db CNEL buffer. Another is to develop
24 Natomas Airpark as an industrial airport. The other is
25 to maintain the airfield and relocate proposed residential

1 units to sites which would not conflict with the existing
2 traffic pattern. So, you know, the information is there.

3 I'd also point out, and I don't know if this
4 is relevant or not, but that the Natomas Airpark is a
5 privately owned airport operating under a permit from
6 Sacramento County. Based upon discussions that we've
7 had with the county, the owners of the airport can
8 at their discretion close that airport at any point that
9 they would like.

10 Okay. Also in terms of airports, Larry
11 Kozub from Sacramento County Department of Airports
12 spoke at the last meeting. He raised several questions
13 regarding the Metropolitan Airport, the use of noise
14 contours, residential development north of I-5. Again,
15 I will point out pages D-22 and D-23 discuss the
16 county policies related to the development of the airport
17 and the county's comprehensive land use plan. Page G-6
18 of the Draft EIR discusses the County Department of
19 Airports concern for residential development. It says
20 right here: The Department is particularly concerned
21 about residential development of land west of I-5 and
22 encroachments on the take-off and landing patterns of
23 Metro Airport. The Department has indicated that it would
24 vigorously oppose any residential development in North
25 Natomas west of I-5. We recognize the concerns. We also

1 have some mitigation measures in there that talk about
2 that concern. So I believe the concerns that Mr. Kozub
3 brought up last time were, are responded to, are included
4 in the EIR.

5 Finally, as everyone takes a deep pause, I
6 said I could do this in an hour. It's a little over an
7 hour.

8 Finally there was some comments from the
9 South Natomas Community Plan, Community Group. Again,
10 I think we responded to comments regarding the impacts
11 on the South Natomas streets. They also raised the
12 question regarding assumptions that have been made
13 for the regional transportation system. Again, the
14 document pages E-22, E-23, discuss future roadway
15 improvements in the region. Again, to clarify, in all
16 alternatives, State Route 99 was assumed to be improved
17 to a four-lane freeway from I-5 into Sutter County.
18 It also includes a grade separated interchange with
19 Elkhorn Boulevard. Both these projects are currently in
20 the design phase. For the rest of the system, regional
21 system, existing freeway conditions were assumed and
22 that's what was used to analyze the transportation
23 impacts.

24 Specific interchange improvements related to
25 each of the individual alternatives, A through E, are

1 discussed on page E-23 of the document and there are
2 some specific interchange improvements. But by, and large
3 the EIR assumed the existing freeway systems.

4 Well, that concludes my prepared comments.
5 I certainly would be willing to respond to any comments
6 the Commission may have at this time if there's anything
7 I missed.

8 ACTING CHAIRPERSON HUNTER: Are there any
9 questions from members of the Commission?

10 COMMISSIONER RAMIREZ: I have a general
11 question, and that is with respect to some of your
12 information in the EIR goes as far as analyzing the
13 first three alternatives and then basically suggests
14 that the analysis for Alternatives D and E are so
15 significant that you just haven't gone that far and
16 continued the analysis. Is that sufficient with respect
17 to comparing --

18 MR. BERMAN: I'm not sure that's an accurate
19 characterization of the EIR. We have attempted, and I
20 believe we have, analyzed each of the alternatives in
21 equal level of detail. Now, it is true that in some
22 instances in terms of what we've done is we've looked at
23 the year 2005 in some instances in terms of based upon
24 the analysis work done by Angus McDonald that build-out
25 would not occur for primarily Alternatives D and E until

1 after the year 2005. So that when you're taking that
 2 picture of the year 2005, in some instances it does not
 3 include complete build-out. It would not go out then
 4 and look at the build-out of Alternative D and E at
 5 that instance. But that's again based upon the build-out
 6 of both alternatives. Other than that, as I'm aware,
 7 we've tried in each instance, traffic, air quality,
 8 noise, to compare the impacts of the five alternatives
 9 and to provide the same level of information. In some
 10 instances, as you get up to the higher levels of impact,
 11 it's hard to distinguish the impacts, the differences in
 12 impacts. The impacts, it seems like you pretty much hit
 13 a threshold and the impacts become similar and we have
 14 indicated in those instances where the impacts for some
 15 of the alternatives, C, D and E, are similar. But I
 16 think, as I say, I do believe that we've done a fair job
 17 in terms of all five alternatives.

18 ACTING CHAIRPERSON HUNTER: Any other questions?
 19 I do have one for you, Bob.

20 You just mentioned that in analyzing the impacts
 21 sometimes it's hard to distinguish a great deal of
 22 difference. It's adjusting mitigation measures under each
 23 of those alternatives. My reading of the EIR suggests
 24 that there's very little distinction between the order of
 25 magnitude that would be required, for example, to mitigate

1 air quality impacts under D as opposed to B or E.

2 Could you respond to that?

3 MR. BERMAN: That's correct. What we tried to
 4 do in terms of the mitigation measures is to say here are
 5 the mitigation measures that would apply to all the plans.
 6 Here are the mitigation measures that would apply to
 7 Alternative A. Here are the mitigation measures that
 8 would apply to B, C, and D, and to group mitigation
 9 measures where appropriate. So you're correct, in a lot
 10 of instances mitigation measures are similar for the
 11 alternative, especially for alternatives B through E and
 12 those mitigation measures are similar and because of that
 13 they're grouped together in terms of air quality. They're
 14 essentially the same mitigation measures for those
 15 alternatives. The problems, the differences, for example,
 16 in the ozone level between D and E, I think it ranges from
 17 about three to five percent. With that order of
 18 magnitude, you're going to require the same mitigation
 19 measures. So you are correct in that observation.
 20 Again, though, we tried to, where there are specific
 21 mitigation measures for specific alternatives, we try to
 22 pull those out. Like also we've done that for the five
 23 individual projects. Where there are specific mitigation
 24 measures for one or two of those individual projects,
 25 we've spelled those out in the mitigation section.

1 ACTING CHAIRPERSON HUNTER: Did you attempt to
2 distinguish when you went through the kind of laundry
3 list of potential mitigation measures which ones were more
4 or less feasible? For example, we've already heard from
5 Regional Transit about the feasibility of using massive
6 bus service as a significant mitigation to air quality
7 impacts in North Natomas.

8 MR. BERMAN: Well, we think they're all feasible.
9 Some may cost more than others. As you know, I mean
10 the way CEQA works for significant environmental impacts,
11 and there is a list of the significant environmental
12 impacts in Section B, that you are required to mitigate
13 those impacts. We believe that the measures identified
14 in the EIR would mitigate those impacts. If you find
15 that those mitigation measures are infeasible due to
16 other reasons, economic reasons, social reasons or some
17 other reason, the Council can then provide overriding
18 considerations to indicate why the measures were not
19 adopted. But we do believe that the measures contained
20 within the EIR are feasible in terms of mitigating the
21 impacts.

22 And admittedly though the question of the cost
23 in terms of regional transit, we recognize that will
24 require some hard decisions in terms of the payment of
25 those, of the financing of mitigation measures.

1 ACTING CHAIRPERSON HUNTER: One last question
2 about the process. In my experience we normally hold
3 off acting to certify the final EIR until we have a
4 project, and you said earlier in your discussion that
5 we really don't have a project. We have a series of
6 alternatives. My concern is that shouldn't we leave
7 the Final EIR open as we go through this process working
8 down to a project because there is a possibility that
9 we'll find a new environmental impact as we work down to
10 a project that we may not have addressed? You suggested
11 that the solution is to do another EIR or a supplemental.

12 MR. BERMAN: Well, I would disagree. We do have
13 a project. The project is the community plan. Okay,
14 but instead of looking at one land use configuration
15 for that community plan, what we've done is we've designed
16 the EIR to look at five land use configurations, okay,
17 to look at that range, to allow the Commission and
18 ultimately the Council to look at the impacts of those
19 ranges of alternatives. I would submit that whatever
20 alternative, whatever community plan you will come up with,
21 it will be somewhere within that range of those five.
22 I can't imagine -- maybe I shouldn't say this -- maybe
23 you will approve something in excess of Alternative E.
24 If that's the case, then you would have to go back.
25 Then this would cause problems because the EIR does not

1 evaluate anything in excess of Alternative E. I feel
 2 confident that the range -- and, again, the reason why
 3 we added in those two additional alternatives was to give
 4 a greater range of alternatives. So as far as the plan
 5 that will be adopted, whatever comes out of this process,
 6 this EIR covers those impacts at a community plan level.
 7 When I was discussing the impacts, the need for
 8 supplemental, I'm thinking more of the next level,
 9 assuming that a community plan is approved, okay, and is
 10 adopted. Then someone's going to go out and say, okay,
 11 now we have to do a specific drainage plan. At that point
 12 when you do that specific drainage plan, okay, if in
 13 the preparation of that it turns out that the assumptions
 14 used for that specific drainage plan are different than
 15 the assumptions used in this EIR, at that point you
 16 may have to do supplemental work.

17 Another example would be a site specific project,
 18 a stadium. If a stadium comes in and it's decided that
 19 the traffic patterns of the stadium are completely
 20 different than the assumptions used in the EIR, then you
 21 would do a supplemental EIR but you would only focus
 22 on the traffic. You wouldn't have to go back and look at
 23 all the other issues related to the stadium. You would
 24 do a supplemental on the traffic. But, again, that's
 25 as more detailed information comes in beyond the general

1 planning process because we are still at this general
 2 plan level and I think you all recognize that and you
 3 can't get to the level of detail that everybody would like
 4 to get to in this analysis. But I firmly believe -- there
 5 must be an attorney coming up. Oh, no.

6 MR. JENKINS: Let me suggest that we take a
 7 15-minute break or so so the court reporter can redo her
 8 machine.

9 (Thereupon a recess was taken.)

10 ACTING CHAIRPERSON HUNTER: The meeting will
 11 come back to order.

12 Are there any other questions from members of
 13 the Commission to be directed to Mr. Berman or any of the
 14 other staff members?

15 COMMISSIONER RAMIREZ: I had one question.
 16 See if I can remember what it was.

17 It was with respect to the Final EIR. There's
 18 a comment about the home to work commute goal that we
 19 initially set out at the beginning of this entire
 20 process and also the level of service C. If those
 21 assumptions change at some point in this process, does
 22 there have to be another analysis of impacts, for example,
 23 if the level of service was dropped to D?

24 MR. BERMAN: No because that information is
 25 still in the EIR in terms of the analysis. So it's

1 still there.

2 COMMISSIONER RAMIREZ: So there's adequate
3 information?

4 MR. BERMAN: It would be adequate. The
5 information in the analysis is not going to change.

6 COMMISSIONER RAMIREZ: As well as the home to
7 work distance that we set out?

8 MR. BERMAN: Correct. Again, that analysis
9 is still in there. That analysis is still available.
10 So I would say that it's still going to be adequate.

11 ACTING CHAIRPERSON HUNTER: Okay. Are there
12 any other questions? Steve, you want to make a few
13 comments?

14 MR. JENKINS: Madam Chairman, Steve Jenkins,
15 for the record. Thank you.

16 Before we entertain public comments, I would
17 like to indicate if you do wish to speak, we have a
18 yellow sign-in sheet for the court reporter. Please
19 put your name and organization as we did the last time.
20 Thank you.

21 ACTING CHAIRPERSON HUNTER: Okay. Now we will
22 welcome public comment at this time. Does anybody
23 want to comment? We do urge that any of the commentators
24 keep their comments brief and avoid repetition of comments
25 you might have made at the last meeting.

1 MS. PATTERSON: I intend to do that.

2 Honorable Chairperson, Members of the
3 Commission, my name is Sheryl Patterson representing
4 the Environmental Council of Sacramento tonight. Last
5 week our vice president, Virginia Moose, presented you
6 with a detailed discussion of why ECOS feels that the
7 EIR for North Natomas project is inadequate and Bob has
8 gone through those comments and made his remarks, and I
9 just want to let you know that we intend to respond in
10 writing to his comments because we don't agree.

11 In any case, what I'd like to present to you
12 tonight is just a brief overview to summarize why,
13 ECOS recommends that you do not certify this EIR as
14 adequate. The CEQA Guidelines require that an EIR
15 state what it's objective is. From reading this EIR
16 and based upon statements made about what this document
17 will be used for, there are really four different objectives
18 or intended uses for this document. The direction of the
19 City Council was for this study to assist them in
20 answering the question of whether North Natomas should be
21 allowed to develop at this time. In addition, it's
22 objective is to evaluate the impacts of the proposed
23 community plan, which is Alternative C. This report
24 will also be used as a basis for decision on the five
25 project applications which have been combined as

1 Alternative E. In addition, it will be the environmental
2 document used to make a decision on the location of the
3 proposed arena and stadium. We contend that these
4 objectives are not mutually compatible and the
5 relationship of each impact category to each objective
6 should have been specified but wasn't.

7 This is also true for the mitigation measures.

8 While we do not argue that the EIR is the
9 longest Environmental Impact Report that this city has
10 ever prepared and that we have ever seen, that fact
11 should not be the primary justification for finding
12 this document to be adequate for its intended objectives.
13 In order to address the question of whether North
14 Natomas should be opened up for development and to
15 adequately evaluate land use options that would be of a
16 lesser impact than Alternative C, as is required by the
17 CEQA Guidelines, this report should have included an
18 alternative land use plan that was somewhere between
19 Alternative A and Alternative B. Given that this area
20 is currently in agricultural use, there should have been
21 an alternative which evaluated positive and negative
22 impacts of preserving, let's say, half of this area
23 in agricultural use and allowing urbanization within the
24 other half such as using the E-5 freeway as the dividing
25 line. Since this EIR is intended to be sufficient for

1 making a decision on where the arena and stadium should
2 be located, it should have evaluated alternative locations
3 for these facilities both outside the North Natomas area
4 as well as within North Natomas. All of the urbanization
5 alternatives B through E include these facilities in the
6 same location. Bob had referenced the fact that another
7 report, the ERA report, did talk about other locations
8 within the city where these facilities could be provided.
9 However, that report did not provide a full description
10 of the environmental impacts and that information was
11 not included in this EIR.

12 For these and all the reasons identified at
13 last week's meeting, we urge you to find that this EIR
14 is not adequate and to direct staff to provide the
15 additional information requested. We feel the North
16 Natomas decision is a major turning point in the future
17 of the city and such a decision should not be made
18 hastily in order to meet an arbitrary schedule.

19 Thank you for your time.

20 ACTING CHAIRPERSON HUNTER: Thank you. Are
21 there any questions?

22 How many people are planning to speak?
23 Believe me, it would be helpful if you did sit close to
24 the front and sign in advance and then keep this moving.

25 COMMISSIONER RAMIREZ: Chris, are there going

1 to be responses to these comments?

2 ACTING CHAIRPERSON HUNTER: Steve, could you
3 answer that.

4 COMMISSIONER RAMIREZ: Are there going to be
5 any responses to the comments that are made this
6 evening? I'm just curious. There are not. I was
7 just curious.

8 MR. VAN DUYN: If the Commission wants us to
9 respond to specific issues related to whatever
10 testimonies are tonight, then you should ask us what
11 they are and what you want to know.

12 COMMISSIONER RAMIREZ: Okay. Thank you.

13 MS. SCHAEFER: Hello. I'm Trudy Schaefer,
14 President of the League of Women Voters of Sacramento.

15 The League of Women Voters has submitted
16 comments to the City Planning Commission regarding North
17 Natomas Draft Environmental Impact Report. We would
18 like to reaffirm our support for the General Plan for
19 Sacramento and our concern that as yet there has been
20 no General Plan update. North Natomas agricultural
21 land should be recognized as a renewable resource for
22 Sacramento's future. The area has been identified by
23 the city as land that should be held for agriculture.
24 It's production has been ensured by comprehensive planning
25 and zoning measures. Expansion of the urban service

1 boundary is expensive. More and more agricultural land
2 is being consumed by urban sprawl in spite of the policy
3 of infill. Any community plan for the development of
4 North Natomas will have major impacts on the policies and
5 plans for all other areas of the City of Sacramento.

6 Because the decision of whether to develop
7 North Natomas will have such far-reaching consequences
8 for the future of the city, it is essential that the
9 Environmental Impact report thoroughly address all
10 significant and adverse effects which could occur as a
11 result of development. The League of Women Voters is
12 not convinced that the EIR contains adequate answers
13 to such issues as transportation, both public transit
14 and road systems, air quality, including our ability
15 to make reasonable further progress in attaining the
16 standards mandated by the Federal Clean Air Act, solid
17 waste disposal, water supply and sewage treatment and the
18 effect on the redevelopment efforts that have already
19 begun elsewhere in the city. Moreover, considering the
20 expense of expanding the urban service boundary, the
21 identification of sources of funding of the infrastructure
22 and the timing of the funding are essential to the
23 process. These issues are of a magnitude that will
24 affect the overall quality of the environment of Sacramento.
25 As you decide whether to certify the Final Environmental

1 Impact Report, you as Commissioners must ask yourselves
2 whether you are satisfied that the EIR has adequately
3 addressed these impacts.

4 ACTING CHAIRPERSON HUNTER: Thank you, Trudy.
5 Any questions?

6 Next.

7 MR. SMITH: My name is Ron Smith. I'm with
8 the Spink Corporation. I'm representing the Gateway
9 Point property owners.

10 First I would like to clarify Mr. Derman's
11 clarification of Mr. Yamshon's statement by indicating
12 that it is not the General Plan which requires the
13 North Natomas property owners to present compelling
14 reasons for development of North Natomas. It is the
15 city's growth policy. Am I correct?

16 We believe that the EIR in its present form
17 should and will be deemed adequate. This is an
18 extremely comprehensive document. It is probably more
19 comprehensive than any other EIR ever written on a land
20 development project. This is not to say that we agree
21 with all the conclusions in the EIR. We believe that
22 in general the magnitude of the impacts identified in
23 the EIR are significantly overstated.

24 It's our opinion that this overstatement of
25 impacts results from a combination of conservative

1 assumptions including the job-housing linkage, the employees
2 per household statistic, conservative cost estimate
3 for infrastructure, unrealistic trip generation rates
4 included in the traffic analysis, incorrect assumptions
5 concerning the peak hour traffic data, oversimplification
6 of fiscal assumptions and funding assumptions, and many
7 other such conservative assumptions which result in
8 overstatement of the impacts. So it is our opinion that
9 the EIR is not only adequate, it is more than adequate
10 in identifying the impacts and appropriate mitigation
11 measures.

12 In conclusion we urge that the EIR be certified
13 in its present form and that we proceed with consideration
14 of the merits of the project. Thank you.

15 ACTING CHAIRPERSON HUNTER: Thank you.

16 Are there any questions? Okay. Next.

17 MR. SANDERS: Steve Sanders with the Sacramento
18 Transportation Coalition. I've already submitted our
19 comments on the Draft and also our comments on the Final.
20 I'd like to make just a couple of additional points.

21 One is related to the analysis that we asked
22 for on the impact on other areas, particularly downtown.
23 The EIR made a very general brief statement that growth
24 in downtown could be affected by opening up North
25 Natomas, but then went on to compare the impact to the

1 impact in downtown San Francisco of what happens when you
 2 have impacted traffic and transportation systems and we
 3 don't think this is a fair analogy to make. We think
 4 that this is the kind of comparison that downplays the
 5 significance of the impact and perhaps lets a little,
 6 has a little bit of bias creeping into it in terms of
 7 what the significance of that impact are. I would suggest
 8 the more appropriate comparison would be not with downtown
 9 San Francisco which of course is a world class city with
 10 no peer in this entire Northern California area,
 11 but perhaps to the impact of suburban development on, say,
 12 downtown San Jose or downtown Oakland. Those might be
 13 much more cogent examples of what happens to a downtown
 14 when you allow a significant development of this
 15 magnitude to occur on an urban fringe which has happened
 16 of course in both of those areas.

17 Secondly, we didn't ask just for a general
 18 statement of what the impacts might be. We asked for
 19 specific mitigation measures that would prevent or
 20 minimize the environmental effects that would occur
 21 in these other areas. These mitigation measures that
 22 we've specifically asked for have not been provided and
 23 there was basically no response to this, not only for
 24 downtown and for the other areas, redevelopment areas,
 25 as well as targeted growth areas, but also in terms of

1 the transit system where we ask for specific mitigation
 2 measures that would preserve and protect the community's
 3 investment in transit, both our ongoing investment and
 4 our future investment in light rail. We think there's
 5 going to be an impact. We think the impacts should be
 6 analyzed. We think that proper mitigation measures should
 7 be provided.

8 Secondly, the consultant pointed out that
 9 feasibility is going to be a factor in determining what
 10 mitigation measures will be required as conditions of any
 11 approval. However, there's absolutely no guidance whatsoever
 12 in the EIR as to the feasibility of many of these . . .
 13 mitigation measures or the level of effort that's
 14 required, particularly if you rely on the Summary Table
 15 which I'm sure many people will have to do simply
 16 because of the comprehensiveness of the ten-pound document.

17 How are we to determine what level of effort
 18 is required unless that information is provided and
 19 without knowing the level of effort how can we determine
 20 what level is feasible? So what you're being asked to
 21 do is being asked to certify an EIR for which you have
 22 no guidance on how feasible the mitigation measures
 23 nor how effective they will be. We think that more
 24 specificity needs to be required in both of those areas.

25 Third, in terms of some specific CEQA issues,

1 the request that better information be provided in the
 2 summary was not just something we thought was a nice
 3 suggestion. It's something that was required under CEQA
 4 Guidelines. Guidelines and case law requires that
 5 each significant impact and each mitigation measure be
 6 described in the summary, not just those that are picked
 7 and chosen to be included in there and we think those
 8 in fairness should be provided.

9 Also, I don't think it's fair to say that
 10 because some other agency hasn't pointed out a pressing
 11 need for a mitigation measure that's been suggested
 12 that, that there is no need for it. Case law again
 13 specifies that an agency cannot put out a deficient EIR
 14 in the hope that some other commenting agency will make
 15 it adequate. If an impact has been identified, then it's
 16 incumbent upon the preparers of the report, the lead
 17 agency, in this case, the city, to provide the analysis
 18 and to provide the mitigation measures and not defer to
 19 other agencies on basically passing the buck to them
 20 saying it's Caltrans' responsibility or somebody else's
 21 responsibility to provide that mitigation measure or
 22 to certify to us that there is a need for that. So we
 23 don't think that's a good response.

