

Incorporation of Arden Arcade Final Environmental Impact Report SCH No. 2007102114



Sacramento LAFCo ■ May 5, 2010



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**Final Environmental Impact Report
Incorporation of Arden Arcade
Sacramento County, California
State Clearinghouse No. 2007102114**

Prepared for:



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Contact: Trevor Macenski, Project Manager



May 5, 2010

TABLE OF CONTENTS

Section 1: Introduction1-1

Section 2: Responses to Comments.....2-1

 2.1 - List of Commenters2-1

 2.2 - Responses to Comments2-2

Section 3: Errata.....3-1

LIST OF TABLES

Table 2-1: List of Commenters2-1

Table 2-1: Land Use Designations and Vacant Lands3-5

Table 3.5-1: Land Use Designations and Vacant Lands3-10

Table 3.7-1: Land Use Designations and Vacant Lands3-15

LIST OF EXHIBITS

Exhibit 2-2a: Proposed Project Boundary3-23

Exhibit 2-2 b: Proposed Project Boundary (Southwest Section)3-25

Exhibit 2-2c: Proposed Project Boundary (Southeast Section)3-27

Exhibit 2-2d: Proposed Project Boundary (Northeast Section)3-29

Exhibit 3.5-1: Arden Arcade Community Plan Area3-31

Exhibit 3.8-1: Fire Station Locations.....3-33

Exhibit 3.8-2: Park Agencies3-35

Exhibit 4-1a: Alternative Boundary3-37

Exhibit 4-1b: Alternative Boundary (Southwest Section).....3-39

Exhibit 4-1c: Alternative Boundary (Southeast Section)3-41

Exhibit 4-1d: Alternative Boundary (Northeast Section).....3-43

SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the Sacramento Local Agency Formation Commission, as the lead agency, has evaluated the comments received on the Incorporation of Arden Arcade Draft EIR. This document is organized into these sections:

- **Section 1: Introduction.**
- **Section 2: Responses to Comments on the Draft EIR.** Provides a list of the agencies, organizations, and individuals that commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 3: Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

Because of its length, the text of the Draft EIR is not included with these written responses; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Draft EIR identified in this document constitutes “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, a recirculation of the DEIR is not required.

SECTION 2: RESPONSES TO COMMENTS

2.1 - List of Commenters

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Table 2-1: List of Commenters

Commenter	Comment Date (mm.dd.yyyy)	Commenter Code
LEAD AGENCY		
Sacramento Local Agency Formation Commission Members Meeting	3.3.2010	LAFCo1
Sacramento Local Agency Formation Commission Members Meeting	4.7.2010	LAFCo2
LOCAL AGENCIES		
County of Sacramento, Department of Transportation, Matthew G. Darrow	02.24.2010	SACDOT
County of Sacramento, Department of Waste Management and Recycling, Paul Philleo, Director	03.09.2010	SACDWMR
Sacramento Suburban Water District, Robert S. Roscoe, P.E., General Manager	03.29.2010	SSWD
Sacramento Department of Water Resources, Michael Peterson, Principal Civil Engineer	03.30.2010	SACDWR
Sacramento County Water Agency, Department of Water Resources, Dave Underwood, P.E., Senior Engineer	03.30.2010	SCWA.2
Sacramento County Water Agency, Department of Water Resources, Kerry Schmitz, Principal Civil Engineer	03.31.2010	SCWA.1
Sacramento County Airport System, Glen Rickelton, Airport Manager, Planning and Environment	04.01.2010	SCAS
County of Sacramento, Planning and Community Development Department, Robert Sherry, Director	04.02.2010	SACPCDD
Sacramento County, Department of Environmental Review and Assessment, Joyce Horizumi, Director	04.05.2010	SACDERA
Sacramento Metropolitan Air Quality Management District	04.05.2010	SMAQMD
City of Sacramento, Scot Mende, New Growth and Infill Manager	04.06.2010	SACCITY

Table 2-1 (cont.): List of Commenters

Commenter	Comment Date (mm.dd.yyyy)	Commenter Code
Sacramento Housing and Redevelopment Agency, Rochelle Amrhein, Environmental Coordinator; Donald Cavier, Director of Finance	04.08.2010	SHRA
INDIVIDUALS		
Michael Seaman	11.11.2007	MS1
Michael Seaman	12.26.2007	MS2
Michael Seaman	09.26.2009	MS3
Robert M. Heiligman, MD	03.13.2010	RMH
Bill Davis	03.26.2010	BD
Robert M. Lanphear	04.06.2010	RML

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the Sacramento Local Agency Formation Commission, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2007102114) for the Incorporation of Arden Arcade Project, and has prepared the following responses to the comments received. This Responses to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as that which is used in the List of Commenters.

Lead Agency

Comments made by the Sacramento Local Agency Formation Commission Members at the March 3, 2010 meeting can be viewed on a DVD available at:

**Sacramento LAFCo Office
1112 I Street, Suite 100
Sacramento Ca 95814
Monday–Friday, 8 a.m.–4 p.m.**

Sacramento Local Agency Formation Commission Members Meeting (LAFCo1)

Response to Comment LAFCo1-1

Commissioner Rose had a concern related to the area between Fair Oaks Boulevard and the American River and if the Draft EIR addressed potential impacts to that area. Additionally, he asked if those residents would be voting on the incorporation question.

The area between Fair Oaks and the American River is analyzed in the Draft EIR under the Alternate Boundary Alternative. Only those residents who reside within the boundaries of the proposed incorporation area have voting authority in accordance with findings of the *Board of Supervisors of Sacramento County v. Local Agency Formation Commission of Sacramento County* (1992) 3 Cal. App. 4th 903 Supreme Court, regarding the Citrus Heights Incorporation.

Response to Comment LAFCo1-2

Commissioner Rose had a concern regarding the provision of water, drainage, and flood control services.

As described in Section 2, Project Description of the Draft EIR, the special districts and private water purveyors would continue to serve the new city. Portions of the new city are within the boundaries of the American River Flood Control District (ARFCD), which would maintain existing operations and jurisdiction. The County would continue to provide drainage and flood control in areas outside the ARFCD. An analysis of the public services and potential impacts related to services is provided in Section 3.8, Public Services of the Draft EIR.

Response to Comment LAFCo1-3

Commissioner Yee was concerned regarding the structure of the proposed Arden Arcade City Council and the number of votes that each council member and the mayor would be allotted.

As described in Section 2, Project Description of the Draft EIR, the future City Council would consist of seven total members, the mayor and six council members, each of whom would be allotted a single vote.

Response to Comment LAFCo1-4

Commissioner Budge had a concern regarding the number of voting members on the new city council and asked for clarification that there are seven members on the council.

Refer to Response to Comment LAFCo1-3.

Response to Comment LAFCo1-5

Commissioner Budge had a concern regarding the need for an analysis of potential impacts on climate change; stating that only two percent of the incorporation area consists of “vacant land.”

As discussed on pages 3.1-36 and 3.1-37 of the Draft EIR, CEQA now requires an analysis of climate change, and the new city must comply with AB 32 and SB 375 to assess impacts on climate change and reduce greenhouse gas emissions. Mitigation included in the Draft EIR would require the new city to develop a climate action plan, thereby reducing potential impacts to less than significant.

Response to Comment LAFCo1-6

Commissioner Budge had a concern regarding the relationship of the new city with special districts and other service providers; and inquired if the new city could exercise some control over the other service providers. Additionally, she also asked if there was a list of service providers provided in the Draft EIR.

As described in Section 2, Project Description of the Draft EIR, the new city would not have jurisdiction over “other service providers.” As stated on page 2-8 of the Draft EIR, “The services would include but are not limited to planning and land use regulation, engineering, law enforcement, animal control, parks and recreation, building inspections, and utility services (such as water, sewer, and solid waste).” The list of service providers is provided in Table 3.8-6 of the Draft EIR.

Response to Comment LAFCo1-7

Commissioner Budge had a question regarding the proposed incorporation boundary as it relates to Winding Way.

Additional maps were prepared to illustrate details of the proposed project’s boundary as well as the Alternate Boundary Alternative’s boundary. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR, including the newly prepared maps shown in Exhibits 4-1a, 4-1b, 4-1c, and 4-1d. Exhibit 4-1d illustrates the northern portion of the Alternate Boundary Alternative, north of Winding Way. As shown in Exhibit 4-1d, the area north of Winding Way included in the Alternate Boundary Alternative is a residential area of lot sizes consistent with the land south of Winding Way. In addition, the included neighborhood is accessible only by Winding Way and Pasadena Avenue, with the northernmost lots backing an adjacent drainage (Arcade Creek). North of Arcade Creek are larger lot residential parcels as well as office land uses accessed by Auburn Boulevard. Between the included neighborhood and the City of Sacramento to the west are large vacant parcels and a small, low-rise apartment complex that are similarly accessed by Winding Way. The vacant parcels and small, low-rise apartment are also included in the Alternate Boundary Alternative. Inclusion of this northern portion was proposed as part of the incorporation application, as it was determined to be a logical extension of the proposed new city due to access issues, land use and parcel consistency, as well as location between Pasadena Avenue, the City of Sacramento, and Arcade Creek. The text of

Section 4.1.3 has been amended to include more discussion about the reasoning for including each identified alternatives. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment LAFCo1-8

Commissioner Tooker asked about the discussion of impacts for the “southern area” (the area south of Fair Oaks Boulevard).

The Alternative Analysis, Section 4 of the Draft EIR, provides a discussion of impacts related to the area south of Fair Oaks Boulevard, which was considered in the Alternate Boundary Alternative.

Response to Comment LAFCo1-9

Commissioner Tooker asked how environmental justice impacts were evaluated and the type of analysis that was conducted in the Draft EIR. Additionally, he requested clarification regarding the assumption of demographics used in the analysis.

The environmental justice analysis included in Section 3.10, Environmental Justice of the Draft EIR, utilized area-specific census data to determine if there were sensitive groups that would adversely be impacted by the incorporation. The assumption that a proposed incorporation area’s demographics would remain consistent is a commonly accepted practice, especially when a proposed incorporation area has a limited amount of vacant or undeveloped lands. These vacant lands are often associated with a community’s growth potential, which is a predominate factor that could potentially influence a community’s demographics. As stated in the Draft EIR, it was determined there would be no impact, since the proposed incorporation area’s demographics would remain the same.

Response to Comment LAFCo1-10

Commissioner Tooker asked about the noise analysis and whether land uses had to be consistent with the Airport Land Use Commission Comprehensive Land Use Plan (CLUP), also now known as Airport Land Use Compatibility Plan (ALUCP).

The County of Sacramento adopted the use of a 60-db CNEL Theoretic Capacity noise contour for land use planning in 2005. However, the current Comprehensive Land Use Plan for McClellan Airport utilizes the noise contour of 65-db CNEL, and the Draft EIR utilizes the 65-db CNEL boundary in Impact 3.6-5 (Public Airport Noise Levels). The newly adopted 60-db CNEL Theoretic Capacity noise contour does not extent into the incorporation boundary; however, the entire incorporation area is located within the McClellan Airport Planning Policy Area (APPA), which identifies areas that are and may be affected by aircraft overflights. The Draft EIR text on pages 3.6-7 and 3.6-8 will be modified to include a discussion of the County’s 60-db CNEL contour, and the project’s location within the McClellan Airport Planning Policy Area (APPA). In order to be consistent with the McClellan APPA, Mitigation Measure 3.6-5 on page 3.6-19 of the Draft EIR has been modified to ensure new residential development within the new city be provided disclosure notices regarding aircraft overflights and to ensure avigation easements are granted to Sacramento County. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR. Note that these

changes to the Draft EIR text do not change the significance determination. Also see Response to Comments SCAS-2 and SCAS-3.

Response to Comment LAFCo1-11

Commissioner Tooker inquired if the Commission could approve an alternate boundary.

As documented in the Opinion Paper of Attorney General Edmund G. Brown Jr., date June 27, 2008, No. 07-206,

LAFCo may change the boundaries of a proposal to prevent “an overlap of service responsibilities and inefficiencies in service provision” Placer, 135 Cal. App. 4th at 798 (quoting Daniel J. Curtin, Curtin’s Cal. Land Use and Planning Law, 381-382 (24th ed., Solano Press 2004)) or “to bring about a unified and accountable government” Fallbrook, 208 Cal. App. 3d at 760. Indeed, these purposes lie at the heart of the policy that underlies the entire local government reorganization scheme Govt. Code § 56001. In light of these authorities, we believe that a decision to enlarge the boundaries of an incorporation proposal to promote the efficient extension of services would be an appropriate exercise of a LAFCo’s powers to approve, disapprove, or amend a proposal.

