

Item No.16-3 Supplemental Material

For City of Sacramento

City Council
Housing Authority
Redevelopment Agency
Economic Development Commission
Sacramento City Financing Authority

Agenda Packet

Submitted: January 22, 2008

For the Meeting of: January 22, 2008

☐ Additional Material

☐ Revised Material

Subject: Greenbriar Powerpoint Presentation

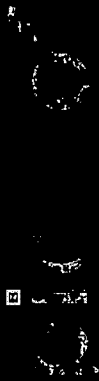
Please find a copy of the January 22, 2008 Powerpoint Presentation for the Greenbriar project attached to this memo.

Contact Information: Arwen Wacht (808-1964)

Please include this supplemental material in your agenda packet. This material will also be published to the City's Intranet. For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604 ■ (916) 808-7200.

City of Sacramento City Council Hearing January 22, 2008

Scot Mende, New Growth Manager
Planning Department



Project Overview

Location and Local Context

Land Use Plan

Requested Entitlements

Clarification of Project Issues

Staff Recommendation

[illegible]

Land Use Plan & Project

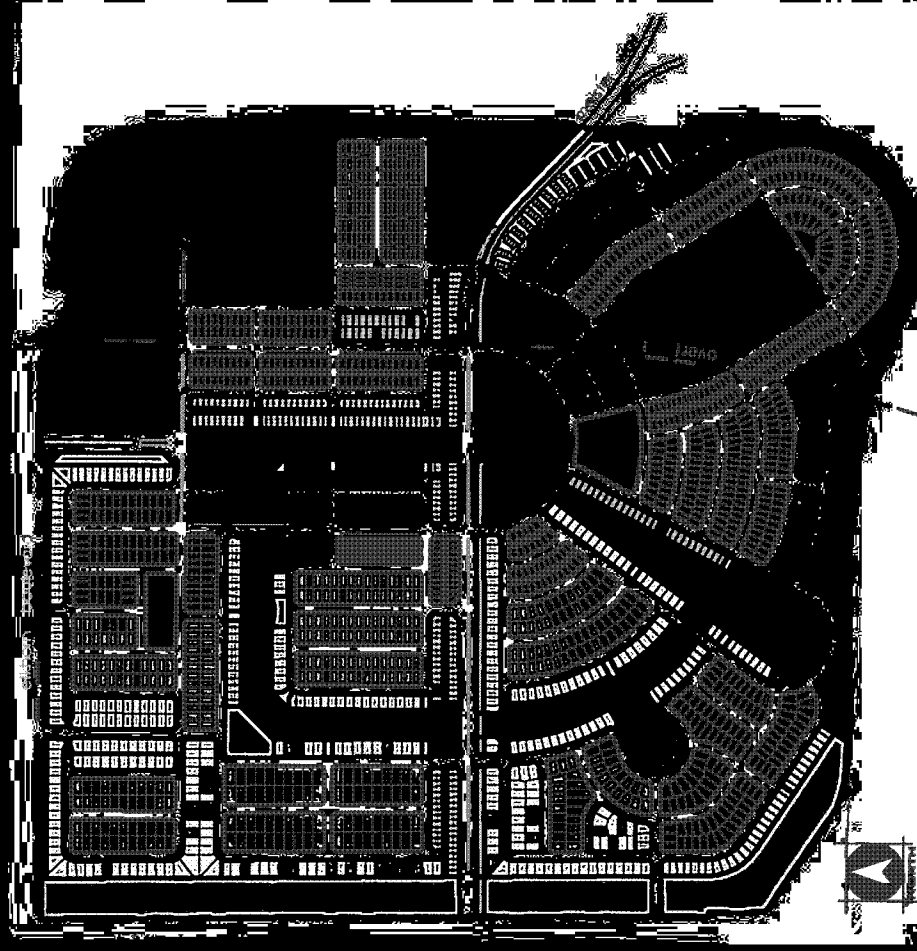
577 ± acres

2,952 dwelling units

41 acres of parks

30-acre habitat buffer

40-acre detention
basin/lake



288,000 ± sq. ft. of
commercial,
including a 7-acre
retail/LRT station
site

28-acre freeway
buffer with ped/bike
path

10-acre elementary
school site

Land Use Plan & Project

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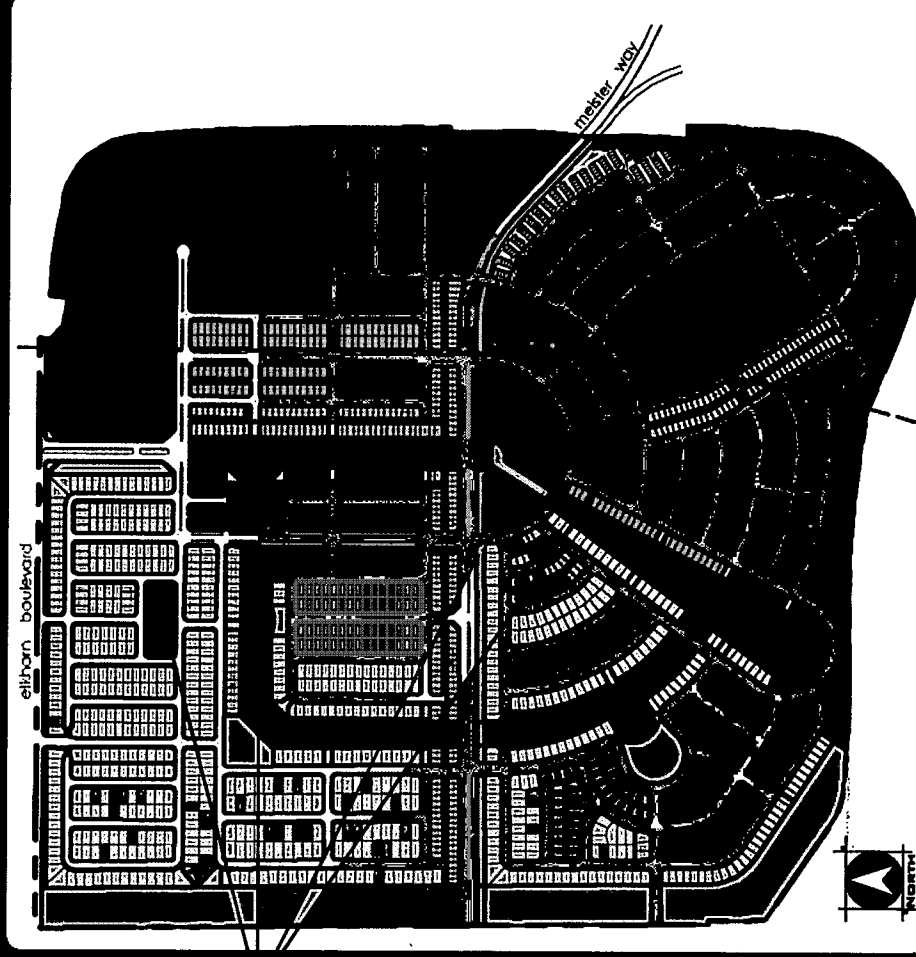
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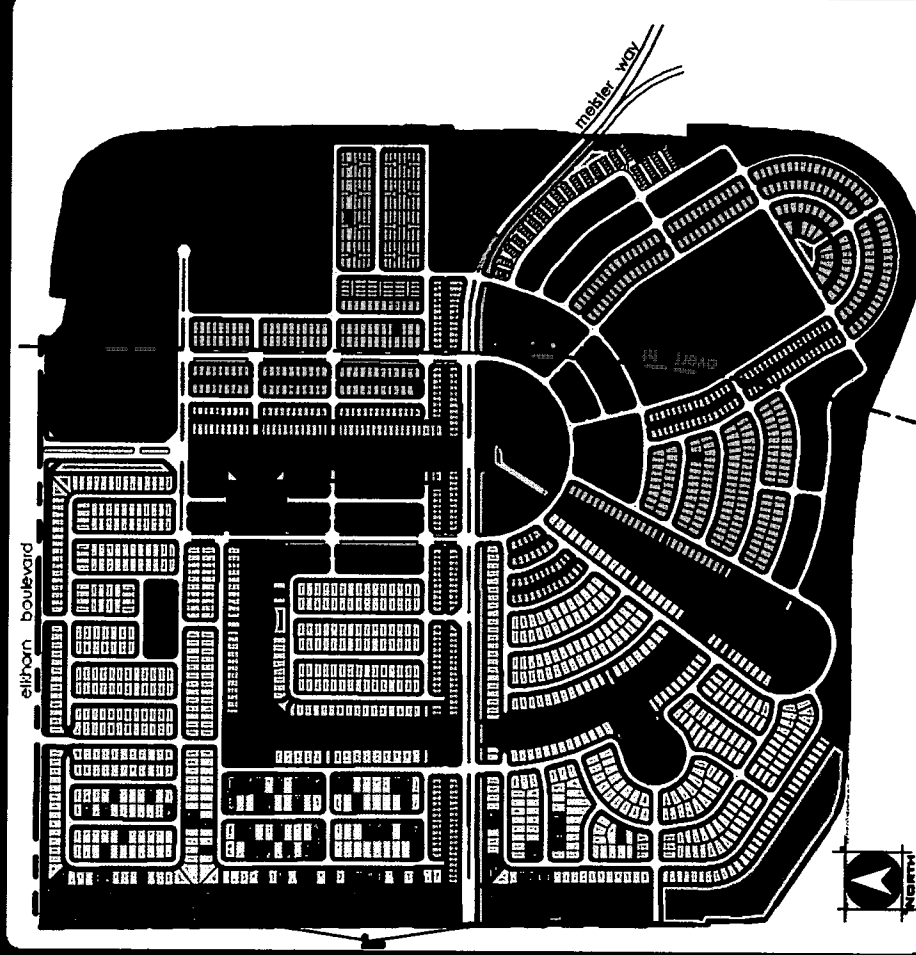
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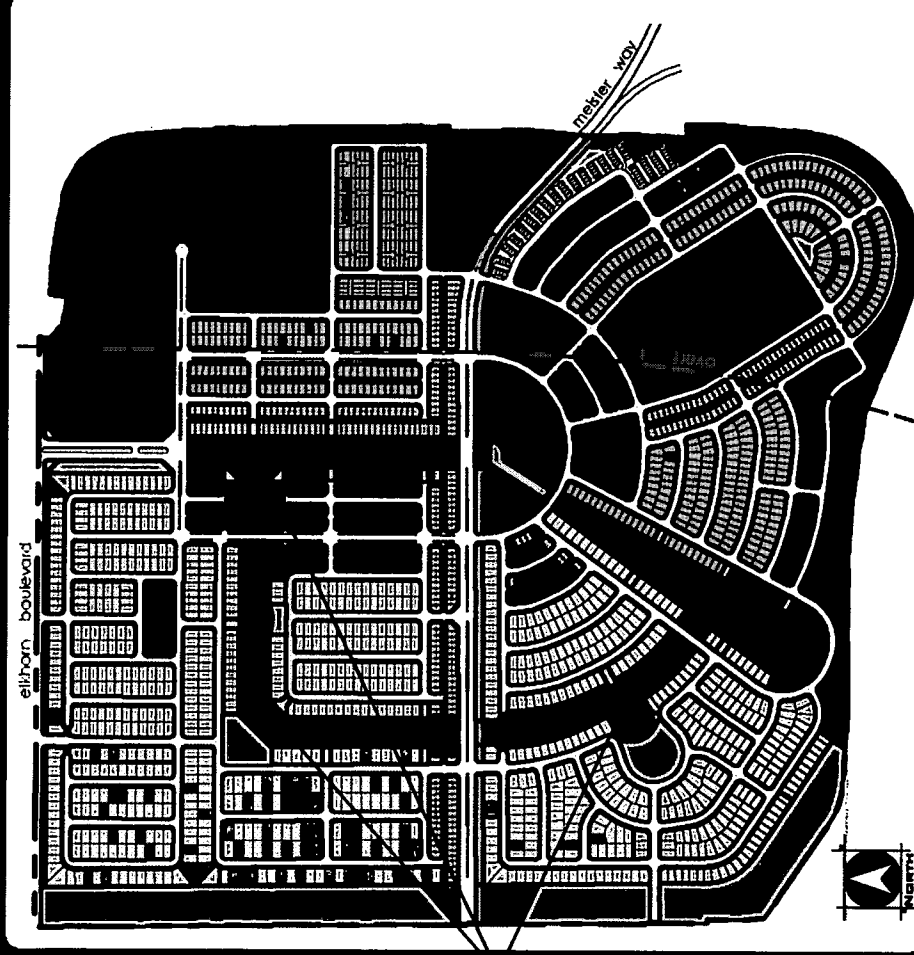
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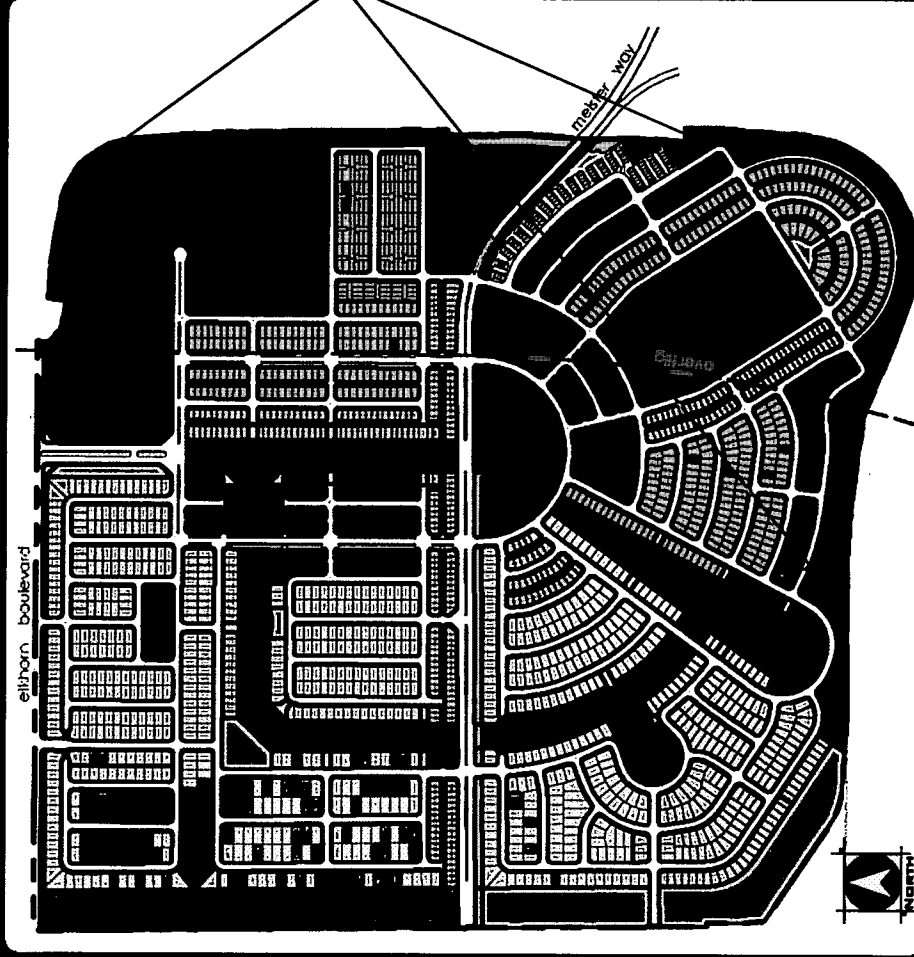
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Land Use Plan & Project Info

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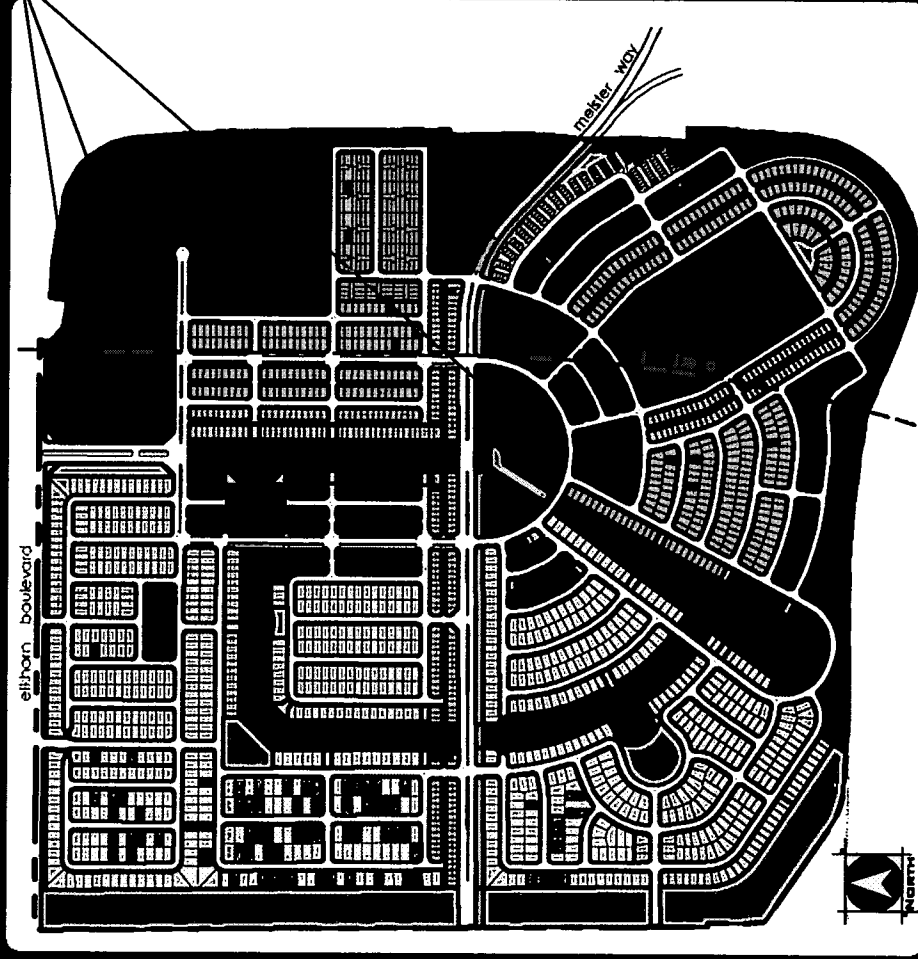
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Land Use Plan & Project Info

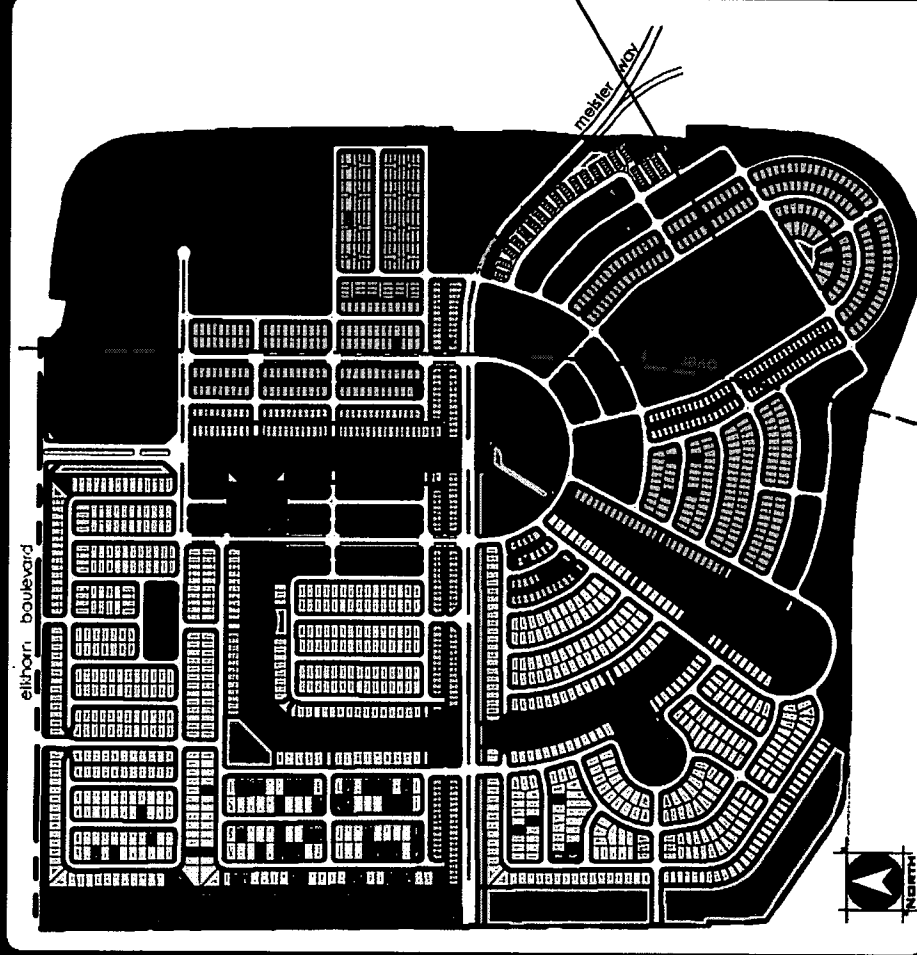
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On November 8, 2007, the Planning Commission voted (5 ayes, 3 noes, and 1 recusal) to recommend denial to the City Council. Should the City Council consider approving the Greenbriar project, the Planning Commission requested that staff convey their recommendations on the following topics:

Affordable Housing

Circulation System

Review and Approval of Commercial Development

Proposed Fillicments

Environmental Impact Report & Mitigation
Monitoring Plan
General Plan Amendment (Map Amendment)
Amend Resolution 2001-518
Prezone
PUD Establishment (including PUD Guidelines and
Schematic Plan)
Reorganization (Annexation / Detachment)
Tax Exchange Agreement
Airport Land Use Commission (ALUC) Override
Finance Plan
Inclusionary Housing Plan

LAFCO's Environmental

LAFCo Actions

Sphere of Influence Amendment - approved 09/19/07

Annexation – pending March 2008 hearing

Deferred pending consultation with wildlife agencies (FWS/DFG) regarding HCP/ITP

Development Agreement

Tentative Master Parcel Map

Tentative Subdivision Map

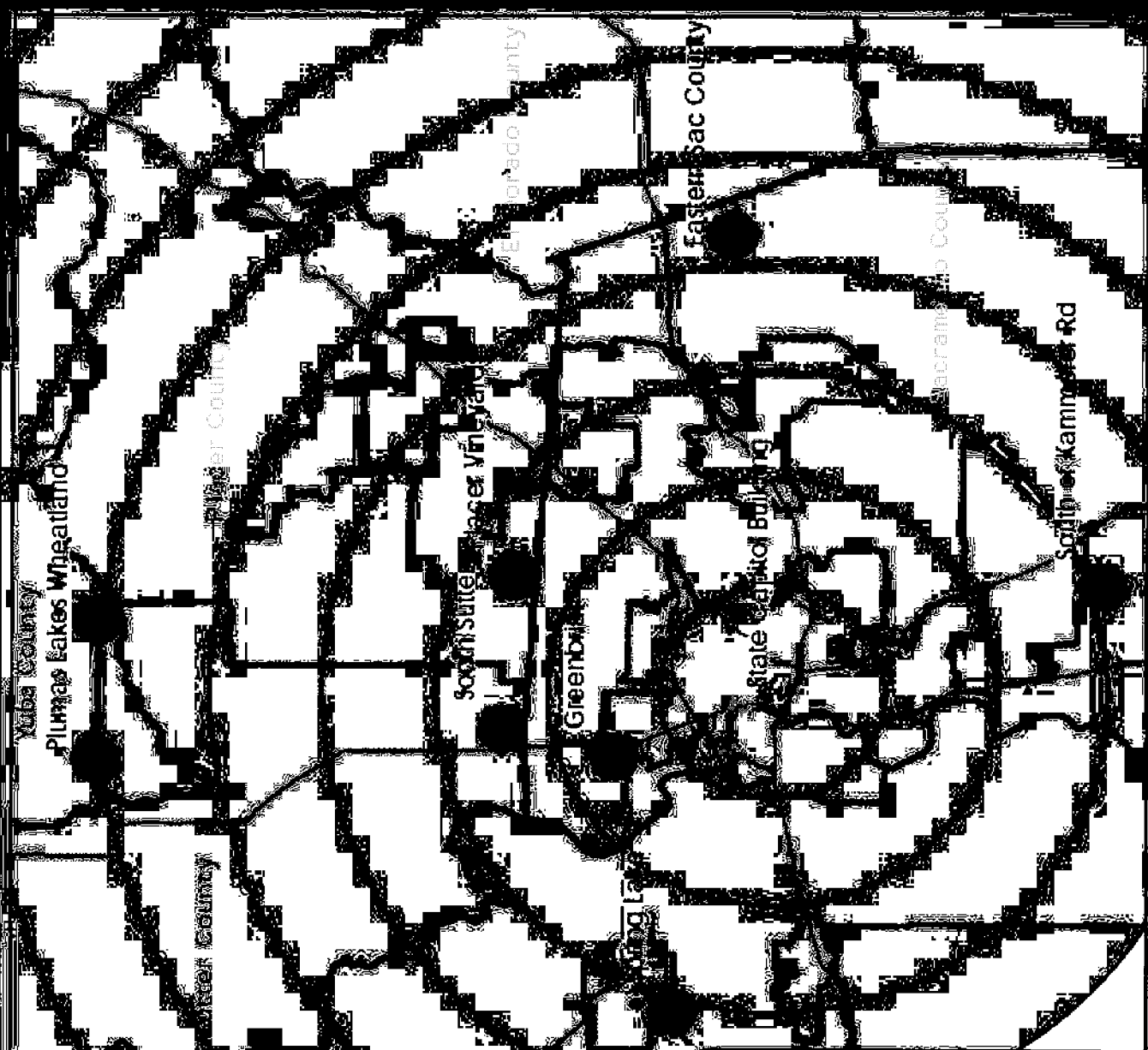
Subdivision Modifications

Additional Details to be Submitted with Maps

Design Guidelines for Residential, Commercial, Parks

GROWTH - Benefits to City

City needs New Growth development
New Growth should support SACOG
Blueprint principles
Connection with Sac International Airport
Financial Benefits to the City



Potential Development Areas
Distances to State Capitol Building

Legend:

- County Boundaries
- Potential Development Areas (5-mile radius increments)
- Distances to Capitol (5 miles)
- South of Kinnear Rd to Capitol = 21 miles
- Eastern Sac County to Capitol = 20 miles
- West of Capitol = 37 miles
- State Line to Capitol = 22 miles
- Placer to Capitol = 15 miles
- Monroe to Capitol = 42 miles
- Boone to Capitol = 33 miles
- South of Capitol = 14 miles

Meister Way
Transit-Oriented Commercial
Consistency with Blueprint
General Plan
Growth Rates
Transit
MMRP and Findings Revisions
Finance Plan Clarifications
Air Quality TAC
Agricultural Values

Meister Way – East Sacramento
Meister identified in the Schumacher
tentative map and the Metro Air Park
documents

City Code does not permit duplicate
names

The final map approval process will
approve an appropriate name

Combined Road/Transit or Separate?

Issues:

Timing – LRT structure may be needed at a different time than the roadway structure

Funding & Maintenance: City / RT

Engineering: weight, electrical grounding

Different landing points east of 99

Subsequent Submittal:

Single Family

- Multi-Family

Commercial (Village & Community sites)

- Parks

Planning Commission Review

City Council Approval

The Finance Plan before the Council is a draft (dated August 14, 2007) and is current.

The Finance Plan will be finalized at completion of a Nexus Study.

A Nexus Study must be performed to create fees and must reflect current costs, housing prices, and tentative maps.

The final Plan and the fees will be subject to due process through public hearings at that time.

Car Si

Prior to construction of DNA LRT, operate a shuttle system that connects Greenbriar to the Regional Transit system. NNTMA annual assessment may exceed the amount currently charged to North Natomas residents.

Greenbriar Finance Plan

On-Site Infrastructure

Roadways	\$31.4 million
Transit Station	\$2.4 million
Storm Drains	\$15.8 million
Water & Sewer	\$16.2 million
Landscaping	\$8.7 million
Parks	\$14.2 million
Schools	\$49.6 million
Bikeways & Shuttles	\$0.5 million
Total On-Site	\$150.3 million

Greenbrae Transit Plan

Off-Site Infrastructure

\$8.6 M for Underfunded North Natomas Facilities

\$3.4 Million: North Natomas Regional Park Improvements

\$1.8 million: Library

\$0.8 million: Community Center

\$1.5 million: Fire Station

\$0.9 million: Police Facilities

\$1.1 M: Mainline Freeway

\$1.5 M: emergency communications radio tower

SAFCA Improvements (included as levee fee)

Greenfield Manor

Low Density Residential

Total Avg Fee Burden: \$72,000
16.4% of sales price

Medium Density Residential

Total Avg Fee Burden: \$60,300
19.5% of sales price

High Density Residential

Total Avg Fee Burden: \$36,800
14.7% of sales price

City/County split of property taxes
City costs/revenue neutral – positive
Park maintenance 100% funded through
Services C&D

Site adjacent to I-5 and SR70/99

California Air Resources Board developed: Air Quality Land Use Handbook: A Community Health Perspective

- Offers advisory guidance for siting sensitive land uses
- Recommends siting residences 500 feet from freeways
- Guidance developed based on land uses, meteorology, and traffic in Southern Ca.

SMAQMD responsible for adopting measures or guidance for siting sensitive land uses and whether to implement CARB guidance

Proposed residences are a minimum of 213 feet from I-5 and SR70/99. SMAQMD evaluated the project based on their protocol and determined would not need to prepare a HRA.

Berms, planted with finely-needled conifers (*new measure to be added to MMP*)
(Note: Walls adj. to 99 at Meister are for noise purposes rather than intended as TAC mitigation)

Agricultural Value

Agricultural value is determined based on:

- many factors including size of parcel,
- current and historical cropping patterns,
- proximity of nearby development and other agricultural operations, and
- cropping patterns on adjacent agricultural parcels

No one formula to determine the value of parcel

Project site has limitations related to:

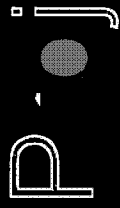
Urban development on 3 sides

Site is currently fallow

Agriculture Value

LESA analysis: value of site for farmland is diminished by it being surrounded by urban development. Hence, less-than-significant finding

Underlying quality of farmland: 57% Prime; 90% "Important" (as defined by CEQA)



LA Co approved SOL: September 19th
Planning Commission Hearings concluded
November 8th

City Council:

Workshops - January 8th and 15th
Public Hearings – January 22nd intent motion
January 29th – Final Council action

Next Steps:

LAFCo Hearing on Annexation
EIS & HCP through USFWS/CDFG

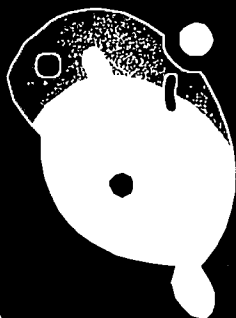
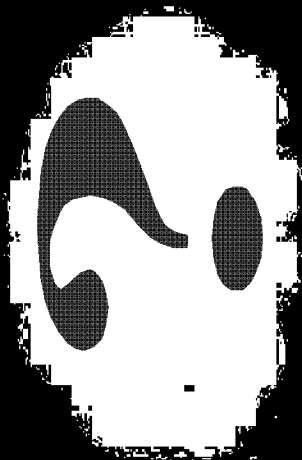
10/17/2013

Mitigation Monitoring & Reporting Plan
Findings of Fact & Statements of
Overriding Considerations on the EIR
Finance Plan (TMA, per purple sheet)

Provide direction to staff on entitlements:
Except 1d (Tax Exchange Agreement)
Except 2 (ALUC Override)
Staff to return with final documents on
01/29

WEEK

Final Vote on items from Intent Motion Override of ALUC Determination Tax Exchange Agreement



Item No.16-4 Supplemental Material

For City of Sacramento

City Council
Housing Authority
Redevelopment Agency
Economic Development Commission
Sacramento City Financing Authority

Agenda Packet

Submitted: January 22, 2008

For the Meeting of: January 22, 2008

- ☐ Additional Material
- ☐ Revised Material

Subject: Greenbriar PUD Guidelines Revisions

Please find a copy of the revised pages for the Greenbriar PUD Guidelines attached to this memo.

Contact Information: Arwen Wacht (808-1964)

Please include this supplemental material in your agenda packet. This material will also be published to the City's Intranet. For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604 ■ (916) 808-7200.

GREEN TRIAR

Planted unit device (green) guidelines

ERRATA PAGE FOR

City of New York City

July 1, 2013

Planning Commission

June 1, 2013

June 1, 2013



Section 5 - Parks, Open Space and Habitat Conservation	73
5.1 Greenbrier Parks	
5.1.a Public Parks	
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5.2 Greenbrier Lake	
5.2.a Lake Access and Pedestrian Paseos	
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7.2 Multi-Family Residential Design	
7.3 Commercial Design	
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GREENBRIAR PUD Guidelines

The purpose of these PUD Guidelines is to guide future development within the Greenbriar PUD area. This document is organized into sections as follows.

- The **PUD Overview Section** of the PUD Guidelines provides the local context for the proposed project, the Community Plan Principles and established Goals, Policies and Objectives for the Plan Area. The Overview Section provides a detailed summary of the planned development, Zoning and Land Use designations.
- The **Transit Orientation and Mobility Section** addresses the Transit-Oriented Development (TOD) characteristics and the planned extension of Regional Transit, Non-Vehicular Mobility, and Vehicular Circulation.
- The **Housing Section** of the PUD Guidelines discusses the Housing Alternatives including Market Rate Housing, Affordable Housing, and Senior Housing. This section sets forth Development Standards to ensure consistency in the quality and character of the residential environment.
- The **Commercial Uses Section** discusses the Design and Function of commercial uses, including the Village and Community Commercial sites. This section sets forth Commercial Development Standards to ensure consistency in the quality and character of the commercial environment within Greenbriar.

- The **Parks, Open Space and Recreation Section** discusses the design, uses and access/relationship of the Parks, Open Space, Greenbriar Lake, and the Habitat and Open Space Buffers.
- The **Implementation Section** outlines the processes that will implement the orderly development of the PUD area.
- The **Design Guidelines Section** which addresses the site-specific design of the single-family residential, multi-family residential, commercial and transit village areas.

1.2 Future Submittals

These Greenbriar Planned Unit Development (PUD) Guidelines identify the standards necessary to implement successful and quality-image development. This document presents standards to guide the zoning, uses and general development of the PUD, and establishes an appropriate context for the application of more specific tract-level design standards. Future applications will be gauged according to standards prescribed by detailed Design Guidelines, and Planning Director or Planning Commission oversight as necessary.

This PUD Guidelines document acknowledges that the City Planning Commission and City Council shall review, and the City Council shall consider for adoption, a separate yet complementary future chapter of these design guidelines (Section 7 Design Guidelines) Design



GREENBRIAR PUD Guidelines

Guidelines document which is intended to prescribe detailed and comprehensive design standards addressing the following: walls, signage, landscape, single-family and multi-family residential design, commercial site design, and public facility and park/open space design. Transit village design. In addition to these subjects, the Design Guidelines may include other optional topics as needed such as walls, signage and landscape or public facility and park and open space design to describe and convey the overall design concept and implementation of the PUD's vision.

The timing for completion and subsequent approval of the future Section 7 Design Guidelines is intended to be coordinated with the City's review and consideration of the Greenbriar Master Parcel Map, Tentative Subdivision Map and Development Agreement.

The Greenbriar PUD is subject to the City of Sacramento's PUD Development Application process in place at the time of subsequent applications and approvals and/or as specified in Section 6.3 of these Guidelines. Please see Section 6.3 (Consistency Review and Planning Director Discretion) for more detail.

1.3 PUD Schematic Plan

The Greenbriar PUD Schematic Plan is consistent with the patterns for development as set forth in the City's General Plan. The PUD Schematic Plan locates a

neighborhood-serving Shopping Center along Elkhorn Boulevard and Greenbriar Boulevard (at the main project entry), a Community Commercial site co-located with the planned RT Transit Station sited centrally in the heart of the neighborhood along Meister Way, and provides varied housing opportunities in close proximity to the Transit Station, shopping and daily services, employment opportunities, the elementary school and various park and recreation facilities.

The PUD Schematic Plan is comprised of eleven different single-family lot sizes/product types to accommodate various income levels and lifestyle choices within the plan area. Additionally, the PUD provides the opportunity for housing within the Community Commercial site and high-density attached housing, including one senior housing site, in close proximity to transit opportunities.

The Greenbriar PUD Schematic Plan provides many varied recreation opportunities in the location of both publicly- and privately-owned active and passive parks and open spaces. One large Community Park, three Neighborhood Parks, three private parks, two private recreation centers, numerous pocket parks, pedestrian paseos and marina parks (ranging in size), and an elementary school are located within the PUD. These amenities are well-linked by residential streets and trails. Additionally, the PUD boasts an expansive lake with a pedestrian-friendly lakewalk or promenade around the



GREENBRIAR PUD Guidelines

6.2 Master Developer Review Process

All development within the PUD area will be subject to Design Review by the Greenbriar Design Review Committee. The purpose of the design review process is to ensure proper implementation and consistency with the intent of the Greenbriar PUD Guidelines including the future Section 7 Design Guidelines and consistency with the intent of the Greenbriar PUD Guidelines.

6.2.a Design Review Committee

All project proposals within the Greenbriar PUD must be submitted for review and approval by the Design Review Committee (DRC) prior to submittal to the City of Sacramento for approval.

A five (5) member Design Review Committee (DRC) will be established; the members of which will initially be appointed by the Developer. Ultimately, as the Greenbriar PUD is built out, the Developer interests and control of the Design Review Committee will be replaced by members of the Greenbriar community, however initially the DRC members will be as follows:

- Three (3) at large members of the DRC will be appointed by the Developer.
- Two (2) design professionals (i.e. planners, architects, landscape architects or other related consultants) appointed by the Developer
- For the purpose of conducting design review committee meetings, the chairperson will be

selected from the committee by the members. Other non-voting individuals may also attend meetings of the DRC.

Verification of Completed Review

The Design Review Committee shall issue a letter and/or stamp of approval for the applicant to submit with the plans to the City of Sacramento for City level approvals.

6.3 Consistency Review and Planning Director Discretion

Specific applications for individual residential tracts within the project shall be processed as follows: (1) The Planning Director shall review each individual application for consistency with both this document (Greenbriar PUD Guidelines) and the Greenbriar Residential Design Guidelines document. Zoning, use and design standards shall be applied to each proposal to ensure consistency with the overall character envisioned for the PUD and for individual neighborhoods; (2) If an application fails to meet the standards established in the Greenbriar PUD Guidelines and/or the Greenbriar Residential Design Guidelines document(s), the application shall be processed at the Planning Commission level. This protocol is intended to facilitate streamlined application processing for proposals consistent with both the Greenbriar PUD Guidelines and Design Guidelines. It also permits



section 7 - Design Guidelines

the overall design concept and implementation of the PUD's vision.

7.1 Single-Family Residential Design

7.2 Multi-Family Design

7.3 Commercial Design

7.4 Transit Village Design

NOTE:

As stated in Section 1.2 (Future Submittals) of these PUD Guidelines (and re-stated here for clarity) this PUD Guidelines document acknowledges that the City Planning Commission and City Council shall review, and the City Council shall consider for adoption, a future chapter of these design guidelines (this Section 7 Design Guidelines) which is intended to prescribe detailed and comprehensive design standards addressing single-family and multi-family residential design, commercial design, and transit village design. In addition to these subjects, the Design Guidelines may include other optional topics as needed such as walls, signage and landscape, or public facility and park and open space design to describe and convey

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Item No.16-5 Supplemental Material

For City of Sacramento

City Council
Housing Authority
Redevelopment Agency
Economic Development Commission
Sacramento City Financing Authority

Agenda Packet

Submitted: January 22, 2008

For the Meeting of: January 22, 2008

- ☐ Additional Material
- ☐ Revised Material

Subject: Greenbriar Correspondence

Please find a spreadsheet of correspondence received by Planning staff and copies of the correspondence attached to this memo.

Contact Information: Arwen Wacht (808-1964)

Please include this supplemental material in your agenda packet. This material will also be published to the City's Intranet. For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604 ■ (916) 808-7200.

Letter	Dated
Alan Kilgore	10/10/2007
Allen Jamieson	01/03/2008
Ariel Gardiner	01/15/2008
Catherine Hurd	01/15/2008
Christine Balley	01/07/2008
Christopher Mazzarella	01/08/2008
Christopher Mazzarella	01/21/2008
Coalition for Clean Air; Planning and Conservation League; American Lung Association of California	01/07/2008
County of Sacramento Department of Transportation	10/02/2007
David Merritt	01/07/2008
Deanna Marquart	01/15/2008
Department of Fish and Game	12/13/2007
Environmental Council of Sacramento	10/10/2007
Friends of Light Rail and Transit	12/10/2007
Friends of the Swainson's Hawk	10/04/2007
Friends of the Swainson's Hawk	01/08/2008
Jaclyn Hopkins	01/14/2008
Jacqueline DeLu	10/02/2007
James P. Pachl	09/27/2007
James P. Pachl	10/06/2007
James P. Pachl	10/11/2007
James P. Pachl	11/08/2007
James P. Pachl	01/08/2008
James P. Pachl	01/15/2008
Jean McCue	01/08/2008
JoAnn Anglin	01/05/2008
Jon Marshack	01/07/2008
Jonathan Teague	01/14/2008
Judith Lamare	10/14/2007
Ken Stevenson	01/07/2008
Linn Hom	01/08/2008
Linn Hom	01/21/2008
Marilyn Hawes and Ron McDonough	01/07/2008
Mark Dempsey	10/09/2007
Molly Fling	11/06/2007
Natomas Community Association	07/20/2005
Natomas Community Association	11/28/2005
Nick J. Zuvela	11/06/2007
North Natomas Alliance	06/22/2005
North Natomas Alliance	10/19/2005
North Natomas Transportation Management Association	10/10/2007
North Natomas Transportation Management Association	01/15/2008
North State Building Industry Association	11/08/2007
Office of Environmental Health Hazard Assessment	12/11/2007

Office of Environmental Health Hazard Assessment	09/26/2007
Remy, Thomas, Moose, and Manley, LLP	11/01/2007
Rob Burness	10/09/2007
Robert Burness	01/07/2008
Sacramento Area Bicycle Advocates	09/28/2007
Sacramento Area Bicycle Advocates	11/07/2007
Sacramento Area Council of Governments	10/11/2007
Sacramento Area Council of Governments and Sacramento Regional Transit	10/24/2007
Sacramento Asian Chamber of Commerce	No Date
Sacramento Audubon Society	01/07/2008
Sacramento Black Chamber of Commerce	01/07/2008
Sacramento County Farm Bureau	11/06/2007
Sacramento County Taxpayers League	10/06/2007
Sacramento Hispanic Chamber of Commerce	12/18/2007
Sacramento Metropolitan Air Quality Management District	09/19/2007
Sacramento Metropolitan Air Quality Management District	10/29/2007
Sacramento Metropolitan Chamber of Commerce	01/04/2008
Save Our Sandhill Cranes	10/02/2007
Sharon Frederick	01/04/2008
Shirley Hines	01/08/2008
South Natomas Transportation Management Association	10/10/2007
Sue Thompson	09/27/2007
Sue Thompson	10/09/2007
Susan and Ron Heaton	01/08/2008
Sutter County Community Services Department	09/27/2007
Swainson's Hawk Technical Advisory Committee	09/02/2006
Thomas C. Reavey	10/05/2007
Trudy Ziebell	01/07/2008
US Fish & Wildlife Service	09/18/2007
US Fish & Wildlife Service and Department of Fish and Game	03/21/2006
US Fish & Wildlife Service and Department of Fish and Game	09/05/2006
US Fish & Wildlife Service and Department of Fish and Game	09/18/2007
Alexis Jones	09/08/2007
Belle Mertz	09/18/2007
David Huhn	09/18/2007
Friend's of the Swainson's Hawk, Environmental Council of Sacramento, and	06/01/2006
Gina McKeever	09/17/2007
Judith Levy	09/10/2007
Kelly Hughes	09/13/2007

Marc and Alison Thomas	09/18/2007
Micheal Rockenstein	09/18/2007
Patrick Robrecht	09/17/2007
Rio Linda Union School District	09/19/2007
Sacramento Metropolitan Chamber of Comm	09/19/2007
Sally Pettigrew	09/15/2007
Ted Gibson	09/16/2007
William James	09/14/2007
Pedro Martinez	09/14/2007

From: a kilgore <arkilgore@yahoo.com>
To: <redbanes@comcast.net>, <mnotestine@mognot.com>, <planning.samuels@yahoo.com>, <blw2@mindspring.com>, <dwoo@insurance.ca.gov>, <hfargo@cityofsacramento.org>, <rtretheway@cityofsacramento.org>, <ssheedy@cityofsacramento.org>, <scohn@cityofsacramento.org>, <rkfong@cityofsacramento.org>, <hammond@cityofsacramento.org>, <kmccarty@cityofsacramento.org>, <bpannell@cityofsacramento.org>, <rwaters@cityofsacramento.org>, <rkerridge@cityofsacramento.org>
Date: 10/11/07 7:07AM
Subject: I urge you not to accept or certify the Greenbriar EIR

1025 University Ave. #70
 Sacramento, CA 95825
 October 10, 2007

Dear Mayor, Commissioners, Councilpersons,

Subject: Greenbriar EIR

I am writing as a concerned citizen of the City of Sacramento, in opposition to the acceptance of the Greenbriar EIR. I am not particularly anti-development, I simply believe opportunities exist to accommodate growth and economic development without the loss of prime agricultural, wildlife impacts to one of the most significant populations of Giant Garter Snakes, and over 50 Swainson's Hawk nesting sites in the project area of Greenbriar.

Mostly, I am very concerned about the decision making process on multiple levels which appear to be streamlined to approve this project. In every measure I have observed, the process has been biased in favor of the project, without regard to other factors that must be considered.

There is sufficient developable land in the existing urban services boundary and the City's existing sphere of influence. The LAFCo approval of an expansion for this project violates the rules under which they are governed. LAFCo should be approving annexations for orderly growth, and conserving agricultural lands, not project-specific. This project consumes valuable greenfield lands outside city boundaries, and urban limit lines.

The NBHCP¹ is the mechanism to prevent a jeopardy take of Giant Garter Snake, and for the protection of Swainson's Hawk. However, mitigation lands have not been secured, or purchased, and no incidental take permit has been issued by the US Fish and Wildlife Service. The original HCP assumed areas outside the HCP permit area would remain in agriculture.

Mitigation lands identified are offsite, and essential connectivity through wildlife corridors is not provided.

Safety to residents and wildlife. Flood control levees have been de-certified, and do not meet the 100-year flood standard. Risk to life, property and the environment are unacceptable.

Air quality concerns have not been fully addressed in the EIR. Two neighboring freeways, and a nearby airport will impact the potential residents. The project does nothing to address the single-rider transportation patterns that maintain dependencies on fossil fuels, and degrade air quality.

Mitigation for loss of Prime Agricultural (~600 acres of Prime Agricultural Land are lost by this project) should occur at a minimum of a 1:1 ratio. Other jurisdictions have mitigated at a 3:1 ratio.

In summary, the Greenbriar project appears to be "rule by developer", rather than a well-planned project that Sacramento County and City both need and deserve. I urge all decision makers to reject not only the Greenbriar EIR, but all others like it. If decision makers do not act responsibly now, our future will be devoid of clean air, open space, locally grown food, flood free places to live, continued global warming, and loss of biodiversity. Our children will be stuck paying the hidden costs for this type of development.

Sincerely,
Alan Kilgore

CC: Judith Lamare <judelam@sbcglobal.net>

263

From: Allen Jamieson <allenj@macnexus.org>
To: <hfargo@cityofsacramento.org>
Date: 1/3/2008 2:00 PM
Subject: Greenbriar project

I understand that almost all politicians at all levels are enthused over building anything anywhere, in the hope of making more jobs and getting more property taxes.

BAD THINKING!

The proposed Greenbriar Project is totally BAD from an environmental standpoint; anyway, the last thing we need is more people crowding into our already crowded city and county.

I hope you will vote AGAINST this disastrous proposal from the ever-greedy Tsakopolis

Allen Jamieson
allenj@macnexus.org
3611 East Curtis Drive
Sacramento CA 95818

From: eli bassin <trendy72@yahoo.com>

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge;
Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Scot Mende; Steve
Cohn

1/15/2008 11:16 AM

Subject: No on Greenbriar Tuesday workshop

Please include this comment in the public record tonight so I can save you time not
making official public testimony.

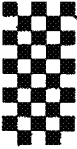
Simple to the point:

Downtown: Your cities economic/infrastructure core is in downtown. With the increase
in housing prices it has recently become affordable for amazing developments to occur in
downtown these past few years. Your team has done wonderful things with the rail
yards. Slow this sprawling growth so we can continue to keep enough demand to invest
in our downtown core.

Flood: A single additional unit should not be built behind our levies unless you are ready
to promise your life that a levy will not break and nobody will die as you are putting
uneducated people in the potential path of harm. People trust their educated leaders, you
should be able to promise their safety. These are people and families lives your putting
in a dangerous place.

Thank you for being responsible leaders

Ariel Gardiner
Resident of Downtown Sacramento
1531 T street



2d

January 7, 2008

Dear Mayor Fargo and Councilmembers:

I oppose the Greenbriar project because there are too many unresolved problems that should be evaluated in the context of regional development. It is located outside the existing urban growth boundary, and the environmental impact report for the project does not adequately evaluate or mitigate for adverse impacts on wildlife habitat, the loss of farmland, air quality, transportation, resource consumption, and climate change.

There are alternatives for housing at existing sites within the City of Sacramento and adjacent urban areas. Approval of the Greenbriar project is inconsistent with regional goals of minimizing sprawl and protecting open space.

Please support good regional planning for our area by rejecting the Greenbriar project.

Sincerely,

Christine Bailey
11343 Sutter's Fort Way
Gold River, CA 95670
(916) 635-8194

From: C Hurd califmtngrl@yahoo.com

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge; Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Scot Mende; Steve Cohn

1/15/2008 2:38 PM

Subject: REJECTED Greenbriar

Dear Council Members -

I urge you to vote NO on the Greenbriar Project because:

****City Planning Commission REJECTED Greenbriar --The project would pave over 577 acres of prime farmland;**

****Sacramento County Taxpayers League OPPOSES the development (lack of public transportation);**

****Natomas Community Association OPPOSES Greenbriar because City has made numerous unfulfilled promises to Natomas residents, attested to by the Sacto County Grand Jury, 2007;**

****Greenbriar is located OUTSIDE existing urban growth boundary;**

****Greenbriar is UNNECESSARY because there is more than enough space within existing municipal boundaries to handle new growth for many years (City staff is using questionable population growth projections - significantly higher than state's estimates - to justify project);**

****Greenbriar should not be considered until successful housing is created at downtown Railyards site and at numerous other infill sites within City and adjacent urbanized areas (like south Sacramento and Rosemont);**

****There are already 2000 acres of vacant land in North Natomas already approved for development that has yet to occur;**

****Much of Greenbriar site is located in overflight zone of Int'l Airport;**

****Natomas levees are currently uncertified and much of Natomas sits in a deep flood basin;**

****U.S. Army Corps of Engineers has not approved proposed levee improvement work and state funding has yet to fully materialize;**

****The City's new General Plan states that there will be NO development on greenfields (farmland outside the City) unless there is 200 year flood protection - BUT Greenbriar is being pushed well before 200 year protection is secured;**

****Greenbriar would result in paving over of more prime farmland in Natomas with NO guaranteed mitigation in Natomas Basin;**

****Greenbriar poses serious toxic air and noise pollution impacts for residents because of location next to two freeways and under airport overflight zone, raising concerns from State Office of Health Hazard Assessment (OEHHA);**

****Greenbriar has raised serious concerns among wildlife agencies and research scientists who question feasibility of mitigating impacts on wildlife and habitat protected by existing Natomas Basin Conservancy and Habitat Conservation Plan.**

Thank you for your attention in this matter.

Catherine Callahan Hurd
3154 O Street
Sacramento 95816

From: cmazz@surewest.net

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge;
Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Steve Cohn

Subject: Greenbriar Project

1/8/2008 1:52 PM

Date Dear Mayor Fargo and Councilmembers:

Please vote no on Greenbriar. I am concerned about wildlife and preserving threatened species. This project is in the area covered by the Natomas Basin Habitat Conservation Plan (NBHCP) but outside the permit area of that Plan. US Fish and Wildlife and California Fish and Game will have to approve permits beyond the current NBHCP if Greenbriar is to develop. The City has not reached any agreement with these agencies about what the impacts of the project are on the Natomas Basin Conservancy and the NBHCP, and has not reached any agreement about what permit conditions (mitigations) will be provided to offset all impacts. It should not approve the development until it has agreed on conditions for permits to destroy the species living there. The City should not pave over habitat for threatened species until it has completed filling in the vacant land in the current City limits.

Christopher Mazzarella
1565 Danica Way
Sacramento, CA 95833
(916) 923-3613

From: cmazz@surewest.net

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge;
Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Steve Cohn

1/21/2008 3:53 PM

Subject: Greenbriar Project

Dear Mayor Fargo and Councilmembers:

Please vote no on Greenbriar. I am concerned about wildlife and preserving threatened species. This project is in the rea covered by the Natomas Basin Habitat Conservation Plan (NBHCP) but outside the permit area of that Plan. US Fish and Wildlife and California Fish and Game will have to approve permits beyond the current NBHCP if Greenbriar is to develop. The City has not reached any agreement with these agencies about what the impacts of the project are on the Natomas Basin Conservancy and the NBHCP, and has not reached any agreement about what permit conditions (mitigations) will be provided to offset all impacts. It should not approve the development until it has agreed on conditions for permits to destroy the species living there. The City should not pave over habitat for threatened species until it has completed filling in the vacant land in the current City limits.