24 Finally, one last comment. The purpose of an
 25 EIR is not just to inform a decisionmaker but it's to

1 avoid environmental degradation. While we agree that
 2 many of the impacts have been identified and there's a lot
 3 of information in the EIR, there has not in our opinion
 4 been a good faith exploration of actual alternatives
 5 that will minimize or mitigate environmental damage and
 6 there also has not been an adequate exploration of
 7 feasible mitigation measures that should be adopted and
 8 included in any community plan that falls upon the
 9 certification of this EIR. Until that information is
 10 provided and those mitigation measures and alternatives
 11 are set forth, we don't think that the city would be
 12 acting wisely to certify this EIR and should hold out until
 13 that information and those measures are provided. Thank
 14 you very much.

15 ACTING CHAIRPERSON HUNTER: Thank you. Are
 16 there any questions?

17 Thank you.

18 Any other comments? None?

19 MR. YAMSHON: Good evening. I would like to
 20 disagree with Steve Sanders on just one item. I think
 21 Sacramento is certainly as fine a world class city as
 22 is the Bay Area or anyplace there such as San Francisco,
 23 although I certainly agree with his analysis that
 24 San Francisco probably does not have an urban fringe
 25 in the way we have in Sacramento although they certainly

1 have many fringes in San Francisco.

2 I think Mr. Berman's opening comments are key,
3 and if you have hopefully had a chance to review our,
4 "our" being SCOLD, latest set of written comments which
5 we certainly don't believe have been answered adequately
6 tonight. Mr. Berman's comments gave you pretty explicit
7 reasons to find the Environmental Impact Report to be
8 inadequate. The California Environmental Quality Act
9 requires, it's an absolute requirement that cumulative
10 impacts on reasonably foreseeable impacted projects
11 be identified in attempts to mitigate them. Although
12 they do not believe the 300,000 square foot additional
13 space in South Natomas is significant, they do not
14 identify cumulative impacts in South Natomas itself.
15 They identify only regional impacts. This is required
16 by CEQA. The EIR is invalid without it.

17 Another problem we see is we agree that CEQA
18 does allow reasonable hypotheticals to be used when hard
19 data is not available. The question is what do you
20 use for the hypothetical. In the hydrology section the
21 hypothetical is used since there is an admission that
22 there is no hard data or reliable data available for
23 many of the hydrological aspects, they use medium density
24 housing. There were five alternative plans available,
25 four of which, B through E, call for very intensive

T5

1 urban development, lots of industrial, lots of commercial,
2 and indeed the housing component is one of the more
3 minor aspects of some of these plans. The Sacramento
4 Board of Realtors earlier testified before this Commission
5 that they are very concerned about the out-of-kilter
6 jobs to housing balance. If it is going to be much
7 more intensely developed, then the hypothetical should
8 have been used for, if not all four plans, at least
9 something akin to what early on was a composite C or
10 D which are the currently most talked about plans could
11 have been reasonably used for the hypothetical. To use
12 a much lower volume or amount of development such as
13 23 square miles of medium density housing is not a
14 reasonable hypothetical within the meaning of CEQA.

15 In terms of other hydrologic aspects which we
16 do not feel were answered, we're looking at what had been
17 in the Draft EIR, in the Final EIR, and in every hearing
18 until tonight, the ten-year flood. Tonight it was
19 described as the 100-year flood and that was for the
20 first time.

21 Is that an amendment now to the draft?
22 It's still the ten-year flood you're talking about where
23 you'll use the streets for holding basins?

24 MR. BERMAN: Yes. I'm sorry.

25 MR. VAN DUYN: We want this on the record. So

1 why don't you address your questions to the Commission.

2 MR. YAMSHON: Okay.

3 One of our great questions in our commentary
4 on the use of streets for holding ponds is the EIRs in the
5 draft form's assertion was this would happen during
6 ten-year rainstorms. During Mr. Berman's testimony
7 tonight, he stated he could not understand this because
8 for the 100-year flood, and tonight was the first time
9 that that had been clarified. Every other hearing
10 and written document that I have seen, unless there's
11 some of these uncirculated Planning Department studies,
12 have referred to the ten-year flood. The report though
13 still talks in terms of inevitable pollution of the river
14 and reasonably probable pollution of the groundwater.
15 It says these things can be mitigated somewhat, but
16 the pollution will take place nevertheless.

17 All we ask for is what would be the reasonably
18 foreseeable cost of this pollution. This was not
19 answered. All we were told is there will be mitigation
20 measures. That's great. We understand that. The rest
21 of the report remains, the pollution's going to happen.
22 What's the cost?

23 Our commentary about the use of the Alternative
24 A study was totally ignored with the commentary that he
25 does not understand why we object to the way Alternative A

1 is used. I will explain it again.

2 I hope you don't get tired of this.
3 We understand that the use of the Alternative A study
4 was based upon current Master Plans and current zoning.
5 This includes the industrial area in the Northgate
6 Boulevard development area, in the airport Special
7 Planning Area. In the Final EIR, we questioned how
8 2000 acres of airport Special Planning Area could be
9 developed in the next 15 years. The answer in the
10 Final EIR was we assumed 500 acres of that. That
11 Special Planning Area has been in existence for 11 years
12 with no permits granted. If, indeed -- well, the
13 Draft EIR states there's only the difference of 8,000
14 jobs between Alternative A and Alternative E, the
15 most intensive, that would require about 26,000 jobs
16 to locate in that 500-acre area in the next 15 years.
17 All we asked in our final written comments is, okay,
18 if that's your assumption, what's your basis for it?
19 Where are we going to get 25 or 26,000 aircraft
20 manufacturing jobs in the next 15 years? They're more
21 than welcome. There is some land owned by aerospace
22 companies in Sacramento County. Aerojet and Douglas
23 Aircraft used to. I remember reading in the Bee it was
24 for sale at one time. I don't know if their 4,000-acre
25 parcel sold, but that was all on the Highway 50 corridor

1 out by Folsom and past Folsom. There is no land in the
 2 planning area owned by aerospace companies and if we're
 3 going to have 25,000 jobs with no development over less
 4 than 1000 acres and only 8000 more jobs if you pave over
 5 23 square miles, where did those other jobs go? Why will
 6 they disappear if you develop the rest of Natomas
 7 intensely?

8 Those are the kinds of problems we have with
 9 Alternative A studies. They're just fraught with
 10 contradictions and we don't have any data backing them
 11 up. The reason we are criticizing these is not because
 12 we think it's wrong to study them. But when we find
 13 major contradictions such as this, we want to know the
 14 data. When we ask for the data, we're just told it's
 15 current zoning. We understand that. Please give us the
 16 data. It is not adequate without it.

17 Also, I understand clearly the consultant's
 18 position that certain aspects of funding are to be left
 19 for another time for the current, for the community
 20 planning process. But we're looking not only at costs,
 21 we're looking at sources of funding. And when you look
 22 at sources of funding, certain things are discussed.
 23 Bond issues we're talking about, the fact that to support
 24 the bond issue there'll have to be a regional tripling of
 25 land prices. We're looking at assessment districts,

1 potential taxes. Then finally there's this nebulous
 2 item, other sources. We have asked for clarification of
 3 other sources. CEQA does not allow environmental documents
 4 to be passed without identification of the source of
 5 funds. The mere hope that you can get state funding or
 6 federal funding is not an identification of funds.
 7 It is inadequately done.

8 Finally, if the difference between Alternative
 9 A which is approximately slightly less than 1000 acres
 10 of growth over the next 20 years and alternative C or D
 11 which are the most likely alternatives to be passed which
 12 is 23 square miles, 14,300 acres of growth, makes a
 13 difference of only two percent regionally, two percent
 14 population growth, I should say, which is well within
 15 the margin for mathematical error in these studies.
 16 If the difference in job growth in that area between
 17 Alternative A and the more intensive alternatives are
 18 so minimal, why are we bothering to develop them? Because
 19 all it will do is draw economic growth, economic vitality
 20 away from other areas which leaves our last question
 21 unanswered which perhaps was not understood and I assume
 22 that from the comments.

23 In terms of cost, the areas which were slated
 24 for development which will now no longer develop if North
 25 Natomas becomes developed will still have infrastructure

1 in place which has to be paid for somehow. That is
 2 another one of the major regional cumulative impacts
 3 which is required to be addressed by CEQA. The roads
 4 will have to be maintained, the sewers will have to be
 5 maintained, and the power grid will have to be maintained,
 6 whether they're used or not. We believe these costs
 7 to have been addressed as well before the Final
 8 Environmental Impact Report can be considered
 9 adequate.

10 I want to thank you very much for your time
 11 tonight and if there's any questions, I'd be glad to
 12 answer them.

13 ACTING CHAIRPERSON HUNTER: Thank you. Are
 14 there any questions?

15 Thank you.

16 MR. YAMSHON: Thank you.

17 ACTING CHAIRPERSON HUNTER: I think I saw one
 18 more person who wanted to testify. Any more? Two,
 19 three. Okay.

20 MR. THATCH: I'm Gregory Thatch and I represent
 21 the Schumacher, Iverson, Keischer, Reid and Payne
 22 applicants in the study area.

23 I'll be very brief tonight. In many respects
 24 I can echo the remarks made by Mr. Smith. I am encouraged
 25 as I sit here tonight in hearing Mr. Berman's comments

1 about the assumptions. They have caused us some concern.
 2 We do not agree entirely with the assumptions utilized
 3 nor do we agree with the findings. However, I'm encouraged
 4 by Mr. Berman's remarks and concur with that that it is
 5 certainly permissible for this Commission and the
 6 Council ultimately to consider other assumptions in that
 7 those are contained in the EIR. I am also encouraged by
 8 Mr. Berman's comments tonight identifying that in many
 9 respects the analysis contained in the EIR is a worse
 10 case analysis. We certainly think that that is so and
 11 as such we believe that the document is adequate and
 12 we would encourage you to vote for certification. . .

13 ACTING CHAIRPERSON HUNTER: Thank you, Greg.

14 Any questions?

15 Additional comments?

16 MS. WESTON: My name is Pat Weston. I'm here
 17 representing the California Department of Transportation,
 18 Caltrans.

19 I'll be brief. I simply want to clarify
 20 our comments on the Draft EIR. It's true that we did say
 21 they generally have been adequately addressed and I
 22 simply wanted to clarify that our comments go on to say
 23 that that is based on the fact that the Draft EIR and the
 24 responses to it state that the cost of highway improvements
 25 should be included in the final financing plan and the

1 response to our comments does acknowledge the CTC
 2 interchange funding policy. The letter goes on though
 3 to state, and I wanted to clarify this, and I'll simply
 4 read it to you quickly. We urge the city and the county
 5 to be aware that freeway mainline improvements in North
 6 Natomas will be competing for funds with other state
 7 highway improvements in Sacramento County and in the
 8 region. Improvements in the North Natomas area are
 9 not planned to be built in the foreseeable future.

10 The next paragraph, and this will be brief
 11 and will end my comments. The response to our comment
 12 on the need for improvement separate regional impacts
 13 from project specific impacts. We want to stress to you
 14 that in our opinion the North Natomas development alone,
 15 and we underline alone, has significant impacts not only
 16 on the adjacent state highway system that's also on
 17 downstream facilities including the downtown ramps,
 18 for example, J Street -- and the gentleman has addressed
 19 that -- and Business Route 80. The cumulative impacts
 20 of North and South Natomas growth together as major
 21 new access into downtown is vital.

22 In summary, we feel that some of his responses
 23 seem to downplay the need for mitigation measures by
 24 indicating that measures, mitigation measures are desirable.
 25 We want to stress that they are necessary. It is a result

1 of increased traffic volumes directly contributable to the
 2 growth. Thank you.

3 ACTING CHAIRPERSON HUNTER: Thank you, Pat.
 4 Are there any questions?

5 MR. DOYLE: My remarks will also be brief.
 6 I'm Bob Doyle. I'm speaking for the Natomas Community
 7 Association. Your response to, the response to Heather
 8 Fargo's comments of last week.

9 I want to take you back a couple of hours to
 10 our bus trip. You may recall on the bus we went up
 11 the little airport road towards the airport. According
 12 to most of the plans that are before you and have
 13 been before us that we've been studying this, calls
 14 for M-20 and M-50 industrial uses within that area.
 15 Now, you may recall that we weren't able to get up on
 16 the freeway off of that, from that area. Remember how we
 17 had to take the bus all the way around and go clear
 18 down to an adjacent street two miles away and then
 19 two miles north and then two miles or about four miles
 20 east until we could get over to the arena area? That's
 21 because there is no way out of there unless there would
 22 be some other way to get from the area and that, the
 23 only other way would be to go San Juan Road which impacts
 24 South Natomas. Now, this is the thing that I think
 25 Commissioner Ramirez was referring to. When you impact

1 South Natomas, you impact areas that are already impacted
2 to the point where they are unmitigable.

3 Now, if this is going to cause more unmitigable
4 traffic, at least it should go into the record so that
5 the policy makers when they're studying this can decide
6 whether they want to add further unmitigable traffic in
7 South Natomas because that's the only way that you can
8 get the traffic from those M-20, M-50 industrial areas.
9 Just for the record.

10 Thank you.

11 ACTING CHAIRPERSON HUNTER: Thank you, Bob.
12 Are there any other public comments?

13 Before we close the public hearing, does the
14 Commission have any comments or discussion, any questions
15 of the consultant?

16 Okay. With that, the public hearing is
17 closed.

18 COMMISSIONER RAMIREZ: I have a question of
19 staff. I'm interested in knowing the difference, once
20 again, between certifying the EIR this evening versus
21 continuing as we did in the South Natomas Community
22 Plan process whereby we certified the EIR the same
23 evening that we took action on the community plan.

24 MR. VAN DUYN: Well, you certainly have the
25 option to do that if you want to go ahead and put off

1 certification of the EIR this evening and continue that
2 and take action when you originally were scheduled to hear
3 the plan, and that would be December 12th -- November
4 21st, excuse me.

5 The problem with that is the staff is suggesting
6 to the City Council and has suggested to the Planning
7 Commission as well that we have a series of workshop
8 sessions. Now, the intent behind the workshop sessions
9 was to get the Planning Commission and the City Council
10 in joint sessions so that we could start discussing the
11 principal matter of where we are going to go with the North
12 Natomas Community Plan in its entirety. We have been
13 advised by our legal counsel that the only proper way
14 for the Council and the Commission to do that would be
15 to first certify the environmental document. That's why
16 certification of the EIR is before you this evening
17 being the intent of the next process certification by the
18 Council and then an opportunity to begin the public
19 workshops to get into the plan. If the Commission feels
20 that they're not ready to certify the environmental
21 document this evening, then the workshop opportunity is
22 out of the question. There's just no way we can maintain
23 the schedule and still conduct the workshops and have the
24 objectives of meeting what those workshops might do for
25 us in the preparation of the plan. At the same time we

1 have to get back and make a recommendation to the Council
2 by January the 6th.

3 COMMISSIONER RAMIREZ: As originally designed
4 was the process developed for joint workshops? I don't
5 recall.

6 MR. VAN DUYN: No, it was not.

7 COMMISSIONER RAMIREZ: Yet we were still going
8 to move within the time frame as sent out originally by
9 the City Council.

10 MR. VAN DUYN: The time frame is not being
11 suggested to change at all even with the workshops. The
12 only thing that staff is recommending to the Commission
13 and the Council is that we have additional sessions.
14 Now, throughout the process, correct me if I'm wrong,
15 but I've heard a desire from the Commission's perspective
16 and others that have spoke publicly on the North
17 Natomas issue to have more meetings. We thought that
18 was an opportunity to do so and that is to certify the
19 EIR now, open up the process for workshops, but still
20 maintain the schedule which is the desire of the Council
21 and that is to get there by January the 6th. If the
22 Commission sees no merit in that, then fine, we can
23 proceed with the direction to not certify the EIR and
24 to go back to the schedule as it was originally designed
25 which means November the 21st you review the environmental

1 document and the plan and then the transmittal of your
2 decision to the City Council for their action on January
3 the 6th, and at that time the Council will certify
4 the EIR and adopt the plan or at least they will have
5 the opportunity to do so. If they decide to continue
6 it, then it's at their discretion.

7 ACTING CHAIRPERSON HUNTER: Go ahead.

8 I just had one question. At what point in this process,
9 either with or without meeting jointly with the City
10 Council, will we discuss whether it's appropriate to
11 urbanize North Natomas at this time?

12 MR. VAN DUYN: Well, in your recommendations
13 for the plan will be November 21st and you will begin
14 discussions on that.

15 ACTING CHAIRPERSON HUNTER: When we meet or
16 if we do meet jointly with the City Council, will we
17 be permitted to ask some of these fundamental questions
18 or any specific questions about any of the EIR findings
19 or the proposed plans that have been --

20 MR. VAN DUYN: Well, I don't know what purpose
21 it would serve to ask questions about the EIR findings
22 if you're in a workshop because by the time you get to
23 the workshop the EIR will have been certified. Now, if
24 you're talking about mitigation measures --

25 ACTING CHAIRPERSON HUNTER: Yeah.

1 MR. VAN DUYN: -- then surely you can talk about
2 those and suggest mitigation measures up until the time
3 the Council adopts the plan. There's no restriction
4 on your opportunity or the number of mitigation alternatives
5 that you might want to suggest be included in the
6 preparation of the plan documents. So if you find
7 some mitigation that was not discovered during the
8 environmental review, but you still want to use that
9 application for some land use decision later on, you're
10 allowed to do so.

11 ACTING CHAIRPERSON HUNTER: Any other questions?

12 COMMISSIONER RAMIREZ: Marty, then, again,
13 the benefit then of certifying the EIR is just for the
14 purpose of having a joint sessions of the City Council?

15 MR. VAN DUYN: Well, I don't know if that's
16 the singular benefit.

17 COMMISSIONER RAMIREZ: Can you tell me what
18 the others are?

19 MR. VAN DUYN: The other benefit is to get
20 into the plan process earlier than what we might have
21 done before, whether that be at the Planning Commission
22 level or at the City Council level, whether it be in
23 joint or separate sessions.

24 COMMISSIONER RAMIREZ: Do we as a Commission,
25 can I get into the plan process without that certification?

1 MR. VAN DUYN: I'm sorry. Frank, could you
2 repeat that? I'm sorry.

3 COMMISSIONER RAMIREZ: As a Commission, we can
4 continue though with the plan process and get on with
5 the community plan without taking action on the EIR; is
6 that correct?

7 MR. VAN DUYN: Well, you can begin discussions
8 on the plan, that's true. But if you're intention with
9 that is to keep building a bigger environmental document,
10 then you may be creating yourself some problems in the
11 long run with getting to a project and then mitigating
12 that, whatever that might be if it does involve mitigation
13 or at least major mitigation.

14 MR. KOBAY: It's been our concern -- Ted Kobay,
15 Assistant City Attorney -- it's been our concern that
16 discussions not proceed on the various plan alternatives
17 until the EIR has been certified in order to remove
18 any problems that otherwise might crop up about pre-
19 determination and that type of thing. In other words,
20 get the environmental question, get the environmental
21 document certified, and then proceed with the plan.

22 COMMISSIONER RAMIREZ: How is that different
23 than the South Natomas?

24 MR. KOBAY: It probably isn't different than
25 the South Natomas, but it's, in this sense, except it's

1 a larger development with I think probably larger basic
2 questions including the question of whether or not there
3 should be any urbanization. But nonetheless it's our
4 recommendation for this particular project, for the
5 community plan, general plan amendments.

6 ACTING CHAIRPERSON HUNTER: Okay. Are there
7 any other questions?

8 MR. VAN DUYN: Let me point out just so there's
9 no confusion. If the Council spends as much time
10 certifying the environmental document as the Commission
11 has, because let's assume for a moment that you certify
12 this evening, if you do certify, and the Council starts
13 hearing on certification and they attempt to do that
14 at what would have been the first workshop session, we will
15 effectively use that whole workshop session to certify
16 the EIR which leaves only one session that the Planning
17 Commission and the Council could meet in joint to do what
18 we had intended to do with three sessions. So in a
19 round about way what I am telling you is that the workshop
20 sessions may be a washout in any event given the
21 length of time it's taken us to get to the point of
22 certifying the environmental documents.

23 ACTING CHAIRPERSON HUNTER: What's the pleasure
24 of the Commission? The question before us is whether or
25 not to certify the Final EIR at this time.

1 COMMISSIONER HOLLOWAY: Well public bodies have
2 a tendency to leave the environmental document open until
3 such time as they are totally comfortable and familiar
4 and happy with the action that they're going to take on
5 the project. That's not the purpose of the environmental
6 document. It just happens to be the way public bodies
7 like to do things. It's a level of comfort.

8 From the way I understand CEQA is it's the
9 purpose of the Environmental Impact Report to identify
10 the impacts and to determine the significant impacts
11 and then to mitigate those impacts that can be mitigated
12 below the level of significance and to respond to comments.
13 I think this document has done that and we can't leave it
14 open until we're completely happy and comfortable with
15 whatever action is going to be taken on the applications
16 and the plan and I think that as long as the document,
17 we can determine and the Council can determine that the
18 document is adequate, it's time to do our job which is
19 to certify it or recommend it for certification. I'll
20 move that.

21 ACTING CHAIRPERSON HUNTER: Is there a second?

22 COMMISSIONER SIMPSON: Second.

23 ACTING CHAIRPERSON HUNTER: Okay. Well,
24 I will make a statement that I would not vote for
25 certification of the EIR because I feel there are some

1 fundamental problems with the EIR process, one of which
 2 is the mitigation measures proposed have never been
 3 demonstrated to be at all feasible or scoped out in terms
 4 of the likelihood that they could be implemented. My
 5 other fundamental problem with this is that Plan A is
 6 simply not a no-project alternative. If anybody who
 7 was not already familiar with Sacramento picked up the
 8 EIR and read Plan A, B, C, D, and E, they would assume
 9 that North Natomas is already urbanized and they would
 10 just ask what's the difference in degree.

11 So I think just from that point of straight
 12 impression that you would get reading the description of
 13 those alternatives, that Plan A does not fulfill its
 14 purpose as a no-project alternative and I think there
 15 are substantial questions that have been raised and that
 16 could be answered in the course of this process as we
 17 work down to the Community Plan level. I recognize the
 18 realities of expediting this process, but I'll just give
 19 a dissenting vote.

20 Frank.

21 COMMISSIONER RAMIREZ: I want to make a comment,
 22 too. I'm not completely comfortable with the adequacy
 23 of the EIR, nor am I comfortable in voting against the
 24 adequacy of the EIR because I just feel I need more time
 25 to reasonably sift through this huge document and

1 continue to look at it from the perspective of the actions
 2 we may be taking. My preference would be to continue
 3 the process because it doesn't seem to me that the
 4 benefits that will accrue from certifying it this
 5 evening are all that great. In other words, we can continue
 6 to meet the schedules as originally set out and we can
 7 continue to do a job that we've always done and that is
 8 by moving the EIR along with the community plan. There-
 9 fore, I'm not comfortable in voting with you, Brian,
 10 but I assume is a counter-motion appropriate at this time?
 11 Substitute motion.