The Opinion Paper No. 07-206 provides that a LAFCo has the discretion to modify the boundaries of an incorporation proposal. Therefore, as stated in the Draft EIR under the Alternate Boundary Alternative, LAFCo may approve an alternative that includes incorporation of all or a portion of the remainder (the area outside of the proposed project’s boundary) of the Arden Arcade Community Plan area. As stated above, the potential for inclusion of all or a portion of the Alternate Boundary Alternative in the incorporation area was analyzed in Section 4, Alternatives Analysis, of the Draft EIR.

Response to Comment LAFCo1-12

Commissioner Tooker raised a concern regarding the Draft EIR’s analysis related to climate change and questioned the need for mitigation that would require the new city to complete a climate action plan. The Commissioner also inquired if this was a requirement for the incorporation of Rancho Cordova.

As discussed on pages 3.1-36 and 3.1-37 of the Draft EIR, CEQA now requires an analysis of climate change, and the new city must comply with AB 32 and SB 375 to assess impacts on climate change and reduce greenhouse gas emissions. Mitigation included in the Draft EIR would require the new city to develop a climate action plan, thereby reducing potential impacts to less than significant. Rancho Cordova was incorporated prior to the passage of these bills, as well as the CEQA Amendments, and therefore was not required to assess impacts on climate change.

Response to Comment LAFCo1-13

Commissioner Tooker inquired if there was a discussion of the Winding Way alternative.

The inclusion of a small area north of Winding Way has been considered as part of the Alternate Boundary Alternative that also considers inclusion of the area between Fair Oaks Boulevard and the American River Parkway, south of the proposed incorporation area. Discussion of this alternative is located in Section 4 of the Draft EIR. The inclusion of the small area north of Winding Way was not considered as an independent alternate boundary.

Response to Comment LAFCo1-14

Commissioner Tooker asked if there was a requirement for the Commission to address RHNA numbers.

The comment is addressed in SACPCDD-1. Government Code Section 65584.07 describes the process for transferring RHNA for an incorporation.

Response to Comment LAFCo1-15

Commissioner Peters was concerned about the analysis of alternate boundaries. The Commissioner raised questions about the Winding Way alternative and whether the boundary should be the historical boundaries of the Arden Arcade community that extended to the American River.

The Draft EIR analyzed a single Alternate Boundary Alternative that included extending the incorporation area to include a small area north of Winding Way and the area between Fair Oaks Boulevard and the American River Parkway. The inclusion of the small area north of Winding Way was not considered an independent alternate boundary.

Response to Comment LAFCo1-16

Commissioner Jones also expressed concern about the transfer of RHNA. Refer to Response to Comment LAFCo1-14. Also see Response to Comment SACPCDD-1.

**Comments made by the Sacramento Local Agency Formation Commission Members at the April 7, 2010 meeting can be viewed on a DVD available at:
Sacramento LAFCo Office
1112 I Street, Suite 100
Sacramento Ca 95814
Monday–Friday, 8 a.m.–4 p.m.**

Sacramento Local Agency Formation Commission Members Meeting (LAFCo2)

Response to Comment LAFCo2-1

Commissioner Peters was concerned that the drainage for a portion of the new city is served by a pump station that is outside the proposed boundary and that was not addressed in the Draft EIR.

The Commissioner notes that portions of the project area utilize the D05 Drainage Pump Station (located outside of the proposed project boundary), and that the new city would become responsible for the facility. Sacramento County maintains and operates the D05 pump facility. The project area does drain to the D05 Drainage Pump Station for discharge of stormwater from the Chicken Slough and Strong Ranch Slough watershed. However, as noted above, the facility is located outside of the proposed project's boundaries. Transfer of maintenance and operations of the offsite facility is not a CEQA impact, and it would be determined by negotiations of the new city and the County. As such, no further analysis is required. Also see Response to Comment SACDWR-2.

Response to Comment LAFCo2-2

Commissioner Peters was concerned about the ability of the Sacramento County Sheriff's Department to serve the area between Fair Oaks Boulevard and the American River, if it were to remain within the County's jurisdiction and not be included as part of the new city.

The Commissioner assumed the new city either will provide its own Police Department or will contract with another law enforcement service provider. If the new city contracts with the Sacramento County Sheriff's Department, there would be no impact. No further analysis was completed regarding whether existing law enforcement service levels between Fair Oaks Boulevard and the American River may be reduced because that circumstance is uncertain enough to be considered speculative. As such, no further analysis is necessary.

Response to Comment LAFCo2-3

Commissioner Tooker expressed concern about the analysis of the Alternate Service Provider Alternative.

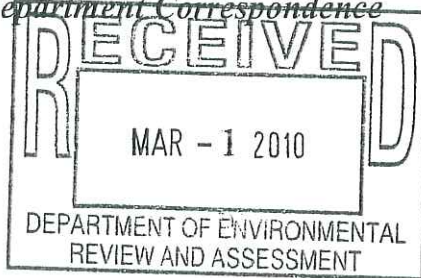
Under the Alternate Service Provider Alternative, the Draft EIR assumes the City of Sacramento would provide a full complement of services while the Comprehensive Fiscal Analysis (CFA) assumes that the City of Sacramento will only provide those services that are currently provided by the County. Further, the level of service provided by the City of Sacramento is different from that of the County. The Draft EIR evaluates a most conservative scenario where the City of Sacramento, a

full-service city, provides all of its services. As a most conservative scenario, the impacts are maximized. If a lesser degree of services were to be provided by the City of Sacramento, the resulting impacts would be proportionally less than those analyzed in the Draft EIR. Also see Response to Comment SACCITY-21.

FILE COPY

COUNTY OF SACRAMENTO

Inter-Department Correspondence



February 24, 2010

RECEIVED

APR 05 2010

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

TO: Joyce Horizumi
Department of Environmental Review and Assessment

FROM: Matthew G. Darrow *MGD*
Department of Transportation

SUBJECT: Draft Environmental Impact Report for the Incorporation of Arden Arcade

The Department of Transportation has reviewed the Draft Environmental Impact Report (DEIR) for the incorporation of Arden Arcade dated February 18, 2010. Thank you for the opportunity to comment. We have the following comments as listed below.

If the maintenance and operations of any existing County roadway facilities will be affected by this proposal the County requests that any financial impact to its roadway maintenance and operations programs be rectified. This information is not in the DEIR.

SACDOT-1

If any joint roadway maintenance facilities will be created by this proposal then agreements as to who will be financially responsible for maintenance and operations of the roadways should be made. This should be coordinated with the Maintenance and Operations Division of the Department of Transportation. This is not in the DEIR.

SACDOT-2

The document states that incorporation will cause no changes to the existing land use plan; therefore, potential impacts on the surrounding roadway facilities will not occur. If land use plans do change in the future, we recommend that prior to the adoption of new land development plans, impacts to the County's roadways shall be studied and proper funding mechanisms shall be identified in the financing plans to upgrade the county's roads to meet the needs of increased traffic in the project vicinity.

SACDOT-3

Furthermore, we have attached our previously submitted NOP comment letters dated November 16 and 19, 2007. Although the subject matter that is in these letters does not necessarily affect the contents of the DEIR, and to the extent that these issues have not been addressed, we request that these outstanding comments be addressed and made conditions of incorporation during the LAFCO hearing process.

SACDOT-4

Joyce Horizumi
February 24, 2010
Page 2 of 2

If you have any questions, please feel free to contact me at (916) 874-6291 or darrowm@saccounty.net.

MGD:mgd

Attachments

CC: Paul Hahn – MSA (w/ attachments)
Steve Pedretti – MSA (w/ attachments)
Bob Davison – IFS (w/ attachments)
Toni Barry – DERA (w/ attachments)
Mary Ann Dan – MSA (w/ attachments)
Michael Penrose – DOT (w/ attachments)
Reza Moghissi – DOT (w/ attachments)
Dean Blank – DOT (w/ attachments)

Local Agencies

County of Sacramento, Department of Transportation, Matthew G. Darrow (SACDOT)

Response to Comment SACDOT-1

The commenter requests that “financial impacts to [its] roadways maintenance and operations programs be rectified” and states that the fiscal impacts information is not in the Draft EIR.

The Draft EIR does not contain financial ~~fi~~seal information because it is focused on environmental, rather than financial, impacts. In *San Franciscans Upholding the Downtown Plan*, the court made clear that an EIR focuses on the environment (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal. App. 4th 656, 689). As such, an EIR is not required to provide an “economic or cost analysis” (Id. at 691). Therefore, an agency is not required to include economic or financial information in an EIR (Id. at 691, [citing *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal. App. 4th 704, 715 fn.3]). However, financial information is included in the “Proposed Arden Arcade Incorporation (LAFCo 07-03) Comprehensive Fiscal Analysis,” which is available at Sacramento LAFCo’s website, <http://www.saclafo.org/default.htm>.

Response to Comment SACDOT-2

The commenter suggests that if any joint roadway maintenance facilities will be created, the Draft EIR should identify the financially responsible party for maintenance and operation of joint roadway maintenance facilities and there should be coordination with the County Maintenance and Operation Division of the Department of Transportation.

Comment noted. Mitigation Measure 3.8-14b requires the new city to take financial responsibility for maintenance and operation of streets that lie on the boundary between the City of Sacramento and the new city. There are no additional joint roadway maintenance facilities other than those identified in Impact 3.8-14 that are anticipated.

Response to Comment SACDOT-3

The commenter suggests that if land use plans change in the future, prior to adoption of new development plans, impacts to the County’s roads should be studied and funding mechanisms should be identified to upgrade County roads to meet the needs of increased traffic.

Comment noted. Mitigation Measure 3.5-2 requires the City of Arden Arcade to develop vacant lands consistent with the adopted County General Plan until the new city adopts its own General Plan and associated EIR. The impacts of changes in land use on the County road system will be addressed at that time.

Response to Comment SACDOT-4

The commenter requests that the subject matter in the November 16 and 19, 2007 NOP comment letters “be addressed and made conditions of incorporation during the LAFCo hearing process.”

The comment requests additional actions by LAFCo that, as indicated in the comment, “does not affect the contents of the Draft EIR.” Therefore, the comment is noted and no further discussion is necessary.

Department of Waste Management & Recycling

County of Sacramento
9850 Goethe Road
Sacramento, CA 95827-3561

Municipal Services Agency
Mail Code: 61-001
Phone: (916) 875-6789
Fax: (916) 875-6767

SACDWMR
Page 1 of 2

MEMORANDUM

RECEIVED

APR 05 2010

SACRAMENTO LOCAL AGENCY
MITIGATION COMMISSION

Date: March 9, 2010

To: Peter Brundage, Executive Director, Sacramento LAFCo
From: Paul Philleo, Director, Sacramento County Waste Management and Recycling
Subject: Comments on Arden Arcade Incorporation Draft Environmental Impact Report

Sacramento County Department of Waste Management and Recycling (DWMR) staff has reviewed the Draft Environmental Impact Report (EIR) for the proposed Arden Arcade incorporation and would like to offer the following comments.

I. Mitigation Measure Discrepancy

We have noted a discrepancy between the mitigation measure language in the Executive Summary Matrix on page ES-18 and in the Public Services Environmental Impact Analysis Section on page 3.8-36. In the Executive Summary the mitigation measure reads:

“LAFCo shall condition the incorporation approval to require the new city to contract waste collection services through the County of Sacramento’s Department of Waste Management and Recycling Services.”

In the Environmental Impact Analysis Section the mitigation measure reads:

“LAFCo shall condition the incorporation approval to require the new city to contract waste collection services through the County of Sacramento’s Department of Waste Management and Recycling Services *or competent private hauler to maintain current service levels, at a minimum.*”

After a review of the Solid Waste Impact Analysis section of the report (page 3.8-36) DWMR staff believes that the mitigation measure language in the Executive Summary is the correct version. Specifically, the Analysis section references the “continuation of established services” and states that “mitigation is proposed that would require the new city to contract waste collection services through the County of Sacramento.” Both phrases indicate that the Executive Summary language is the intended language. We request that the mitigation measure in the Analysis Section be corrected to reflect the language found in the Executive Summary Matrix.