Christopher Mazzarella
1565 Danica Way
Sacramento, CA 95833
(916) 923-3613



January 7, 2008

Mayor Heather Fargo and City Council Members
Fax number: 264-7680

Dear Mayor Fargo and Council members:

We are writing on behalf of the Coalition for Clean Air, the Planning and Conservation League, and the American Lung Association of California to express serious concerns about the current Greenbriar development project you are considering this month. Our primary air quality concern with the project is that residences would be built within 500 feet of the freeway which the California Air Resources Board's Air Quality and Land Use Handbook clearly recommends not be done.

After many years of criticism for not providing adequate information to local land use agencies the California Air Resources Board invested a lot time and resources to create an Air Quality and Land Use Handbook which it published in 2005. Per the Executive Summary of the Handbook,

"The Air Resources Board's (ARB) primary goal in developing this document is to provide information that will help keep California's children and other vulnerable populations out of harm's way with respect to nearby sources of air pollution. Recent air pollution studies have shown an association between respiratory and other non-cancer health effects and proximity to high traffic roadways. Other studies have shown that diesel exhaust and other cancer-causing chemicals emitted from cars and trucks are responsible for much of the overall cancer risk from airborne toxics in California...

Focusing attention on these siting situations is an important preventative action. ARB and local air districts have comprehensive efforts underway to address new and existing air pollution sources under their respective jurisdictions. The issue of siting is a local government function. As more data on the connection between

proximity and health risk from air pollution become available, it is essential that air agencies share what we know with land use agencies..."

In Table 1.1 of the Handbook, CARB makes the following specific recommendation:

**Recommendations on Siting New Sensitive Land Uses
Such As Residences, Schools, Daycare Centers, Playgrounds, or Medical
Facilities***

Source Category	Advisory Recommendations
Freeways and High-Traffic Roads	<ul style="list-style-type: none"> • Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.

Numerous studies in recent years have found adverse health impacts from living or attending school close to freeways or other high-traffic roads. The health impacts include decreased lung function, exacerbated asthma, and premature death. The CARB Handbook summarizes the recent health findings as follows:

Key Health Findings

- Reduced lung function in children was associated with traffic density, especially trucks, within 1,000 feet and the association was strongest within 300 feet. (Brunekreef, 1997)
- Increased asthma hospitalizations were associated with living within 650 feet of heavy traffic and heavy truck volume. (Lin, 2000)
- Asthma symptoms increased with proximity to roadways and the risk was greatest within 300 feet. (Venn, 2001)
- Asthma and bronchitis symptoms in children were associated with proximity to high traffic in a San Francisco Bay Area community with good overall regional air quality. (Kim, 2004)
- A San Diego study found increased medical visits in children living within 550 feet of heavy traffic. (English, 1999)

= As air pollution from freeway traffic is high enough to cause health impacts within 1000 feet of freeways, we believe CARB could have recommended against any residential development within this range. CARB however decided to take a more conservative approach and limited their recommendation for not siting residences to 500 feet.

For these reasons we urge you not to approve this project in its current form or any other project that proposes to build residences within 500 feet of a major freeway.

Sincerely,

Tim Carmichael
Coalition for Clean Air

Gary Patton
Planning and Conservation League

Bonnie Holmes Gen
American Lung Association of California

cc:

Larry Greene, Sacramento Metropolitan Air Quality Management District

Mary Nichols, Chair, California Air Resources Board

James Goldstene, Executive Officer, California Air Resources Board

Joan Denton, Director, Office of Environmental Health Hazard Assessment

Ray Kerridge, City Manager

Municipal Services Agency

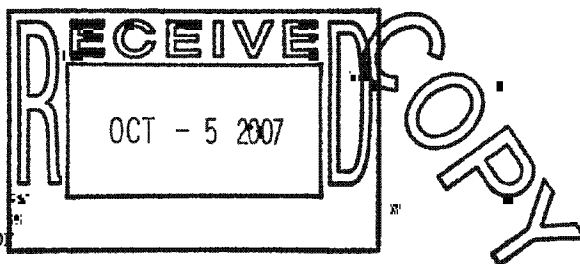
Department of Transportation

Tom Zlotkowski, Director



Terry Schutten, County Executive
Paul J. Hahn, Agency Administrator

County of Sacramento



October 2, 2007



City of Sacramento
Development Services Department
2101 Arena Boulevard, Second Floor
Sacramento, CA 95834

SUBJECT: COMMENTS ON FINAL ENVIRONMENT IMPACT REPORT FOR GREENBRIAR MASTER PLANNED COMMUNITY

Dear Mr. Buford:

The Sacramento County Department of Transportation has reviewed the Final Environmental Impact Report (FEIR) for the Greenbriar Master Planned Community. We appreciate the opportunity to review this document. Our comments are as follows:

1. **Page 6-32 and S4-3.** Even though there is no school near the project site. Comparatively, during schools are in session regional facilities such as major thoroughfares and freeway facilities would experience slightly higher traffic than during schools' off session. For example, students from Sutter and Yuba counties would commute to Sacramento County's colleges and universities. From my past experience, generally, traffic counts shall be done only during the schools in session to reflect the congested AM peak conditions. This was the primary reason for the original comment. Also, this would make the EIR more defensible if ever challenged.
2. **Page 6-32 and S4-4.** Response to comment states that Circular 212 methodology was used to compute the LOS for the County's signalized intersections. But, Appendix B to F of the Second Recirculated DEIR uses Intersection Capacity Utilization (ICU) methodology which is inconsistent with the County's Traffic Impact Analysis (TIA) Guidelines (July 2004). Using the County's modified Circular 212 methodology would result in slightly different results. Therefore, impacts on the County's signalized intersections are not correctly evaluated. Please evaluate the County's signalized intersections using the correct methodology as specified in the County's TIA guidelines.



"Leading the Way to Greater Mobility"

Design & Planning: 906 G Street, Suite 310, Sacramento, CA 95814 . Phone: 916-874-5291 . Fax: 916-874-7831
Operations & Maintenance: 4100 Traffic Way, Sacramento, CA 95827 . Phone: 916-875-5123 . Fax: 916-875-5363
www.sacdot.com

Mr. Tom Buford
October 2, 2007
Page 2

Should you have any questions, please feel free to contact me at (916) 875-2844.

Sincerely,



Jaskamal Singh
Associate Transportation Engineer
Department of Transportation

JS:js

CC: Don Lockhart – Sacramento LAFCO 1112 I Street, Suite 100, Sacramento, CA 95814
Judy Robinson - Planning
Steve Hong - IFS
Dan Shoeman – DOT
Dean Blank – DOT
Matthew Darrow – DOT
Bob Davison – IFS
Theresa Mack – IFS

From: "Merritt, David (DHCS-SNFD-ACLSS)" David.Merritt@dhcs.ca.gov
To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge;
Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Steve Cohn
1/7/2008 10:49 AM
Subject: The Greenbriar Project

Dear Mayor Fargo and Councilmembers:

The Greenbriar Project, which comes before the City Council on January 8, must be opposed. It is a bad idea for reasons that affect everyone in our area and a good idea for reasons that affect a small part of our area. It is bad idea because:

1. It deprives visitors to our fine city of the expansive first impression they receive of waving green fields or water-filled fields abuzz with egrets and hawks and rabbits.
2. It contributes to an ugly impression of endless impersonal sprawl-think of housing near airports in the Los Angeles basin.
3. It further restricts habitat available to threatened and endangered wildlife without providing adequate habitat mitigation.
4. It further reduces available prime farmland without providing adequate mitigation of losses to agricultural production.
5. It increases the amount of polluted urban runoff into the Sacramento River.
6. It increases the number of persons and buildings at risk for flood.
7. It increases the number of commute trips in an area that has no public transit.
8. It increases the financial burden on the City to provide for drinking water, sewage treatment, street maintenance, police and fire protection, public transportation, and educational facilities.
9. It contributes to the decay of older neighborhoods whose public services are already well-established and whose schools are experiencing declining enrollments.
10. It contributes to defacto ethnic and economic segregation, which deprives all of the City's people of the benefits of diversity and diminishes the horizon of opportunity for children being raised in poverty.
11. It ignores the availability of large parcels of land within the existing urban area.
12. It ignores the existing availability of retail business to serve the City's growing population.
13. It contradicts the City's stated intentions of enlivening its urban core.
14. It contributes to the current economic housing crisis by adding houses that will compete for value with thousands of existing area vacancies.
15. It continues the potential for conflict-of-interest between private developers and City officials who own land parcels.

It is a good idea because:

1. The City will receive increased revenues from developer fees and property taxes.
2. It completes a zone of human occupation along the proposed light-rail line to the airport.
3. It provides temporary employment for construction company employees.

4. It enriches the City's most prosperous developer.

City staff oppose this plan. Both liberal and conservative community groups oppose this plan. Please oppose this plan.

Thank you,

David Merritt
7021 Wilshire Circle
Sacramento, CA 95822

From: "Deanna Marquart" marquart-policy@comcast.net
To: Heather Fargo; Steve Cohn
CC: Brooks Truitt; GPAC - Joe Yee; Matt Piner; Ray Kerridge; SACOG - Mike
McKeever; Tom Pace; William Crouch
Subject: No to Greenbriar
1/15/2008 9:42 AM

TO: Hon. Heather Fargo, Hon. Steve Cohn

The Greenbriar project does not fit with the priorities that are emerging through the general plan process, and I sincerely urge you to vote against it. A "NO" on Greenbriar would help send a signal to Sacramento residents and developers alike that our city's leadership is serious about development that moves Sacramento forward toward livability and sustainability: two values that require action and discipline in order to achieve and preserve them.

Please vote NO on Greebriar.

Deanna Marquart
2216 L Street
Sacramento, CA 95816



State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME

ARNOLD SCHWARZENEGGER, Governor

<http://www.dfg.ca.gov>

North Central Region

1701 Nimbus Road, Suite A

Rancho Cordova, CA 95670

(916) 358-2900



December 13, 2007

Mr. Scott Mende, New Growth Manager
City of Sacramento
915 I Street, New City Hall, Third Floor
Sacramento, CA 95814-2604

Mr. Robert Sherry, Planning Director
Sacramento County
Planning and Community Development Department
827 7th Street, Room 230
Sacramento, CA 95814

Dear Messrs. Mende and Sherry:

The purpose of this letter is to provide the City and County of Sacramento with a clearer understanding of the Department of Fish and Game's (Department) current position regarding Swainson's hawk foraging habitat mitigation for the growing number of projects being proposed within the Natomas Basin. Over the past two or so years, as we have been engaged with the City and County in their Joint Vision process, along with the discussion of numerous specific projects within the Basin, including Greenbriar, Sacramento Airport expansion, SAFCA levee protection, etc., both the Department and the U.S. Fish & Wildlife Service have consistently and repeatedly identified the impact of additional development within the basin as a major concern as it potentially affects the baseline values that were the foundation for the Natomas Basin HCP (NBHCP).

It has been and remains our position that the most effective mechanism for identifying how additional development can occur within the Basin while not negatively impacting (and in fact, hopefully enhancing) those original baseline values is through a process like Joint Vision. Without such a comprehensive assessment aimed at the entire area, it has become increasingly difficult to fully assess the long-term affects of currently proposed projects, especially as the number of those projects has increased. With respect to the Swainson's hawk, as you are aware, we have been repeatedly asked to support mitigation ratios that are less than current County policy and the policies of several permitting jurisdictions within the County and the region; policies that set the mitigation ratio for larger projects at one acre of mitigation for each acre of foraging habitat lost.

Messrs. Mende and Sherry
December 13, 2007
Page Two

After much discussion, both within the context of the Joint Vision meetings, meetings with Greenbriar, and internal meetings within the Department, we have come to the conclusion that until such time that the City and County can demonstrate through Joint Vision, or some other comprehensive process, that from a conservation perspective, the future of the Natomas Basin will likely be as good, or hopefully even better, than when the NBHCP was approved, that we cannot in good faith support mitigation at less than one acre for one acre for Swainson's hawk foraging habitat. While we understand the logic of considering mitigation that is focused on quality as much or more than quantity, there are simply too many uncertainties regarding the future condition and availability of the lands within the Basin to support anything less than an acre of mitigation for an acre of impact at this time.

If you have any questions regarding our concerns or position, please do not hesitate to contact Mr. Kent Smith at (916) 358-2382 or ksmith@dfg.ca.gov, or Mr. Todd Gardner, Staff Environmental Scientist, at (209) 745-1968 or tgardner@dfg.ca.gov.

Sincerely,


Sandra Morey
Regional Manager

cc: Ms. Carol Shearly
City of Sacramento Planning Department
New City Hall
915 I Street, 3rd Floor
Sacramento, CA 95814

Ms. Leighann Moffitt
Ms. Julie Car
Sacramento County
827 7th Street, Room 230
Sacramento, CA 95814

Mr. Larry Combs
Sutter County
1160 Civic Center Boulevard
Yuba City, CA 95993

Messrs. Mende and Sherry
December 13, 2007
Page Three

cc: Mr. John Mattox
Office of General Council
1416 Ninth Street
Sacramento, CA 95814

Mr. Kent Smith
Mr. Jeff Drongesen
Mr. Todd Gardner
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670



909 12th Street, Suite 100 • Sacramento, CA • 95814 • (916) 420-4829

October 10, 2007

Joseph Yee, Chair
Sacramento City Planning Commission
915 I. St
Sacramento, CA 95814

Greenbrier (Item 3, October 11, 2007 agenda)

The Environmental Council of Sacramento (ECOS) is opposed to the proposed annexation and future development of the Greenbrier project in North Natomas. Both the location and timing of the development are inconsistent with smart growth principles. The project will destroy important habitat and prime agricultural lands, put residential development too close to freeways and in the flight path of the Sacramento International Airport, and undermine incentives for infill development. The approvals are also being rushed through with unseemly haste, ahead of habitat conservation planning, ahead of provision of adequate flood protection, and ahead of the City's general plan update.

ECOS submitted comments on the Sphere of Influence expansion for the Greenbrier project and has reviewed the comments of Friends of Swainson's Hawk on the Greenbrier annexation. ECOS incorporates those comments by reference, and adds these observations.

I. Infill Incentives

Promoting infill development, including use of vacant parcels in developed areas, redevelopment of underused industrial sites and commercial corridors, and cleanup and reuse of contaminated sites, is and ought to be a priority for the City of Sacramento. The City of Sacramento has substantial areas of land suitable for infill development, including areas within the City's sphere of influence in Rosemont and South Sacramento. These areas are more than adequate to meet the City's needs for additional housing.

It will be difficult to promote infill and redevelopment, however, if the City continues to annex more greenfields for development. Although infill has substantial benefits to the community, in terms of savings on infrastructure costs and reduced environmental impacts, these savings are not necessarily reflected in the costs to those developing infill projects. If too much cheap land is made available for greenfield development, infill development will suffer. Opening up new areas to greenfield development undermines

the market for infill. Claims that the Greenbrier project is needed because infill and redevelopment projects are unlikely to proceed amount to self fulfilling prophecies.

II. Transit Friendly Development

Greenbrier proponents tout its proximity to the proposed DNA light rail line. The DNA line is not moving forward at this time, however, and is unlikely to be built for at least twenty years. Nor are there any immediate plans for bus rapid transit or other substantial transit service. As a result, even if the Greenbrier site is planned for transit friendly development, it is unlikely that transit friendly development will in fact occur if the area is annexed and plans for development move ahead now. Instead, projects will be designed and built for automobile dependent uses.

Already, one of the proposed commercial centers is proposed for a big box retailer like Home Depot. Even where initial plans call for transit friendly development, the City will have a very difficult time effectuating those plans unless development occurs concurrent with the provision of transit. The pattern we have seen in the developed areas of North Natomas, where the community plan calls for development along a transit corridor, but as specific projects are proposed they instead are designed for access by car, will be repeated. When and if transit ultimately is provided, it will be hard to make it work because the area has been developed for use without transit.

III. Comprehensive Planning and the General Plan Update

The City of Sacramento is undertaking a general plan update. The process provides an opportunity to consider the City's priorities for development and available resources. This should include an evaluation of the need, if any, for expansion of the area devoted to urban development -- as opposed to accommodating growth through more efficient use of the existing urbanized areas -- and identification of priorities for protection of habitat, open space, and agricultural lands. Consideration of whether the urban area should be expanded through annexation of areas currently devoted to agricultural or open space uses, and what areas are appropriate for annexation, should be informed by that comprehensive planning effort.

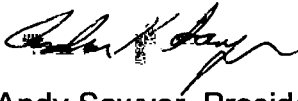
Similarly, the determination of what the land uses should be within an annexed area can best be evaluated as part of the general plan update, so that citywide needs are taken into account and land uses within the annexed area are coordinated with planned uses in adjacent areas.

Annexing the Greenbrier area and designating land uses now, before the general plan update is completed, is premature. Similarly, annexation the Greenbrier area before completion of the Natomas Joint Vision process, including identification of those areas in North Natomas that are the highest priority for protection as open space, is premature.

Nor does it appear there is any compelling need to move ahead now. There has been a downturn in the housing market, and with the Federal Emergency Management Agency's rejection of the City's request for A99 designation, it is unlikely any residential construction will occur in the Greenbrier area in the near future.

The proposed Greenbrier annexation is at the wrong time, in the wrong place. It is too close to the airport, unnecessarily destroys important habitat, open space, and agricultural lands, undermines incentives for infill, forecloses options for transit friendly development, and prejudices planning processes, including the general plan update, that are currently underway. ECOS urges the City Planning Commission to reject the proposed annexation.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Sawyer", with a stylized flourish at the end.

Andy Sawyer, President
Environmental Council of Sacramento



Friends of Light Rail & Transit
P.O. Box 2110
Sacramento, CA 95812
916.978.4045

December 10, 2007

Sacramento City Councilmembers
915 I Street
Sacramento, CA 95814

Dear Honorable Councilmembers:

On behalf of the Board of Directors of Friends of Light Rail & Transit (FLRT) I am offering this letter of support for the Greenbriar project in the Natomas community.

In October our board heard a presentation on the project from Brett Hogge, Riverwest Investments. Mr. Hogge shared details of the project, and as followup, completed our organization's Transit Oriented Development (TOD) Evaluation form. Our TOD Criteria and Evaluation sheet was created in 2002 in response to years of work in the region promoting TOD planning and development. Although our evaluation form is simple by design, we feel it addresses the key components of successful TOD projects.

The Greenbriar project scored well when reviewed using our evaluation sheet. To support the scoring, our staff further researched details of the project, including a review of information from both opponents and proponents of the project. Paramount to our support is the projected ridership generation (for the future DNA line) and the planned housing densities within ½ mile of the future light rail station. FLRT believes that the DNA light rail extension is critical to the success of our transit system, and projects such as Greenbriar will help us ensure that the line is funded and built in the future, giving thousands of community residents an alternative to driving into Downtown Sacramento, or to the dozens of communities light rail will service. We did not review or have an extensive discussion on process, environmental impacts or land use policy.

I have attached our TOD Criteria and Evaluation form for your information. We can be reached by contacting our Executive Director Seann Rooney at (916) 447-1960.

Sincerely,

Dain Domich
President

Attachments



915 I St., C-425
Sacramento, Ca. 95814
916-447-4956

October 4, 2007

Joseph Yee, Chair and Members of the Commission,
City Planning Commission
915 I Street
Sacramento, Ca. 95814

Dear Mr. Chairman and Members of the Commission:

Thank you for continuing the hearing on Greenbriar to October 11. What is before you in the Greenbriar application is a complex of ten interrelated documents each requiring a decision by the Commission. This project is not in the current General Plan and it would have a huge impact on the City and its priorities. If this project were in the General Plan, you would not have so much to review and approve. These decisions each deserve a public hearing with members of the public able to speak on each one. Instead, we are told to share our three minutes of testimony on all ten items.

Good Planning. What citizens care about is planning well for growth. Poorly planned growth occurs when projects move forward that are not in the General Plan. Poorly planned growth happens when Planning Commissions do not examine the documents before them carefully. The Planning Commission has the responsibility for planning city expansions properly. When you look at the ten documents you must approve before Greenbriar moves forward to the Council, you will find numerous planning deficiencies. You should start with a thorough debate and discussion of whether it is appropriate to repeal the 2001 resolution [Repeal of Resolution No. 2001-518] that prohibits the City from piece meal development in North Natomas.

Priorities. On the merits of the Greenbriar proposal, we are not persuaded that it is intrinsically a good project for the City. However, we are convinced that it is far more important at this time to focus City attention and resources on making the Railyards Project work. Greenbriar if approved will distract from and compete with Railyards, Township 9 and other projects in the River District. Infrastructure for Railyards is critical. Railyards is the first new community to be served by the proposed DNA line. Until it succeeds, the DNA line will not go further.

Light Rail. Much has been made of the notion that Greenbriar brings light rail to the airport. This is a fiction. There is no Draft Environmental Impact Report for the DNA line because the federal government has not agreed to begin that process. No matter what you do with Greenbriar, the DNA line does not get into the federal "new starts" queue until the first segment to the American River (the one mile "Minimum Operable Segment" north from the Sacramento Valley Station) is completed with local and state money, and a sales tax for transit has been adopted by the voters of this county to fund operating the line. When are these two preconditions likely to happen?

Certifying the EIR. The Greenbriar FEIR has a number of serious problems made clear in the written record, and you should not certify it until they are fixed.

- The wildlife mitigation program is grossly inadequate as stated by the California Department of Fish and Game and U.S. Fish and Wildlife Service (September 18, 2007) and the Swainson's Hawk Technical Advisory Committee (September 2, 2006).
- The air toxics analysis is flawed and mitigation for air quality impacts inadequate as stated by the Sacramento Metropolitan Air District letter of September 20, 2007, and the State Office of Health Hazard Assessment (letter to APCO Larry Greene, September 26, 2007) .
- The EIR identifies significant and unmitigated direct and cumulative impacts of the project from paving over 588 acres of prime farmland. Other jurisdictions are mitigating by requiring acquisition of farming easements to ensure agricultural use in perpetuity on an acre preserved for each acre paved over. Why is the City of Sacramento not meeting the same standard? What evidence is there that the City/applicant proposal to double count habitat mitigation land as farmland preserved is justified? We don't believe it can be justified.
- There is lack of substantial evidence for the finding that the city lacks space inside its existing boundary to meet housing needs in the next decade. In fact it can meet housing need within the already urbanized area for the next 10 to 15 years using current projections.
- There is lack of substantial evidence that other locations for new housing do not have light rail and transit access at least equivalent to what Greenbriar can be expected to have. In fact, the Railyards, Delta Shores, Florin Road and Rosemont are infill areas with light rail existing or planned.

Habitat Mitigation Approvals Should Come First. Our organization has very specific concerns about the inadequacy of the mitigation in the FEIR for impacts on Swainson's Hawks and for agricultural land loss. We have stated those in comments by legal counsel, James P. Pachl (FEIR, pp 4-300 -303) and in letters to LAFCo in September. Swainson's Hawk biologists have also stated concerns in a separate letter (FEIR pp. 4-509-4-514) with which we concur. The TAC's detailed comments make clear that the Swainson's Hawk mitigation is inadequate and not based on science.

In the absence of state and federal wildlife regulatory agency approval of the effects analysis and mitigation program (HCP) for the project, the FEIR's assertions in response to our comments lack the weight of substantial evidence. Do not certify the EIR and do not adopt the Mitigation Monitoring Program until the wildlife agencies have approved an effects analysis and a mitigation program for Greenbriar. Otherwise, the EIR and MMP simply defer mitigation. The public and the Commissioners are entitled to know what the mitigation will be, not simply that a new HCP will be obtained, with no disclosure of the mitigation measures and the cost.

Sincerely,



Judith Lamare Ph.D., President





915 L St., C-425 Sacramento, Ca. 95814 www.swainsonshawk.org

January 8, 2008

Mayor Fargo and Members of the Council
915 I Street
Sacramento, Ca. 95814

Re: Annexation of Greenbriar, impacts on habitat, Natomas Basin Conservancy (NBC),
Natomas Basin Habitat Conservation Plan (NBHCP)

Dear Mayor Fargo and Members of the Council:

Friends of the Swainson's Hawk is well on record in numerous comment letters regarding the Greenbriar project and its Environmental Impact Report since 2005. I am attaching some of these documents as well as relevant comment letters by the wildlife regulatory agencies and the Swainson's Hawk Technical Advisory Committee. These comments are still relevant because the City has not presented an adequate habitat mitigation program for Greenbriar. Instead, the FEIR claims that mitigation will be adequate when the proponents meet all permit requirements with wildlife regulatory agencies. This claim violates California Environmental Quality Act by deferring mitigation. It also constitutes a violation of the existing Habitat Plan by the City. FOSH is also very concerned with the lack of adequate farmland mitigation for the project since the NBHCP assumes the continuation of agriculture in the basin in perpetuity. Farmlands are important to the sustainability of the Basin's Swainson's Hawk population and its Giant Garter Snake population.

Approval of the Greenbriar Annexation Would Violate The 2003 Natomas Basin Habitat Conservation Plan (NBHCP)

The effectiveness of the NBHCP's Operating Conservation program is explicitly premised on City's commitment to limit development to 8,050 acres within the City's Permit Area, Sutter to 7,464 acres, and Metro Air Park's to 1,986 acres, for a total of 17,500 acres. The NBHCP, EIR/EIS, and other decision documents rely upon the assumption that the rest of the Basin will remain in agriculture and continue to provide habitat values for threatened Giant Garter Snake (GGS) and Swainson's Hawk (SWH).

The Federal District Court, Judge David Levi, construed the effect of these provisions in its decision upholding the 2003 NBHCP, September 8, 2005, as follows:

At pg. 30, fnnt 13, of the Opinion, the Court states that:

"...the Service and those seeking an ITP (Incidental Take Permit) in the future will face an uphill battle if they attempt to argue that additional development in the Basin beyond 17,500 acres will not result in jeopardy," pointing out that the HCP, Biological Opinion, Findings, and EIR/EIS are predicated on the assumption that development will be limited to 17,500 acres and the most of the remaining lands will remain in agriculture during the 50-year Permit Term.

At pg. 22, fn. 10, of the Opinion, the Court states that:

"...while plaintiffs contend that future development will vitiate the NBHCP, it is more likely that, if future development in the [Sacramento] County will have this effect, the Secretary will decline to issue ITP's for development in [Sacramento] County or will insist on mitigation that may be considerably greater than required by the NBHCP."

The wildlife agencies have not agreed to issue Incidental Take Permits for Greenbriar. The required habitat mitigation ratio likely will substantially exceed 1 to 1 if these agencies ultimately do issue Permits. The City does not know what may be required to obtain these permits and would be well advised to maintain flexibility in dealing with the wildlife agencies. By pre-committing itself to many details of the project prior to final resolution of the habitat mitigation issues, the City reduces its flexibility and future options not only for the project area, but also for compatible and successful land uses in the rest of the Basin. Moreover, by approving annexation of this project without an agreement with the wildlife agencies, the City puts its land use and transportation program in limbo. It sets itself up to break promises later. Not knowing what the mitigation requirements might be, the City signs a blank check committing itself and its resources to the annexation. The likely result is that the City will later have to make disappointing changes in project. It will not be able to reverse the annexation.

City's FEIR/EIS for the Natomas Basin Habitat Conservation Plan, pp. 3-30 - 3-31, certified by Sacramento City Council on May 13, 2003, represented to the wildlife agencies that:

"Development of West Lakeside and Greenbriar Farms is not considered reasonably certain to occur because extensive studies, planning and further analyses are required as part of the Joint Vision process before any development approvals may be considered for any of these areas, and because the outcome of these efforts is unknown" (FEIR/EIS p. 3-31, attached.)

Yet the City is now proceeding to annex Greenbriar without completing those "Joint Vision studies, planning and further analysis." It would be wiser to stick to the previous strategy.

The City in the Natomas Basin Habitat Conservation Plan and in the Implementation Agreement that it signed with the wildlife regulatory agencies agreed to do a effects analysis and fully mitigate for all impacts on the NBHCP and the operating program of the Natomas Basin Conservancy for any future development in the Basin. Yet it has not achieved agreement with the wildlife regulatory agencies about those effects and mitigations for the Greenbriar project. To quote from the wildlife agencies' letter:

"The Effects Analysis and proposed conservation strategy in the DEIR were created with little input from the Wildlife Agencies and have not been evaluated by the Wildlife Agencies to

determine their consistency with Federal and State Endangered Species Act requirements or their effects on the efficacy of the NBHCP."

and

"Future development in the basin will require a new conservation strategy that is developed with input and review from the Wildlife Agencies, to address these impacts."

[US FWS and CDFG September 5, 2006 letter entitled "Comments on the City of Sacramento's July 2006, Draft Environmental Impact Report for the Proposed Greenbriar Development Project, Sacramento County, California"]

Though the quoted wildlife agencies' letter was submitted over 18 months ago to the City, there has been no change in this assessment. The "effects analysis" circulated with the DEIR was grossly inadequate; we commented at the time (attached) and our comments are still relevant. The City has an obligation under CEQA and under its NBHCP to fully evaluate, fully disclose, and to fully mitigate proposed Greenbriar project impacts to the species, their habitat and to the Natomas Basin Habitat Conservation Plan and the Natomas Basin Operating Program.

The Staff report presented to Council for the January 8 Workshop fails to note the submittal of the recent letter from California Fish and Game to City staff dated December 13, 2007 which is attached. The Fish and Game letter points out two very important key elements that are missing from the Greenbriar package before you:

- 1) a minimum of 1:1 habitat mitigation is required to mitigate for impacts on Swainson's Hawk; and
- 2) analysis of effects on the NBHCP is best done in the Joint Vision process, in a comprehensive way, not for one project.

Wildlife and Habitat Mitigation for Greenbriar is Inadequate.

As you know, Friends of the Swainson's Hawk has joined a lawsuit to overturn the approval of the Final Environmental Impact Report on Greenbriar by LAFCo. A primary reason why the Friends of the Swainson's Hawk Board voted to join this lawsuit is that the mitigation program for Swainson's Hawk in the FEIR is grossly inadequate, and the analysis of impacts on Swainson's Hawk contradicts the publicly stated scientific opinions of both the California Department of Fish and Game and the Swainson's Hawk Technical Advisory Committee. (See attached letters.) The FEIR illegally defers mitigation. Our comment letter is attached.

In its staff report for the January 8 workshop, the City staff tries to minimize the difficulties the City faces with the habitat mitigation issues. Staff seems to be relying on the applicant to manage the interface with the regulatory agencies. While applicant claims that they will take care of all wildlife regulatory requirements, the fact is that the City must be the primary local party to these negotiations and agreements because the City is the permittee under the Natomas Basin HCP and has pledged to protect that plan in any further development in the Basin. While USFWS seems willing to defer agreement on mitigation to a future date, the fact is that CEQA does not provide that flexibility, and California Department of Fish and Game has not concurred in deferral of mitigation. By moving ahead now with annexation, before it has reached agreement with the wildlife agencies with whom it has an agreement (Natomas Basin Habitat Conservation Plan) the City puts that agreement in jeopardy.

Farmland Mitigation Not Provided.

While other jurisdictions including SAFCA and the County of Sacramento Department of Airports, are mitigating loss of farmland with 1:1 mitigation requirements, the Greenbriar proposal FEIR is not. Over 500 acres of prime farmland are to be paved over with no guarantee that equivalent farmland will be preserved in the Basin to ensure that farming continues. We have commented in the EIR process that double counting mitigation land for farmland mitigation is not acceptable in this case. There are no guarantees that any of the habitat land will be maintained permanently in agriculture.

Thank you for considering this letter, and the attachments.

Sincerely,

Judith Lamare

Judith Lamare, Ph.D., President judelam@sbcglobal.net swainsonshawk@sbcglobal.net

AH.

DFG Dec 13, 2007

USFWS, DFG, Sep 5, 2006, Mar 21, 2006

SWHATAC, Sep 2, 2006

FOSH, ECOS, SC June 1, 2006

From: Jaclyn N. Hopkins jaclynhopkins@hotmail.com

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge; Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Scot Mende; Steve Cohn

1/14/2008 8:33 PM

Subject: Please Vote No on Greenbriar

Dear Councilmembers,

I am emailing the council to encourage each of you to vote NO on the Greenbriar Project. I understand that the population of Sacramento is growing rapidly and that as a city we must adapt to accomodate that growth, but developments like Greenbriar are NOT the solution. The land is situated in a flood plain under the flight zone of a major airport. Does this sound like a good place for your constituents to live? Also, the property is in close proximity to 2 major highways. From what I have heard, all of the clean air advocates are concerned about how this would impact the health of the residents in Greenbriar. The land is also home to 2 sensitive species. Based on the proposal, the mitigation sounds wimpy. We can do better for Sacramento. The council's energy would be better spent focusing on the existing communities and the infill developments that are currently in the works. The last thing Sacramento needs is more sprawl.

Thanks for your time and consideration regarding this issue.

Jaclyn

Jaclyn N. Hopkins Peak Adventures Team Lead

jaclynhopkins@hotmail.com 916-873-7427

"Be the change" - Mahatma Gandhi

From: "coveydelu@jps.net" <coveydelu@jps.net>
To: <planning.samuels@yahoo.com>
Date: 10/2/07 3:47PM
Subject: Greenbriar Project

October 2, 2007

Dear Commissioner Samuels,

I would like to ask that you consider the effect of expanding Sacramento's urban footprint for the Greenbriar Project on the remaining Sacramento County agricultural lands. You are obligated to protect farmland yet the EIR for the Greenbriar project has not mitigated for the loss of 518 acres of highly productive farmland. The acreage west of the airport can be suitable for permanent agricultural easement. As other cities in our region have worked to preserve farmland, so should Sacramento with a 1:1 mitigation!

The EIR also assumes that agricultural lands north of the project will develop in 10 or 20 years. What is the basis for this assumption? Are we to assume there is no plan to save agricultural land in the Sacramento County? Development is not a given since it will require take permits from the regulatory agencies.

The developers of the Greenbriar project claim that they will meet the agricultural mitigation requirement through the habitat lands conserved. There is no evidence that habitat mitigation can meet the requirements of the wildlife regulatory agencies and that this same land will be used for agricultural production.

In summary, to be true to its policies and to public interests, the city should require more mitigation for impacts on agricultural lands lost by the Greenbriar development.

Thank you for your time and consideration.

Sincerely,
Jacqueline T. DeLu
Secretary of Save Our Sandhill Cranes

coveydelu@jps.net

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Sacramento, California, 95814
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jpachl@sbcglobal.net

September 27, 2007

Joseph Yee, Chair, and Commissioners
Planning Commission
City of Sacramento

via e-mail to City staff

RE Greenbriar project, September 27, 2007 agenda, Item 15,
Request to Postpone Hearing

Dear Chairman Yee and Commissioners,

I represent Sierra Club and Friends of Swainson's Hawk regarding the proposed Greenbriar project, and have previously submitted letters commenting on that project and its EIR.

It appears that the City's process for giving notice of this hearing went at least partially amiss. I received no notice of hearing. I first learned of tonight's hearing in a conversation on Monday. City staff advise me that City's record says that notice was mailed on September 14 to all parties who had commented on the EIR, including me at my current address. Attorney William Kopper and the designated representatives of Sutter County Planning Department and California Department of Fish and Game told me that they had not received notice of tonight's hearing even though they had earlier submitted comment letters. Others who were entitled to notice may or may not have received notice or don't know of the hearing.

For that reason alone, I must respectfully request that the hearing of this very controversial proposal should be postponed to another date, and that at least two-weeks' notice of hearing be given by first-class mail and e-mail to all parties who commented or submitted letters in the earlier reviews, and other interested parties.

Also, Greenbriar is at the end of tonight's very long agenda, which is not enough time for public testimony and deliberations among the Commissioners. The LAFCo hearing and deliberation on the SOI was three hours. I respectfully ask that this hearing be postponed to a meeting at which there is sufficient time for testimony and deliberation by the Commissioners. There is no need to fast-track this proposal, particularly in light of the stalled housing market and the developer's recent commitment to LAFCo to not start construction of residential development until 100-year flood protection is restored.

Respectfully submitted,

James P. Pachl, on behalf of
Sierra Club and Friends of the Swainson's Hawk.

James P. Pachl
Attorney at Law

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Sacramento, California, 95814
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Fax: (916) 447-8689

jpachl@sbcglobal.net

October 6, 2007

Joseph Yee, Chair, and Commissioners
Planning Commission
New City Hall
915 I Street, Third Floor
Sacramento, CA 95814

RE Greenbriar project, Planning Commission Hearing, October 11, 2007

Dear Chairman Yee and Commissioners,

I represent Sierra Club, Friends of Swainson's Hawk, and Environmental Council of Sacramento regarding the proposed Greenbriar project, and have previously commented on that project and its EIR. These organizations oppose the project. There are a number of reasons why the City should not approve the annexation or the project, nor certify the EIR or repeal Council Resolution No. 2001-518.

1. The Public Infrastructure Finance Plan in the FEIR verges on financial infeasibility.

The Planning Commission is urged to carefully review the serious public finance issues of the project. Please see Greenbriar Public Infrastructure Finance Plan, 8/14/07, on a CD in back cover of Greenbriar FEIR, particularly pp 31 – 35, "Feasibility of Finance Plan".

The Finance Plan shows that the project and its public infrastructure finance plan verge on financial infeasibility, and that there are major uncertainties and likely additional costs that could easily push public facilities financing into the "infeasible" range (unless City subsidizes the project). There should be no consideration of annexation, rezoning, or other approvals until all financial questions are resolved and revised Finance Plan and fiscal analysis prepared.

The Greenbriar Public Facilities Finance Plan, page 32, states that development having a public infrastructure burden between 15 -20% of market sale price may be feasible, but that development having an infrastructure burden above 20% is infeasible. "based on EPS experience ... for over two decades." EPS' analysis in Table 9 on page 33, "Infrastructure Burden" shows Greenbriar's cost burden as 19.5% of the sale price of a medium-density home, which is the majority of homes, 16.4% of the sale price of low-density homes, and 14.7% of the sale price of high density residences. (ATTACHED).

Infrastructure costs of the North Natomas Community Plan escalated far above initial projections. City now admits a \$70 M shortfall. The Grand Jury has asked for a financial audit of North Natomas financing, and requested the City respond by October, 2007. A relatively small cost increase above the estimates of the Greenbriar Finance Plan would push Greenbriar's infrastructure burden well beyond 20% of estimated residential sale prices, which EPS concludes would make the project infeasible. In the likely event of cost increases, there would be three possible scenarios (1) project does not go forward, or; (2) City subsidizes the infrastructure costs, or; (3) City agrees to eliminate, and/or indefinitely defer, "nonessential" public infrastructure (as happened in North Natomas Community Plan), and subsidizes "essential" infrastructure.

Table 9 cost projections are highly speculative. For example, the Finance Plan does not explain how it computed the Table 9 projected habitat mitigation cost. The Federal and State wildlife agencies been clear that Greenbriar's proposed endangered species habitat mitigation, approximately 0.5 acre preserved for every acre developed, is grossly inadequate. The habitat mitigation costs will remain unknown until the City completes an Effects Analysis and new HCP, if approved by the USFWS and CDFG, and those agencies issue Incidental Take Permits which state the extent and type of habitat mitigation required. Habitat mitigation required by USFWS and CDFG will likely be much greater than presently proposed by City and assumed by the Finance Plan.

The Finance Plan, p. 23, states that the developer "may be required to advance fund and construct additional off-site roadway improvements" but does not include those costs in the Finance Plan. The California Department of Transportation insists that the project should financially contribute to off-site highway improvements. A sizeable contribution by the project will likely be required.

The Financing Plan, Table 9, includes no funding to implement the Joint Vision requirement that development provide 1 acre of open space mitigation in the Sacramento County area of the Basin for every acre developed. The FEIR's assertion that detention basins, urban parks, bicycle paths, and freeway buffers within the project are "open space" under Joint Vision are contrary to the Joint Vision MOU and Government Code §§56060 and 65560, and has not been authorized by City Council or Sacramento County as fulfilling the Joint Vision open space mitigation requirement. (See discussion below).

Table 9 says that the Supplemental Levee Fee is only a preliminary estimate. In fact, SAFCA staff has privately indicated that the likely fee would be at least \$2 per square foot for each home, which is substantially more than the Table 9 estimate for medium and low-density homes.

The Finance Plan, p. 25 states that a total of taxes and assessments of less than 2 percent indicates financial feasibility. Finance Plan, p. 34, Table 10, shows estimated total taxes and assessments as ranging from 1.24 to 1.67 percent of assumed sale prices. However, the Finance Plan, p. 35, footnote 2, states that "actual tax rates adopted for Greenbriar could be significantly higher than those shown."

The percentage calculations used in Tables 9 and 10 to determine feasibility are based on home prices equal to 2005 Natomas price levels (p. 34). However, 2005 home prices were the peak of the market and were driven, in part, by unrealistic home loans which are no longer available. Greenbriar home prices cannot be reliably estimated at this time. If Greenbriar home prices prove less than those assumed by the Financing Plan, then the ratio of costs and total taxes to

home prices will be higher than shown in Tables 9 and 10, and most likely within the "infeasible" range beyond 20%.

2. There is no fiscal analysis. The Finance Plan fails to consider the fiscal effect of revenue sharing required by the Joint Vision MOU.

There is no fiscal analysis available to the public. The Joint Vision MOU says that the 1 percent ad valorem property tax from parcels annexed within the Joint Vision area shall be distributed equally between County and City, that other revenues would be shared, and that City and County would adopt a master Tax Sharing and Land Use Agreement for Annexations. (See Joint Vision, pp. 4, 5). There is no Joint Vision revenue sharing agreement. The Greenbriar financial analysis does not account for the effect of Joint Vision revenue sharing. County insists on revenue sharing. Joint Vision revenue-sharing is very relevant to question of whether providing services to Greenbriar will cost the City more than it will receive in revenue from Greenbriar, and whether CEQA mitigation measures which rely upon revenue generated by Greenbriar are financially feasible.

This project should not be considered for any approvals until there is a Joint Vision revenue-sharing agreement, much more certainty as to actual fees and public facilities costs discussed above, and revised financial and fiscal analysis. CEQA mitigation measures which rely on revenue subject to Joint Vision revenue-sharing must be deemed speculative and infeasible due to the fiscal effect of Joint Vision revenue sharing, unless demonstrated otherwise by a revised financial analysis after there is a Joint Vision revenue-sharing agreement. The FEIR should not be certified with speculative or infeasible mitigation measures.

3. Assertions that Greenbriar will provide net revenue to subsidize infill and contribute to completing NNCP infrastructure are unsupported.

There is no evidence that Greenbriar development will generate revenue to subsidize infill and contribute to completion of community facilities within existing Natomas development. Revenues cannot even be estimated until there is a Joint Vision revenue sharing agreement, and much more certainty of Greenbriar fees and infrastructure costs. In light of (1) uncertainty about public infrastructure costs and fees which, even as tentatively estimated by the Finance Plan Table 9, cause the project to verge on infeasibility, *supra*, and (2) the reduction of City's tax revenue from Greenbriar due to Joint Vision revenue sharing, there is no basis for assuming that the project can generate revenue and fees in excess of that needed for on-site development. To the contrary, it is much more likely that

4. Assertions that Greenbriar will increase jobs-housing balance are unsupported.

It is asserted that Metro Air Park will provide jobs for Greenbriar residents. In fact, the 2000-acre Metro Air Park site is completely vacant, despite having been fully permitted in 2002 and despite the construction of detention basins and a road, and placement of fill. There is no evidence that there will be substantial (or any) development at Metro Air Park in the foreseeable future. It must compete against existing industrial and office parks which are served by existing infrastructure and public facilities, including large vacant parcels designated for commercial and employment centers in the City's existing North Natomas Community Plan area.

If the justification for Greenbriar is to provide housing next to a major employment center, then consideration of Greenbriar should be deferred until substantial employment-generating

development actually exists at Metro Air Park. Job-housing balance can be more feasibly accomplished now by infill development within the existing urban area.

5. ~~As~~ **The assertion that the Greenbriar project will cause the Federal government to provide Federal funding to build light rail to the Airport is fiction.**

Regional Transit now states that projected completion date is 2026 and estimated cost is \$800 M. The Federal government has not stated that it is interested in funding light rail to the Airport, and no evidence, other than hopeful assertions by local government, that development of Greenbriar will induce Federal funding. RT was recently required to suspend its planning of light rail extensions due to shortfall of locally-generated operating revenues, and has reduced or eliminated service on some bus routes. Bus service to existing North Natomas development is minimal, even though the North Natomas Community Plan was promoted as "transit-oriented." RT's plan for the DNA line includes 12 station stops between downtown and the Airport, which would be a slow ride unattractive for persons needing rapid transit to the Airport. Well-publicized express bus from a downtown RT station, perhaps with a small indoor waiting area, would provide much more cost-effective, rapid, and feasible mode of transport from downtown to the Airport, and could be implemented now.

There are at least 10,000 mostly-developed acres in South and North Natomas, plus Airport and Metro Air Park that would be served by light rail to the Airport. If that potential ridership can't attract Federal funding for light rail, another 500 acres at Greenbriar will make no difference.

Interestingly, the recent County Airport Master Plan provides no funding for public transit to the Airport.

6. **Greenbriar's proposed open space mitigation under Joint Vision is inconsistent with statutory definitions of open space and Joint Vision.**

City contends that the project complies with the Joint Vision MOU by mitigating for loss of open space at 1 to 1 ratio, with mitigation land being within the County's jurisdiction of the Basin.

Habitat mitigation in Sacramento County legitimately counts as open space mitigation. However, the project intends to credit developed parks, bicycle paths, artificial detention basins (lined with concrete), and freeway buffers within the project as the balance of the Joint Vision open space mitigation, and incorrectly claims, without substantiation, that City Council and the County Board of Supervisors have agreed to this. (FEIR p. 5-75, top paragraph) This is inconsistent with Government Code §56060 and §65560, which define open space as certain uses of essentially unimproved land.

7. **Conversion of 518 acres of prime and important farmland are not mitigated, findings that mitigation is not feasible are unsupported, thereby violating CEQA,**

CEQA requires that the significant impacts of conversion of farmland be mitigated to the extent feasible. The EIR and Findings (MM 6.11-1) assert that loss of farmlands will be mitigated by implementation of MM 6.6-2, provision of 1 acre of open space in Natomas Basin, Sacramento County, for every acre developed, per the Joint Vision MOU.

However, MM 6.6-2, "open space mitigation," does not mitigate for loss of agricultural land because it authorizes uses of preserved "open space" for purposes other than agricultural, and is

therefore unlikely to preserve productive agriculture. MM 6.6-2 provides that open space mitigation shall consist of one-half acre preserved for habitat per MM 6.12 (biological resources) and one half acre preserved for open space. However, mitigation lands would be subject to conditions imposed by FWS and DFG in a Greenbriar HCP and must be managed exclusively for highest wildlife habitat value. A Greenbriar HCP, if approved by USFWS and DFG, may require non-agricultural management of some or all wildlife mitigation lands (such as managed marsh for Giant Garter Snake or grassland for Swainson's Hawk). Moreover, City states that artificial detention basins, urban parks, bicycle paths, and other non-agricultural "open space" within the project will be improperly credited as open space mitigation of MM 6.6-2.

The Finding that further farmland mitigation is infeasible is not supported. There are very large areas of prime and important agricultural land in Natomas, Sacramento County, outside the NBHCP Permit Area and the Urban Service Boundary that could be preserved as agricultural mitigation for Greenbriar. AKT owns a substantial amount which it could dedicate. The Natomas Basin HCP precludes new development in the Swainson's Hawk Zone, a one-mile strip paralleling the Garden Highway. Farms west of the Airport are undevelopable due Airport proximity. Substantial areas lie outside the County USB. All is high quality farmland.

8. **The U.S. Fish and Wildlife Service and California Department of Fish and Game determined that the EIR's analysis of impacts on endangered species is deficient, and impacts are not mitigated to less than significant, thereby violating CEQA**

Please review the letters of USFWS and GDFG dated September 5, 2005, January 17, 2007 (FEIR 4-2, 5-2), and two letters dated September 18, 2007. Also see letter of Swainson's Hawk Technical Advisory Committee, September 2, 2006 (FEIR 4-509).

9. **The Sacramento Air Quality Management District and California Office of Environmental Health Assessment have determined that the EIR's analysis of impacts on air quality is deficient, and impacts of air toxins on human health is not mitigated to less than significant, thereby violating CEQA**

Please review the letters of the Sacramento Air Quality Management District, dated August 31, 2006, December 29, 2006 (FEIR 4-268, 5-23) and September 19, 2007, and of the California Office of Environmental Health Hazard Assessment, September 26, 2007, which are very clear about the health hazards arising from placing residences within 500 feet of a freeway.

10. **Greenbriar traffic will worsen congestion on Hwy 99 and I-5, thereby potentially impeding access to the Airport during peak traffic conditions; traffic analysis in EIR is inadequate and thus does not comply with CEQA**

The California Department of Transportation states that the peak hour level of service on I-5 and Hwy 99 is presently unacceptable, and that Greenbriar will worsen the situation, and fails to mitigate for its impacts even though additional mitigation is feasible. (FEIR p. 6-5), The EIR proposes only an undetermined minimal financial contribution towards needed highway improvements, and there is no assurance that additional capacity on I-5 and Hwy 99 will ever be built. The serious inadequacies of the traffic analysis relied upon by the EIR are extensively documented by the report letters of Neal Liddicoat, P.E., MRO Engineers, dated September 2, 2006, May 27, 2007, (FEIR pp. 4-541, 6-14) and September 12, 2007, submitted by William Kopper, Attorney.

11. Approval of Greenbriar and similar projects will impede infill development and upgrade within the existing community by diverting private and municipal investment and effort from the existing community to the urban edge.

Experience in other communities has demonstrated that large-scale development on farmlands at the urban edge causes private capital and municipal planning efforts to gravitate to the urban edge while existing urban areas deteriorate due to lack of investment and effort.

Consideration of development of Greenbriar is premature. According to a 2005 General Plan technical report (per City staff report), there was 14,000 acres of vacant land within the City and the City's SOI in 2005, including large areas of South Sacramento and Rosemont in the SOI suitable for residential development. Staff has not provided a current total, but it is safe to assume development of 3000 to 4,000 acres since 2005, leaving approximately 10,000 undeveloped acres within the current City limit and SOI (excluding Greenbriar). The principals governing the General Plan update focus on the desirability of utilizing all infill opportunities before considering further development on farmland.

There is no need to consider annexation and development of prime farmland which is isolated by two freeways, would require very costly infrastructure, is endangered species habitat, and is in a deep flood basin lacking 100-year flood protection. Natomas residents rightly complain about lack of promised City facilities and services. Smart Growth planning would focus resources on (1) completing development within the NNCP, Railyard, Delta Shores, Curtis Park Railyard, Panhandle, and other vacant areas within the City and the South Sacramento and Rosemont SOI areas (which would need to be annexed), and (2) completing the infrastructure promised to North Natomas but never delivered.

Unlike Greenbriar, these areas are not isolated by wide highways, urban infrastructure and road networks are in place or nearby, and, except for Natomas, the residents would not be exposed to the threat of deep flooding. Light rail is present at or near most of these locations, or planned near-term (Cosumnes College extension).

Staff relies on an estimate that Sacramento's population will grow by 200,000 by 2030, which is no more than an educated guess. Even if true, there is so much land presently available within the City's existing SOI that development of Greenbriar need not be considered until all opportunities within the City and its SOI are built out.

12. City should reject staff's proposal to rescind Council Resolution No. 2001-518.

Council Resolution No. 2001-518 provides that the City will not approve first-stage entitlements (prezoning, zoning, general or community plan amendments, or development agreements) for unincorporated land in Natomas Basin outside of the NNCP, other than Panhandle, until completion of the City's Sphere of Influence study in Natomas, now underway as Joint Vision but not yet completed. The Resolution was intended to assure an orderly planning and consideration of future development and open space while avoiding piecemeal politically-driven development such as that which you are now being asked to recommend approval. The Commission should vote "no."

Respectfully submitted,

James B. Pachtl

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Table 9
Greenbriar Public Facilities Financing Plan
Infrastructure Burden - Residential Market Rate Units

Item	Low-Density Residential	Medium-Density Residential	High-Density Residential
Assumptions:			
Unit Size (sq. ft.)	2,700	1,600	1,000
Lot Square Feet	5,000	3,000	n/a
Building Valuation	\$162,918	\$96,544	\$65,100
Finished Unit Selling Price [1]	\$440,000	\$310,000	\$250,000
City Fees			
Building Permit	\$1,505	\$1,055	\$841
Plan Check	\$499	\$348	\$276
Technology Surcharge	\$80	\$56	\$45
Business Operation's Tax	\$65	\$39	\$26
Strong-Motion Instrumentation Fee	\$16	\$10	\$7
Major Street Construction Tax	\$1,303	\$772	\$521
Residential Development Tax	\$385	\$385	\$250
Housing Trust Fund	\$0	\$0	\$0
Water Service Fees	\$4,920	\$4,920	\$1,375
Citywide Park Fee	\$4,493	\$4,493	\$2,647
Fire Review Fee	\$0	\$0	\$38
CFD No. 97-01 Bond Debt	\$967	\$616	\$309
Air Quality Mitigation [1]	\$450	\$240	\$144
Habitat Mitigation [2]	\$7,000	\$4,400	\$1,700
Subtotal City Fees (rounded)	\$21,700	\$17,200	\$8,200
Other Agency Fees			
SAFCA CIE Fee	\$222	\$222	\$119
SAFCA Assessment District Bond Debt	\$2,224	\$2,224	\$1,192
Supplemental Levee Fee (PRELIM. ESTIMATE) [3]	\$3,500	\$2,500	\$2,000
School Mitigation	\$11,835	\$11,835	\$4,734
SRCSO Sewer Fee	\$7,000	\$7,000	\$7,000
Subtotal Other Agency Fees (rounded)	\$24,800	\$23,800	\$15,000
Greenbriar Public Facilities Fee (rounded) [4]	\$4,200	\$3,600	\$2,500
Greenbriar Developer/CFD (rounded) [4]	\$21,300	\$15,700	\$11,100
TOTAL COST BURDEN	\$72,000	\$60,300	\$36,800
Cost Burden as % of Unit Sales Price	16.4%	19.5%	14.7%

Note: Feasibility Range, based on numerous feasibility analyses conducted by EPS over the last two decades, is described as follows:
 Below 15%: Feasible
 15% - 20%: May be feasible
 Above 20%: Infeasible

Source: Greenbriar Developers; City of Sacramento; and EPS.