12 ACTING CHAIRPERSON HUNTER: You can try it.

13 COMMISSIONER RAMIREZ: I'd move that we not
 14 deal with the adequacy of the EIR this evening and
 15 that we move along in this process both with the EIR
 16 and the community plan. As we did in South Natomas,
 17 we adopted the EIR along with the community plan if I
 18 recall correctly. That would be my motion.

19 ACTING CHAIRPERSON HUNTER: Is there a second?

20 COMMISSIONER FERRIS: I second it.

21 ACTING CHAIRPERSON HUNTER: The motion will be
 22 taken first. Will you call the roll?

23 COMMISSIONER HOLLOWAY: Wait a minute. What
 24 motion?

25 ACTING CHAIRPERSON HUNTER: The one that Frank

1 made.

2 MR. VAN DUYN: Substitute motion, your vote
3 at this time is on the substitute motion?

4 ACTING CHAIRPERSON HUNTER: Correct.

5 MR. VAN DUYN: Ferris.

6 COMMISSIONER FERRIS: Aye.

7 MR. VAN DUYN: Fong.

8 COMMISSIONER FONG: No.

9 MR. VAN DUYN: Goodin.

10 COMMISSIONER GOODIN: No.

11 MR. VAN DUYN: Holloway.

12 COMMISSIONER HOLLOWAY: No.

13 MR. VAN DUYN: Hunter.

14 ACTING CHAIRPERSON HUNTER: Aye.

15 MR. VAN DUYN: Ramirez.

16 COMMISSIONER RAMIREZ: Aye.

17 MR. VAN DUYN: Simpson.

18 COMMISSIONER SIMPSON: No.

19 MR. VAN DUYN: Okay, Mr. Holloway's motion will

20 COMMISSIONER HOLLOWAY: I have one question
21 before we vote. Marty, Chris raised an interesting
22 question. In the South Natomas EIR and in the EIR for
23 other community plans, the no-project alternative, does
24 the no-project alternative or did the no-project
25 alternative under, for example, South Natomas, did it

1 project no development in South Natomas or did it take
2 in essence the status quo of the current zoning?

3 MR. VAN DUYN: It took the current zoning and
4 the current plan as status quo.

5 MR. HOLLOWAY: No project. And that's what
6 we've done in North Natomas as well?

7 MR. VAN DUYN: On the community plan basis we
8 have. When you take on individual project reviews,
9 obviously, no project means you don't build that specific
10 project on the site and no project is status quo in
11 relationship to what's being applied for. But on plans
12 what is existing is the adopted policy of the city.
13 In South Natomas that's what was adopted as amended up
14 to the date that the plan and the EIR work was prepared.

15 COMMISSIONER HOLLOWAY: Thank you.

16 ACTING CHAIRPERSON HUNTER: Okay, take the roll
17 of Mr. Holloway's motion.

18 MR. VAN DUYN: On the main motion. Ferris.

19 COMMISSIONER FERRIS: No.

20 MR. VAN DUYN: Fong.

21 COMMISSIONER FONG: Aye.

22 MR. VAN DUYN: Goodin.

23 COMMISSIONER GOODIN: Aye.

24 MR. VAN DUYN: Holloway.

25 COMMISSIONER HOLLOWAY: Aye.

MR. VAN DUYN: Hunter.

ACTING CHAIRPERSON HUNTER: No.

MR. VAN DUYN: Ramirez.

COMMISSIONER RAMIREZ: Aye.

MR. VAN DUYN: Simpson.

COMMISSIONER SIMPSON: Aye.

MR. VAN DUYN: Motion passes.

ACTING CHAIRPERSON HUNTER: Okay. This meeting
is adjourned.

(Thereupon the meeting of the City
Planning Commission was adjourned
at 10:14 p.m.)

--o0o--

CERTIFICATE OF SHORTHAND REPORTER

I, CATHLEEN SLOCUM, a Certified Shorthand
Reporter for the State of California, do hereby
certify:

That I am a disinterested person herein; that
the foregoing meeting of the Sacramento City Planning
Commission was reported in shorthand by me, Cathleen Slocum,
a Certified Shorthand Reporter of the State of California,
and thereafter transcribed into typewriting.

I further certify that I am not of counsel or
attorney for any of the parties to said action, nor in
any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my
hand this 27th day of October, 1985.

Cathleen Slocum
CATHLEEN SLOCUM
Certified Shorthand Reporter
License No. 2822

NOTICE OF APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION

CITY CLERK
COPY

824

DATE: November 1, 1985

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City
Planning Commission of October 23, 1985 when:
(Date)

 Rezoning Application Variance Application
 Special Permit Application x Certification of Final EIR for
North Natomas Community Plan Study
was: x Granted Denied by the Commission

GROUND(S) FOR APPEAL: (Explain in detail)

SACRAMENTO CITY
PLANNING - ENVIRONMENTAL

See attached discussion

NOV 1 1985

RECEIVED

PROPERTY LOCATION: North Natomas; generally bounded by Elkhorn Blvd. to the
north, the Sacramento River on the west, the I-80 freeway on the south and the East
~~PROPERTY DESCRIPTION:~~ Main Drainage Canal on the east.

PROPERTY DESCRIPTION: Area is generally in agricultural use.

ASSESSOR'S PARCEL NO. NA - -

PROPERTY OWNER: Various property owners including Joe and Richard Benevenuti,
Greg Lukenbill, Sacramento Savings, Centennial, Schumacher, Iverson, Payne and Reid.
ADDRESS:

APPLICANT: City of Sacramento and various property owners for five project
applications,

ADDRESS:

APPELLANT: (*Ad. M. Camare for E.C.O.S.*) Environmental Council of Sacto
(SIGNATURE) PRINT NAME

ADDRESS: 909 12th Street, Sacramento, CA 95814

FILING FEE:

☐ by Applicant: \$105.00 RECEIPT NO.

☒ by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF:

84-007

5/82

DISTRIBUTE TO -
(4 COPIES REQUIRED): MVD

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GROUND'S FOR APPEAL

Attached are copies of testimony which ECOS presented to the City Planning Commission on October 17 and on October 23, describing inadequacies in the EIR for the North Natomas Community Plan. In addition to the reasons stated in those comments, we append the following reasons for appealing the Planning Commission decision to certify the EIR:

1. We agree with the comments listed below which were made by other parties at the October 23 hearing (page numbers refer to the transcript of the hearing):

a) Pp. 64-65. Inadequacy of the assessment of the impact and the specification of mitigation measures for the negative impacts on downtown, on other redevelopment areas and on the community's investment in transit, which is an air quality management measure in the Sacramento Air Quality Plan."

b) p. 66. Inadequacy regarding specification of the level of effort needed to mitigate various impacts in different alternatives, and the feasibility of mitigation measures at the needed level of effort.

c) p. 67. Inadequacy of the Summary Table in identifying significant impacts and the mitigation measures needed for each.

d) p. 68. Failure to do a good faith exploration of actual alternatives that will minimize and mitigate, and feasible mitigation measures that should be included in any community plan.

e) p. 69 and p. 16. Specific identification of the impacts and mitigations for South Natomas intersections.

f) pp. 70-71. Lack of clarity regarding the 10 year vs. 100 year flood management needs.

g) pp. 72-73. Lack of documentation for the Alternative A development scenario, unreasonable assumptions resulting in an inadequate "no project alternative".

h) pp. 74-75 Failure to include the cost of maintenance of existing infrastructure outside the North Natomas Community which will be underutilized if North Natomas is urbanized.

2. Many of the responses of the EIR Consultant to our comments were inadequate and conjectural; we do not consider the responses to our comments to have addressed our comments adequately.

3. We find some contradictions between the testimony of Mr. Berman to the Planning Commission and the written document, or other facts, indicating that the Planning Commission may have based its decision on false information. Specifically, please notice the conflicts noted below:

a. There is considerable confusion about the Alternative A development assumptions and the issue of whether Alternative A is a sham no project alternative. (P. 9 of the transcript for Berman's remarks, see also pp. 72-73, as noted above, October 23 hearing.) To illustrate the conflicts and Mr. Berman's inability to clarify the conflicts, we refer you to p. 61 of the North Natomas FEIR, which says that Alternative A has 500 acres of SPA build-out in the year 2005; Exhibit A-20 of the Draft EIR shows that Alternative A has 2000 acres of SPA build-out in 2005. We would also note that Alternative A has 2000 acres of SPA build-out while Alternative C has 500; how then can it be argued that Alternative A assumptions are consistent with B through E assumptions?

b. Regarding the lack of stadium alternative analysis, Mr. Berman refers to the Economic Research Associates' study of sports facilities (p. 8). We would point out that Economic Analysis of an Arena and/or Stadium for Sacramento, California (Prepared for the City of Sacramento, September, 1984) was not an EIR, and no documentation was presented in the ERA study to justify the conclusion. P. 11-5 of the ERA study presents a one sentence explanation of why central city and Cal Expo sites for a stadium were eliminated from consideration: "After evaluating site size, availability and existing parking in more detail, it was determined that only Sites D and E could realistically accommodate a stadium and its required parking."

c. Mr. Berman's comments on stadium traffic analysis (lines 11-22, P. 13 of the transcript) are misleading. He refers to p. E-112 of the DEIR. His comment implies that the worst case involves stadium and arena traffic concurrent with peak commute flows in and out of the city. He does not bother to tell the Planning Commission that he is talking about a Sunday afternoon. In fact the peaks he refers to are the traffic generated by the sports facilities. Nowhere in the DEIR or FEIR are sports facility impacts on commuter traffic assessed. Mr. Berman does not address our comment that worst case should be based on both the volume of special events traffic and the volume of traffic that otherwise would be using the same roads.

d. Mr. Berman says that the North Natomas EIR and the Sacramento Light Rail Transit Starter Line EIR (August, 1983) are consistent. (p. 12) However, the North Natomas EIR does not quote or refer to the LAT EIR and no specific

information is presented to document his assertions regarding their compatibility. The Northeast Sacramento Corridor Preferred Alternative Report (June, 1981), specifically refers to "a major goal with respect to transit improvements and urban development is encouragement of infill and clustering around transit stations" (p. 16), and lists encouraging "the clustering of urban development around a larger number of transit stations" as a reason for the preferred alternative being selected (p. 27). The FEIS (August, 1983) repeats this goal and contains other references to compatibility between land use and transit development. Nowhere does the FEIS claim that the LRT starter line is designed solely to serve existing commute trips, as the North Natomas FEIR asserts. Instead, the purpose of the project is explicitly stated as to meet growth needs in the most cost effective and environmentally benign manner (2-34, 2-39).

The land use assumptions as stated in the August, 1983 FEIS, include the following. These assumptions are in conflict with assumptions about LRT in the North Natomas EIR:

- substantial growth in the LRT corridor (pp. 1-3, 1-4),
- growth in Central City employment (1-4),
- "to channel additional urban development to locations that, taken together, will be more readily served by public transit systems. Significant opportunities exist, particularly in the Folsom Corridor, to coordinate major new land developments with transit system improvements." (p. 1-4)
- "The North-East Sacramento Study Area encompasses almost 80 percent of the Sacramento urbanized area...." (3-9)
- "The 1982 Sacramento Air Quality Plan approved by the SACOG recommends transportation control measures designed to increase ridership on public transit. The proposed light rail system has been adopted in the 1982 Draft Regional Transportation Plan (RTP) by local agencies as one of those measures. This project is in an air quality non-attainment area which has transportation control measures conditionally approved by the Environmental Protection Agency (EPA) in a State Implementation Plan (SIP) on July 1, 1982." (3-14)
- "By improving public transit, coupled with suburban park and ride lots, LRT will reduce demand for parking spaces in the Sacramento central business district. This is consistent with goals identified in the Sacramento Central City and Capitol Area Plans." (3-15)

• "One of the principal reasons that involved jurisdictions have created the Sacramento Transit Development Agency is to ensure that both the City and County of Sacramento continue to be involved in the project. This will facilitate coordination of LRT development with supportive actions including land use decision making as well as traffic and parking management." (8-10)

• "As to existing land use and vacant parcels, it is expected that over time the presence of LRT will result in development of vacant land mostly with offices and retail commercial facilities in the vicinity of stations." (8-12)

In sum, the North Natomas EIR would have to be amended to be compatible with the Sacramento LRT Starter line FEIS.

e. Regarding the ability of a dome on the stadium to mitigate negative environmental impacts and improve the jobs-housing balance in the community, (pp. 25-26) Mr. Berman presents conflicting information and avoids answering our comment. P. 166 of the FEIR acknowledges that a metal dome would make the stadium compatible with any adjacent land uses. This would imply an increase in the potential amount of residential land in the community plan, given the statement on P. G-24 of the DEIR regarding Alternatives B, C, D and E, "In order to avoid stadium noise annoyance to future residents residential land uses should not be designated within the 40 dBA maximum instantaneous A-weighted sound level contour of the stadium." Exhibits G-10 through G-13 show the 40 dBA maximum instantaneous A-weighted sound level contour of the stadium for each of the alternatives. Clearly a dome would increase the amount of potential residential land in the community, and therefore the attainment of a jobs-housing balance favorable to air quality and preservation of agricultural land in surrounding areas.

f. Mr. Berman has not backed up the assertions in the FEIR regarding ozone mitigation measures with documents from the Air Pollution Control District. He has faulty information; he has given the Planning Commission faulty information. Instead of verifying his information with the Air Pollution Control District, he is putting the burden upon that agency to correct him.

Berman says on p. 30: there is currently smog incident planning, there's some joint city planning PSM [sic] programs being undertaken." This is not true. While the regulations of the APCD provide for emergency episode measures when smog levels reach the alert stages, Sacramento does not have a planning process for avoiding smog alerts through smog season planning, nor is there a joint city-county transportation control program.

Major land use changes increasing air pollution in a non-attainment area logically must be accompanied by all feasible mitigation measures. The EIR does not adequately identify and evaluate all feasible mitigation measures for the air quality deterioration created by the proposed land use changes.

g. P. 24. Mr. Berman says that data do not exist to tell us how many days of unhealthy air we can expect to occur under the different alternatives in the EIR. This is much too important an environmental indicator to be dismissed. Knowing that gross emissions for the region will increase a certain percentage tells us almost nothing about what we can expect--and therefore must plan to prevent--in terms of the air quality we experience. Models do exist which can be used to make estimates. We know the range of days in violation of clean air standards which have been experienced in Sacramento and the range of days in urban areas with greater levels of emissions. We are not asking Mr. Berman to predict the weather; we are asking for a reasonable estimate, a range of variation, under the different alternatives, of the increase in days exceeding the national clear air standards.

h. P. 30 Mr. Berman asserts that mitigation measures are in the financing plan, but he does not note in his testimony that there are mitigation measures that are not in the financing plan. This is a significant oversight in his testimony and in the EIR. It is difficult to weigh the costs and benefits of adopting a new North Natomas Community Plan in a reasonable way when the costs are not specified. We have not seen a list of which mitigation measures are included and which are not included in the financing plan. We do not believe that costs have been included for mitigation of agricultural land loss, wildlife and vegetation loss, air quality degradation, traffic impacts in South Natomas, transit operating costs, natural drainage, and perhaps others.

CONCLUSION

There is much good information in the EIR, information which should be important in the evaluation of alternative plans for Sacramento. However, there is much that is missing from the EIR that will be needed to accurately and adequately assess the impacts and required mitigation measures for changes in the land use in the North Natomas Community. Therefore, we believe that the EIR should not be certified, and instead, the Council should direct that the inadequacies which we have identified in the EIR be corrected.

TESTIMONY BEFORE THE CITY PLANNING COMMISSION ON THE NORTH NATOMAS FINAL EIR
October 23, 1985

Honorable Chairperson and members of the Commission, my name is _____ and I am representing the Environmental Council of Sacramento. Last week, our vice-president, Virginia Moose, presented you with a detailed discussion on why ECOS feels that the EIR for the North Natomas project is inadequate. Hopefully, you have had the opportunity to read through this report and I would be willing to answer any questions you may have on the information contained therein. I would also like to briefly provide an overview of why ECOS recommends that you do not certify this EIR as adequate tonight.

The CEQA Guidelines require that an EIR state what its objective is. From reading this EIR and based upon statements made about what this document will be used for, there are actually ~~five~~ ^{four} objectives or intended uses of this document.

The direction of the City Council was for this study to assist them in answering the question of whether North Natomas should be allowed to develop at this time. In addition, its objective is to evaluate the impacts of the proposed Community Plan, which has been identified as Alternative C. This report will also be used as the basis for a decision on the five project applications, which have been combined as Alternative E. In addition, it will be the environmental document used to make a decision on the location of the proposed arena and stadium. We contend that these objectives are not mutually compatible and the relationship of each impact category to each objective should have been specified but wasn't. While we do not argue that this EIR is the longest environmental impact report that the City has ever prepared and that we have ever seen, that fact should not be the justification for finding this document to be adequate for its intended objectives.

In order to address the question of whether North Natomas should be opened up for development and to adequately evaluate land use options that would be of a lesser impact than Alternative C, as is required by the CEQA guidelines, this report should have included an alternative land use plan that was somewhere between Alternative A and Alternative B. Given that this area is currently in agricultural use, there should have been an alternative which evaluated the positive and negative impacts of preserving half of the area in agricultural use and allowing urbanization within the other half, such as using the I-5 freeway as the dividing line. Since this EIR is intended to be sufficient for making a decision on where the arena and stadium should be located, it should have evaluated alternative locations for these facilities both outside of the North Natomas area as well as within North Natomas. All of the urbanization alternatives, B through E include these facilities in the same location.

For these and all of the reasons identified at last week's meeting, we urge you to find that this EIR is not adequate and to direct staff to provide the additional information requested. We feel the North Natomas decision is a major turning point in the future of this City and such a decision should not be made hastily in order to meet an arbitrary schedule.

Thank you for your time.



Environmental Council of Sacramento, Inc.

October 17, 1985

COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT REVIEW FOR THE NORTH NATOMAS COMMUNITY PLAN, Presented to the City Planning Commission

Member Organizations

American Lung
Association of
Sacramento —
Emigrant Trails
Audubon Society
California Native
Plant Society,
Sacramento
Valley Chapter
California Park and
Recreation
Society, District 11
Capital Bicycle
Commuters
Association
League of Women Voters
of Sacramento
Modern Transit Society of
Sacramento
Planned Parenthood
Association of
Sacramento
Sacramento County
Farm Bureau
Sacramento Old City
Association
Sacramento Valley
Bicycle Advocates
Save the American River
Association
Sierra Club, Mother Lode
Chapter
South Natomas
Community
Association
Zero Population Growth

The Environmental Council of Sacramento finds inadequacies with the environmental review of the North Natomas Community Plan. Specifically, we find inadequacies in the EIR in:

- the definition of the alternatives under study and the evaluation of the cumulative impacts of these alternatives;
- the information presented to document the impacts of alternatives;
- the presentation of feasible mitigation measures.

Specific examples of each of these inadequacies are listed on the pages that follow. These inadequacies involve the whole range of environmental issues--traffic and the transportation system, air quality, noise, jobs-housing balance, impacts on existing community plans, downtown vitality and redevelopment areas, natural area and wildlife preservation, toxics, hydrology and public safety.

As a general conclusion we would observe that there remain many questionmarks in assessing the feasibility and cost-effectiveness of urbanizing North Natomas. Also it is clear that the City is unable to resolve inconsistencies among its various plans.

We are asking the Planning Commission specifically to ensure that all mitigation measures included in the text of the DEIR and FEIR be included in the Summary Table of Impacts and Mitigation Measures, or clearly referenced there. Also the Planning Commission should request a list of all environmental impacts for which adequate information is not available at this time, but which should be evaluated at any later more detailed review.

•The Definition of the Alternatives Under Study and the Evaluation of the Cumulative Impacts of these Alternatives is Inadequate

1. Impacts of changes in the community plan should be compared with existing conditions. This is not done, for example, in the Summary Table.

2. The range of alternatives is unnecessarily constricted given a major general plan change. Alternatives between A and B exist which are not adequately evaluated. Alternatives emphasizing housing have not been examined. Every alternative emphasizes industrial and sports facilities. This points to a predecision on sports/industrial which is inappropriate in the absence of a general plan amendment specifying the need and evaluating alternative locations for such facilities. Adequate industrial land already zoned for this purpose exists in Sacramento. Alternative sites for sports facilities exist which have the necessary infrastructure and are not located in areas designated by the General Plan for agricultural and open space use.

3. The Alternative A constitutes a sham no project alternative. This has many ramifications in the EIR, some of which have been pointed out at previous hearings.

a. For example, it is unrealistic to assume that the approved levels of development in the County area of North Natomas will occur if the city does not approve urbanization in the City area of North Natomas. Hence the impacts of Alternative A are overstated, and comparisons with other alternatives are incorrect, for example in the case of housing.

b. Another example: since the rezoning in the County "Northgate Industrial Area" has already been subject to an environmental review, inclusion of the impacts of that development in this EIR is improper in so far as it obscures the impacts of City rezoning of North Natomas farmland to urban uses, as it does for example in its assessment of the impacts on other city community land use plans (p. 16 "Summary").

4. Alternative A is defined so that comparisons are made with other alternatives that imply small differences between the alternatives, yet Alternative B through E impact magnitudes are two to three times the magnitudes of Alternative A, and many times the magnitudes of existing conditions. "The Summary of Impacts and Mitigation Measures" is severely flawed in that major differences in impacts and mitigations needed under different alternatives are masked.

5. A specific example of improper assessment of impacts under Alternative A versus other Alternatives is illustrated on page 33, "Solid Waste" impacts. City lacks the policies, financing and

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programs to accommodate the solid waste to be generated under Alternatives B through E but under Alternative A, City would not need to develop these mitigation measures since all solid waste generation due to development would be the responsibility of County government. The "Summary" fails to recognize that City lacks the ability to manage the solid waste generated by Alternatives B through E, and that it has no responsibility for mitigation under Alternative A. Instead impacts and mitigations are considered equivalent under Alternatives A through E.

6. One result of points 1 through 5 above is that the cumulative impacts of development under different alternatives have not been assessed adequately. The document has been constructed so that the range of alternatives is constricted and so that differences between Alternatives appear to be minimal. The result is that the environmental impacts of different land use and mitigation measure decisions are minimized and masked.

The Information Presented to Document the Impacts of Alternatives is Inadequate There are five types of instances in which the information presented is inadequate. The categories and examples are listed below. Also we present our comment on these instances.