SACDWMR-1

2. *Environmental Impact Analysis*

We support the inclusion of Mitigation Measure 3.8-11, requiring the new city to contract waste management services through the County of Sacramento DWMR. However, the environmental analysis should make note of the potential environmental impacts avoided through continued DWMR collection and disposal service.

First, it should be noted that contracting with DWMR will ensure that no waste is exported out of the county. The County disposes of solid waste from the proposed incorporation area at the Kiefer Landfill and Recycling Facility in the eastern portion of Sacramento County, 19 miles away from the Arden Arcade community. While a private contract is not guaranteed to result in waste export, it is a common practice in the region. For example, the waste management services contractor for the cities of Elk Grove, Rancho Cordova, and Citrus Heights exports the waste from all three cities to the Forward landfill in San Joaquin County, approximately 70 miles away. Waste export could have significant air quality impacts due to the increase in vehicle miles travelled, leaving continued service by DWMR the environmentally superior alternative.

Second, the majority of the DWMR collection fleet uses Liquid Natural Gas (LNG), which has lower CO₂ emissions than other fossil fuels. Continued waste collection by DWMR ensures ongoing use of these vehicles and therefore no potential for additional air quality impacts due to a change in fuel type.

Thank you for the opportunity to submit comments. Please contact me at (916) 875-7011 or Jessica Brandt of my staff at (916) 875-0131 if you need additional information.

SACDWMR-2



**County of Sacramento, Department of Waste Management and Recycling, Paul Philleo,
Director (SACDWMR)**

Response to Comment SACDWMR-1

The commenter noted a discrepancy between language of Mitigation Measure 3.8-11 in the Executive Summary and the same mitigation measure as included under Impact 3.8-11. The commenter suggests that the version presented in the Executive Summary is the intended and correct version. The correct version is the mitigation measure in the Section 3.8 of the Draft EIR. Mitigation Measure 3.8-11 on page ES-18 of the Executive Summary has been edited to retain consistency between it and the mitigation measure as presented on page 3.8-36. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACDWMR-2

The commenter notes that DWMR does not export waste to outside of Sacramento County, and that a similar guarantee may not be found with private contracting. The commenter states that waste export could have an air quality impact due to increased vehicles miles traveled. In addition, the commenter notes that DWMR's fleet uses alternative fuels that have a lower carbon dioxide emission rate than other fossil fuels. However, the likelihood of the new city to contract to a private hauler, as well as the potential for a private hauler to export the waste to outside of the county is currently unknown and remains speculative. Therefore, no additional analysis or further discussion is necessary.



March 29, 2010

SSWD
Page 1 of 2

Mr. Peter Brundage, Executive Officer
 Sacramento Local Agency Formation Commission
 1112 I Street, #100
 Sacramento, CA 95814

Subject: Draft Environmental Impact Report (EIR) for Incorporation of Arden
 Arcade

Dear Mr. Brundage:

Sacramento Suburban Water District (SSWD) has reviewed the draft Environmental Impact Report (EIR) for the proposed incorporation of Arden Arcade. We have the following comments:

- Impact 3.8-7: SSWD retains the responsibility to provide water to the majority of the area identified in the project. The responsibility for water supply planning and design of the infrastructure to deliver water is retained by the District for those areas served by the District. Any community development or planning by the project which impacts water supply availability would require certification and approval of SSWD for those areas within its service area.
 SSWD-1

- Impact 3.8-7: SSWD retains responsibility for review and approval for any permitting that involves a water connection or improvement.
 SSWD-2

- Page 3.4-9: SSWD believes the largest source of groundwater pollution near the proposed incorporation area is the Aerojet plume, not residual contaminants from the McClellan Air Force Base. The McClellan Air Force Base plume is considered contained and well on the way to being remediated. In addition, the McClellan plume is considered to be contained. The Aerojet plume has migrated under the American River and currently threatens groundwater aquifers underlying the communities of Carmichael and Arden-Arcade. Remediation systems are being installed north of the American River but the plume has yet to be contained.
 SSWD-3

- Page 3.4-20: On page 3.7-5, it is reported that the project has the potential for the addition of 1,188 new residents in this area; this does have a significant impact on water supply demand and depending on the location within the incorporated city boundary, service to this number of additional connections
 SSWD-4



Mr. Peter Brundage
March 29, 2010
Page 2 of 2

could be problematic. The draft EIR report states that “the Sacramento County Department of Water Resources would continue to actively manage its conjunctive water use program to optimize the use and management of local water supply sources, including surface and groundwater.” This statement is totally inaccurate and misrepresents the efforts of Sacramento Suburban Water District to address the depletion of groundwater supply north of the American River. SSWD is the only water purveyor within the proposed area of incorporation that practices conjunctive use of the available water supply sources. While Sacramento County has historically supported the strategy to use groundwater and surface water conjunctively to address the depletion of groundwater, the Sacramento County Water Agency service area underlying part of the proposed incorporated area does not participate in conjunctive use of surface and groundwater. SSWD believes that there is a real and significant threat to groundwater quality from the Aerojet plume. Increased reliance on the groundwater supply without aggressive conjunctive use of surface water in wet years by all water purveyors in the area within the incorporation study could have significant long-term impacts to this area. In addition, the Sacramento Groundwater Authority (SGA) is in the process of adopting a Groundwater Accounting Framework applicable to the study area. Compliance with this Framework by all groundwater users in the SGA area is essential to ensure the long-term health and sustainability of the groundwater resource underlying the study area.

SSWD-4
CONT

We appreciate the opportunity to comment on the draft EIR. If you have any questions or require any additional information, please call me at (916) 679-3994.

Sincerely,



Robert S. Roscoe, P.E.
General Manager

Sacramento Suburban Water District, Robert S. Roscoe, P.E., General Manager (SSWD)

Response to Comment SSWD-1

The commenter indicates that SSWD retains the responsibility to provide water, water supply planning, and water infrastructure to areas served by the District within the new city boundaries. The commenter notes that any community development or planning by the proposed project that impacts water supply availability would require certification and approval of SSWD for those areas within its service area. Comment noted.

Response to Comment SSWD-2

The commenter indicates that SSWD retains responsibility for review and approval for any permitting that involves a water connection or improvement. Comment noted so long as the activity is within the boundaries of the Sacramento Suburban Water District.

Response to Comment SSWD-3

The commenter indicates that the Aerojet plume is the largest source of groundwater pollution near the proposed incorporation area, not residual contaminants from the McClellan Air Force Base. The commenter provided information indicating the McClellan Air Force Base plume is considered contained. The commenter indicates the Aerojet plume has migrated under the American River and currently threatens groundwater aquifers underlying the communities of Carmichael and Arden Arcade. Further, remediation systems are being installed north of the American River, but the plume has yet to be contained.

Comment noted. This information has been incorporated into the Draft EIR text on page 3.4-9. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SSWD-4

The commenter indicates that the potential for the addition of 1,188 new residences (page 3.7-5 of the Draft EIR) would have a significant impact on water supply demand.

The commenter notes that, while the Sacramento Department of Water Resources supports conjunctive water use, it does not implement conjunctive use practices within the area of the proposed incorporation contrary to information included in the Draft EIR (page 3.4-20). The SSWD is the only water purveyor within the incorporation area that implements conjunctive use practices.

The commenter also indicates that the Sacramento Groundwater Authority (SGA) is in the process of adopting a Groundwater Accounting Framework applicable to the incorporation area and compliance with the Framework by all groundwater users in the SGA area is essential to maintaining safe and reliable groundwater resources.

As noted on page 3.4-21, the potential development of 1,188 new residences would occur on land that is currently designated by the Sacramento County General Plan for such uses. The proposed incorporation would adopt all existing land use designations as depicted by the Sacramento County

General Plan. Accordingly, the potential use of groundwater by new residences has already been considered and accounted for in the Sacramento County General Plan EIR.

Changes to page 3.4-21 of the Draft EIR have been made to reflect that the Sacramento Department of Water Resources does not currently implement conjunctive use water management. Text has been added on page 3.4-21 of the Draft EIR regarding the Sacramento Groundwater Authority's Groundwater Accounting Framework. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

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APR 05 2010

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

DEPARTMENT OF WATER RESOURCES
Inter-Departmental Correspondence

MEMORANDUM

SACDWR
Page 1 of 5

Date: March 30, 2010

To: Toni Barry, Principal Environmental Analyst

From: Michael Peterson, Principal Civil Engineer

Subject: Drainage Comments on Sacramento LAFCo-Incorporation of Arden Arcade Draft EIR

The County Department of Water Resources has the following comments on drainage related to the Draft EIR for the Sacramento LAFCo-Incorporation of Arden Arcade Draft EIR.

The proposed boundary of the Arden Arcade incorporation area (with the southern boundary shown at Fair Oaks Boulevard) would result in a bifurcated drainage system, potentially creating a disconnected maintenance funding and operations scenario. In order to maintain consistency in service provision and to minimize flood risk in the area, the Department of Water Resources strongly recommends that LAFCo consider the alternative incorporation boundary (with the southern boundary at the American River) as being the appropriate southern boundary for the proposed incorporation. Leaving this small sliver of County owned drainage system isolated between the proposed incorporation area and the American River will hinder cohesive and consistent drainage service for both entities.

SACDWR-1

The proposed incorporation area is dependent on the Howe Avenue, D05 Drainage Pump Station (located behind Cal Expo at the corner of Ethan Way and Hurley Way) to provide for the drainage of stormwater (Chicken and Strong Ranch Slough watershed) from the project area into the American River during times of high river stage or significant local rainfall within the project areas. This facility is part of the existing drainage infrastructure that would become the responsibility of the City of Arden Arcade.

SACDWR-2

Additionally, following are comments, corrections and requested mitigation measures from the County of Sacramento Department of Water Resources:

Page 3.4-16

Sacramento County Department of Water Resources and County Water Agency

The functions of Zone 13 and Zone 11B are incorrectly described on page 3.4-16. The following corrected descriptions should be substituted in the referenced section (strikethrough and underline):

SACDWR-3

“.....The Arden Arcade proposed incorporation area is located in Zone 13 and Zone 11B of the SCWA. Zone 13 is a fee assessed on property to fund studies related to water supply, drainage, and flood control within the zone. Zone 11B is a drainage development fee charged to new development projects to fund the plan review and construction of trunk drainage facilities associated with new development within the zone. Fees assessed on property in Zone 13 and Zone 11B fund studies related to water supply, drainage, and flood control within the zone (SCMSA 2007b).”

SACDWR-3
CONT

Page 3.8-17 **Stormwater Drainage**

The following text from pages 3.8-17 and 3.8-18 should be modified as shown (strikethrough and underline):

“The County of Sacramento and the Sacramento County Water Agency SCWA provide various stormwater drainage services within the proposed incorporation area.

~~The Sacramento County Water Agency (SCWA) provides flood control and storm drainage services to the majority of the incorporation area. Services include maintenance and operation of the channel system, maintenance and operation of the drainage pipe systems, investigation of drainage system design problems, and formulation and construction of projects to alleviate the problems.~~

The County of Sacramento provides stormdrain maintenance, rehabilitation, construction, repair, flood response, masterplanning and stormwater quality services through the Sacramento County Stormwater Utility (SWU). The SWU assesses a bi-monthly utility charge on developed properties within the SWU boundary (conterminous with the boundary of SCWA Zone 12 described below) to fund these services. Additionally, a limited, fixed portion of property tax revenue is also collected and transferred to the SWU to fund these services.

The SCWA provide various services through Zone 11B, Zone 12, and Zone 13. Zone 11B is a drainage development fee charged to new development projects to fund the plan review and construction of trunk drainage facilities associated with new development within the zone. Zone 12 is a now defunct drainage maintenance zone which was replaced by the County of Sacramento SWU. However, the boundary of Zone 12 continues to exist as it is the basis for the boundary of the SWU. Zone 13 is a fee assessed on property to fund studies related to water supply, drainage, and flood control within the zone.