- [1] Air Quality Mitigation cost is a preliminary estimate based on input from project applicant.
 [2] Based on total estimated habitat mitigation costs excluding land acquisition (since land is dedicated) for the Greenbriar project. Refer to EPS# 17400 for details.
 [3] Ballpark estimate provided by developer as a placeholder.
 [4] It is assumed here that a CFD is used to fund roadway, sewer, water, landscape corridors, and drainage facilities and that a Greenbriar Public Facilities Fee is established to fund other public facilities. See Table A-12.

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Table 10

Greenbriar Public Facilities Financing Plan
Two-Percent Test of Total Tax Burden

Item	Assumption	Low-Density Residential	Medium-Density Residential	High-Density Residential
Home Price Estimate [1]		\$440,000	\$310,000	\$250,000
Homeowner's Exemption [2]		(\$7,000)	(\$7,000)	(\$7,000)
Assessed Value [3]		\$433,000	\$303,000	\$243,000
Property Tax	1.00%	\$4,330	\$3,030	\$2,430
Other Ad Valorem Taxes [4]	0.15%	\$650	\$455	\$365
Total Ad Valorem Taxes		\$4,980	\$3,485	\$2,795
Special Taxes and Assessments (Proposed)				
Reclamation Dist. No. 1000 - O & M Assess.		\$51	\$34	\$17
SAFCA A.D. No. 1 - O & M Assessment		\$74	\$50	\$25
SAFCA Consolidated Capital Assessment District		\$80	\$80	\$53
TMA CFD [5]		\$21	\$21	\$16
Parks Maintenance [6]		\$52	\$52	\$30
City of Sacramento A.D. No. 96-02 - Library		\$27	\$27	\$27
City of Sacramento A.D. No. 89-02 Lighting Dist.		\$66	\$66	\$45
CFD No. 97-01 [7]		\$108	\$108	\$75
Total Special Taxes and Assessments		\$478	\$436	\$288
Proposed Infrastructure CFD (Preliminary Estimate)		\$1,500	\$1,200	N/A
Parks Maintenance Cost (Preliminary Estimate)		\$44	\$44	\$26
Total Tax Burden		\$7,002	\$5,165	\$3,108
Tax Burden as % of Home Price		1.59%	1.67%	1.24%

"Two percent"

Source: Gregory Group, City of Sacramento, Greenbriar landowners, and EPS.

- [1] Home prices are based on 2005 price levels in North Natomas from the Gregory Group. "Low density" assumes 2,700-square-foot homes, "medium density" assumes 1,600-square-foot homes, and "high density" assumes 1,000-square-foot attached units.
- [2] An owner-occupied single-family residence is allowed a \$7,000 reduction of the assessed value of the property for the purposes of calculating the annual property tax.
- [3] The adjusted assessed value is the value upon which the 1% property tax rate, as allowed under Proposition 13, is calculated.
- [4] Other Ad Valorem taxes include regional sanitation bonds and school general obligation bonds.
- [5] Greenbriar may elect to create a separate TMA; the costs, however, are not known at this time. As a proxy, the rates for the North Natomas TMA are shown. Please note that costs to provide transit service to Greenbriar may be significantly higher than those shown here.
- [6] Assumes same rate as CFD 2002-2 Parks Maintenance.
- [7] Assumes that Greenbriar pays the same rate as development east of I-5.

example unit type.² While the Greenbriar CFD clearly is feasible, bond financing for other facilities included in additional CFDs will be limited by the tax rates indicated above.

² Please note that Greenbriar developers may elect to form a TMA CFD to fund transit services. The cost to provide these services is unknown at this time, and EPS has used current rates from the North Natomas TMA CFD No. 99-01 as a proxy. Actual tax rates adopted for Greenbriar could be significantly higher than those shown.

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October 11, 2007

Joseph Yee, Chair, and Commissioners
Planning Commission
City of Sacramento

Greenbriar project: Addendum to my letter dated October 6, 2007

Dear Chairman Yee and Commissioners,

I previously mailed to Commissioners a comment letter dated October 6, 2007, on behalf of ECOS, Sierra Club, and Friends of the Swainson's Hawk. Thereafter, the staff report for October 11, 2007, was available, including a previously unavailable Fiscal Analysis, and I learned of AB 1259. This letter responds to that additional information.

- 1. New Information: State Dept. of Finance recently determined that population growth projection for SACOG jurisdictions is overstated by 30% (Assembly Bill 1259)**

The Staff report and findings contend that Greenbriar's annexation and development is justified at this time because the City's population will grow by 200,000 by 2030. City's population and housing need projections rely on the 2005 SACOG population projections which rely on the State Department of Finance population and housing need projections.

Yesterday I became aware of Assembly Bill 1259, awaiting the Governor's signature, which states that the Department of Finance population projections released in July 2007, show that its previous population projection for the SACOG area was overstated by 30%. The relevant part of AB 1259 reads as follows:

"SECTION 1. Section 65584.7 is added to the Government Code, to read:"

"65584.7. (a) The Legislature finds and declares all of the following:

- (1) Accurate and current data to estimate housing needs is necessary to ensure that state, regional, and local agencies plan effectively.
- (2) The Department of Finance, which is charged with providing demographic data to aid effective state and local planning and policymaking, released updated population projections for the state on July 9, 2007.

(3) The updated projections released by the Department of Finance represent a decline of over 30 percent from the prior projection in the near-term population growth for the area within the regional jurisdiction of the Sacramento Area Council of Governments."

The bill goes on to authorize the Department of Finance to adjust its housing need projections for SACOG.

In light of this new information, it appears that City's projections of population and housing needs which it relies on to justify the Greenbriar project are overstated and outdated, and must be revised downward to reflect the updated Department of Finance data released July 9, 2007.

Greenbriar and other projects outside the County Urban Service Boundary should not be considered until the City revises its population and housing need projections based on the July 9, 2007, Department of Finance projections for the SACOG area.

2. Mitigation Measure 6.10-3 should be modified to prohibit construction until the levees are upgraded to provide flood protection adequate for an urban area

Mitigation Measure 6.10-3 authorizes construction of the project to the extent e allowed by FEMA's anticipated re-designation of the Natomas flood basin, which could be A-99 or AR, which under some circumstances would allow new development prior to upgrading of the levees to the minimal FEMA 100-year standard. The October 11 Staff report, p. 115, points out that AKT Development submitted a letter to LAFCo dated September 19, 2007, stating that it would not undertake vertical residential construction until the property has 100-year flood protection. However, the Mitigation Measure has not been modified accordingly.

In light of AKT's letter of September 19, 2007, MM 6.10-3 should be modified to prohibit vertical construction until 100-year protection is achieved. Without modification of that Mitigation Measure, AKT's pledge is unenforceable and therefore cannot be relied upon to support a finding that impact of potential flood hazard are mitigated to less than significant.

3. Fiscal Analysis, January 2007

A fiscal analysis dated January 2007 was made public with the October 11 staff report. It purports to reflect the division of revenue between City and County required by the Joint Vision MOU, but the Analysis is written obscurely and it is unclear as to how revenue available to City after the Joint Vision revenue split is computed or whether Greenbriar would be a net revenue gain or net revenue loss for the City. At page 7, the Analysis states that "the results suggest a fiscally negative impact to the City", which usually means that there will be a net revenue loss.

Moreover, the Joint Vision MOU, Section II, states that there will be further negotiations, and that City and County will adopt a Master Tax Sharing Agreement. There is no Master Tax Sharing Agreement. A reliable fiscal analysis cannot be done until City and County have adopted a Master Tax Sharing Agreement for Joint Vision, or, at minimum, for Greenbriar.

The City has acknowledged a shortfall of revenue and infrastructure for the North Natomas Community Plan, which was not subject to revenue-sharing with County. In light of that

difficulty, there needs to be must better explanation as to why there will not be such a shortfall resulting from Greenbriar.

Thank you for considering these comments.

Very Truly Yours,

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November 8, 2007

Joseph Yee, Chair, and Commissioners
Planning Commission
City of Sacramento

RE Greenbriar project, November 8, 2007 agenda, Item 3.

Dear Chairman Yee and Commissioners,

I have previously submitted letters dated October 6 and October 11, 2007, to the Commission regarding this project on behalf of Sierra Club, Friends of Swainson's Hawk, and Environmental Council of Sacramento. On October 11, the Commission closed public testimony, but stated that public testimony would be allowed at the November 8 meeting as to any new information. On Friday November 2, City staff released a new Staff Report and attachments, totaling 200 pages, including a 30-page letter by the Applicant's attorney.

Please review the following documents separately submitted to the Commission or in the FEIR:

U.S. Fish and Wildlife Service, Calif. Dept of Fish and Game, letters dated September 5, 2005, and January 17, 2006 (FEIR pp. 4-2, 5-2)

Swainson's Hawk Technical Advisory Committee, September 2, 2006, (FEIR p. 4-509)

U.S. Fish and Wildlife Service, Calif. Dept of Fish and Game, (regarding Swainson's Hawks and Giant Garter Snakes), Sept 18, 2007

U.S. Fish and Wildlife Service, (response to City's letter), Sept 18, 2007

Sutter County, letters dated September 18 and 27, 2007 (regarding effect on NBHCP)

Sacramento Metropolitan Air Quality Management District, September 19, 2007

State Office of Environmental Health Hazard Assessment, September 26, 2007

Friends of the Swainson's Hawk, October 4 and 14, 2007 (Attachments 4 and 16 to Staff report)

Rob Burness (former County Planner), October 9, 2007 (Attachment 9 to Staff Report)

Environmental Council of Sacramento, October 10, 2007 (Attachment 14 to Staff report)

James Pachl, letters dated October 6 and October 11, 2007, and attachments thereto;

Sacramento County Farm Bureau, letter by Ken Oneto, President, dated November 6, 2007

Applicant's letter, by Tina Thomas, Attorney, of Remy, Thomas, Moose, and Manley, and the City staff report contain numerous errors, some of which are addressed below.

1. Pending Litigation

Although most of the decisions about the Project have yet to be made by City, we have sued LAFCo as to its approval of the SOI and certification of the EIR, to preserve our rights under the short CEQA statute of limitations. City was not named as defendant because the City has not approved the Project and has the discretion to deny the Application or to modify most of the proposed Project, EIR, and mitigation measures. (If City were to modify the EIR, LAFCo would need to concur before the revised EIR could be certified by both lead agencies).

The letter of Ms. Thomas, page 30, mistakenly asserts that Public Resources §21167.3 and CEQA Guidelines §§ 15231, 15233 are applicable. In fact, those provisions are applicable only to a **responsible agency**, and **are not** applicable to City's actions as to Greenbriar, because City is a co-lead agency, **not** a responsible agency. City is free to reject the Project or to modify any part of the EIR, mitigation measures, or findings (except for those applicable exclusively to LAFCo's actions).

2. **The assertion that the City of Sacramento's population will grow by 200,000 persons by Year 2030 is unsupported and contrary to the projections of the 2005 General Plan Update Technical Document and current population growth projections by SACOG and the California Department of Finance.**

City claims that the Project is necessary to help accommodate City's projected population increase of purportedly 200,000 by Year 2030. (See letter of Tina Thomas quoting a 2005 letter of Carol Shearly, Planning Director, and other City documents).

In fact, the City of Sacramento General Plan Technical Background Report, 2005, p. 2.4-13, Table 2.4-5, "City of Sacramento Population and Employment Projections", (**EXHIBIT A**, attached), shows the population of the existing City plus Panhandle as 407,100 in 2000, and the projected population of 564,200 in 2030, which is an increase of 157,100 persons from Year 2000 to 2030, not 200,000.

The same document projects the City's population plus Panhandle as 473,100 in 2010, which when subtracted from 564,200 equals a projected population increase of 91,100 between 2010 and 2030.

The GP Technical report projects population growth of 200,000 by 2030 only if Natomas Joint Vision Area, including Greenbriar is annexed and developed, as shown on **EXHIBIT A**. The 2005 GP Technical Report does not project a population increase 200,000, as shown on **EXHIBIT A**, unless the Joint Vision Area is annexed and developed.

More recent data shows that even the population projections of the 2005 GP Technical Report were greatly overstated and can no longer be relied upon. As mentioned in my previous letter dated October 11, 2007, Assembly Bill 1259, states, in relevant part:

"(3) The updated projections released by the Department of Finance [July 9, 2007] represent a decline of over 30 percent from the prior projection in the near-term population growth for the area within the regional jurisdiction of the Sacramento Area Council of Governments."

ATTACHED as **EXHIBIT B** are the SACOG Draft Projections, September 2007, which now projects that the population of the City of Sacramento's will increase by 129,299 between 2006 and 2035 (a 26-year period) – much less than the 200,000 projected by City staff.

Moreover, recent events have shown that a substantial portion of the region's recent new housing growth, perhaps 25%, may have been attributable to the generous availability of sub-prime mortgages which are no longer be available, and investors speculating on increasing housing prices. It also appears from repeated anecdotal accounts that a substantial part of the region's "new growth" population is comprised of persons commuting to jobs in the Bay Area. Persons willing to commute from Sacramento to the Bay Area several times per week comprise a limited market pool which appears to have peaked and cannot be relied upon for projections of future new growth.

In light of the uncertainty of even short-term population projections, it would be completely opposite to the principles of Smart Growth for City to annex and approve any new development on prime and important farmland outside of the County Urban Service Boundary until the thousands of acres of vacant non-prime land suitable for residential development within the City and its pre-existing SOI (South Sacramento and Rosemont) are largely built out.

3. Failure to Mitigate for Loss of Prime and Important Farmland

Please refer to discussion of this issue in my letter dated October 6, 2007, page 5, and to the letter of Ken Oneto, President of the Sacramento County Farm Bureau, November 6, 2007.

The letter of Tina Thomas, page 18, claims that CEQA does not require that loss of farmland be mitigated, and improperly cites and relies upon the discredited "Kangaroo Rat" decision of the California Fifth District Court of Appeal (Fresno), 2003, which was ordered depublished by the California Supreme Court in 2004.

California Rule of Court 8.1115(a) states that:

"[A]n opinion of a California Court of Appeal or Superior court appellate division that is not certified for publication or ordered published must not be cited or relied on by a court or a party in any other action."

As to mitigation for loss of farmland, CEQA Guideline 15021(a)(2) is on point:

"A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment."

CEQA Guideline 15370(e) states that "Mitigation" includes:

"Compensating for the impact by replacing or providing substitute resources or environments."

Accordingly, the Sacramento County Superior Court, Judge Lloyd Connelly, ruled in 2002, in the Lent Ranch case, that CEQA required the City of Elk Grove to mitigate to the extent feasible, by permanently protecting existing prime farmland, for loss of farmland due to the Lent Ranch project. (Sacramento Superior Court, Case No 01CS1090.) The Third District Court of Appeal upheld that part of Judge Connelly's decision pertaining to farmland mitigation, although the Court of Appeal's opinion was not published.

While no new farmland would be created by permanent protection of existing farmland in Natomas Basin, a permanent agricultural easement at the ratio of 1 to 1 or 2 to 1 would prevent the conversion of the protected farmland to non-agricultural use, which is feasible partial compensation for paving of the Greenbriar site. Ken Oneto, President of the Sacramento County Farm Bureau in the Bureau's letter to the Commission. November 6, 2007, points out that mitigation for loss of farmland due to Greenbriar should be at the ratio of at least one acre permanently protected for every acre developed, which is the standard mitigation measure required in Yolo, San Joaquin, and other Counties in the region.

AKT and its entities own or control substantial tracts of farmland in the unincorporated Sacramento County in Natomas Basin. Some would be difficult or infeasible to develop. Undersigned counsel identified several of these tracts in a previous letter commenting on the RDEIR. There are also working farms on prime farmland between the Airport and Garden Highway that are undevelopable due to proximity to the Airport and distance from highway access. These landowners may be amenable to selling permanent agricultural conservation easements to mitigate for Greenbriar. Thus, this Applicant would have no difficulty in providing generous mitigation for loss of farmland.

Instead, Applicant offers ridiculously little agricultural mitigation (see my letter, October 6, 2007), which relies on the unsupported assertion that the wildlife agencies will allow 75% of the wildlife mitigation habitat lands (mitigated at 0.5 to 1) to be managed for commercial agriculture. The letter of Applicant's attorney contends that this is justified by her misunderstanding of the Joint Vision MOU, which never underwent CEQA review or environmental analysis, was never intended or designed to satisfy CEQA mitigation requirements, and has no legal effect.

4. The Project Fails To Provide Open Space Mitigation As Promised by the Joint Vision MOU

The Joint Vision MOU was sold to the Council, the public, and the media as a means of protecting open space in the Sacramento County area of the Natomas Basin by requiring new development to provide one acre of open space for every acre developed. Joint Vision "conceptual" maps shows equal areas of development and open space. Skeptics such as myself believed that City would not honor its promise of open space preservation, and the Greenbriar project, as proposed, proved that our skepticism was justified.

City staff and Applicant now claim that artificial concrete-lined detention basins, developed urban parks, freeway buffers, and bicycle paths within the project can be credited to satisfy the Joint Vision open space requirement. These uses are inconsistent with Government Code §56060, which defines open space as: "any parcel or area of land or water which is substantially unimproved and devoted to an open space use, as defined in Section 65560".

Section 65560 defines "open space land" as "any parcel or area of land or water that is essentially unimproved and devoted to an open-space use." Open space uses described in that statute, do not encompass developed urban parks, artificial detention basins within the project, or improved freeway buffers or improved (i.e.: paved) bicycle trails within development.

5. The Project Is In Violation of the 2003 Natomas Basin Habitat Conservation Plan and Relies on the False Assumption that It Can Use the Existing NBHCP Mitigation Measures To Mitigate for Impacts of Greenbriar on Species

The U.S. Fish and Wildlife Service and Calif. Department of Fish and Game have repeatedly told City and the Applicant that the EIR's analysis of Project impacts on wildlife, particularly the endangered Giant Garter Snake and Swainson's Hawk, and proposed Mitigation Measures are inadequate. See USFWS and CDFG letters dated September 5, 2005, January 17, 2006 (FEIR pp. 4-2, 5-2) and two letters dated Sept 18, 2007. See also letter of Swainson's Hawk Technical Advisory Committee (an independent committee of biologists expert on the Swainson's Hawk), dated September 2, 2006, (FEIR p. 4-509).

The project is within the Natomas Basin Habitat Conservation Plan ("NBHCP") area, but outside of the Permit Area of the Plan. The 2003 NBHCP permits 17,500 acres of new urban development after 1997 within designated Permit Areas for City (8050 acres), Sutter County, and Metro Air Park. It allows the unusually low mitigation ratio of .5 acres preserved in the Basin for every acre developed, but only because the 2003 NBHCP and City's EIR/EIS for the NBHCP assume that most of the remainder of the Basin's 29,000 acres outside of the Permit Areas will remain as undeveloped farmland that will continue to provide habitat benefits that will supplement the habitat preserves provided under the NBHCP. The NBHCP provides that any new development outside of the Permit Area will require an Effects Analysis of the new development on the entire NBHCP program and issuance of Incidental Take Permits prior to rezoning (which the wildlife agencies recently modified to require Incidental Take Permits, if approved, prior to City approval of tentative subdivision map, development agreement, etc).

The Federal District Court construed the effect of these provisions in its decision upholding the 2003 NBHCP, on September 8, 2005, as follows:

At pg. 30, fn 13, of the Opinion, the Court states that:

"...the Service and those seeking an ITP (Incidental Take Permit) in the future will face an uphill battle if they attempt to argue that additional development in the Basin beyond 17,500 acres will not result in jeopardy," pointing out that the HCP, Biological Opinion, Findings, and EIR/EIS are predicated on the assumption that development will be limited to 17,500 acres and the most of the remaining lands will remain in agriculture during the 50-year Permit Term.

At pg. 22 fn 10, of the Opinion, the Court states that:

"...while plaintiffs contend that future development will vitiate the NBHCP, it is more likely that, if future development in the [Sacramento] County will have this effect, the Secretary will decline to issue ITP's for development in [Sacramento] County or will insist on mitigation that may be considerably greater than required by the NBHCP."

In addition, City represented to the wildlife agencies, in City's FEIR/EIS for the Natomas Basin Habitat Conservation Plan, pp. 3-30 - 3-31:

"Development of West Lakeside and Greenbriar Farms is not considered reasonably certain to occur *because extensive studies, planning and further analyses are required as part of the Joint Vision process before any development approvals may be considered* for any of these areas, and because the outcome of these efforts is unknown." (FEIR/EIS p. 3-31, attached.)

Approximately 6000 acres of City's NBHCP Permit Area have been developed. The Sutter County and Metro Air Park Permit Areas are mostly undeveloped. Common sense says that there should be substantial build-out of the permitted 17,500 acres and

assessment of its effects and effectiveness of the Conservation Program before considering yet more development in this sensitive habitat area.

Greenbriar cannot legitimately use the 2003 NBHCP as a basis for determining what mitigation plan will work while reducing, by 577 acres the agricultural area intended to help mitigate for development permitted by the 2003 NBHCP. Yet Applicant's attorney repeatedly refers to the NBHCP and NBC practices to justify the Greenbriar proposal's mitigation ratio.

Ms. Thomas letter also refers to State Fish and Game's 1994 purported "guidelines" for mitigating the development of Swainson's Hawk foraging habitat. This document has no application in the case of a project that is developing a portion of an existing Habitat Conservation Plan that is designated to remain in habitat. Clearly the 1994 document did not anticipate nor address how the CDFG would analyze impacts and mitigation for a project changing a 2003 Habitat Conservation Plan. Because the Department has no routine guidance in this matter, it is important that the Department's findings regarding impacts and mitigation be determined before the CEQA document on this project is adopted. One-half to one mitigation is not adequate to address the impacts of the project on Swainson's Hawk or Giant Garter Snakes because that the land in question is part of a habitat conservation plan mitigating for other development in the basin.

Both CDFG and the Swainson's Hawk Technical Advisory Committee are on record that the Swainson's Hawk mitigation program proposed for Greenbriar is flawed because it mitigates for loss of a landscape of supportive habitat with scattered fragments of habitat. Some of the fragments described in Ms. Thomas letter are unacceptable as mitigation land for the Swainson's Hawk. The Swainson's Hawk Technical Advisory Committee filed a comment letter, September 2, 2006 objecting to the amount and type of mitigation, and characterization of habitat quality (low, moderate, high). These flaws have not been corrected. Ms. Thomas' letter simply refers to adding a few more acres of land to the mix without regard to whether these acres will support the conservation effort in Natomas Basin.

The Greenbriar mitigation program assumes, without basis, that at least some of the mitigation land will be farmed. Given the potentially detrimental effects of the Basin's development upon the viability of agriculture and its the water delivery system (absolutely essential for Giant Garter Snake), there is no basis for assuming what NBC will or could do with its lands in the future to protect the species. Instead, Greenbriar could mitigate for loss of agricultural land and support Swainson's Hawk foraging by dedicating nearby farmland (owned by applicant) to permanent agricultural uses beneficial to the covered species.

6. The Partial Reversal Of The Position Of Sacramento Metropolitan Air Quality Management District Appears Politically-Dictated And Lacks Scientific Basis

The Sacramento Metropolitan Air Quality Management District ("SMAQMD") has been highly critical of certain elements of the EIR and the project. See letters of the District dated August 31, 2006, December 29, 2006 (FEIR 4-268, 5-23) September 19, 2007, and of the State Office of Environmental Health Assessment, September 26, 2007, which are very clear about the health hazards arising from placing residences within 500 feet of a busy freeway.

On October 25, 2007, the SMAQMD Board (comprised of City and County elected officials) adopted the following policy, by a 5 – 4 vote:

"8. Land use – Support communities in their efforts to meet sustainable land use and

energy use goals and objectives or **adopted Blueprint Preferred Scenario targets.**"
(See attached **EXHIBITS C** and **D**)

This new policy leaves Air District staff with no choice but to support any new development project proposed by local government within the Blueprint Preferred Scenario map area (such as Greenbriar) regardless of possible detrimental effects upon air quality and human health; and robs District staff of their scientific independence. Blueprint underwent no environmental review, and never addressed the potential health hazards of locating new residential development next to freeways. The District Board's blanket support for any project within the Blueprint map area, regardless of its effects, is inconsistent with the District's responsibility to protect the public's health.

A few days later, the District submitted its letter dated October 29, 2007, which for the first time stated District support for Greenbriar and asserted that the Air Resources Board guidance document which recommends that residential projects not be located within 500 feet of a highway was somehow not applicable to the Sacramento region or to the project site, (even though located at the junction of I-5 and Hwy 99). The District's position in its new letter is inconsistent with that of the highly respected State Office of Environmental Health Assessment, stated in its September 26, 2007, letter, and lacks scientific basis.

Thank you for considering these comments.

Respectfully submitted,


James P. Pachl, Attorney

Table 2.4-5. City of Sacramento Population and Employment Projections: General Plan Update

Item	2000		2010	2020	SAC GPU 2030	SACOG Blueprint 2004 2050	2030 as a % of 2050
POPULATION FORECAST							
City Population: SAC GPU Forecast							
SACOG MTP 2005, Existing City + Panhandle	407,100	473,100	517,000	564,200	727,700		78%
Natomas Vision Area Forecast ¹	n/a	0	64,000	86,000	90,540		95%
City Population: SAC GPU Forecast	407,000	473,000	581,000	650,000	818,000		
SAC GPU FORECAST, Rounded	410,000	470,000	580,000	650,000	n/a		
EMPLOYMENT FORECAST							
City Employment: SAC GPU Forecast							
Average City Employment Forecast	268,000	336,000	384,000	445,000	471,701		94%
Natomas Vision Area Forecast ²	0	3,300	4,434	8,868			50%
City Employment: SAC GPU Forecast	268,000	336,000	387,300	449,000	481,000		
SAC GPU FORECAST, Rounded ³	270,000	340,000	390,000	450,000	n/a		

Notes:

- Information on absorption of the Natomas Vision Area is not yet available from SACOG. For purposes of this analysis, EPS assumes that the 95% of the Vision Area will be built-out by 2030, with population growth beginning after 2010.
- Assumes that half of the total employment in the Vision Area for 2050 will occur by 2030, and employment growth beginning after 2010.

Source: EPS, 2005.

564,200 2030
 - 407,100 - 2000
 157,100 -
 200 to 2030
 564,200 - 2030
 - 473,000 - 2010
 91,200 2010 to 2030

EXHIBIT A

COUNTY	Population 1986	Population 2006	Population Change 1986 - 2006	% Share of Region's Change 1986 - 2006	2035 Population Projection (SACOG) Does NOT include Tahoe Basin portion projection	Population Change 2006 - 2035	% Share of Region's Change 2006 - 2035
EL DORADO	100,900	176,637	75,737	8.91%	233,200	80,215	7.36%
Placerville	7,175	10,197	3,022	0.36%	16,200	6,003	0.55%
South Lake Tahoe	20,650	23,652	3,002	0.35%	n/a	n/a	n/a
Unincorporated	73,100	142,788	69,688	8.19%	217,000	74,212	6.81%
PLACER	141,500	317,495	175,995	20.70%	546,800	229,302	21.04%
Auburn	8,675	13,017	4,342	0.51%	20,300	7,283	0.67%
Colfax	1,150	1,831	681	0.08%	2,500	669	0.06%
Lincoln	5,600	33,695	28,095	3.30%	51,700	18,005	1.65%
Loomis	4,990	6,501	1,511	0.18%	8,500	1,999	0.18%
Rocklin	10,850	51,080	40,230	4.73%	68,300	17,220	1.58%
Roseville	30,450	104,981	74,531	8.76%	150,700	45,719	4.19%
Unincorporated	79,800	106,393	26,593	3.13%	244,800	138,407	12.70%
SACRAMENTO	904,800	1,387,771	482,971	58.80%	1,972,200	584,429	53.81%
Citrus Heights	*	87,018	87,018	10.23%	98,700	11,682	1.07%
Elk Grove	*	131,081	131,081	15.41%	177,500	46,419	4.26%
Folsom	16,800	69,544	52,744	6.20%	84,400	14,856	1.36%
Galt	6,850	23,017	16,167	1.90%	24,400	1,383	0.13%
Isleton	870	814	-56	-0.01%	1,600	786	0.07%
Rancho Cordova	*	56,470	56,470	6.64%	166,200	109,730	10.07%
Sacramento	329,600	458,001	128,401	15.10%	587,300	129,299	11.86%
Unincorporated	550,600	561,826	11,226	1.32%	832,100	270,274	24.79%
SUTTER	58,200	91,669	33,469	3.94%	127,600	35,931	3.30%
Elvert Oak	3,770	7,492	3,722	0.44%	8,500	1,008	0.09%
Yuba City	21,850	60,653	38,803	4.56%	63,500	2,847	0.26%
Unincorporated	32,550	23,524	-9,026	-1.06%	55,600	32,076	2.94%
YOLO	124,200	190,500	66,300	7.80%	270,700	80,200	7.36%
Davis	40,650	64,638	23,988	2.82%	67,500	2,862	0.26%
West Sacramento	*	43,219	43,219	5.08%	86,000	42,781	3.92%
Winters	3,340	6,874	3,534	0.42%	11,100	4,226	0.39%
Woodland	34,050	53,016	18,966	2.23%	58,800	5,784	0.53%
Unincorporated	46,100	22,753	-23,347	-2.75%	47,300	24,547	2.25%
YUBA	53,300	69,198	15,898	1.87%	145,200	80,002	7.34%
Marysville	11,000	12,775	1,775	0.21%	13,600	825	0.08%
Wheatland	1,530	3,518	1,988	0.23%	3,800	282	0.03%
Unincorporated	40,800	52,905	12,105	1.42%	131,800	78,895	7.24%
SACOG Region	1,382,900	2,233,273	850,373	100.00%	3,299,700	1,090,079	100.00%

EXHIBIT B

Sources:

1986 population: State of California, Department of Finance, E-4 Historical Population Estimates for City, County and the State, 1981-1990. Sacramento, California, August 2007
 2006 population: State of California, Department of Finance, E-4 Population Estimates for Cities, Counties and the State, 2001-2007, with 2000 Benchmark. Sacramento, California, May 2008
 2035 projected population: SACOG Draft Projections, September 2007

**SACRAMENTO METROPOLITAN AIR QUALITY
MANAGEMENT DISTRICT**

For Agenda of **October 25, 2007**

To: Board of Directors
Sacramento Metropolitan Air Quality Management District

From: Larry Greene
Air Pollution Control Officer

Subject: Legislative Review and Approval of Update to District Legislative Policy

Recommendation

That the Board approve the 2008 policy document (attached).

Background

The attached policy document is a format that has been used by the SMAQMD Board of Directors to provide staff with guidance regarding how to respond to specific subject areas that may come up in state and federal legislation or regulations. Key changes include augmenting our stated policy on climate change and the addition of a land-use item that would explicitly express district support for the Blueprint Preferred Scenario. The document also very slightly modifies our bicycling and walking projects/programs statement and eliminates some obsolete or excessive language.

Changes are highlighted and the 2007 Policy Recommendations are also attached for reference.

Fiscal Impact

None.

Respectfully submitted:

Larry Greene
Air Pollution Control Officer/Executive Director

Approved as to form:

Kathrine Pittard
District Counsel

EXHIBIT C

Sacramento Metropolitan Air Quality Management District

2008 Board Directives for State and Federal Legislation and Regulation

AIR QUALITY MISSION

1. State and Federal legislation and regulation -- Monitor and influence state and federal legislation, regulations, or budgets as necessary to support the district's air quality program or its ability to meet the regulatory requirements or to achieve the annual emission reductions as required by the California and Federal Clean Air Acts. (restated)

CLIMATE CHANGE

2. Programs -- Support and participate in local, state, regional or national efforts in a manner consistent with the SMAQMD Board-adopted Climate Change Protection Program.

MOBILE SOURCES

3. Cleaner Vehicles and Vehicle Scrappage Programs -- Support cost-effective incentive programs to retire older, more emissive motor vehicles or to accelerate use of cleaner vehicle technologies. (restated)
4. Market-based Transportation Control Measures or Transportation Demand Management Strategies -- Support efforts creating transportation control measures, such as tax credits for employer telecommute programs, tax credits for employer-paid transit passes and vanpool tax credits. Support efforts to incentivize, reward or assist transportation demand management strategies.
5. Smog Check -- *Continue to advocate for AB 616.* Maintain or enhance the cost-effectiveness and efficiency of emissions reductions associated with Smog Check II or recapture emission reduction shortfalls associated with changes in the Smog Check II program.
6. Bicycle and Pedestrian Project/Programs -- Support improvements in policies pertaining to nonmotorized transportation, increasing funding for bicycling or walking capital or maintenance projects and increasing biking and walking safety. (restated)
7. Locomotives -- Support efforts mitigating air pollution impacts of rail transport and rail facility operations.
8. Land Use -- *Support communities in their efforts to meet sustainable land use and energy use goals and objectives or adopted Blueprint Preferred Scenario targets.*

DISTRICT FEES / ADMINISTRATION

9. Fee Authority Including the Surcharge on the Annual Registration of Motor Vehicles -- Oppose efforts that would eliminate the current local authority to assess motor vehicle registration surcharges, or other fees, or restrict activities that may be funded by that funding source.
10. Expenditure of Funds Collected From Penalties -- Oppose efforts restricting the district's authority to expend funds collected from penalties in a manner consistent with district goals and objectives. (restated)
11. Duplicate Fees -- Oppose efforts authorizing state/federal agencies to collect duplicate fees from small businesses already paying fees to local agencies for similar programs.

EXHIBIT D

264
AGENDA
MATERIAL

January 7, 2008

Members of the Sacramento City Council
900 I Street
Sacramento, CA 95814

RECEIVED
MAYOR/COUNCIL OFFICE
CITY OF SACRAMENTO

2008 JAN -8 A 7:06

Dear Mayor Fargo and Council members:

As a resident of East Sacramento for 38 years and as one who has been involved with major land use decisions in Sacramento County during 30 years with the County Planning Department, I want to express my strong concerns regarding the proposed Greenbriar project.

Although there are negatives associated with the project in terms of habitat value, quality farmland and still-unresolved flood protection, my main concern is one of timing. There are just too many unresolved issues to approve this project at this time:

1. The need for the project now in relation to population projections is not clear. City staff justifications, based on a projected 200,000 increase in population by 2030 are not supported by the City's own Technical Background Report and State of California population projections for the region. The more likely scenario is something on the order of an additional 90-110,000 persons over the next 22 years, a level more consistent with past growth and one that does not require this project in order to accommodate it.
2. The City's General Plan update is well underway. There are legitimate issues with the draft policies of the General Plan, in particular policy LU.1-1.4 regarding promoting infill over greenfield development and Policies LU.1-1.6 and LU.1-1.7 regarding the phasing of greenfield development. City Planning staff counter-arguments to these policy inconsistencies are hardly strong and convincing.
3. The implementation of the Joint Vision between the City and County has not been finalized. There are still unresolved questions on mitigation of open space and revenue equity. Under pressure from the project proponent, the County has made concessions on mitigation ratios for the project that provide a precedent to undermine the ability to achieve the open space protection objectives of the Joint Vision.
4. There are unresolved questions about the impact of the Overflight Area of Metro Airport's CLUP and how it might affect the acceptability of densities in the proposed project that are critical to the justification of a light rail line. The present quiescence of County Airports, Caltrans and FAA does not necessarily mean that they won't be registering their strong concerns when development specifics are under review.

5. Habitat mitigation in relation to the Natomas HCP, the Joint Vision's open space protection objectives and the as-yet undeclared requirements of federal and state regulatory agencies is not clear. On a number of occasions, local approval in advance of state/federal buy-in of local mitigation requirements has led to difficult readjustments to locally approved projects. Doesn't it make more sense to work out the mitigation strategy with all involved parties in advance of a major new entitlement that was not contemplated in the prior agreements?

Given these unresolved questions, I ask your Council to carefully think through your potential support of this project: Will you actually get what is being promised? Will moving ahead here and now potentially thwart other worthy city development priorities? Will approval threaten hard-fought consensus on habitat mitigation?

Your General Plan ultimately should give you this kind of guidance. It should not just specify where development might occur, but when and how. It should articulate a well-thought-out strategy for the priority and timing of development. Other regulatory agencies need to weigh in and there needs to be a better consensus on how new development in Natomas fits in to established mitigation strategies. You don't have that guidance now. You should demand it before approving such a seminal project as Greenbriar.

If you don't deny this project as premature, then at the very least you should continue it until there is a carefully thought out strategy for the City's urban expansion in place in the context of the City's General Plan, the Joint Vision is adopted and other unresolved issues are sorted out. Contrary to the characterizations of some, the fate of the light rail line to the airport does not depend on this project's approval at this point in time.

All my professional life I have argued for rational, sensible well-planned and environmentally responsible growth. If ever there was a project that demanded all these qualities, this is it.

Sincerely,



Robert Burness
1038 55th St
Sacramento, CA 95819
916-456-4332



2007-09-28

Sacramento Planning Commission
Greenbriar project

Sacramento Planning Commission
City Hall
915 I Street, Third Floor
Sacramento, CA 95814

September 28, 2007

Re: Greenbriar project

Dear Commissioners:

I have written you and testified before you about connectivity. In May I testified on behalf of the Sacramento Area Bicycle Advocates about the lack of connectivity from the Panhandle project area to areas outside the Panhandle. I followed up with a letter on the topic.

The same connectivity problem exists with Greenbriar. It is difficult to tell which is worse. Greenbriar, about a mile square, will have a single connection via Meister Way to the east, no connection to the south and two connections to Metro Air Park on the west. In Midtown or East Sacramento, there would be 12 to 16 connections over a one mile distance. I've not included Elkhorn Blvd in the east/west connections since its six lane width and Hwy 99 interchange will be an intimidating and unfriendly place for pedestrians and bicyclists.

This "infill" project as planned will be severely cut-off from its surroundings by Hwy 99, I-5 and the Lone Tree Canal.

The lack of connectivity will permanently discourage residents of Greenbriar from walking or biking for transportation. It takes about 5 minutes to bike a mile and 20 minutes to walk a mile. When lack of connectivity prevents short, direct trips few are going to walk or bike an extra one, two, or three miles to get where they need to go. Human powered transportation takes too much time and human energy to make that feasible.

When the city of Sacramento adopted pedestrian friendly street standards several years ago, we cheered. The street standards are good for pedestrians and bicyclists.

What has become clear after reviewing the Panhandle and Greenbriar layouts is that having good standards for street cross sections is not enough. The city needs street connectivity standards. I urge you to ask the city to develop such standards and to apply some reasonable standards in the interim.

For Greenbriar, at a bare minimum there needs to be a bicycle/pedestrian accessible crossing of I-5. A well designed non-interchange road crossing would suffice as would a separate bike/ped overcrossing. Not only would this give residents a way out of Greenbriar, it would allow residents south of I-5 a way in to use light rail, which otherwise will be tantalizing close, but in practical terms, unreachable for those waking or biking.

Likewise, Greenbriar will not have residents biking or walking to jobs at Metro Air Park if it is inconvenient and indirect, no matter how close they may be as the crow flies.

SABA is an award winning nonprofit organization with more than 1,400 members. We represent bicyclists. Our aim is more and safer trips by bike. We're working for a future in which bicycling for everyday transportation is common because it is safe, convenient and desirable. Bicycling is the healthiest, cleanest, cheapest, quietest, most energy efficient and least congesting form of transportation.

Yours truly,

Walt Seifert
Executive Director

cc: Scot Mende
Ed Cox
Ray Tretheway

From: "Walt Seifert" <saba1@sbcglobal.net>
To: "David Kwong" <dkwong@cityofsacramento.org>
Date: 11/7/07 2:41PM
Subject: Greenbriar Project

Mr. Kwong,

The Sacramento Area Bicycle Advocates has previously commented on the Greenbriar project and its poor connectivity. See the attached letter.

I would like emphasize again the need to mitigate the connectivity problems with this project. There should be a bicycle/pedestrian crossing or a non-interchange road crossing of I-5 on the southern edge of the project. Such a crossing would have significant benefits.

It would substantially increase the "ridershed" for the planned light rail station in Greenbriar. As currently planned, though there will be many rooftops south of I-5, residents will not be able to reach the light rail station. The station will be within walking distance and cycling distance for people living south of I-5 if access were provided.

A crossing for cyclists and pedestrians is needed because of the impenetrable barrier I-5 represents. It would allow many trips that otherwise would be taken by automobile to be made by bike.

Having a crossing is consistent with city's current plans to have non-interchange crossings of I-5 between the Del Paso and Arena interchanges and the Arena and I-80 interchanges.

I hope you will consider our comments and pass them along to the Planning Commission.

Walt Seifert
Executive Director
Sacramento Area Bicycle Advocates (SABA)
(916) 444-6600
saba@sacbike.org
www.sacbike.org
"SABA represents bicyclists. Our aim is more and safer trips by bike."

CC: "Ed Cox (Work)" <ecox@cityofsacramento.org>



October 11, 2007

City Planning Commission
City of Sacramento
916 I Street, 12th Floor
Sacramento, CA 95814

Re: Greenbriar

The Planning Commission has made it clear that it is interested in the transit oriented development characteristics of the proposed Greenbriar project. I very much appreciate your commitment to thoroughly examining this issue before making your recommendation. It is critical that we boost transit ridership in this City and region. Any development project at any scale that is within 1/2 mile of an existing or planned light rail station should be studied carefully for its impacts on transit ridership.

Development densities, particularly housing densities, are a common metric to use to assess the transit ridership potential of a development. On this variable, the Greenbriar project falls somewhat short. Transit planners generally use a rule of thumb that projects should have minimum residential densities of 15 dwelling units per acre, and ridership gets much better at even higher densities. The Greenbriar densities are slightly higher than 15 dwellings per acre within 1/2 mile, and slightly lower within 1/4 mile. I think that the primary reasons for this are the airport proximity issues, the land values at a location are pretty far from downtown Sacramento, and the fact that it is being developed near the edge of an urbanized area. (i.e., not in the middle of downtown).

However, no single metric can tell the whole story. For instance, there are 62 stations in our current light rail system. There is an average of 1,624 dwelling units within 1/2 mile of these stations. Greenbriar will have 2,367 dwelling units within 1/2 mile of the light rail station, 46% higher than the average of all stations in the current system. In fact, it would have more housing close to transit than all but eleven of the existing 62 stations.

The real metric that counts, of course, is transit ridership. Greenbriar also scores well here. Our travel modeling for the updated Metropolitan Transportation Plan projects that at build-out (before 2035) the Greenbriar stop would generate 1,094 boardings per day. We project 1,460 boardings at the average station on the Downtown to North Natomas to Airport (DNA) light rail line in 2035. Therefore, Greenbriar would generate about 37% more boardings than the average of the 14 stations on that line, and 10% of the approximately 20,000 daily boardings for the entire line. The travel model we are using for these projections is one of the most sophisticated in the country. We are confident these projections will be usable in the region's application for federal transit dollars to assist in building that line.

Again, thank you for your interest in the transit oriented development issue. I believe you can understand from the data presented above one of the primary reasons why I believe this project will assist in meeting the future public transportation needs of the region.

Sincerely,

Mike McKeever
Executive Director

Auburn
Citrus Heights
Colfax
Davis
El Dorado County
Elk Grove
Folsom
Galt
Isleton
Lincoln
Lodi
Lodi
Marysville
Pleasanton
Placerville
Rancho Cordova
Rocklin
Roseville
Sacramento
Sacramento County
Sutter County
West Sacramento
Whittier
Yuba City
Yuba County

Sacramento Area
Council of
Governments

1415 L Street,
Suite 300
Sacramento, CA
95814

tel: 916.321.8000
fax: 916.321.8551
toll: 916.321.8500
www.sacog.org

Sacramento
Regional Transit

1400 20th Street
Sacramento, CA
95816
tel: 916.321.2800
www.sacrt.com



October 24, 2007

Joseph Yee, Chair
Sacramento City Planning Commission
New City Hall
915 I Street, Third Floor
Sacramento, CA 95814

Dear Chair Yee and Members of the Planning Commission:

Sacramento Regional Transit District and the Sacramento Area Council of Governments have presented you with testimony about the significant transit ridership that would be generated by the Greenbriar project. In this letter, we add some detail about the timing of our pursuit of federal funds for this important project.

The current Federal Transportation Bill will need to be reauthorized by Congress in 2009. We will want Congress to specifically list the complete Downtown to North Natomas to Airport (DNA) light rail line as a project eligible for funding in that bill. There will be a great deal of activity in 2008 in preparation for the 2009 work. Most important for the prospects for DNA funding is that the Federal Transit Authority will be working on its list of light rail projects to recommend for inclusion in the bill. We expect them to complete their recommendations in mid to late fall, 2008. That means that we will be actively advocating with them through 2008 to include the DNA line on their recommended list. That process will start in a few short months.

As the travel model information we have presented you clearly shows, the inclusion of transit riders from the Greenbriar project will significantly improve our argument. Conversely, if the City decides to reject that project now, even if it intends to reconsider its decision at a future date, our argument will be significantly weakened. We will not be able to project riders from an unapproved transit-oriented project.

The DNA project is included in SACOG's existing MTP, and in the draft update to the MTP before the SACOG Board on Monday, October 29. It has been a very high priority project for RT for several years. It is also a high priority project for the City of Sacramento, demonstrated by the central role it plays in the North Natomas Community Plan. Recent polls and community workshop results clearly show the public's support for continued expansion of our region's light rail system.

Proceeding with Greenbriar now is an important component of helping the City and region to compete in very stiff competition for federal funding for this project. The magnitude of the issue is substantial - hundreds of millions of dollars. Please let us know if you have any questions about this information or our prior testimony.

Sincerely,

Mike McKeever
Executive Director
SACOG

Michael R. Wiley
Interim General Manager
Regional Transit



sacasiancc.org

Sacramento
ASIAN PACIFIC
chamber of commerce

2012 H Street, Suite 202, Sacramento, CA 95814 - Phone: (916) 416-7883 - Fax: (916) 446-7098

Honorable Mayor Fargo and Councilmembers
Sacramento City Hall
915 I Street, 5th Floor
Sacramento, CA 95814

Re: The Greenbriar project

Dear Mayor Fargo and Councilmembers:

I am writing on behalf of the Sacramento Asian Pacific Chamber of Commerce to express our strong support for the Greenbriar project.

Located between the developing Metro Air Park light industrial/office complex and the North Natomas Community Plan, the Greenbriar project is a logical and well-reasoned addition to the City of Sacramento and will serve to enhance the urban landscape of North Natomas. The Chamber has taken the time to become familiar with the Greenbriar proposal and understand the project's unique characteristics that warrant our support.

As you are aware, Greenbriar was designed with the future Downtown-Natomas-Airport light rail extension in mind, including a station site centrally located within the project. The Chamber believes the DNA extension is critical to broadening our region's transportation alternatives and that appropriate development along the planned extension route is necessary to successfully implement light rail service in North Natomas. Greenbriar has been intentionally planned to complement the DNA extension with a wide variety of housing densities planned near and around the station site, including affordable and senior units. Nearly 80% of all housing within the project is located within 1/4 mile of the station site, and average residential densities within 1/4 mile of the station will exceed 17 dwelling units per acre.

Besides its support for public transit, Greenbriar also represents one of the first large-scale master-planned projects to incorporate SACOG's *Regional Blueprint* principles. Following many months of community input, the *Blueprint* suggests a more sustainable way to plan future communities based on expanding housing variety, providing transportation alternatives, preserving natural resources, and bringing jobs and housing closer together. Greenbriar achieves these laudable objectives with more than a dozen different housing types, light rail as the project's centerpiece, an extraordinary amount of habitat and open space preservation including satisfying the Joint Vision MOU – and the project would locate nearly 3,000 homes immediately adjacent to 38,000 jobs planned at the neighboring Metro Air Park employment center. Because of these and other project attributes, the Chamber sees Greenbriar as a model project for the City of Sacramento to approve in order to implement the *Blueprint*, and to responsibly plan the City's future.

I look forward to expressing the Chamber's endorsement for Greenbriar during the public hearing process. Should you have questions about our position, please don't hesitate to contact me.

Respectfully,

Patrieta Fong Kushida
President/CEO

Pat Fong Kushida

cc: Sacramento LAFCo



Sacramento Audubon Society

P. O. Box 160694, Sacramento, CA 95816-0694

January 7, 2008

Mayor Heather Fargo and Members of the Sacramento City Council
City of Sacramento
915 "I" Street, Fifth Floor
Sacramento, CA. 95814

Dear Mayor Fargo and Members of the Sacramento City Council:

Sacramento Audubon Society opposes AKT's proposed "Greenbriar" development project. The Greenbriar project, if approved, would pave over approximately 577 acres of prime agricultural land and habitat in the Natomas Basin, *outside* of the existing City limits, *outside* of the County's urban services boundary, *outside* of the boundaries of the lands that may be permissibly developed under the Natomas Basin Habitat Conservation Plan, and *inside* of a deep basin that has inadequate flood protection.

Last November, the City's Planning Commission stood up to AKT, and rejected this project. The City Council should do the same. This project is even more offensive than AKT's typical out-of-bounds efforts to destroy habitat and exacerbate sprawl and gridlock throughout the Sacramento region for a broad range of reasons, including, but not limited to:

- Everybody, including the City and AKT, knows that adequate flood protection does not exist in the Natomas Basin. Approval of the Greenbriar project would be extremely irresponsible due to the substantial risk of loss of life and property that the project poses.
- The project cannot lawfully be approved, because it lies outside of the developable area covered by the Natomas Basin Habitat Conservation Plan ("NBHCP"). The project area supports wildlife species such as the imperiled Swainson's hawk and giant garter snake. Wildlife protection agencies and Swainson's Hawk biologists have formally commented that the biological mitigation measures proposed for Greenbriar are grossly inadequate.
- The project is not consistent with current city or county general plans. A general plan is supposed to serve as a forward-looking guide for sensible future development – not as a retrospective catalogue documenting an ever-expanding swath of environmental carnage, sprawl and gridlock caused by the senseless approval of environmentally and socially irresponsible development projects, such as this one.

Sacramento Audubon Society thanks the City's Planning Commission for its decision to place the City's and its residents' interests ahead of AKT's biologically, fiscally and socially irresponsible development proposal. We urge the City Council to do the same.

Sincerely,

Keith G. Wagner, President
Sacramento Audubon Society

Sacramento Black Chamber of Commerce

"TAKING CARE OF BUSINESS"

January 7, 2008

Honorable Members
Sacramento City Council
City Hall
915 I Street, 5th Floor
Sacramento, CA 95814

Re: Greenbriar

Dear Mayor Fargo and Councilmembers:

On behalf of the Sacramento Black Chamber of Commerce, I submit our endorsement for the proposed Greenbriar project.

Greenbriar is one of the first opportunities for the City of Sacramento to approve a large-scale master-planned community that was designed based on *Blueprint* planning principles. The project incorporates a wide variety of housing opportunities planned around a proposed light rail station, and the project's system of roadways is designed according to a more traditional grid pattern, avoiding standard suburban cul-de-sacs. The project site itself lies next door to the Metro Air Park employment center that is expected to generate nearly 40,000 jobs when completed. Greenbriar will improve the local jobs housing balance while at the same time providing a viable transportation alternative that minimizes dependence on single-occupant auto use. The City Council has been very supportive of the *Blueprint* and should approve this project in the interest of advancing one of the region's most sustainable project proposals.

The Sacramento Black Chamber of Commerce is pleased to register our support for Greenbriar project and we strongly encourage the City Council to approve the project.

Thank you for your consideration.

Sincerely,


Azizza Davis Goines
President/CEO

Sacramento County Farm Bureau
8970 Elk Grove Blvd. Elk Grove, CA 95624
Phone: (916) 685-6958 Fax: (916) 685-7125



November 6, 2007

Mayor Heather Fargo
City Hall
915 I Street, 5th Floor
Sacramento, California 95814-2604

RE: Proposed Greenbriar Project

Dear Mayor Fargo:

The Sacramento County Farm Bureau has significant concerns regarding the proposed Greenbriar project. We believe these concerns are not being appropriately addressed by the City of Sacramento, the County of Sacramento or LAFCo.

The proposed Greenbriar project will pave over some of the County's remaining prime farmland with no discernible mitigation to help preserve farmland in our region.³ The City of Sacramento and County of Sacramento both have General Plans that recognize the importance of protecting agriculture land, yet the City of Sacramento is allowing the Greenbriar project to count habitat mitigation land as agriculture preservation with no evidence that it can and will be used for farmland in perpetuity. Jurisdictions in the region require at least 1:1 mitigation for the intent purposes of agriculture only. Anything less than 1:1 mitigation for agriculture is unacceptable and this project should be no exception. In addition, the project lies outside the Permit Areas of the Natomas Basin Habitat Conservation Plan, the NBHCP mitigation plan relied on the assumption that most of the Basin outside of the Permit Areas would remain undeveloped and agricultural for the 50 year Permit Term.