1. Response is an undocumented assertion or information is garbled so that it is difficult to tell whether the question has been answered. Our comment is that such assertions should be backed by analysis and documentation. Examples are:

a. P. 133 "The initial light rail lines will serve areas that have high levels of development already, or have plans for significant development in the near future. The development of North Natomas should have minimal or no effect on the ridership of those two lines." See also Page 146, "The light rail starter line will be serving, predominately, existing commuter trips. Development of North Natomas should have little or no impact on the starter line ridership." The analyses in the UMTA Alternatives Analysis and the Light Rail Project EIR are based on the assumption that North Natomas will not be urbanized, and that land use policies would support light rail transit development. The North Natomas EIR assumptions should be consistent with the assumptions in the alternatives analysis and environmental impact report for light rail.

b. P. 134 "The proposed hours of operation of the sports complex should preclude any significant conflict between sports complex and commuter traffic." Where have proposed hours of operation of the sports complex been presented?

c. P. 70. Also P. 103, Response to D-4 The assertion is made that the difference between the Blayney-Dyett Plan for South Natomas and the Plan to be adopted by the City Council is not significant, because the 300,000 additional square feet of nonresidential development is not a significant increase. The type and

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location of development approvals would have significant impacts in terms of assessing North Natomas Community Plans. See also P. 131, E-43 Response which says that the traffic volumes generated in South Natomas would be 11 percent greater.

d. P. 79. C-10 Comment and Response. It is important to estimate the net additional jobs added by opening up North Natomas and then compare the environmental and fiscal costs of generating those jobs against the benefits to the community brought by the jobs. We do not have a clear statement that the loss of agricultural and agriculturally related jobs by the removal of North Natomas land from agricultural production has been subtracted from the expected employment generated by non-agricultural users. It is not enough to say that the number of jobs created will be greater than the number of jobs eliminated. (See P. 84, Response to C-47)

e. P. 83 Response to C-18. The response does not answer the question. How much risk is there for unmitigated environmental impacts, what impacts would be unmitigated, what additional mitigation would be needed if the employee density factor used varies substantially from the actual employee density factor experienced in North Natomas development? What would be a substantial variation? What we are looking for is assurance that the risk of error in employee density and other assumed characteristics of the community, e.g. worker per household factors) is low. If there is substantial environmental risk involved, then the EIR should have a method for mitigating the impacts which were not estimated because of faulty assumptions. This is particularly important given the statement on P. 87, Response to C-28, that North Natomas cannot be compared to any other urban area because it would be a unique community. This is also important to any phasing plan.

2. Response is "outside scope". Our comment is that such impacts should be documented if EIR is to be adequate. Examples are:

a. P. 130. "An analysis of impacts to the regional light rail/bus transit system resulting from development in North Natomas was beyond the scope of this study." It should be noted that the success of the transit system is a part of the Air Quality Maintenance Plan for Sacramento adopted by the City and County of Sacramento in order to meet federal Clean Air Act requirements. (See also Page 133)

b. P. 135 Costs to freight hauling of alternative community plans is deemed "beyond the scope of this DEIR." (E-56) This impact is not beyond the proper scope of the EIR. For example, does increased cost of freight hauling operations cause a loss of trucking business in our area? If so, the economic value of this loss in terms of jobs needs to be included in the calculation of net jobs produced, and the growth inducing impact on nearby agricultural land needs to be included in calculation of environmental impacts.

c. P. 136 "A detailed analysis of the traffic impacts on the internal South Natomas street system was beyond the scope of this study." We disagree, and support the Natomas Community Association comments on this issue.

d. P. 122 "Because the regional analysis was performed on an ADT basis, specific peak hour information is not available for more comprehensive LOS analysis, and was beyond the scope of this study." What this means is that the EIR assesses traffic impacts, infrastructure sizing, and indirectly air quality impacts, using an assumption about the expected peak to base ratio of traffic that is typical of large metropolitan areas, while Sacramento today has a higher peak to base ratio. This is particularly disturbing because the EIR is saying that we will plan on having traffic patterns like the Los Angeles and the Bay Area have, while the purpose of an EIR is to plan so that we don't repeat the mistakes of the past. This is disturbing also because of the EIR assertion that North Natomas is unique. If North Natomas development is unique, why will the EIR use standard (LA-Bay Area) trip generation assumptions not consistent with the patterns in Sacramento?

e. P. 159 "The preparation of a year 2005 emission inventory for the non-attainment area is beyond the scope of this EIR." This does not answer the question why a year 2005 emission projection for ozone and carbon monoxide for the County was not prepared for the EIR. How can the North Natomas impact on air quality be assessed if a projection of air quality without North Natomas development is not available as a baseline?

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3. Response is "information is not available". Our comment is that the information should be available and is needed to document the impacts. Examples are:

a. Page 161, Comment F-23 "Currently there is no methodology by which the number of days violating the standard can be determined from emissions data. The modeling performed as part of the RQP focused on predicting the highest levels of ozone, not the number of days exceeding the standard." We believe that a methodology exists to obtain a reasonable estimate of the number of days exceeding the standard under different development scenarios. This is essential information in assessing the environmental impacts of various alternatives and in planning mitigation measures. We should know whether there will be two, twenty or two hundred more smoggy days under the different alternatives assessed.

b. P. 161-2 Comment F-25 and Response. "However, no data exist that would allow prediction of health costs associated with an incremental increase in pollutant levels in Sacramento." We believe that some data do exist and that an effort to quantify the impacts of air pollution induced by the rezoning proposed in the proposed North Natomas Community Plan is required. Number of days exceeding the standard and costs per exceedance day for the metropolitan area are relevant to the evaluation of a major general plan amendment in a nonattainment area.

4. Response is "staff directed us elsewhere." Our comment is that the EIR is the city's document and city staff should respond to the comment. Examples are:

a. P. 134 Regarding use of a Sunday afternoon as the worst case traffic impact analysis for the stadium/arena complex, the FEIR lists "direction of the city" as a reason. This is inadequate. Other "worst cases" should have been analyzed. Judging worst case on the basis of highest attendance at the complex ignores the importance of the ratio between the traffic generated by the special event to the traffic which otherwise would be using the same transportation facilities at the same time. Friday and Sunday evening travel between the Bay Area and Lake Tahoe, for example, cannot be ignored in assessing the traffic impacts of sports complex use.

5. Response is "information is not appropriate to this level of review but is appropriate at a later review stage." Our comment is that these issues should be listed separately, and the City should commit itself to responding adequately to these comments at a later stage.

The Presentation of Feasible Mitigation Measures is Inadequate There are many instances in which available mitigation measures are not evaluated and/or are not included as feasible mitigation measures in the Summary Table, and instances in which the costs of feasible mitigation measures are not included in the financing plan. Our comment is that all feasible mitigation measures should be included in the FEIR, and that the costs of the mitigation measures should be included in the financing plan. Examples are:

a. P. 29, A domed stadium. A domed stadium would mitigate many of the negative environmental impacts of the sports facility on the balance of land uses in the community plan, permitting a greater supply of housing in North Natomas, less commuting, a better jobs/housing balance. Yet the additional cost of an enclosed stadium is not estimated, and it is not listed as a feasible mitigation measure.

b. "Summary" P. 133 Light rail is not included in the Summary Table.

c. P. 135 FEIR notes that "operating hours of the facility [sports complex] should be limited to reduce conflicts with weekday peak hour traffic," but this is not listed as a mitigation measure in the Summary Table or elsewhere.

d. P. 172. H-13-14. The City today lacks policy, financing and program for managing solid waste that is currently being generated given the limits of current landfill capacity. Why does the EIR assume that the City can solve its current solid waste management problem and the additional solid waste burden represented by the North Natomas Community Plan? Why does the EIR not list as a necessary mitigation measure the need to find additional disposal capacity? Why does the EIR show no difference in solid waste management impacts between Alternative A and Alternatives B through E when under A, City would have no waste disposal problem over the existing plan, while under B through E, the City would have a substantially increased waste disposal plan?

e. List in the Summary Table the specific mitigation measures contained in the letter from the Sacramento Audubon Society, 5th and 6th paragraphs, regarding a nature preserve area contiguous with Fisherman's Lake, retention ponds, etc.

f. PP. 163-164 F-30 regarding additional mitigation measures for the air quality impacts. Participation of project sponsors and major employers within the North Natomas area should be included as a mitigation measure. The responses on feasibility of smog incident planning and joint city/county tsm program should be verified with the Air Pollution Control District. We are not aware that either of these programs currently exist as part of air pollution control.

g. Phasing of North Natomas development contingent on build out and occupancy of particular areas already zoned for similar development is a feasible mitigation measure which should be listed.

h. Mitigation measures should be included in the financing plan.

1 MEETING

2 SACRAMENTO CITY COUNCIL

3
4
5 APPEAL OF PLANNING COMMISSION ACTION

6 AND

7 CERTIFICATION OF NORTH NATOMAS EIR

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15 COUNCIL CHAMBERS

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Anne Rudin, Mayor

David M. Shore

Grantland Johnson

Douglas N. Pope

Tom Chinn

Joe Serna

B. H. Smallman

Terry Kastanis

Lynn Robie

STAFF PRESENT

Walter J. Slipe, City Manager

Janice M. Beaman, Deputy City Clerk

Ted Kobey, Assistant City Attorney

ALSO PRESENT

Marty Van Duyn, Planning Director

Stephen L. Jenkins, Project Manager

Angus McDonald, McDonald & Associates, Financial
Consultant

Martin Inouye, Omni-Means

Gary Hansen, Omni-Means

Marc Mihaly, Esq.

Bob Berman, EIR Consultant

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P R O C E E D I N G S

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MAYOR RUDIN: Call the meeting to order. Will the Clerk call the roll, please.

DEPUTY CITY CLERK BEAMAN: Chinn.

COUNCIL MEMBER CHINN: Here.

DEPUTY CITY CLERK BEAMAN: Johnson.

COUNCIL MEMBER JOHNSON: Here.

DEPUTY CITY CLERK BEAMAN: Kastanis.

COUNCIL MEMBER KASTANIS: Here.

DEPUTY CITY CLERK BEAMAN: Pope.

COUNCIL MEMBER POPE: Here.

DEPUTY CITY CLERK BEAMAN: Robie.

COUNCIL MEMBER ROBIE: Here.

DEPUTY CITY CLERK BEAMAN: Serna. Shore.

COUNCIL MEMBER SHORE: Here.

DEPUTY CITY CLERK: Smallman. Rudin.

MAYOR RUDIN: Here.

(Thereupon a discussion was held off the record.)

MAYOR RUDIN: Will the Clerk call Item 15, please.

DEPUTY CITY CLERK BEAMAN: Various matters regarding North Natomas: Consideration of an appeal of the City Planning Commission action on October 23

1 recommending certification of the EIR for North Natomas
2 Community Planning Alternatives Study and certification
3 of the Final Environmental Impact Report for the North
4 Natomas Community Plan Alternatives Study.

5 MAYOR RUDIN: Thank you. Mr. Jenkins, before
6 you begin, let me just tell how we're going to be proceed-
7 ing on this. First of all, we're going to deal with the
8 appeal and certification of the EIR concurrently. We're
9 going to open both hearings at the same time because I
10 think a lot of the questions that would be asked in one
11 would be asked in the other one and we'll be considering
12 the same kind of subject matter. We will begin with the
13 appellant's comments. We'll take those first. Well,
14 we'll take first some staff comments and then we'll take
15 the appellant's comments. After we hear from the appellant,
16 I would ask during that time that Council Members hold
17 their questions back until we hear all of the appeal and
18 then we'll ask questions and respond, get a response from
19 staff. After which we'll take other comments as part of
20 the public hearing on the EIR. We'll take Council
21 questions, staff response, and then take whatever action
22 the Council sees fit at that point. So now, Mr. Jenkins.

23 COUNCIL MEMBER KASTANIS: Mayor, before we begin --

24 MAYOR RUDIN: Questions about the process?

25 COUNCIL MEMBER KASTANIS: I'd like to acknowledge

1 two classes from Sac State that are here, Tina Thomas'
2 students from the Environmental Impact Reporting class
3 and the Environmental Law class that are here to observe
4 democracy in action. Good luck, guys.

5 MAYOR RUDIN: Raise your hands. We're going
6 to try to set a good example tonight.

7 Mr. Serna.

8 COUNCIL MEMBER SERNA: This is no excuse for
9 Professor Thomas not to be teaching her class on campus.

10 MAYOR RUDIN: She took the easy way out tonight.
11 We're the guest lecturers tonight. Anything else?
12 All right. Then, if that procedure is acceptable to
13 everyone, we'll call on Mr. Jenkins now for staff
14 preview.

15 MR. JENKINS: Thank you, Mayor Rudin, Members
16 of the City Council. Steve Jenkins, Planning Counsultant
17 and Project Manager for the North Natomas Planning
18 Studies.

19 The first item before you as the Clerk indicated
20 is consideration of appeal of the Planning Commission's
21 action of October 23rd recommending certification of the
22 North Natomas EIR. On October 23rd the Planning
23 Commission voted by a vote of seven ayes and two noes
24 and two absent to recommend that the Council adopt a
25 resolution certifying the North Natomas Community Plan

1 Alternatives EIR. In certifying the EIR, the technical
2 action that was requested of the Commission and also of
3 the Council is that you certify that the Environmental
4 Impact Report has been prepared in accordance with state
5 environmental guidelines, local environmental guidelines,
6 and that you have read and considered not only the
7 report but all the comments and transcripts at hearings,
8 et cetera, that were submitted as part of the hearing
9 process on that report.

10 On November 1st the Planning Division received
11 an appeal from the Environmental Council of Sacramento
12 listing various reasons why they felt that the Planning
13 Commission action of October 23rd was in error. Also on
14 November 1st notice was placed in the Daily Recorder
15 that you would be considering the appeal this evening,
16 November 12th. On November 8th a staff report was
17 submitted for your consideration. That report contained
18 various items which are listed on page 3 of the staff
19 report. They included not only the appeal that was filed
20 with the Planning Division, but also staff and consultant
21 responses to the appeal, a written transcript of the
22 Commission's October 23rd Final EIR hearing, a transcript
23 of the October 17th hearing on the Final EIR, a copy of
24 the Final EIR, a copy of the Draft EIR and all hearings
25 on the draft as well as comments that were submitted,

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1 have been submitted to you previously. Staff has
2 reviewed the material contained in the appeal. They
3 have reviewed the written comments and the testimony
4 that was submitted on October 23rd and, as a result,
5 staff recommends that the appeal be denied.

6 I would like to indicate to you before I get
7 into the staff recommendation, formal staff recommendation
8 that the item before you this evening, both Item 15A and
9 15B relate to an appeal on the Environmental Impact
10 Report as well as a recommendation for certification of
11 the EIR. The various land use applications that have
12 been submitted to the City as well as the five alternative
13 plans contained in the EIR are not before you this
14 evening and you are not to discuss the merits of either
15 the applications or the alternatives. Those matters
16 will be scheduled before you on January 7th, 1986, for
17 your consideration.

18 Now, with respect to the formal recommendation
19 on the staff report of the appeal, staff recommends that
20 the City Council conduct a public hearing, as you've
21 indicated, close the public hearing, and indicate an
22 intent to deny the appeal based on findings of fact
23 due in two weeks on October (sic) 26th, or if the City
24 Council upholds the appeal, then the Council should
25 continue the hearing and advise the staff which issues,

1 which specific issues need to be given additional
2 analysis.

3 With respect to the second item before you which
4 is certification of the Environmental Impact Report,
5 on October 18, the close of the formal review period
6 of the Final EIR, staff submitted a staff report and
7 recommendation to the Planning Commission and the City
8 Council recommending that you certify the EIR at a hearing
9 tentatively scheduled for October 23rd. This was
10 followed up by a staff report of October 22nd which
11 contained a written transcript of a hearing conducted
12 by the Planning Commission on October 17, as well as
13 all written comments.

14 As I previously indicated, the Planning
15 Commission did recommend certification on the 23rd.
16 The City Council decided not to attend that hearing and
17 as a result this is the first time that you've had any
18 direct involvement with the EIR.

19 On November 8th a staff report was submitted
20 for your consideration. The recommendations contained
21 in that staff report, again, the staff and Planning
22 Commission recommend that the City Council conduct a
23 public hearing, close the public hearing, continue this
24 item for two weeks to November 26 and then at that time
25 proceed to certify the EIR and adopt the resolution which

1 is attached to the staff report.

2 MAYOR RUDIN: Excuse me. Would you read that
3 again, that last statement you made?

4 MR. JENKINS: Certify the -- close the public
5 hearing, continue the item for two weeks to November 26
6 and at that time proceed to certify the EIR and adopt
7 a resolution which is attached to your staff report.

8 Some of this presentation may seem technical
9 and long-winded, but as you can see we have a court
10 reporter as we've had on all of our hearings on the
11 Environmental Impact Report and as we'll continue to have
12 all the way through this process to make sure that there's
13 a certified written transcript of all the testimony,
14 et cetera.

15 We have in attendance members of the North
16 Natomas consultant team, Angus McDonald, with the
17 firm of Angus McDonald and Associates who prepared the
18 economic and financial analysis, Marty Inouye and also
19 Gary Hansen from Omni Means who prepared the transportation
20 analysis, and Bob Berman with the firm of Nichols-Berman
21 who prepared the Environmental Impact Report.

22 I would like to make one final comment, and
23 that is as people testify on the Environmental Impact
24 Report and the appeal, I have on this desk right here a
25 sign-in sheet and if you would please print your name and

1 the organization that you are with before you testify.
2 This will assist the court reporter in her assignment.

3 That concludes my presentation, and I believe
4 the next item is to convene the public hearing.

5 MAYOR RUDIN: All right. Thank you.

6 COUNCIL MEMBER KASTANIS: I have a question.

7 MAYOR RUDIN: Mr. Pope.

8 COUNCIL MEMBER POPE: Steve, I don't know if
9 it's a question to you or to Ted, but I want to make sure
10 I understand what we're doing here is I'm looking at the
11 appeal and also the certification of the EIR. It's not
12 a question the way I understand it of whether or not
13 we agree with the specific conclusions of the EIR or the
14 comments made in the EIR. It's just whether or not all
15 of the various issues in our opinion have been adequately
16 addressed.

17 MR. JENKINS: That's correct. In this process
18 we have separated the certification process into two
19 elements. The first element -- and this is also dealing
20 with the Planning Commission as well as the City Council
21 -- the first element is certification that the report
22 has been prepared in accordance with the required
23 procedures and that you have read and considered the
24 information that's been submitted in the report as well
25 as at the hearings.

1 COUNCIL MEMBER POPE: I see.

2 MR. JENKINS: The second item of the certifica-
3 tion process is an identification of significant
4 environmental impacts as well as mitigation measures,
5 statement of overrides. That will occur with the
6 Planning Commission scheduled for December 12th when they
7 make their recommendation on North Natomas to you and
8 then it would be scheduled for your consideration when
9 you decide whatever you're going to decide on North
10 Natomas. That's when you will determine the specific
11 impacts and make your environmental findings.

12 MAYOR RUDIN: Any further procedural questions
13 of Mr. Jenkins at this point?

14 Mr. Kastanis.

15 COUNCIL MEMBER KASTANIS: Steve, then if we
16 act on Item 15 B tonight, then, we will be taking action
17 on November 26 on final action; is that correct?

18 MR. JENKINS: That's correct.

19 COUNCIL MEMBER KASTANIS: And yet the Planning
20 Commission will be discussing the elements of the
21 Community Plan a week before that, then, on the 21st?

22 MR. JENKINS: That's correct. The Commission
23 again has already recommended certification of the EIR.

24 COUNCIL MEMBER KASTANIS: So they'll be
25 discussing the actual elements of the Community Plan and

1 we will be refrained from doing that until after we
2 certify the EIR on the 26th?

3 MR. JENKINS: According to the City Attorney,
4 that's correct.

5 COUNCIL MEMBER KASTANIS: Well, that's doing
6 it wrong again. I thought we were going to avoid that
7 process.

8 MR. KOBEY: It's not at all uncommon for the
9 Planning Commission to take action on a community plan
10 or general plan amendment before the Council takes
11 action on the EIR. Happens all the time when the
12 Commission certifies or recommends certification of the
13 EIR and takes its action at the same time. It's taken
14 its recommendatory action on the community plan or general
15 plan before the Council's certified the EIR.

16 COUNCIL MEMBER KASTANIS: We were hoping to
17 separate those processes a little bit with this one,
18 though, so that we could have some interaction with the
19 Commission.

20 MR. KOBEY: That's correct, but the Commission
21 can still proceed to consider the Community Plan amendments.
22 It's taken its recommendatory action on the EIR.

23 COUNCIL MEMBER KASTANIS: Is that a unanimous
24 opinion from our legal department or just yours,
25 Mr. Kobey?

1 (Laughter.)

2 MR. KOBEY: No, it isn't just my opinion.
3 It's Mr. Jackson's.

4 COUNCIL MEMBER KASTANIS: Mr. Jackson's, too.

5 COUNCIL MEMBER SHORE: This is for the benefit
6 of the Sac State students to show we have democracy in
7 the Attorney's Office.

8 COUNCIL MEMBER POPE: In the staff, yeah.

9 MAYOR RUDIN: It doesn't require a unanimous
10 agreement of staff, just a majority of one. Okay.

11 (Laughter.)

12 MAYOR RUDIN: Let's move on then and hear from
13 the appellants.

14 MS. LAMARE: Hi, I hope that you don't notice
15 that I had a big bowl of French onion soup for dinner.
16 That's the first thing that Tina Thomas noticed when I
17 came in the room.

18 MAYOR RUDIN: Do you really want that on the
19 record?

20 MS. LAMARE: No. I don't want that on the
21 record.

22 MAYOR RUDIN: Give your name and address for
23 the record in addition to your menu for dinner.

24 MS. LAMARE: Good evening, Mayor Rudin and
25 Members of the Council. I'm Judith Lamare. I'm

1 representing the Environmental Council of Sacramento
2 and here with me tonight are members of my board. I'd
3 like to introduce them. They're here to answer your
4 questions. The members here include Virginia Moose from
5 the League of Women Voters, Mike Eaton from the Sierra
6 Club, our Treasurer, Cheryl Patterson representing the
7 Sacramento Old City Association who is our secretary,
8 and ECOS Board Member is Ralph Propper from the
9 American Lung Association of Sacramento, Katharine
10 Thompson from the Modern Transit Society, Andy Sawyer
11 from the Sierra Club. So I will ask them to come up
12 and be forward here and be present so that as questions
13 come up they may be able to answer them.

14 MAYOR RUDIN: Actually -- excuse me, if I may
15 interrupt. We want to hear from you or whoever is going
16 to speak. How many people are going to speak?

17 MS. LAMARE: No one is going to speak until
18 you have questions. I'm going to review our position.
19 We will make a statement.