~~In addition, SCWA develops and implements programs to reduce the discharge of pollutants from urban runoff to local receiving waters, and develops long-range drainage master plans. When the SCWA was formed, zones were delineated within the agency’s boundary in order to finance drainage facilities. The proposed incorporation area lies within Zone 11B, Zone 12, and Zone 13. Zone 11B was created to provide funds for the construction of major drainage facilities. The Sacramento County Stormwater Utility (SWU), Zone 12, provides drainage, operation, and maintenance of storm drainage facilities; the construction of remedial storm drainage improvement projects; the preparation of storm drainage master plans; and the implementation of stormwater quality programs. The SWU is funded by bi-monthly service fees.~~

SACDWR-4

Zone 13 was created in 1987 to fund comprehensive, long-range planning and engineering studies of flood control, water resources development, water supply management, and..."

SACDWR-4
CONT

Page 3.8-34
Stormwater Drainage Facilities
Impact Analysis

The text in the impact analysis should be revised (strikethrough and underline) as follows:

The incorporation of Arden Arcade proposes no changes to drainage services provided by SCWA and all SCWA services related to drainage will continue to be under the authority and responsibility of the SCWA. However, as Zone 11B trunk drainage facilities within the proposed incorporation area are essentially built out it is no longer recommended to continue to include the proposed incorporation area in the Zone 11B program.

SACDWR-5

Sacramento County Stormwater Utility. Furthermore, The incorporation would not require the construction or expansion of new or existing stormwater drainage facilities. However, upon incorporation, all existing public drainage facilities (including but not limited to channels, pipes, detention basins, pump station D-05 and other pump stations serving the incorporation area) located in public rights-of-way, recorded and prescriptive easements and other such instruments (owned by the County of Sacramento or the Sacramento County Water Agency) and currently operated and maintained by the Sacramento County Stormwater Utility, will become the property of the proposed incorporation. Further, the responsibility for funding the maintenance and operation of that drainage system will become the responsibility of Arden Arcade.

SACDWR-6

The proposed incorporation area is substantially dependent on the Howe Avenue, D05 Drainage Pump Station (located behind Cal Expo at the corner of Ethan Way and Hurley Way) to provide for the drainage of stormwater from the project area. This pump station transfers runoff from the Chicken Ranch Slough, Strong Ranch Slough and Sierra Branch watersheds (see Exhibit 3.4-3) into the American River during times of high river stage or significant local rainfall within the project area. This facility is part of the existing drainage infrastructure that would become the responsibility of the City of Arden Arcade.

Since existing drainage facilities cross the proposed city-county boundaries, it would be impractical to have different standards of construction, operation, and maintenance on the same storm drain system. Consistency is important to reduce the risks of flooding. Since cities have the authority to set standards for construction, operation, and maintenance, mitigation is proposed that would require the new city to enact a Stormwater Utility program, duplicating the County SWU, which levies a Stormwater Utility fee matching that which is currently levied by the County. coordinate with SCWA to maintain consistency. Mitigation will be also be proposed which will

SACDWR-7

require that the County continue to be the SWU service provider to Arden Arcade for one year after incorporation, including the collection and retention of Arden Arcade SWU revenue to fund those services, with subsequent continued service to be provided by the County SWU through a long term agreement.

SACDWR-7
CONT

Sacramento County Department of Water Resources expressed concern that the new city should adopt a floodplain management ordinance. The new city would be required to adopt the County's floodplain management ordinance for at least 120 days after incorporation or until new ordinances are created.

The County currently participates in the National Flood Insurance Program and manages the Flood Insurance Rate Maps for the unincorporated county, including the project area. Upon incorporation, the proposed City of Arden Arcade would be required to file with FEMA as a new community and to administer this program directly for the proposed incorporations area. The County also participates in the NFIP Community Rating System (CRS) which allows residents of the County to receive discounted flood insurance premiums due to the quality of the County floodplain management program. The County is currently ranked 5 and thus County residents receive a 25% reduction in flood insurance premiums. Upon incorporation, the proposed City of Arden Arcade would become a new city within the CRS program and would be re-ranked to a CRS Rating 10 (0% discount).

SACDWR-8

Mitigation Measures

The following changes in Mitigation Measures are proposed by Water Resources:

MM 3.8-9a LAFCo shall condition the incorporation approval to require the new city to; accept ownership and maintenance responsibility of the existing drainage system serving the incorporation area (including pump station D-05, channels, pipes, detention basins and other pump station located in public rights-of-way, recorded and prescriptive easements and other such instruments, and owned or operated by the County of Sacramento or the Sacramento County Water Agency); develop standards for construction, operation, and maintenance of drainage facilities and to adopt and enact a Stormwater Utility program similar to, and levying the same SWU fee as, the County of Sacramento Stormwater Utility; and continue to have SWU services provided by the County of Sacramento, including the collection and retention of the new incorporation SWU fee to fund those services for one year after incorporation, with subsequent continued service provided by the County through a long term agreement.

SACDWR-9

MM 3.8-9x LAFCo shall condition the incorporation to continue to receive services provided by Zone 13 of the SCWA. Further, Zone 11B services and programs will no longer be carried out in the incorporation area and the incorporation area will be detached from Zone 11B upon incorporation. will continue to be provided by the SCWA. regarding the maintenance of

SACDWR-11

Zone 11B and 13 that are compatible with SCWA therefore continuing services from the Sacramento County Stormwater Utility.

SACDWR-11
CONT

Please contact me at 874-8913 if you have any questions.

cc: Herb Niederberger
Kerry Schmitz
George Booth

Sacramento Department of Water Resources, Michael Peterson, Principal Civil Engineer (SACDWR)

Response to Comment SACDWR-1

The commenter states that the project's proposed boundary would bifurcate the existing drainage system, potentially creating a service impact from a disconnect of maintenance funding and operations. The commenter recommends the Alternate Boundary Alternative be utilized. This comment is noted. However, as discussed in Response to Comment SACDOT-1, impacts to maintenance funding and agency operations do not constitute a CEQA impact criterion. As identified in Section 3.8.5, Impact Statements and Mitigation Discussions, the proposed project would not significantly impact utility services, including stormwater drainage. Therefore, no additional comment or analysis is required.

Response to Comment SACDWR-2

The commenter notes that portions of the project area utilizes the D05 Drainage Pump Station (located outside of the proposed project boundary), and that the new city would become responsible for the facility. Sacramento County maintains and operates the D05 pump facility. The project area does drain to the D05 Drainage Pump Station for discharge of stormwater from the Chicken Slough and Strong Ranch Slough watershed. However, as noted above, the facility is located outside of the proposed project's boundaries. Transfer of maintenance and operations of the offsite facility is not a CEQA impact, and would be determined by negotiations of the new city and the County. As such, no further analysis is required. Also see Response to Comment LAFCO2-1.

Response to Comment SACDWR-3

The commenter provides clarifying information of the functions of Zone 13 and Zone 11B. The recommended language has been incorporated into the Draft EIR on page 3.8-16. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACDWR-4

The comment provides clarifying information regarding the stormwater services provided by the County of Sacramento and the Sacramento County Water Agency (SCWA). Text has been added to pages 3.8-17 and 3.8-18 of the Draft EIR to properly reflect stormwater services. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACDWR-5

The commenter requested a text addition on page 3.8-34 indicating that the proposed incorporation area should no longer be included in the Zone 11B drainage facility, as the area is essentially built out.

The comment with regard to Zone 11B is noted; Zone 11B services and programs will no longer be carried out in the incorporation area, and the incorporation area will be detached from Zone 11b upon incorporation. Page 3.8-16 and Table ES-1 have been revised to include the appropriate language. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACDWR-6

The commenter requested a text addition on page 3.8-34 indicating that all existing stormwater drainage facilities within the incorporation boundary would become the property and responsibility of the new city. Further, the commenter requested text additions indicating the new City would become responsible for the D-05 Drainage Pump Station located at the corner of Ethan Way and Hurley Way.

The D-05 Drainage Pump Station and portions of the associated drainage basin are outside the proposed incorporation boundaries and will become the responsibility of the new city. Page 3.8-16 and Table ES-1 have been revised to include the appropriate language. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACDWR-7

The commenter requested a text addition on page 3.8-34 indicating Mitigation Measure 3.8-9a require a “Stormwater Utility program, duplicating the County SWU, which levies a Stormwater Utility fee matching that which is currently levied by the County.” The commenter also requested that the mitigation measure require the SWU to continue for at least one year after incorporation, “with subsequent continued service to be provided by the County SWU through a long term agreement.”

The proposed text additions are consistent with actions currently required by Mitigation Measure 3.8-9a which requires the new city to assume the services of the Sacramento County Stormwater Utility for those systems serving the incorporation area. Therefore, no additional discussion is necessary.

Response to Comment SACDWR-8

The commenter requested a text addition on page 3.8-34 indicating that the new city “would be required to file with FEMA as a new community” and take on all related responsibilities including the management of Flood Insurance Rate Maps for the incorporated area. Further, upon incorporation, Arden Arcade would become a new city under the National Flood Insurance Program (NFIP) Community Rating System, which provides flood insurance discounts based on the quality of floodplain management programs. Currently, the incorporation area is provided a 25-percent reduction in flood insurance premiums under the County. According to the commenter, upon incorporation the new city would be re-ranked and, therefore, would receive no discount.

The Draft EIR recognizes the NFIP as one of the programs applicable to the project. The fiscal implications to residents, however, do not represent an environmental impact. Therefore, no further response is necessary.

With respect to the new discount ranking under the NFIP Community Rating System, it is unclear why the new city would not receive the same discount as is currently provided, since the same floodplain management programs would be required to continue for at least 120 days after incorporation. In addition, a new floodplain management program subject to FEMA review would be developed.

Response to Comment SACDWR-9

The commenter requested text revisions be made to Mitigation Measure 3.8-9a. See Response to Comments SACDWR-2, SACDWR-6, and SACDWR-7.

Response to Comment SACDWR-10

The commenter requested text revisions be made to Mitigation Measure 3.8-9a. See Response to Comment SACDWR-7.

Comment noted; revisions to Table ES-1 and page 3.8-16 have been revised with the appropriate language. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACDWR-11

The commenter requested that an additional Mitigation Measure be added to the Stormwater Drainage Facilities Impact analysis indicating the new city will continue to receive services provided by Zone 13 of the SCWA and Zone 11b services and programs would not longer be provided.

Comment noted; revisions to Table ES-1 and page 3.8-16 have been revised with the appropriate language. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

SACRAMENTO COUNTY WATER AGENCY
INTER-DEPARTMENTAL CORRESPONDENCE
Department Of Water Resources

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SACRAMENTO COUNTY WATER AGENCY
FORMATION COMMISSION

MEMORANDUM

TO: Toni Barry, Principal Environmental Analyst, DERA

SCWA.1
Page 1 of 2

FROM: Kerry Schmitz, Principal Civil Engineer, DWR

DATE: March 31, 2010

SUBJECT: Arden-Arcade Incorporation: Draft Environmental Impact Report (EIR)
Comments

The following summarizes comments on the Arden-Arcade Incorporation Draft EIR from the Sacramento County Water Agency (SCWA).

General Comments

For more than 50 years, SCWA (and its predecessor, the Sacramento County Water Maintenance District) has owned and operated a public water system that supplies water to approximately 3,000 customers in that portion of the proposed incorporation area. In Fiscal Year 2008-09, SCWA produced 4,200 acre-feet of groundwater from 11 wells to serve the customer needs of this area.

SCWA.1-1

The SCWA service area in Arden-Arcade is essentially built out, and no new production or distribution facilities will be required. However, as much of the existing water system infrastructure reaches the end of its serviceable life, it will eventually need rehabilitation or replacement. Additionally, nearly all customers in the SCWA service area currently pay a flat monthly rate for water service, but under State law all customers must be meter billed by 2025. SCWA has been awarded a grant by the Sacramento First 5 Commission to fluoridate its water system in compliance with state law; the installation of fluoridation equipment at each of its well sites in Arden-Arcade may occur in Fiscal Year 2010-11.

SCWA.1-2

The act of incorporation would not appear to result in any environmental impacts related to SCWA's continued role as a public water purveyor. Incorporation will not affect the SCWA's service area boundary nor will it affect the financial obligations of its customers within the service area. SCWA is concerned about potential business impacts on its operations that may result from incorporation: Incorporation in other areas of Sacramento County where SCWA is a water purveyor has resulted in increased operating costs caused, for example, by a new city's adoption of significant trench cut fees or restrictions on the construction of other water facilities. Particularly in the context of the main replacement, meter installation and fluoridation described above, SCWA is concerned that a new city could adopt policies that would cause operating expenses to increase significantly, resulting in higher customer rates for service.