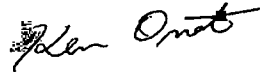
It should be recognized that agriculture's economic impact to Sacramento County is over \$366 million in farm gate sales and over \$1.2 billion in supportive industries, such as transportation, processing and sales. It should also be recognized that Farm Bureau respects the position of the City and County's need to grow to accommodate future population growth. However, agriculture should be of highest priority and protected against urban sprawl because of its economic contribution. Agriculture is an important economic engine that drives the vitality

of not only our State's economic health, but habitat for our wildlife, food and fiber for people around the world. **We urge that infill projects and revitalization of existing developed areas are the priority before the development of existing farmland.**

In addition, the proposed development is slated for over 3,400 housing units, shopping malls, an elementary school and several parks in a deep floodplain prior to any repairs of Natomas levees; which lacks 100 year flood protection. This is poor public planning.

In closing, the proposed Greenbrier project does not adequately address the impacts to agriculture and is clearly inconsistent with the City's and County's General Plan and Natomas Basins Habitat Conservation Plan. Farm Bureau first urges that infill projects are priority before further expansion. If expansion must occur, we ask this project remain consistent with other jurisdictions in the region that require at least 1:1 mitigation for the intent purposes of agriculture only. Anything less than 1:1 mitigation for agriculture is unacceptable.

Sincerely,



Ken Oneto, President

cc: City of Sacramento Council Members
City of Sacramento Planning Commission
Sacramento County Board of Supervisors
Sacramento Local Agency Formation Commission



2007

Officers & Directors

President

KEN PAYNE

Hazardous Substances Scientist

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Secretary

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of Sacramento Valley

AL MCNULTY

Taxpayer

RICHARD MERSEREAU

Taxpayer-Policy Analyst

DOLORES O'BRIEN

Taxpayer

JAY O'BRIEN

Taxpayer

HARVEY ROSE, M.D.

SACRAMENTO COUNTY TAXPAYERS LEAGUE

October 6, 2007

Joseph Yee, Chairperson

City of Sacramento Planning Commission

915 I Street, NCH, 3rd Floor

Sacramento, CA 95814-2671

RE: Opposition to the Annexation of Greenbriar by the City of Sacramento


Dear Chairperson Yee,

On behalf of the Sacramento County Taxpayers League, I am writing to urge you and the other members of the Commission to disallow the Greenbriar annexation project outside of the Sacramento City limits in North Natomas. We first expressed our opposition to Greenbriar in September 2006 through both a letter and testimony to the Local Area Formation Commission (LAFCO Commission), and again in testimony to the LAFCO Commission in September 2007. Our primary opposition was then and is still now based on the substantial infrastructure costs to taxpayers that it will take to make this area safe and well-served, and due to the tremendous risks and costs that allowing additional development in a severe flood plain lacking 100-year protection would present to taxpayers.

Secondly, the League now notes severe additional risks to the taxpayers due to a conflict between the existing "Joint Vision" memorandum of understanding (MOU) between the City of Sacramento and the County of Sacramento that governs potential development of this area, in which all tax revenues would be shared equally between them, and the Greenbriar Municipal Services Review and Financing Plan, which assumes that all of these revenues would be available to the City of Sacramento to build, operate, and fund municipal services. This conflict could result in a legal challenge by the County of Sacramento to recover the tax revenues, leaving the project in serious deficit and the City's taxpayers exposed to huge financial liabilities to finish it.

Finally, the City of Sacramento has a dismal track record in delivering tax-supported public services to the existing North Natomas community. The Sacramento Bee recently reported that the City still needs \$74 million dollars, presumably coming from City taxpayers, to provide already-promised public services to North Natomas such as police and fire services, libraries and schools, parks and recreation, and even basic bus service. The Sacramento County Grand Jury also noted in its 2006-2007 final report, "North Natomas: Development Gone Awry" the serious deficit in municipal services and infrastructure in the build-out of the North Natomas Community Plan. The City of Sacramento must finish North Natomas and deliver the services already paid for and promised to its taxpayers as a first priority, not expose the taxpayers to even greater risks and liabilities with Greenbriar. Thank you for your consideration, and please convey our concerns to other members of the commission.

Respectfully,


Bob Blymyer, Executive Director
Sacramento County Taxpayers League

Cc: Sacramento City Council Members

1804 Tribute Road, Suite 207 • Sacramento, CA 95815-4309 • Phone (916) 921-5991 • Fax (916) 567-1279

<http://www.sactax.org>

Email: SacTaxLeague@Prodigy.net

**1775 AVENUE
THE HISTORIC CHAMBER
OF COMMERCE**

December 13, 2007

Honorable Members
Sacramento City Council
City Hall
915 I Street, 5th Floor
Sacramento, CA 95834

Re: Greenbelt

Dear Mayor, City Council members:

On behalf of the Sacramento Historic Chamber of Commerce, I have the pleasure to submit our endorsement of the proposed Greenbelt project located in North Sacramento.

Having reviewed the Greenbelt proposal and what it has to offer the City of Sacramento and our region, the Sacramento Historic Chamber of Commerce (SHCC) enthusiastically supports the project and the City Council. The project will serve as a catalyst for the extension of the Downtown/Natomas Airport (DNA) light rail line, and the project's location has been carefully selected to complement the rail and to reflect months of community input provided through SACCO's public process.

The Chamber also notes the support Greenbelt has received from the community from its regional partners: Sacramento IATCO, the Sacramento Metropolitan Air Quality Management District, Regional Transportation Council (ATCO), and the Sacramento Metropolitan Air Quality Management District. Other notable organizations have also expressed their firm support of the Greenbelt project, including the Sacramento Metropolitan Chamber of Commerce, the Asian Pacific Chamber of Commerce, the IMA for both Northern and Southern California, the North American School of the Air Force, the Air Force Civil Engineer Center, the SHCC itself. Greenbelt will enhance the City of Sacramento as a well-planned, forward-thinking, vibrant community. It will offer a wide variety of housing for first-time and move-up home buyers and provide ample open space and habitat creation. The project will also be the City's Mixed-Use Development Office and will be a catalyst for job growth expected from the existing Memo Air Park employment center.

As the Sacramento Historic Chamber of Commerce is pleased to offer our support of Greenbelt and we strongly encourage the City Council to approve the project. Should you have questions about the Greenbelt, I would be happy to speak with you or the City Council in person at the upcoming public hearing.

Thank you for your consideration.

Sincerely,

Diana Borsari

Diana Borsari
President/CEO

cc: Sacramento IATCO

Let's open up our future.

 **Call your business community**

1000 J Street, Suite 101
Sacramento, CA 95811

www.saccco.org

September 19, 2007

Mr. Tom Buford
Senior Planner
Development Services Department
Environmental Planning Services
City of Sacramento
2101 Arena Blvd, 2nd floor
Sacramento, CA 95834

Mr. Don Lockhart
Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

**SUBJECT: FEIR, GREENBRIAR PROJECT FILE # P05-069
SAC 200400304M**

Dear Mr. Buford and Mr. Lockhart:

Thank you for sending the FEIR for the project listed above to the Sacramento Metropolitan Air Quality Management District (District) for review and comment. District staff comments follow.

The FEIR provides responses to the District's August 31, 2006 letter regarding the Greenbriar DEIR. In addition, it provides responses to the District's December 29, 2006 letter regarding the Recirculated DEIR. For purposes of this letter, comments will be grouped by topic, regardless of which District letter sparked the discussion.

Off-site construction fee per acre calculation

The District notes that part of the URBEMIS calculations were re-run, using a more conservative amount of "other equipment." In line with that, the off-site construction mitigation fee was recalculated and the new fee was determined to be \$2,587,955. The fee calculation spreadsheet also shows that fee as expressed as a mitigation fee per acre of \$4,485.19. It's important to make note that this calculation was made a function of the fee per acre of the acreage of the total project. In other words \$2,587,955 was divided by 577 acres and the fee per acre was determined to be \$4,485.19/acre of land. That land could be comprised of park land, lake land, buffer space as well as developed land. With this understanding, as subprojects of Greenbriar come forward for additional CEQA review, entitlement of Planning Director's Review, the mitigation fee should be applied on all categories of land use. We recommend to the City that this distinction be made very clear in the Mitigation Monitoring Report, any condition of approval which mentions this fee and in the mitigation measure itself.

Mitigation Measure 6.2-1 c (off-site construction mitigation fee)

The appropriate mitigation measure, amended in the FEIR and without underlines and strikeouts, currently reads:

The applicant shall pay \$2,587,955 into SMAQMD's off-site construction mitigation fund to further mitigate construction-generated emissions of NOx that exceed SMAQMD's daily emission threshold of 85 lb/day. The calculation of the fee listed here is based on the current cost of \$14,300 to reduce a ton of NOx. However, the then current cost of reducing NOx should be used at the time of the payment of the fee. The fee shall be paid to SMAQMD prior to the issuance of any grading permit for any portion of the project. The fee can be paid on an acre bases [sic] \$4,485.19 as development occurs and grading permits sought. (See Appendix D of the DEIR for calculation worksheet).⁴¹ (underline added by SMAQMD.)

Because of a spelling error (bases vs basis), we believe this mitigation measure needs slight editing. In addition, we believe the mitigation measure should make it clear that all acres of the project should have the fee applied to it. We suggest that the two sentences at the end of the measure be changed to read:

"The fee can be paid on a per acre basis of \$4,485.19 per acre as development occurs and grading permits are sought. The per acre fee will be applied to all 577 acres of the project, including open space, lake, buffer, developed land, etc. (See "Construction Fee Calculation" in the back of the FEIR for calculation worksheet.)"

Operational mitigation measure MM6.2-2 (operational air quality emissions)

The proponent has chosen to disregard the District's comments that the Greenbriar "Master AQ/TSM Plan" (sometimes called an Air Quality Mitigation Plan, AQMP) needs to be strengthened. As we previously explained, the "Master AQ/TSM Plan" was first submitted to the District in October 2005 and was approved by the District in a 12/21/05 letter, 20 months ago. Since then, the District has released new protocol about how to create Air Quality Mitigation Plans and has had a public workshop on refined project-specific measures. Under current District protocol, the District believes the "Master AQ/TSM Plan" needs more detail in order to be more effective, enforceable and defensible.

The Greenbriar "Master AQ/TSM Plan" mixes the requirements of the North Natomas Community Plan for a Transportation Systems Management/Air Quality Plan with the CEQA-generated need to mitigate air quality impacts through an Air Quality Mitigation Plan (AQMP). For some time, District representatives have discussed with City of Sacramento planners the confusion mixing the requirements for a TSM ordinance with air quality mitigation can cause. In the case of this "Master AQ/TSM Plan," the project attempts to add up trip reduction points with reduction in air quality emissions. To use a simple metaphor, the addition of "apples and oranges" does not equal more "apples."

The measures contained in the "Master AQ/TSM Plan" lack the specificity to be enforceable. As one example, measure #33 reads:

⁴¹ FEIR, Greenbriar, August 2007, pg. 5-32.

This project will be designed to maximize bicycle and pedestrian connectivity between residential uses and commercial/retail land uses. Any uses that may impede pedestrian or bicycle circulation, such as berms, gates, walls, or other structures will not be constructed.²

The "Master AQ/TSM Plan," however, offers no proof of this statement. There are no diagrams or Design Guidelines or specific project policies to show that this goal will be implemented. There is also no explanation on how the construction of a meandering lake does not constitute a barrier to pedestrian and bicycle circulation.

The measures also lack specificity. For example, measure #15 reads:

The City of Sacramento requires that a certain percentage of a development's parking lot be shaded by 50% within 15 years of the establishment of the parking lot. To improve air quality conditions, Greenbriar will provide an additional 10% of parking lot shading by adding more trees.³

The "Master AQ/TSM Plan" again offers no proof of this statement. There are no diagrams or Design Guidelines or specific project policies to show that this goal will be implemented. Where, exactly, will this measure be implemented? Will it be implemented in all parking lots- including those at the school, in high density residential developments, in any retail area? There are no exhibits and no proof.

Because the measures lack specificity, enforceability and justification, the District still believes the Master AQ/TSM Plan needs to be revised and rewritten to be a bone-fide, stand-alone Air Quality Mitigation Plan.

Currently, Mitigation Measure 6.202 reads:

When a project's operational emissions are estimated to exceed SMAQMD's threshold of significance of 65 lb/day for ROG or NOx, an Air Quality Mitigation Plan, AQAP [SIC], to reduce operational emissions by a minimum of 15% shall be submitted to SMAQMD for approval. The following mitigation is included in the SMAQMD-approved AQAP [SIC] for this project (Appendix E) and shall be incorporated to achieve a 15% reduction.⁴

This mitigation measure says nothing about the timing of the implementation of the measure nor does it recognize that the "Master AQ/TSM Plan" is not actually an Air Quality Mitigation Plan.

The District suggests that Mitigation Measure 6.2-2 be rewritten as follows:

By the time of the City Council hearing on the project, the proponent will create an Air Quality Mitigation Plan designed to reduce project operational emissions by 15%. The AQMP must be endorsed by the SMAQMD. This AQMP can be a revision of the previously endorsed "Master AQ/TSM Plan," but it must be re-endorsed by the District under their current guidance. The project-specific air

² Greenbriar Master AS/TSM Plan, Dated October, 2005, pg 10

³ Greenbriar Master AS/TSM Plan, Dated October, 2005, pg 18

⁴ FEIR, Greenbriar, pg 5-32

quality mitigation measures contained in the AQMP will be implemented by the project prior to the issuance of certificate of occupancy by the project or any sub-part of the project. The AQMP will be separate and distinct from the project's Transportation Systems Management Plan.

Toxic Air Contaminants (TACs) from Mobile sources

The DEIR, RDEIR and FEIR maintain that it is "reasonable to apply the risk level associated with significant impacts from stationary sources (incremental cancer risk of 10 or more in a million) to exposure from mobile source emissions."⁶ The combined environmental documents, thus, establish a threshold for TACs for this project. They state this standard is one which is used by the District and others for stationary source TACs. While that is correct, it is currently not a standard for mobile source TACs. The District has no standard for mobile source TACs.

The DEIR, RDEIR and FEIR state that relative to TACs from mobile sources on the highways near this project (I-5 and SR 70/99), the impact is less than significant. The District still strongly believes the conclusion of "less than significant" is not supported by the data nor the argument presented in the document.

The project specific Health Risk Assessment found that "the project's cancer risk from exposure to on-road mobile-source TACs ... for the residents closest to freeways, is 29 in 1 million."⁶ The "29 in 1 million" number is an absolute number and current state-accepted protocol indicates the number is to be taken as an incremental risk to the Sacramento county area background risk level of 360 cases per million. If one sees this result in this way, then a project specific risk level of 29 (more cases of cancer) in one million is clearly a significant impact for TACs in the context of an environmental document which has set 10 in a million as a threshold of significance. The District believes this is the correct way to view the result of 29 in a million and believes that the project is significant for TACs. Because of that, the District further believes the project is obligated to supply mitigation for this significant risk. That mitigation could involve the movement of the houses closest to the two freeways further back, even the movement of the school further back or some other mitigation like the planting of redwood trees.

The District does not accept the document's methodology of comparing the results of the HRA to the background or to any "improved background level."

We find the following statement devoid of reason or precedent:

"The cancer risk to residents closest to the freeway is estimated at 29 in one million people from exposure to TAC, and this is an increment of approximately 8 in one million more than improved future background levels, and less than current background conditions (i.e. Less than the cancer rate if background conditions did not improve over time. This impact would be less than significant."⁷

⁶ FEIR, Greenbriar, pg 5-34

⁶ RDEIR, Greenbriar

⁷ FEIR, Greenbriar, pg 5-36

How the risk compares incrementally to a current or an "improved background" is irrelevant and erroneously discounts the risk. Using the document's own standard of significance of 10 in a million increased cases (cancer), we believe the HRA results show the project is "significant" for Toxic Air Contaminants and not "less than significant" as the document claims. As such, we believe the document should call out specific mitigation for the risk. We are concerned that this unusual methodology which is not used by OEHHA or any Air District could be seen as some kind of model or precedent.

In summary, we believe the conclusion reached by the environmental documents regarding the "less than significant" level of the TAC exposure is unsupported and is not in line with how OEHHA and the rest of the scientific community would view results from a Health Risk Assessment.

If you have questions, please contact me at 874-4885 or jborkenhagen@airquality.org.

Sincerely,



Jeane Borkenhagen
Associate Planner

cc	Larry Robinson	SMAQMD
	LE Buford	City of Sacramento
	Ed Cox	City of Sacramento



Larry Greene
AIR POLLUTION CONTROL OFFICER

October 29, 2007

Mr. William Thomas
Development Services Department
City of Sacramento
915 I St. 3rd Floor
Sacramento, CA 95814

**SUBJECT: Greenbriar CEQA Analysis Toxic Air Contaminants
FILE # P05-069, SAC 200400304U**

Dear Mr. Thomas:

The Sacramento Air Quality Management District (SMAQMD) supports the Greenbriar development project because it offers many air quality-friendly elements. The mixed-use design, density, and transit features are consistent with Blueprint, which is one of the key planning tools designed to limit the air quality and transportation impacts of projects in the Sacramento region.

Greenbriar will help link already urbanized areas of the City of Sacramento with the Sacramento International Airport and future industrial uses in Metro Air Park to the west. Furthermore, it is an essential step toward ensuring the Downtown-Natomas-Airport Regional Transit light rail line implementation. Finally, the project proponent has committed to implementation of a SMAQMD-endorsed operational Air Quality Mitigation Plan and mitigation of construction impacts, which will help to mitigate the project's impact on the region. All of these characteristics ultimately assist with regional air quality.

The District, however, disagrees with the analytical approach to assessing Toxic Air Contaminants in the EIR. The District developed a guidance document for addressing highway-related toxic risks: Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways, which was approved by our Board of Directors in January 2007. The Protocol was developed in response to an Air Resources Board guidance document, which recommends that residential projects not be located within 500 feet of a highway. Because that guidance was based on data specific to Los Angeles, it overstated the risk to residential projects in Sacramento. The District staff applied Sacramento-specific data to the ARB's analytic approach and devised new setback recommendations that are detailed in the Protocol. The Protocol advises agencies to prepare a site-specific health risk assessment when projects are located within a specified setback zone.

The Greenbriar residences are located outside the setback zone in which a site-specific health risk assessment is recommended under the Protocol. Consequently, the Protocol would not have recommended a site-specific health risk assessment for the project, but would have recommended disclosure of the relevant potential cancer risk established in the Protocol's screening tables.

Rather than rely upon the Protocol, however, the EIR proposed a significance threshold of 10 cases in a million for toxic risks and included a site-specific health risk assessment. The point of contention between the District and the conclusions in the EIR arises from the EIR's evaluation of the health risk assessment.

First, while the EIR risk assessment showed that the risk posed by the project was 29 cases in a million, in assessing the significance of that impact it compared the risk to regional background levels rather than the EIR 10:1 million significance threshold. It is inconsistent with standard practices to compare the risk to background, because that approach artificially minimizes the *added* risk posed by the specific project.

Second, the evaluation made several adjustments to the health risk assessment factors that lowered the 29 in a million risk estimate. This, too, is inconsistent with standard practices. Risk assessment methodologies have been developed over many years and are designed to give an accurate estimate of worst-case risk. By adjusting the accepted methodology, the EIR distorts the usefulness of the tool in weighing those risks. As a consequence, it also misstates the risk.

For example, the evaluation assumed emissions from mobile sources will go down over time, based upon regulations that are presumed to go into effect in the future. Standard health risk methodology does not allow for consideration of future reductions from laws and regulations that have not been implemented. In addition, even if some emissions go down based on new U.S. standards, it is also possible that overall emissions will increase if truck traffic increases and if there are increased numbers of higher emitting Mexican and Canadian trucks. Because these variables are unpredictable, standard procedure is to use a uniform approach to assessing future emissions.

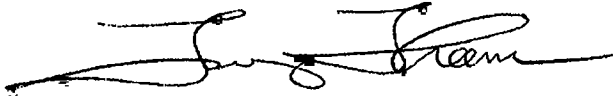
Again, the District has not taken a position on the ultimate conclusion reached in the EIR -- that the toxic risk of the project is not significant. The District disagrees with the analytic approach taken in the EIR, however, because it sets a bad precedent for performing risk assessments in the region. Quite simply, if a risk assessment is undertaken, it should comply with standard, accepted practices.

Aside from the impact analysis, we'd like to note that the Greenbriar project also includes trees and berms along roads, which is typical mitigation to reduce potential toxic impacts from roadways. To enhance the reduction potential of these measures, we recommend the use of finely-needled trees and the use of sound walls in strategic places along the boundary of the project.

In conclusion, the Air District supports this project for the reasons outlined above, but disagrees with certain technical aspects of the TAC risk evaluation methodology.

If you have any questions, please contact me at 874-4802 or LGreene@airquality.org.

Sincerely,



Larry Greene
Air Pollution Control Officer

CC:	Mr. David Kwong	City of Sacramento
	Ms. L.E Buford	City of Sacramento
	Mr. Tom Buford	City of Sacramento
	Mr. Don Lockhart	LAFCO
	Mr. Scot Mende	City of Sacramento
	Mr. Phil Serna	Serna Consulting
	Ms. D.E. "Red" Banes	Planning Commissioner
	Mr. John Boyd	Planning Commissioner
	Mr. Joseph Contreras	Planning Commissioner
	Mr. Chris Givens	Planning Commissioner
	Mr. Michael Notestine	Planning Commissioner
	Ms. Jodi Samuels	Planning Commissioner
	Mr. Barry Wasserman	Planning Commissioner
	Mr. Darrel Woo	Planning Commissioner
	Mr. Joseph Yee	Planning Commissioner
	Mr. Marty Hanneman	Assistant City Manager
	Mr. Ray Trethaway	City Councilmember

Enc: Dr. George Alexeeff, Deputy Director for Scientific Affairs, Office of Environmental Health Hazard Assessment, California EPA, correspondence to Larry Greene, APCO, Sept 26, 2007, RE: Review of the Recirculated Draft EIR for Greenbriar Project.


metrochamber

 SACRAMENTO METROPOLITAN
CHAMBER OF COMMERCE

January 4, 2008

 Hon. Heather Fargo, Mayor
City of Sacramento
915 I Street
Sacramento, CA 95814

RE: Greenbriar Project

Dear Mayor Fargo:

On December 4, 2007 The Sacramento Metro Chamber Board of Directors formally reviewed and voted to endorse the Greenbriar project and believes it incorporates many of the smart growth principles included in the SACOG Blueprint preferred scenario. This endorsement followed a comprehensive review of the project by both our Land Use and Natural Resources Committee and Executive Committee. We strongly encourage the City Council to approve this project when it comes before the Council.

The Sacramento Metro Chamber is the largest, oldest and most prominent voice of business in the greater Sacramento area. Representing nearly 2,500 member businesses and business organizations in the six county Sacramento region, the Sacramento Metro Chamber serves as the region's leading proponent of regional cooperation and primary advocate on issues affecting business, economic development and quality of life.

Over the last several years, the Metro Chamber has been one of the main proponents of the SACOG Preferred Blueprint Scenario. "Blueprint," as it is commonly known, provides a regional land use guide that encourages growth in a smarter, more responsible and coordinated way. The Metro Chamber is a proud advocate of the The Blueprint preferred scenario as it shows that if the Sacramento region grows in a more sustainable manner, we can minimize traffic congestion and serve to improve air quality. This approach also allows us to maximize the use of existing critical infrastructure that helps to support improved transit alternatives.

Endorsing the Blueprint is a key guideline. In order for Blueprint to be successful, local land use agencies and cities like Sacramento need to embrace and incorporate Blueprint principles and smart growth principles. We believe the Greenbriar project is consistent with the desirable and smart growth principles contained within Blueprint.

Chair 2008

Michael Jacobson

California Public Affairs Manager

Intel

1st Vice Chair

Linda Culler

Vice President, Corporate Communications

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2nd Vice Chair

Randy Carter

Senior Vice President

Techert Logistics Co.

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Assistant General Manager

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Vice Chair, Membership Development

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Deutschland Communications Group

Robert Duen

Legislative and Public Affairs

Granite Construction Inc.

Onyiah Ekechi

Vice President, Area Manager

CH2M Hill

Eric Fernandez

Regional Vice President

Wells Fargo Bank

Legal Counsel

Christopher Dellapio

Attorney

Sacramento Metro Chamber

Sacramento Metro Chamber

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Sacramento Metro Chamber

The Greenbriar project includes:

- 389 acres of residential development
- 30 acres of neighborhood commercial uses
- 150 acres of parks and open space
- The Greenbriar project is a transit-oriented development. Greenbriar is in close proximity to a future light rail station and is expected to generate approximately 1,162 daily riders, which significantly enhances the viability of the Downtown/Natomas/Airport line and the ability to secure federal funding.
- The owners of the proposed development are donating 6.42 acres of land, valued at \$5.4 million for the exclusive use of the DNA Light Rail Extension project.
- The owners of the proposed development are underwriting the establishment of a Transportation Congestion Relief Fund administered by the City of Sacramento that could be used to ease highway traffic.

The Metro Chamber respectfully requests the City of Sacramento to approve the Greenbriar project as presented.

Sincerely,



Matthew R. Mahood
President & CEO

Cc: Sacramento City Council

From: slfmail@aol.com

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge;
Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Steve Cohn

Subject: One Voter's Views on Greenbriar

1/4/2008 11:28 AM

Dear Mayor Fargo and Councilmembers:

I am a resident of the City of Sacramento and I am concerned about the future growth and economic well-being of the City. I am particularly committed -- and think you should be as well -- to the excellent planning embodied in our Blueprint for the region? The Greenbriar project does NOT represent the spirit and intent of the Blueprint.

Please stay within the existing boundaries of the City and focus on improving our current urban area, and meeting our infrastructure needs. Reject the Greenbriar project as recommended by the City Planning Commission on November 8, 2008.

Sincerely,?

Sharon Frederick

2128 I Street

916-492-2848

From: "Shirley Hines" hiness@earthlink.net

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge;
Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Steve Cohn

1/8/2008 8:29 AM

Subject: Greenbriar Project

I oppose the Greenbriar Project. Please accept the recommendation of the City Planning Commission to deny the project. To approve Greenbriar would be to go against the city's vision and stated priorities.

sincerely,
Shirley Hines
719 Flint Way
Sacramento
(916) 444-6553

Shirley Hines
hiness@earthlink.net
EarthLink Revolves Around You.

SOUTH NATOMAS



October 10, 2007

Joseph Yee, Chairperson
Planning Commission
1731 J Street, Suite 200
Sacramento, California 95814

Dear Mr. Yee,

The South Natomas Transportation Management Association is pleased to support the Greenbriar project and endorse its approval.

Greenbriar is structured to conform to smart growth principles, is a transit oriented development and is consistent with the elements contained in the Joint Vision of both the City Council and Board of Supervisors. The project will improve the job and housing balance due to its proximity to Metro Air Park, a developing light industrial business park with 35,000 new jobs.

Our interest remains in supporting the development of meaningful transportation alternatives for South Natomas and the entire Sacramento region. Greenbriar will generate approximately 1,162 daily transit riders. Therefore Greenbriar will help in the region's efforts to secure the final leg of the DNA light rail extension project right of way and will support the zoning crucial to qualify for federal funds for the future light rail alignment to the airport. Consequently, the South Natomas Transportation Management Association unhesitatingly supports the City of Sacramento's annexation and approval of the Greenbriar project.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Stephanie Mertén".

Stephanie Mertén, Membership Services Manager
South Natomas Transportation Management Association

CC: Sacramento Planning Commission, Sacramento City Council, LAFCo, SACOG,
Sacramento Regional Transit

2595 Capitol Oaks Drive, Suite 275
Sacramento, California 95833-2926

t 916 646 0928 info@snima.org
f 916 646 0463 www.snima.org

From: Jude Lamare <judelam@sbcglobal.net>
To: David Kwong <DKwong@cityofsacramento.org>
Date: 9/27/07 4:22PM
Subject: Greenbriar

Please pass on to commissioners for tonight's hearing.

September 27, 2007

Members of the Council:

I understand that the Planning Commission will be hearing the Greenbriar project this evening. Unfortunately, because of the lack of notice, I am not able to attend, but wish to voice my concerns. Developing Greenbriar is nothing more than a legitimized ponzi scheme on the part of the City of Sacramento. North Natomas already has a \$70 million+ gap in funding for services and infrastructure that was promised and never delivered. What happened to the finance plan that was in place when North Natomas was developed? If the finance plan is broken, fix it! Either charge more for the housing, invest more wisely or provide the services at the time of construction of homes, eliminating the expensive lag time and escalation of costs. By fast tracking the Tsakopoulos Greenbriar project of another 3000+ high density homes northwest of the City limits; you will be exacerbating the services and transportation gridlock already in existence in Natomas. What will you annex to fix the increased services that are generated by this project? *Smart growth mandates that mixed use high density housing be built in urban, not suburban environments, with alternate transportation and services in place. This development has no reason to move forward until the levees are strengthened, gridlocked roads are improved or alternative modes of transportation are in place. Light rail will not be built in time to serve this community. Interstate 5 is already gridlocked. This development should not move forward under the guise of attracting federal light rail funds. Housing, schools, parks and the environment will have negative noise, air and safety impacts from the neighboring highways and international airport. Homes, schools and parks should not be cited in flight paths or hemmed in by freeways. This parcel begs to be agricultural, commercial or industrial. Listen to the representatives of the people, who voted against this project at LAFCO. And shame on any elected official who has received campaign funds from the developer and votes for this project.

Sue Thompson
5041 Sienna Lane
Sacramento, CA 95835
916-928-4220
suet@sac.cticare.com

----- End of Forwarded Message

From: David Kwong
To: Arwen Wacht; Scot Mande
Date: 10/9/07 5:57PM
Subject: Fwd: Greenbriar

FYI, for distribution to the PC, thanks.

>>> "Sue Thompson" <suet@sac.sticare.com> 10/09/2007 3:01 PM >>>
Please distribute this email to all members of the Council and Planning Commission:

I understand that the Planning Commission will be hearing the Greenbriar project Thursday, October 11, 2007. I wish to voice my concerns. Developing Greenbriar is nothing more than a legitimized ponzi scheme on the part of the City of Sacramento. North Natomas already has a \$70 million+ gap in funding for services and infrastructure that was promised and never delivered. What happened to the finance plan that was in place when North Natomas was developed? If the finance plan is broken, fix it! Either charge more for the housing, invest more wisely or provide the services at the time of construction of homes, eliminating the expensive lag time and escalation of costs. By fast tracking the Tsakopoulos Greenbriar project of another 3000+ high density homes northwest of the City limits; you will be exacerbating the services and transportation gridlock already in existence in Natomas.

What will you annex to fix the increased services that are generated by this project? "Smart growth" mandates that mixed use high density housing be built in urban, not suburban environments, with alternate transportation and services in place or concurrently constructed. This development has no reason to move forward until the levees are strengthened, gridlocked roads are improved or alternative modes of transportation are in place. Light rail will not be built in time to serve this community. Interstate 5 is already gridlocked. This development should not move forward under the guise of attracting federal light rail funds, which are not available. Housing, schools, parks and the environment will have negative noise, air and safety impacts from the neighboring highways and international airport. Homes, schools and parks should not be cited in flight paths or hemmed in by freeways. This parcel begs to be agricultural, commercial or industrial. Listen to the representatives of the people, who voted against this project at LAFCO. Please vote to stop this project in its tracks.

Sue Thompson
5041 Sienna Lane
Sacramento, CA 95835
916-928-4220
suet@sac.sticare.com

1/8/2008 4:31 PM >>>

From: "Heaton, Susan" <sheaton@DowneyBrand.com>

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge;
Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Steve Cohn

We are against this project. Thank you.

Susan and Ron Heaton

1463 52nd St.

Sacramento, CA 95819



SUTTER COUNTY COMMUNITY SERVICES DEPARTMENT

Planning - Lisa Wilson, Planning Division Chief
Animal Control
Building Inspection
Environmental Health

Director - Larry Bagley
Regional Director - Randy Cagle
Fire Services - Dan Yeager
Emergency Services - John DeBelleux

September 27, 2007

Scot Mende, New Growth Manager
City of Sacramento
915 I Street
Sacramento, CA 95814-2671

Re: Greenbriar (M05-046 and P05-069) A request to allow the annexation and future development of 577± acres into the City of Sacramento

Dear Mr. Mende:

The County of Sutter wishes to comment on the Greenbriar project (M05-046 and P05-069) scheduled to be presented to the City of Sacramento Planning Commission this evening. Sutter County would have commented sooner but did not receive notice of this public hearing. As a partner with the City of Sacramento in the Natomas Basin Habitat Conservation Plan, we feel we should have been provided notice of this public hearing.

As a signatory to the Natomas Basin Habitat Conservation Plan (NBHCP), Sutter County has serious concerns regarding this project and its potential to jeopardize the validity of the NBHCP. Under the NBHCP, Sutter County and the City of Sacramento are allowed a designated amount of development within specific areas in exchange for the preservation of habitat lands for threatened and endangered species. The Severability section of the NBHCP states that if one of the plan's participants has its permits revoked for failure to comply with the NBHCP, the essential effect to the implementation of the NBHCP is that less Authorized Development is allowed by the plan.

It has been acknowledged that approval of the project would constitute a significant departure from the NBHCP's Operating Conservation Plan, and could trigger a reevaluation of the NBHCP. As a signatory to the NBHCP, this is unacceptable to Sutter County since approval of this project places the integrity of the NBHCP in jeopardy and could impact Sutter County's ability to develop within its own permitted development area.

This issue is of paramount concern to Sutter County. This project lies outside of the boundaries designated in the NBHCP for development. Sutter County does not support a proposal that may undermine the adopted NBHCP, or potentially threaten Sutter County's

Scott Mendis
City of Sacramento
September 27, 2007
Page 2

ability to develop within its permitted development area. Sutter County recommends the City of Sacramento's Planning Commission recommend denial of this project to the Sacramento City Council.

Please provide this office with all future notices regarding this project.

Sincerely,



Doug Libby, AICP
Principal Planner

DL:gg

P:\Planning Projects - Misc\Review of Projects in other Jurisdictions\Greenbrier Project in Sacramento County\9-28-07 Comments to City of Sacramento for 9-27-07 Planning Commission meeting.doc



Swainson's Hawk

Technical Advisory Committee

City of Sacramento
North Permit Center
Department of New Development
2101 Arena Blvd, 2nd Floor
Sacramento, CA 95834

September 2, 2006

Subject: Comments on the Greenbrier Development Project DEIR

Dear City Staff:

The Swainson's Hawk Technical Advisory Committee (TAC) respectfully submits the following comments on the proposed Greenbrier Development Project Draft Environmental Impact Report (DEIR) (EDAW 2006). The TAC is an ad hoc group of research biologists formed in 1989 to facilitate research on the state-threatened Swainson's Hawk and to provide technical assistance to the California Department of Fish and Game and other state, federal, and local agencies regarding land use issues affecting this species. The following comments are specific to issues related to the Swainson's Hawk.

Page 6.12-10, last paragraph, last sentence.

While it is true that the Natomas Basin Habitat Conservation Plan (NBHCP) does not include specific provisions related to land use on the Greenbrier project site, the NBHCP assumes continued agricultural uses in all areas of the basin not included in the 17,500 acres authorized for development. This was the primary rationale used to support a conclusion that along with the enhancement of the NBHCP reserves, remaining undeveloped areas of the basin would be sufficient to sustain covered species populations.

~~The reserve system alone is insufficient to -- and was never intended to fully offset~~ impacts from development. The NBHCP includes a habitat compensation ratio of only 0.5: 1 (i.e., for every acre of land removed, one-half acre is acquired and included in the reserve system) and specifies that upland habitat (i.e., habitat suitable for Swainson's Hawk) on reserves will comprise only 25% of the reserve land base. Thus, because nearly all of the land that has been developed to date within the City of Sacramento's permit area was high quality upland habitat, the ultimate compensation ratio for Swainson's Hawk habitat has been approximately 0.125:1 (i.e., for every acre of land

removed, one-eighth acre is managed as upland habitat on Natomas Basin Conservancy [NBC] reserves). To account for this deficiency and still attempt to meet the goals of the plan, the NBHCP assumes that remaining areas of the basin not authorized for development are considered essential to sustain Swainson's Hawk (and other Covered Species) populations in the basin.

Page 6.12-19, Swainson's Hawk, second paragraph.

The second sentence notes that Central Valley Swainson's Hawks migrate only as far south as Mexico. While the bulk of the population appears, based on radio-telemetry studies, to winter in Mexico, some segment of the population also winters in Central America and South America.

Page 6.12-20, first complete paragraph.

The Natomas Basin Conservancy's most recent survey report is for year 2005. Available since April 2006, the DEIR should be updated accordingly. Only 45 sites were active in 2005 (compared with 59 active in 2004), which is similar to unpublished results for 2006. In addition, while it is accurate that the majority of nests in the basin occur along the western side of the basin, it seems relevant to note that development within the City of Sacramento's permit area has resulted in removal of several nest sites and inactivity of others. Thus, the data are beginning to demonstrate the effects of development permitted under the NBHCP.

Page 6.12-20, third complete paragraph.

Idle agricultural lands can provide high quality foraging habitat for Swainson's Hawks. Estep (1989) ranks fallow fields as a high value cover type. It depends on the vegetation structure and prey availability. The value of fields planted to wheat, while usually ranked lower than several other common agricultural crop types, should be assessed relative to other surrounding crop types. Wheat and other grains may still provide valuable foraging habitat in the context of a foraging habitat matrix, and because they are harvested relatively early in the season (June), may provide an important source of mid-season prey availability. However, the application of these distinctions may provide little current value in the Natomas Basin (see below).

Page 6.12-31, first paragraph.

This description of Impact 6.12-2 relies on the approach that evaluates the suitability of individual crop types rather than the importance of landscapes to foraging Swainson's Hawks (i.e., value versus area). While perhaps appropriate at a broader landscape level, this is a less effective method of evaluating impacts and assigning compensation in the Natomas Basin where the overall suitable landscape is diminishing rapidly. The concept relies on the rationale that foraging habitat can be increased through application of higher value cover types that support more robust and more accessible prey populations. However, with continued urbanization of the Natomas Basin, this concept for purposes of

habitat compensation realizes increasingly diminished return as the overall land base is reduced. While it may be possible to maximize the value of individual fields, Swainson's Hawks require large unbroken landscapes and are much less likely to use fragmented landscapes or isolated parcels regardless of their individual 'value'.

With the extent of upland habitat already lost in the southern portion of the basin due to urbanization and the likelihood of population declines that are expected to occur as a result of this loss, all upland habitats in remaining portions of the basin are considered essential to continued Swainson's Hawk occurrence and use of the basin. Describing impacts on the basis of somewhat subtle distinctions between 'moderate' and 'low' value foraging habitat, while important with respect to maximizing habitat value on reserves, is today less applicable in the Natomas Basin with regard to assessing development-related impacts and assigning appropriate levels of compensation.

In fact, if further development is allowed at all (which would be inconsistent with the intent of the NBHCP), the continuing reduction of Swainson's Hawk habitat and the inability of the NBHCP to fully compensate for this loss would argue for a significantly higher level of compensation for 'new' projects than currently required under the NBHCP.

Page 6.12-31. Second paragraph, second sentence.

Focused surveys would not necessarily reveal the importance of the project area to nearby nesting pairs. Intensive multi-year observation studies could determine the extent of use of the project area relative to the surrounding landscape; however, it would not address the effects of fragmentation or overall landscape changes as a result of urbanization. Data collected since 1999 in the Natomas Basin has indicated the effects of habitat fragmentation and urbanization on local Swainson's Hawk nesting. Many traditional nesting territories in the southern portion of the basin have either abandoned or are expected to abandon in the near future, not necessarily as a result of lack of foraging habitat near the nest, but rather as a result of an overall transformation from agricultural uses to urbanization.

As noted above, evaluating specific crop types is no longer an appropriate method for addressing impacts to Swainson's Hawk in the Natomas Basin. The project site lies on the northern edge of the 'upland' portion of the basin. Along with an approximately 1-mile edge along the Sacramento River, this is also the portion of the basin that has provided most of the available foraging habitat for Swainson's Hawks and is the area that continues to be urbanized. The loss of suitable upland foraging habitat in the basin has been dramatic since the late 1990s because development has focused in upland areas. Continuing loss of upland habitat within the southern portion of the basin, including the project area, contributes to this overall decline. So, characterizing the loss of habitat as a 'cumulative' loss is appropriate; however, the site-specific assessment of crop types has little relevance.

Page 6.12-31, Mitigation Measure 6.12-2.

The preceding impact section notes that the project will remove 546 acres of upland habitat suitable for Swainson's Hawk foraging. Mitigation Measure 6.12-2 would require implementation of Mitigation Measure 6.12-1, which would provide the following:

- 27.9 acres along Lone Tree Canal
- 100.6 acres at Spangler mitigation site
- 18.5 acres at North Natomas 130 site
- 49 acres to be acquired

The 27.9 acre buffer along the Lone Tree Canal will provide virtually no value to foraging Swainson's Hawks. Both sides of the canal will be urbanized, which will preclude use of a narrow isolated strip along the canal. If isolated within an otherwise unsuitable landscape, the 18.5 acres at the North Natomas 130 site would also provide little if any value to Swainson's Hawks. However, the 18.5 acres is assumed to be contiguous with a larger reserve, and if so may provide additional value to an existing reserve.

Of the 196 acres proposed as mitigation, 168.1 acres may have value to foraging Swainson's Hawks if managed to maximize foraging value and sufficient land is retained in the Natomas Basin to sustain the Swainson's Hawk population. Thus, the proposed mitigation would provide 168.1 acres of suitable habitat to offset the loss of 546 acres of suitable habitat.

The mitigation measure suggests that enhancing the foraging value of individual fields on 168.1 acres of mitigation land split into at least 4 separate fragmented parcels can offset the loss of 546 contiguous acres of foraging habitat area.

As noted above, the primary management issue for Swainson's Hawk in the Natomas Basin is available upland area, not specific crop type value, so to calculate mitigation responsibility on the basis of an evaluation of the foraging value of specific crop types on mitigation lands vs. impacted lands leads to deficient mitigation. Based on the above, the proposed mitigation is 0.3:1, or for every acre lost only 0.3 acres will be preserved. While mitigation lands can be, and should be, managed to maximize foraging habitat value, this does not offset the loss of suitable foraging landscape. As noted above, given the recent and ongoing loss of upland habitat in the basin and the current and anticipated loss of nesting Swainson's Hawks – in order to even conceptually meet the goals of the NBHCP – compensation for future projects (those not included in the City's permit area) should be expected to compensate at a rate significantly higher than the 0.5:1 ratio in the NBHCP.

Page 6.12-32. Significance after Mitigation

This section states the proposed mitigation would reduce this impact to a less-than-significant level. As noted above, a 0.3:1 ratio even with enhanced value on mitigation

lands does not fully mitigate the loss of upland habitat in the Natomas Basin for Swainson's Hawk. It assumes that Swainson's Hawk populations can be sustainable on smaller landscapes by increasing site-specific foraging value. There is no evidence to suggest that this is the case. The Swainson's Hawk is a wide-ranging, open plains species that requires large unbroken landscapes for successful foraging, reproduction, and population sustainability. The proposed mitigation is based solely on the foraging value of specific crop types and assumes less area is required if prey availability can be maximized on smaller areas, and does not acknowledge or address the full ecological needs of the species. The end result is that the foraging land base in the Natomas Basin will be further reduced and overall landscape value will decline, likely resulting in further declines of the Natomas Basin Swainson's Hawk population.

Page 6.12-42. Effect on the Conservation Strategy of the NBHCP, first paragraph.

This suggests that the conservation strategy for Swainson's Hawk in the NBHCP is an 'effective' strategy. While the NBC has masterfully maintained compliance with all aspects of the NBHCP, effectiveness of this strategy has not been demonstrated. The TAC commented similarly during preparation of the NBHCP noting in particular that the 0.5:1 compensation ratio was insufficient to sustain the current Swainson's Hawk population. Given this, using the NBHCP strategy as the baseline for 'effectiveness' is problematic and if effectiveness cannot be demonstrated relative to the goals of the plan, the proposed project would, in fact, further reduce the effectiveness of the NBHCP.

Page 6.12-42. Effect on the Conservation Strategy of the NBHCP, second paragraph.

This paragraph correctly states that the basis for the 0.5:1 mitigation ratio used in the NBHCP included:

- Much of the land to be developed was considered marginal habitat quality,
- NBC reserves would provide higher habitat quality, and
- The lands outside the permit area but within the basin would not be developed.

Irrespective of the deficiencies of the NBHCP strategy (i.e., most of the land that has been developed has been high value Swainson's Hawk foraging habitat; NBC reserves can provide only 25% upland habitat replacement – not the full 0.5:1 – and thus NBC reserve management alone cannot successfully mitigate impacts on Swainson's Hawk from urbanization in the basin), the third bullet above was a key assumption regarding the long-term sustainability of Swainson's Hawk in the basin. The concept was not based on specific crop type habitat value, but rather, the maintenance of the landscape as agricultural.

The second paragraph suggests that because mitigation lands would be enhanced to increase their foraging value, this would not be inconsistent with the third bullet above and thus would not affect the basis of the NBHCP 0.5:1 ratio. It argues that maximizing site-specific foraging habitat value on a smaller number of acres is sufficient to offset the

loss of larger landscapes, and thus while less land is available, these small islands of 'enhanced foraging habitat' will sustain the Swainson's Hawk population in the basin consistent with the goals of the NBHCP.

As noted above, this assumption has no ecological basis with regard to Swainson's Hawk and thus is an inappropriate method of addressing impacts and mitigation for this species in the Natomas Basin. The proposed mitigation (0.3:1 compensation ratio) is inconsistent with both the existing compensation requirements under the NBHCP (0.5:1 compensation ratio) and the intent and goals of the NBHCP relative to long-term Swainson's population sustainability in the Natomas Basin.

Page 6.12-43, Second paragraph

This paragraph continues the same argument regarding enhanced foraging value as an appropriate means of offsetting the reduction of available landscape. There is no evidence to support this argument. While Swainson's Hawk foraging ranges differ based on cropping patterns and individual fields can be enhanced on the basis of crop types, long-term sustainability requires maximizing landscapes, not individual fields. As less and less foraging landscape is available in the Natomas Basin, compensation on the basis of the value of individual fields is less relevant (i.e., as the landscape becomes less suitable, Swainson's Hawk use of isolated fields or suitable habitats that occur within a highly fragmented environment will decline regardless of the value of individual fields). Again, maximizing foraging value on reserves using the proposed approach is essential as long as Swainson's Hawks continue to use the Natomas Basin, but compensation for development-related impacts using this approach will result in an unmitigated loss of suitable open foraging landscape that will contribute to further loss of habitat in the Natomas Basin, and in turn may contribute to local population declines.

This concludes comments by the Swainson's Hawk TAC on the proposed Greenbrier Development Project DEIR. We hope our comments are useful and provide some value in terms addressing the long-term sustainability of Swainson's Hawks in the Natomas Basin. The TAC appreciates the opportunity to comment on this project and welcomes the opportunity to provide further comment or technical support.

Sincerely,

James A. Estep
Chair

THOMAS C. REAVEY

October 5, 2007

Joseph Yee, Chairperson
City of Sacramento Planning Commission
915 I Street, NCH, 3rd Floor
Sacramento, CA 95814-2671

VIA FACSIMILE (916) 264-7680 AND US MAIL

RE: Greenbriar: Please Disallow Its Annexation By The City of Sacramento

Dear Chairperson Yee,

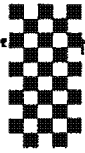
I am writing to urge you and the other members of the Commission to disallow the Greenbriar annexation project outside of the Sacramento city limits in North Natomas. I reviewed the draft and final Environmental Impact Reports (EIRs) for Greenbriar and found that the EIRs identify severe, unavoidable, and significant impacts, and would further strain the city's ability to deliver desperately-needed police, fire, and emergency services to North Natomas. As referenced in the Sacramento County Grand Jury's 2006-2007 final report, North Natomas residents already struggle with compromised levees, a lack of roads, dangerous traffic congestion, a lack of bus services, a lack of police services, and a lack of fire prevention services. To add Greenbriar to this dangerous situation at this time is unthinkable. Additionally, local nonprofit organizations, including the Sacramento County Taxpayer's League, and state and federal agencies have detailed numerous problems with the Greenbriar project such as the higher taxes and infrastructure costs that will result.

Furthermore, there is no reason to put this project in front of the City General Plan update and in front of the very necessary fixing of the compromised North Natomas levees. Finally, any rationale for the project's need based on light rail funding/planning/construction to the airport is likely fictional and thus insufficient to merit continuing this annexation process. For all of these reasons, I therefore urge you to disallow the Greenbriar annexation project by the City of Sacramento. Thank you for your consideration, and please convey my concerns to other members of the commission.

Respectfully,



Thomas Reavey, a North Natomas resident of Council District 1
170 Vista Cove Circle
Sacramento, CA 95835



265

January 7, 2008

48 Aiken Way

Sacramento, CA 95819

Dear Mayor Fargo and City Council Members,

I am writing to plead with you to not approve the Greenbriar development for the following reasons:

- 1) Greenbriar would pave over more than 500 acres of prime farmland; farmland close to city borders is a priceless commodity for those of us who believe in buying locally-grown food. It is time that we all realize that we depend on the earth for our lives, and the continual development of land, especially good farmland, will lead to our demise.
- 2) Greenbriar will take away habitat for any wildlife that lives off that land; here again, we humans need to learn that when we believe it is okay to deprive wildlife of its habitat, we are also depriving ourselves of a healthy environment/habitat.
- 3) Greenbriar is in a flood-zone--does anyone need to point out to you how foolish it is to allow development in a flood-zone?
- 4) The city has not been able to provide the existing neighborhoods in Natomas with the infrastructure and services they should have and were promised. Finish this project.
- 5) Homes in the Greenbriar development are in the over-flight zone of the airport. The airport was originally placed far removed from housing so that residents would not be disturbed by the noise of low-flying planes. Why deliberately place homes in an area where the peace of homeowners would be continually disturbed?
- 6) Greenbriar is outside Sacramento's urban growth boundaries. Please concentrate on allowing development within the boundaries.

Please do the sensible thing and listen to your Planning Commission, which rejected this project because of its location and design.

Very sincerely,

Trudy Ziebell



US Fish & Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2806
Sacramento, CA 95825
(916) 414-6600
FAX (916) 414-6712



Department of Fish and Game
Sacramento Valley
Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
FAX (916) 358-2912

MAR 21 2006

Tom Buford, Associate Planner
City of Sacramento Planning Division
1231 I Street, Room 300
Sacramento, California 95814

Subject: Comments on the City of Sacramento's December 2005, Analysis of Effects on the Natomas Basin Habitat Conservation Plan Report

Dear Mr. Buford:

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Game (DFG) (hereafter collectively referred to as the Wildlife Agencies) have reviewed the City of Sacramento's (City) December 2005, Analysis of Effects on the Natomas Basin Habitat Conservation Plan Report (Report). The Report has been prepared as part of the City's consideration of the Greenbriar proposal (proposed project), which would include the construction of 3,723 housing units (consisting of low, medium and high density housing), approximately 30 acres of retail and commercial development, an 11.3 acre elementary school, an approximately 41 acre common water feature, and eight neighborhood parks totaling approximately 59 acres. The proposed project area totals approximately 577 acres north of the existing City limits. The project area is located within the Natomas Basin Habitat Conservation Plan (NBHCP) Area, and outside the City's Incidental Take Permit (ITP) area in northern unincorporated Sacramento County, approximately one mile east of the Sacramento International Airport. The project site is bounded by Interstate 5 to the south, Highway 99/70 to the east, the Metro Air Park (MAP) development to the west, and Elkhorn Boulevard to the north.

As our discussion below further explains, the Report does not adequately address the impacts of the proposed project on the NBHCP's operating conservation program. In particular, the Report does not include a comprehensive and meaningful analysis of the proposed project's effects on the giant garter snake (GGS), Swainson's hawk (SWH) and other Covered Species with regards to 1) connectivity among reserve lands and among the three major geographic areas in the Natomas Basin, and 2) the eroding baseline of agricultural lands, and rice farming, in particular, resulting both from current economic conditions and the cumulative effects of other reasonably foreseeable development in the basin.

Tom Buford, Associate Planner

Page 2 of 10

Background

The Wildlife Agencies submitted a July 29, 2005, joint comment letter to the City in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Gretnabrier Project. The letter noted that if approved, the proposed project would result in a loss of up to 577 acres of habitat beyond that anticipated, analyzed and covered for take under the City's permit and would constitute a significant departure from the NBHCP's Operating Conservation Program. Additionally, in accordance with the NBHCP's Implementation Agreement, prior to approval of any rezoning or pre-zoning for the proposed project, the City is required to conduct a reevaluation of the NBHCP and ITPs, a new effects analysis, a potential amendment and/or revisions to the NBHCP and ITPs, or a separate conservation strategy and issuance of ITPs to the City to address such additional development. As part of the effects analysis, the full impact of such development on the efficacy of the NBHCP's carefully designed conservation strategy to minimize and mitigate the impacts of take of the Covered Species associated with a maximum of 17,500 acres of development within the Natoma Basin must be thoroughly analyzed. A conservation strategy that adequately addresses the increased impacts to the Covered Species resulting from additional loss of the limited habitat remaining in the basin is also required prior to authorization of any additional take. This effects analysis would need to evaluate whether baseline conditions and assumptions used in the original analysis are still accurate.

Further, on September 7, 2005 Judge Levi issued a decision in the federal NBHCP litigation, which cautioned in footnote 13 of that decision that "the Service and those seeking an ITP in the future will face an uphill battle if they attempt to argue that additional development in the Basin beyond the 17,500 acres will not result in jeopardy" to GGS and SWH. Judge Levy's opinion considered the effects of the current trend of following rice agriculture lands in the basin to facilitate potential further urban development.