20 MAYOR RUDIN: What I'm trying to say is we
21 want to hear from you what the objections are since
22 you're appealing the EIR. I think that there will
23 probably be more information we want from you as far
24 as specifics on the EIR, you know, what specific points
25 do you feel are lacking. Rather than ask you questions

1 about the EIR, we want you to tell us in your appeal
2 what you feel is deficient, in what ways you feel the
3 EIR is deficient and be very specific about that
4 so we can get specific answers from staff.

5 MS. LAMARE: Just to review the process,
6 ECOS has commented at every stage of the EIR review
7 process since June 21st, 1984. In reviewing the Draft
8 EIR we responded with very detailed comments amounting
9 to about eight single-spaced pages. We had 45 days to
10 do that. We had 14 days to respond to the responses of
11 your consultants and staff to our questions. The Final
12 EIR, our comments on the Final EIR itself numbered six
13 pages. We then had ten days to prepare our appeal. Our
14 appeal you have had in writing for almost two weeks.
15 Our appeal contains all the previous comments that we
16 have made and in addition five pages of comments based
17 on the hearing the Planning Commission held October 23rd.
18 The staff report on our appeal was issued last Friday
19 afternoon. Because of previous commitments of our board
20 to families and friends, most of us really did not have
21 a chance to read the staff's response to our comments
22 until last night or today. So we do not have a point
23 by point confrontation with your staff's response to our
24 comments on the appeal.

25 I want to say that in general this process,

1 the EIR review process, has resulted in what we think
2 is a better overall product because every time we raise
3 questions and staff and consultants respond to those
4 questions it makes for a better understanding of the
5 environmental impacts of the North Natomas Community
6 Plan Alternatives and of the specific projects.

7 In this process what we have done is we have gone with
8 your staff and your consultants and we have looked at the
9 foundation of the city. We have been in the basement of
10 the city looking at the structure and the shape and the
11 size of the city and we have been projecting and forecast-
12 ing and thinking what is going to be the impacts here,
13 there and there of making a big, big change in the
14 size and shape of the city. We have in this process
15 raised the questions and the problems that we think could
16 come back to haunt our community later. Now what we
17 want is for the Council to go through this process. We
18 want you to walk through the foundation. We want you
19 to walk through the basement of the city, look at the EIR,
20 its impacts and at the mitigation measures and the cost
21 of those mitigation measures, the issues that we have
22 been dealing with.

23 We think the Community Plan will be much,
24 much better for your attention to this EIR and the
25 problems that we're identifying with the EIR. We think

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1 that our appeal is a guide for you as Council Members
2 to the Community Plan and its impacts and the problems
3 that it may have. So in doing our appeal, we did become
4 very specific and we did try to pinpoint the issues that
5 we think you should look at before you certify the EIR.

6 Tonight you can adopt the staff's recommendation,
7 reject our appeal, and certify the EIR or you can grant
8 our appeal, tell the staff to go back and correct the
9 issues and problems that we have identified with the
10 EIR.

11 Another thing that you could do is to leave the
12 EIR certification open, review the EIR appeal, look at
13 it in detail, and confront the issues that we're raising
14 for you. To our knowledge there is really nothing that
15 compels you to certify the EIR tonight. In fact, if you
16 believe that you're compelled to certify, we would like
17 you to clarify that.

18 I want to summarize what's in the appeal.
19 I do not want to stand up here for an hour and read that
20 appeal to you and I think everyone has had an opportunity
21 to look at it. If you do want to go into detail on each
22 of the points, then certainly we can do that.

23 We have tonight come, a number of the members
24 of the board who have worked on this, have come here
25 prepared to clarify issues or to make statements about

1 different issues in the appeal. Please notice that we
2 have three kinds of problems with the EIR.

3 We are saying the EIR is inadequate in three
4 different ways. One of the ways is in the very framework
5 of the structure of the way the EIR has been framed.
6 This is the most serious kind of problem because it
7 means perhaps going back and restructuring things a
8 bit more than people would really want to do. However,
9 we think it's important for you to know and feel comfortable
10 yourselves with the way that the EIR has been structured
11 and to know when community plan issues are raised whether
12 the issues that are raised can be affected by the structure
13 of the EIR. In other words, one major issue that came
14 up during the process that many, many people commented
15 upon, ourselves included, is that the No Project Alternative
16 is not a true no project alternative. It does not
17 really provide for the Council the comparisons with the
18 other alternatives which would allow you to evaluate
19 the impacts of the other alternatives.

20 We have pointed to other problems with the
21 structure of the EIR. One is that the EIR is supposed to
22 deal with several different problems: A General Plan
23 amendment, a Community Plan and five specific project
24 proposals. Any one of those problems would have
25 required a very studied EIR. By trying to deal with

1 three different layers of environmental impact review,
2 the EIR fails to do so adequately in different areas.

3 Basically you're trying to do a General Plan
4 update without doing a General Plan update EIR. Okay.
5 That is a summary of the issues that we have raised
6 and we can answer specific questions about any of
7 those, but that category comes under the framework or the
8 structure of the EIR, the way it's been put together.
9 A second category of problems that we have with the
10 EIR has to do with documentation of the impacts. There
11 are -- of course, this is a very huge document and there
12 are some areas that are very well documented. We didn't
13 bother to go over that and pat people on the back.
14 We were interested in finding out where the documentation
15 of the impacts was inadequate and would hurt, in the long
16 run would severely hurt the ability to do a good
17 Community Plan and we have focused on four areas. One
18 is air quality. The second area is the LRT starter line,
19 the impacts on the success of the LRT starter line and
20 its core, the development in that corridor. The third
21 has to do with sports traffic and the assessment of
22 the sports traffic. The fourth has to do with impacts
23 on South Natomas and particularly the traffic impacts
24 on South Natomas.

25 We feel that the king pin here is air quality

1 because it's national policy implications. So if you
2 read our appeal and the comments that we've made over the
3 last few months, you'll see that many times what we
4 are asking for is more definite documentation of impacts,
5 a more specific outlining of what will be the impacts.
6 One alternative compared to another alternative. What
7 is the level of impact of each alternative? One of our
8 major complaints is that this EIR does not tell us how
9 many more days of poor air quality or unhealthy air
10 we are going to have under the different alternatives.
11 Will we have two more days, 20 more days, or 200 more
12 days of air quality that exceeds national standards?
13 The EIR doesn't even give us a reasonable forecast.

14 A third area and where we have problems is
15 in the identification of feasible mitigation measures,
16 what they will do and how much is needed for each
17 level of development. Also in terms of feasible
18 mitigation measures, how much will they cost and assessing
19 the cost per unit or anything like that in many, many
20 cases is not taken care of in the EIR.

21 Council and development proponents have said in
22 the past that developers will pay for all the costs of
23 all development in North Natomas, that the development
24 will generate the revenues to pay for itself. But if
25 we do not know the cost, if they're not documented in

1 the EIR, it will be very difficult to know how much those
2 costs are and to see that they're paid.

3 Most importantly, if the environmental impacts
4 have not been fully identified and the costs have not
5 been identified and the mitigation measures have not been
6 settled at this point, the public will end up paying the
7 cost in the long run. So that is a very important
8 reason why we feel that the EIR has to be really good.
9 It has to be -- we can't skip over major areas of cost
10 and impact if we're going to make a community plan that
11 we can all be proud of.

12 All right. To sum up then, we feel that
13 certifying a faulty EIR is not part of the answer. It's
14 part of the problem. We think that it is a pattern of
15 really well-intentioned mistakes. We don't see any bad
16 intentions on the part of the City. We think that the
17 staff is trying to give the Council what the Council
18 wants which is adhering to a predetermined time schedule
19 and a specific budget and that we think the Council is
20 trying to give the community what it thinks the community
21 wants which is a sports stadium.

22 But life is more complicated than single purpose
23 objectives. Life is complicated because it requires
24 a lot of different objectives and we think that here
25 in Sacramento there are a lot of wants. Air quality is

1 important. We think that the health of the areas in the
2 City that are already developed is important and that
3 we need to be sure that these needs are balanced and
4 weighed, come out with a city that is a balanced and
5 healthy city.

6 The EIR is where we get the information to
7 make the decisions about how to balance those interests.
8 If the EIR doesn't do its job, then it is a sham and
9 Sacramento deserves better than that.

10 So we want you to know that whether you
11 certify the EIR tonight or leave it open, whether you
12 grant our appeal or not, we will continue to monitor the
13 Community Plan process, we will continue to evaluate
14 how the Community Plan is developed and we will comment
15 on the environmental impacts and the mitigation measures
16 and we will continue to point out where we think the
17 deficiencies in the EIR are making the Community Plan
18 problematic.

19 We think that, of course, if the Council would
20 leave the EIR open and look at the process as it unfolds,
21 that you will do a better job on the Community Plan and
22 that if you close the EIR at this point that you may be
23 losing an opportunity to correct some problems between
24 now and January.

25 So to close, we believe it's in the best

1 interests of the City not to certify the EIR at this
2 time, but to review our appeal in detail over the next
3 couple of weeks or month or before you actually hear
4 the Community Plan and we would like you to get involved
5 in looking in detail at our comments that we have
6 made. Thank you.

7 MAYOR RUDIN: Thank you, Judy.

8 Are there any questions?

9 Is there anyone else in the audience who wants
10 to present testimony on any aspect of this appeal?

T2 11 MR. YAMSHON: Good evening, Madam Mayor,
12 Members of the Council. I'm Daniel Yamshon. I'm Chair
13 of the Sacramento Coalition Opposing Leap Frog Development.
14 We support the appeal of ECOS. Our written commentary
15 has been on file with the City staff and we will incor-
16 porate that into our testimony tonight.

17 Let me state something about the process of
18 the Environmental Impact Report. If it is not certified
19 tonight or even two weeks from now and it's sent back for
20 study, that does not prevent the City of Sacramento or
21 the Council from later certifying a Community Plan. Indeed
22 the function of the Environmental Impact Report is to
23 answer questions that the public and the City leaders
24 have a right to know before embarking on such a venture.
25 This is indeed a venture. It's six times the downtown

1 and midtown combined and that should tip people off to
2 the fact that the impacts, even if mitigated, are
3 going to be significant.

4 We believe that the Environmental Impact
5 Report is inadequate in several basic areas. Number
6 one, it leaves too many economic questions unanswered.
7 We do not know where the funding is going to come from.
8 The Environmental Impact Report does talk about
9 developers paying a certain percentage of the costs
10 involved. It talks about assessment districts and
11 it talks about bonds. It also assigns approximately
12 25 percent of the cost to something identified as
13 other sources. We believe this is pretty abstract and
14 before the City puts the public in debt which is what
15 will happen if other sources don't magically appear on
16 the state or federal level, that we should know where
17 this money is going to come from. Also the California
18 Environmental Quality Act does not allow planning based
19 on unidentified funding. We have to know where the
20 money is coming from.

21 A recent development since the drafting of
22 the economic sections of the Environmental Impact Report
23 came out two weeks ago from the Treasury Department
24 where Donald Reagan indicated that one of the major
25 moves on the federal level is going to be to take away

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1 the tax-exempt status from municipal bonds. This would
2 have severe impacts on Sacramento and any municipality
3 from not only redevelopment, industrialization funding,
4 but this kind of basic infrastructure funding which would
5 be necessary for the City to indebt itself with a bond
6 issue as well.

7 I realize it's abstract now, but our municipal
8 bonds are one of the easiest areas for the Treasury
9 Department to make inroads upon and indeed this year the
10 first inroads into threatening the exempt status of
11 tax-free bonds by the registration provisions from the
12 Treasury Department did go into effect with barely
13 a whimper.

14 This could threaten funding of this significantly.

15 To support the bond debt, the Environmental
16 Impact Report states that you would need a regional
17 tripling of land prices. Regional is not only Sacramento
18 City, it's Sacramento City, it's portions of El Dorado
19 County, portions of Sutter County, and portions of
20 Yolo County. We question whether or not development in
21 North Natomas is going to give rise to a regional tripling
22 of land prices. I think that the other adverse impacts
23 of the regional tripling of land prices should be
24 scheduled as well. That would cause a general inflation
25 because any businessperson or any renter is going to have

1 to charge more for their services, charge more for their
2 rents if a landlord has to charge more to justify the
3 cost of the land. That's not answered or even addressed
4 in the Environmental Impact Report not to mention what
5 happens to the attractiveness of the low cost of living
6 and the low cost of doing business in Sacramento if you
7 have to triple the costs of doing business in order to
8 finance your plan.

9 These comments were acknowledged by the
10 consultants but not answered. So the only way that's
11 left to finance many of these items becomes new taxes.
12 In other words, the public will be paying sooner or
13 later one way or another. In some respects in the
14 fiscal analyses I think the developers are indeed to be
15 commended for offering to pay for the costs of development.
16 It's about time that this has happened. If you read
17 the report carefully, they're talking about the
18 immediate on-site infrastructure costs. They're not
19 talking about regional costs. Indeed, regional costs
20 were not addressed in many areas such as regional costs
21 of improving roads, regional costs of improving sewers,
22 which must be passed on to the taxpayer because they felt
23 it was outside the scope of the Environmental Impact Report.
24 We believe the public has a right to know.

25 In the hydrology section -- and I will get

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1 technical for only a second -- the hydrology section
2 admits at its outset that it did not have data to do an
3 adequate hydrological study. We all know that this is
4 a low-lying wet area with many, many problems with the
5 soils with permeabilities that three counties drain through
6 there and a tremendous amount of water will come through.
7 So what they did was they used something called
8 qualitative hydrology. Qualitative hydrology is you make
9 up the information based on your best guess. So they
10 looked at the 23 square mile area as if it were medium
11 density housing. Other than Alternative A and possibly
12 portions of B, we know that C, D and E call for extremely
13 intensive urban development. Their justification is
14 if data is not available, you can use qualitative
15 figures under the California Environmental Quality Act.
16 That aspect of the Act is true, however, we think that
17 the data was available. There are certainly water flow
18 studies, rainfall studies, soil studies. The kinds of
19 data that would be needed to analyze the various community
20 plans is certainly available. We admit that engineers
21 today are capable of performing miracles with water and
22 other projects, but by assuming a very, very low hydrologic
23 problem, by assuming medium density housing, and even
24 here they're talking about raising a 23 square mile
25 area above the 100-year flood line. That's approximately

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1 12 feet. We don't know what the real costs are.

2 Another omitted item completely is the
3 hydrologic report of inevitable pollution of the
4 Sacramento River and a finite probability in the
5 Environmental Impact Report's words of ground water
6 pollution in the Natomas area. The discharge of the
7 drainage canals with the inevitable pollution would be
8 directly into the Sacramento River, even though mitigation
9 measures are proposed and we definitely think that the
10 planning process goes through that all mitigation measures
11 and water and air quality should be required, but it
12 still states there is this inevitability. The drain
13 canal, as all of you know, is only a mile above the
14 City's water intake. If the water filtration plant has
15 to be relocated, if we have to look for alternative
16 measures such as fighting with East Bay MUD over
17 American River water, going to deep wells, all kinds of
18 things which the City has correctly rejected in the past,
19 then the cost of these should be assessed.

20 We find problems with the transportation
21 system analysis. ECOS and Modern Transit Society's
22 comments incorporate most of our comments or our comments
23 incorporate them and I will leave you only with this
24 thought. If the light rail system was designed to bring
25 people downtown from outlying communities and you

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1 suddenly concentrate your business population... away from
2 the target area of the light rail, where will be the
3 incentive to use it? In other words, if the people
4 from Rancho Cordova and Citrus Heights no longer have
5 a light rail line to their work, there will be no
6 incentive to use it if, indeed, the studies show that
7 there will be a general population and employment shift
8 to North Natomas. Which leads us into what we found
9 inadequate with the Alternative A study. Alternative A
10 is the so-called No Project Alternative.

11 I don't disagree with the premise by both the
12 citics and the authors of the EIR that Alternative A
13 is not a true no project alternative. What Alternative
14 A is is a study of the current Master Plan, the City and
15 County, for that area, and assumes buildout of it.
16 That includes the 2,000 acre special assessment, excuse
17 me, Special Planning District near the airport, although
18 it's not clear how much of that is going to be built in
19 the Alternative A studies.

20 In some portions of the EIR it talks about a
21 500 acre buildout of the airport SPA. In other sections
22 it talks about a 2,000 acres buildout. In any event,
23 it states that with the no project alternative there is
24 only going to be a two percent difference in growth in
25 Sacramento in the next 20 years. We question if paving

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1 over 23 square miles of farm land versus not paving over
2 23 square miles of farm land and building out 500 acres
3 next to the airport makes no difference really because
4 two percent is within the realm for mathematical error
5 with these kinds of studies, why are we bothering to go
6 through this process? Conversely, we asked and still have
7 not received an answer where is the aerospace industry
8 going to come from?

9 The airport Special Planning Area is for
10 aviation related industry. We take that to mean aircraft
11 repair or manufacturing. We take that to mean avionics
12 which is airplane radio type work, painting, fabrication,
13 maintenance, anything like that that's related to aircraft.
14 We do not take that to mean Pacific Intermountain Express
15 putting a truck dock in there because it handles some
16 air freight and, indeed, that has been basically how the
17 County has handled that area. In the 14 years the
18 airport Special Planning Area has been in existence,
19 there has not been a single permit granted because there
20 has not been any aerospace industry wanting to locate
21 in that particular area. There is property in the
22 region held by aerospace companies along Highway 50
23 such as Aerojet. At one time there was 4,000 acres
24 owned by Douglas Aircraft next to Aerojet. At one time
25 I read they were hoping to trade that for something else.

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1 I do not know if that trade took place. But the aerospace
2 industry itself has located closer to the Air Force
3 bases and away from Metro Airport.

4 So these leave tremendous questions which we
5 do not see answered in the Alternative A study and we
6 ask you as the Planning Commission asked the consultants,
7 to take a good, hard look at those studies.

8 In agriculture, this is becoming something of
9 a forgotten part of the environmental studies. We find
10 that the numbers are somewhat off because 1933 was the
11 base year which was the year of the Payment in Kind
12 Program where farmers were given commodities which they
13 would have grown for not growing them. This is a
14 different kind of subsidy than past farm subsidies have
15 been which was a cash type of arrangement for taking
16 some land out of production but not all the land as
17 under Payment in Kind. There were still significant
18 numbers of farmers in that area who decided to plant.
19 But because of the nature of the PIK Program which had
20 people taking 100 percent of their acreage out of
21 production rather than 25 percent of their acreage out of
22 production, we believe that the agricultural production
23 figures are way under value.

24 The last topic I will talk about is the topic
25 of phasing. The Environmental Impact Report states over

1 and over again that any economic feasibility of develop-
2 ment depends on how are you going, how you are going to
3 phase this. When you're talking about 23 square miles
4 of new city which must by its nature merely draw
5 development from other existing areas, you have to know
6 what order things are going to be built and you cannot
7 put in 23 square miles of infrastructure all at once.
8 All the documents to date are totally silent on the
9 issue of phasing. Since this does address the economic
10 aspects so strongly, we believe that there should be some
11 answers on that.

12 In conclusion, the function of Environmental
13 Impact Reports is to give you, the City Council people,
14 and us, the public, the information needed to make
15 informed decisions about the future of our community.
16 These are environmental decisions such as air and water
17 pollution, these are economic decisions as to the kinds
18 of taxes we're going to pay, where we're going to put
19 our resources. Are we going to put our resources into
20 unused streets or into schools and libraries? The
21 Environmental Impact Report does not give us enough
22 information to really make intelligent, informed land use
23 decisions at this time.

24 I want to thank you for your patience with me
25 and I'll be glad to answer any questions you might have.

1 MAYOR RUDIN: Are there any questions?

2 MR. YAMSHON: Thank you very much.

3 MAYOR RUDIN: Other speakers?

4 MR. SAWYER: My name is Andy Sawyer. I live
5 in Sacramento at 500 N Street, Number 1403. I am an
6 ECOS Board Member and I offer these comments both in
7 support of ECOS' appeal and on the issue of certification.

8 In particular I want to speak to the issue
9 raised in the ECOS' appeal of the problem of trying to
10 do a General Plan update without a General Plan EIR.
11 The fundamental problem causing both this and other
12 deficiencies in the EIR is a planning process imposed
13 on EIR preparation where the EIR is required to address
14 too much in too little time for an adequate document to
15 be prepared. According to the EIR, it is intended to
16 serve as an environmental document for several planning
17 decisions ranging from General Plan amendments to site
18 specific approvals. The Resources Agency Guidelines for
19 implementation of the California Environmental Quality
20 Act establish a process for dealing with such a series
21 of decisions called tiering. Section 15383 of the
22 Guidelines provides in part tiering refers to the coverage
23 of general matters in broader EIRs such as on General
24 Plans or policy statements with subsequent narrow EIRs
25 or ultimately site specific EIRs incorporating by

1 reference the general discussions and concentrating
2 solely on the issues specific to the EIR subsequently
3 prepared. Following this tiering process the sequence
4 of environmental documentation here should be, first,
5 an EIR on a General Plan amendment, second, a supplemental
6 EIR for the North Natomas Community Plan, and finally,
7 a supplemental EIR or EIRs for specific approvals
8 including the sports complex and individual project
9 applications.

10 Instead we see an effort to short-circuit the
11 process and try to deal with all these decisions in a
12 single document. The result is an EIR which is inadequate
13 for any of these decisions.

14 The first step, as I said before, is General
15 Plan amendment. To allow approval of the projects
16 under review here, this amendment would have to amend
17 several General Plan policies, not only as they apply
18 to North Natomas but to take into account impacts through-
19 out the region. For example, the Final EIR points out
20 that the circulation element will have to be amended to
21 incorporate reasonably specific proposals for accommodating
22 the growth allowed in North Natomas. In haste to move
23 on to the community planning issues, the EIR has glossed
24 over these General Plan issues and fails to provide
25 enough information even as to what the General Plan

1 amendments will be, let alone what their impacts will
2 be. The basic problem with the Community Plan discussions
3 of the EIR is somewhat different. It appears to assume
4 that the General Plan issue has already been decided.
5 The Draft EIR states that all five alternatives
6 are inconsistent with City and County agricultural
7 policies. Alternatives B through E all provide for
8 extensive industrial development, all provide for a sports
9 complex and all provide for a jobs-housing balance of
10 66 percent or less. Needless to say, one views the
11 issue as whether to develop North Natomas at this time,
12 the range of alternatives which should be considered
13 is much broader. Alternatives consistent with City and
14 County agricultural policies must be considered.
15 Alternatives with a jobs-housing balance of 80 to 100
16 percent could also be considered. In short, the EIR
17 treats the issue as one of what intensity of industrial
18 development is appropriate rather than to develop and
19 what type of development is appropriate at this time.
20 Such an approach would be appropriate as part of a tiering
21 process once a decision is made to amend the General
22 Plan to designate North Natomas for industrial development.
23 In focusing on such a narrow range of alternatives at
24 this time, however, the EIR has simply jumped the gun.