SCWA.1-3

SCWA is a signatory to the 2000 Water Forum Agreement which includes a provision for water management processes to protect the sustainability of the three Sacramento area groundwater sub-basins. The Arden-Arcade area overlies the North Area groundwater sub-basin; SCWA supports and participates in the Sacramento Groundwater Authority, which is responsible for a groundwater management program to maintain the North Area sub-basin's estimated annual sustainable yield of 131,000 acre-feet. SCWA encourages LAFCo to condition Arden-Arcade incorporation on its signature on the Water Forum Agreement in support of its long-term goals regarding water supply reliability and environmental protection of water resources.

SCWA.1-4

Specific Comments

Please update the fourth paragraph on page 3.4-16 to read as follows:

In addition, a portion of the proposed incorporation area is served by SCWA Zone 41 (a benefit zone similar to Zone 11B and Zone 13 with water service responsibilities). Revenues collected from Zone 41 fund the water system operations and maintenance activities.

SCWA.1-5

Please note that exhibit 3.8-1, titled "Fire Station Locations," identifies Station 107 as owned by Sacramento Metro Fire. On January 13, 2009, the SCWA Board of Directors approved the purchase of this property, 970 La Sierra Drive, by SCWA. On January 30, 2009, ownership was transferred to SCWA via grant deed and was recorded by the Sacramento County Recorder's Office. Please replace the existing exhibit 3.8-1 with an updated exhibit deleting Station 107.

SCWA.1-6

Please contact me at 874-4681 with any questions.

cc: Herb Niederberger, Mike Peterson

Sacramento County Water Agency, Department of Water Resources, Kerry Schmitz, Principal Civil Engineer (SCWA.1)

Response to Comment SCWA.1-1

The commenter provides an introductory paragraph with information about the Sacramento County Water Agency (SCWA). Comment noted. No response is required.

Response to Comment SCWA.1-2

The commenter further provides information about the degree of urbanization of the proposed project, the existing state of the water infrastructure, and state requirements for all customers to be meter-billed by 2025. In addition, the commenter notes that the SCWA was awarded a grant to fluoridate its water system in compliance with state law, with the installation of fluoridation equipment potentially occurring in fiscal year 2010-11. Comment noted. No response is required.

Response to Comment SCWA.1-3

The commenter states that the act of incorporation would not appear to result in any environmental impacts related to its role as a public water purveyor. However, the commenter states concern about potential business impacts as a result of the project due to the ability of the new city to impose fees, restrictions, or policies that affect operation of SCWA. To support its concern, the commenter states that subsequent to other instances of incorporation of cities in the County of Sacramento, the newly formed cities adopted trench cut fees or restrictions on the construction of water facilities. The commenter expresses concern that if the new city takes actions that cause SCWA's operating expenses to increase significantly, it may result in higher customer rates for service. Comment noted.

The potential for the City to adopt and enact new fees, restrictions, or policies that would significantly and adversely affect the operations of SCWA are currently speculative. In addition to the speculative nature of these impacts, economic and social changes are not to be treated as significant effects on the environment, and are not required to be included in an EIR (CEQA Guidelines Section 15064(e)). Therefore, no further discussion is required.

Response to Comment SCWA.1-4

The commenter notes that SCWA is a signatory to the 200 Water Forum Agreement, and encourages Sacramento LAFCo to condition the project to sign the Water Forum Agreement. Mitigation Measure 3.8-7b, located on page 3.8-33 of the Draft EIR, provides the requested condition.

Response to Comment SCWA.1-5

Commenter requests that additional language clarifying the function of Zone 41 be added to the Draft EIR. Comment noted, and the recommended language will be added to the functions of Zone 41 on page 3.4-16. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SCWA.1-6

The commenter states that the Station 107 in Exhibit 3.8-1 is now owned by SCWA. Comment noted. Also see Response to Comment SCWA.1-2.

Department of Water Resources
Keith DeVore, Director



Including service to the cities of
Elk Grove and Rancho Cordova

SACRAMENTO COUNTY
WATER AGENCY

March 30, 2010

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SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

Toni Barry, Principal Environmental Analysis
Department of Environmental Review and Assessment
827 7th Street, 220
Sacramento, CA 95814

SUBJECT: Draft Environmental Impact Report for the City of Arden Arcade Incorporation Proposal
(L AFC 03-07) Comments

SCWA.2

The description of Sacramento County Water Agency Zone 41's services in section 3.8 of the above DEIR is factual. | -1

Please note however, exhibit 3.8-1 *Fire Station Locations* identifies station "107" as owned by Sacramento Metro Fire. On January 13, 2009 the SCWA Board of Directors approved the purchase of this property, 970 La Sierra Drive, by SCWA. On January 30, 2009 ownership was transferred to SCWA via grant deed and was recorded by the Sacramento County Recorder's Office. Please replace the existing exhibit 3.8-1 with an updated exhibit deleting fire station 107. | -2

Please feel free to call with any questions. Thank you.

Sincerely;

Dave Underwood, P.E.

Senior Engineer

CC: file
Kerry Schmitz, SCWA

"Managing Tomorrow's Water Today"

**Sacramento County Water Agency, Department of Water Resources, Dave Underwood, P.E.,
Senior Engineer (SCWA.2)**

Response to Comment SCWA.2-1

The commenter indicated that the description of services provided in Sacramento County Water Agency's Zone 41 is factual. Comment noted. No further response is necessary.

Response to Comment SCWA.2-2

The commenter states that the fire station identified as Sacramento Metropolitan Fire District Station 107 in Exhibit 3.8-1, on page 3.8-3 of the Draft EIR, was purchased by the Sacramento County Water Agency in January 2009. Accordingly, Exhibit 3.8-1 has been revised to remove Station 107. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.



County of Sacramento

April 1, 2010

Toni Berry
Principal Environmental Analyst
Sacramento County
Department of Environmental Review and Assessment (DERA)
827 7th Street, Room 220
Sacramento, CA 95814

Subject: Draft Environmental Impact Report for the City of Arden Arcade Incorporation Proposal (LAFC 03-07)

Dear Ms. Berry:

The Sacramento County Airport System (County Airport System) appreciates the opportunity to comment on the Draft Environmental Impact Report for the City of Arden Arcade Incorporation Proposal (DEIR). With respect to aircraft overflight annoyance concerns, compatibility between airports and surrounding land uses can be improved through actions intended to enhance the public's knowledge and understanding of airport impacts. Airports managed by the County Airport System in the vicinity of the proposed project include Sacramento International Airport and McClellan Airport. Therefore, the County Airport System respectfully submits the following comments.

SCAS-1

The County Airport System appreciates the consideration of the existing 1994 Comprehensive Land Use Plan (CLUP) for McClellan Airport in the analysis of noise impacts. However, in March 2005, the County Board of Supervisors (Board) recognized the existing McClellan CLUP was not current and initiated an Airport Land Use Compatibility Plan (formally known as a CLUP) for McClellan. The Board also adopted the use of the 60 CNEL¹ Theoretic Capacity noise contour for land use planning. The noise contour identifies the boundary within which new residential development is prohibited.

SCAS-2

On April 16, 2006, the Board approved a resolution adopting the definition of the McClellan Airport Planning Policy Area (APPA), in accordance with current and future uses (Reso. 2006-1379). The APPA does not restrict new residential development, but identifies areas that are and may be affected by aircraft overflights, by current and future operations at McClellan Airport, beyond the mapped aircraft noise exposure

SCAS-3

¹ Community Noise Equivalent Level

contours. The APPA is based on guidance provided by 2002 California Airport Land Use Planning Handbook which states that:

- Noise exposure of 65 CNEL is not an appropriate criterion for new residential development around most airports, especially those which are primarily general aviation facilities. Noise exposure of 60 CNEL or in some locations, even 55 CNEL may be more appropriate for land use planning purposes.
- In addressing noise concerns, consideration should be given to the impacts of aircraft overflights in locations beyond the normally mapped noise contours.

The entire DEIR project area is within the McClellan APPA, but outside of the 60 CNEL Theoretic Capacity noise contour. Therefore, the County Airport System requests that new residential development within the project area be contingent upon the following requirements:

- Disclosure notices are provided to prospective buyers identifying the property as residing within the APPA and that aircraft can be expected to fly at varying altitudes below 3,000 feet above ground level (AGL) in that area; and
- Avigation easements to Sacramento County are granted to further ensure that future home buyers are aware of potential aircraft overflights.

The Sacramento County Airport System appreciates the opportunity to provide these comments. Should you have any questions, please contact me at (916) 874-0482 or grickelton@saccounty.net. Thank you for your consideration.

Sincerely,



Glen Rickelton
Airport Manager
Planning and Environment

SCAS-3
CONT

Sacramento County Airport System, Glen Rickelton, Airport Manager, Planning and Environment (SCAS)

Response to Comment SCAS-1

The commenter provides an introductory paragraph to the comment letter. No response is required.

Response to Comment SCAS-2

The commenter notes that the County of Sacramento adopted a use of 60-db CNEL Theoretic Capacity noise contour for land use planning in 2005. However, the current Comprehensive Land Use Plan for McClellan Airport utilizes the noise contour of 65-db CNEL, and the Draft EIR utilizes the 65-db CNEL boundary in Impact 3.6-5 (Public Airport Noise Levels). The newly adopted 60-db CNEL Theoretic Capacity noise contour does not extent into the incorporation boundary, however, the entire incorporation area is located within the McClellan Airport Planning Policy Area (APPA), which identifies areas that are and may be affected by aircraft overflights. The Draft EIR text on pages 3.6-7 and 3.6-8 will be modified to include a discussion of the County's 60-db CNEL contour, and the project's location within the McClellan Airport Planning Policy Area (APPA). In order to be consistent with the McClellan APPA, Mitigation Measure 3.6-5 on page 3.6-19 of the Draft EIR has been modified to ensure that new residential development within the new city be provided disclosure notices regarding aircraft overflights and to ensure that avigation easements are granted to Sacramento County. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR. Note that these changes to the Draft EIR text do not change the significance determination.

Response to Comment SCAS-3


The commenter notes that the entire project area is outside of the 60-db CNEL Theoretic Capacity noise contour, but requests that new residential development within the project be contingent upon disclosure and avigation easement requirements. Information regarding the 60-db CNEL Theoretic Capacity noise contour and McClellan Airport Planning Policy Area (APPA) has been added to page 3.6-7 of the Draft EIR. As stated above, text of Mitigation Measure 3.6-5 of page 3.6-19 of the Draft EIR has been amended to include the requested requirements. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

COUNTY OF SACRAMENTO

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT Inter-Departmental Correspondence

DATE: April 2, 2010

TO: Joyce Horizumi, Director
Department of Environmental Review and Assessment

FROM: Robert Sherry, Director 
Department of Planning and Community Development

SUBJECT: Comments on Arden Arcade DEIR

The DEIR should address the impacts of the proposed Incorporation on the Sacramento Area Council of Governments (SACOG) Regional Housing Needs Allocation (RHNA). Absent an agreement on the part of the new city to accept a housing allocation commensurate with its current zoning and housing stock, the County of Sacramento would be required to provide duplicate housing stock in the unincorporated County. This requirement would impact the County's ability to comply with State housing law.

SACPCDD-1

**County of Sacramento, Planning and Community Development Department, Robert Sherry,
Director (SACPCDD)**

Response to Comment SACPCDD-1

The commenter states that the Draft EIR should address the issue of housing allocation regarding the Sacramento Area Council of Governments (SACOG) Regional Housing Needs Allocation (RHNA). Specifically, the commenter raises the concern that the County of Sacramento would be required to provide duplicate housing stock in the unincorporated County if the new city does not enter an agreement to accept the housing allocation commensurate with its current zoning and housing stock.

The new city is required to adopt the County's General Plan, including the Housing Element, as well as County ordinances until such time that the new city adopts its own General Plan and ordinances. Therefore, goals, policies, and land use ordinances that currently apply to the County of Sacramento would continue to apply to the new city. As such, there is no immediate impact of the proposed project concerning housing availability.