Potential Impacts of the Proposed Project on the Natoma Basin Habitat Conservation Plan

As previously noted, the effectiveness of the NBHCP's Operating Conservation Program is explicitly premised upon the City's commitment to limit total development to 8,050 acres within the City's Permit Area, and Sutter County's commitment to limit total development to 7,467 acres within Sutter County's Permit Area. These commitments are outlined in Sections I.B.2.a and I.B.2.b of the NBHCP and Section 3.1.1 of the NBHCP's Implementation Agreement. Section 3.1.1(a) provides that if either the City or Sutter County approves urban development beyond that considered in the NBHCP within the Natoma Basin or outside of their respective Permit Areas, the approval would constitute a significant departure from the NBHCP's Operating Conservation Program. The City and Sutter County agreed that in the event this future urban development should occur, then prior to approval of any related rezoning or pre-zoning, such future urban development shall trigger a reevaluation of the NBHCP and ITPs, a new effects analysis, potential amendments and/or revisions to the NBHCP and ITPs, a separate conservation strategy and issuance of ITPs to the City and/or Sutter County for that additional development, and/or possible suspension or revocation of the City's or Sutter County's ITPs in the event either jurisdiction violates such limitations. In addition to suspension or revocation of the City's and/or Sutter's permits, violation of the provisions limiting development, which is

the City's and/or Sutter's permits, violation of the provisions limiting development, which is incorporated by reference as a Term and Condition under Condition E of the jurisdiction's ITPs, would subject the offending jurisdiction to potential civil and criminal penalties under Section 11 of the Act. Additional penalties would apply under State law.

Potential Impacts of the Proposed Project on Connectivity in the Natomas Basin

The Natomas Basin is currently divided into three major areas relative to the movement of obligate wetland and aquatic species: a northwestern zone situated north of Interstate 5 and west of Highways 70 and 99; a southwestern zone situated south of Interstate 5 and west of Highways 70 and 99; and an eastern zone located east of Highways 70 and 99 (Brode and Hanson 1992). These roadways are effective barriers to the movements of aquatic species such as GGS; the movement of snakes between geographic areas has been reduced to a small number of culverts connecting those areas. These culverts, though not ideal, likely provide the only hydrologic connectivity between the Basin's three geographic areas. The western edge of the northwestern and southwestern zones is bordered by the Sacramento River, likely itself a barrier to GGS and other wetland dependent terrestrial species. The eastern zone is bordered on the east by the Natomas East Main Drainage Canal (Steelhead Creek) and farther east, by increasingly less-suitable (upland and higher gradient stream) habitat for GGS. Each of these areas contains important habitat for the giant garter snake, including Prichard Lake and the North Drainage Canal in the northwestern zone, Fisherman's Lake in the southwestern zone, and "Snake Alley" (North Main Canal and associated rice fields) in the eastern zone. The proposed Greenbriar site is located within the northwestern zone, at the intersection of all three zones.

The importance of maintaining connectivity corridors for the NBHCP's Covered Species is a key underlying theme of the April 2003, Final Natomas Basin Habitat Conservation Plan (City et al. 2003). The NBHCP's 0.5:1 mitigation ratio is, in part, justified by the plan's commitment to maintain connectivity between the Natomas Basin Conservancy's (TNBC) reserves and surrounding agricultural lands (NBHCP, p. IV-8), as well as connectivity between the three main geographic areas of the Natomas Basin. The plan repeatedly emphasizes the need to ensure connectivity between TNBC reserves in order to minimize habitat fragmentation and species isolation (NBHCP, p. I-16). For example, a primary goal of the NBHCP is to "ensure connectivity between individual reserves and connectivity between reserves and surrounding agricultural lands", and the NBHCP's "Conservation strategy emphasizes maintaining connectivity between TNBC reserves to allow giant garter snake movement within the Natomas Basin" (NBHCP, p. IV-8). Maintenance of connectivity corridors is extremely important for GGS to allow individuals of this species to access areas of suitable habitat and to sustain genetic interchange throughout the basin (NBHCP, p. II-15). Prior to acquisition of wetland reserves, TNBC must demonstrate that reserve lands to be acquired are hydrologically connected to suitable habitat and other reserve lands (NBHCP, p. IV-22). TNBC must reassess connectivity corridors within and between reserves annually (NBHCP, p. VI-16). Maintaining connectivity corridors is essential. If suitable habitat cannot be accessed by GGS or other covered species because of limited connectivity, then the overall baseline for the species in the Natomas Basin will decline.

The primary opportunity for connectivity for the GGS in the Natomas Basin is the basin's system of irrigation and drainage canals and ditches (NBHCP, p. IV-8). The Lone Tree Canal, which is located along the western edge of the proposed project site, is a particularly significant connectivity corridor for GGS, and individuals of this species have been observed using the canal on numerous occasions. As indicated in Figure 17 of the NBHCP (City et al. 2003), the Lone Tree Canal represents one (and we believe the most significant) of only a few possible corridors to allow the movement of GGS between TNBC's managed marsh and rice reserves to the north and south of Interstate 5 (I-5). Of the other two possible movement corridors, the North Drain is surrounded on both sides by urban development (i.e., Sacramento International Airport and the approved MAP project) and the West Drainage Canal is disconnected from other hydrologic features north of I-5 (Natomas Basin Conservancy 2005). Based upon the above information, the effects analysis falls short of evaluating the potential impacts of the proposed project on the ability of GGS to move within and between TNBC's reserve lands and surrounding agricultural lands.

Annual biological monitoring of GGS in 2004 and 2005 (Jones and Stokes, 2004, 2005), south of I-5 resulted in troublingly low numbers of this species, suggesting that further isolation through compromised connecting habitat may lead to a loss of this segment of the basin's population. This portion of the giant garter snake's population in the basin, faced with further isolation, is increasingly more important because of the potential for genetic isolation. If snakes are not able to move between this area and other areas of the basin, they may become genetically isolated, or, in the worst case, extirpated, in the southwestern geographic area.

The absence of an adequate buffer could severely limit the utility of the Lone Tree Canal as a major connectivity corridor in the basin. The 2004 NBHCP Giant Garter Snake Monitoring Report (Jones and Stokes 2005) identified the Lone Tree Canal as likely the most important connectivity corridor for GGS. The effects analysis should include an analysis of an alternative in which an increased upland buffer is provided between the proposed project and the Lone Tree Canal. The City's December 2005 Report contains conflicting language regarding the proposed width of the buffer, stating variously that development will occur within 250 feet of the canal (p. 4-6) and that the conservation easement will provide a 200 foot wide setback from the high water line of Lone Tree Canal and the development (p. 4-7). The NBHCP includes a land area buffer of at least 250 feet width between residential development and Fisherman's Lake (NBHCP p. V-2). The Wildlife Agencies believe that 250 feet, extending from the edge of the canal outward, is the minimum acceptable size for a buffer between Lone Tree Canal and the proposed project site. Further analysis of the effects of the proposed project, the baseline of GGS, and other information may indicate the need for a buffer larger than 250 feet.

The Wildlife Agencies strongly recommend an analysis of designing the proposed project so that the storm water run-off detention basin is situated adjacent to the Lone Tree Canal at the edge of the proposed buffer. This site design would provide an additional buffer to protect GGS from the proposed project's human related disturbance effects.

Additionally, the Report proposes to record a 30.6 acre conservation easement along Lone Tree Canal (p. 4-7) as one of the measures that will "likely offset the project's effects on GGS movement". We request clarification regarding the language describing this mitigation. The

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Report states that "[f]unding will be provided by the project applicant to cover the cost of inspections and maintenance in perpetuity"; and that the conservation lands will be transferred to TNBC reserve system for the management in perpetuity (p. 6-14). The acceptance of additional conservation lands by TNBC is at the discretion of their Board of Directors which must first determine that TNBC can effectively assume management of additional lands beyond the total calculated in their financial model and endowment securities. At minimum, the acceptance of lands and presumably a canal conservation easement would require a dedication of an endowment land management fee to be determined by the TNBC.

The Wildlife Agencies are concerned about the speculative language describing the potential conservation easement on the Lone Tree Canal. We understand that the management of the operation and maintenance of this canal is under the directive of the Natomas Mutual Water Company (NMWC) whose principle charge consists of maintenance of the structural efficiency of the water delivery canals throughout the basin. A conservation easement designed to provide for the conservation of GGS, as well as the Western pond turtle, another Covered Species, would likely conflict with current management mandates of the NMWC. Given that the proposed project would impinge on this canal and that findings in the 2004 NBHCP Monitoring Report (Jones and Stokes 2005) confirm the importance of this canal for GGS, additional measures may be necessary to protect this corridor for GGS. Although protecting Lone Tree Canal with a conservation easement may have merits conceptually, unless NMWC agrees to subordinate its management easement, the proposed vegetated Lone Tree Canal snake benches and supplemented water (from wells) may not produce high quality habitat in perpetuity, and, thus, this measure will not likely achieve the desired conservation benefits asserted.

Lastly, the proposed project notes that in the near future, Elkhorn Blvd. along the site's northern border, will be expanded from two lanes to a six lanes to accommodate traffic generated by MAP and other developments (p. 6-14). This expansion will result in a modification to the culvert drainage system under the roadbed which may result in a modification of flows into the Lone Tree Canal along the proposed project. Discussion as to whether this potential effect was analyzed in the Metro Air Park Habitat Conservation Plan (MAPHCP) as part of that project's infrastructure impacts is needed; however, the connectivity of canals in the basin is already restricted by high velocity flows in the culverts under the I-5 crossing of the Lone Tree Canal such that giant garter snakes may have difficulty moving north from the southernmost population unit. The additional effects of the Elkhorn road expansion on water flows and velocity and habitat connectivity may further negatively effect snake mobility and movement resulting in a significant adverse change in connectivity in the basin. Extension and widening of Elkhorn Boulevard may impede the movement of GGS from south to north (and vice versa) across Elkhorn Boulevard, because GGS will need to pass under Elkhorn Boulevard via a culvert. GGS may exhibit reluctance to use culverts in close proximity to urban development if inadequate minimization measures (e.g., buffers, emergent vegetation near the culverts, larger culverts) are provided. Impinging connectivity at Elkhorn Boulevard could further reduce movement of snakes between the northwestern and southwestern geographic areas. Impacts to connectivity would result in increased impacts to the taking of GGS, thereby, necessitating a very different conservation strategy and additional conservation measures and mitigation.

Tom Buford, Associate Planner.

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Failure to Analyze Proposed Project in Light of Changes in Land Use since Approval of NBHCP and Reasonably Foreseeable Future Land Use Changes

The effects analysis should consider potential changes in land use (e.g., agricultural production) due to factors such as potential changes in operations of Sacramento International Airport Lands and costs of agricultural water. Changes in land use affects the species' baseline habitat, which in turn affects the impacts of the taking of the species and necessitates a very different conservation strategy. The greater the impact of the taking, the greater the likelihood that different and increased mitigation may be warranted. For example, a complete analysis of the change in baseline habitat may lead to a determination that the applicant needs to mitigate at a 2:1 or 3:1 or even higher ratio to meet the conservation needs of the species affected. It may also result in requiring that preserves be established in very specific locations with the basin.

The analysis fails to consider the potential indirect and cumulative impacts on the NBHCP's Covered Species. In August 2005, Jenny Marr of DFG provided Ellen Berryman with a list of possible future projects in the basin to be considered for inclusion in the effects analysis and the proposed project EIR. The following is a list of possible future projects that may represent reasonably foreseeable cumulative development in the basin. The City should provide an update of the status of each of the below projects and any other projects in the Basin that are under active consideration, and assess whether or not the impacts of the projects may be considered cumulative to the proposed project. If they are deemed cumulative, the effects of the proposed project may be considerably greater in light of these potential land use changes, and result in increased conservation needs for the Covered Species in the basin.

Possible future projects in the Natomas Basin:

- Natomas Fish Screen Replacement Project
- Natomas Levee Setback Project
- Sacramento Area Flood Control Levee Upgrade Project
- Sacramento River Water Reliability Study Project
- Sacramento Metropolitan Airport Expansion Project
- Sacramento Metropolitan Airport Master Management Plan
- Joint Vision Project
- Downtown to Natomas Rail Light rail Transportation Project
- Sacramento Municipal Utility Substation Expansion Projects (numerous)

Finally, the Report does not adequately address the potential effects on GGS resulting from farming adjacent to urban or residential development. Rice farming typically involves the aerial application of seed and herbicides. This aerial application of materials may conflict with adjacent residential development. For example, farmers or their contractors could have difficulty obtaining insurance to cover their operations in close proximity to residential development. The proposed project has historically been and is currently bordered to the north by rice fields. Therefore, the City should analyze the potential effects of the proposed project on adjacent agricultural uses.

Conclusion

On December 10, 2002, the County and City each approved a Memorandum of Understanding (MOU) that outlined a vision for land use and revenue sharing principles for lands in the Natomas Basin. This "Joint Vision" MOU designated the City as the agent for development and the County as the agent of permanent open space protection in the Natomas Basin. Based upon our understanding of the "Joint Vision" MOU, the City and County intend to work collaboratively to affect further land use changes in the Natomas Basin. The Wildlife Agencies encourage the City and County to pursue an amendment to the NBHCP that focuses on the Joint Vision, rather than pursuing an amendment for Greenbriar, and then an amendment for the Joint Vision.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to the DFG Sacramento Valley/Central Sierra Region, 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670. The Service also requests being informed regarding any actions on the proposed project. Written notification can be submitted to the Service at the letterhead address.

Thank you for the opportunity to review this project. As the Wildlife Agencies have previously stated in correspondence and in person, we are concerned about the effects of the proposed project on the efficacy of the NBHCP and the City's existing ITPs. The Report does not adequately address the effects of the proposed project on the GGS, in particular, and more generally, on the NBHCP's operating conservation program. Future development in the basin will likely require a new conservation strategy to address these impacts, and will necessitate the preparation of an Environmental Impact Statement/Environmental Impact Report pursuant to the National Environmental Policy Act and California Environmental Quality Act, respectively. We remain committed to working with the City to preserve the benefits of the NBHCP and to ensure that any future development in the basin adequately protects the GGS, SH and other covered species.

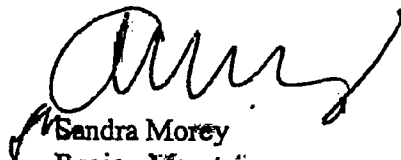
Please contact Ken Sanchez, Assistant Field Supervisor, at (916) 414-6622 or Holly Herod, the Service's Sacramento Valley Branch Chief, at (916) 414-6645 and Jenny Marr, DFG Staff Environmental Scientist, at (530) 895-4267, or Kent Smith, DFG Acting Assistant Regional Manager, at (916) 358-2382 of the DFG if you have any questions or concerns regarding this letter.

Sincerely,

Sincerely,



Susan K. Moore
Acting Field Supervisor
U.S. Fish and Wildlife Service



Sandra Morey
Region Manager
California Department of Fish and Game

Literature Cited

Brode, J. and G. Hansen. 1992. Status and future management of the giant garter snake (*Thamnophis gigas*) within the southern American Basin, Sacramento and Sutter Counties, California. Rancho Cordova, California: California Department of Fish and Game, Inland Fisheries Division. 26 pp.

City of Sacramento, Sutter County, Natomas Basin Conservancy, Reclamation District No. 1000, and Natomas Mutual Water Company (NBHCP). 2003. Final Natomas Basin Habitat Conservation Plan. Sacramento, California: Prepared for the U. S. Fish and Wildlife Service and CDFG. April.

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Natomas Basin Conservancy. 2005. Implementation Annual Report on pursuant to the Implementation Agreement for the 2003 Natomas Basin Habitat Conservation Plan. Appendix F: Biological effectiveness Monitoring Program. Sacramento, California: Prepared for the U. S. Fish and Wildlife Service and CDFG. May.



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Department of Fish and Game
Sacramento Valley-Central
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DEPT. OF FISH & GAME

SEP - 5 2006

Tom Buford, Senior Planner
City of Sacramento Environmental Planning Services
2101 Arena Boulevard, Second Floor
Sacramento, California 95834

REGION 2

Subject: Comments on the City of Sacramento's July 2006, Draft Environmental Impact Report for the Proposed Greenbriar Development Project, Sacramento County, California

Dear Mr. Buford:

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Game (DFG) (hereafter collectively referred to as the Wildlife Agencies) have reviewed the City of Sacramento's (City) July 2006, Greenbriar Development Project Draft Environmental Impact Report (DEIR). The DEIR has been prepared as part of the City's consideration of the Greenbriar proposal (proposed project), which would include the construction of 3,473 housing units (consisting of low, medium and high density housing), approximately 28 acres of retail and commercial development, a 10-acre elementary school, an approximately 39-acre common water feature, and eight neighborhood parks totaling approximately 49 acres. The proposed project area totals approximately 577 acres and is north of the existing City limits. The project area is located within the Natomas Basin Habitat Conservation Plan (NBHCP; City of Sacramento *et al.* 2003) Area; however, it is outside the City's Incidental Take Permit (ITP) area in northern unincorporated Sacramento County, approximately one mile east of the Sacramento International Airport. The project site is bounded by Interstate 5 to the south, Highway 99/70 to the east, the Metro Air Park (MAP) development to the west, and Elkhorn Boulevard to the north.

The project would result in impacts to up to 577 acres of giant garter snake (GGS) habitat, and direct and indirect impacts could include the loss of individuals, displacement of snakes, increased contamination of habitat, predation by domestic and feral animals, effects related to human encroachment, and road mortality. The DEIR discusses a proposed conservation strategy that includes preserving approximately 30.6 acres along the Lone Tree Canal (which would be a 2,650-foot-wide corridor that includes the canal and 200 feet of adjacent uplands), to be protected and managed in perpetuity as GGS habitat. Included in the proposed conservation strategy in the DEIR is a proposal to preserve, restore, and manage approximately 204.2 acres of GGS habitat at two off-site locations, including approximately 190 acres of managed marsh

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habitat at the Spangler Property and approximately 14.2 acres of managed marsh habitat at the Natomas 130 Property. In addition to approximately 59.5 acres of upland associated with the managed marsh, an additional 47.3 acres of agricultural and riparian would be dedicated for Swainson's hawk (SWH) habitat.

The Effects Analysis and proposed conservation strategy in the DEIR were created with little input from the Wildlife Agencies and have not been evaluated by the Wildlife Agencies to determine their consistency with Federal and State Endangered Species Act requirements or their effects on the efficacy of the NBHCP. The Wildlife Agencies twice previously submitted to the City letters stating our concerns with the proposed project. The Wildlife Agencies met with the City on June 6, 2005, to further explain our concerns. A summary of these letters and meetings follows.

Background Summary

The Wildlife Agencies submitted a July 29, 2005, joint comment letter to the City in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Greenbriar Project. The letter noted that if approved, the proposed project would result in a loss of up to 577 acres of habitat beyond that anticipated, analyzed and covered for take under the City's permit and would constitute a significant departure from the NBHCP's Operating Conservation Program. Additionally, in accordance with the NBHCP's Implementation Agreement, prior to approval of any rezoning or pre-zoning for the proposed project, the City is required to conduct a reevaluation of the NBHCP and ITPs, prepare a new effects analysis, revise or amend the NBHCP and ITPs, and develop an Environmental Impact Statement, or develop a separate conservation strategy and obtain separate ITPs to address such additional development. We noted that as part of the effects analysis, the full impact of such development on the efficacy of the NBHCP's carefully designed conservation strategy to minimize and mitigate the impacts of take of the Covered Species associated with a maximum of 17,500 acres of development within the Natomas Basin must be thoroughly analyzed and a conservation strategy that adequately addresses the increased impacts to the Covered Species resulting from additional loss of the limited habitat remaining in the basin is also required prior to authorization of any additional take. This effects analysis would need to evaluate if baseline conditions and assumptions used in the original analysis are still accurate.

On September 7, 2005 Judge Levi issued a decision in the Federal NBHCP litigation, which cautioned in footnote 13 of that decision that "the Service and those seeking an ITP in the future will face an uphill battle if they attempt to argue that additional development in the Basin beyond the 17,500 acres will not result in jeopardy" to GGS and SWH. Judge Levy's opinion considered the effects of the current trend of fallowing rice agriculture lands in the basin to facilitate potential further urban development.

On March 21, 2006, the Wildlife Agencies issued a second joint comment letter to the City in response to the City's December 2005, Analysis of Effects on the Natomas Basin Habitat Conservation Plan Report, which was prepared as part of the City's consideration of the proposed

Mr. Tom Buford

Greenbrier development project. In this letter, the Wildlife Agencies discussed our concerns about the proposed project's effects on the GGS, SWH, and other Covered Species with regards to 1) connectivity among reserve lands and among the three major geographic areas in the Natomas Basin, and 2) the eroding baseline of agricultural lands, and rice farming, in particular, resulting both from current economic conditions and the cumulative effects of other reasonably foreseeable development in the basin. We specifically identified how the City's December 2005 document failed to adequately address the impacts of the proposed project on the NBHCP's Operating Conservation Program and also failed to analyze the proposed project in light of changes in land use since the approval of the NBHCP and reasonably foreseeable land use changes.

Finally, on June 6, 2006, the Wildlife Agencies met with representatives of the City to discuss the Greenbrier project. In this meeting, the Wildlife Agencies expressed concern and disappointment at the City's decision to release the DEIR without adequate input and review by the Wildlife Agencies. A July 7, 2006, telephone conference call between the representatives of the Wildlife Agencies and the City reviewed many of the topics from the June 6, 2006 meeting.

Conclusion

Based on our review of the DEIR, we reiterate our concerns, expressed previously in our letters and meetings with the City, that DEIR does not adequately address the impacts of the proposed project on the NBHCP's Operating Conservation Program. Please see our March 21, 2006, letter, enclosed.

Further, the Wildlife Agencies have not evaluated the Effects Analysis in the DEIR to determine its consistency with Federal and State Endangered Species Act requirements or its effects on the efficacy of the NBHCP. Such review will occur during the development of either a new HCP for Greenbrier, an amendment to the existing NBHCP, or a new HCP for the Natomas Basin. The City will be required to obtain a new ITP from the Wildlife Agencies, authorizing incidental take of State- and Federally-listed threatened and endangered species beyond what was permitted in the existing NBHCP. Until our review is completed, we are unable to determine the adequacy of the mitigation and conservation proposal reflected in the Effects Analysis. However, the Wildlife Agencies recognize that the proposal likely represents the minimum of mitigation and conservation measures that may be required for the development of the proposed project.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to the DFG Sacramento Valley/Central Sierra Region, 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670. The Service also requests written notification regarding any actions on the proposed project. Notification can be submitted to the Service at the letterhead address.

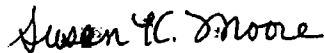
Thank you for the opportunity to review this project. As the Wildlife Agencies have repeatedly stated in correspondence and in person, we are concerned about the effects of the proposed project on the efficacy of the NBHCP and the City's existing ITPs. The DEIR does not

Mr. Tom Buford

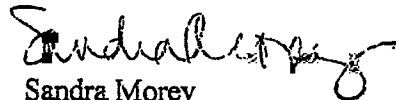
adequately address the effects of the proposed project on the GGS, in particular, and more generally, on the NBHCP's Operating Conservation Program. Future development in the basin will require a new conservation strategy that is developed with input and review from the Wildlife Agencies, to address these impacts. We remain committed to working with the City to preserve the benefits of the NBHCP and to ensure that any future development in the basin adequately protects the GGS, SWH and other Covered Species.

Please contact Holly Herod, the Sacramento Valley Branch Chief, or Kelly Fitzgerald of the Service at (916) 414-6645, of the Service and Jenny Marr, Staff Environmental Scientist, at (530) 895-4267, or Kent Smith, Acting Assistant Regional Manager, at (916) 358-2382, of the DFG if you have any questions or concerns regarding this letter.

Sincerely,



Susan K. Moore
Field Supervisor
U.S. Fish and Wildlife Service



Sandra Morey
Region Manager
California Department of Fish and Game

Enclosure

cc:
Larry Combs, Administrator, County of Sutter
(Attn: Board of Supervisors), County of Sacramento
John Roberts, The Natomas Basin Conservancy
Kent Smith, Department of Fish and Game Region 2
Jenny Marr, Department of Fish and Game Region 2

Mr. Tom Buford

Literature Cited

City of Sacramento, Sutter County, Natomas Basin Conservancy, Reclamation District No. 1000, and Natomas Mutual Water Company (NBHCP). 2003. Final Natomas Basin Habitat Conservation Plan. Sacramento, California: Prepared for the U. S. Fish and Wildlife Service and CDFG. April.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



In reply refer to:
1-1-07-CP-1106

SEP 18 2007

Ms. Carol Shearly
Director of Planning
City of Sacramento
Planning Department
915 J Street
New City Hall 3rd Floor
Sacramento, California 95814

Subject: Response to the City of Sacramento letter regarding the Greenbriar Project
in Sacramento County, California

Dear Ms. Shearly:

This letter responds to the City of Sacramento's (City) March 19, 2007, letter regarding the Greenbriar project. In your letter, you describe the City's understanding of the Fish and Wildlife Service's (Service) position regarding local City approvals of the project and compliance with the Natomae Basin Habitat Conservation Plan ("NBHCP"), Implementation Agreement ("IA") and federal and state incidental take permits ("ITPs"). We write to clarify our position regarding that issue.

Specifically, you state "we understand that the Service and Department of Fish & Game ... concur that by completing the Effects Analysis prior to the City's consideration of the pre-zoning application and LAFCO's decision on the annexation, the City complied with the terms of the [NBHCP], IA and incidental take permit with respect to the City's local approvals process for the Greenbriar project." That statement does not accurately reflect our position regarding the Greenbriar development. First, we point out that the Service has not yet concurred in the "Effects Analysis" prepared by the City. The Service has previously advised the City that its formal review of such analysis will occur only as part of its future review of an application for a federal incidental take permit in connection with the Greenbriar development, should such an application be filed. Second, completion of an effects analysis is one of several steps required of the City under the terms of NBHCP, Implementation Agreement and ITPs prior to its approval of the Greenbriar project. In addition to completing an effects analysis, the City may not approve the Greenbriar project until 1) it obtains the Service's approval of an amendment to the NBHCP and obtains ITPs for the project from both agencies, or 2) the project proponent develops its own

TAKE PRIDE
IN AMERICA

Ms. Carol Shearley

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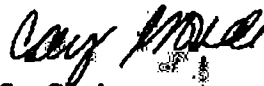
HCP and obtains separate incidental take permits for the project from the Service. NBHCP IA at § 3.1(a).

While the Service has agreed that the City may proceed with certain pre-project approvals, it is our position that to remain in compliance with the NBHCP IA and ITPs, the City may not take action to approve the Greenbriar project through specific project approvals, i.e., approval of a tentative subdivision map, a final subdivision map, or a development agreement for the project until after the project proponent has obtained federal incidental take permits.

As you know, the Service, the project proponent, and the City have participated in discussions regarding the potential impacts of the project on the giant garter snake, the Swainson's Hawk, and other species covered under the NBHCP and on the NBHCP's overall conservation strategy for the Natoma Basin, and we have on several occasions expressed our concerns about the project's potential individual and cumulative impacts on the above species and conservation strategy. Nevertheless, we are committed to working with the City and the project proponent to explore development of an HCP for the Greenbriar project that could meet the requirements of the ESA and complement the conservation strategy of the existing NBHCP.

If you have any questions or we can be of further assistance, please contact Jana Milliken, Acting Sacramento Valley Branch Chief, or Lori Rinek, Deputy Assistant Field Supervisor, at (916) 414-6600.

Sincerely,



Cay Gouda
Assistant Field Supervisor



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September 18, 2007

Tom Buford, Senior Planner
Environmental Planning Services
2101 Arden Boulevard, Second Floor
Sacramento, CA 95834

Subject: Comments on the City of Sacramento's August 2007, Final Environmental
Impact Report for the Proposed Greenbriar Development Project, Sacramento
County, California

Dear Mr. Buford:

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Game (DFG) (hereafter collectively referred to as the Wildlife Agencies) have reviewed the City of Sacramento's (City) August 2007, Greenbriar Development Project Final Environmental Impact Report (FEIR). The FEIR has been prepared as part of the City's consideration of the Greenbriar proposal (proposed project), which would include the construction of 3,473 housing units (consisting of low, medium and high density housing), approximately 28 acres of retail and commercial development, a 10-acre elementary school, an approximately 39-acre common water feature, and eight neighborhood parks totaling approximately 49 acres. The proposed project area totals approximately 577 acres and is north of the existing City limits. The project area is located within the Natomas Basin Habitat Conservation Plan (NBHCP; City of Sacramento *et al.* 2003) Area; however, it is outside the City's Incidental Take Permit (ITP) area in northern unincorporated Sacramento County, approximately one mile east of the Sacramento International Airport. The project site is bounded by Interstate 5 to the south, Highway 99/70 to the east, the Metro Air Park (MAP) development to the west, and Elkhorn Boulevard to the north.

The Wildlife Agencies previously submitted to the City four letters stating our concerns with the proposed project, including: a July 2005, joint comment letter to the City in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Greenbriar Project; a March 2006 second joint comment letter to the City in response to the City's December 2005, Analysis of Effects on the Natomas Basin Habitat Conservation Plan Report, which was prepared as part of the City's consideration of the proposed Greenbriar development project; a September 2006 third joint comment letter to the City in response to the City's July 2006, Greenbriar Development Project Draft Environmental Impact Report; and a December 2006 fourth joint comment letter to the City in response to the City's November 2006, Recirculated Draft

Mr. Tom Buford

Environmental Impact Report for the proposed Greenbriar Development Project. As you know, the Agencies, the project proponent, and the City have participated in discussions regarding the potential impacts of the project on the giant garter snake (GGS), the Swainson's hawk (SWH), other species covered under the NBHCP, and on the NBHCP's overall conservation strategy for the Natomas Basin, and we have on several occasions expressed our concerns about the project's potential individual and cumulative impacts on the above species and conservation strategy.

The Wildlife Agencies have reviewed, but not yet concurred on, the "Analysis of Effects on the Natomas Basin Habitat Conservation Plan Report" and the Biological section of the DEIR, including the analysis of the effects on GGS, prepared by the City and have previously advised the City that formal review of such analysis will only occur in the course of the Agencies' review of future federal and state applications for incidental take permits in connection with the Greenbriar development, should such applications be filed.

The FEIR states that the proposed project may impact of up to 497 acres of SWH foraging habitat. The FEIR's proposed mitigation strategy for impacts to SWH includes the preservation and management of 27.9 acres of on-site (Lone Tree Canal upland component), and 212.6 acres of off-site foraging habitat. Based on our review of the FEIR, the Wildlife Agencies are concerned that the FEIR does not provide adequate mitigation measures to minimize significant effects to SWH to below a significant level. Particularly, the permanent protection of 240.5 acres over four separate locations (Spangler site, North Natomas Site, Lone Tree Canal, and an unidentified 49 acre parcel) as a means of mitigating for the loss of a contiguous 497 acres of SWH foraging habitat falls short of the standard that Sacramento County and the DFG have developed for determining foraging habitat impacts in unincorporated Sacramento County. This standard should be considered to serve as minimum mitigation under the California Environmental Quality Act (CEQA), and should also consider the proposed project's added potential effects to the NBHCP's Operating Conservation Program.

Although like the FEIR's analysis of impacts to SWH foraging habitat, which determines the level of impact based on the starting impact habitat value and the ending mitigation habitat value, the methodology developed by Sacramento County (County) and DFG is not determined based on seasonal use of certain landcover types in one given year, as depicted in the effects analysis for the Greenbriar project. The FEIR's analysis of impacts under-represents impacted foraging habitat by only considering the habitat value based upon one growing season, and does not depict the higher habitat values expected to occur on site over subsequent growing seasons. In other words, some impacted lands which were valued in the FEIR as low quality field crop or moderate quality idle cover types were not considered for their higher quality values in years when crop types may be rotated, or when idle cover types are brought back into agricultural production. Conversely, some proposed mitigation lands were valued as high quality alfalfa and were not considered for their lower quality cover types when this crop type may be rotated or set aside as idle.

Because of the difficulty of accurately assessing habitat values based upon the long-term versus a singular growing season, the County and DFG developed a methodology which recognizes that

Mr. Tom Buford

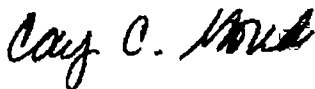
SWH foraging habitat value is greater in large expansive open spaces and agricultural areas than in areas which have been fragmented by agricultural-residential or urban development. The concept is that impacts to foraging habitat occurs as properties develop to increasingly more intensive uses on smaller minimum parcel sizes. Therefore, foraging habitat impacts are assessed when agricultural and agricultural-residential parcels are rezoned to smaller minimum parcel sizes. As a baseline, the County assumes that properties zoned AG-40 and larger have 100% habitat value, AG-20 properties have 75% value, and AR-10 properties have 25% habitat value. Properties zoned AR-5 and smaller, such as AR-2, AR-1, the urban Residential Densities (RD-1 thru 40), commercial and industrial zonings, retain no habitat value. According to this methodology, the proposed project would qualify as containing 100% habitat value. The Wildlife Agencies recommend that replacement lands be provided with equal or greater habitat value on a per acre basis; as a minimum, to minimize and mitigate the significant effects on SWH foraging habitat to below a significant level.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to the DFG Sacramento Valley/Central Sierra Region, 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670. The Service also requests written notification regarding any actions on the proposed project. Notification can be submitted to the Service at the letterhead address.

Thank you for the opportunity to review this project. As the Wildlife Agencies have stated, we are concerned about the effects of the proposed project on the efficacy of the NBHCP and the City's existing ITPs. The FEIR does not adequately address the effects of the proposed project on the GGS or SWH. We remain committed to working with the City to ensure that any future development in the basin adequately protects the GGS and SWH, and other NBHCP Covered Species.

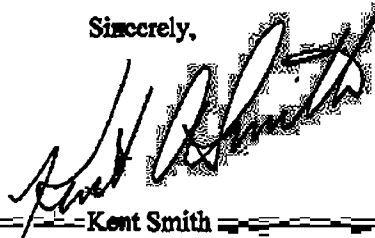
Thank you for the opportunity to review this project. If we can be of further assistance, at DFG please contact Mr. Todd Gardner, Staff Environmental Scientist, at (209) 745-1968, and at the Service please contact Jana Milliken, Acting Sacramento Valley Branch Chief, at (916) 414-6561 or Lori Rinck, Deputy Assistant Field Supervisor, at (916) 414-6600.

Sincerely,



Cay Goude
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Sincerely,



Kent Smith
Acting Regional Manager
California Department of Fish and Game

Mr. Tom Buford

cc:

Larry Combs, Administrator, County of Sutter, Yuba City, CA

Donald Lockhart, Assistant Executive Officer, Sacramento Local Agency Formation
Commission, Sacramento, CA

John Roberts, The National Basin Conservancy, Sacramento, CA

Kent Smith, California Department of Fish and Game, Rancho Cordova, CA

Todd Gardner, California Department of Fish and Game, Rancho Cordova, CA

Mr. Tom Buford

Literature Cited

City of Sacramento, Sutter County, Natomas Basin Conservancy, Reclamation District No. 1000, and Natomas Mutual Water Company (NBHCP). 2003. Final Natomas Basin Habitat Conservation Plan. Sacramento, California: Prepared for the U. S. Fish and Wildlife Service and CDFG. April.

Mr. Tom Buford

cc:

Mr. Larry Combs, Administrator
County of Sutter
1160 Civic Center Boulevard
Yuba City, California 95993

Mr. Donald Lookhart
Sacramento Local Agency Formation Commission
1112 "P" Street, Suite 100
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Mr. John Roberts
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jpachl@sbcglobal.net

January 8, 2008

Mayor Heather Fargo
Members of the City Council
City of Sacramento

cc: City Manager Ray Kerridge

RE **Council Workshop on Greenbriar project, January 8, 2008, 6 pm agenda, Item 20**

Dear Mayor Fargo and City Councilmembers,

These comments are submitted on behalf of Sierra Club, Friends of Swainson's Hawk, and Environmental Council of Sacramento, which oppose the Greenbriar project, a suburban development project atop prime farmland in a deep flood basin.

There is growing public concern about local government's continued approval of sprawl development. Greenbriar supporters are attempting to disguise the project with false claims of "smart.growth," and to justify it with the preposterous assertion that a few hundred acres of development at Greenbriar will magically induce the Federal government to pay for an \$800 M light rail line to the Airport by 2026.

City staff incorrectly assert that the Greenbriar project will generate funding that will pay for all project public facilities and infrastructure, plus surplus funds that will help ameliorate the City's fiscal deficit and the enormous deficit of the North Natomas Public Infrastructure Financing Plan. However, staff has failed to provide the Council with the project financing plan, fiscal analysis, and City-County revenue sharing agreement required by Joint Vision, prior to this Workshop even though staff earlier presented a detailed public infrastructure financing plan and fiscal analysis to the Planning Commission.

The City Planning Commission rejected the project on November 8, 2007, by a 5 - 3 vote, with one refusal. A divided LAFCo earlier approved expansion of City's Sphere of Influence to include Greenbriar by a bare margin of 4 - 3.

The project is opposed by the Natomas Community Association, Sacramento County Taxpayers League, Sacramento County Farm Bureau, County of Sutter, environmental organizations (Environmental Council of Sacramento, Sierra Club, Audubon, Friends of the Swainson's Hawk), and numerous citizens. The U.S. Fish and Wildlife Service, California Department of Fish and Game, State Office of Environmental Health Hazard Assessment (as to air toxics effects), California Department of Transportation, and Swainson's Hawk Technical Advisory Committee have stated very strong concerns by letters submitted to City and LAFCo.

The project is supported by SACOG, the Regional Air Board, and Regional Transit, whose Boards are comprised of representatives of the same local jurisdictions which have repeatedly approved the suburban sprawl development that has become the hallmark which defines this region. The former City Manager, Bob Thomas, vigorously spearheaded the Greenbriar project while he was City Manager, and then was hired as a consultant by the project developer, AKT, after he left City employment.

The current lawsuit challenging LAFCo's erroneous approval of the SOI and certification of the EIR is "on hold" pending City's decision. City was named as a real party in interest, but not as a defendant. City has the discretion to disapprove or modify the Project, the EIR, and mitigation measures.

This letter focuses primarily on the impacts of the project on City's finances. The numerous other problems with the project will be addressed by others at this Workshop hearing, and by letter prior to the next hearing.

1. The project fails to provide funding sufficient to pay costs of project infrastructure and public facilities:

A fundamental principle of the North Natomas Community Plan ("NNCP") was that the infrastructure, public facilities, and other costs of development would be paid in full by the new development. The reality was dramatically otherwise. The North Natomas Financing Plan greatly understated costs of infrastructure, and developers consistently resisted fee increases, sometimes claiming that development "would be infeasible" if fees were increased. All too often, City acceded to developer demands, and much of what was promised to new residents by the City in the Community Plan was not delivered. See

Several months ago, City staff admitted that \$70,000,000 was needed to complete the community infrastructure promised by the Financing Plan. More recently, City staff told Natomas residents that it would cost \$150,000,000 to complete infrastructure and facilities promised by the Financing Plan and not delivered. Most of the NNCP area is now built out, and remaining future development project cannot legally be required to contribute more than its proportionate share of cost of community infrastructure due to legal nexus requirements.

The Report of the Sacramento County Grand Jury, June 2007, page 28, (ATTACHED) strongly recommended an independent public audit of "whether the City has met the stated fiscal goals" of the NNCP, and listed a detailed set of issues to be addressed which go well beyond the scope of the usual municipal financial audit. City should undertake no new development in Natomas until the audit recommended by the Grand Jury, addressing all of the issues listed on page 28 of the Report, is undertaken and made available to the public, and steps are firmly in place to avoid repeating the same errors that caused the failure of the North Natomas Financing Plan.

Tonight's Staff Report, p. 4, states that a financing plan and tax revenue-sharing agreement for Greenbriar are being prepared, which is rather strange because the Public Infrastructure Financing Plan and Fiscal Impact Analysis were previously completed and submitted to the Planning Commission. See "Greenbriar Public Infrastructure Finance Plan", 8/14/07, on a CD in back cover of Greenbriar FEIR, particularly pp 31 – 35, "Feasibility of Finance Plan".

The Finance Plan shows that the project and its public infrastructure finance plan verge on financial infeasibility, and that there are major uncertainties and likely additional costs that could

easily push public facilities financing into the "infeasible" range, unless City subsidizes the project. There should be no consideration of annexation, rezoning, or other approvals until all financial questions are resolved and revised Finance Plan, fiscal analysis, and Joint Vision revenue-sharing agreement are prepared.

ATTACHED are pages 23 and 32 – 36 of the Greenbriar Public Facilities Finance Plan presented to Planning Commission. Page 32, states that development having a public infrastructure burden between 15 -20% of market sale price may be feasible, and that development having an infrastructure burden above 20% is infeasible, "based on EPS experience ... for over two decades." EPS' analysis in Table 9 on page 33, "Infrastructure Burden," shows Greenbriar's cost burden as 19.5% of the sale price of a medium-density home, which is the majority of homes, 16.4% of the sale price of low-density homes, and 14.7% of the sale price of high density residences.

Cost projections in Table 9 (page 34) are highly speculative. For example, the Finance Plan does not explain how it computed the Table 9 projected habitat mitigation cost. The Federal and State wildlife agencies been clear that Greenbriar's proposed endangered species habitat mitigation, approximately 0.5 acre preserved for every acre developed, is grossly inadequate. For each acre of mitigation land required, there are associated fees (for monitoring, endowment, maintenance and operations). The habitat mitigation costs will remain unknown until the City completes an Effects Analysis and new HCP, if approved by the USFWS and CDFG, and those agencies issue Incidental Take Permits that state the extent and type of habitat mitigation required. Habitat mitigation (acreage and fees) required by USFWS and CDFG will be much greater than presently proposed by City and assumed by the Finance Plan.

The Finance Plan, p. 23, states that the developer "may be required to advance funds and construct additional off-site roadway improvements" but does not include those costs in the Finance Plan. The California Department of Transportation insists that the project should financially contribute to off-site highway improvements. A sizeable contribution by the project will likely be required, which will further increase the project's cost burden.

The Financing Plan, Table 9, page 33, includes no funding to implement the Joint Vision requirement that development provide 1 acre of open space mitigation in the Sacramento County area of the Basin for every acre developed. The Report's assertion that artificial detention basins, bicycle paths, and freeway buffers within the project are "open space" under Joint Vision are contrary to the City's promises in the Joint Vision MOU, and Government Code §§56060 and 65560 which defines "open space."

The Finance Plan, Table 9, page 33, says that the Supplemental Levee Fee is only a preliminary estimate. In fact, SAFCA staff has privately indicated that the likely fee would be at least \$2 per square foot for each home, which is substantially more than the Table 9 estimate for medium and low-density homes. Every levee project in the region has generated huge costs overruns. It is very likely that the pending SAFCA project, which is the largest ever, will also generate huge cost overruns that will require a substantial increase in the levee fees and assessments.

The Finance Plan, p. 32 states that a total of taxes and assessments of less than 2 percent indicates financial feasibility. Finance Plan, p. 34, Table 10, shows estimated total taxes and assessments as ranging from 1.24 to 1.67 percent of assumed sale prices. However, the Finance Plan, p. 35, footnote 2, states that "actual tax rates adopted for Greenbriar could be significantly higher than those shown."

The percentage calculations used in Tables 9 and 10 to determine feasibility are based on home prices equal to 2005 Natomas price levels (p. 34). However, 2005 home prices were the peak of the market and were driven, in part, by unrealistic home loans that are no longer available. Home prices and sales have since declined substantially and are projected to decline further. If, as is extremely likely, Greenbriar home prices prove less than those assumed by the Financing Plan and/or costs are higher, then the ratio of costs and total taxes to home prices will be greater than shown in Tables 9 and 10, and most likely within the "infeasible" range beyond 20%.

In such event, the City would likely eliminate, and/or indefinitely defer, "nonessential" promised public infrastructure at the developer's request (as happened in North Natomas Community Plan), and would need to apply its General Fund to pay for essential infrastructure. Decline in home values below 2005 levels would also lead to a reduction of property tax revenues anticipated from Greenbriar by the Finance Plan (which is based on 2005 home prices).

The Joint Vision MOU says that the 1 percent ad valorem property tax from parcels annexed within the Joint Vision area shall be distributed equally between County and City, that other revenues would be shared, and that City and County would adopt a master Tax Sharing and Land Use Agreement for Annexations. (See Joint Vision, pp. 4, 5). There is no Joint Vision revenue sharing agreement. The Greenbriar financial analysis does not account for the effect of Joint Vision revenue sharing. Joint Vision revenue-sharing is very relevant to question of whether providing services to Greenbriar will cost the City more than it will receive in revenue from Greenbriar, and whether CEQA mitigation measures which rely upon revenue generated by Greenbriar are financially feasible.

This project should not be considered for any approvals until there is a Joint Vision revenue-sharing agreement, much more certainty as to actual fees and public facilities costs discussed above, and revised financial and fiscal analysis. The North Natomas Community Plan was not subject to the Joint Vision revenue-sharing agreement and cannot pay for itself, so it is mysterious why staff think that Greenbriar would pay for itself and produce surplus revenue despite revenue-sharing under Joint Vision.

CEQA mitigation measures which rely on revenue subject to Joint Vision revenue-sharing must be deemed speculative and infeasible due to the fiscal effect of Joint Vision revenue sharing, unless demonstrated otherwise by a revised financial analysis after there is a Joint Vision revenue-sharing agreement. The FEIR should not be certified with speculative or infeasible mitigation measures.

2. Assertions that Greenbriar will provide net revenue to subsidize infill and contribute to completing NNCP infrastructure are unsupported.

In light of the information disclosed by the Financing Plan, above, and the substantial decline of housing prices and constriction of the home loan market, there is no reason to believe that the Greenbriar development will generate surplus revenue to subsidize infill and contribute to completion of community facilities within existing Natomas development. Revenues cannot even be estimated until there is a Joint Vision revenue sharing agreement, much more certainty of Greenbriar fees and infrastructure costs, and a realistic estimate of probable sale prices of homes in Greenbriar (which will be substantially less than in 2005). In light of (1) uncertainty about public infrastructure costs and fees which, even as tentatively estimated by the Finance Plan Table 9, cause the project to verge on infeasibility, *supra*, and (2) the reduction of City's tax

revenue from Greenbriar due to Joint Vision revenue sharing, there is no basis for assuming that the project can generate revenue and fees in excess of that needed for on-site development.

3. Greenbriar Fiscal Impact Analysis, January 2007

The Greenbriar Fiscal Impact Analysis, dated January 2007, was submitted to Planning Commission on October 11. It purports to reflect the division of revenue between City and County required by the Joint Vision MOU, but the Analysis is written obscurely and it is unclear as to how revenue available to City after the Joint Vision revenue split is computed or whether Greenbriar would be a net revenue gain or net revenue loss for the City. At page 7, (ATTACHED) the Analysis states that "the results suggest a fiscally negative impact to the City", which means that there will be a net revenue loss.

Moreover, the Joint Vision MOU, Section II, states that there will be further negotiations, and that City and County will adopt a Master Tax Sharing Agreement. There is no Master Tax Sharing Agreement. A reliable fiscal analysis cannot be done until City and County have adopted a Master Tax Sharing Agreement for Joint Vision, or, at minimum, for Greenbriar.

4. The Partial Reversal Of The Position Of Sacramento Metropolitan Air Quality Management District Was Politically-Dictated And Lacks Scientific Basis

The Sacramento Metropolitan Air Quality Management District ("SMAQMD") was highly critical of certain elements of the EIR and the project. See letters of the District dated August 31, 2006, December 29, 2006 (FEIR 4-268, 5-23), September 19, 2007 and the letter of the State Office of Environmental Health Assessment, September 26, 2007, submitted to Planning Commission, which are very clear about the health hazards arising from placing residences within 500 feet of a busy freeway.

Thereafter, on October 25, 2007, the SMAQMD Board (comprised of City and County elected officials) adopted the following policy, by a 5 - 4 vote:

"8. Land use - Support communities in their efforts to meet sustainable land use and energy use goals and objectives or adopted Blueprint Preferred Scenario targets."

This new policy leaves Air District staff with little choice but to support any new development project supported by local government within the Blueprint Preferred Scenario map area (such as Greenbriar) regardless of possible detrimental effects upon air quality and human health; and robs District staff of their scientific independence. "Blueprint" underwent no environmental review, and never addressed the potential health hazards of locating new residential development next to freeways. The District Board's blanket support for any project within the Blueprint map area, regardless of its effects, is inconsistent with the District's legal responsibility to protect the public's health.

A few days later, the District submitted its letter dated October 29, 2007, which for the first time stated District support for Greenbriar and asserted that the Air Resources Board guidance document was not applicable to the Sacramento region or to the project site, (even though located at the junction of I-5 and Hwy 99).

Thereafter the State Office of Environmental Health Assessment decisively rebutted the local Air Board's assertion, by letter dated December 10, 2007, which City staff failed to disclose in its Staff Report. A copy of that letter will be submitted to Council.

5. Assertions that Greenbriar will increase jobs-housing balance are unsupported.

It is asserted that Metro Air Park will provide jobs for Greenbriar residents. Unfortunately, many industrial and warehouse workers cannot afford new home prices in Natomas.

The 2000-acre Metro Air Park site is completely vacant, despite having been fully permitted in 2002 and the construction of detention basins, main roads, and placement of fill. There is no evidence that there will be substantial development at Metro Air Park in the foreseeable future. It must compete against existing industrial and office parks which are served by existing infrastructure and public facilities, including large vacant parcels designated for commercial and employment centers in the City's existing North Natomas Community Plan area.

If the justification for Greenbriar is to provide housing next to a major employment center, then consideration of Greenbriar should be deferred until substantial employment-generating development actually exists at Metro Air Park, which pay wages sufficient for workers to buy homes in Natomas. Job-housing balance can be more feasibly accomplished now by infill development within the existing urban area.

6. The assertion that the Greenbriar project will cause the Federal government to fund construction of light rail to the Airport is fiction.

Regional Transit now states that projected completion date is 2026 and estimated cost is \$800 M. There is no evidence that the Federal government is interested in funding light rail to the Airport, and no evidence, other than wishful assertions by local government, that development of Greenbriar will induce Federal funding. RT was recently required to suspend its planning of light rail extensions due to shortfall of locally-generated operating revenues, and has reduced or eliminated service on some bus routes. Bus service to existing North Natomas development is minimal, even though the North Natomas Community Plan was promoted as "transit-oriented." RT's plan for the DNA line includes 12 station stops between downtown and the Airport, a slow ride that would be unattractive to persons who need rapid and timely transit to the Airport. Well-publicized express bus from a downtown RT station, perhaps with a small indoor waiting area, would provide much faster ride to the Airport, and would be more cost-effective and feasible, and could be implemented now.

There are at least 10,000 mostly-developed acres in South and North Natomas, plus Airport and Metro Air Park that would be served by light rail to the Airport. The assertion that an additional 500 acres of Greenbriar development would magically induce the Federal government to pay the \$800 M estimated cost of the project is ludicrous.

Thank you for considering these comments.

Respectfully submitted,


James P. Pachl, Attorney

Recommendation 1. An independent fiscal and compliance audit needs to be conducted to determine whether the city has met the stated fiscal goals and whether development has actually been completed and built in a timely and proper manner. This audit needs to be conducted by persons versed in land use and development, fiscal issues related to development, and familiar with municipal financing. Further, the audit needs to be conducted and overseen by some entity or independent persons not in association with the city.

The audit should observe the actual results of development and compare the results to the stated goals for developing North Natomas.

The following issues need to be addressed in the audit:

1. Has the development enhanced the city's ability to attract major industrial employers?
2. Does the area contain optimum amounts of land devoted to parks, recreational facilities and open space?
3. What has been and will be the fiscal impacts of the development on the city, i.e., is the revenue derived from the development supporting not only the capital cost of the infrastructure required for the development, but also the ongoing cost of maintaining that infrastructure including the development and maintenance of the regional park?
4. Do the actual tax revenues generated by the development of North Natomas provide an ongoing revenue surplus for use throughout the city?
5. Has the jobs-to-housing ratio goal of 60% been achieved?
6. Have the various fiscal devices that the city used to assist the developers provided a clear audit trail to determine that builders/developers did what they were supposed to do with the money and in a timely and proper manner?

The audit report should be made readily available to the public at the same time it is given to the city.

Finding 2. There is no information currently being provided to the California Central Valley Regional Water Quality Control Board as to the content of the water, sediment and soil in the drainage detention basins in North Natomas. The city may be allowing untreated surface water containing pollutants, such as pesticides, to reach the Sacramento River.

Recommendation 2. The city should develop and then conduct, on a regular basis, an analysis of the water, sediments and soil in the drainage detention basins and provide that information to the Central Valley Water Quality Control Board.

IV. INFRASTRUCTURE FINANCING STRATEGY AND FUNDING SOURCES

This chapter outlines the Greenbriar financing strategy and describes how a combination of funding sources will be used to fund the \$150.3 million of backbone infrastructure and other public facilities required to serve the Project.

BUILDOUT FINANCING STRATEGY

Developer funding and construction of backbone infrastructure and other public facilities is the primary financing strategy for Project buildout. In addition, the financing strategy includes formation of one land secured bond financing district (e.g., Mello-Roos CFD or Assessment District), which will fund a portion of the total backbone infrastructure and other public facility costs. For certain public facility categories in which no developer construction is required and no formal citywide development impact fee has been established, Greenbriar will pay for public facilities through a Greenbriar Public Facilities Fee. Finally, the master project developer will pay applicable development impact fees, which are typically due at building permit issuance. The developer will receive fee credits for infrastructure items constructed that are also included in these fee programs. Also, other nearby development projects such as the NNCP, and MAP, will participate in funding the cost of shared facilities.