25 Finally the EIR states that it's intended to

1 serve, apparently without circulation of a supplemental
2 EIR, is the EIR for several specific project
3 approvals. But the EIR simply lacks the necessary
4 specificity to make those decisions. For example, one of
5 the site specific approvals is for a sports complex,
6 but the EIR does not consider any sports complex
7 alternatives. Alternatives D through E all involve
8 a sports complex at the same location with both the
9 arena and the stadium at that location with an open air
10 stadium, with the exact same number of seats in the
11 arena and the stadium under all alternatives. By
12 trying to deal with general planning, community planning
13 and site specific approvals in the same EIR, the EIR
14 simply has failed to consider an adequate range of
15 alternatives or to adequately document and mitigate
16 environmental impacts for any of the decisions to be
17 made on the basis of the EIR. In short, bad land use
18 planning has resulted in an inadequate environmental
19 document.

20 MAYOR RUDIN: Thank you, Mr. Sawyer.

21 Are there other speakers.

22 MR. PROPPER: Yes. My name is Ralph Propper.
23 I represent the Lung Association of Sacramento. I'm on
24 the Board of ECOS and I'm here tonight to address some
25 of the issues dealing with air quality for ECOS.

1 I believe that I should point out that there
2 may be some costs that the City of Sacramento will need
3 to bear that have not yet been considered by other
4 speakers here tonight. This has to do with the fact
5 that the EPA has announced a new policy as of a couple
6 of months ago in settlement of a suit called the
7 Reasonable Efforts Program which applies to Sacramento as
8 well as three other areas in the State of California
9 that do not show attainment of air quality standards,
10 in this case for ozone for Sacramento.

11 The bottom line is that there is the possibility
12 of sanctions that EPA can apply if it feels that the
13 Sacramento area is not doing all that, all that is
14 reasonable in the way of efforts to reduce the number
15 of exceedances, the number of days that is that the
16 ozone standard is violated in this area, this health-based
17 standard.

18 It would appear quite clear as though this project
19 would cause an increase in the number of days that we
20 have violation of the ozone standard.

21 Now, there have been examples that we've seen
22 recently of how there have been increased costs as a result
23 of the fact that we don't reach attainment of the
24 national standard. I know for example with the
25 proposed Waste to Energy Project that was considered

1 here there was the fact that it was economically
2 infeasible partly because there would have to be a large
3 cost for necessary pollution control in this non-
4 attainment area. Basically the Reasonable Efforts Program
5 that the EPA announced a couple of months ago states
6 that in this coming year that EPA will try to determine
7 whether all reasonable efforts continue to be made over
8 and beyond the strategies that were contained in the
9 1982 plan. Among the kinds of measures that would be
10 considered is new transportation control measures.
11 Also there may also be needed new, of a new source
12 review requirement as well as mobile source measures.
13 This could mean, for example, that it would be much more
14 difficult for new industry to be sited in Sacramento.
15 We have seen that the EPA does use sanctions. For
16 example, Kern County didn't want to go ahead with a smog
17 check program for automobiles, that is, an inspection
18 and maintenance program and with the threat of sanctions
19 Kern County did agree to that. In addition in the
20 South Coast in recent years EPA withheld funds for
21 road construction and sewage hookup.

22 So it's clear at this time we do not know
23 exactly what the status of the EPA will be relative to
24 the number of increased exceedances of the ozone
25 standard. It's clear we cannot show reasonable further

1 progress if this project goes ahead. So I just want
2 to be sure that the Council considers the possibility
3 of additional costs to Sacramento as a result of this
4 new policy.

5 Thank you.

6 MAYOR RUDIN: Thank you, Mr. Propper. Are
7 there any questions?

8 Thank you.

9 Are there other speakers?

10 MS. THOMPSON: Good evening, Madam Mayor,
11 and Members of the City Council. Katharine Thompson,
12 President, Modern Transit Society.

13 Modern Transit supports the work done by the
14 Environmental Council on the enumeration of deficiencies
15 in the EIR. Our comments will serve as a brief
16 amplification of these points.

17 I believe they differ somewhat although they
18 cover some of the territory you've already heard.

19 We have three main points. That light rail
20 patronage may very well be affected. A major additional
21 impact that's unquantified in the EIR, Final EIR and
22 the responses to it, is the extent to which development
23 of this 23 square mile land mass inherently turns
24 away from transit as the means to handle the growth in
25 transit over a year before Sacramento's new light rail

1 system even opens. The point is, opening this land
2 turns awry the City's commitment to transit, to compact
3 growth, to vertical growth, and to infill as the means
4 to handle growth. The EIR has difficulty recognizing
5 this. It doesn't really. It even returns in comments
6 by transportation agencies to our attention from the
7 underworld, a ghostly 1974 freeway in Orangevale,
8 Route 102, and a brand new freeway around the rim of
9 the County. It sharpens competition for scarce trans-
10 portation dollars by running up the bill by introducing
11 other major new road and freeway projects such as the
12 widening of I-5 and I-80.

13 The 160 million dollar light rail project
14 did require studies of its efficacy. Some of you were
15 on the Council at the time. The City Council in 1981
16 assured the funding agencies such as UMTA in the Final
17 EIR and the alternatives analysis that light rail was
18 intended as a land use development tool. The development
19 was going to take place in the Route 50 and Route I-80
20 corridors where it would not encroach on agricultural
21 land. Light rail was also used, as the ECOS response
22 and appeal states, as part of a federally required
23 Air Quality Maintenance Plan for mitigation of air
24 quality violations.

25 The EIR states that development of North

1 Natomas should have little or no impact on the starter
2 light rail ridership. This is unsubstantiated. The
3 UMTA Alternatives Analysis and the Light Rail Final
4 EIR assume no such development in North Natomas. Elsewhere
5 the Natomas EIR assigns a siphoning effect on employment
6 of 37 to 65 percent. The MTS question remains unanswered:
7 How much will this job diversion affect light rail
8 patronage into downtown on the starter line?

9 Now, that's the specific question. The more
10 general question is is this not a departure from your
11 established policies that underlay your air quality
12 plan, your central city plan and your decision on the
13 alternatives analysis which were all complimentary one
14 to the other.

T3 15 On air quality we have the same questions
16 as the Lung Association's Air Conservation Committee
17 with the addition that we want to know what the
18 cumulative impact on agriculture, on produce that is,
19 of a departure of this kind may have on the Sacramento
20 Valley region as an air basin? What effort has been
21 or can be made to say we are not in this alone? If
22 we depart from what we believe are more considered
23 policies to policies of sprawl in the valley, what will
24 the ultimate impact be on agriculture on terms of damage?
25 We note that ARB has said that in the San Joaquin Valley

1 this damage is now amounting to \$134 million. And that
2 is part of the Clean Air Act, impact of air pollution
3 on crops.

4 Certainly it ought to be a concern. We're
5 in this valley which is the most ripe prospect for
6 pollution, more severe than that of Los Angeles, the
7 worst in the United States according to the National Atlas
8 because we have no where for that pollution to escape.
9 If we set that kind of a precedent in standard, what
10 would any other county in the valley be expected to do?
11 Secondly, we second their comments about the impacts
12 on the attainment of the health related standard.
13 Then third we reiterate what North Natomas speaker said
14 that the transportation costs are not totaled and it's
15 difficult for us to know what portion of those costs
16 should be borne when we don't know what they are.
17 It not only sharpens the competition for the dollars, but
18 it doesn't total them. We can only suppose that that
19 means an increase in contribution by other people elsewhere
20 than the people that own the land there. So we urge
21 you to postpone or deny certification of the EIR on the
22 basis of, in terms of transportation, that we don't
23 know what the impacts are going to be on light rail and
24 we don't know what the impacts are going to be on air
25 quality and we don't know where the money is coming from.

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1 MAYOR RUDIN: Thank you. Other speakers?

2 MR. SMITH: Madam Mayor, Ladies and Gentlemen
3 of the Council, my name is Ron Smith. I'm with the
4 Spink Corporation. I'm here tonight representing the
5 Gateway Point property owners.

6 Though we do not agree with all the conclusions
7 reached in the Environmental Impact Report for the
8 North Natomas Community Plan, we are convinced that that
9 document does meet all the requirements of adequacy.
10 We would therefore urge that you deny the appeal before
11 you this evening and proceed with the process of
12 certification of that EIR and consideration of the project
13 on its merits. Thank you.

14 MAYOR RUDIN: Thank you, Mr. Smith.

15 Other speakers.

16 MR. POLANS: Good evening, Mayor Rudin, City
17 Council Members, Jack Polans, 19 Milwaukee Court.

18 I'm not quite clear of what the Council refers
19 to as their opinion and that no elements or comments
20 would be stated. Does that mean that whatever the
21 City Council's opinions are as of today is what it
22 referenced and that the elements such as air quality
23 control is not to be spoken to today? I'm not clear
24 as to what was meant by City Councilman Pope on that.

25 COUNCIL MEMBER POPE: I didn't say anything.

1 MAYOR RUDIN: I haven't heard anybody say
2 anything like that, Mr. Polans. The purpose of this
3 hearing though is to hear from the public. Someone has
4 appealed the EIR. Someone has challenged it saying it
5 is not adequate. We're here to hear what the deficiencies
6 are in the EIR and make our decision after we hear staff
7 response on whether it's adequate which means whether
8 it covers the bases as required by law.

9 MR. POLANS: In that case, Mayor Rudin, I just
10 heard I believe his name is Ron Smith suggest that
11 the City Council okay the EIR. If that is so, I would
12 like to make a motion for the City Council concerning the
13 procedure, if I may, Mayor Rudin.

14 MAYOR RUDIN: Well, you may not because the
15 public doesn't make motions. You can make a recommenda-
16 tion to us if you like.

17 MR. POLANS: I would like to make a
18 recommendation, then, hopefully for a motion. And that
19 is as long as Ron Smith is claiming that this EIR is
20 adequate and, therefore, wants the City Council to okay
21 it and certify it, I would like the public to be
22 permitted to cross-examine the expertise of this EIR
23 and until such a thing has happened, I cannot see how
24 the City Council can certify the EIR.

25 I mainly would like to talk now about air

1 quality. What I've heard so far, if the City Council
2 does not, if the City Council does certify the EIR,
3 then anything anybody else says as far as the public is
4 concerned would be useless. For example, on the air
5 quality, there is such a thing known as small particulate
6 pollutants and what is known as the large molecular
7 structure of the pollutants. The small particulate
8 pollutant coming from an exhaust car in traffic can
9 enter the skin of a human being and enter from that
10 point into the organs, the lungs, the heart, and thereby
11 get into the blood cell causing cancer and respiratory
12 diseases. This should be stated in the EIR and it
13 hasn't been done so and if it has, it certainly hasn't
14 been done adequately as I can see clearly from this.

15 I will not go any further. I want to thank
16 the City Council. Mayor Rudin, thank you very much.

17 MAYOR RUDIN: Thank you, Mr. Polans.

18 Other speakers?

19 Are you coming down to speak, Connie?

20 MS. FINSTER: Connie Finster, Sacramento
21 Old City Association. We don't have detailed remarks,
22 but we are very concerned that the Environmental
23 Impact Report be direct and adequate on the problem
24 of impact on development downtown and on the impact on
25 the ability of the light rail system to survive. We've

1 been working with the City Council for quite some time
2 on those two projects and it's very clear that the size
3 of the proposed projects in the North Natomas area are
4 going to have a very serious negative effect and this
5 can't be an adequate Environmental Impact Report
6 unless it addresses that head on.

7 MAYOR RUDIN: Thank you, Connie.

8 Are there any other speakers?

9 MR. KELLY: My name is Richard Kelly. I'm a
10 resident of the North Natomas area and also work there.
11 Probably a rarity in the room.

12 My problem with the -- I'm also Chairman of
13 the North Natomas Planning Advisory Council, a Council
14 with the County.

15 I'm confused by the document and I'm speaking
16 now as just a citizen who lives in the area. I'm not
17 an expert in particulates or anything else of that
18 nature. I'm a businessman doing business in North
19 Natomas with an integrated circuit company that we moved
20 here four years ago on a promise of a better way of live
21 than the Silicon Valley. My main concern in getting
22 involved in planning is that I didn't do so along with
23 several hundreds of other people in the Silicon Valley
24 and as a result we ended up with a monumental disaster
25 as far as environmental effects are concerned.

1 I would certainly hope that the Council and
2 others here will not only examine the EIR but learn from
3 the lessons that we have in the Silicon Valley, in
4 Los Angeles and San Jose and other regions.

5 Now to the EIR and its adequacy. As I
6 understood it, and I'd like someone to correct me anytime
7 they want on this point, I thought the basic question was
8 do we want to or should we develop North Natomas at this
9 time? I thought that's where we started from.

10 When I read the EIR, what I see is an answer
11 that says since you want to develop North Natomas,
12 here are the relative alternatives and here are the
13 relative costs. I don't believe the original question
14 has been answered or even addressed. It starts on the
15 assumption that you will and I have real trouble with
16 that.

17 The next thing is the business of relative
18 versus absolute costs. As a citizen and a taxpayer,
19 one of my main concerns and I'm sure the main concern
20 of all of us is with the taxes that we pay and are
21 expected to pay in the future. I personally am not
22 opposed to growth nor am I opposed to change. I believe
23 they're inevitable consequences and a natural consequence
24 of city dwelling. However, I think that a project of
25 this magnitude which probably rivals the pyramid in scope

1 needs some very careful consideration and some very
2 fundamental basic questions and in reading the EIR
3 -- and I have followed this process for a long time and
4 I worked with the staff. By the way, excellent,
5 professional staff, very cooperative and you're very
6 fortunate to have them on hand. But in looking at it,
7 I had trouble with the fiscal part particularly because
8 it speaks of relative costs. That reminds me of a man
9 who drowned in an average depth of three inches of water
10 when we speak of relative things. I'm not being
11 sarcastic with that remark. It comes from an honest
12 point of view which is if you're going to do something,
13 what are the relative comparative costs of one thing
14 versus another. In my simple mind it's no different
15 than looking at I'm going to go buy some shoes, what
16 are the relative shoes available and how much is the
17 relative cost of each because if I'm going to buy something,
18 I don't care what it costs really because I'm going to
19 look for the best quality and the best price and I'm
20 going to buy it. So I'm looking at relative costs.
21 Again, I think it comes from an assumption that you're
22 going to do something fairly irrespective of its cost.

23 Now, I'm not again being derogatory in that
24 remark. It's a point of view and a philosophy, a
25 fundamental structural approach to the EIR which I have

1 trouble with. For 20 years I've made my business as a
2 general manager doing fiscal planning in which I
3 handled such programs as \$20 billion space shuttle,
4 Titan Missile development program for several hundred
5 million dollars. So I think I know something about
6 big dollars in estimates. I'm not trying to overwhelm
7 you with that background. I feel qualified to talk about
8 numbers and plans of this magnitude and costs relative
9 versus absolute.

10 If I went to my corporation and I suggested
11 to them that we undertake a \$400 million integrated
12 circuit plant in Albuquerque, New Mexico, because it
13 had a relative cost of Fairchild's plant in Sunnyvale
14 at X, I'd be immediately fired. I have no doubt about
15 that. My corporation and any other business-like
16 approach to business is to know what the absolute
17 cost of something is before you jump into it.

18 There's been a noble effort here undertaken
19 and I'm sure with the time and the monies available to
20 the planning staff and to the consultants and I have no
21 doubt about that, but the fact remains irrespective of
22 that that we don't know within a half a billion or even
23 a billion dollars what this program might cost us and
24 I've spent a lot of hours going through that fiscal
25 report looking at it. I've also examined Anderson's

1 report with the SSA Commission and looked at that.
2 So I think you ought to, when you're looking at this
3 thing, look a lot at the fiscal plan and ask yourself if
4 you're comfortable with an EIR that gives you relative
5 costs but you can't tell the absolute costs within
6 billions. That's a real straightforward, honest statement.
7 I'll be glad to get into detail with anybody who wants
8 to argue that point.

9 The regional costs of transportation are omitted.
10 The ostensible reason they're omitted is that the
11 costs will be incurred anyway. Now, if you were setting
12 a budget for your household, would you accept that
13 conclusion for the telephone bill, for the grocery bill?
14 I wouldn't. In the sewage area we're talking about
15 pumping an enormous amount of sewage. You have 70,000
16 people and all the other interactions of human waste
17 involved there down to Freeport and then disposing of
18 it from there. The cost of the sewage again is omitted.
19 The reason given that with the normal expansion of the
20 area, they'll be incurred anyway. Now, I have trouble
21 with that because if there's going to be 250 million
22 has been irresponsibly thrown around for sewage, and
23 when I talked to Angus McDonald he told me regional
24 transportation is going to be a big number because
25 it costs \$40 million a mile for a freeway today or

1 something like that. When I talked to Omni Means about
2 the transportation thing, they told me that we'd have
3 to have the full extent of the freeways expanded to their
4 maximum limits, their maximum physical right-of-way
5 limits from the bridge at I-80 to Madison on 80 and
6 from the City to the airport on I-5 even without the
7 development of North Natomas if you take the projected
8 population growth for the Sacramento area. So I tried
9 to get into that. I tried to understand it and all
10 I got from it was at the moment, and, again, understandably
11 so with the time and monies available to do the analysis,
12 a blank in those areas.

13 Now, getting into the fiscal part as far as
14 the mitigation measures associated with these enormous
15 amounts of monies, the mitigation measure provided is
16 a very, very key and important aspect of the entire
17 EIR as far as I'm concerned and as a planner and a
18 logistician myself it really caught my eye. There is an
19 old saying in a big project world that if you're going
20 to eat an elephant, you do it one bite at a time and
21 you better have the right appetite, the right condiments
22 to go with it and an adequate size mouth and digestive
23 system, et cetera. Okay. So phasing is proposed.
24 So we're going to eat this elephant by bites to solve
25 the fiscal problems of approximately two billion is just

1 a guess. So we're going to phase it. We're going to
2 take phase one, phase two, phase three, phase four, in
3 order to approach this thing.

4 The consultant states that the only phasing
5 we're looking at is the Phase C primarily. Dismisses
6 D and E because he says the traffic is so god awful
7 unmitigable, there's no use wasting your time trying
8 to look at the phasing of any other plans. So there's
9 only one plan in the entire EIR that is in fact
10 examined from the phasing standpoint and anybody who
11 has done anything like this in the way of planning knows
12 that there is no way to approach a project of this
13 magnitude without approaching it in a phased, bite by
14 bite process. In my lifetime I may never see anything
15 but Phase I and probably a lot of you won't either.
16 I'd like to know what the hell Phase I is. I asked
17 that question at the Planning Commission and staff
18 and nobody knew. I bet you tonight I could ask the
19 question and nobody would know here either. Because
20 the only thing that's discussed in the way of phasing
21 in the EIR is you're given a little table and it
22 says, well, we would allocate X number of acres of this,
23 that and other to Phase I and we'd come up with
24 Phase II, et cetera. We don't have any view of what it
25 is. Is it 80 to Del Paso? Is it the canal to I-5?

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1 Is it west of I-5?

2 There's nothing in the plan that will tell you
3 that. If you have a Phase I, where do the roads end?
4 Where do they begin? If you have a sewer, where does
5 it end, where does it begin? If you're going to have
6 a Phase I, which applicant project is in Phase I?
7 None of those questions are answered in the EIR.

8 Okay. Phasing and financing is an absolute
9 key to doing this project correctly. It is the absolute
10 key in my opinion. I don't think there's anybody here
11 that would disagree with that. Yet, we don't at this
12 point know. It's not a criticism. I'm not blaming
13 these guys. If you asked me for a five-minute estimate,
14 I'll give you a five-minute estimate. It will probably
15 be wrong. When I did a space shuttle program, each of
16 the contractors involved spent \$25 million on just the
17 proposal. That tells you how much effort and how much
18 money it takes to plan a job to the point where you can
19 be fairly certain of what you're doing. Now, I'm not
20 blaming anybody here for not spending that kind of
21 money. I wouldn't spend it either. I'm just saying
22 for the money spent and the time involved to date, we
23 don't have enough information on fiscal matters and on
24 phasing to approach this project in a logical way.

25 Next I'd like to address the question of jobs

1 and population or the benefit issue. I summarized the
2 summary because I work for a boss who says if you can't
3 get something on one page, you don't understand it.
4 Keep it simple, stupid, he says. So I just kind of
5 drift into that process of trying to get things down
6 to one page. When I did that I took the summary and I
7 laid it down and it got 25 categories and I took each
8 plan and I assigned a measure to it. Did the EIR say
9 that the impact was adverse or did the EIR say it was
10 beneficial? Did it say it was significantly adverse?
11 What did it say? The score came out 25 categories all
12 adverse except one. In other words, when I read the
13 EIR, the score was only one beneficial effect of
14 developing North Natomas. That effect was employment.
15 When I got into the EIR and the jobs and employment
16 question, it says, yeah, but that's a gross number for
17 North Natomas, not net for Sacramento. He explained
18 that remark because it's a very important issue. Net
19 meaning that more than half of the source of development
20 for North Natomas and the population who would fill
21 up the space there would come from other areas of
22 Sacramento. So the 50, 60, 70, whichever plan you
23 pick, thousands of people who would be living in
24 North Natomas, would be at the expense of other areas
25 of the City. In other words, to gain jobs in North

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1 Natomas, you give up jobs in Delta Shores, Laguna,
2 downtown, North Sacramento, et cetera. That's what the
3 plan says. In other words, we will create a competitor
4 for other projects already approved and in process in
5 the City and create a major competitor for capital
6 monies from the City to support this other project and
7 we'll do it in the most expensive possible area in the
8 world to develop a swamp. In the process we're going to
9 abandon our entire General Plan for the City and adopt
10 a whole new policy. No infill. We're going to leap frog
11 it. We're going to forget about the downtown core develop-
12 ment. We're going to let everybody compete to see if
13 they can't get a piece of North Natomas. That's what
14 the job population thing says.

15 If you read the population section it says the
16 total net gain to the City in population through the
17 next 20 years created by a development of North Natomas
18 is about four percent. You have to derive that figure
19 because it's not in the data. It's there, the data is
20 there, but you have to take that ratio. It says South
21 Natomas will grow by 302 percent and Mr. Shore will
22 represent over half the population of Sacramento.

23 (Laughter.)