California's Housing Element Law (Government Code 65584.07(c)) mandates that newly incorporated cities must accept a transferred portion of the County's housing allocation based on an agreed methodology. If no transfer amount can be agreed upon, then both the County and the new city may submit a written request to SACOG, including the facts, data, and methodology to be used to determine the number of transferred units. The agreed-upon transfer or written requests for transfer must be submitted to SACOG within 90 days after the date of incorporation. Mutually acceptable transfers are immediately effective upon receipt by SACOG. Written transfer requests shall be made effective 180 days after receipt. As mandated by Government Code 65584.7(c), the transfer of housing allocations shall neither reduce the total regional housing needs nor change the regional housing needs allocated to other cities by SACOG.

Text has been added to page 3.7-2 and page 3.7-6 of the Draft EIR referencing the requirements of Government Code 65584.07(c). Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Municipal Services Agency

Department of Environmental
Review and Assessment

Joyce Horizumi, Director



Steven C. Szalay, Interim County Executive
Paul J. Hahn, Agency Administrator

RECEIVED
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SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

April 5, 2010

Peter Brundage
Executive Director
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

Subject: Arden Arcade Incorporation DEIR Comments

Dear Mr. Brundage:

SACDERA

Thank you for the opportunity to comment on the Draft EIR for the Incorporation of Arden Arcade. The Sacramento County Municipal Services Agency (MSA) offers the general DEIR comments below and service-specific comment letters from individual departments. Comment letters attached are from:

- Department of Transportation
- Department of Waste Management
- Sacramento County Water Agency
- Department of Water Resources
- Sacramento County Airports System
- Planning & Community Development Department

-1

The County's overarching concern with the Draft EIR is the lack of depth in analyzing the Alternate Boundary Alternative that includes a peninsula of land south of Fair Oaks Boulevard and north of the American River (Peninsula) as it affects service delivery, air quality, and land use planning.

-2

ALTERNATIVES

Chapter 4-1 correctly summarizes the intent of CEQA in regard to the identification and assessment of reasonable alternatives that have the potential for avoiding or minimizing the impacts of the proposed project. Under the Alternatives Screening Methodology the EIR lists three factors to determine significant effects:

-3

1. Division of an established community
2. Disruption of current levels of services; and
3. Creation of logical boundaries.

The description of alternatives evaluated in the EIR were found to be “generally within LAFCo’s authority and, therefore, are considered feasible”. One of these alternatives is the “Alternative Boundary Alternative” shown on Exhibit 4-1 (errata). This alternative includes all of the Arden Arcade Community Plan area in addition to a small area immediately north of Winding Way and south of Arcade Creek. No explanation is given for the inclusion of this small area in the north and it appears unrelated to the provision of services or an established plan area boundary.

The conclusion of the analysis for the Alternate Boundary Alternative finds that it would not result in significant impacts (page 4-9). On page 4-8, however, it is stated: “The analysis of the Alternative Boundary Alternative necessarily includes an analysis of this alternative organization proposal, as it evaluates impacts in the same area, and would result in a lesser environmental impact.” Although the County is in agreement with this statement, it is puzzling as the alternative is never analyzed against the screening criteria noted above. Based on the screening criteria and the discussion below, the Alternative Boundary Alternative must be found to be the environmentally superior alternative. Furthermore, this alternative should be revised, or add an alternative, to include the Peninsula for incorporation in its entirety rather than merely placing it within a sphere of influence (SOI) area for later annexation. This alternative, particularly if modified for immediate incorporation, most closely meets the project objectives, passes the screening criteria test, avoids or lessens significant impacts, and is feasible. This conclusion is supported by the discussion below. It should be noted that the County does not support the inclusion of the small area to the north of Winding Way. It is outside the Plan area and there are no logical arguments contained in the EIR to support its inclusion in the Alternative Boundary Alternative.

-4

LAND USE

The Peninsula is currently part of the Arden Arcade Community Plan Area. As such, the Peninsula identifies with the larger community, is subject to the same policies contained in that Plan and is connected to that community by the roadway network and community facilities. The Peninsula area is currently under the land use authority of the Arden Arcade Planning Commission which further binds it to the community by including it in land use decisions that affect the quality of life in the area. Isolating the Peninsula from the balance of the long-established Arden Arcade community divides that community and leaves an awkwardly shaped area with a lack of community identity. As proposed, the left-out Peninsula does not fit easily into the Carmichael Community Plan Area to the east. The question of whether a project results in the division of an established community is a CEQA threshold question for land use and planning impacts. The Proposed Project causes a negative impact. The American River is a logical natural boundary separating Arden Arcade from the City of Sacramento to the west and the unincorporated parts of the Cordova Community Plan Area south of the river.

-5

In light of the physical connectivity and community identity issues, “Impact 3.5-1” (page 3.5-21) should be expanded to discuss impacts to the Peninsula area. The impact states: “The proposed incorporation of Arden Arcade would not physically divide an established community”. The discussion under that impact is limited to the bifurcation of the Mission Oaks NPA. For the reasons stated above, the EIR should include discussion of impacts to the Peninsula area as it would be cleaved from an established Arden Arcade community under the Proposed Project. That is a significant impact that can be mitigated with minor modification to Mitigation Measure 3.5-1. That Mitigation Measure should be expanded to require LAFCo to condition the incorporation approval to include the Peninsula area for incorporation now, not merely placing it in an SOI for annexation in the future.

The Planning Department has commented on the need for the new city to take its fair share of affordable housing units under the Regional Housing Needs Allocation (RHNA). Should this not

-6

occur, there are potential secondary environmental impacts that could occur that should be disclosed in the EIR. The unincorporated area of the County may be forced to designate additional land to accommodate multiple family units through a mass rezoning process in order to stay in compliance with the Housing Element. See attached letter from the Planning Department.

-6
CONT

PUBLIC SERVICES

Public service comments are provided by the individual departments within the MSA by attachment. In addition to those specific comments, the Final EIR should analyze the effects of disjoining the services between the Proposed Project and Peninsula area. That analysis should include discussion and disclosure of the inefficiencies and duplication of services that may result from fragmenting the Peninsula area.

-7

AIR QUALITY AND CLIMATE CHANGE

Isolation of the Peninsula area will result in longer trips and site specific response trips for several County service providers including Animal Control, Sheriff, Code Enforcement, Building Inspection and various County Engineering departments. Since these trips will no longer be bundled with tasks associated with the Arden Arcade Community the result is increased vehicle miles traveled (VMT) leading to increased air quality emissions. Impact 3.1-3 (page 3.1-34) states that “the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality stand (including releasing emission that exceed quantitative thresholds for ozone precursors). Although these are not *new* emissions, as noted in the impact analysis, changing the trip distribution of these services is a potentially significant cumulative impact. The EIR should be modified in Section 5.3-2 (page 5-7) to reflect this impact. This impact can be reduced to less than significant with the modification of Mitigation Measure 3.5-1, noted above, requiring LAFCo to condition the incorporation approval to require the new city to include the Peninsula area.

-8

The increase in VMT will also increase greenhouse gas (GHG) emissions, putting an additional burden on the County to reduce emissions consistent with both state law and the County Climate Action Plan (CAP). This is a direct physical impact that is potentially significant and should be discussed under Impact 3.1-6 (page 3.1-35). Again, modifications to Mitigation Measure 3.5-1 as discussed above would reduce this impact to less than significant.

-9

The Draft EIR includes a discussion of the greenhouse gas inventory prepared for the unincorporated County. It is part of a larger inventory that includes all the cities within the County. This work has been undertaken as part of the Sacramento Area Green Partnership (SAGP) as discussed on page 3.1-32. SAGP is now considering how this information can be used to support SACOG’s responsibilities under SB375 and the resulting development of the Sustainable Communities Strategy. Sacramento County has used the results of the inventory to develop CEQA significance thresholds for greenhouse gases. It will also be used to aid in the development of the Phase 2 of the Climate Action Plan. Thus, the inventory is the cornerstone of several processes and programs at the local, regional and state levels. Incorporation of Arden Arcade would require the revision of the inventory to separate the emissions originating in Arden Arcade from those originating within the unincorporated County. Impact 3.1-7 states “the project would not conflict with any applicable plan, policy, or regulation an agency adopted for the purpose of reducing emissions of greenhouse gases”. The impact analysis should be expanded to discuss how the incorporation will render the present inventory obsolete. This is a significant impact. Mitigation Measure 3.1-7 should be expanded to include revisions to the

-10

County inventory to bifurcate the data for Arden Arcade from unincorporated Sacramento County. This should be in addition to the Climate Action Plan for Arden Arcade as specified in the current mitigation.

-10
CONT

CONCLUSION

The comments above indicate that there are four additional significant impacts that should be reported in the Arden Arcade Incorporation EIR. All of these impacts can be reduced to less than significant with the suggested mitigation measures. It appears that re-circulation of the draft EIR may be necessary pursuant to Section 15088.5 of the CEQA Guidelines. That section (a)(1) states that recirculation of an EIR is necessary prior to certification if "a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented."

-11

The other major comment on the Draft EIR is the selection of the Alternate Boundary Alternative as the environmentally superior alternative. This alternative is feasible, meets the project objectives and reduces significant impacts.

-12

If you have any questions, please contact Antonia Barry or me at 874-7914.

Sincerely,



Joyce Horizumi
Director

Copy: Paul Hahn, MSA Administrator

Robert Ryan, County Counsel

Rob Leonard, Economic Development & Inter-governmental Affairs

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**Sacramento County, Department of Environmental Review and Assessment, Joyce Horizumi,
Director (SACDERA)**

Response to Comment SACDERA-1

The commenter provides an introductory paragraph to the comment letter, and lists the additional department-specific comment letters attached. Comment noted.

Response to Comment SACDERA-2

The commenter provides concern that the Draft EIR lacks depth in analyzing the Alternate Boundary Alternative, specifically in the areas of service delivery, air quality, and land use planning. Please see Response to Comments SACDERA-5 and SACDERA-6 for responses to specific concerns raised by the commenter regarding land use planning. Please see Response to Comment SACDERA-7 for public services, and Response to Comments SACDERA-8 through SACDERA-10 for air quality.

Response to Comment SACDERA-3

The commenter notes that the Alternatives section correctly summarizes the intent of CEQA, and states that Chapter 4-1 of the Draft EIR lists three factors to determine significant effects: division of an established community, disruption of current levels of services, and creation of logical boundaries.

The commenter mischaracterizes the three subjects listed above. Page 4-2 of the Draft EIR states:

If an alternative clearly does not provide any environmental advantages as compared to the proposed project, it is eliminated from further consideration. At the screening stage, it is not possible to evaluate the potential impacts of the alternative or the proposed project with absolute certainty. However, it is possible to identify elements of the proposed project that are likely to be the sources of impact. A preliminary assessment of the potential significant effects of the proposed project resulted in identification of the following impacts:

- *Division of an established community;*
- *Disruption of current levels of services; and*
- *Creation of logical boundaries.*

As indicated by the text, the alternatives were developed during project analysis. During the preliminary assessment, the three subjects listed above were identified as potential issue areas of the proposed project. The determination of potential significant effects of alternatives is not based on these three topics. As required by CEQA Guidelines Section 15126.6(d), Section 4 of the Draft EIR includes “sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.”

Response to Comment SACDERA-4

The commenter discusses the location of and areas included within the Alternate Boundary Alternative and questions the inclusion of the northern portion north of Winding Way. The commenter further states that the Alternate Boundary Alternative should be compared to the three

criteria listed in Response to Comment SACDERA-3, and be declared the environmentally superior alternative. In addition, the commenter states that the Draft EIR should include an option to include the Alternate Boundary Area within the area of incorporation, instead of the new city's sphere of influence (SOI). The commenter states that the County does not support inclusion of the small northern area of the Alternate Boundary Alternative.