Table 2 shows the proposed funding source for each public facility at buildout. Under this funding strategy, approximately \$79.0 million will be a combination of developer funding and land-secured bond financing; \$13.9 million will be funded through the Greenbriar fee; and \$14.2 million will be funded through existing development impact fees.

The estimated costs and proposed funding sources are estimated based on the most current information available. Actual backbone infrastructure and other public facility costs funded under each category may be revised as more detailed information regarding facility construction and project sequencing becomes available.

Although not yet included in this Financing Plan, the master project developer also may be required to advance fund and construct additional off-site roadway improvements (e.g., State Route 99 interchange improvements) that provide benefit to land uses outside of the Project. Any future development projects which are deemed to receive benefit from these facilities should be required by the City to pay their fair share, which will be used to reimburse the Greenbriar project.

Financing Plan

8/14/07

Future versions of this report will include a detailed analysis which contains the range of the total fee and infrastructure burdens by selected land uses.

TOTAL BURDEN OF MAJOR INFRASTRUCTURE

The infrastructure cost burden of development to a property owner can be used to assess the financial feasibility of a development project. The total infrastructure cost burden consists of all costs (e.g., developer funding and the bond debt associated with special taxes and assessments) plus applicable fees (e.g., county development impact fees, school mitigation fees). A measure of financial feasibility is this: if the total cost burden is less than 15 to 20 percent of the finished home price, then a project is considered to be financially feasible. Typically, residential units with a cost burden percentage below 15 percent are clearly financially feasible while units with a cost burden percentage above 20 percent are likely to be financially infeasible. This feasibility benchmark is based on EPS's experience in conducting financial feasibility analyses for numerous projects throughout the Sacramento region and Central Valley over the last two decades.

Table 9 shows the total estimated infrastructure burden of typical homes in the Greenbriar project. As shown, the total cost of infrastructure and public facilities accounts for approximately 14.7 to 19.4 percent of the estimated sales price of residential units at Greenbriar.

TAXES AND ASSESSMENTS FEASIBILITY ANALYSIS

Table 10 shows the estimated taxes and assessments as a percentage of home sales prices for four different proposed Greenbriar land uses. The total annual amount includes the following taxes and assessments:

- Property taxes;
- Other general ad valorem taxes (e.g., school/other general obligation bonds);
- Services taxes and assessments (estimated in this chapter); and
- Greenbriar Infrastructure CFD taxes (proposed in this Financing Plan).

Under the "2-percent test," a total taxes and assessments percent of sales price that is less than two percent indicates financial feasibility. The taxes and assessments for the homes range from 1.24 to 1.67 percent, indicating annual tax-burden feasibility for each

Financing Plan

8/14/07

DRAFT

Table 9
Greenbriar Public Facilities Financing Plan
Infrastructure Burden - Residential Market Rate Units

Item	Low-Density Residential	Medium-Density Residential	High-Density Residential
Assumptions:			
Unit Size (sq. ft.)	2,700	1,600	1,000
Lot Square Feet	5,000	3,000	n/a
Building Valuation	\$162,918	\$96,544	\$65,100
Finished Unit Selling Price [1]	\$440,000	\$310,000	\$250,000
City Fees:			
Building Permit	\$1,505	\$1,055	\$841
Plan Check	\$499	\$348	\$276
Technology Surcharge	\$80	\$56	\$45
Business Operation's Tax	\$65	\$39	\$26
Strong Motion Instrumentation Fee	\$16	\$10	\$7
Major Street Construction Tax	\$1,303	\$772	\$521
Residential Development Tax	\$385	\$385	\$250
Housing Trust Fund	\$0	\$0	\$0
Water Service Fees	\$4,920	\$4,920	\$1,375
Citywide Park Fee	\$4,493	\$4,493	\$2,647
Fire Review Fee	\$0	\$0	\$38
CFD No. 97-01 Bond Debt	\$967	\$616	\$309
Air Quality Mitigation [1]	\$450	\$240	\$144
Habitat Mitigation [2]	\$7,000	\$4,400	\$1,700
Subtotal City Fees (rounded)	\$21,700	\$17,200	\$8,200
Other Agency Fees:			
SAFCA CIE Fee	\$222	\$222	\$119
SAFCA Assessment District Bond Debt	\$2,224	\$2,224	\$1,192
Supplemental Levee Fee (PRELIM. ESTIMATE) [3]	\$3,500	\$2,500	\$2,000
School Mitigation	\$11,835	\$11,835	\$4,734
SRCSO Sewer Fee	\$7,000	\$7,000	\$7,000
Subtotal Other Agency Fees (rounded)	\$24,800	\$23,800	\$15,000
Greenbriar Public Facilities Fee (rounded) [4]	\$4,200	\$3,600	\$2,500
Greenbriar Developer/CFD (rounded) [4]	\$21,300	\$15,700	\$11,100
TOTAL COST BURDEN	\$72,000	\$60,300	\$36,800
Cost Burden as % of Unit Sales Price	16.4%	19.5%	14.7%

Note: Feasibility Range, based on numerous feasibility analyses conducted by EPS over the last two decades, is described as follows:
Below 15%: Feasible
15% - 20%: May be feasible
Above 20%: Infeasible

Source: Greenbriar Developers; City of Sacramento; and EPS.

- [1] Air Quality Mitigation cost is a preliminary estimate based on input from project applicant.
[2] Based on total estimated habitat mitigation costs excluding land acquisition (since land is dedicated) for the Greenbriar project. Refer to EPS# 17400 for details.
[3] Ballpark estimate provided by developer as a placeholder.
[4] It is assumed here that a CFD is used to fund roadway, sewer, water, landscape corridors, and drainage facilities and that a Greenbriar Public Facilities Fee is established to fund other public facilities. See Table A-12.

Financing Plan

8/14/07

DRAFT

Table 10
Greenbriar Public Facilities Financing Plan
Two-Percent Test of Total Tax Burden

Item	Assumption	Low-Density Residential	Medium-Density Residential	High-Density Residential
Home Price Estimate [1]		\$440,000	\$310,000	\$250,000
Homeowner's Exemption [2]		(\$7,000)	(\$7,000)	(\$7,000)
Assessed Value [3]		\$433,000	\$303,000	\$243,000
Property Tax	1.00%	\$4,330	\$3,030	\$2,430
Other Ad Valorem Taxes [4]	0.15%	\$650	\$455	\$365
Total Ad Valorem Taxes		\$4,980	\$3,485	\$2,795
Special Taxes and Assessments (Proposed)				
Reclamation Dist. No. 1000 - O & M Assess.		\$51	\$34	\$17
SAFCA A.D. No. 1 - O & M Assessment		\$74	\$50	\$25
SAFCA Consolidated Capital Assessment District		\$80	\$80	\$53
TMA CFD [5]		\$21	\$21	\$16
Parks Maintenance [6]		\$52	\$52	\$30
City of Sacramento A.D. No. 96-02 - Library		\$27	\$27	\$27
City of Sacramento A.D. No. 89-02 Lighting Dist.		\$66	\$66	\$45
CFD No. 97-01 [7]		\$108	\$108	\$75
Total Special Taxes and Assessments		\$478	\$436	\$288
Proposed Infrastructure CFD (Preliminary Estimate)		\$1,500	\$1,200	N/A
Parks Maintenance Cost (Preliminary Estimate)		\$44	\$44	\$26
Total Tax Burden		\$7,002	\$5,165	\$3,108
Tax Burden as % of Home Price		1.59%	1.67%	1.24%

"Two-Percent"

Source: Gregory Group, City of Sacramento, Greenbriar landowners, and EPS.

- [1] Home prices are based on 2005 price levels in North Natomas from the Gregory Group. "Low density" assumes 2,700-square-foot homes, "medium density" assumes 1,600-square-foot homes, and "high density" assumes 1,000-square-foot attached units.
- [2] An owner-occupied single-family residence is allowed a \$7,000 reduction of the assessed value of the property for the purposes of calculating the annual property tax.
- [3] The adjusted assessed value is the value upon which the 1% property tax rate, as allowed under Proposition 13, is calculated.
- [4] Other Ad Valorem taxes include regional sanitation bonds and school general obligation bonds.
- [5] Greenbriar may elect to create a separate TMA; the costs, however, are not known at this time. As a proxy, the rates for the North Natomas TMA are shown. Please note that costs to provide transit service to Greenbriar may be significantly higher than those shown here.
- [6] Assumes same rate as CFD 2002-2 Parks Maintenance.
- [7] Assumes that Greenbriar pays the same rate as development east of I-5.

Financing Plan

8/14/07

example unit type.² While the Greenbriar CFD clearly is feasible, bond financing for other facilities included in additional CFDs will be limited by the tax rates indicated above.

² Please note that Greenbriar developers may elect to form a TMA CFD to fund transit services. The cost to provide these services is unknown at this time, and EPS has used current rates from the North Natomas TMA CFD No. 99-01 as a proxy. Actual tax rates adopted for Greenbriar could be significantly higher than those shown.

Financing Plan 8/14/07

January 11, 2007
Page 7 of 11

The manner in which the property tax revenues are allocated between the City and County will be dictated by the Joint Vision MOU. The case study revenues, as well as per capita revenues and costs, are shown as separate line items. The results suggest a fiscally negative impact to the City both during the absorption period and at the conclusion of the assumed ten-year absorption timeframe in 2016.

From Greenbrae Fiscal Impact

Analysis, p. 7, - 1/11/2007

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Sacramento, California, 95814
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Fax: (916) 244-0507

jpachl@sbcglobal.net

January 15, 2008

Mayor Heather Fargo
City Council
City of Sacramento

cc: City Manager Ray Kerridge

RE **Council Workshop on Greenbriar project, January 15, 2008 agenda, 6 p.m.**
Supplement to Comment Letter dated January 8, 2008

Dear Mayor Fargo and City Councilmembers,

My letter to Council dated January 8, 2008, on behalf of Sierra Club, Friends of Swainson's Hawk, and ECOS, described how the proposed Greenbriar is unlikely to provide sufficient funding to pay costs of project infrastructure and facilities.

At the January 8, 2008, Council meeting, Staff stated that the total average fee burden for the project would be \$60,300, and that this was 14.7% of the average sales price of new homes in Greenbriar. See Staff's power point presentation to Council, page 63, attached **EXHIBIT A**. This was a serious misrepresentation of the information contained in the Infrastructure Financing Plan, dated August 14, 2007, attached to the FEIR and presented to Planning Commission.

In fact the Greenbriar Public Facilities Finance Plan, (8/14/07) Table 9 page 33, "Infrastructure Burden," attached **EXHIBIT B**, shows Greenbriar's cost burden as 19.5% of the sale price of a medium-density home (shown as having a cost burden of \$60,300), 16.4% of the sale price of low-density homes, and 14.7% of the sale price of high density residences. The Finance Plan, Table 9, **EXHIBIT B**, projects the sale prices as follows: low-density residential, \$440,000; medium density, \$310,000, and high density, \$250,000, based on 2005 Natomas prices (which have since declined).

Financing Plan Table 9 (EXHIBIT B) states that development having a public infrastructure burden between 15 -20% of market sale price may be feasible, but that development having an infrastructure burden above 20% is infeasible.

As stated in more detail my letter of January 8, 2008, Table 9 cost projections are highly speculative, and the actual infrastructure burden as a percentage of sale price will likely be higher. A few factors likely to increase the cost burden as percentage of sales prices are:

Financing Plan Table 9 sales prices are based on 2005 Natomas price levels. (Table 10, p. 34, footnote 1, **EXHIBIT C**.) Home prices have since declined. Future prices are unpredictable, but "creative loans" and loans requiring minimal down payments, which made escalating prices "affordable" for many buyers, are no longer unavailable; and "investors" who bought houses in anticipation of re-selling for profit in a rising market will likely comprise a much smaller part of the buyer market and be much more cautious.

Projected habitat mitigation costs apparently assume a .5 to 1 mitigation ratio. In fact, the wildlife agencies will require a much higher mitigation ratio.

The Financing Plan, p. 33, Table 9, footnote 2, (**EXHIBIT B**) excluded the cost of acquiring habitat mitigation land because it is dedicated, and apparently assumes, unrealistically, that the developer will not include its cost of acquiring mitigation land in developer's calculation of cost burden as a percentage of sale price in considering project feasibility.

Projected levee fees are apparently based on SAFCA's estimated cost of upgrading the levees to 200-year level. Previous levee projects, much smaller than the pending project, often incurred major cost overruns. Thus, it seems highly possible that the cost of the project, and thus levee fees demanded of developers, will be substantially higher than projected now.

The Finance Plan, p. 23, states that the developer "may be required to advance funds and construct additional off-site roadway improvements". There is no documentation available to public which supports Staff's claim that the amount presently allocated for mainline freeway will satisfy the concerns of the California Department of Transportation.

The Financing Plan, Table 9, page 33, includes no funding to implement the Joint Vision requirement that development provide 1 acre of open space mitigation in the Sacramento County area of the Basin for every acre developed. The FEIR's assertion that detention basins, bicycle paths, and freeway buffers within the project area are "open space" under Joint Vision are contrary to the Joint Vision MOU and Government Code §§56060 and 65560

If approved, the most likely scenario is that as Greenbriar nears construction, the developer will demand that City substantially reduce or defer some of the infrastructure and funding requirements so that the project is deemed feasible by the developer. This happened repeatedly with the NNCP, resulting in a huge deficit of promised and necessary infrastructure. Greenbriar is only more of the same.

City should not repeat the mistakes of the NNCP financing. There is plenty of time for an independent audit of all aspects of the performance of the NNCP Financing Plan to determine what went wrong and how to avoid the mistakes of the NNCP, and to thoroughly review all elements of the financial implications of the proposed Greenbriar project, before considering project approval. Rushing the project to approval on January 22 would be fiscally irresponsible.

Respectfully submitted,

James P. Pachl

Greenbriar Finance Plan

-Total Avg Fee Burden: \$60,300

- ◆ 14.7% of sales price (15% target, 20% max.)
- ◆ \$36,500 for all City Fees
- ◆ \$23,800 for Other Agency Fees

-Total Avg *Annual Tax* Burden: \$5,165

- ◆ 1.7% of Assessed Value (1.8% typical for new growth)
- ◆ \$44 annually for new Park Maintenance Assessment
- ◆ \$1,200 annually for Mello-Roos bonds for infrastructure

EXHIBIT A

63

DRAFT

Table 9
Greenbriar Public Facilities Financing Plan
Infrastructure Burden - Residential Market Rate Units

Item	Low-Density Residential	Medium-Density Residential	High-Density Residential
Assumptions			
Unit Size (sq. ft.)	2,700	1,600	1,000
Lot Square Feet	5,000	3,000	n/a
Building Valuation	\$162,918	\$86,544	\$65,100
Finished Unit Selling Price [1]	\$440,000	\$310,000	\$250,000
City Fees			
Building Permit	\$1,505	\$1,055	\$841
Plan Check	\$499	\$348	\$276
Technology Surcharge	\$80	\$56	\$45
Business Operation's Tax	\$85	\$39	\$26
Strong Motion Instrumentation Fee	\$16	\$10	\$7
Major Street Construction Tax	\$1,303	\$772	\$521
Residential Development Tax	\$385	\$385	\$250
Housing Trust Fund	\$0	\$0	\$0
Water Service Fees	\$4,920	\$4,920	\$1,375
Citywide Park Fee	\$4,493	\$4,493	\$2,697
Fire Review Fee	\$0	\$0	\$38
CFD No. 97-01 Bond Debt	\$867	\$516	\$309
Air Quality Mitigation [1]	\$450	\$240	\$144
Habitat Mitigation [2]	\$7,000	\$4,400	\$1,700
Subtotal City Fees (rounded)	\$21,700	\$17,200	\$8,200
Other Agency Fees			
SAFCA CIE Fee	\$222	\$222	\$119
SAFCA Assessment District Bond Debt	\$2,224	\$2,224	\$1,192
Supplemental Levee Fee (PRELIM. ESTIMATE) [3]	\$3,500	\$2,500	\$2,000
School Mitigation	\$11,835	\$11,835	\$4,734
SRCSO Sewer Fee	\$7,000	\$7,000	\$7,000
Subtotal Other Agency Fees (rounded)	\$24,800	\$23,800	\$15,000
Greenbriar Public Facilities Fee (rounded) [4]	\$4,200	\$3,600	\$2,500
Greenbriar Developer/CFD (rounded) [4]	\$21,300	\$15,700	\$11,100
TOTAL COST BURDEN	\$72,000	\$60,300	\$36,800
Cost Burden as % of Unit Sales Price	16.4%	19.5%	14.7%

Note: Feasibility Range, based on numerous feasibility analyses conducted by EPS over the last two decades, is described as follows:
Below 15%: Feasible
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Source: Greenbriar Developers, City of Sacramento, and EPS.

- [1] Air Quality Mitigation cost is a preliminary estimate based on input from project applicant.
- [2] Based on total estimated habitat mitigation costs excluding land acquisition (since land is dedicated) for the Greenbriar project. Refer to EPS# 17400 for details.
- [3] Ballpark estimate provided by developer as a placeholder.
- [4] It is assumed here that a CFD is used to fund roadway, sewer, water, landscape corridors, and drainage facilities and that a Greenbriar Public Facilities Fee is established to fund other public facilities. See Table A-12.

EXHIBIT

B

Financing Plan

8/14/07

DRAFT

Table 10
Greenbriar Public Facilities Financing Plan
Two-Percent Test of Total Tax Burden

Item	Assumption	Low-Density Residential	Medium-Density Residential	High-Density Residential
Home Price Estimate [1]		\$440,000	\$310,000	\$250,000
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City of Sacramento A.D. No. 96-02 - Library		\$27	\$27	\$27
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Source: Gregory Group, City of Sacramento, Greenbriar landowners, and EPS.

"two percent"

- [1] Home prices are based on 2005 price levels in North Natomas from the Gregory Group. "Low density" assumes 2,700-square-foot homes, "medium density" assumes 1,600-square-foot homes, and "high density" assumes 1,000-square-foot attached units.
- [2] An owner-occupied single-family residence is allowed a \$7,000 reduction of the assessed value of the property for the purposes of calculating the annual property tax.
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- [5] Greenbriar may elect to create a separate TMA; the costs, however, are not known at this time. As a proxy, the rates for the North Natomas TMA are shown. Please note that costs to provide transit service to Greenbriar may be significantly higher than those shown here.
- [6] Assumes same rate as CFD 2002-2 Parks Maintenance.
- [7] Assumes that Greenbriar pays the same rate as development east of I-5.

EXHIBIT

C

Financing Plan

8/14/07

From: Jean McCue <jean232@sbcglobal.net>
To: Heather Fargo
CC: Heather Fargo
Subject: Greenbriar
1/8/2008 12:27 PM

Date Dear Mayor Fargo and Council-members:

I am a city resident and I urge you to vote no on the Greenbriar project. The project is ill-timed and not well thought out. Some of the problems I am concerned about are: 1) it is too close to the airport and will add to congestion on I-5; 2) housing is too close to the freeway and the airport for safety; 3) it is on prime farmland; 4) it is in a deep floodplain where levees have not maintained certification, putting more lives at risk; 5) it will over-commit the city to infrastructure that taxpayers cannot afford (current residents already do not have the infrastructure promised); and 6) you are considering this annexation before the General Plan is complete which will cut out public review. The City should be committed to smart growth, not swift growth. The annexation at this time makes not sense.

Sincerely,

Jean McCue
300 Sutley Circle
Sacramento, CA 95835

From: JoAnn <joannpen@comcast.net>
To: <hfargo@cityofsacramento.org>
Date: 1/5/2008 10:59 AM
Subject: NO to Greenbriar

Dear Mayor Fargo [Heather] -

I am writing to oppose the Greenbriar project. If ever there were a time to honor and accept the recommendations of the City Planning Commission, this is it. Greenbriar sounds like briar patch of problems!

Just consider the many troublesome aspects of this proposal: potential flooding, flight paths, wildlife issues, and ignoring the general plan and safety standards? And the current situation of vacant and repo housing? The lure of federal money for light rail extension also sounds illusionary, a fake attraction to serve developers' needs, but which goes against planning the real and current economic and transportation needs of Sacramento.

Our city and region needs to focus on housing that is closer in, like the rail yards opportunity, for example. Greenbriar would be diversionary, costly, and create serious oversight problems. This development is a really bad idea. Please accept the November 8 recommendation of the City Planning Commission and use your influence to deny the project.

Thank you for your thoughtful attention to this.

JoAnn Anglin
[Tahoe Park]

Subject: Greenbriar Project - Item 20 on January 8 City Council Agenda

Date: Mon, 7 Jan 2008 12:33

From: Jon Marshack <jmarshack@earthlink.net>

To: Heather Fargo, Ray Tretheway, Dist 3 Steve Cohn, Sandy Sheedy, Robert Fong,
Lauren Hammond, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Robbie Waters

CC: Ray Kerridge

Honorable Mayor Fargo and City Councilmembers,

I am a resident of the City of Sacramento and I oppose the Greenbriar project for a number of reasons:

First, developing Greenbriar at this time is not smart growth. I am concerned about the future growth and economic well-being of the City. Please stay within the existing boundaries of the City and focus on improving our current urban area, and meeting our infrastructure needs. I agree with Planning Commissioner Jodi Samuels who said (Bee, November 10, 2008) "Greenbriar is a green field project, and the city has committed to prioritizing infill projects, which is a better use of resources, focuses development on the urban core, and controls sprawl To approve Greenbriar would be to go against the city's vision and stated priorities." Meanwhile, there is plenty of room to grow inside the current city limits for the foreseeable future.

Second, Light rail to the airport may be a great goal, but it is a long way off. Please don't approve an annexation to the City now in the hope it will somehow help get light rail to the airport. We will end up with the houses and no transit, as happened in North Natomas over the last decade. I agree with Planning Commissioner Mike Notestine's view. "Commissioner Michael Notestine, partner in a local planning and architecture firm, said he doesn't think the far-off prospect of a light rail line can be used to justify building on farmland now." (Sacramento Bee, November 10, 2007) The Council should have better assurance that the third segment of the airport light rail line will be feasible before approving land uses that depend on it. There are a number of hurdles for the DNA line to manage, including (1) voter approval of a new transit tax to pay for operating the line will be needed before federal approval of the funds for construction of any segment; and (2) segments 1 and 2 of the line will have to be constructed before LRT can reach Greenbriar.

Third, I am opposed to placing housing in the overflight zone of the airport. The airport was located to be distant from residential communities to reduce conflicts over airport noise and to protect public safety from airplane crashes. The Greenbriar project is so close to the airport that the City has to override a public safety guideline to approve it. The Greenbriar site doesn't accommodate the light rail station outside the overflight zone. I urge Council to spend more time thinking about this issue before approving the project and overriding public safety rules. Council should consider that the federal government may not want to approve a transit station inside the overflight zone of an airport.

For these reasons, please accept the recommendation of the City Planning Commission to deny the project.

Sincerely,

Dr. Jon B. Marshack
2308 H Street
Sacramento, CA 95816
(916) 202-8331

From: "Jonathan Teague" energetic@comcast.net
To: Ray Kerridge
1/14/2008 10:18 PM
Subject: Please Oppose the Greenbriar Project

City Manager Ray Kerridge
Dear Mr. Kerridge

I am a city resident and urge you to deny the Greenbriar project. There are numerous reasons for rejecting this proposed development. It violates several elements of the City's new General Plan, it promotes further residential development in an area that currently lacks flood protection, and it promotes urban sprawl. Moreover, the Planning Commission has already voted against this project. Why is it even being considered now?

Greenbriar would pave over more than 500 acres of prime farmland with no guaranteed mitigation to preserve equivalent farmland near the City. Our community needs to look to the future and the importance of having food grown close by. Please preserve farmland on the edge of the city so that we can provide future generations with locally grown food and the other benefits of close by farms. I support the Sacramento County Farm Bureau's request that you not approve this project without full mitigation for loss of farmland.

In addition, the project would intrude on the overflight zone of Sacramento's airport. This facility was located so that it would be distant from housing to reduce zone exposure and protect the public from airplane crashes. It is just bad planning to override existing airport safety guidelines to develop this area.

In addition, this project would adversely affect lands that are covered by the Natomas Basin Habitat Conservation Plan (NBHCP) but outside the permit area of that Plan. US Fish and Wildlife and California Fish and Game will have to approve permits beyond the current NBHCP if Greenbriar is to develop. The City has not reached any agreement with these agencies about what the impacts of the project are on the Natomas Basin Conservancy and the NBHCP, nor has it reached any agreement about what permit conditions (mitigations) will be provided to offset all impacts. The City Council should not approve the development until it has agreed on conditions for permits that will mitigate the destruction of this habitat. It makes no sense to pave over habitat for threatened species while Sacramento still has vacant land within the current City limits and within reach of existing service infrastructure.

Thank you for your attention to this important issue. I urge you to vote for rational growth and sound planning, and reject the proposed Greenbriar project.

Very truly yours,

Jonathan M. Teague
4800 Monte Way
Sacramento, CA 95822-1911
energetic@comcast.net
(916) 455-1469

From: Scot Mende
To: Arwen Wacht
Date: 10/15/07 9:00AM
Subject: Fwd: DNA line must wait for sales tax for transit to pay for operating

Please include this in the next packet (Nov 8)

Scot Mende, New Growth & Infill Manager
Planning Department
Voice: 808-4756
Mobile: 879-4947
E-mail: smende@cityofsacramento.org
Address: 915 I Street, 3rd floor, Sac CA 95814

>>> Judith Lamare <judelam@sbcglobal.net> 10/14/2007 7:43 PM >>>
Dear Planning Commissioners,

In my testimony to the Planning Commission 10/11/07, I mentioned that federal funding for light rail depends more on transit sales tax than on pending land use decisions. See attached Sacramento Bee article from December 15, 2006 containing the following quote from General Manager Beverly Scott. It explains that RT does not qualify for federal funds to expand light rail to the airport until it has operating funds to operate the line.

*Regional Transit officials say they have money for just one more extension, the four miles from Meadowview Road to Cosumnes River College scheduled for completion in 2010.

Then, "we'll be tapped out," RT General Manager Beverly Scott said.

There still is federal transit money available for rail expansions. But, Scott said, her agency will no longer qualify for those crucial funds until it shows it has enough of its own money to run all of its new trains and routes.

That means Regional Transit can't, for now, extend light rail south into Elk Grove, where trains would provide an alternative to the most congested freeway in the Valley, Highway 99, and Interstate 5.

Moreover, RT's long-planned light-rail connection to Sacramento International Airport now isn't expected to happen until 2027, two decades later than it once expected.

This email and attachment are intended to clarify and substantiate that testimony.

Jude Lamare
Judith Lamare, Ph.D.
717 K Street, Suite 534
Sacramento, Ca. 95814
916-447-4956
916-447-8689 (fax)
judelam@sbcglobal.net

CC: Ashle Crocker; Phil Serna

From: Ken Stevenson kenstevenson@sboglobal.net

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge; Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Steve Cohn

CC: jpachl@sboglobal.net; linnhom@yahoo.com; natomasparkplanningcommittee@yahoogroups.com

1/7/2008 11:19 PM

Subject: Greenbriar project

Dear Mayor Fargo and Councilmembers:

I am a resident of the City of Sacramento and am writing in support of the Planning Commission's decision to oppose the proposed Greenbriar project. I urge you to reject this project when it comes before the City Council.

I do not object to the eventual development of the Greenbriar site, and believe that will make a great deal of sense at some time in the future. But this is not the time.

My primary objection is that approval of this project would represent a rejection of the Joint Vision principles. The Joint Vision process, and sound planning practices in general, are intended to ensure that growth occurs in a rational and well-considered manner. At a minimum, it should determine, on an area-wide basis, the most appropriate location for each type of land use to be accommodated. Its purpose should be to avoid the ill effects of haphazard, piecemeal development.

If sound planning principles were applied, there are many reasons that the Greenbriar site would probably be considered the least appropriate location in the entire Joint Vision area for Greenbriar's almost-entirely residential development:

- It is nestled at the intersection of two major freeways, and many of the homes would be located much closer to the freeways than the minimum 500 feet recommended by the California Air Resources Board to protect the health of residents.
- It is located under the airport overflight zone, requiring an override of public safety standards.
- Besides posing increased health risks, this site would subject residents to increased nuisances (noise, light, vibration, etc.).

Due to the proximity to major roadways, the site would be much more suitable for heavy traffic-generating commercial uses, such as the major retail site that Westfield is scouting for in the area, as recently reported in the Sacramento Business Journal.

It is clear that the only reason this project is being given serious consideration, and even, according to some accounts, being put on the "fast track," is the hope that it will improve the prospects of obtaining Federal funding for the airport light rail line. It is highly speculative that this result would in fact occur, in light of other funding obstacles this project faces (obstacles so severe that even one of the project's greatest boosters, the

Sacramento Bee's editorial board, has recently urged consideration of more feasible alternatives). Even if the intended result did occur, it would provide slim justification for, pardon the expression, "opening the floodgates" to further piecemeal, haphazard development.

There are, of course, many other reasons for rejecting this proposal at this time, including flood risks, unresolved habitat issues, and the project's questionable ability to pay its own infrastructure and public service costs. The latter is of particular concern in light of the financing failures experienced in other areas of North Natomas.

Again, I urge you to reject the Greenbriar proposal.

Thank you for your consideration of my concerns.

Yours truly,

Ken Stevenson
2050 Moonstone Way
Sacramento, CA 95835

From: linnhom@winfirst.com

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge;
Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Steve Cohn

Subject: Greenbriar Project

1/8/2008 1:56 PM

Dear Mayor Fargo and Councilmembers:

I am a resident of the City of Sacramento and I am concerned about the future growth and economic well-being of the City. Please stay within the existing boundaries of the City and focus on improving our current urban area, and meeting our infrastructure needs. Reject the Greenbriar project as recommended by the City Planning Commission on November 8, 2008.

Sincerely,
Linn Hom
1565 Danica Way
Sacramento, CA 95833
(916) 923-3613

From: linnhom@winfirst.com

To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge;
Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Steve Cohn

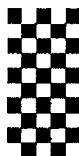
1/21/2008 3:55 PM

Subject: Greenbriar Project

Dear Mayor Fargo and Councilmembers:

I am a resident of the City of Sacramento and I am concerned about the future growth and economic well-being of the City. Please stay within the existing boundaries of the City and focus on improving our current urban area, and meeting our infrastructure needs. Reject the Greenbriar project as recommended by the City Planning Commission on November 8, 2008.

Sincerely,
Linn Hom
1565 Danica Way
Sacramento, CA 95833
(916) 923-3613



267

January 7, 2008

FAX TO; SACRAMENTO CITY COUNCIL MEMBERS
MAYOR HEATHER FARGO,
COUNCIL MEMBER: ROB FONG, LAUREN HAMMOND, SANDY SHEEDY, RAY TRETHEWAY,
STEVE COHN, KEVIN MCCARTY, BONNIE PANNELL, ROBBY WATERS
CITY MANAGER, RAY KERRIDGE

FROM: MARILYN HAWES and RON MCDONOUGH
941 VALLEJO WAY
SACRAMENTO, CA 95818
916 340 2620

SUBJECT: GREENBRIAR PROJECT - OPPOSE

We strongly OPPOSE the Greenbriar project at Natomas. We support the recommendation of the City Planning Commission re denial of the project. The State and Corps of Engineers have not approved the project or the funding. The City's draft new General Plan states no development of the greenfields/farmland outside the city, unless it has 200-year flood protection. Why would you go ahead with Greenbriar and against the General Plan recommendation. This would result in destruction of prime farmland in Natomas. The Sacramento County Farm Bureau requests that the City fully mitigate for the loss of farmland; yet this proposal would pave over Greenbriar without permanently protecting an equivalent amount of farmland.

You've heard numerous, valid arguments in opposition to this destructive move. We cannot understand why you would be acting on this prematurely. It looks like you are caving into the interests of AKT Development which seems to have a stranglehold on many of our council members and supervisors. You are here to protect the interests of the citizens of Sacramento, not that of Tsakopoulos. It's really disappointing that he has so much power over development in Sacramento. This is close to 600 acres of prime farmland we are talking about.

Do the right thing and oppose the annexing of this project.

Thank you.

From: Dempseys3 <dempseys3@yahoo.com>
To: <dkwong@cityofsacramento.org>
Date: 10/9/07 7:40PM
Subject: Greenbriar proposal

Dear Mr. Kwong,

Please distribute this to all the planning commissioners.

I'm writing to urge you to reject the Greenbriar proposal. It is outside existing urban growth boundary, and may even violate the existing Natomas Basin Habitat Conservation Plan. More than enough develop-able land exists within current urban boundaries to handle growth for next few decades. There is no need to rush this development.

More than my objection to this specific development, however, I still object to the egregious mis-handling of existing development in North Natomas. Generally, this is an area so unsuited to growth that a grant to expand Regional Sewer came with the condition that a \$6 million penalty accrue if North Natomas was developed.

The land speculators controlling 20-foot-under-water floodplain were not bothered a bit. They went all the way to then-vice-president G.H.W. Bush to get the \$6 million a more palatable pay-as-you-develop penalty rather than the prohibitive up-front fee. As an added bonus, they also got \$43 million in federal levee improvement money. But that outrageous subsidy of private profit was not bad enough — I mean for the public, not the investors getting better than a 700% return — the speculators then did not adequately fund schools (Natomas schools were 10% short of the needed revenue).

These kind of financial shenanigans have convinced me that the City appears most interested in rewarding speculators rather than in public service. This compounds my objections to Greenbriar.

Let's make public policy actually serve the public, shall we?

BTW, did you see that the Bee says those North Natomas Levees need an additional \$300 million in work? Where's that money coming from?

Please turn down this addition to an already bad idea.

—
— Regards — Mark Dempsey

From: David Kwong
To: Arwen Wacht
Date: 11/6/07 5:43PM
Subject: Fwd: Greenbriar Annexation

fyi

>>> "Molly Fling" <mdfling@gmail.com> 11/06/2007 5:40 PM >>>
 David,

Please send this to the nine Planning Commissioners.

I would like to go on record of being AGAINST the Greenbriar Annexation for the following reasons.

- behind uncertified levees in a deep floodplain
- outside existing urban growth boundary designed to promote infill development and protect farms and wildlife
- more paving over of prime farmland in North Natomas without assuring equivalent farmland is permanently preserved there
- wildlife agencies and research scientists say the EIR does not adequately mitigate for impacts on wildlife, habitat and the existing Natomas Basin Conservancy and Habitat Conservation Plan. More development threatens success of the Natomas Basin Habitat Conservation Plan
- toxic air issues next to two freeways and in direct airport flight path for Sac Int'l
- airport noise impacts from airplane flight path zone
- possible placement of school facility within two miles of airport (requiring waiver of state law)
- more than enough space within existing boundaries to handle growth for two decades - no need to rush Greenbriar. Greenbriar could compete with and draw infrastructure resources from other projects in the City -- like Railyards -- that are a much higher priority for the success of infill development.
- no transit service - there is no funding to operate the light rail line proposed from downtown to the airport and it's unlikely to get to the airport until after 2027 if everything goes well in the funding process. If two-thirds of the County's voters do not approve a transit tax in 2012 to support operating funds for DNA, it will be delayed until they do approve a transit tax. Meanwhile the Greenbriar project will go forward without light rail.
- proponents claim Greenbriar is needed to justify the downtown-Natomas-airport light rail line, but the first two segments of that line (to Town Center) can be funded without Greenbriar
- lack of sufficient services and infrastructure for existing Natomas population - it makes no sense to put thousands more people in an area

already facing such serious challenges

In addition, I live in South Natomas and hear planes all the time as they fly over my house. In fact, the first Sunday I lived in my house, I flew out of bed at about 6:00 am to see if the "huge" jet I heard was landing in my yard (and if I should make coffee!!). I wouldn't think of living anywhere closer to a flight pattern. That is a horrible location for homes.

Molly Fling
1871 Bridgecreek Dr.
South Sacramento

From: Marty Hanneman
To: Carol Shearly; John Dangberg; Scot Mende
Date: 11/6/07 1:03PM
Subject: Fwd: Greenbriar development / Natomas in-fill issues

fyi

>>> <nzuvela@netscape.net> 11/06/2007 9:47 AM >>>

I am a resident of Westlake Natomas. I urge the City of Sacramento to take a step back and seriously reconsider it's planned development for Natomas and North Natomas.

Regarding current proposals for in-fill at Del Paso Rd and El Centro, I am alarmed at the disregard for traffic planning and neighborhood quality of life issues for us current residents of West Natomas - all in violation of the stated intention of city planners and leaders for Natomas. Now comes a flawed proposal to pave over yet another major floodplain to the north - without any serious deference to flood safety, infrastructure, traffic, and true neighborhood friendly vision.

As our elected leaders, I urge you to not enable the vision of the developers. We must not kid ourselves. The gateway to Sacramento from the north is well on it's way to becoming a paved-over eyesore of commercialization, high-density neighborhoods, and congestion. This is not only grossly inappropriate for such a dangerous floodplain but unfair for us residents' quality-of-life. We need to stop and reconsider this direction. We are truly at a crucial point for the future heart and soul of this town - our city should at least somewhat resemble a neighborhood place to live - and not some unattractive concrete sprawl.

Sacramento can become a beautiful river city and even a stunning tourist attraction - which it currently is not. That vision can be substantially achieved by not marring our northern gateway. Let's authorize pedestrian friendly neighborhoods and commerce centers we can be proud of - one's that have proper infrastructure first, low residential density, and an attractive appearance.

Thank You,
Nick J. Zuvela
24 Pamela Ct
Sacramento, Ca 95835

Check Out the new free AIM(R) Mail -- Unlimited storage and industry-leading spam and email virus protection.

From: Tom McDonagh <tomandrobbyne@yahoo.com>
To: <awacht@cityofsacramento.org>
Date: 7/20/05 7:56AM
Subject: P05-069 Greenbriar

P05-069 Greenbriar

Dear Ms. Wacht:

The NCA appreciates the applicant and yourself taking the time to meet with us to review this project. Our comments can be summarized as follows:

Please confirm receipt. Thank you...

1. This proposal is premature. A Sphere of Influence amendment should be processed separately by LAFCO. If LAFCO approves the SOI amendment, then annexation should be processed. Apparently, the city is requesting separately that LAFCO waive the policy requiring this at its August 3 meeting. We are opposed to this request and are concerned that neither the applicant or city staff were able to explain the nature of this action or the LAFCO process at our meeting. This appears to be evidence of the premature and uncoordinated process being used for this project.
2. We are concerned that the city is accepting and processing land use applications for land not within the city boundaries. The applicant has no standing.
3. We are submitting comments, but only with the understanding that they are provided for long-term guidance and not indicative of support for the process currently being used by the city.
4. Will this project be deemed part of the NNCP even though it is not in the current NNCP area?
5. This site borders Interstate 5 and Hwy 99, as well as future major roadways such as Elkhorn Blvd. Proper setbacks should be used for housing so as to comply with the CARB findings on pollution exposure to residents. In addition, landscaped berms and sound walls should be implemented for sound barriers.
6. Public use land for schools, parks, public safety, and open space should be given by applicant prior to approval. This project is outside city limits/North Natomas Community Plan and the not within the constraints of the North Natomas Finance Plan. Turn-key parks and schools are much more desirable.
7. Proposed school site location may not be acceptable to state law and the local school district. It is shown near the I-5/Hwy 99 interchange as well as within 2 miles of the airport. This needs to be closely reviewed with the school district. With the current proposed school site location, how will students in the north end be able to walk or bike to school across busy streets? There is only a proposed elementary school, what about middle and high school levels?
8. Housing density will have a major impact on the current North Natomas Community Plan. 3,723 housing units will add well over 10,000 residents in this area! This will result in major impacts to the area's infrastructure including roadways, police and fire. Possible light rail station serving this area is at least 20 years away and other area public transportation is not meeting the needs of current North Natomas residents.
9. This development connects directly to North Natomas rather than accessing the freeway. The impacts of this action on existing and planned neighborhoods already in the city need to be evaluated.
10. The airport operations could be impacted. The airport is growing quickly and expansion will continue over the next 20 years. Moving this many residents this close to the airport will only create problems for all.

11. The largest proposed lot size is 5000 sf. This project consists of 575 acres. Where is the low density housing? The NNCP calls for a balance of residential densities in a neighborhood. This project does not achieve this balance. Where is the move-up housing Natomas so sorely needs to keep residents in the area long-term and promote job growth?

12. The density of the project will worsen the jobs/housing ratio in North Natomas. This ratio is way below requirements outlined in the NNCP. This ratio should be met before the City should consider added 3723 housing units. The Metro Airpark being built next to the airport can be served by current housing in North Natomas.

13. There is plenty of housing in North Natomas to support Metro Air Park. It is incorrect to assume that people will need to commute from other counties. A substantial number of Natomas residents currently commute to the Bay Area and would look forward to transferring to a job near the airport.

14. 15' wide bike / pedestrian trail around entire lake is a nice feature. There should also be other bike trails around the perimeter of the project and ultimately connect with the bikeway master plan. This will require bike and pedestrian paths along Elkhorn as well as across the major freeways that isolate this area.

15. The 250 foot Elkhorn Boulevard greenbelt needs to be extended along the northern end of this project site. Bicycle trails, community gardens, etc, are the appropriate uses for this greenbelt.

16. There was not a lot of time spent on housing types and layouts as well as commercial/retail areas.

17. The amount of retail land provided seems to be lacking an enough balance to provide its neighborhoods enough commercial center areas that provide grocery, food service, personal service, banking, etc.

18. Not sure about available parking at alley-loaded products for guests and overflow but care must be taken to provide more parking that is currently provided in similar existing alleyway projects.

19. All single family residences should be designed to include private yards of sufficient size to support kids, pets, and some recreation.

20. Multiple community centers (pools, etc.) in neighborhood parks were discussed as an amenity to serve residents vs. one large scale "club center".

21. Double-wide two car garages strongly encouraged for all units. This prevents neighborhood issues because reality is that most housing occupants have multiple vehicles. Residents will have multiple vehicles as this area is isolated being northwest of current city limits and light rail service several years away.

22. There needs to be a buffer between mixed housing densities. There are problems when taller, denser housing is next door to lower density. A buffer creates more privacy.

CC: <rtretheway@cityofsacramento.org>

From: Tom McDonagh <tomandrobynne@yahoo.com>
To: <awacht@cityofsacramento.org>
Date: 11/28/05 1:13PM
Subject: P05-069 Greenbriar

Arwen - Please find the below NCA comments regarding the above project. Please send back an email confirmation that you have received and will incorporate into the City review.
Thanks, Tom McDonagh

The NCA forwarded comments regarding this project P05-069 Greenbriar back in July 2005. Although it appears that the project has changed slightly, the NCA is still concerned that the previous comments are not being addressed. Please see these previously submitted comments. In addition, promotional material put together by the applicant uses appealing phrases such as "Smart Growth", "transit oriented" and "mixed-use infill" when describing this project. Although the project itself within its own boundaries seems to practice smart growth principles as outlined by SACOG, this project will have a negative impact on the rest of Natomas if it is built before major improvements are made to the area's infrastructure and city services. What good does it do to have a transit oriented development of about 575 acres on the outskirts of city limits when there is not any kind of mass transit in the foreseeable future? If city planners and the applicant were truly interested in creating a transit oriented project, the approval of this project would be conditioned in such a way as to not allow any building permits until some type of mass transit was being built. Lastly, "mixed-use infill" uses more catchy phrases but how can a project that is over 90% residential and on the outside edge of the northern city boundary be considered an infill mixed-use project?

From: Ken Stevenson <kenstevenson@sbcglobal.net>
To: Arwen Wacht <awacht@cityofsacramento.org>
Date: 6/22/05 4:31PM
Subject: P05-069 Greenbriar

The North Natomas Alliance has the following comments on the subject project:

Because the property lies outside of the community plan, we have no comments on its compatibility with the plan. However, we note that it appears to primarily offer housing products similar to those currently being proposed and built throughout North and South Natomas: single and multi-family residential, with most of the single family housing being of the small-lot (medium density) type. Even the low-density housing is at densities substantially exceeding the NNCP low-density target.

We suggest that other uses be considered for this site. One of the major concerns of residents and the city is the inability to attract employment center uses (jobs) to North Natomas. A recent article in the Sacramento Business Journal attributed this in large part to the lack of move-up or executive housing in the area. Such housing is necessary to encourage business owners and executives, who would create the desired jobs, to do so in North Natomas. There currently is no place within the NNCP boundaries for this type of housing. The city should encourage developers to build this type of housing and it appears "joint vision" areas such as Greenbriar will be the only place for it.

We also strongly oppose the residential uses that are proposed on portions of the site adjacent to the two freeways, I-5 and CA-99. The state Air Resources Board recommends against siting housing within 500 feet of freeways due to numerous studies which have shown residents living close to freeways to suffer increased adverse health impacts.

One alternative use for these parts of the site might be regional retail. We have heard that a recently updated market study concluded that North Natomas should have over 1 million square feet of additional retail space. There is currently no space designated within the NNCP for additional regional retail uses, and conversion of land not currently designated for it poses significant problems, such as diminishing the supply of employment center land (thereby harming the jobs/housing balance), or impacting adjacent residential neighborhoods.

Submitted by Ken Stevenson
kenstevenson@sbcglobal.net
916-419-0180
6/22/05

CC: Gary Quiring <gquiring@mac.com>

From: Ken Stevenson <kenstevenson@sbcglobal.net>
To: Arwen Wacht <awacht@cityofsacramento.org>
Date: 10/19/05 2:25PM
Subject: P05-069 Greenbriar

Arwen:

The North Natomas alliance has the following comments on the subject proposal (9/19/05 revision):

The revisions do not address the comments and concerns from the preceding version, so our previous comments still apply.

We offer one additional comment at this time: While the school site does appear to more than 500 feet from the freeways, we are still concerned with this location due to (1) freeway noise and (2) possible intensified emissions due to location near the junction of 2 freeways. We think a location in the northwest quadrant instead of the southeast quadrant of the site might be more desirable (although this location might be more subject to airport noise). We think this change should be looked into.

Thanks,

Ken Stevenson
419-0180

CC: Gary Quiring <gquiring@mac.com>



November 8, 2007

Ms Sabina Gilbert
Senior Deputy City Attorney
City of Sacramento
915 I Street, 4th Floor
Sacramento, CA 95814

RE: Opinion Regarding Potential Conflict of a Planning Commissioner

Dear Ms. Gilbert:

I am writing today on behalf of the North State Building Industry Association (BIA) and our over 1,000 member companies. I am hopeful that you will be able to address an issue concerning a current City of Sacramento Planning Commissioner. While the BIA completely respects and acknowledges every citizen's right to take full advantage of every legally available avenue to participate in the decision making process of local government, we also believe that there is a standard of fairness that must also be considered a fundamental aspect of any public deliberation.

Public officials may be required to disqualify themselves on the basis of a common law bias conflict of interest. By virtue of holding public office, elected and appointed officials are bound to exercise the powers conferred on them with disinterested skill, zeal, and diligence, primarily for the benefit of the public. *Noble v. City of Palo Alto* (1928) 89 CA 47; *Clark v. City of Hermosa Beach* (1996) 48 CA4th 1152, 1170. The common law prohibits public officials from placing themselves in a position in which their private or personal interests may conflict with their official duties. See 64 Ops Cal Atty Gen 795, 797 (1981).

The specific issue that we are concerned with is before the Planning Commission tonight, Agenda item 3, M05-046/P05-069 Greenbriar. A lawsuit was filed contesting the approval of this project at the Sacramento Local Area Formation Commission with the Environmental Council of Sacramento (ECOS) as a plaintiff.

According to the Web Site of the ECOS, current planning Commissioner Barry Wasserman is the Co-Vice President for land use Planning and Legal as well as a listed media contact for land use issues. As an officer of ECOS, Commissioner Wasserman appears to be directly linked to the filing of the lawsuit against the Greenbriar project.

Given what appears to be a direct linkage to this issue, the BIA is formally requesting the following:

That the City Attorney's office acknowledge the inquiry presented herein at the commencement of tonight's Planning Commission hearing, and answer the following question prior to Mr. Wasserman's continued consideration of the project as a sitting Planning Commissioner:

Does Commissioner Wasserman have a conflict based on his affiliation/role with ECOS - whether perceived or actual - based on the fact that ECOS is a Plaintiff in an active lawsuit against the very project of which he is being asked to cast an impartial vote?

Mr. Wasserman as a private citizen has every right to fully participate in every avenue available to him in the decision making process of the City of Sacramento. What we contend is that Planning Commissioner Wasserman has a fundamental requirement to be impartial in his deliberations as an appointed official of the City of Sacramento. By his leadership role in an organization that is a Plaintiff to a lawsuit against a project before him, we believe that he should recuse himself from the discussion and not participate to ensure that the project applicant is afforded a fair and impartial hearing.

By making this request we are not asking for a delay, rather we believe that there is ample statutory and case law guidance to address this issue prior to tonight's meeting. Should you have any questions, please feel free to contact me at 916.677.5717.

Regards,



Dennis M. Rogers
Senior Vice President
Governmental and Public Affairs

CC: **Ms. Eileen Teichert, City Attorney**
Mr. Rich Archibald, Assistant City Attorney
Mr. Scot Mende, New Growth Manager



NORTH NATOMAS TRANSPORTATION MANAGEMENT ASSOCIATION
11930 Blue Pudding Road, Suite 121 | Sacramento, CA 95834 | P: (916) 419-9955 | F: (916) 419-0055

October 10, 2007

Joseph Yee, Chairperson
Planning Commission
City of Sacramento
1731 J Street, Ste. 200
Sacramento, CA 95814

Dear Mr. Yee,

We have met with the developers of Greenbriar earlier this year and now appreciate the opportunity to comment on this project.

Overall, we find the project's commitment to bike, pedestrian and transit connectivity impressive and consistent with the plans of North Natomas development. With the North Natomas community of 33,000 residents and 10,000 employees just southeast of the proposed Greenbriar project, good attention to bike, pedestrian and transit infrastructure and services will be paramount in lessening the impact on the North Natomas community.

This project has very positive implications for the Downtown Natomas Airport future light rail line and early estimates indicate it could enjoy one of the highest ridership on the light rail system. Approval of Greenbriar is particularly important as its population significantly enhances the viability of this line, to secure federal funding.

Look forward to seeing more of about this project as it moves forward through the approval process.

Regards,

A handwritten signature in black ink, appearing to read "Becky Haddock", is written over a horizontal line.

Becky Haddock
Executive Director

CC: Sacramento Planning Commission, Sacramento City Council, LAF Co,
SACOG, Sacramento Regional Transit

From: "Becky Heieck" becky@northnatomastma.org
To: Bonnie Pannell; Heather Fargo; Kevin McCarty; Lauren Hammond; Ray Kerridge;
Ray Tretheway; Robbie Waters; Robert King Fong; Sandy Sheedy; Scot Mende; Steve
Cohn
1/15/2008 5:00 PM
Subject: Greenbriar

Good Afternoon,

Unfortunately I can not attend the City Council meeting tonight to comment upon the proposed Greenbriar development annexation. It is important that you are aware of the North Natomas Transportation Management Association opinion.

Overall we find the project's commitment to bike, pedestrian and transit connectivity impressive and consistent with the plans of North Natomas development. With the North Natomas community of 33,000 residents and 10,000 employees just southeast of the proposed Greenbriar project, good attention to bike, pedestrian and transit infrastructure and services will be paramount in lessening the impact on the North Natomas community.

This project has very positive implications for the Downtown-Natomas-Airport future light rail line and early estimates indicate it could enjoy one of the highest riderships on the light rail system. Approval of Greenbriar is particularly important as its population significantly enhances the viability of this line to secure federal funding. We are all aware of the promises made to residents and employees as it pertains to the positive and timely development of the DNA line. We are way behind. Let's get on with it.

Thank you for the opportunity to comment.

Becky Heieck
Executive Director
North Natomas Transportation Management Association
916-419-9955
916-419-0055 fax
916-719-4996 cell

"Pointing You in a New Direction" North NatomasTMA.org

Office of Environmental Health Hazard Assessment



Linda S. Adams
Secretary for Environmental Protection

Joan E. Denton, Ph.D., Director
Headquarters • 1001 I Street • Sacramento, California 95812
Mailing Address: P.O. Box 4010 • Sacramento, California 95812-4010
Oakland Office • Mailing Address: 1515 Clay Street, 16th Floor • Oakland, California 94612



Arnold Schmitt, Manager
Greenman

September 26, 2007

Mr. Larry Greene
Air Pollution Control Officer
Sacramento Metropolitan Air Quality Management District
777 12th Street, 3rd Floor
Sacramento, California 95814-1908

Subject: Review of the Recirculated Draft EIR for Greenbriar Project

Dear Mr. Greene:

I am replying to the District's letter dated July 17, 2007 to Dr. Joan E. Denton, the Director of the Office of Environmental Health Hazard Assessment (OEHHHA), which requested assistance in addressing deficiencies in the Recirculated Draft Environmental Impact Report (DEIR) for the Greenbriar Farms development. The project involves building 3,473 residences on 577 acres at the junction of Interstate-5 and Highway 99, north of Sacramento. The materials transmitted by the District have been reviewed by OEHHHA staff, including the 13 page Draft Health Risk Assessment for the Proposed Greenbriar Farms Development dated October 4, 2005. We identified several concerns about the document including: 1) Proposing the citing of residences 209 feet from the freeway instead of following the recommendation in the California Air Resources Board (CARB) April 2005 document "Air Quality and Land Use Handbook: A Community Health Perspective" that residences be located at least 500 feet from a major highway; 2) Not addressing risks for cardiovascular effects and asthma due to diesel exhaust and other emissions from the freeway; 3) Inappropriate use of yet-to-be realized emissions reductions in the health risk assessment; and 4) Inappropriate comparison of risk estimates with background risk. In addition, we were unable to reproduce the cancer risk estimates due to the lack of detailed information.