24 COUNCIL MEMBER SHORE: I'm having enough
25 trouble already with what I've got.

1 MR. KELLY: That's why I wanted to warn you,
2 Dave. It's going to get worse.

3 COUNCIL MEMBER SHORE: He's got a good
4 argument.

5 MR. KELLY: But it does say that. The figures
6 say that. And we know the tyranny in numbers, but it
7 does say that. Three hundred and two percent growth
8 in South Natomas. I thought Dave already had enough
9 problems with North Natomas and South Natomas without
10 getting involved with that one. In other words, the
11 plan directs that the growth of population in Sacramento
12 for the next 20 years be placed in the North Section
13 of Sacramento and at the expense of jobs and population
14 in the other communities of Sacramento. As different
15 councilmen representing different districts, I thought
16 you'd be very interested in that.

17 Now, this competition for jobs and economics
18 in different sections of the community is discussed in
19 the EIR, but I guarantee you that none of you will be
20 able to figure out what it means, to you, to you, to
21 you and to your constituents it isn't there. It
22 should be there, but it isn't there. Again, I'm not
23 blaming anybody. It's a five-minute estimate.

24 The transportation section. The transportation
25 section combines with the fiscal section to say that

1 it can't be done, folks. That's what it says. It can't
2 be done, but it isn't clear. Unfortunately, when you're a
3 staff of people working for a political body, you have
4 to become a little political. So you lay things
5 between the lines, don't you. Well, in reading the
6 EIR, there's a lot laid between the lines. It's
7 unfortunate, but that's the way it is in life. They
8 have to eat, too. But the transportation section says
9 we're going to fill up, again, wall to wall concrete from
10 the bridge to Madison and from the city to the airport
11 and we're going to build a sports complex that puts
12 90,000 people right square between the city and the
13 airport when they go to events, 20,000 of them to the
14 basketball game and 50,000 of them off to the football
15 game and I'd like to see somebody get to the airport
16 on time because I lived in the Silicon Valley and there
17 was no way in the world I could get to San Francisco
18 in time without taking about a four-hour lead time
19 or helicopter. You're going to shut off, according to
20 this plan, you would be shutting off your corridor
21 between the city and the airport, and I guarantee it
22 if this plan is pursued.

23 I think that would be an absolute terrible
24 mistake. If you want a sports complex, why concentrate
25 the complex in that one corridor. Why not split it up?

1 Put a stadium somewhere else. Put an arena out there.
2 I think everybody would support having an arena there.
3 The stadium, according to the data I saw, was fiscally
4 infeasible in an earlier report and the chances of
5 getting an NFL or baseball team worse than none as Dizzy
6 Dean used to say. So take what you have which is put
7 an arena there and put the football stadium and the
8 baseball stadium somewhere else, but don't concentrate
9 it in that corridor.

10 Now, the fiscal and transportation plan,
11 according to that plan, the state and the federal
12 government is going to pay for most of the regional
13 transportation. The state's already told you they're
14 not going to touch it and the federal government is
15 going to tell you that in just a short period of time
16 or you can just ask them to get an earlier answer
17 because it's probably going to be no as we know. The
18 realities are that the taxpayer is fed up with
19 paying taxes and yet we have a lot of things to finance
20 and new big projects like this and \$40 million a mile
21 isn't going to get any public support and we all know
22 that.

23 The land use question, and that area I think
24 the city planners became the most brave and the most
25 straightforward as they could be in this political body.

1 They tell you that none of the applicants, none of the
2 applicants was able to show a compelling need for
3 development in North Natomas nor that it couldn't be
4 done anywhere else. Now, that's as straightforward as
5 it can get and it says it just like that.

6 Now, we know that there is in this town a
7 consensus at least for an arena if we can get it at
8 a reasonable price considering cost, land use issues
9 and quality of life and so on. So I think at least
10 one applicant may have shown some kind of public need
11 in that area. So maybe the statement as far as I'm
12 concerned and probably most of us are concerned is a
13 little strong in that respect. But nevertheless that's
14 what it says. I think what they were addressing,
15 and they do go on with that, is that when we adopt
16 a development of North Natomas, we throw our city
17 plan right down the tubes, the one we have. So North
18 Natomas becomes a policy issue of great magnitude.
19 It says have we been developing the downtown core for
20 nothing? It says that we've been directing a real
21 transit system into downtown for nothing. It says
22 should infill be our policy? In other words, should we
23 do our development in a place where it costs the taxpayer
24 the least or should we do it in a place where it
25 costs the taxpayers the most? That's the land use issue

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1 and that's the reason I believe that the staff came up
2 with that conclusion that people had not shown a
3 compelling need for the project or that they had shown
4 it couldn't be done somewhere else.

5 I think the EIR has a certain adequacy which
6 I applaud. It certainly brings up all these issues
7 and the staff ought to be commended for that. There's
8 no way I would have known about them except for the
9 information they gave me and the information I got
10 through going down and spending some time talking about
11 it. Appreciate your indulgence and your time and I
12 hope somehow I kept you away from Silicon Valley.

13 Thank you.

14 MAYOR RUDIN: Thank you, Mr. Kelly.

15 Other speakers? Oh, time to change the paper.
16 Take five minutes.

17 (Thereupon a recess was taken.)

18 MAYOR RUDIN: The meeting will come back to
19 order, please.

20 Mr. Carter, were you about to address us?

21 MR. CARTER: Mayor Rudin, --

22 MAYOR RUDIN: Excuse me. Let's wait until the
23 doors are closed. Just a minute.

24 All right. Proceed.

25 MR. CARTER: Mayor Rudin, Members of the

1 Council, my name is John Harvey Carter. I'm an architect
2 and I'm President of the Beautify Interstate 5 Association,
3 a non-profit corporation. I assure you one thing, I'll
4 be very brief.

5 I think the main single issue that the EIR
6 fails to address, and this is in a sense a reiteration
7 of the previous speaker, Rich Kelly, it has to do with
8 need. That the EIR doesn't really address this issue
9 in any significance. It simply, as Mr. Kelly pointed
10 out, makes an option of certain options that this Council
11 should have, but it doesn't address the issue: Is there
12 a real need for development in the North Natomas area.
13 In fact, the city today has in excess of 3,000 acres
14 that are currently undeveloped and already zoned for
15 this very kind of development and if any other measure
16 is taken to develop beyond 90 into the north area, then
17 we're into such total tremendous infrastructure costs
18 that do not play fair with what's already happening
19 within the city. With these 3,000 acres and the
20 present consumption of land within the city, we have
21 enough land in the city to last well into the year over
22 2000. Now, if you extend this to the metropolitan area,
23 and the EIR thing should address that, then we have in
24 excess of 40,000 acres currently available for industrial
25 development beyond the city and encompassing the entire

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1 metropolitan area. If this happens, that means that
2 this metropolitan area has enough land currently zoned
3 for development to last 175 years at least without
4 considering any development in the North Natomas area.
5 I think that's the main point I'd like to make.

6 I'd like to attempt to just briefly answer
7 Mr. Kelly's question about phasing. If the record of
8 this Council and the City Planning Commission is any
9 measure of what's going to happen in North Natomas,
10 then we can answer his question of what Phase I will be
11 will simply be which developer gets here fastest with
12 the mostest and which can put the most pressure on this
13 City Council. So Phase I is going to be developer A,
14 Phase II will be developer B with his 2,000 acres and
15 their specific plan for them to fight over this 23 square
16 miles. It will be a real tragic event out there if
17 that happens.

18 Thank you. That's all I have to say.

19 MAYOR RUDIN: Thank you, John.

20 Are there other speakers.

21 MR. WILSON: My name is Dave Wilson. I live
22 in South Natomas.

23 Mr. Kelly said just about everything I wanted
24 to say and probably better. I would like to go on record
25 as saying I support not only the ECOS appeal, but I

1 think it would be mandatory that you examine Alternative
2 A of the EIR what a no-plan plan would be. I think
3 that it's interesting that all of the areas of the plan
4 that are weak or indefinite or foggy or don't have
5 sufficient facts are anything that would not benefit
6 the developers. Thank you.

7 MAYOR RUDIN: Thank you.

8 MR. KILMER: I'm Russ Kilmer. I'm the Manager
9 of Natomas Airport, 3801 Airport Road. I presume now
10 that we've gone across the line and we're now in
11 your portion of your agenda where we're taking general
12 comments on the EIR. I'm not here speaking for the
13 appellant, but I do have comments I'd like to make on
14 the EIR in general and what they are is basically just
15 simply a reiteration of the written comments that
16 I've submitted to the Planning Commission when they were
17 considering the Draft EIR last month.

18 I feel that, as I previously stated, the
19 EIR is inadequate in the way that it addresses the subject
20 of Natomas Airport. The aviation community in
21 Sacramento is presently facing, if not a crisis, at least
22 a very serious problem. It may not be a matter of
23 awareness to all members of the aviation community as
24 yet, but it is coming home to roost rapidly, and that
25 is the subject of lack of capacity, airport capacity,

1 basing capacity for airplanes. That certainly has a
2 bearing or impact on the human environment of all of
3 those people that are a member of that aviation community
4 and the regional nature of aviation as it is means
5 that any shortfall anywhere in the region, in the area
6 has serious impact throughout the entire region.
7 That's why the potential impact of the closure of
8 Natomas Airport should be addressed more adequately
9 in the EIR.

10 The EIR, as I understand it, and this is
11 certainly not my field of expertise, but as I understand
12 it the EIR is supposed to address the impacts of
13 the proposed development. The proposed development,
14 other than Alternative A, that is B through E, all of
15 those proposals do not include Natomas Airport. So
16 we think that that's a shortfall in the EIR that
17 should be rectified.

18 The only mitigation measure would be to
19 relocate the airport if that's possible, and that
20 subject was not addressed adequately also in the EIR.
21 That possibility has been privately discussed, not
22 publicly as yet. But if it is a possible mitigation
23 measure for the closure, of the loss of that airport,
24 we think that should be a matter of public record and
25 it should be addressed somewhere in this EIR

1 consideration process or the EIR review process.

2 I'd like to remind you in closing that this
3 Council supported Natomas Airport during the Reliever
4 Airport Study as a strong contender for reliever status.
5 Unfortunately, from my point of view, the final decision
6 on that question was not in your hands. It went back
7 to the county. At that point we were dropped as a
8 contender for that position. However, this Council did
9 support Natomas Airport as a strong contender for
10 reliever status, and I believe that was wise of the
11 Council to take that position because I think they
12 recognized the airport at that time as an asset to the
13 community, an asset that should be preserved.

14 Thank you.

15 MAYOR RUDIN: Thank you, Russ.

16 Yes, we can get into the general comment phase
17 of this now, too. If there are no more comments on the
18 appeal or no more appellants and people want to make
19 comments just generally on the EIR, this is the time to
20 do it.

21 MR. EATON: Mayor Rudin, Members, Mike Eaton.
22 We'd like to speak briefly given the hour on one aspect
23 of the ECOS appeal which I helped prepare.

24 One of our major concerns, as you know, is
25 air quality in the Sacramento Region. As you know,

1 Sacramento is in violation of the federal standard
2 for air quality. The overwhelmingly greater part of the
3 emissions which go into this air basin are due to
4 automobile traffic. The federal air quality standard
5 is a concentration standard. It determines, sets a
6 level for the concentration of pollutants to which people,
7 plants, trees are subject. The EIR before you
8 doesn't give you a concentration estimate of the
9 impacts of development in North Natomas. It gives
10 instead an estimate of the emissions, additional
11 emissions that would be released as a result of
12 development. In our comments we noted this point and
13 argued that a responsible and complete EIR had to
14 estimate for your benefit and for the benefit of
15 citizens here concerned about air quality what the
16 impact of that development would be or might be for the
17 air we breathe.

18 I would like to call your attention particularly
19 to the staff response on page 10 of your packet to
20 our concern. I think that response is not responsive.
21 I think you should recognize that fact. On page 10 at
22 the bottom, sentence one describes the type of data
23 that would be required to develop an estimate of ambient
24 concentrations. Sentence two notes that the most
25 sophisticated attempt to do that for the Sacramento

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1 region was an attempt sponsored by the Air Resources
2 Board. Sentence three describes the limitations of
3 that particular model. If you were considering a major
4 new stationary source emissions in this district, a
5 necessary legally required and essential part of that
6 application in that EIR would be a model which identified
7 for you the impact and concentrations on concentrations
8 of the additional emissions on that facility. I think
9 that kind of estimate is essential for this EIR,
10 essential for the decisions you'll be making over the
11 next couple of months for these issues and something
12 you ought to insist upon. I know, it's my professional
13 opinion, that those estimates can be developed. There
14 are air quality models that can do that. They will not
15 give you responses or answers that are accurate to
16 three decimal places, but they will give you information
17 that is accurate within the reasonable bounds of other
18 information contained within the EIR.

19 Let me close by suggesting an analogy. You have
20 been concerned for several years now with pesticides in
21 the rice fields north of Sacramento that find their
22 way into Sacramento's water supply. Your concern in
23 that instance is not in the gallons of pesticide dumped
24 in the field. It's in the water, the concentrations of
25 that pesticide, and the water that's consumed by

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1 Sacramentans. I think in that instance you would not
2 be satisfied simply with data that told you how many
3 gallons of pesticide were going into the field. You
4 would insist on knowing what's the impact on Sacramentans.
5 I think in this case you should also insist on knowing
6 what is the impact. I think those answers are available
7 to you and that this, if any, is an area that you ought
8 to probe further. Thank you.

9 MAYOR RUDIN: Thank you, Mike.

10 Other speakers?

11 MR. MC CLEARY: Madam Mayor, Council, my
12 name is Elmer McCleary. I'm just a plain old local
13 citizen around here.

14 There's been a lot of things kicked around
15 and some of them brought up some questions and
16 some of them sort of been bothering me about this
17 whole project.

18 Assuming this whole thing is built and these
19 folks are saying, yeah, we'll pay to have roads put in
20 and lighting and such, whose going to pick up the bill
21 for repairs from these ten miles ten years down the road?
22 Alta Sierra had the same problem out at Nevada City a
23 few years back. A contractor put in, people bought the
24 houses, paid to have the roads, gutters and services.
25 Eventually everybody else ended picking up the tab on

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1 it.

2 Another situation out there that I haven't
3 heard talked about any at all, in the wintertime there's
4 tremendous amounts of fog. Can you imagine dumping
5 traffic all day long into that tremendous amount of fog?
6 That fire we had a few weeks ago would be nothing,
7 absolutely nothing to the safety factor of that.

8 We talk about creating jobs. Well, what kind
9 of jobs are we creating? Construction work. A few
10 years down the road those folks are done and gone. We
11 still haven't got that much work in. They moved in.
12 They had to have homes to live in. What happens when
13 they evaporate and go? How about the folks putting up
14 the money to build it, the developers? Well, they
15 got bucks and they can move on any old time, but we're
16 still sitting around here paying the bills. I don't
17 have sidewalks where I live. I'm still paying somebody
18 else's bills.

19 Electricity, we're having a big problem here
20 in Sacramento with electricity. Our bills keep going
21 up. SMUD can't provide it. Have to buy it from the
22 outside. Where's the electricity for this area going
23 to come from? We're going to have to buy it somewhere
24 and those of us taxpayers around here we're going to
25 have to pick up the bill on that one also.

1 Trash and garbage, we got problems. That city
2 dump has had it. Where are we going to put the rubbish
3 that's created in all these places? We still got all
4 these folks living out there that's going to produce
5 garbage. Industrial complexes produce industrial
6 garbage. These are all concerns that I haven't seen
7 brought up, brought out in there. I see people talking
8 about where are we going to get the money for things
9 and all these sorts of things, but none of that. We
10 talk about putting 23 square miles of concrete and
11 structures, well, that's a lot of vegetation gone.
12 Vegetation through the process of photosynthesis
13 recreates our air that we breathe. If we take that
14 vegetation away, we've lost a lot of air around here
15 so to speak. So we've got another problem with the
16 trash in the air. Just a few little things that kind of
17 been mulling around. I thank you all for your time.

18 MAYOR RUDIN: Thank you, Elmer.

19 Other speakers generally on the EIR or on the
20 appeal?

21 MR. DAVIS: I'm Ben Davis from Broderick,
22 California, and I'm speaking generally on the EIR.
23 Mayor, Members of the Council, in the preliminary review
24 of the EIR -- I haven't been able to go into it in depth
25 like I'd like to, but you have to remember that we're

1 in a different county and we don't get notices to all
2 of the meetings and all the actions that are taken
3 like a person living in downtown would. So I try to
4 stay up on the issues as best I could as they were
5 timely.

6 But my preliminary review of it it didn't
7 appear that it addressed the question of development
8 in East Yolo adequately. In particular, if I'm --
9 unless it's tucked away in some portion of that document
10 I wasn't able to find, it didn't address the potential
11 of incorporation of the area. If the area does
12 incorporate, there's going to be a lot more money
13 spent in East Yolo and the whole situation is considered,
14 even the figures that you have considered for East Yolo,
15 might not be accurate. So I would like to see the EIR
16 updated or supplemented to consider the East Yolo question
17 and I would like to give you some input if that does
18 occur. Thank you.

19 MAYOR RUDIN: Thank you.

20 Are there any other speakers?

21 MS. CHAMBERLAIN: I'm Roseanne Chamberlain
22 from the League of Women Voters of Sacramento.

23 The League of Women Voters has submitted
24 comments to the City Planning Commission regarding the
25 North Natomas EIR and we'd like to reiterate those comments

1 for you tonight. We'd like to reaffirm our support for
2 the General Plan for Sacramento and our concern that as
3 yet there has been no General Plan update. Any
4 community plan for the development of North Natomas
5 will have major impacts on the policies and plans for
6 all the other areas of the City of Sacramento. Because
7 of the decision of whether to develop North Natomas
8 will have such far reaching consequences for the future
9 of the city, it's essential that the Environmental Impact
10 Report thoroughly address all significant adverse
11 effects which could occur as a result of the development.
12 The League is not convinced that the EIR contains
13 adequate answers to such issues as transportation,
14 both public transit and road systems, air quality,
15 including our ability to make reasonable further progress
16 in attaining the standard mandated by the Federal Clean
17 Air Act, solid waste disposal, water supply and treatment
18 and the effect of the redevelopment efforts that have
19 already begun elsewhere in the city. Moreover,
20 considering the expense of expanding the urban service
21 boundary, the identification of sources of funding for the
22 infrastructure and the timing of the funding are
23 essential to the planning process. These issues are of
24 a magnitude that will affect the overall quality of the
25 environment of Sacramento. As you decide whether to

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1 certify the Final Environmental Impact Report
2 for North Natomas, you must ask yourselves whether
3 you are really satisfied that the EIR has adequately
4 addressed these impacts.

5 MAYOR RUDIN: Thank you, Miss Chamberlain.
6 Are there any other speakers?

7 Okay. I think we could entertain questions
8 then from the Council if any of you want clarification.
9 I'd like to have the staff response though first. Maybe
10 we ought to have that and then we'll take questions
11 of the Council.

12 MR. BERMAN: Good evening. My name is Bob
13 Berman and I'm with the firm of Nichols-Berman. We're
14 the prime contractor in the preparation of the
15 Environmental Impact Report.

16 I'm going to be real short. I'm not going
17 to try to respond to each and every comment that has
18 been made tonight. I do want to assure the Council
19 that what we have heard tonight, we have not heard any
20 new comments on the EIR, comments that we've not
21 previously heard or considered in the preparation of
22 the Draft or the Final EIR. In fact, I think the discussion
23 that we've had tonight, that we've heard tonight,
24 really illustrates that the EIR provides information,
25 adequate information to allow an intelligent decision or

1 intelligent discussion regarding North Natomas development,
2 and that discussion that we heard tonight really by
3 itself attests to the adequacy of the EIR. I would
4 state that based upon the appeal and the public hearing
5 tonight, we do not believe that these, the appeal or
6 the hearing, raises any new environmental issues that
7 have not already been addressed in the Final EIR.
8 With that, I'd be happy to try to respond to any
9 specific questions as Council Members may have or,
10 as Steve indicated earlier, other members of the
11 consulting team are here that we can respond to
12 comments.

13 MAYOR RUDIN: Let me clarify something first.
14 Does the law require -- a lot of people brought up
15 economic aspects, fiscal impacts. Does the law require
16 that economic impacts be addressed in an environmental
17 impact report?

18 MR. BERMAN: The law does not require economic
19 and fiscal aspects by themselves to be discussed in an
20 EIR. Basically what the law requires is that these
21 types of impacts, socioeconomic impacts, may only be
22 discussed to the extent that they relate to land use
23 impacts. There's an extensive section in the EIR,
24 Section C that discusses the impacts in terms of
25 population or employment and housing in other communities

1 within not just the City of Sacramento but Sacramento
2 County. We certainly believe that that discussion is
3 adequate in terms of the socioeconomic aspects of this
4 project.

5 MAYOR RUDIN: I have other questions, but
6 I'll wait for the Council Members to ask theirs if
7 they'd like.

8 Mr. Kastanis.

9 COUNCIL MEMBER KASTANIS: I have a question
10 that consultant Bob can answer, maybe staff, regarding
11 the comments I think more than one person mentioned,
12 specifically Andy Sawyer did mention the impacts that
13 this Community Plan will have on our General Plan as well
14 as the Community Plan, as well as the Site Specific
15 Plan. In terms of how this EIR addresses those, what
16 was your response to those comments?

17 MR. BERMAN: Well, basically, as I think
18 you're aware, sir, the EIR has been structured to
19 look at the impact of the community, the impacts of the
20 General Plan amendment, and the Community Plan and the
21 five specific projects. What we've done in the EIR
22 is to look at not just one project but a range of
23 alternatives. As a community plan comes in, assuming
24 that the community plan is within that range of
25 alternatives that's discussed, then the EIR will be

1 sufficient for the Community Plan. Then as specific
2 projects come in, if there are differences within those
3 projects that are discussed in the EIR, for example,
4 if the stadium is to be proposed at a different
5 location than what's discussed in the EIR, then it may
6 be necessary to do some supplemental environmental
7 documentation. At that point you would not look at the
8 complete realm of environmental impacts, but rather
9 you would focus in those specific issues, traffic, for
10 example, which is one that's been brought up.

11 MAYOR RUDIN: So determination of impacts
12 and mitigation measures is an ongoing process actually.
13 We do the basic work with the overall EIR, but things
14 will come up during the project, during consideration
15 of projects that we'll have to address then.

16 MR. BERMAN: As an EIR consultant I certainly
17 hope it isn't an ongoing process.

18 MAYOR RUDIN: We hope it's not an ongoing
19 process, but realistically --

20 MR. BERMAN: I don't mean to make light of
21 the question. Right. It is an ongoing process and as
22 projects come in later on, it will be necessary to
23 go back and to ensure that those impacts were adequately
24 looked at in the EIR. If not, some supplemental work
25 may be necessary.