Additional maps were prepared to illustrate details of the proposed project's boundary as well as the Alternate Boundary Alternative's boundary. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR, including the newly prepared maps shown in Exhibits 4-1a, 4-1b, 4-1c, and 4-1d. Exhibit 4-1d illustrates the northern portion of the Alternate Boundary Alternative, north of Winding Way. As shown in Exhibit 4-1d, the area north of Winding Way included in the Alternate Boundary Alternative is a residential area of lot sizes consistent with the land south of Winding Way. In addition, the included neighborhood is accessible only by Winding Way and Pasadena Avenue, with the northernmost lots backing an adjacent drainage (Arcade Creek). North of Arcade Creek are larger lot residential parcels as well as office land uses accessed by Auburn Boulevard. Between the included neighborhood and the City of Sacramento to the west are large vacant parcels and a small, low-rise apartment complex that are similarly accessed by Winding Way. The vacant parcels and small, low-rise apartment are also included in the Alternate Boundary Alternative. Inclusion of this northern portion was determined to be a logical extension of the proposed new city due to access issues, land use and parcel consistency, as well as location between Pasadena Avenue, the City of Sacramento, and Arcade Creek. Page 4-3 has been amended to include more discussion about the reasoning for including each identified alternatives. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

The Alternate Boundary Alternative is an alternative that would extend the boundary for incorporation to the area between the American River and Fair Oaks Boulevard as well as a small area north of Winding Way and south of Arcade Creek, as discussed above. In addition, as stated in Section 4.1.3 of the Draft EIR:

*Alternative Boundary would entail a larger **incorporation area** than is currently proposed. This boundary modification would include portions of the Arden Arcade Community Plan area to the south of Fair Oaks Boulevard and north of the American River . . . This Alternate Boundary Alternative could **also be used to establish as sphere of influence** made up of all or a portion of the remainder of the Arden Arcade Community Plan area and the small area immediately north of Winding Way and south of Arcade Creek (emphasis added).*

Therefore, the Alternate Boundary Alternative includes two potential scenarios:

1. Incorporation of the entirety of the area within the boundary of the Alternate Boundary Alternative, or

2. Incorporation of the proposed project and establishment of a sphere of influence (SOI) at or within the boundary of the Alternate Boundary Alternative.

The commenter references a statement on page 4-8 of the EIR. The sentence referenced, as well as the sentence immediately prior, are:

The Alternate Boundary Alternative also includes the possibility of incorporating the proposed incorporation area, and establishing a sphere of influence made up of the remainder of the Arden Arcade Community Plan area and the small area immediately north of Winding Way and south of Arcade Creek.

The analysis of the Alternate Boundary Alternative necessarily includes an analysis of this alternative organization proposal, as it evaluates impacts in the same area, and would result in a lesser environmental impact.

The “alternative organization proposal” in the sentence referenced by the commenter refers to the second potential scenario posed by the Alternate Boundary Alternative. The sentence indicates that both scenarios are included in the analysis of the Alternate Boundary Alternative, as they both cover the same area, but that the second potential scenario would result in fewer environmental impacts than the first potential scenario. In addition, the Opinion Paper of Attorney General Edmund G. Brown Jr., date June 27, 2008, No. 07-206:

LAFCo may change the boundaries of a proposal to prevent “an overlap of service responsibilities and inefficiencies in service provision” Placer, 135 Cal. App. 4th at 798 (quoting Daniel J. Curtin, Curtin’s Cal. Land Use and Planning Law, 381-382 (24th ed., Solano Press 2004)) or “to bring about a unified and accountable government” Fallbrook, 208 Cal. App. 3d at 760. Indeed, these purposes lie at the heart of the policy that underlies the entire local government reorganization scheme Govt. Code § 56001. In light of these authorities, we believe that a decision to enlarge the boundaries of an incorporation proposal to promote the efficient extension of services would be an appropriate exercise of a LAFCo’s powers to approve, disapprove, or amend a proposal.

The Opinion Paper No. 07-206 provides that a LAFCo has the discretion to modify the boundaries of an incorporation proposal. Therefore, as stated in the Draft EIR under the Alternate Boundary Alternative, LAFCo may approve an alternative that includes incorporation of all or a portion of the remainder (the area outside of the proposed project’s boundary) of the Arden Arcade Community Plan area. As stated above, the potential for inclusion of all or a portion of the Alternate Boundary Alternative in the incorporation area was analyzed in Section 4, Alternatives Analysis. Therefore, the Draft EIR adequately discloses and analyzes the potential variation under the Alternate Boundary Alternative.

The commenter states that the Alternate Boundary Alternative was not analyzed against the three “screening criteria” discussed in Response to Comment SACDERA-3. As noted in Response to Comment SACDERA-3, the three topics listed are not significance criteria for the alternatives to be analyzed against, but were impacts identified from preliminary analysis as being potential impacts of the proposed project. As required by CEQA Guidelines Section 15126.6(d), Section 4 of the Draft EIR includes “sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.”

The commenter states that the alternatives should be revised to include the “Peninsula for incorporation in its entirety rather than merely placing it within a sphere of influence area for later annexation.” As described above, this is currently an option under the Alternate Boundary Alternative. No additional discussion is required.

Response to Comment SACDERA-5

The commenter notes that the land located within the southern portion of the Alternate Boundary Alternative is part of the Arden Arcade Community Plan area, as is the project area. The commenter asserts that the project boundary, as proposed, would result in the “division of an established community” under CEQA. However, the criterion under CEQA is as follows:

Would the project physically divide an established community?

As noted in Impact 3.5-1, “(T)he project would result not in a physical separation of the neighborhood but in a jurisdictional delineation for planning and government activities.” The roadway network within the proposed project boundary area to the south creates a physical connectivity between the two areas; however, no physical changes to the roadway network are proposed, nor are physical changes reasonably anticipated. In addition, the proposed project will not create a “physical” barrier, such as a wall or development that will limit the “connectivity between” the proposed incorporation area and the area south of Fair Oaks Boulevard.

The commenter states that the project boundary, as proposed, “leaves an awkwardly shaped area with a lack of community identity,” and recommends “. . . in light of the physical connectivity and community identity issues” that the discussion in Impact 3.5-1 be expanded. As stated in CEQA Guidelines Section 15064(e):

Economic and social changes resulting from a project shall not be treated as significant effects on the environment.

The issue of community identify is not a significant effect, as provided under CEQA. The commenter does not raise any direct physical change or reasonably foreseeable indirect physical change in the environment that may be caused by the project.

In addition, please note Response to Comment SACDERA-4, which discusses LAFCo's authority to approve, revise, and/or require changes to the proposed project or any combination of alternatives in their discretion. No additional discussion is required.

Response to Comment SACDERA-6

The commenter states that the new city should take its fair share of the affordable housing units under the Regional Housing needs Allocation (RHNA), and theorizes that unincorporated areas of the County may be "forced to designate additional land to accommodate multiple family units through a mass rezoning process in order to stay in compliance with the Housing Element."

As provided in CEQA Guidelines Section 15064(f), the decision as to whether a project may have a significant effect must be based on substantial evidence. CEQA Guidelines Section 15064(f)(5) further states:

Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.

The commenter does not provide any substantive evidence to support the statement that County could be forced to designate additional land to accommodate multiple family units through a mass rezoning. It should be noted that less than 2 percent of the land within the project area is vacant. As discussed in Section 3.7.5 of the Draft EIR, 450 housing units could be accommodated on the vacant residential-designated land within the proposed project boundary. Please see Response to Comment SACPCDD-1 for additional information about the transfer of the housing allocation. No further discussion is required.

Response to Comment SACDERA-7

The commenter recommends that the Final EIR analyze the effects of disjoining the services between the proposed project and the area south of Fair Oaks Boulevard and north of the American River, described by the commenter as "the Peninsula area." The commenter states that the analysis should include the discussion and disclosure of the inefficiencies and duplication of services that may result from "fragmenting" the Peninsula area.

Implementation of the proposed project would not place any requirements on or result in any foreseeable duplication of services to the Peninsula area, as it is outside of the proposed project's boundary. It is assumed that the "inefficiencies" discussed by the commenter are related to the potential for service providers to the project area to change as a result of the project. Section 3.8 analyses the potential impacts to public services that may result from implementation of the proposed project. As described in Section 3.8, no changes to providers are anticipated to the following services: fire protection; school services; parks and recreation; library services; water supply; wastewater services; and energy, gas, and communication facilities. The new city would assume

responsibility for, or have authority to change providers for, law enforcement, animal control, solid waste, and street lighting. However, the project would not result in any direct or indirect reasonably foreseeable inefficiencies in the adjacent peninsula of County land to the south of the project.

In addition, the new city would assume responsibility for building inspection, permitting, and land use and planning actions, as well as road, street, and landscape construction and maintenance. However, these activities would not lead to “inefficiencies” in the Peninsula area.

Response to Comment SACDERA-8

The commenter asserts that exclusion of the County land south of Fair Oaks Boulevard from the project area (the boundary as currently proposed) may result in longer trips for County services to the excluded area and, therefore, may contribute to an air quality impact.

Please see Response to Comment SMAQMD-1.

Response to Comment SACDERA-9

The commenter further states that the potential for vehicle mile traveled (VMT) may increase greenhouse gas emissions, thereby creating a potential greenhouse gas impact.

Please see Response to Comment SMAQMD-2. We are unaware of any data supporting the conclusion that the project would put an additional burden on the County and have determined that such a conclusion is speculative. Therefore, no additional analysis is required.

Response to Comment SACDERA-10

The commenter states that the project would render the existing greenhouse gas inventory for the unincorporated county as obsolete. As noted in the introduction, project description, and throughout the EIR, the new city would be required to adopt the County’s General Plan and ordinances until it adopts a new General Plan of its own. In addition, the project area is highly urbanized, containing less than 2 percent vacant land. The project would not render the existing inventory “obsolete.” Further, the new city would be required, in accordance with Mitigation Measure 3.1-7 on page 3.1-37, to prepare and adopt a greenhouse gas inventory and ~~Climate Action Plan~~ concurrent with the development and adoption of the new city’s new General Plan. In accordance with Response to Comment SMAQMD-3, the mitigation measure has been modified to include language requiring the new city to cooperate with the County by providing emissions inventory information to the County during the emissions inventory preparation and after completion. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACDERA-11

The commenter asserts that four new significant impacts were identified within its letter, and that recirculation of the Draft EIR is necessary. However, as shown in Response to Comments SACDERA-1 through SACDERA-10, no new substantial information regarding the project analysis and no additional significant impacts were raised. Therefore, recirculation not unwarranted.

Response to Comment SACDERA-12

The commenter refers to the alternatives analysis, and states that the Alternate Boundary Alternative is environmental superior. Please see Response to Comments SACDERA-4 through SACDERA-11, above. Also see Response to Comment RMH-10 for additional discussion about environmentally superior alternatives.



Larry Greene
AIR POLLUTION CONTROL OFFICER

April 5, 2010

Peter Brundage
Executive Director
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

Subject: Arden Arcade Incorporation DEIR Comments

Dear Mr. Brundage:

Thank you for the opportunity to comment on the Arden Arcade Draft Environmental Impact Report. Staff comments follow.

Air Quality:

The proposed boundary for the incorporation area does not include the small area between Fair Oaks Boulevard and the American River. This area is considered under Alternative 4.2.2-Alternative Boundary in section 4 of the DEIR. Separation of this area from the incorporation area may result in longer trips and site-specific response trips for several County service providers because these trips would no longer be bundled with tasks associated with the Arden Arcade Community. This could result in increased vehicle miles traveled (VMT) leading to increased air quality emissions. This could contradict the conclusion reached in Impact 3.1-3 (page 3.1-34) which states that "the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard". The District recommends that the analysis of Impact 3.1-3 be expanded to consider whether the change in trip distribution would result in a significant cumulative analysis. The DEIR should also be expanded to include analysis of whether or not this impact would be reduced or eliminated by the implementation of Alternative 4.2.2 (Alternative Boundary) or Alternative 4.2.3 (the Alternate Provision of Services).

SMAQMD-1

The potential increase in VMT associated with the change in trip distribution by County service providers could also increase greenhouse gas (GHG) emissions, putting an additional burden on the region to reduce emissions and consistent with state law and local Climate Action Plans (CAP). This is a potentially significant impact and should be analyzed under Impact 3.1-6 (page 3.1-35).

SMAQMD-2

Climate Change:

The Draft EIR references the greenhouse gas inventory prepared for the unincorporated County in its Discussion of Climate Change impacts. It is part of a larger inventory that includes all the cities within the County. This inventory is a component of several Climate Change processes and programs at the local, regional and state levels. Incorporation of Arden Arcade would likely

SMAQMD-3

require the revision of the inventory to separate the emissions originating in Arden Arcade from those originating within the unincorporated County. The failure to conduct this revision in a timely manor could delay or impede the implementation of Climate Change Planning and Mitigation efforts in the region. The District recommends that the impact analysis of Impact 3.1-7 be expanded to discuss how the incorporation could impact County Inventory. Mitigation Measure 3.1-7 should be expanded to include revisions to the County inventory to bifurcate the data for Arden Arcade from unincorporated Sacramento County.