The CARB Air Quality and Land Use Handbook is an attempt by state government to be proactive rather than reactive in protecting the public health. CARB and OEHHHA used the best data available at the time to recommend a setback for residences of 500 feet from a major highway. This recommendation was made by CARB and OEHHHA staffs after review of the recent literature on particulate matter and adverse health effects, including asthma, on children and adults. Many studies now show elevated rates of asthma and asthma symptoms in children living near major roadways. Further, studies have shown increased risk of heart attack in adults exposed to traffic-related air pollutants. The EIR does not address these risks from traffic-related

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.

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Mr. Larry Greene
September 26, 2007
Page 2

air pollutants, including particulates; thus, the science regarding health effects of traffic-related air pollution has not been adequately considered in the EIR.

The project proposes to build some residences 209 feet from the highway edge. In the present case, one highway bordering the proposed development is Interstate 5, the main car and truck route from the Mexican to the Canadian border. Although per-vehicle emissions in California vehicles are expected to decrease, this will be partially offset by an increased total number of vehicles in the future. As a result of the North American Free Trade Agreement, the possible presence on Interstate 5 of trucks registered in Mexico, where emissions are unregulated, may offset any reductions in emissions of vehicles registered in the United States. Whenever possible, State law requires a setback from major highways of 500 feet for schools to protect children and school workers from the adverse effects of vehicle exhaust pollution. Building residences 200 feet from the freeway will result in some children in this development being exposed to a greater risk at home, where they spend more time, than at school, due to the shorter setback.

There are a number of conceptual errors in the presentation of the material. In addition some of the information included needs clarification or correction.

1. Estimate of the cancer risk from exposure to the 21 Toxic Air Contaminants in Table 1 on page 4 does not address risks for cardiovascular effects and for asthma due to diesel exhaust and other combustion particulate emissions emanating from the freeway.
2. Also on page 4, the EMFAC model addresses particulate matter less than 10 microns in diameter, not greater than 10 microns in diameter, as stated in the report.
3. On page 5, footnote 6 states that no health risk factors were available for furans. This is incorrect. OEHHA has developed Toxic Equivalency Factors for furans. These can be found in Appendix C of our Air Toxics Hot Spots Program Technical Support Document for Describing Available Cancer Potency Factors at http://www.oehha.ca.gov/air/hot_spots/pdf/May2005Hotspots.pdf
4. On page 8, the assessment states that the cancer and non-cancer risks from vehicle sources tend to decrease with time. We assume that this refers to per-vehicle emissions, and includes yet-to-be implemented emissions reductions. As indicated above, this will be offset by an increased number of vehicles and possibly by out-of-country vehicles subject to more lax regulations. Further, it is inappropriate to include these yet-to-be realized emissions reductions in a health risk assessment.

Mr. Larry Griggs
September 26, 2007
Page 3

5. On page 9, the highest acute and chronic non-cancer hazard indices are given as 0.63 and 0.26 per million. Unlike cancer risks, hazard indices are not expressed per million (unless the values are actually 0.00000063 and 0.00000026). It is also usual to state which chemicals contribute to the non-cancer hazard indices.
6. On page 9, the brief discussion about cancer risk and relative cancer risk is not clear. It appears that the risk assessment (paragraphs 2 and 3) is devaluing the cancer risks estimated from 21 air toxics emanating from the freeway because the estimated cancer risk is lower than the average background for the Sacramento Valley air basin. The risk estimates from the freeway are additive to the background risk, and it is not appropriate to dismiss cancer risks on the order of 100 in a million (based on an interpretation of figures 3 and 4) because they are lower than overall background. The risk assessment does not present the numerical value of the cancer risk estimates from freeway emissions in the brief discussion, but rather presents them as a percent of total background risk from air toxics in the Sacramento air basin. The risk estimates should be presented in this report in tabular form rather than requiring the reader to interpolate from graphs.
7. Further, there is a misconception of the reason behind CARB's recommendation to avoid siting residences nearer to freeways than 500 feet. Although increasing distance from a major roadway would also reduce exposure to carcinogens in traffic-related air pollution, the recommendation is primarily based on exacerbation of cardiovascular and respiratory diseases from traffic-related air pollutants, as well as measurements made in a few studies of decreasing concentrations of traffic-related air pollutants with distance from a freeway. The wording in paragraph 2 on page 9 incorrectly mixes this recommendation with a statement regarding background cancer risks in the basin.
8. It is not clear that the report considered that the southbound Highway 99 interchange with I-5 is elevated and thus that vehicular emissions from that portion of the highway should probably be modeled differently from emissions that occur at the same ground level as the proposed residences.

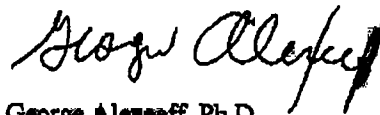
Although not covered in the materials reviewed by OEHHA, an environmental nuisance associated with vehicle traffic is noise. Vehicular noise from I-5 and Highway 99 will occur around the clock and will likely increase with time. Even the nearby Sacramento Airport has a quiet time from midnight to 6 am. The noise can be a continual reminder of the vehicle pollution and 209 feet is quite close to the noise from the freeway, even with mitigation. Sound walls and trees planted in there are likely to mitigate both noise pollution and particulate pollution.

Mr. Larry Greene
September 26, 2007
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OEHHA is mandated by the Children's Environmental Health Protection Act of 1999 to consider the sensitivities of infants and children in its risk assessments. The recommended 500-foot setback from schools and major highways is a practical measure to protect infants and children from vehicular air pollution. Infants and children are more susceptible to carcinogenic effects of some air pollutants, as well as to some noncancer health effects. OEHHA is revising our risk assessment guidelines to reflect this, but it should be noted that the Greenbrier assessment has not taken this into account.

If you should have any questions, or would like to discuss OEHHA's comments, please call Dr. Melanie Marty of my staff at (510) 622-3150, or you may call me at the same number.

Sincerely,



George Alexeeff, Ph.D.
Deputy Director for Scientific Affairs

cc: Joan E. Denton, Ph.D.
Director

Office of Environmental Health Hazard Assessment



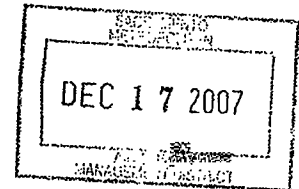
Linda S. Adams
Secretary for Environmental Protection

Joan E. Denton, Ph.D., Director
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Mailing Address: P.O. Box 4010 • Sacramento, California 95812-4010
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Arnold Schwarzenegger
Governor

December 11, 2007



Mr. Larry Greene
Air Pollution Control Officer
Sacramento Metropolitan Air Quality Management District
777 12th Street, 3rd Floor
Sacramento, California 95814-1908

Subject: Review of the Recirculated Draft EIR for Greenbriar Project

Dear Mr. Greene:

In July the District requested assistance from Dr. Joan Denton, the Director of the Office of Environmental Health Hazard Assessment (OEHHHA), in evaluating the Recirculated Draft Environmental Impact Report (DEIR) for the Greenbriar Farms development, which involves building 3,473 residences on 577 acres at the junction of Interstate-5 and Highway 99, north of Sacramento. The materials transmitted by the District were reviewed by OEHHHA staff and a comment letter describing OEHHHA's concerns was sent to the District on September 27, 2007 by Dr. George Alexeeff, Deputy Director for Scientific Affairs.

We identified several concerns about the document including: 1) Proposing the siting of residences 209 feet from the freeway instead of following the recommendation in the California Air Resources Board (CARB) April 2005 document "Air Quality and Land Use Handbook: A Community Health Perspective" that residences be located at least 500 feet from a major highway; 2) Not addressing risks for cardiovascular effects and asthma due to diesel exhaust and other emissions from the freeway; 3) Inappropriate use of yet-to-be realized emissions reductions in the health risk assessment; and 4) Inappropriate comparison of risk estimates with background risk. In addition, we were unable to reproduce the cancer risk estimates due to the lack of detailed information in the materials transmitted to us.

On October 25, 2007 Mr. Gary Rubenstein of Sierra Research sent the District a letter addressing OEHHHA's concerns in a comment-response format. Unfortunately the responses to two of our comments are incomplete. In regard to our point 4, we believe that comparison of freeway risk with background is not appropriate. The freeway risk is in addition to the background risk, not part of it.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.



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December 11, 2007
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We also stated that there is a misconception in the DEIR of the reason behind CARB's recommendation to avoid siting residences nearer to freeways than 500 feet (point 2 above). Although increasing distance from a major roadway would also reduce exposure to carcinogens in traffic-related air pollution, the recommendation is primarily based on exacerbation of cardiovascular and respiratory diseases from traffic-related air pollutants, as well as measurements made in a few studies of decreasing concentrations of traffic-related air pollutants with distance from a freeway. The wording in paragraph 2 on page 9 of the DEIR incorrectly mixes this recommendation with a statement regarding background cancer risks in the basin. The consultant's response stated: "While we understand OEHHA's comment in this regard, the only quantitative analyses presented in CARB's land use guidance document that relates distances from freeways to health risks were both focused on diesel particulate matter as toxic air contaminants." However, on page 12 of CARB's document are several examples from the peer-reviewed medical literature of non-cancer risks that should be addressed, even if not quantifiable by the proponent. These include:

- Reduced lung function in children was associated with traffic density, especially trucks, within 1,000 feet and the association was strongest within 300 feet (Brunekreef, 1997).
- Increased asthma hospitalizations were associated with living within 650 feet of heavy traffic and heavy truck volume. (Lin, 2000)
- Asthma symptoms increased with proximity to roadways and the risk was greatest within 300 feet. (Venn, 2001)
- Asthma and bronchitis symptoms in children were associated with high traffic in a San Francisco Bay Area community with good overall regional air quality (Kim, 2004).
- A San Diego study found increased medical visits in children living within 550 feet of heavy traffic (English, 1999).

OEHHA staff carried out one of the studies (Kim, 2004), which was confirmatory of studies already in the literature. There are many more studies demonstrating adverse respiratory and cardiovascular health effects resulting from exposures to traffic-related air pollutants.

As stated previously, the CARB Air Quality and Land Use Handbook is an attempt by state government to be proactive rather than reactive in protecting the public health. CARB and OEHHA used the best data available to recommend a setback for residences of 500 feet from a major highway. This recommendation was made by CARB and OEHHA staffs after review of the recent literature on particulate matter and adverse health effects, including asthma, on children and adults. Many studies now show elevated rates of asthma and asthma symptoms in children living near major roadways. Further, studies have shown increased risk of heart attack

Mr. Larry Greene
December 11, 2007
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in adults exposed to traffic-related air pollutants. The EIR still does not address these risks from traffic-related air pollutants, including particulates; thus, the science regarding health effects of traffic-related air pollution has not been adequately considered in the EIR.

Mr. Rubenstein's letter also did not address OEHHA's comment about noise.

OEHHA is mandated by the Children's Environmental Health Protection Act of 1999 to consider the sensitivities of infants and children in its risk assessments. The recommended 500-foot setback from schools and major highways is a practical, proactive measure by public health officials to protect infants and children from vehicular air pollution. Infants and children are more susceptible to carcinogenic effects of some air pollutants, as well as to some noncancer health effects. OEHHA is revising our risk assessment guidelines to reflect this. We believe that the Greenbriar assessment has not adequately addressed this emerging public health concern.

If you should have any questions, or would like to discuss OEHHA's comments, please call Dr. Jim Collins of my staff at (510) 622-3150, or you may call me at the same number.

Sincerely,



Melanie A. Marty, Ph.D.
Chief, Air Toxicology and
Epidemiology Branch

cc: Joan E. Denton, Ph.D.
Director

George V. Alexeeff, Ph.D.
Deputy Director for Scientific Affairs

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November 1, 2007

HAND DELIVERED

Chair and Commissioners
Sacramento Planning Commission
915 "I" Street
Sacramento, CA 95814

Re: Proposed Greenbriar Project

Dear Chair Yee and Commissioners Banes, Boyd, Contreras, Givens, Notestine, Samuels, Wasserman, and Woo:

This letter responds to comments and concerns raised by both the Commission and members of the public at the October 11, 2007 Planning Commission hearing on the proposed Greenbriar project (project). As you are aware, the project is scheduled to come before your Commission again on November 8, 2007. In advance of the November Commission hearing, the applicant would like to address the following issues, each of which was raised at the October 11, 2007 hearing: (1) affordable housing plan; (2) Toxic Air³ Contaminants; (3) global warming; (4) significant and unavoidable traffic impacts; (5) Swainson's Hawk habitat mitigation; (6) impacts to prime agricultural lands; (7) single event noise levels from the Sacramento International Airport; (8) project location within the Sacramento International Airport Overflight Zone; and (9) project timing. Please note that three of these issues --- impacts to agricultural lands, single event noise levels, and project location within the overflight zone --- were raised at the September 19, 2007 LAFCo hearing on the Greenbriar Sphere of Influence (SOI) Amendment, Municipal Services Review (MSR), and Environmental Impact Report (EIR). A written response to these issues was provided to LAFCo on October 10, 2007. For ease of reference and to provide a comprehensive response to the Planning Commission, the three issues raised at both the LAFCo and Planning Commission hearings are addressed again in this letter.

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Affordable Housing Plan

The Sacramento County Code chapter 22.35 ("Code") addresses affordable housing. The "affordable housing component" of a development project is defined as "affordable housing units included in or provided by a development project." (Sac. County Code, ch. 22.35, § 22.35.020.) "Affordable housing units" are defined as "*ownership or rental dwelling unit[s]*." (*Ibid.*) Further, the Code provides that at least fifteen (15) percent of the development project's dwelling units "shall be units *leased or sold* at an affordable rent¹ or affordable housing price to low, very low and extremely low income households."² (*Id.*, ch. 22.35, § 22.35.030.)

The Code also includes provisions on size, location and quality of affordable housing units. (Sac. County Code, ch. 22.35, § 22.35.100.) It requires that the affordable housing component: 1) accommodates diverse family sizes, as determined by the approval authority (*id.*, ch. 22.35, § 22.35.100(A)); 2) is dispersed to the maximum extent feasible (*id.*, ch. 22.35, § 22.35.100(B)(1)); 3) does not include adjacent multifamily developments with more than fifty (50) percent affordable units unless Section 22.35.070(A) necessitates a dedication of land within the development project in conflict with this provision (*id.*, ch. 22.35, § 22.35.100(B)(2)); and 4) is visually compatible with the market rate units and include similar quality external building materials, finishes, and yard landscaping. (*id.*, ch. 22.35, § 22.35.100(C).)

The Planning Commission voiced concern regarding two components of the project's Inclusionary Housing Plan: (1) the lack of ownership housing, and (2) the lack of dispersal of affordable units throughout the project. The Commission also took issue

¹ The Code also provides that "[r]ental affordable units shall remain affordable for a period of no less than fifty-five (55) years from recordation of the notice of completion for the rental units." (Sac. County Code, ch. 22.35, § 22.35.120.)

² The affordable housing component must include:

- 1) Six percent of the dwelling units shall be affordable to and occupied by low income households;
- 2) Six percent of the dwelling units shall be affordable to and occupied by very low income households; and
- 3) Three percent of the dwelling units shall be affordable to and occupied by extremely low income households.

(Sac. County Code, ch. 22.35, § 22.35.030.)

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with several aspects of the City's Affordable Housing Ordinance generally. Each of these concerns is addressed below.

1. Ownership Housing

As discussed above, the current Inclusionary Housing ordinance does not require that any component of the affordable housing provided in a given project be for-sale housing. SHRA and City staff have urged the applicants to provide ownership housing, however the applicant has chosen to provide strictly rental housing. The Inclusionary Housing plan proposed by the applicant meets the requirements of the City's Ordinance, and as such the plan is supported by SHRA. Notwithstanding the above, the Planning Commission can recommend and City Council can require ownership housing in the affordable housing component. Such requirement is not mandated by Ordinance but has occurred on occasion. As noted by the Planning Commission, a handful of other development projects have met their affordable housing obligations using a mix of rental and ownership housing types. However, the fact-specific justifications for such a mix are unknown and, furthermore, are unrelated to the Greenbriar project. To the extent parallels could be drawn between Greenbriar and another project, the closest resemblance would likely be to the Panhandle project in Natomas. The Panhandle project was conditioned by the Planning Commission for the applicant to continue discussions with the City and SHRA to include possible ownership housing. Using Panhandle as a precedent, the Commission may wish to similarly condition Greenbriar. The project applicants for Greenbriar would support such condition.

2. Dispersal

The Inclusionary Housing Plan for Greenbriar shows a clustering of the affordable multi-family rental products – generally to the east and south of the proposed Light Rail Station. This clustering was intended to capture density around the station and to maintain acceptable densities within the Aircraft Overflight zone. These important considerations are to be weighed against the Code requirement that affordable units be dispersed to the *maximum extent feasible*. Notably, dispersal is not mandated, but rather is encouraged to the maximum extent feasible or practicable. The Greenbriar site is uniquely positioned along the future DNA line, and great consideration was given to the need for density around the future LRT station. Moreover, the project site is located largely within the Overflight zone, meaning higher density development must be focused outside Overflight zone. Given the particular constraints on the project site, it was determined that further dispersal was not feasible.

3. The Ordinance

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It appears that the Commission is generally dissatisfied with several aspects of the Inclusionary Housing Ordinance, including the ownership and dispersal requirements. These concerns have been noted by the City, and we are advised that in early 2008 SHRA intends to present to both the Commission and the City Council its recommendations for revisions to the inclusionary housing ordinance. Included in the recommendations will be increasing the eligibility for low income levels (currently limited to 80% of median income) in exchange for ownership housing.

Prior to any City-wide revisions to the Ordinance, however, the project applicants are required to comply with the current Ordinance. The Affordable Housing Plan submitted by the project applicants, and endorsed by SHRA, complies with the existing Ordinance. The City should not require more. However, as noted above, the applicants are willing to accept a compromise on the ownership issue by accepting a condition to continue discussions with the City and SHRA to include possible ownership housing.

Toxic Air Contaminants

Attorney Bill Kopper and Sacramento Metro Air Quality Management District ("SMAQMD") representative Tim Taylor raised concerns regarding the risks associated with mobile source Toxic Air Contaminants ("TACs"). Following the Planning Commission hearing, SMAQMD clarified its testimony and expressed that it has always supported the project and that it continues to recognize the project's importance in terms of the DNA line and Blueprint development. As stated in its October 29, 2007 letter to Bill Thomas, the District supports the Greenbriar project because it offers "many air quality-friendly elements." Thus, while SMAQMD disagrees with the methodology used to analyze the risks from TACs; this is a technical issue and does not change the fact that SMAQMD supports the project. SMAQMD is therefore joined with SACOG and RT as regional agencies in support of Greenbriar.

The issues raised at the October 11 hearing are twofold: first, the selection of a significance threshold; and second, the methodology used to analyze the health risks for the project. Each of these issues is addressed below, following a brief summary of the status of current regulations governing mobile source TAC emission and the DEIR's consideration of such regulations.

In April 2005, the Air Resources Board ("ARB") published a guidance document entitled "Air Quality and Land Use Handbook: A Community Health Perspective," ("Handbook") which included the recommendation to avoid siting a new sensitive land use such as a residence or school within 500 feet of freeways. The ARB specifies that the Handbook is

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advisory, not regulatory, and, contrary to testimony by Bill Kopper, the Handbook does not establish a significance threshold for analyzing TACs.

The Greenbriar DEIR was published in July, 2006, and includes a discussion of the advisory recommendations set forth in the 2005 Handbook. The DEIR also discloses the results of a health risk assessment prepared for the project, in order to provide the best informational basis for considering the relative risk of exposure at the site.

In August 2006, after the July 2006 publication of the DEIR, SMAQMD adopted a protocol for determining potential risk from exposure to mobile source TACs. The protocol was revised in October, 2006. The recommended protocol is a three-step process: (1) determine if any residences are within 500 feet of a major roadway; (2) if they are, determine via a table included in the protocol if the project is subject to a cancer risk from TACs of 370 in 1 million or greater; if they are subject to this level of risk, conduct a site-specific health risk assessment; if they are not subject to this level of risk, report the results; (3) if they are not within 500 feet of a major roadway, report the results. The Greenbriar project includes residences within 300 feet of I-5 and SR 70/99. Thus, had the protocol been in existence at the time the DEIR was published, the protocol would have been invoked.

The DEIR was recirculated in November, 2006, after the SMAQMD protocol was released. The recirculated DEIR (RDEIR) properly included the analysis required by the protocol. Notably, the 3 step protocol revealed that the project was subject to a cancer risk of substantially less than 370 in 1 million, thus no further health risk assessment was required.

1. Significance Thresholds Are Required By CEQA

The significance threshold for a given environmental effect is "simply that level at which the Lead Agency finds the effects of the project to be significant. 'Threshold of significance' can be defined as [a] quantitative or qualitative standard, or set of criteria, pursuant to which the significance of a given environmental effect may be determined." (Office of Planning and Research, *Thresholds of Significance: Criteria for Defining Environmental Significance* (CEQA Technical Advice Series, September 1994), p. 4.) Pursuant to CEQA, the lead agency (in this case, the City) is charged with establishing the thresholds of significance, and the standard of review for a court reviewing the selected threshold is the "substantial evidence" standard. (See *National Parks and Conservation Association v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1358 (court applies the substantial evidence test to review of an agency's decision to select particular thresholds for an EIR).)

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The sample Initial Study checklist, found in Appendix G to the CEQA Guidelines, is commonly used as a source for establishing significance thresholds. To the extent Appendix G is applicable to the Greenbriar project, the checklist was used to form the significance thresholds for the EIR. However, Appendix G does not include guidance for formulating a threshold for mobile-source TACs. Similarly, neither the ARB nor the SMAQMD has established a threshold.

In July 2006, the Draft EIR was circulated without a threshold for analyzing the potential risks from TACs because, as is discussed above and in the DEIR, no significance thresholds had been (nor have they been since) established by the SMAQMD for exposure of sensitive receptors to mobile source TAC emissions. (DEIR, p. 6.2-15.) The SMAQMD has established a “10 in 1 million cancer risk” threshold for assessing impacts caused by stationary sources, but no such threshold has been established for mobile sources. In the absence of a threshold, the DEIR nevertheless analyzed the potential risk from exposure to mobile sources on-site. As part of that analysis, a health risk assessment was prepared by Sierra Research to evaluate the potential health-related impacts to on-site sensitive receptors from exposure to mobile source TACs. The HRA suggested mitigation measures such as tree plantings and sound walls to disperse the TACs; the project design incorporates these mitigation measures. Based upon the results of the HRA, the DEIR determined that the impact was less than significant, taking into consideration that the health risks from mobile source TACs are declining as a result of federal and state emissions regulations.

In response to the DEIR, the SMAQMD indicated through oral and written comments that the DEIR could not properly reach a significance conclusion without a threshold. The City thus revisited the issue of whether to establish a threshold and, if so, what threshold to use. Importantly, the City considered the court’s holding in *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099 in which the court stated that “[p]ublic agencies are [] encouraged to develop thresholds of significance for use in determining whether a project may have significant environmental effects.” (*Id.* at p. 1109.) Similarly, the court in *Berkeley Keep Jets Over The Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344 held that a “site-sensitive threshold of significance” was required to determine if the noise impact of a proposed nighttime air cargo facility at Oakland International Airport was significant or not. (*Id.* at p.1380.)

Both the *Amador* and *Berkeley* decisions indicate that, where a lead agency is able to establish a significance threshold, it must do so. Moreover, the courts in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692 and *Riverwatch v. County of*

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San Diego (1999) 76 Cal.App.4th 1428, held that the mere fact that a lead agency may evaluate the significance of air emissions from stationary sources will not negate CEQA's requirement that an EIR evaluate the significance of all project-related emissions. As applied to Greenbriar, these cases indicate that the EIR must establish thresholds by which to evaluate the potential impacts from both stationary sources and on-site and off-site mobile sources.

After much consideration and deliberation, and in consultation with the EIR preparers, the City adopted a threshold for the Greenbriar EIR based upon established approaches to risk assessment and CEQA's requirement to compare the impacts of a project to baseline conditions (normally, existing conditions; however, in a case where the future conditions will change and are relevant to the analysis of impacts, it is appropriate to also consider future conditions, which in the case of the Greenbriar EIR provided for a more health-conservative analysis). Pursuant to the threshold used in the Greenbriar EIR, the cancer risk level would be considered significant if 10 additional persons in 1 million would develop cancer over a 70 year exposure period, as compared to the baseline exposure levels. (RDEIR, p. 6.2-16.) The Draft EIR was recirculated with this threshold, and the City believes there is substantial evidence to support the threshold it used.

2. The RDEIR uses the protocol endorsed by SMAQMD as well as a methodology endorsed by the City

As discussed above, the EIR consultants engaged in the protocol recommended by the SMAQMD. The protocol revealed that the cancer risk at the Greenbriar site was low enough that it did not trigger the need for a health risk assessment. Based upon the SMAQMD tables in the protocol, residences closest to I-5 would be subject to an incremental cancer risk of between 90 and 135 per 1 million and residences closest to SR 70/99 would be subject to an incremental cancer risk of between 24 and 45 per 1 million. In either instance, the risk is well below 370 in 1 million, meaning that by the SMAQMD's own protocol, no additional analysis was required. This information was disclosed on page 6.2-27 of the RDEIR.

Although not required by the protocol, a site-specific HRA was prepared for the DEIR, and was also included in the RDEIR because it was determined that the HRA provided the best informational basis for considering relative risk of exposure at the site. As discussed in the DEIR and RDEIR, the HRA for the project concludes that the project's cancer risk from exposure to on-road mobile source TACs for the residents closest to freeways is 29 in 1 million. The current background cancer risk (the average risk in the entire basin) from on-road mobile source TACs is 143 in 1 million. The background risk is expected to be reduced by 75%-85% by 2020 as a result of regulations aimed at

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reducing diesel emissions, thus the background risk would range from 21 (85% reduction) to 36 (75% reduction) in 1 million. The HRA prepared for Greenbriar shows that residences nearest the freeway would be exposed to an on-road mobile-source risk of 29 in 1 million. As compared to the current background of 142 in 1 million, the risk at the project is significantly less. As compared to the year 2020 background of 21 to 36 in 1 million, the risk at the project is similar. To simplify:

Project	29 in 1 million
<u>Current Background (assumes no emissions improvements)</u>	<u>142 in 1 million</u>
Increased risk over background	0 *

(*long terms project risk is less than risk from current exposure levels)

Project	29 in 1 million
<u>Future Background, assumes emissions improvements (low end)</u>	<u>21 in 1 million</u>
Increased risk over background	8 in 1 million

Project	29 in 1 million
<u>Future Background (high end)</u>	<u>36 in 1 million</u>
Increased Risk over Background	0

In all instances, the incremental risk (the project as compared to the background) from the project does not exceed 10 in 1 million. The impact is less than significant. (RDEIR, p. 6.2-29.)

At the October 11, 2007, Planning Commission hearing, SMAQMD representative Tim Taylor testified that the methodology used by the EIR consultant to arrive at the "8 in 1 million" risk level was faulty. In short, SMAQMD characterized the EIR as concluding that a cancer risk of 29 in 1 million at the project site (derived from the HRA) is less than significant as compared to the threshold of 10 in 1 million. SMAQMD's statement that the EIR somehow "discounted" the risk from 29 to 8 is without merit. As discussed above and explained by EDAW at the October 11 hearing, the risk of 29 in 1 million was compared to the background, or baseline conditions, as is proper under CEQA. (See CEQA Guidelines § 15126.2 (in assessing the impact of a project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis commenced; also see the above discussion previously addressing this topic).)

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Compared to the background, the project risk is never greater than 8 in 1 million. The risk does not exceed 10 in 1 million.

To summarize: the project complied with the SMAQMD protocol, which is the only guidance provided by SMAQMD regarding off-site mobile sources. In addition, the DEIR and RDEIR disclose the results of a health risk assessment prepared for the project. The project design incorporates the mitigation measures suggested in the HRA and requested by SMAQMD, including tree plantings and sound walls to disperse the TACs. Using the SMAQMD protocol, the project's health risk is below the level requiring a health risk assessment. Using the results of the health risk assessment prepared for the project, and factoring in the existing and future background risk, the project's health risk is less than the established threshold of 10 in 1 million. Under either methodology, the potential health risk from mobile sources TACs is less than significant.

For purposes of CEQA, the EIR's analysis of the potential health risks from off-site mobile sources is adequate. In fact, the EIR provides information and analysis that is additional to SMAQMD requirements. The fact that SMAQMD does not agree with the additional analysis performed by the EIR consultant is rendered moot by the fact that the RDEIR also followed the SMAQMD protocol. Moreover, disagreement among experts does not constitute grounds for overturning a lead agency's certification of an EIR. (*Cadiz Land Company v. Rail Cycle* (2000) 83 Cal.App.4th 74.) Finally, as noted above, SMAQMD supports the project despite the disagreement regarding TACs.

Global Warming

Deputy Attorney General Lisa Trankley sent an e-mail to Commissioner Jodi Samuels on October 11, 2007, in which Ms. Trankley questioned the adequacy of the analysis of potential global warming impacts of the Greenbriar project. Ms. Trankley notes that the Attorney General's Office is not officially commenting on the project and has not reviewed the EIR in its entirety, however she questions the FEIR's global warming analysis. A review of the entire document, which includes the Draft EIR, Recirculated Draft EIR, Second Recirculated Draft EIR and Final EIR, reveals that the project's impacts on global warming have been adequately analyzed and addressed.

The Greenbriar EIR analyzes the issue of climate change in several areas. Global climate change and its potential impacts on flooding in the Natomas Basin is addressed in the RDEIR (see RDEIR pp. 6.10-12, 6.10-22 to 6.10-25); and the project's potential to generate greenhouse gas emissions is addressed in the FEIR (see FEIR, pp. 4-504 to 4-508.) The DEIR also contains mitigation measures that will reduce the project's potential

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emissions in the Air Quality and Transportation chapters. (See DEIR, pp. 6.1-1 to 6.1-90, 6.2-1 to 6.2-30.)

The project incorporates guidelines, strategies and mitigation measures that minimize the human and spatial environmental footprint with respect to transportation and electricity consumption. (FEIR, p. 507.) Implementation of these measures will help reduce potential GHG emissions resulting from the development of the project. Some of the key strategies are discussed in more detail below.

1. Consistency with Blueprint Principles

The Sacramento Area Council of Governments (SACOG) adopted the Sacramento Region Blueprint Transportation and Land Use Study Preferred Blueprint Scenario (Blueprint) in December 2004. The Blueprint is a vision for long-term land uses within the Sacramento region, and promotes compact, mixed use development, over the type of lower density, sprawling land uses that have been typical of the region in the past. The overall goal of the Blueprint is to reduce vehicle miles travelled, making it a leader in the quest to reduce the effect of new development on global warming. The Executive Director of SACOG, Mike McKeever, provided strong testimony at the Planning Commission hearing on October 11, 2007 in support of Greenbriar as the type of project that is consistent with the SACOG Blueprint and reduces the potential generation of greenhouse gases. Indeed, the project will provide for needed housing close to employment, and will encourage the use of alternative transportation modes – both key Blueprint principles. Mr. McKeever also warned that opposing a Blueprint project like Greenbriar could stimulate non-Blueprint development in surrounding counties which, in turn, would likely increase vehicle miles traveled as commuters buy homes located further from the Sacramento jobs base. This type of leap-frog development is, as stated by Mr. McKeever, “the biggest threat to the success of the Blueprint.”

Blueprint’s principles have been applied in the design of the proposed project. For example, the project incorporates diverse housing types (i.e., low density, medium density, high density residential), and the development will be compact (i.e., maximized use of space by providing medium and high density residential land uses on more than half of the site). Moreover, mixed uses such as a transit station and commercial land uses will be accommodated on the site.

Further, the Draft Greenbriar PUD Guidelines fully incorporate the principles advocated by the Blueprint. The Draft PUD Guidelines provide that the project will include a varied network of both on- and off-street pedestrian pathways and trails, allowing for safe and convenient non-vehicular travel throughout and within the PUD. The street and trail

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system within the PUD allow for varied opportunities for safe and convenient non-vehicular travel throughout the plan area. All arterial and collector streets will have striped Class II bike lanes. Nearly all sidewalks within the PUD's streets will be detached from the street edge and separated from the street by a landscape planter of varying width depending upon the street facility. These pedestrian-friendly streets would provide a safe, walkable route to all locations within the PUD area under a dense canopy of shade trees.

Thus, the project by its very nature (e.g., overall design that creates a compact development pattern that encourages walking, biking, and public transit use which reduces trip number and length) would reduce potential consumption of fossil energy within the region, and thereby reduce potential GHG emissions.

2. Provision of Regional Public Transportation Opportunities

Importantly, the project is located along the right-of-way of a future light rail extension (Downtown-Natomas-Airport or DNA) planned by the Sacramento Regional Transit District (RT). RT has identified the DNA light rail line on its 20-year project map, and the DNA line is included in SACOG's Metropolitan Transportation Plan. In a letter submitted July 11, 2007, RT confirmed both its continuing plans to extend light rail from downtown to the Sacramento International Airport and its support for the project.

Some members of the public testified that the DNA line will not be fully realized for a number of years due to funding constraints. RT is currently pursuing a variety of funding sources to fund the construction of the DNA light rail line. For example, RT has been involved in the lengthy Federal Transit Administration (FTA) New Starts funding process, which requires a showing that the light rail line will serve areas with densities that will support transit and generate ridership. The Greenbriar project will support this funding by focusing appropriate transit-oriented development along the DNA line. (See FEIR, Appendix B.) As substantiated through oral and written testimony from RT, the population density provided by the project will help make construction of the light rail line a reality. In a letter submitted to the City on November 1, 2005, Dr. Beverly Scott, the General Manager and CEO of RT, expressed RT's support for the project as one that will significantly improve the region's competitiveness for federal dollars in extending light rail to the Sacramento International Airport.

By providing densities of residential development to support the line, the project will help the City realize its goal of completing the DNA line which, in turn, will promote the use of transit by residents and employees within the downtown and Natomas areas, including the nearby Metro Air Park site with thousands of jobs planned. The DNA line will also

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allow transit riders using RT's light rail system to connect from other areas within the City and County of Sacramento to the Natomas area, Sacramento International Airport, the Sacramento Amtrak Depot, and/or the downtown area with a travel option other than a single occupancy vehicle, with a resulting travel time savings by reducing and avoiding traffic congestion. Residents along the future DNA light rail corridor will benefit from a reduction in traffic congestion and increased transportation connectivity and mobility, and employees working in the downtown, South Natomas and North Natomas communities will be provided with an alternative transportation mode, thereby reducing freeway congestion and air pollution.

The DNA line would also reduce congestion from other non-Greenbriar sources on I-5 (primarily), SR 70/99, and I-80. According to the DNA Draft Alternatives Analysis Report (2003), the DNA line is expected to transport as many as 1,200 persons during its peak hours of operation and will reduce weekday peak period auto travel to Downtown Sacramento by 4,700 daily trips. By comparison, traffic volumes on I-5 in 2025 will range upwards to around 19,000 peak hour trips (both directions). The large number of people traveling during peak hour in this corridor to access jobs in Downtown demonstrates the need to have a variety of transportation mode choices, including the DNA line, highway improvements and express bus services. Given that the DNA line will parallel I-5, it would likely reduce congestion on I-5, as well as reduce traffic on SR 70/99. (See FEIR, pp. 4-20 to 4-22.) Vehicle trips are expected to be reduced by 35%, along with a similar reduction in vehicle miles traveled, compared to projects not along transit lines. (DEIR, pp. 6.1-83 to 6.1-84 (Mitigation Measure 6.1-9).)

Importantly, the project applicant has committed to building a new light rail station on the project site. The Greenbriar Project objectives include providing development and land for construction of a light rail stop along the proposed DNA light rail line with densities that will support the feasibility of a light rail line. The Project includes dedication of a corridor that could accommodate a future transit stop and light rail alignment located near the center of the Project site along the proposed Meister Way roadway. (DEIR, pp. 3-11 to 3-12.) In addition, prior to the construction and operation of RT's proposed LRT station along Meister Way, the project applicant has agreed to fund and operate an interim shuttle/bus transportation service for residents and patrons of the project site during peak commute periods. (DEIR, p. 6.1-85.) The project's commitment to the provision of public transit is greater than any other project in the region.

3. Reduced Emissions through Air Quality Mitigation Plan

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The Greenbriar Master Air Quality/TSM Plan will result in overall air quality emissions reductions, including those associated with greenhouse gases, to at least 15% below comparable projects through application of a variety of mitigation measures.

In addition to the Master AQ/TSM Plan, the environmental consultant for the project is currently preparing a stand-alone report that both identifies the project elements that serve to reduce operational emissions and calculates the emissions reduction percentage that will be achieved through project design and the AQMP. We expect that this report will show that the project actually achieves a reduction in emissions that is greater than 15%. This report will be submitted to the Sacramento Metropolitan Air Quality Management District upon completion, which is expected to be in advance of the November 8 Planning Commission hearing.

Significant and Unavoidable Traffic Impacts

Commissioner Notestine questioned whether the significant and unavoidable traffic impacts identified in the EIR can be reduced to less than significant; in particular, those impacts that are significant and unavoidable due to lack of adequate funding and/or right of way. The Draft EIR identified a handful of traffic impacts that remained significant and unavoidable because the mitigation required to reduce or eliminate the impacts was beyond the control of the City. Specifically, the mitigation measures were within the jurisdiction of Caltrans, and Caltrans had not established a funding mechanism by which it could accept "fair share" contributions from developers in order to implement the necessary measures (e.g., securing right of way, providing additional lanes, widening lanes and/or freeway segments) to reduce impacts to the freeway mainline. In sum, the DEIR concluded that, because the mitigation is within the control of another agency, it was unknown whether the appropriate measures would be implemented and thus the impacts remained significant and unavoidable.

These determinations are consistent with CEQA caselaw at the time the DEIR was released: *City of Marina v. Board of Trustees of the California State University*, (2006) 39 Cal.4th 341, and *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173. Taken together, these cases provide that payment of fair share impact fees can be required as CEQA mitigation for cumulative impacts for off-site improvements within the control of another agency, provided that such fees are reasonably related to the project's impacts and such fees are part of a plan or fee system that will actually mitigate the impact. Absent such funding mechanism, an applicant could not be required to contribute to off-site improvements within Caltrans' jurisdiction. Following release of the DEIR, however, the Fifth Appellate District Court of Appeal issued an opinion in *Woodward Park Homeowners Association v. City of Fresno* (2007) 149 Cal.App.4th 892,

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requiring that city to conduct a nexus study or otherwise determine a funding mechanism by which the project applicant could contribute its fair share to mitigate, but not reduce, its impact to freeway mainlines.

Pursuant to the *Woodward Park* decision, Caltrans and the City, along with Regional Transit, have agreed upon a mitigation measure that will reduce the impact to the I-5 and SR 70/99 mainline. Specifically, the applicant has agreed to pay the project's fair-share contribution for improvements to on-/off-ramps and other similar facilities. As described in detail in Appendix C to the FEIR, the project's fair-share contribution would be \$1,135,904 for funding of potential mainline improvements. Although the City has not conducted a formal nexus study to support collection of the fees for a "Traffic Congestion Relief Program," the applicant is willing to pay such fair share contribution voluntarily pursuant to the terms of the development agreement. The City, in consultation with Caltrans and other transportation agencies including RT, will allocate the monies collected in the Traffic Congestion Relief Fund for appropriate congestion relief projects. Though it is not feasible for Greenbriar to completely resolve an intra regional, multi-jurisdictional traffic level of service (see CEQA Guidelines, § 15126.4, subd. (a)(4)(A) [stating there must be an essential nexus between the mitigation measure and a legitimate governmental interest] and subd. (a)(4)(B) [stating the mitigation measure must be "roughly proportional" to the impacts of the project]), Greenbriar will contribute its proportional share to needed projects, as is proper under CEQA. At the July 27, 2007 meeting between the City, LAFCo and Caltrans, and through subsequent correspondence, Caltrans concurred with this approach for the mitigation program for the project. The appropriate mitigation measures have been amended in the Final EIR to include this fair share contribution obligation.

Notwithstanding the above, the Traffic Congestion Relief Program projects have not been identified, therefore this mitigation would not reduce the project's impacts to regional freeway facilities to a less-than-significant level because 100% funding for the DNA line and possible other freeway congestion relief programs have not yet been fully identified. The impacts thus remain significant and unavoidable under CEQA. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173 (holding that, in order to fully mitigate an impact, fair share fees must be part of a plan or fee system that will actually mitigate the impact).)

Swainson's Hawk Habitat Mitigation

Commissioner Samuels questioned the total acreages allocated to mitigate impacts to Swainson's hawk. In particular, Commissioner Samuels asked when the additional 49 acres of habitat needed to fully mitigate the impact would be identified by the applicant.

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Since the October 11 Planning Commission hearing, the applicant has agreed to provide foraging habitat mitigation lands in excess of the required 49 acres in order to fully respond to questions raised by the California Department of Fish and Game ("CDFG") in its letter to the City dated September 18, 2007.

1. 1994 Guidelines

CDFG's comments on foraging habitat compared the proposed conservation strategy to the County of Sacramento's Swainson's hawk ordinance, which requires mitigation based on proposed land use changes to land designated agricultural. The County's policy was developed to satisfy the requirements of CDFG's 1994 Swainson's hawk guidelines ("1994 Guidelines") which require implementation of the prescribed standard or an improved alternative. The Greenbriar conservation strategy must do the same, either comply with the 1994 Guidelines or provide an alternative that exceeds those standards.

Pursuant to the 1994 Guidelines, foraging habitat within one mile of an active nest tree should be mitigated at a ratio of 1:1 for each acre of development authorized or at a ratio of 0.5:1 for each acre of development authorized, depending on the management of the mitigation lands (1994 Guidelines, at 11). The 1:1 ratio applies where at least 10 percent of the habitat management lands are acquired by fee title or protected by conservation easement, and are actively managed as species habitat (*Id.*). The remainder of the mitigation lands must be protected by conservation easement on "agricultural or other suitable [foraging] habitats." (*Id.*). The 0.5:1 ratio applies where habitat management land requirements are all satisfied both by providing mitigation held in fee title or under conservation easement and by actively managing that land for prey production (*Id.* at 12). Under either scenario, the instruments protecting the habitat must be found acceptable to the Department (*Id.* at 11-12).

2. Impacts from Project Development

Development at the Greenbriar site will affect Swainson's hawk foraging habitat. In 2005 (when the NOP was prepared), most of the Greenbriar site provided low quality habitat, and the remainder provided moderate to high quality habitat. Of this acreage (546 acres), however, the loss of about 50 acres has already been permitted for and mitigated by the Metro Air Park project (MAP) for construction of off-site infrastructure on the Greenbriar site. Therefore, the Greenbriar project will affect about 497 acres of the foraging habitat present in 2005 (394 acres low quality and 103 acres moderate-high quality). This habitat is within 1 mile of active Swainson's hawk nests.

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In order to achieve a mitigation ration of 0.5:1, as recommended by the 1994 Guidelines, the project would need to provide 248.5 acres of mitigation lands (1/2 of 497 acres impacted = 248.5 acres). The applicant has agreed to provide such acreage.

3. Proposed Mitigation

The mitigation package for the Greenbriar project includes mitigation analyzed in the DEIR and additional mitigation that has been proposed during discussions with CDFG and the US Fish and Wildlife Service. Both components of the mitigation consist of dedication of land to and provision of an endowment for active management by The Natomas Basin Conservancy (TNBC), and both components are described below.

Mitigation Analyzed in the DEIR. In the DEIR, a minimum of 349 acres of mitigation were proposed, which included 196 acres of Swainson's hawk foraging habitat located at the following sites (see Attachment 1: "Swainson's Hawk Habitat Mitigation Sites"):

- Spangler Property: 100.6 acres (45.4 high quality acres and 55.2 moderate acres),
- Natomas 130 Property: 18.5 acres (14.2 high quality acres and 4.3 moderate acres),
- Lone Tree Canal corridor: 27.9 acres (27.9 low quality acres), and
- 49 acres at a site still to be determined (high quality acres).

Moderate quality habitat represents the upland components of managed marsh provided for giant garter snake mitigation. These mitigation sites are all within 1 mile of Swainson's hawk nests. This mitigation would result in a mitigation ratio of 0.39:1 (i.e., 196 acres of mitigation versus 497 acres of impact), which is above the ratio provided by the NBHCP (about 0.19:1, consisting of 0.125 acres of upland foraging habitat, 0.0375 acres of upland components of marshes, and 0.025 acres of fallow rice, on average, for 1 acre impacted).

Additional Proposed Mitigation. Additional mitigation land that would provide Swainson's hawk foraging habitat has been proposed to the wildlife agencies in ongoing discussions (see Attachment 1: "Swainson's Hawk Habitat Mitigation Sites"), and would increase mitigation to 380.1 acres of which about 224.6 acres would provide foraging habitat for Swainson's hawk. This additional mitigation site, which is within 1 mile of a Swainson's hawk nest, is:

- Cummings property: 31 acres (31 high quality acres)

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As stated above, with the addition of the Cummings property, the project will provide approximately 224.6 acres for foraging habitat. In order to mitigate at a ratio of 0.50:1, as suggested by the 1994 Guidelines, the applicant would be required to provide an additional 23.9 acres. The applicant has agreed to provide such acreage. Together with the mitigation proposed in the DEIR, the Cummings property (31 acres) and the additional 23.9 acres would result in a mitigation ratio of 0.50:1.

Overall, the mitigation proposed for the Greenbriar project's impact on Swainson's hawk foraging habitat would be consistent with the 1994 Guidelines, and exceed the amount of foraging habitat mitigation that would be required pursuant to the NBHCP. Proposed Swainson's hawk foraging habitat for the Greenbriar project would provide more than twice the acreage of foraging habitat and endowment as would be required under the NBHCP, and an acreage and endowment consistent with the 1994 CDFG Guidelines.

Impacts to Prime Agricultural Lands

The Sacramento County General Plan designates the project site as Agricultural Cropland. The majority of the project site is currently in a fallow agricultural condition. The California Department of Conservation, Division of Land Resource Protection, Sacramento County Important Farmland Map has designated the project site as Prime Farmland (329 acres) interspersed with areas designated as Farmland of Statewide Importance (68 acres), Farmland of Local Importance (68 acres), Unique Farmland (53 acres) and other land (59 acres). Areas designated as Prime, Unique, and Statewide Importance are considered "agricultural land" or "important farmland" for purposes of the EIR. Thus, the project would result in the conversion of 518 acres of "agricultural land" as defined by CEQA. This is a significant impact.

The EIR for the project includes Mitigation Measure 6.11-1, which requires the project applicant to implement Mitigation Measure 6.6-2 prior to annexation. Measure 6.6-2 requires that, consistent with the principles of the City/County Joint Vision Plan, the applicant will coordinate with the City to identify appropriate lands to be set aside in a permanent conservation easement at a ratio of (i) one open space acre converted to urban land uses to one-half open space acre preserved and (ii) one habitat acre converted to urban land uses to one-half habitat acre preserved. While this mitigation reduces the impact to agricultural resources, it does not mitigate to a less than significant level. Importantly, however, it is the mitigation that was agreed upon between the City and the County through the Joint Vision Memorandum of Understanding.

As discussed in the EIR, implementation of Mitigation Measure 6.11-1 would substantially lessen significant impacts associated with the conversion of farmland on the

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project site because the project would conserve open space and habitat lands some of which would be used for agricultural practices at a ratio consistent with the mitigation ratio identified in the Joint Vision Plan MOU. The EIR also requires the applicant to dedicate land to the Natomas Basin Conservancy (NBC) to mitigate for impacts to biological resources. (Mitigation Measure 6.12-1.) One of the NBC's key conservation strategies is to maintain at least 50% of its mitigation lands in rice production. Typically, the NBC puts up to 75% of the mitigation land in rice production and 25% as managed marsh. A majority of the lands the applicant is dedicating to the NBC for habitat management will therefore remain in agricultural use.³ While not included as a mitigation measure for impacts associated with the loss of agricultural land, this mitigation measure will serve to keep additional agricultural lands in use. However, because the conservation easements are purchased for land exhibiting benefits to wildlife, including a combination of habitat, open space and agricultural lands, the mitigation would not be applied exclusively to agricultural lands. Therefore this mitigation would only partially offset conversion of farmland associated with the project impacts, and the impact would remain significant and unavoidable.

Commissioner Yee questioned the rationale behind the mitigation ratios for impacts to agricultural land, and some members of the public suggest that the applicant should provide additional mitigation lands in the form of conservation easements to mitigate the impact to a less than significant level. As stated above, the mitigation ratios are consistent with the Joint Vision MOU. Moreover, even if the EIR were to require additional conservation easements as a mitigation measure, the project's impact to important farmland would not be reduced to less than significant, in part because such easements "often prevent[] future impacts but do[] not address present problems."³ Indeed, in *Friends of the Kangaroo Rat v. Department of Corrections* (2003) 111 Cal.App.4th 1400 (opinion withdrawn on February 18, 2004),⁴ the Fifth District Court of Appeal rejected farmland conservation easements as mitigation for the conversion of agricultural land, stating: "[t]his would not mitigate the loss of farmland; it would not create new farmland or compensate for the loss of farmland that has already occurred." (*Ibid.*, p. 1407.)

Friends of the Kangaroo Rat is instructive to the City's consideration of the Greenbriar project. In *Kangaroo Rat*, the court held that the EIR for the development of a new

³ Levy and Lippmann, Preservation as Mitigation Under CEQA (Environmental Law News, Vol. 14, No. 1, Summer, 2005), p. 25.

⁴ Although the opinion has been depublished, Levy and Lippmann, *op. cit.*, p. 20, note that it is "instructive."

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prison facility was not required to consider conservation easements as mitigation for the loss of prime farmland caused by the project. The cumulative loss of 480 to 2300 acres of Important Farmland was considered by the EIR to be significant and unavoidable. Commenters complained that the agency should have considered mitigating the impact through the creation of agricultural easements over other Important Farmland in the vicinity of the project. The agency rejected those measures as infeasible, noting that easements on agricultural land already under cultivation would not mitigate the loss of cultivated agricultural land due to the project. Alternatively, the agency reasoned that the conversion of non-cultivated land to agricultural uses could create additional, possibly significant biological impacts. Therefore, the agency concluded that no mitigation was feasible. The court agreed, finding that easements did not fall within any of the categories of mitigation provided in CEQA Guidelines section 15370. The court specifically rejected the argument that easements could mitigate by “[c]ompensating for the impact by replacing or providing substitute resources or environments” as provided in CEQA Guidelines section 15370, subdivision (e), because easements do not create new farmland. Thus, whether an applicant provides a conservation easement over 1 acre or 100 acres, the impact to agricultural resources cannot be fully mitigated.

As discussed above, CEQA does not require additional mitigation for loss of agricultural lands. Moreover, there is no factual basis on which to make a determination that requiring the project applicant to acquire farmland conservation easements at a ratio greater than required by the Joint Vision MOU bears reasonable proportionality to the impact of the project.⁵

Single Event Noise Levels From the Airport

Commissioner Givens requested more information regarding the impacts from Single Event Noise Levels (SENLs) and questioned whether the noise levels caused by the Airport would be disclosed to potential homeowners.

The City of Sacramento and County of Sacramento have not established any SENL standards, and no definitive SENL guidelines currently exist nationwide. Notably, neither the FAA nor the Federal Interagency Committee on Aviation Noise (FICAN) has recommended a threshold for SENL. In fact, FICAN and the California Airport and Land Use Planning Handbook continue to use CNEL as the primary tool for the purpose of land use compatibility planning. One agency, the City of Los Angeles, adopted a SENL

⁵ See, CEQA Guidelines, Section 15126.4(a)(4)(B): “The mitigation measure must be ‘roughly proportional’ to the impacts of the project.” (Citing cases.)

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significance threshold of 10% of the population being awakened once every 10 days for use in the LAX Master Plan EIR/EIS. However, that document specifically cautioned that the threshold was for use in the LAX EIR/EIS only and should not be used for other projects.

The City of Sacramento General Plan's exterior noise standard at residential land uses for noise generated by aircraft activity associated with a metropolitan airport is 60 dBA CNEL. No portion of the project is located within the 60 dBA CNEL aircraft noise contour. (See Attachment 2: Sacramento International Airport Operations Area Boundary and Operational Capacity CNEL Contours.) Therefore, aircraft noise levels at all of the land uses proposed on the project site would be considered "normally acceptable" with respect to the City's General Plan land use compatibility noise levels. The impact from aircraft noise is therefore less than significant.

However, because CNEL noise levels essentially represent a weighted daily average, there is an argument that CNEL metrics may not adequately identify some aspects of noise exposure effects from individual flights such as speech interference and sleep disturbance. The EIR therefore analyzed the potential impacts (sleep disturbance and speech interference) caused by exposure of the project to Single Event Noise Levels (SENLs) generated by aircraft overflights. Notably, the project lies partially beneath only two departure routes, which is considerably fewer than many other residential areas within the City. (See Attachment 3: Modeled Flight Tracks: Greenbriar.) To analyze the potential impacts, the EIR relies upon studies conducted by FICAN, which indicate 10% of the population will be awakened when the SENL interior noise levels are 81 dBA and above. Using FICAN formulas, the EIR analyzes potential sleep disturbances, assuming that windows in residences would be open. The results indicate that the project site does not produce sound levels that would awaken more than 10% of the population. Thus, even if the conservative threshold used at LAX was applied to Greenbriar, it would likely suggest that the impacts from overflights, as they relate to sleep disruption, would be less than significant. In effect, the EIR assumes the LAX 10% sleep disturbance as a "de facto" threshold in the absence of any other threshold or similar guidance from the City, the County, or the FAA.