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1 COUNCIL MEMBER SHORE: Now I think we know the
2 answer to what is Phase I.

3 MAYOR RUDIN: Dave and then Joe.

4 COUNCIL MEMBER SHORE: Just a couple of areas
5 I wanted to touch on.

6 The question was raised on, I think it was
7 Response No. 23, is the air quality by Mr. Eaton as
8 to the measurement and the adequacy of the measurement
9 that was spelled out in the EIR. I'd like to get a
10 response to that as to whether we should be looking at
11 a different measurement system.

12 MR. BERMAN: Well, as we pointed out, the
13 question that's come up is an attempt to predict the
14 number of days that an air quality standard would be
15 exceeded in a specific year within the area. As we've
16 tried to point out in our responses that the models
17 that are available simply don't allow you to do that
18 and the standards are not based upon that. As you
19 know, this area has done extensive work on air quality
20 modeling and that modeling that's been used in this
21 area does not allow you to predict the number of days
22 that a certain standard will be exceeded. We've done
23 information based upon the air quality plan. We've
24 looked at consistency of this project with the air
25 quality plan. We've looked at, in terms of what it's

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1 going to do, what this project will do in terms of the
2 city's attempt to maintain or to meet air quality
3 standards and we indicate clearly that it's going to
4 be much more difficult to meet the standards because
5 there will be an increase in ozone due to this project.
6 So we believe that what we've done, what's provided
7 in the EIR was adequate.

8 We would also point out, and I don't think
9 this is always a proper thing to say, but we would
10 point out that both the Air Resources Board and
11 Sacramento County Air Pollution Control District reviewed
12 the EIR and concurred with the methodology and the
13 findings of the EIR. They were satisfied with the
14 approach that we took.

15 COUNCIL MEMBER SHORE: You have to forgive me.
16 I don't remember. Do you propose mitigation or do you
17 think mitigation is necessary?

18 MR. BERMAN: Well, there's a list of two pages
19 of specific mitigation measures that relate to
20 development within North Natomas in terms of
21 transportation management programs, that type of stuff.
22 There's also measures that look at in terms of regional
23 transportation and regional mitigation measures of
24 perhaps instead of going to a two-year process of checking
25 the emissions standards from automobiles, perhaps we

1 should be moving to a yearly review of that and there's
2 other regional type mitigation measures. One of the
3 things that we point out within the EIR is that in
4 order to meet the standards within Sacramento, it may
5 well be necessary to go to more regional-wide mitigation
6 measures. That it won't be enough just to put in
7 some additional air quality mitigation measures within
8 the Community Plan.

9 COUNCIL MEMBER SHORE: One of the other
10 questions that was raised was as to the threshold,
11 threshold issue of development. Is that a question to
12 be taken up in the community plan process outside the
13 EIR process?

14 MR. BERMAN: Again, I'm not sure exactly what
15 you mean.

16 COUNCIL MEMBER SHORE: The threshold question
17 of do we adopt a community plan or do we do something
18 in Natomas --

19 MR. BERMAN: Well, obviously that decision is
20 a decision that is left up to this body.

21 COUNCIL MEMBER SHORE: The Community Plan
22 hearing date?

23 MR. BERMAN: Well, correct, and ultimately.
24 You know, that decision has not been made. The EIR
25 provides that information and certainly it is still

1 within the responsibility of the Planning Commission and
2 the City Council to adopt Alternative A which is an
3 extension of the existing policy.

4 COUNCIL MEMBER SHORE: I just have two more
5 questions I want to get into. One has to do with the
6 Yolo County development and testimony of why any impacts
7 might happen in Yolo County. Is there a response?

8 MR. BERMAN: There is a discussion. Section
9 B talks about the growth inducing impacts. We look at
10 not only Sacramento, we look at Sutter County, Placer
11 County and Yolo County.

12 COUNCIL MEMBER SHORE: Okay.

13 MAYOR RUDIN: Thank you. Joe.

14 COUNCIL MEMBER SERNA: Following the same
15 line of questions, the issue was raised on regional
16 costs and I'm trying to focus just on the adequacy
17 of the EIR here.

18 To what extent does CEQA require that we
19 identify regional costs as a result of a project like
20 this?

21 MR. BERMAN: Well, really as I understand
22 CEQA, and we have lots of attorneys here, that is not
23 a mandatory requirement of CEQA to get into the
24 fiscal impacts, that basically this is a requirement
25 that's put on by the city in terms of saying if we're

T5

1 going to look at this land use, you really need to know
2 fiscal impacts. So this EIR does contain an extensive
3 fiscal impact analysis, but that is not required by CEQA.

4 COUNCIL MEMBER SERNA: As our consultant
5 and advice to this Council, how much weight should this
6 Council place on the item of regional cost?

7 MR. BERMAN: Well, I think that's a decision
8 you'll have to weigh.

9 COUNCIL MEMBER SERNA: I understand we have
10 to make it.

11 MR. BERMAN: I think what needs to be done is
12 that as the, as the decision is made on the Community
13 Plan, as we begin to focus in on and adopt a Community
14 Plan, there does need to be a specific financing plan
15 for that and I think it is appropriate to look at some
16 of those regional costs in terms of the overall scheme
17 of development within North Natomas, within the context
18 of the larger region. But, again, I think that can
19 really only get done as you begin to focus in on a
20 preferred community plan and get a better handle on what
21 level of development will be recommended and what that
22 impact would do to some of those regional costs.

23 COUNCIL MEMBER SERNA: Now, in your study and
24 recommendation to us, did you find that in fact other
25 governments in the region considered the same question

1 with regard to their growth policy, the county, Roseville,
2 Placerville, Sutter?

3 MR. BERMAN: Not really. I believe that the
4 effort that's been undertaken here is the most
5 extensive planning effort in the region and I think
6 from an EIR point of view, what we've done here,
7 we've really done in essence a regional EIR, that
8 rather than simply looking at the project, North Natomas
9 in isolation, there's been an economic analysis done
10 by Angus McDonald that looks at the entire region from
11 the land use point of view, and the question of what
12 would happen if North Natomas should open, what are the
13 land use implications for the region, and a lot of the
14 work that is done, transportation, air quality, noise,
15 is based upon not just development within North Natomas
16 but what the level of development will be in the year
17 2005 in the Sacramento region. So that is an approach
18 that's different than site specific EIRs.

19 COUNCIL MEMBER SERNA: As I read the EIR,
20 I read it as a worst case scenario. Is that accurate?

21 MR. BERMAN: I don't know if worst case.
22 The EIR provides a wide range, and I think it provides
23 the range from Alternative A which is an existing
24 condition to Alternative E which is probably the most
25 unlikely condition, and I guess that would be,

1 Alternative E, that would be the worst case situation.
2 But between Alternative A and E there's quite a lot
3 of variation and the EIR tries to distinguish between
4 the impacts of, for example, Alternative C and Alternative
5 E. So you can, the Council can begin to understand
6 the differences in outcome, picking one alternative
7 over another alternative.

8 COUNCIL MEMBER SERNA: The issue and testimony
9 tonight spoke of something called qualitative hydrology
10 which I suspect means unscientific or value laden
11 hydrologic studies. Is that because we have the lack
12 of data or is that criticism an accurate one in this
13 EIR?

14 MR. BERMAN: I've been a little puzzled by
15 the question of qualitative hydrology. What had
16 happened was initially, and you have to remember of
17 course that this has been a long process. In the
18 initial studies that were done a hydrology plan was
19 done for North Natomas development without a specific
20 land use plan in mind. But basically the question was
21 what would happen if North Natomas should develop
22 urban development and a hydrology plan was prepared for
23 that. That hydrology plan is the one that is evaluated
24 in the EIR. I would, however, point out that subsequent
25 to that, the City had requested and paid for additional

1 work from Dewante & Stowell to come up with drainage
2 plans for each of the five alternatives, Alternatives A
3 through E. Now, because of the timing of the whole
4 process we did not go back and look at the impacts
5 of each of those five hydrology plans. However, the
6 hydrologist from the EIR point of view has said that
7 basically those impacts would be similar to the impacts
8 that are discussed in the EIR on the initial plan because
9 the concepts are basically the same and the program would
10 work. Basically what the five plans did is got a little
11 more detail in terms of sizing, got a little more
12 detail in terms of where you would put canals, but the
13 concept is the same.

14 COUNCIL MEMBER SERNA: So the criticism in
15 your mind is what, substantive criticism or --

16 MR. BERMAN: Again, I think it's invalid.
17 I think, again, I believe the EIR provides adequate
18 information regarding hydrology to make a decision in
19 terms of land use in North Natomas. Again, I would point
20 out similar to the question that was asked earlier,
21 if subsequently a Community Plan is developed and a
22 drainage plan different than the concepts that are
23 discussed in the EIR, if that drainage plan is adopted,
24 that would then require some additional environmental
25 documentation.

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1 COUNCIL MEMBER SERNA: But that would be a
2 considerable departure of anything considered in the
3 EIR?

4 MR. BERMAN: That's correct.

5 MAYOR RUDIN: There's Lynn and then Terry.

6 COUNCIL MEMBER ROBIE: We talked a lot about
7 the two important things that have been pointed out by
8 ECOS. One of course is the financing key which we
9 talked a little bit about and the other one is the
10 phasing and we haven't really discussed that tonight
11 very much.

12 It is the feeling by some of the groups that
13 you have not really supplied the Council an adequate
14 phasing that could be done or give us the ability to
15 make those kinds of decisions. What's your comment
16 about suggested phasing?

17 MR. BERMAN: Well, let me just indicate it
18 is correct that the Community Plan and the EIR does
19 not discuss phasing. It was not part of this level
20 of the Community Plan effort. In order to prepare
21 some of the financial aspects of the Community Plan,
22 there were some phasing programs done primarily for
23 Alternative C. That phasing was based simply on logical
24 extensions of infrastructure and was based upon a concept
25 that you would start from the south and work to the

1 north, you would start from the east and work to the
2 west. That provided adequate data to do a financing
3 plan. It, however, should not be considered a prediction
4 of phasing for the North Natomas area. Again, I think
5 that's an adequate, that's a question that should be
6 dealt with as part of the Community Plan process in terms
7 of the overall phasing of the Community Plan.

8 But it is correct that it has not been specifically
9 addressed in either the draft community plan or the EIR.

10 COUNCIL MEMBER ROBIE: Thank you.

11 MAYOR RUDIN: Terry.

12 COUNCIL MEMBER KASTANIS: I have a question
13 related to hydrology similar to the lines of what Joe
14 mentioned.

15 Number 6 described by the appellant regarding
16 the ten-year versus the 100-year flood management need,
17 and they claim that the EIR is not clear regarding
18 ten years versus 100 years. But on page M23 you do
19 cite doing various kinds of things to handle that
20 by enlarging the canals, lined canals versus unlined ones.
21 Why 100 years? I mean, yeah, I could see a flood
22 every ten. But why 100 years and why was that year
23 picked and how do you deal with that?

24 MR. BERMAN: Well, basically in terms of
25 hydrology, the hydrologists look at typical intervals

1 of storms, ten-year storms, 25-year storms, 100-year
2 storms. In terms of 100-year storms meaning it has
3 a percentage basically of one in one hundred occurring.
4 So it's not likely to occur at any given time. Basically
5 because of costs and other considerations, it's not
6 feasible to design a system, a drainage system to meet
7 that type of a storm. More likely what happens is you
8 design your drainage system for what is called the
9 ten-year interval storm or a storm that has a chance
10 of occurring once in ten years. But in addition to that,
11 you make provision should you have storms of greater
12 quantity and what typically happens in the City of
13 Sacramento as other cities is that you indicate you
14 would locate building pads, you would perhaps
15 increase building pads or design a street system so
16 that if there were some temporary flooding, that it
17 would be handled in, in this case, in the street system
18 and it would not be a threat to property or to lives.

19 COUNCIL MEMBER KASTANIS: So, in other words,
20 in that one storm, one every 100 years, what you've
21 described then in the Draft EIR could be handled in
22 the streets and buildings and homes would not be
23 flooded in that one in 100-year flood?

24 MR. BERMAN: Correct. Basically what we're
25 saying in the EIR is it's designed to handle that

1 ten-year storm. That in storms of greater intensity,
2 there is a likelihood of some flooding. However,
3 the system is designed to handle that and not to
4 endanger life and property.

5 As I understand it, I mean, that's a typical
6 procedure that's used in the City of Sacramento and
7 it's used in other locations. We did make some
8 mitigation. We did discuss some mitigation measures
9 where there is the possibility because of the unique
10 situation here that you could do some oversized drains
11 at the south end of the community plan to even reduce
12 the likelihood of flooding.

13 COUNCIL MEMBER KASTANIS: Did you consider
14 drainage from north of this planning area outside of
15 the county?

16 MR. BERNAN: Correct. The drainage plan
17 includes drainage to the north and it includes diverting
18 agriculture, continuing agriculture drainage around the
19 community plan so as not to mix the urban drainage with
20 the agricultural drainage.

21 COUNCIL MEMBER SERNA: Question.

22 MAYOR RUDIN: Joe.

23 COUNCIL MEMBER SERNA: Again, on the hydrology.
24 Was there any comparison done at all with the makeup with
25 the hydrology in North Natomas compared to the Pocket-

1 Greenhaven area, water tables, that sort of thing?

2 MR. BERMAN: Not really. Basically we looked
3 at North Natomas, we looked at water tables, we looked
4 at drainage patterns in North Natomas.

5 MAYOR RUDIN: Other questions?

6 COUNCIL MEMBER SERNA: I have a question for
7 legal counsel, for our environmental attorney.

8 MAYOR RUDIN: Mr. Mihaly.

9 MR. MIHALY: Mark Mihaly.

10 COUNCIL MEMBER SERNA: Mr. Mihaly, is there
11 anything you've heard in tonight's testimony in your
12 professional opinion that allows you to believe that
13 this EIR cannot be defended?

14 MR. MIHALY: No.

15 COUNCIL MEMBER ROBIE: That was an easy question.

16 MAYOR RUDIN: That was a simple question.

17 COUNCIL MEMBER SHORE: One-word answer and
18 you call yourself an attorney?

19 Must not be charging by the dollar.

20 (Laughter.)

21 COUNCIL MEMBER SERNA: That's good enough for
22 me.

23 MAYOR RUDIN: Let me go back to Mr. Berman.
24 I wanted to ask you, the Natomas Airport issue was
25 raised. Is this one of the issues that would be

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1 addressed when we deal with specific projects or did you
2 consider anything, did you consider the Natomas
3 Airport and its effect on the entire plan from an
4 environmental standpoint at all when this was addressed?

5 MR. BERMAN: We did consider the Natomas
6 Airport and, in fact, page D48 of the Draft EIR
7 specifically states that under Alternative A the
8 Natomas Airpark would continue and that under
9 Alternatives B through E, however, they would convert
10 the Natomas Airport Park to other land uses and that
11 there are no suitable sites in the North Natomas
12 study area where the airport could be relocated. I
13 mean, the EIR is quite clear that under Alternatives
14 B through E the Natomas Airpark would cease operation.
15 We then go on with a little discussion in terms of where
16 we believe the traffic from the Natomas Airport would
17 be diverted to other airports and that type of thing.
18 I think you can't be more clearer than saying if under
19 those four alternatives the airport would have to close.

20 MAYOR RUDIN: I have another question.
21 Are concerns such as those expressed by the Sacramento
22 Housing and Redevelopment Agency dealt with in the
23 economic studies? They weren't exactly, they weren't
24 environmental questions.

25 MR. BERMAN: They weren't exactly environmental

1 questions and I think they rasied some good comments
2 and good questions and some significant issues in terms
3 of the housing and redevelopment, and I think as I
4 recall the issue as it was discussed at the last Planning
5 Commission was that the Agency has some specific ideas
6 in terms of the types of measures, mitigation measures
7 that they would like to see incorporated into the
8 Community Plan in order to reduce impacts on redevelopment
9 areas and that they would like to be able to continue
10 to work with the City staff to resolve those issues.
11 I think that's proper and I think the Agency is satisfied
12 with the continuing cooperation between the two City
13 agencies.

14 MAYOR RUDIN: Okay. I had one other question.
15 It still isn't clear to me what the phases were that
16 Mr. Kelly was referring to. I should ask him, I suppose,
17 but maybe that was the alternatives rather than phases.

18 MR. BERMAN: I'm not sure. As I indicated,
19 phasing itself was not a specific area within this
20 EIR. Certainly an appropriate area to be looked at in
21 the development of the community plan.

22 MAYOR RUDIN: Okay. One more question. Someone
23 referred to river contamination from the drainage
24 canals. Was that a -- and I know in the EIR it says
25 that there are going to be two sewer systems of drainage,

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1 one for agricultural uses and one for urban and I guess
2 domestic uses.

3 MR. BERMAN: Right.

4 MAYOR RUDIN: Does that take care of the
5 problem?

6 MR. BERMAN: There is discussion in terms of
7 the EIR, in terms of potential impacts on the Sacramento
8 River and it's felt not to be significant. The EIR does
9 recognize the concerns that I think you all recognize
10 in terms of potential ground water contamination from,
11 especially from high tech industries. We think we're
12 putting in force the existing rules and regulations
13 that the state has come down and that the work that the
14 city is doing now in terms of this, that those measures
15 would be adequate to mitigate ground water contamination
16 problems and subsequently problems into the Sacramento
17 River. But that is discussed in the draft EIR.

18 MAYOR RUDIN: Okay. Other questions?

19 Is there anyone else in the audience that
20 wants to make any comments at all?

21 MR. BERMAN: Thank you.

22 MAYOR RUDIN: Thank you, Mr. Berman, but
23 don't go away. We're not finished.

24 What is the wish of the Council?

25 COUNCIL MEMBER POPE: I move we deny the

1 appeal.

2 MAYOR RUDIN: It's been moved. Is there a
3 second?

4 COUNCIL MEMBER KASTANIS: Second.

5 MAYOR RUDIN: It's been moved by Mr. Pope,
6 seconded by Mr. Kastanis, that we deny the appeal.

7 COUNCIL MEMBER POPE: It comes back the
8 26th for findings?

9 MR. KOBIE: Yeah. That would be intent
10 to deny subject to findings and be back before the
11 Council.

12 MAYOR RUDIN: Okay. Any further discussion?

13 COUNCIL MEMBER POPE: That's the motion.

14 MAYOR RUDIN: That's the motion. Any discussion
15 on that motion?

16 COUNCIL MEMBER SERNA: Do we close the public
17 hearing?

18 COUNCIL MEMBER POPE: Okay. Incorporated
19 in the motion will be closing the public hearing, or,
20 Ted, do we have to have a separate motion?

21 MR. KOBIE: You don't have to have a separate
22 motion. You can do it -- it would --

23 COUNCIL MEMBER POPE: I move that we close
24 the public hearing, deny the appeal with the intent
25 that we have findings of facts returned to us the 26th.

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1 Do we want a separate motion for certification or do we
2 need a separate motion?

3 MAYOR RUDIN: No, do it all at once.

4 COUNCIL MEMBER POPE: Okay. We'll add to that
5 we certify the EIR.

6 MAYOR RUDIN: Is that included in the second?

7 COUNCIL MEMBER KASTANIS: That's agreeable.

8 MAYOR RUDIN: Comments?

9 COUNCIL MEMBER KASTANIS: Do we need two weeks?
10 Why the 26th?

11 COUNCIL MEMBER POPE: I guess that's the
12 staff's request in terms of preparation of this.

13 MR. KOBIE: Staff request, otherwise that
14 gives us 36 hours to prepare findings and that won't
15 be enough.

16 COUNCIL MEMBER KASTANIS: You need more than
17 36 hours?

18 MAYOR RUDIN: Okay. I think we all appreciate
19 the fact that this is a very general EIR. It covers
20 a very general concept right now and what we're saying
21 in certifying is that it does cover the bases as
22 required by law. Even though we may not like the answers
23 it gives, we may not like some of the information
24 that's there, we may not agree with it, still it is
25 there and it's been dealt with.

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1 I asked the question earlier about whether
2 this was going to be an ongoing process. I really see
3 this as coming up over and over and over again. Using
4 the South Natomas project as an example, we've been
5 living with that for about eight years now and we've
6 seen that as projects develop and as new projects are
7 considered, we learn, we become aware of specific
8 impacts as a result of those specific projects and
9 we take appropriate steps when the time comes. I think
10 we have to be very aware of the specific impacts of
11 specific projects and deal with them as we get to each
12 one. If we agree tonight to certify it, it doesn't
13 mean that we're going to not look at environmental
14 impacts again. There are many we can't measure at this
15 point. We can't assess them until we get some specific
16 proposals before us.

17 I think we all feel that it does cover the
18 legal requirements and has been written as inclusively
19 as possible given the information we have.

20 Call the roll on the motion, please.

21 DEPUTY CITY CLERK BEAMAN: Chinn.

22 COUNCIL MEMBER CHINN: Aye.

23 DEPUTY CITY CLERK BEAMAN: Johnson.

24 COUNCIL MEMBER JOHNSON: Aye.

25 DEPUTY CITY CLERK BEAMAN: Kastanis.

1 COUNCIL MEMBER KASTANIS: Aye.
2 DEPUTY CITY CLERK BEAMAN: Pope.
3 COUNCIL MEMBER POPE: Aye.
4 DEPUTY CITY CLERK BEAMAN: Robie.
5 COUNCIL MEMBER ROBIE: Aye.
6 DEPUTY CITY CLERK BEAMAN: Serna.
7 COUNCIL MEMBER SERNA: Aye.
8 DEPUTY CITY CLERK BEAMAN: Shore.
9 COUNCIL MEMBER SHORE: Aye.
10 DEPUTY CITY CLERK BEAMAN: Smallman.
11 COUNCIL MEMBER SMALLMAN: Aye.
12 DEPUTY CITY CLERK BEAMAN: Rudin.
13 MAYOR RUDIN: Aye.
14 I appreciate the time all of you took. I
15 really appreciate the time the people who brought the
16 appeal took to try to make us aware of the issues
17 that they're concerned about and we do have to follow
18 these issues along and make sure that they aren't
19 a concern later.
20 Thank you very much.
21 Is there any further business to come
22 before the Council?
23 COUNCIL MEMBER KASTANIS: Are we going to deal
24 with certification?
25 MAYOR RUDIN: We dealt with that. The meeting

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1 is adjourned.

2 (Thereupon the meeting of the
3 City Council was adjourned at
4 10:45 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Cathleen Slocum, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing meeting of the City Council was reported in shorthand by me, Cathleen Slocum, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting; nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 15 day of November, 1985.

Cathleen Slocum

Certified Shorthand Reporter
License No. 2822

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