The Court in *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344 (*Berkeley Keep Jets*) held that an EIR prepared for the development of a nighttime air cargo facility at Oakland International Airport must include a single event noise analysis in addition to the EIR's analysis of time averaged noise levels. Although the Court directed that the significance of single event noise effects be evaluated in the EIR to "assess whether the [project] will merely inconvenience the Airport's nearby residents or damn them to a somnambulate-like

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existence,” there was no established basis for defining or assessing the significance of single event aircraft noise, and the Court did not set forth any standards of significance for the evaluation of such events. (*Id.*, at p. 1382.) The Greenbriar EIR provides a thorough evaluation of potential impacts from SENLs and quantifies the potential for sleep disturbance caused by nighttime aircraft, using the best available information and assuming a very conservative “de facto” threshold. The EIR is consistent with the requirements of *Berkeley Keep Jets*.

Regarding disclosure requirements, the DEIR provides that the applicant will dedicate an overflight easement over the entire project site in order to grant a right-of-way for free and unobstructed passage of aircraft through the airspace over the property, and will also grant a right to subject the property to noise and vibration associated with normal airport activity. In addition, recorded deed notices will be required to ensure that initial and subsequent prospective buyers, lessees, and renters of property on the project site, particularly residential property, are informed that the project site is subject to routine overflights and associated noise by aircraft from the Sacramento International Airport, that the frequency of aircraft overflights is routine and expected to increase through the year 2020 and beyond, and that such overflights could cause occasional speech interference, sleep disruption that could affect more than 10 percent of all residents at any one time, and other annoyances associated with exposure to aircraft noise. Furthermore, the applicant is proposing to require the posting of signs on all on-site real estate sales offices and/or at key locations on the project site that alert the initial purchasers about the overflight easement and the required deed notices. (DEIR, pp. 6.3-41 to 6.3-42.)

Project Location within the Airport Overflight Zone

Some members of the public expressed concern regarding the fact that the project will be developed partially within the Overflight Zone of the Sacramento International Airport (Airport).⁶ It is important to note at the outset that the Overflight Zone is the area that generally coincides with the area overflown by aircraft during normal traffic pattern procedures. As discussed below, development is not prohibited in the Overflight Zone if it is consistent with the CLUP. In fact, almost all land use categories are compatible with the Overflight Zone, including residential. Development is restricted, however, within the areas located under or near the runways, referred to as the Clear Zone and the Approach Departure Zone. The Clear Zone is near the end of the runway and is the most restrictive; the Approach-Departure Zone is located under the takeoff and landing slopes and is less restrictive. Clear Zone areas are based upon the Runway Protection Zone established by

⁶ / The CLUP designates three safety areas: the Clear Zone, the Approach-Departure Zone, and the Overflight Zone.

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the Federal Aviation Administration. The Overflight Zone is the area under the traffic pattern and is the least restrictive. No portion of the project is located within the Clear Zone or the Approach Departure Zone, and in fact the project site lies well to the east of, and perpendicular to the north-south oriented runways.

Notwithstanding the above, the project's location within the Overflight Zone subjects it to scrutiny by the City Council and ALUC. This letter will summarize the process by which a project within the Overflight Zone may be properly approved by the City, and then discuss the process in terms of the Greenbriar project.

The Board of Directors of the Sacramento Area Council of Governments (SACOG) sits as the Airport Land Use Commission (ALUC). Pursuant to statutory requirements, the ALUC adopted the Comprehensive Land Use Plan for the Sacramento International Airport (CLUP) on May 20, 1999. The ALUC is required by State law to enforce the land use compatibility of proposed developments with publicly owned and operated airports. The ALUC's review of development applications is limited to three policy areas identified in the CLUP: (1) height, (2) noise, and (3) safety. In the event that ALUC determines that a development is inconsistent with the CLUP, Section 65302.3 of the Government Code provides that the City Council may overrule the ALUC after a hearing, with a two-thirds vote if the City Council makes specific findings that the disputed portion of the proposed project is consistent with the purposes stated in the Airport Land Use Commission Law. (Pub. Util. Code, § 21670.)

Cities and counties within ALUC's jurisdiction are required to send development applications to the ALUC for review. The City of Sacramento falls within the ALUC's jurisdiction and therefore must forward development applications to ALUC for review of the development's compatibility with publicly used, owned or operated airports. Due to the project's location relative to Sacramento International Airport, the Greenbriar project is subject to ALUC review of the project's consistency with the CLUP. In May, 2005, the City of Sacramento received an application for development of the Greenbriar project. The City referred the project application to ALUC for review for compatibility with the CLUP because a portion of the project (405 acres) is within the Overflight Zone of the Airport. The project proposal requests entitlements within the Overflight Zone for uses that include residential, commercial, mixed use, park and open space with water bodies, and a light-rail transit station.

On December 7, 2005, ALUC staff provided its written review of the project to the City of Sacramento's Planning Department. Of the three policy components of ALUC review: safety, noise, and height, ALUC's review of the Project focused on safety issues, but did not focus on height or noise issues because (1) the Project does not propose

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structures that are close to penetrating any of the imaginary surfaces as set forth by the Federal Aviation Administration in Federal Aviation Regulation Part 77, and (2) the Project site lies outside of the 60 dCNEL, which serves as the demarcation line for restricted residential development.

ALUC made the following findings with regard to the Greenbriar project. First, the residential and commercial uses are compatible with the CLUP based upon the densities proposed for the Project. Second, parks and open spaces within the Project are compatible with the CLUP provided such areas do not contain facilities that lead to high concentrations of people (an average density of 25 people per acre over a 24 hour period, and not to exceed 50 persons per acre at any time), such as ball fields and playgrounds. None of the proposed parks/open spaces will exceed an average density of 25 people per acre/24 hours. Third, the project will either be considered (1) compatible with the CLUP if the SCAS and FAA do not object to the proposed water features, or (2) incompatible if either of these two agencies object to the water features. Neither SCAS nor FAA have objected to the proposed water features, and in fact the SCAS has provided written support. (See FEIR, pages 4-238 to 4-239.) Fourth, although the elementary school proposed within the development is outside of the Overflight Zone, and therefore it is not subject to the ALUC's review, the ALUC has advised the City that because the school's proposed location is within 2 miles of an airport runway, state law (California Education Code 17215) requires the California Department of Transportation Division of Aeronautics to review and approve the school's location. The Division has reviewed the project. (See FEIR, pages 5-11 to 5-13.) Finally, the ALUC found that the project is inconsistent with the CLUP due to safety issues relating to the Project's provisions for a light rail station within the Overflight Zone, and ALUC notified the City of such inconsistency. The light rail station is the only project element that is considered to be inconsistent with the CLUP.

In order to override the ALUC inconsistency determination with regard to the light rail station, the City Council must find that the proposed project's proposal to develop a light rail station within the Overflight Zone is consistent with the purposes of the Airport Land Use Commission Law, and more specifically with the public interest purposes stated in Public Utilities Code Section 21670. This issue will be before Council at the December hearing. If the Council chooses to override the ALUC determination, it must submit its findings/overrides to the ALUC for a 45-day review period. Following the 45 day review period, Council will review the ALUC's advisory comments, if any, and the City will take final action by a 2/3 vote. (Cal. Pub. Util. Code, § 21676, subd. (b).)

Project Timing

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During the October 11 Planning Commission hearing, a number of Commissioners and speakers questioned the timing of the applicant's request for legislative entitlements. Commenters also questioned the relative need for project approvals given a perception that Greenbriar may somehow threaten urban infill potential within the City. As was expressed by the applicant's representatives, Sacramento Regional Transit and SACOG, there are a number of valid reasons why the City should consider project entitlements now, and why Greenbriar does not compromise the City's laudable infill objectives. The applicant also provided the Commission with a general explanation of the timing of the current entitlement request relative to the overall ability to secure final approvals and develop the project.

Beginning in 2005, the City of Sacramento and Sacramento LAFCo initiated a streamlined environmental review and approval process intended to help expedite project entitlements based on Greenbriar's unique project characteristics and policy consistency. These include the following:

1. Project design as a transit oriented development (TOD) and compatibility with SACOG's recently completed Blueprint Preferred Growth Scenario and the Smart Growth Principles advanced by the City-County Natomas Joint Vision Memorandum of Understanding;
2. Extension of RT's proposed Downtown-Natomas-Airport (DNA) light rail line through the project, the incorporation of a station site centrally located within the project, and RT's interest in remaining competitive for scarce federal funding;
3. The project's ability to accommodate expected population growth in addition to that which would be served by urban infill according to the City's General Plan Update estimates; and,
4. The unique geography of Greenbriar, bordered on three sides by existing and developing urban uses, including the North Natomas Community Plan, and the 1,900-acre Metro Air Park light-industrial office complex that will ultimately employ 38,000 workers immediately west of the project.

The City of Sacramento has formally acknowledged each of these as reasons why Greenbriar "is a unique application and should be treated accordingly" relative to efficient processing and timely approval consideration.

In a letter dated July 25, 2005, addressed to Sacramento LAFCo Executive Director Peter Brundage, then City of Sacramento Interim Planning Director Carol Shearly explained

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how each unique project characteristic justified LAFCo's consideration of concurrent processing of a sphere of influence amendment and annexation. (See Attachment 4.) Sacramento LAFCo, at its August 3, 2005 hearing, responded affirmatively to the City's suggestion for concurrent processing, and on November 1, 2005 the Sacramento City Council unanimously approved three resolutions (see Attachment 5) setting in motion concurrent sphere of influence and annexation processing.

Underscoring one particular aspect of project timing – the link between appropriate land use planning, public transit and federal funding – both Regional Transit and SACOG representatives have communicated on several occasions regarding Greenbriar's integral role in extending Sacramento's light rail line northward to eventually serve Natomas and the Sacramento International Airport.

In her presentation to Sacramento LAFCo on August 3, 2005 (the hearing regarding concurrent processing), Sacramento Regional Transit CEO and General Manager Dr. Beverly Scot explained the following:

I am here this evening specifically because the land use decisions that are made regarding the Greenbriar area and *the timing* of those decisions weigh heavily on the ultimate fate of the Downtown Natomas Airport light rail extension project.

The connection between our region's DNA project and the Greenbriar area is a real one. It is not contrived and it is not over blown. The direct connection between transit supportive existing land use and future patterns, and the success or lack of success of major capitol transit investments and fixed guideway transit systems, like the DNA, is absolutely real. It is also true that today, *50% of the project justification rating for all federal transit funding for rail projects is based on land use criteria.*

So the land use decisions that are made in our region, particularly along our planned high capacity transit corridors and specifically within ¼ mile of planned rail and or bus rapid transit stations are not only critical to ridership, but have also become absolutely critical to the federal transit administration's ultimate decisions about these projects. (emphasis added)

Mike McKeever, SACOG's Executive Director, also shared similar comments in an October 11, 2007 letter addressed to the City of Sacramento Planning Commission:

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Greenbriar will have 2,367 dwelling units within ½ mile of the light rail station, *46% higher than the average of all stations in the current system.* In fact, it would have more housing close to transit than all but eleven of the existing 52 stations.

Greenbriar would generate about 37% more boardings than the average of the 14 stations on [the DNA] line, and *10% of the approximately 20,000 daily boardings for the entire line.* (emphasis added)

In his October 11 testimony before the Planning Commission, Mr. McKeever, who oversees the development of the Metropolitan Transportation Plan also stated:

We think it is very critical that we get as much ridership into the DNA corridor as we can. We looked very carefully at the need for that train to make the system work in the future. We concluded that we have a very significant need for it and we need to make it work, *and this project is an important part of it.* (emphasis added)

Similarly, in a jointly signed letter dated October 24, 2007 from Regional Transit's Interim General Manager, Mike Wiley and Mr. McKeever, addressed to the City's Planning Commission, it is made abundantly clear that given the schedule for Congressional reauthorization of the Federal Transportation Bill, it is critical that Greenbriar be approved as soon as possible. According to the letter:

We expect [the Federal Transit Authority] to complete their [rail project] recommendations in mid to late fall, 2008. That means that we will be actively advocating with them through 2008 to include the DNA line on their recommended list. *That process will start in a few short months. . . . Proceeding with Greenbriar now is an important component* of helping the City and region to compete in very stiff competition for federal funding for this project. (emphasis added)

This region's association of governments and public transit operator obviously agree that Greenbriar is a unique and essential land plan necessary to facilitate the successful extension of light rail. It is also very clear that both agencies agree the project should be approved now without further delay.

Aside from the sensitive timing dynamics associated with transit funding, Commissioners and speakers at the October 11 Commission hearing expressed concerns that approving the Greenbriar project before infill potential was exhausted might be premature and may

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somehow threaten efforts to direct development interest towards the city's urban core and smaller vacant sites in Natomas. Mr. McKeever was specifically asked to respond to this concern.

According to Mr. McKeever, market competition for development – whether infill or urban edge – does not function simply within city boundaries; it operates at a much greater geographic scale. He emphasized that not only is there enough anticipated long-term demand for housing to warrant planning for both urban edge and infill development within the city, but that enough exists within and adjacent to the greater six-county region that to avoid developing a site such as Greenbriar could exacerbate pressure to develop outside of the region. The fundamental point stressed by Mr. McKeever is that it is dangerous to assume delaying the approval of the Greenbriar project will enhance efforts to develop urban infill projects because other extra-regional market forces may attract development interest outside of the city and region, thereby making it more difficult, not less, to develop successful infill projects. In other words, avoiding timely approval of urban edge development within the city doesn't mean it's replaced with a proportional interest in urban infill development, or interest in any development even within the same region.

In his testimony before the Planning Commission, Mr. McKeever stated the following:

I think that the risk of not building projects like this will stimulate leap frog development farther out is much greater than proceeding with projects like this will dampen infill in North Natomas. . . . Believe me, if the word gets out that projects like [Greenbriar] are not approvable, the pressure in the markets and in the politics with the people who have placed their bets much further out gets intense.

Additionally, in her July 25, 2005 letter to Sacramento LAFCo's Executive Director, Carol Shearly states the following, further demonstrating that Greenbriar is an appropriate new growth area that will function to complement, not jeopardize urban infill policy objectives:

The City feels it is necessary to accelerate the Greenbriar project ahead of the larger Sphere of Influence amendment, for which we are preparing an application later this year to address population growth. Estimates from the General Plan update project an additional 200,000 more people living within the City of Sacramento over the next 25 years. While the City has an aggressive infill strategy, it is recognized that accommodating future populations will require additional new growth areas. The Greenbriar

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project would be of benefit to the City in providing a centrally located new growth area adjacent to the urban edge. (emphasis added)

Finally, Commissioners and various speakers have commented that they don't see the need to approve Greenbriar now given the amount of subsequent approvals necessary to develop the property, combined with challenging market conditions that suggest it is premature to develop the property. These concerns seem to stem from a general misunderstanding of the overall approval process to which the project is subject, the amount of lead time and sequencing of events that is necessary to acquire all governmental approvals (as opposed to just legislative entitlements) and the scheduling contingencies that must be accounted for in order to roughly estimate when development would or could commence.

Beginning in 2005, the City of Sacramento and Sacramento LAFCo jointly sought an "expedited" process for the completion of an environmental impact report, sphere of influence amendment and annexation for the Greenbriar property. More than two years later, Sacramento LAFCo approved the sphere of influence amendment and municipal services review, and certified the EIR. Prior to taking this action, the applicant, working with the Fish and Wildlife Service, agreed to isolate tentative map approvals (both small and large lot, and the development agreement) from the legislative entitlements now before the Planning Commission. This separation of entitlements will facilitate parallel consideration of the applicant's proposed habitat conservation plan alongside detailed information about subdivision design vis-à-vis the project's tentative maps and tract-level design guidelines.⁷

Meanwhile, in order to continue refining the proposed habitat conservation plan, the applicant needs to understand the City's and LAFCo's commitment to modify land uses by way of rezoning, a general plan amendment, certification of the EIR, annexation, and other associated actions all of which are now ripe for consideration. The region's transit operator is likewise seeking the same level of commitment in order to help secure federal funding for the DNA light rail extension – the design centerpiece of the project. To continue delaying approval of the project's land use entitlements would only work to hamper efforts to complete a habitat conservation plan, the strategy of which proposes superior mitigation in terms of ratios and functionality, and to thwart RT's ability to compete effectively for federal transit funding.

⁷/ Pursuant to interest expressed by the Planning Commission, the applicant has agreed to craft separate Design Guidelines (as opposed to PUD Guidelines) in order to provide tract-level design standards.

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The legislative approvals currently before the Commission are intended to demonstrate, in appropriate sequence, the City's intent to implement a transit oriented, *Blueprint-supportive* land plan with appropriate environmental mitigation measures. The next entitlement stage would be to use land use approvals to vet specific subdivision design elements and details relevant to an evolving HCP, which would be the subject of future review and approval by the City, and federal and state resource agencies.

Because local housing market conditions are less than favorable, now is the appropriate time to seek Planning Commission recommendation of initial land use entitlements that precede further consideration of tentative maps, the project development agreement and subdivision design guidelines. It is also an opportune time to have LAFCo consider the City's annexation request.

The entitlements the Planning Commission is currently considering constitute a necessary "first step" to initiate a lengthy, multi-agency process to complete approval of the project, including bringing the property into the city limits. This, combined with the fact the applicant has agreed not to pursue vertical residential construction until the property re-acquires 100-year flood protection, provides the necessary intervening time to process tentative maps, draft design guidelines, work with federal and state resource agencies to address habitat mitigation, and for SAFCA to fortify Natomas Basin levees.

If the applicant were forced to wait until all global aspects of the Greenbriar proposal are addressed one by one – regardless of the fact that all land use entitlements and CEQA review is complete and ready for approval – it is very likely the property would not have in place all the entitlements necessary to develop in time to capitalize on a stable housing market expected within the next few years. It is also important for the Commission to understand it has already taken more than two years just to draft, circulate, revise and finalize the project EIR, all of which was suppose to occur on an "expedited" schedule.

The Planning Commission waiting to issue a recommendation on the project's land use entitlements and certification of the EIR would not serve any logical regulatory or process-related purpose, but it would signal the City's unwillingness to commit to a project staff and elected officials have publicly supported for more than two years. It would also make it much more difficult for Regional Transit to secure federal transit funding, contrary to the City's own objectives to facilitate a DNA light rail extension.

Recommending approval of the project's legislative entitlements now is the appropriate action to take for all the reasons cited by the various interests who continue to advocate for the project. The applicant respectfully requests the Commission recommend approval, and that the project be forwarded for City Council consideration.

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Pending Litigation

As you are aware, ECOS et al. filed a lawsuit on October 24, 2007, challenging LAFCo's approval of the Sphere of Influence Amendment and certification of the Environmental Impact Report (EIR) for the proposed Greenbriar project. Public Resources Code section 21167.3 requires that, despite a pending lawsuit against a lead agency, the challenged environmental document remains adequate unless and until the court reaches a final determination that the document is inadequate. (See also CEQA Guidelines, §§ 15231, 15233.) The EIR thus remains valid for purposes of the City's consideration of the Greenbriar project.

* * * * *

Thank you for your consideration. If you have any questions or concerns regarding the above, or regarding any other matters pertaining to the Greenbriar project, please contact me or my partner Ashle Crocker at your convenience.

Sincerely,

Tina A. Thomas

cc: Rich Archibald
Scot Mende
Carol Shearly
Nancy Miller
Phil Serna

26

From: <rmburness@comcast.net>
To: <redbanes@comcast.net>, <mnotestine@mognot.com>, <planning.samuels@yahoo.com>, <blw2@mindspring.com>, <dwoo@insurance.ca.gov>
Date: 10/9/07 12:24PM
Subject: Greenbriar Annexation

Dear Commissioners,

I urge you to recommend DENIAL of the accelerated approval of the Greenbriar annexation and PUD Ordinance. Critical issues regarding development of new lands in the Natomas Basin remain unresolved with respect to levee protection, mitigation of habitat loss, loss of farmland, infrastructure costs and revenue sharing.

As one of the architects of Sacramento County's General Plan Urban Service Boundary while working with the Sacramento County Planning Department during the development of the County General Plan, we recognized that the significant constraints of the Natomas Basin justified exclusion from future development. Then Supervisor Grantland Johnson agreed, with the proviso that future development, if it is going to occur at all, should be through annexation to the City of Sacramento. Years of negotiation led to the City and County's Joint Vision for Natomas. Implementation of that Vision remains in abeyance as the City of Sacramento reimagines its future and rethinks its priorities with widespread citizen input and in light of SACOG's overall Blueprint for the Sacramento region.

You are being asked to accelerate the development of a small portion of the Natomas area ahead of implementation of the Joint Vision, in the midst of a new City General Plan and prior to resolution of several important issues. Over the years I have seen too many land use decisions in this County driven primarily by political expediency with dubious justification and with the promise that future negotiations will resolve problems.

This particular project is an outstanding example. Greenbriar will NOT accelerate Light Rail to the Airport: it will remain on the distant horizon of the 2020's. Greenbriar will NOT provide sufficient funds of and by itself to significantly reduce the infrastructure financing issues in North Natomas. Conditioning approval to require Greenbriar's compliance with FEMA or with US Fish and Wildlife Service requirements will NOT guarantee adequate flood protection and habitat mitigation of and by itself.

I have long argued that comprehensive, coordinated planning is critical to responsible development. Your Commission has an opportunity to exhibit strong leadership in the region by insisting that the Joint Vision be implemented comprehensively and that solutions to long term flood protection, habitat protection and financing are in place prior to setting out on the path to entitlements for any given piece of land in the Natomas Basin.

Thank you for considering my input.

Please distribute this letter to other Commissioners not on this email distribution

Sincerely,

Rob Burness

CC: <dkwong@cityofsacramento.org>

September 8, 2007

Chairperson
Sacramento LAFCO
1112 I Street, Suite 100
Sacramento, CA 95814

SUBJECT: Please support Greenbriar

Dear Chairperson,

My housemate and I moved to North Natomas about two years ago. It is very frustrating to be so isolated and we would like more options nearby. We cannot even buy gas without driving several miles. It is tedious to have to go down Del Paso to get anything.

We live east of Highway 99 in the Regency Park development and are excited for the retail that Greenbriar will bring. It will be convenient to travel a short distance to do our grocery shopping or get a bite to eat at one of the restaurants. With Greenbriar so close to home, I could ride my bike instead of drive and also enjoy the area parks and public lake.

I am eager to welcome my new neighbor and enjoy what it has to offer. Please help make Greenbriar a reality and approve this much desired development quickly.

Thank you,



Alexis Jones
North Natomas Resident

Copies: Planning Commissioners
City Council

SEPTEMBER 18, 2007

CHARLES T. ROSE
CHAIRPERSON
SACRAMENTO LAFCO
1112 I STREET, SUITE 100
SACRAMENTO, CA 95814

DEAR MR. ROSE,

AS A SENIOR CITIZEN I URGE YOUR APPROVAL OF THE GREENBRIAR PROJECT.

I LIVE IN THE ADJACENT HAMPTON'S DEVELOPMENT. WITH THE GRAYING OF THE
POPULATION (MYSELF INCLUDED), THERE IS GREAT NEED FOR SENIOR HOUSING.
WE ALSO NEED TO HAVE THE LIGHT RAIL SERVICE TO OUR AREA AND THE AIRPORT. I HAVE
LONG SINCE GIVEN UP DRIVING AND MY DAUGHTER AND I WOULD WELCOME THE CHANCE TO
USE RAIL TO THE AIRPORT

RESPECTFULLY,



BELLE MERTZEL
36 CAMROSA
NORTH NATOMAS

From: "David Huhn" <dhuhn@lawsondb.com>
To: <planning.samuels@yahoo.com>
Date: 9/18/07 3:35PM
Subject: Support for Greenbriar

Dear Sacramento City Planning Commissioners , LAFCo Commissioners and
Sacramento City Council Members ,

I am writing to you to voice my support for the Greenbriar project.
Sacramento needs the light rail extension to the airport that Greenbriar
will help make a reality. Beyond that, Greenbriar is a wonderful example of
the type of smart growth, Transit Oriented Development that our area truly
needs.

As an avid cyclist, the bicycle friendly design that the Greenbriar
developer is pioneering in our area is the critical missing link in
promoting a better quality of life. In Greenbriar even a non-cyclist would
be able to go to work, go to the grocery and visit a store, all without an
automobile. This is not just about reducing vehicle miles or pollution, it
is about enabling a lifestyle change where one can live, work and play
largely without the need of a car. Other places have this down pat, why
shouldn't we have access to mixed use community designs like the Dutch have
had for years.

Finally, anyone can see that a proposal like this is visionary, and isn't
just another blob of sprawl dropped in our community. It is projects like
Greenbriar that are needed if we are not to become just another L.A. This is
ultimately why support of Greenbriar is needed: because if we cannot do this
now, when will we get to the point when we can have this type of community?
If this program is shot down now, when it does everything that a great
community plan is supposed to do, what will we see from other developers?

Thanks you in advance for your support of the Greenbriar project.

Yours,



817 14th St, Ste 100
Sacramento, CA 95814
916-447-4956
www.swainsonshawk.org



909 12th St, Ste 100
Sacramento, CA 95814
916-420-4829
www.ecosacramento.net



1414 K St, Ste 500
Sacramento, CA 95814
916-557-1100, x 108
www.motherlode.sierraclub.org

June 1, 2006

Chairperson Chris Tooker, LAFCo Commissioners,
Peter Brundage, Executive Officer
Sacramento County LAFCo
1112 I Street, Suite 100
Sacramento, CA 95814

cc: Sacramento City Council
County Board of Supervisors

RE: LAFCo Meeting, June 7, 2006, Greenbriar

Dear Chairperson Tooker, LAFCo Commissioners, and Mr. Brundage:

As you know, Sierra Club, Environmental Council of Sacramento, and Friends of the Swainson's Hawk have major concerns about the proposal to annex and convert 577 acres of farmland to urban development, known as "Greenbriar." This letter previews several issues; more detailed comments will be submitted after reviewing the DEIR.

Applicant AKT Development has requested that LAFCo hold a special meeting "to consider the Draft Environmental Impact Report" on June 15, 2006, only a few days after its release. This is clearly insufficient time for the Commissioners and the public to review the DEIR. Applicant is not entitled to such special treatment. It would be more appropriate for LAFCo to discuss the DEIR after Commissioners have sufficient time to review the both DEIR and the comment letters on the project and DEIR submitted by the public and Trustee and Responsible agencies.

1. Applicant's Attempt To Exempt Greenbriar from The Joint Vision Open Space Requirement of 1 Acre Preserved for Every Acre Developed Is Unwarranted

A foundational element of "Joint Vision" is its commitment to require development to provide open space mitigation at a ratio 1 to 1 "within the Sacramento unincorporated area." (See Joint Vision p. 3.) AKT has recently urged the City Council and Board of Supervisors to credit freeway buffers, urban parks, detention basins, man-made lakes, canals, and buffers between projects within "Greenbriar" as part of the 1 to 1 open space mitigation, which would result in much less dedication of open space outside the developed area than required by Joint Vision.

The detailed descriptions of what is regarded as "open space" mitigation in the Joint Vision MOU do not include freeway buffers, active parks, detention basins, man-made lands, or buffers within the scope of "open space." (See Jt. Vision pp. 3, 9, 10-11.) "Buffer areas will be derived

from developing land." (Jt. Vision p. 3.) The only community separator designated as "open space" in the Joint Vision MOU is at the Sutter/Sacramento County line. (See Jt. Vision p. 10.)

At public outreach meetings regarding drafting of Joint Vision, City staff repeatedly stated that "open space" acquired under Joint Vision would be outside the urbanized area. At no time did staff or City Council or the Supervisors state that urban parks, man-made detention fields, freeway buffers, canals, or other land uses within the urbanized area would be credited towards the 1 to 1 open space mitigation ratio.

Applicant argued to City Council and the Supervisors that it is too burdensome to acquire the open space mitigation land. The truth is that applicant already owns or contractually controls sufficient land to meet the 1 to 1 open space requirement in Sacramento County. These parcels, which would be difficult or infeasible to develop, are shown on the map attached as EXHIBIT A, indicated with hand-written cross-hatches. All are next to habitat preserves of the Natomas Basin Conservancy. These parcels are:

- APN No 201-110-22: 317 acres north of Elverta Road, connects two Natomas Basin Conservancy preserves. The northern half is within the mile-wide open space "community separator" designated by Joint Vision along the County line, and most is within the internal 100-year flood plain, shown on the map attached as EXHIBIT B, and thus difficult or perhaps infeasible to develop.

- APN No 225-020-22, -24, -03, -05, -26, -27, -21, -16, -10, totaling 275 acres, south of I-5, between I-5 and the West Drainage canal, adjoins the NBC's Fisherman Lake preserve, and is entirely within the internal 100-year flood plain, per map attached as EXHIBIT B. Much of it flooded on January 1, 2006 from stormwater and overflow from the West Drainage Canal. Proximity to the Airport runways makes residential development infeasible. Commercial development would be very expensive, perhaps infeasible, because it would require at least 18 inches of fill and a new drainage canal to the Sacramento River with pumps. The existing West Drainage Canal cannot accommodate additional stormwater (J. Lamare & J. Pachl pers. observation, January 1, 2006.) Commercial development at that location would compete with efforts to develop Metro Air Park, immediately north, which County hopes will become a revenue-generator.

- APN No 225-030-11, -46, is 135 acres on the east side of Fisherman Lake north of Del Paso Rd. AKT filed an application for annexation with City that has been in process for several years. Approximately forty percent is in the Swainson's Hawk Zone, which is to remain undeveloped as a mitigation measure of the Natomas Basin HCP. (The SWH Zone is measured one mile from the inland toe of the Sacramento River levee.) Jets flying 3000 feet overhead make it unsuitable for residential development. The western part was flooded from stormwater on January 1, 2006 (J. Lamare & J. Pachl pers. observation). Homeowners along the top of the low bluff to the east (Westlake) paid premium prices for the view because the developers sales agents said that it would remain undeveloped

- APN No 225-090-14, 225-010-50, which is 65 acres between Garden Hwy and Fisherman Lake, adjoining a small NBC preserve to the south.

AKT acquired these parcels when Natomas land prices were much lower than today, and there is no reason why AKT cannot dedicate all of these lands to mitigate for the effects of Greenbriar.

2. Light Rail To The Airport Is Financially Infeasible

Greenbriar proponents have argued that development of the site will help win Federal approval of Federal funding for light rail to Natomas and the Airport. The appearance that the DNA project is viable was created at LAFCo's August hearing to justify fast track "special treatment" for Greenbriar. Closer examination shows the DNA proposal to be a myth.

The cost estimate for the DNA line, as of December 2005, is now at least \$600,000,000. An elevated structure of approximately 1/2 mile is needed to span the American River floodway and two more bridges to cross I-80 and I-5. Projects of this magnitude are notorious for cost overruns. There is no evidence that projected ridership, even with Greenbriar and Joint Vision developed, will approach the level at which the Federal Transportation agency would consider funding. It is unreasonable to assume that local voters will tax themselves to pay for a very expensive rail line to the Airport or Natomas which most of the region's taxpayers would seldom or never have reason to use. Meanwhile, bus transit in North Natomas is minimal, as scarce transit funds are diverted to planning for DNA.

Our organizations obtained documents of the Regional Transit Agency, Federal Transportation Agency, and Corps of Engineers under the Public Records Act and FOIA. Review of those documents shows that the project proposal is barely moving at local and Federal levels. Communication between Regional Transit and the Federal agencies has been sparse. Two years ago, Bay Area Rapid Transit (BART) completed a rail line to the San Francisco International Airport, with 3 new stations en route. Ridership proved to be 1/3 of that projected. The Federal Transportation Agency is unlikely to make the same mistake as to Sacramento Airport, where passenger use is only a fraction of S.F. International.

Is it reasonable to expect the Federal Transportation Agency to risk a huge sum to build a light rail line in a flood hazard area having less than even 100-year flood protection?

The Sacramento region is recognized as an ozone non-attainment area. US EPA has policies against federal investment in capacity-increasing transportation projects in ozone non-attainment areas.

3. Development Of Greenbriar Violates The 2003 Natomas Basin Habitat Conservation Plan (NBHCP)

The effectiveness of the NBHCP's Operating Conservation program is explicitly premised on City's commitment to limit development to 8,050 acres within the City's Permit Area, Sutter to 7,464 acres, and Metro Air Park's to 1,986 acres, for a total of 17,500 acres. The NBHCP, EIR/EIS, and other decision documents rely upon the assumption that the rest of the Basin will remain in agriculture and continue to provide habitat values for threatened Giant Garter Snake (GGS) and Swainson's Hawk (SWH).

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CITY OF SACRAMENTO

The Federal District Court, Judge David Levi, construed the effect of these provisions in its decision upholding the 2003 NBHCP, September 8, 2005, as follows:

At pg. 30, fn. 13, of the Opinion, the Court states that:

"...the Service and *those seeking an ITP (Incidental Take Permit) in the future will face an uphill battle if they attempt to argue that additional development in the Basin beyond 17,500 acres will not result in jeopardy,*" pointing out that the HCP, Biological Opinion, Findings, and EIR/EIS are predicated on the assumption that development will be limited to 17,500 acres and the most of the remaining lands will remain in agriculture during the 50-year Permit Term.

At pg. 22, fn. 10, of the Opinion, the Court states that:

"...while plaintiffs contend that future development will vitiate the NBHCP, it is more likely that, if future development in the [Sacramento] County will have this effect, *the Secretary will decline to issue ITP's for development in [Sacramento] County or will insist on mitigation that may be considerably greater than required by the NBHCP.*"

The wildlife agencies have not agreed to issue Incidental Take Permits for Greenbriar. The required habitat mitigation ratio may substantially exceed 1 to 1 if these agencies were to issue such a Permit.

City's FEIR/EIS for the Natomas Basin Habitat Conservation Plan, pp. 3-30 - 3-31, certified by Sacramento City Council on May 13, 2003, represented to the wildlife agencies that:

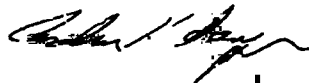
"Development of West Lakeside and Greenbriar Farms is not considered reasonably certain to occur *because extensive studies, planning and further analyses are required as part of the Joint Vision process before any development approvals may be considered* for any of these areas, and because the outcome of these efforts is unknown." (FEIR/EIS p. 3-31, attached.)

It would make more sense to consider development of Greenbriar after build-out of the 17,500 acres covered by the present Natomas Basin HCP. Thank you for considering this letter.

Sincerely,



Jude Lamare,
President, Friends of the Swainson's Hawk
916-447-4956



Andy Sawyer, President,
Environmental Council of Sacramento
916-420-4829



Vicki Lee
Conservation Chair
Mother Lode Chapter, Sierra Club
916-447-3670

Arwen Wacht - In Support of Greenbriar Project

From: "Gina S. McKeever" <gsmckeever@hotmail.com>
To: <diane.thorpe@sacrafc.org>, <peter.brundage@sacrafc.org>, <redbanes@comcast.net>, <mnotestine@mognot.com>, <planning.samuels@yahoo.com>, <blw2@mindspring.com>, <dwoo@insurance.ca.gov>, <jyee@oyarch.com>, <john.w.boyd@kp.org>, <hfargo@cityofsacramento.org>, <rtretheway@cityofsacramento.org>, <ssheedy@cityofsacramento.org>, <rkfong@cityofsacramento.org>, <lhammond@cityofsacramento.org>, <kmccarty@cityofsacramento.org>, <rwaters@cityofsacramento.org>, <bpannell@cityofsacramento.org>
Date: 09/17/2007 3:02 PM
Subject: In Support of Greenbriar Project
CC: <bmoore@sacbee.com>

Dear LAFCo Commissioners, Sacramento City Council Members and Sacramento City Planning Commissioners:

I am a north Natomas resident who respectfully requests your support of the Greenbriar project.

Living in north Natomas for more than five years, I have watched this area grow from open fields to acres of housing developments. But where are the restaurants, the retailers and the grocery stores to serve our consumer needs? It is no wonder that the roadways leading to the few retail options in places like Park Place and Natomas Marketplace/Promenade are congested. But from what I have learned about Greenbriar, it will not only give us other shopping options but also help facilitate the desperately needed light rail link to help ease Natomas traffic.

I am excited about what Greenbriar can do for our growing community and I hope that you share in my excitement by supporting this significant development.

Sincerely,
 Gina McKeever
 North Natomas Resident

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September 10, 2007

Charles T. Rose,
Chairperson
Sacramento LAFCO
C/o Peter Brundage, Executive Officer
1112 I Street, Suite 100
Sacramento, CA 95814

RE: Please Approve Greenbriar

Dear Charles Rose:

Please approve the Greenbriar project in North Natomas.

As an area resident, I support any project that can make rapid transit to the airport a reality. For too many years there has been talk of light rail to the airport...but nothing. This line will benefit Natomas and regional residents alike. With light rail, we will no longer have to rely on taxis or our cars to get to the airport; nor will we have to rely on congested commutes into downtown. We simply need light rail in Natomas.

I understand that Greenbriar is a critical link in getting funding for the future light rail line. So, to support Greenbriar is to support the future Natomas light rail which is a good thing. For this, I urge you to approve the Greenbriar project.

Sincerely,



Judith Levy
Heritage Park Homeowner, and
Downtown Business and Property Owner

September 13, 2007

Charles T. Rose, Chairperson
Sacramento LAFCO
C/O Peter Brundage, Executive Officer
1112 I Street, Suite 100
Sacramento, CA 95814

Re: Support for Greenbriar Project and Future Natomas Light Rail

Dear Mr. Rose,

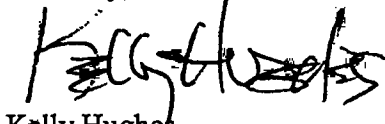
Various articles about the Greenbriar project in North Sacramento have been in the Sacramento Bee in the past few years. Tuesday's "Connecting Communities" ad in the newspaper prompted me send you this letter of support for the Greenbriar project.

As a resident of Natomas, I am very eager for light rail and expanded transit to be a greater part of my community. I believe the approval of the Greenbriar project will help support and stimulate the funding, development and construction of the Natomas light rail line.

I very much support the Greenbriar project and ask that you approve this transit-friendly development.

Should you have any questions, please telephone me at (916) 923-5387.

Sincerely,


Kelly Hughes
Homeowner

Cc: Sacramento City Planning Commissioners
Sacramento City Council Members
Sacramento Bee

The Hughes Family
3070 Bridgeford Drive
Sacramento, CA 95833

From: "Marc" <mbtrcimi@gmail.com>
To: <diane.thorpe@saclafco.org>, <peter.brundage@saclafco.org>, <redbanes@comcast.net>, <mnotestine@mogot.net>, <planning.samuels@yahoo.com>, <blw2@mindspring.com>, <dwoo@insurance.ca.gov>, <jyee@oyarch.com>, <john.w.boyd@kp.org>, <hfargo@cityofsacramento.org>, <rtrethaway@cityofsacramento.org>, <ssheedy@cityofsacramento.org>, <rkfong@cityofsacramento.org>, <lhammond@cityofsacramento.org>, <kmccarty@cityofsacramento.org>, <rwaters@cityofsacramento.org>, <bpannell@cityofsacramento.org>
Date: 9/18/07 8:41PM
Subject: Support for Greenbriar

Dear LAFCo Commissioners, Sacramento City Planning Commissioners and Sacramento City Council Members:

I write to you not just as a north Natomas resident, but also as a homeowner, a taxpayer, a husband, and a father. It is for all of these reasons that I support the Greenbriar project.

As a north Natomas resident I must say that nothing excites me about this project more than its ability to help make light rail to the airport a reality. As a taxpayer and homeowner though, nothing excites me as much as a project that helps make light rail to the airport a reality with someone else's money. To my knowledge there aren't too many other instances in recent Sacramento development history where a developer has voluntarily offered substantial assistance in the expansion of our collective mass transit system as a part of a proposed development. It doesn't seem very sensible to me to turn down an offer like this for a system that we desperately need.

As a husband and north Natomas resident another facet of the Greenbriar project that deeply appeals to me is the introduction of more retail into my neighborhood. Moreover, due to the transit oriented development nature of the Greenbriar project the retail that is part of Greenbriar looks like it will have less traffic associated with it than standard retail developments would elsewhere. I place this type of outcome in the "best of both worlds" category.

I urge you to support Greenbriar as I do.

Sincerely,

Marc and Alison Thomas

North Natomas Homeowners

CC: <bmoore@sacbee.com>

From: "Patrick Robrecht" <probrecht@earthlink.net>
To: <diane.thorpe@saclafco.org>, <peter.brundage@saclafco.org>, <redbanes@comcast.net>, <mnotestine@mognot.com>, <planning.samuel@yahoo.com>, <biv2@mindspring.com>, <dwoo@insurance.ca.gov>, <jyee@oyarch.com>, <john.w.boyd@kp.org>, <hfargo@cityofsacramento.org>, <rtretheway@cityofsacramento.org>, <ssheedy@cityofsacramento.org>, <rklfong@cityofsacramento.org>, <lhammond@cityofsacramento.org>, <kmccarty@cityofsacramento.org>, <rwaters@cityofsacramento.org>, <bpannell@cityofsacramento.org>
Date: 9/17/07 8:18PM
Subject: Greenbriar Project

To: Sacramento City Council Members, Sacramento City Planning Commissioners and LAFCo Commissioners

I grew up in this area, and have seen it change. What were once farm lands have given way to massive growth in residential housing. These houses lack the character often found in historic housing developments. It is for this reason that I support the Greenbriar project.

Greenbriar is to be celebrated. It preserves open space and follows the concepts of smart growth in ways that all other projects in this region should be required to follow for some time to come. A mixture of residential office and retail means that density in housing units per square mile is greater, and thus less land is needed for the same number of people. For too long developers have claimed that this type of development is not feasible, and that the economics of home-building in our region simply will not permit this type of community to be economically viable. The construction of the Greenbriar project will positively change the dynamics of the current development trends.

Help preserve the character of the region I grew up in by supporting the smart growth Greenbriar project.

Sincerely,
Patrick C. Robrecht, MBA

CC: <bmoore@acbee.com>

Charles T. Rose,
Chairperson
Sacramento LAFCO
C/o Peter Brundage, Executive Officer
1112 I Street, Suite 100
Sacramento, CA 95814

**Topic: More Transit and Light Rail Service in North Natomas – Approval
Needed for Greenbriar**

Dear Charles Rose,

Please approve the Greenbriar project in North Sacramento. This project appears to be well-planned and will bring more preferable transit and light rail to North Natomas.

I am very much in favor of getting more transit services for the North Natomas area. Traffic in our neighborhoods and on the highway (Highway 99 and Interstate 5) continues to increase and the light rail extension is a positive solution that can provide a serious benefit for Sacramento.

I understand that the Greenbriar development will donate nearly six and one half acres of land for the future use of the light rail line and the project will be designed to generate a significant number of light rail riders.

I am also in favor of the Greenbriar project because it will add many acres of parks, a public lake, and open space for Sacramento residents.

Your approval of this project will help to further the transit opportunities for North Natomas residents. Please vote to approve this project. I can be reached at (916) 804-1880, if you have any questions.

Sincerely,

Pedro Martinez
North Natomas Resident/Homeowner

Copies: Planning Commissioner
City Council Members
The Sacramento Bee

From: "Frank Porter" <Frank.Porter@rlusd.org>
To: <bpannell@cityofsacramento.org>, <hfargo@cityofsacramento.org>, <kmccarty@cityofsacramento.org>, <lhammond@cityofsacramento.org>, <rkfong@cityofsacramento.org>, <rtretheway@cityofsacramento.org>, <rwaters@cityofsacramento.org>, <ssheedy@cityofsacramento.org>, <redbanes@comcast.net>, <dwoo@insurance.ca.gov>, <john.w.boyd@kp.org>, <blw2@mindspring.com>, <mnotestine@mognot.com>, <jyee@oyarch.com>, <diane.thorpe@aclafco.org>, <peter.brundage@aclafco.org>, <planning.samuels@yahoo.com>
Date: 9/19/07 10:25AM
Subject: 9-19-07 - LAFCO Hearing - Greenbriar development- RLUSD Support

Dear LAFCO Board Members:

The Rio Linda Union School District (RLUSD) Board of Trustees and North Natomas 575 Investors LLC have reached agreement on both a Memorandum of Agreement and a Mutual Benefit agreement to provide for the construction of a new elementary school in the proposed Greenbriar development. These agreements were approved in July-August 2006 by both the RLUSD Board of Trustees and North Natomas 575 Investors LLC. These agreements provide supplemental mitigation payments to purchase land and construct a new elementary school in the Greenbriar neighborhood to serve this new proposed development.

RLUSD facilities and planning staff have worked with a design team of teachers, parents, management staff, and the district's architect to develop an initial conceptual design for the proposed school site. The Rio Linda Union School District looks forward to building a new elementary school to serve the families and children in the proposed Greenbriar development.

We appreciate the willingness of the North Natomas 575 Investors LLC to enter into this supplemental fee agreement to provide adequate funding for a new elementary school in this proposed new community.

Sincerely,

Frank Porter,
Superintendent
Rio Linda Union School District
627 "L" Street
Rio Linda, CA 95673

Telephone: 916-566-1600, ext. 1334
Fax: 916-991-6593
E-mail: frank.porter@rlusd.org

"A learning community supporting extraordinary achievement for children."

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all copies of this communication, including attachments, without reading them or saving them to disk. Thank you.

CC: <bmoore@sagee.com>

Sabine Bever
6301 Elkhorn Manor Dr
Rio Linda, CA 95673

September 14, 2007

Mr. Charles Rose
Sacramento AFPO
606 Peter Brundage
1112 I Street, Suite 100
Sacramento, CA 95814

Re: Letter of Support for Greenbriar

Dear Mr. Rose,

I understand that you are one of several officials currently reviewing the Greenbriar project proposed in North Sacramento. This letter is written in support of the Greenbriar project.

I have been a resident of Rio Linda for the past eight years and can tell you that we are woefully deficient in neighborhood restaurants, retail shops and grocery stores. The Greenbriar project will provide the opportunity for these desired restaurants and shops to locate in North Sacramento.

In addition, the project will enhance our North Sacramento area with more parks and open space.

The development of light rail transit to North Sacramento would also be a highly desired feature as I work in downtown Sacramento and I would appreciate the ability to utilize the light rail as a commute option.

Please support the Greenbriar project and approve this development. I am also sending a copy of this letter to the Mayor of Sacramento. If you have any questions, you may call me at 991-5453.

Respectfully,


Sabine Bever

cc: Mayor Fargo

From: "rockusc@jps.net" <rockusc@jps.net>
To: <jyee@oyarch.com>, <john.w.boyd@kp.org>, <hfargo@cityofsacramento.org>, <diane.thorpe@sacsfco.org>, <peter.brundage@sacsfco.org>, <redbanesjyee@oyarch.com>, <comcast.net>, <mnotestine@mognot.com>, <planning.samuel@yahoo.com>, <bh2@mindspring.com>, <dwb@insurance.ca.gov>
Date: 9/18/07 4:24PM

Dear LAFCo Commissioners, Sacramento, City Council Members and Sacramento City Planning Commissioners:

I am writing you in support of the Greenbriar project. For the last 3 years, I have been a member, and am currently Vice Chairperson, of the Sacramento City Unified School District Bond Oversight Committee. Our responsibility is to insure the wise and legal use of bond funds approved by voters. In such a capacity, I have become intimately aware of the funding challenges that confront public officials when looking at capital outlay projects.

It is in light of this experience that I write you. More than any other project that I know of, Greenbriar shows how a committed developer can voluntarily design a community so as to lessen the burden on taxpayers in the surrounding community. Greenbriar is of course outside the Sacramento City Unified School District, but that does not mean that I cannot see the value of the contribution towards the new K-6 school that Greenbriar has proposed. Beyond the school, Greenbriar includes parks that do not need to be paid for by a Recreation and Parks District, and a substantial contribution towards the Downtown-Natomas-Airport light rail extension. That all of this comes at a time when revenues from other building fees are looking to be reduced makes it even more impressive.

Please support Greenbriar.

Sincerely,

Michael Roekenstein

Sacramento

mail2web LIVE – Free email based on Microsoft® Exchange technology -
<http://link.mail2web.com/LIVE>

CC: <fretheway@cityofsacramento.org>, <ssheedy@cityofsacramento.org>, <rkfong@cityofsacramento.org>, <lhammond@cityofsacramento.org>, <kmccarty@cityofsacramento.org>, <rwaters@cityofsacramento.org>, <bpannell@cityofsacramento.org>

9/19/07



metrochamber

SACRAMENTO METROPOLITAN
CHAMBER OF COMMERCE

September 19, 2007

The Honorable Charles Rose
Chair, EAFCO
1112 I Street, Suite 100
Sacramento, CA 95814

RE: Greenbriar Project

Dear Commissioner Rose:

The Sacramento Metro Chamber has completed a preliminary analysis of the Greenbriar project and believes it incorporates many of the smart growth principles included in the SACOG Blueprint preferred scenario. A thorough review of the project is underway.

Representing nearly 2,500 member businesses and business organizations in the six-county Sacramento region, the Sacramento Metro Chamber serves as the region's voice of business and is the leading proponent of regional cooperation on issues affecting business, economic development and quality of life. The Metro Chamber strongly encourages cooperation across jurisdictional lines to address important public policy issues that impact jobs and the economy.

Over the last several years, the Metro Chamber has been one of the main proponents the SACOG Preferred Blueprint Scenario. "Blueprint," as it is commonly known, provides a regional land use guide that encourages growth in a smarter, more responsible and coordinated way.

The Blueprint preferred scenario shows that if the Sacramento region grows in a more sustainable manner, we can minimize traffic congestion and serve to improve air quality. This approach also allows us to maximize the use of existing critical infrastructure that helps to support improved housing affordability.

By design, the Blueprint is only a guideline. In order for Blueprint to be successful, local land use agencies need to authorize projects that incorporate Blueprint densities and smart growth principles. We believe the Greenbriar project is consistent with the densities and smart growth principles contained within Blueprint.

The Greenbriar project includes:

- 389 acres of residential development
- 30 acres of neighborhood commercial uses
- 150 acres of parks and open space
- The Greenbriar project is a transit-oriented development. Greenbriar is in close proximity to a future light rail station and is expected to generate

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Downey Food Alternatives LLP

Treasurer
Warren Kaufman
Partner
Kaufman LLP

President & CEO
Matthew R. Mahood
Sacramento Metro Chamber

metrochamber.org

One Capitol Mall, Suite 300
Sacramento, California 95814

Phone 916.552.4800
Fax 916.443.2672

chamber@metrochamber.org

approximately 1,162 daily riders, which significantly enhances the viability of the Downtown/Natomas/Airport line and the ability to secure federal funding.

- The owners of the proposed development are donating 6.42 acres of land, valued at \$5.4 million for the exclusive use of the DNA Light Rail Extension project.
- The owners of the proposed development are underwriting the establishment of a Transportation Congestion Relief Fund administered by the City of Sacramento that could be used to ease highway traffic.

The Metro Chamber respectfully requests LAFCO approve the Greenbriar project as presented.

Sincerely,



Matthew R. Mahood
President & CEO

September 15, 2007

Mr. Rose and Mr. Brundage
LAFCO
1112 I Street, #100
Sacramento, California
95814

Greenbriar

Dear Sirs:

Please approve the retail and neighborhood services, and new houses in the Greenbriar project. The school and parks will be very nice for new families moving to the area.

I live in the adjacent Hamptons development and would love to have a grocery store at Elkhorn Blvd. We need more services up here.

Thank you.


Sally Pettigrew

September 16th

Mr. Charles Rose
LAFCO
c/o Peter Brundage
1112 I Street, Suite 100
Sacramento, Calif.
95814

Request: Please Approve Greenbriar

Mr. Rose:

I am a tax payer and a senior citizen.

I would like to ask you to approve the Greenbriar project. Anything that helps bring rapid transit to our area and to the airport is positive for our neighborhood. We need good public transit to the airport and to jobs to provide for those that do not have cars, and to help reduce traffic.

Yours sincerely,



Ted Gibson
Taxpayer
2384 Cotterdale Alley
Sacramento, Calif.
95835

~~c. City Council and Supervisors~~

Brundage, Peter

From: William James [bajames@sbcbglobal.net]
Sent: Friday, September 14, 2007 3:07 PM
To: Thorpe, Diane; Brundage, Peter; redbaron@comcast.net; mnotastine@magnot.com; planning.emuelia@yahoo.com; blw2@mindspring.com; dwco@insurance.ca.gov; jye@oyarch.com; john.w.boyd@kp.org; hfargo@cityofsacramento.org; rrethway@cityofsacramento.org; ssheedy@cityofsacramento.org; rkfong@cityofsacramento.org; lhammond@cityofsacramento.org; kmccarty@cityofsacramento.org; rwaters@cityofsacramento.org; bpannell@cityofsacramento.org
Cc: bmo@pre@sacbee.com
Subject: re: Greenbriar Project, Mass Transit, & Taxes

14 September 2007

Dear LAFCo Commissioners, Sacramento City Council Members, and Sacramento City Planning Commissioners:

My name is Dr. William James. In addition to being an educator and a downtown Sacramento resident, I am also a homeowner. There are taxes, fees, and assessments that are regularly, and rightfully, levied against my home. I do not argue against these, because I know that they are needed for the proper functioning of our society. However, just because money needs to be spent on the public weal does not mean that it must of necessity come from taxpayers.

Without a doubt, Sacramento needs pleasant, secure, and affordable mass transportation from the airport to its urban core to be considered a world class city. The Greenbriar project by offering to help fund this necessary project relieves taxpayers like me of whatever portion of the obligation they voluntarily choose to take on. Further, by the very nature of transit oriented development, ridership on Sacramento's mass transit system can reasonably be expected to increase beyond that which would occur simply by extending light rail to the airport. This increase in ridership will provide additional revenues, further reducing the tax burden on homeowners such as myself.

I urge your strong support of the Greenbriar project.

Sincerely,

William James, Ph.D.
2717 2nd Avenue
Sacramento, CA 95818

9/14/2007