SMAQMD-3
CONT

Additionally, section 4.3.2 of the DEIR states that annexation of the project area into the City of Sacramento would result in higher development densities which would "have more significant impacts to traffic and transportation than the proposed project." However, the DEIR fails to account for climate change impacts and SB 375, which calls for metropolitan areas to meet greenhouse gas targets through limiting vehicle miles traveled. Arden Arcade is one of the lowest vehicle miles travelled per household (VMT/HH) communities in the region with 35 VMT/HH. If regional growth is directed away from low VMT/HH communities into greenfield developments with high VMT/HH, the region may fail to meet the greenhouse gas emission targets of SB 375. The alternatives analysis should consider all impacts and benefits of no project as well as the Alternate Provision of Services Alternative.

SMAQMD-4

Thank you for your consideration of District comments. On behalf of the District I would be happy to provided additional information as needed. Please direct correspondence to jhurley@airquality.org.

Sincerely,



Joseph James Hurley

Land Use planner Analyst
Sacramento Metropolitan Air Quality Management District

Cc: Larry Robinson, SMAQMD

Sacramento Metropolitan Air Quality Management District (SMAQMD)

Response to Comment SMAQMD-1

The commenter asserts that exclusion of the County land south of Fair Oaks Boulevard from the project area (the boundary as currently proposed) may result in longer trips for County services to the excluded area and, therefore, may contribute to an air quality impact.

The commenter's conclusion relies on the concept that the project would force the sources of service trips further from their current locations. However, the project does not include changes to the location of county buildings, operation and maintenance yards, or any other service facilities. In addition, there has been no indication from County of Sacramento service providers that they would need to relocate their existing service facilities. That the source of service trips would be moved, and whether they would be moved closer to or further away from the service area in question (south of Fair Oaks Boulevard), is speculation and without factual evidence. Therefore, further analysis is not warranted under CEQA. Also see Response to Comment SACDERA-6.

Response to Comment SMAQMD-2

The commenter further states that the potential for vehicle mile traveled (VMT) may increase greenhouse gas emissions, thereby creating a potential greenhouse gas impact. In light of the facts stated in Response to Comment SMAQMD-1, such an increase is speculative. Therefore, further analysis is not warranted under CEQA. Also see Response to Comment SACDERA-6.

Response to Comment SMAQMD-3

The commenter notes that the greenhouse gas inventory of the unincorporated County lands would need to be revised to separate the emissions from the new City of Arden Arcade, and that this change to the emissions inventory may delay or impede the implementation of the climate change planning and mitigation efforts in the region.

It should be noted, as discussed in the EIR, that no changes to land uses are proposed. In addition, no specific development is proposed. The new City of Arden Arcade is required by the Section 57376 of the Cortese-Knox-Hertzberg Act to adopt the existing County of Sacramento ordinances and General Plan until such time that they adopt a new General Plan and ordinances. It should be further noted that the project area is urbanized, containing less than 2 percent vacant land.

Mitigation Measure 3.1-7, on pages 3.1-37 and 3.1-38, requires the new city to prepare a greenhouse gas emission inventory for the project area. Therefore, the mitigation measure provides the basis for separating the project area's emissions from the general unincorporated County emissions inventory. Further, the measure requires the inventory to be concurrent with development of the City's first General Plan. In accordance with California Government Code Section 65360, the new city would have up to 30 months following incorporation to adopt a General Plan. However, the measure does not require cooperation with the County to revise the County's emissions inventory. Therefore, the mitigation measure has been revised to include language requiring the new city to cooperate with the

County by providing emissions inventory information to the County during the emissions inventory preparation and after completion. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SMAQMD-4

The commenter references Section 4.3.2 of the Draft EIR. The text reference by the commenter is from Draft EIR Section 4.2.3, Alternate Provision of Services Alternative, which analyzes the potential impacts if the City of Sacramento were to assume provision of fire, police, parks, water, wastewater, solid waste removal, planning, public works, animal control, street lighting, and street maintenance services to the new city. CEQA Guidelines Section 15126.6 does not require the analysis of alternatives to be provided at a level equal to that of the project. Therefore, specific impacts related to SB 375 are not required. The commenter states that the alternatives analysis should consider a “no project” as well as the Alternate Provision of Services Alternative. The Draft EIR does consider and analyze a No Project Alternative, as required by CEQA. Please see Section 4.2.1, No Project Alternative, for the analysis of that alternative.



COMMUNITY DEVELOPMENT
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

300 RICHARDS BLVD. 3RD FLR
SACRAMENTO, CA
95811-0218

April 6, 2010

Donald Lockhart, AICP, Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

Subject: Draft Environmental Impact Report for the City of Arden Arcade Incorporation Proposal (LAFC 03-07)

Dear Mr. Lockhart,

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the City of Arden Arcade Incorporation Proposal. The City of Sacramento borders the proposed City of Arden Arcade (Arden Arcade) to the west. The City currently has a strong working relationship with Sacramento County and would extend that cooperative spirit to a new City of Arden Arcade if the incorporation effort is successful.

Comment on Alternate Provision of Services Alternative

SACCITY

The City of Sacramento has concerns with the Alternate Provision of Services Alternative in the EIR. This alternative is identified in the text as a "plausible alternative," and we wish to confirm that the City of Sacramento has not been consulted with regard to the manner in which any such services would be provided. The alternative mentions annexation, and the discussion should include a disclaimer that this possibility has, again, been raised without discussion with City of Sacramento staff.

-1

The alternative provides that the City of Sacramento "...would provide fire, police, parks, water, wastewater, solid waste removal, planning, public works, animal control, street lighting, and street maintenance services to the new city." While the City of Sacramento is a full service city and does provide all municipal services within its city limits, there is no requirement in the City of Sacramento's Charter to provide all municipal services on a contract basis to another jurisdiction. It is possible for the City of Sacramento to provide some municipal services, such as planning, public works, and animal control, while allowing special districts to remain intact and continue to provide services.

-2

The Alternate Provision of Services Alternative also concludes that the level of service of special districts would be decreased for residents outside Arden Arcade and that some districts, e.g., Fulton El Camino Recreation and Park District, could suffer a substantial loss of tax base. These conclusions are reached without any definitive analysis. At this time it is difficult to predict if the level of service would actually be diminished. Under this alternative, special district territory/property tax base would be reduced, but the total population served would also be decreased. It is possible that under some circumstances a special district could be rendered uneconomic if territory is lost, but the DEIR does

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not provide any analysis to that effect. Also, there is no discussion of tax exchange agreements and the potential for payments by the City of Arden Arcade to the special districts to allow the special districts to remain viable.

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CONT

Additionally, the Alternate Provision of Services Alternative does not recognize that full service cities can better weather financial cycles:

- 1) Revenue Diversification: In a full service city, there are several revenue sources (property taxes, sales tax, utility users' tax, fees, etc.) Special districts typically have one major source of revenue (property taxes), and, in the case of the special districts in the Arden Arcade area, only provide one service (e.g. parks and recreation, water, and fire). When property taxes are reduced, special districts don't have another source of revenue fill the gap, and services are cut to make up for budget shortfalls.
- 2) Service Flexibility: In a full service city, the City Council has the flexibility to reallocate expenditures to provide essential services – e.g., police and fire and has the option to target expenditure reductions to existing non-essential programs (e.g., recreation, reduced level of park maintenance, etc.).

-4

Other Comments on the DEIR

The following section is comprised of comments on specific sections of the DEIR:

- The DEIR is inconsistent regarding the size of the Arden-Arcade Community Plan Area. The entire Plan Area is 21 square miles (p. 3.5-18); the proposed incorporation area is 14 square miles. The Arden-Arcade Community Plan Area includes areas within the City as well as the unincorporated area proposed for incorporation, plus the segment south of Fair Oaks Boulevard. The City of Sacramento's Planning Area 7 is the portion of the Arden-Arcade Community Plan Area within City of Sacramento – including Campus Commons and Cal Expo. Please adjust the boundaries to more clearly explain this relationship.
- Table 3.5-1 (p. 3.5-16) shows that 22% of the acreage for land uses is "low density residential" and 60% of the acreage is "medium density residential"; the map appears to show the reverse percentages. The descriptions of Low Density Residential and Medium Density Residential on p. 3.5-12 echo this same data. Table 3.7-1 (p. 3.7-5) echoes this same data.

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DEIR – Land Use Section

- The document (Section 3.5.3) discusses the regulatory framework and relevant policy documents, but no mention is made of the City of Sacramento General Plan which includes Arden Arcade as a "Study Area", despite the fact that City of Sacramento service provision is analyzed as a project alternative.
- Mitigation Measure 3.3-5 requires compliance with the 1992 McClellan CLUP; if the CLUP is amended, then new development should comply with the new CLUP; please modify the mitigation measure to allow the requirement to adjust to any amendments to the CLUP.

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DEIR – Public Services Section

- Page 3.8-1 discusses fire stations located within the proposed incorporation boundaries. The document should also note that two stations (Stations 8 & 19) located immediately west of the proposed boundaries are operated by the City of Sacramento Fire Department. The City of Sacramento provides service to the western portions of the proposed area, based on the principle of "boundary drop" and may provide first response.
- Table 3.8-2 identifies parks and amenities operated by Mission Oaks Recreation and Park District, including those parks outside of the proposed incorporation boundaries (i.e., D.W.

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Babcock Park). However, this section does not acknowledge the parks and amenities operated by the City of Sacramento - Department of Parks & Recreation that are immediately outside of the proposed incorporation boundaries (e.g., University Park and Del Paso Regional Park).

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CONT

- Exhibit 3.8-2 does not show correct boundaries for Fulton El-Camino Recreation and Park District. -11
- Table 3.8-6 shows that CalFire provides medic services through contract with AMR. Rather than CalFire, should this read Sacramento Metropolitan Fire District (Sac Metro)? Does Sac Metro actually contract with AMR within Arden Arcade? The table also shows that the City of Arden Arcade will contract for fire and medic services; this should read that Sac Metro will continue to provide services Table 3.8-6 shows that Law Enforcement options are to establish its own police department or contract with the County Sheriff's Department; this table should include an option to contract with the City of Sacramento Police Department. -12
- Table 3.8-6 shows that it is assumed that solid waste service will continue with the County; note that solid waste service must remain in place for at least 3 years after incorporation, but could change thereafter. -13
- Page 3.8-33 MM 3.87 a new City becomes primary service provider for water districts if they are no longer solvent. Perhaps the mitigation measure should allow the City to contract with other existing water districts or agencies, or to allow consolidation of the special districts? -14

DEIR – Alternatives Analysis

- The EIR does not analyze whether the inclusion of the area south of Fair Oaks Blvd would result in a more efficient delivery of service – compared to an unincorporated remainder served by the county? -15
- The EIR “Alternate Provision of Services Alternative” assumes an all/nothing approach – in which City of Sacramento would provide full services (including detachment from the water, fire, and park districts). In fact, the City of Sacramento could serve the area with services not currently provided by special districts – leaving the special districts intact. The all/nothing approach is not directly comparable with the incorporation proposal in which the special districts continue provision of public services. -16
- The Alternative Provision of Services analysis concludes that a significant and unavoidable impact would be created because of inconsistency with the Sacramento County General Plan. If the City of Sacramento were to annex Arden Arcade, the City would identify the corresponding land uses and that we could create a community plan that reflected an appropriate vision for the community. -17
- The EIR p. 4-3 identifies land use designations based on the 1988 City of Sacramento General Plan; the City of Sacramento adopted a new General Plan in March 2009. -18
- On pages 4-10 and 4-11, the EIR alternative discusses: “In the event of annexation...” Since this alternative deals with provision of contract services to an incorporated City of Arden Arcade, discussion of annexation is out of place and confusing. -19
- The EIR p. 4-11 concludes that the residents of the affected special districts could see a reduced level of service – owing to reduction in service area for the various special districts. This conclusion is not supported by the document. -20
- The EIR speculates that the City of Sacramento would extend water services into Arden Arcade which could adversely impact the ability of the water special districts to provide services. First, the City of Sacramento could provide services not otherwise provided by -21

special districts – i.e., could leave the special districts intact. In the event that special districts are not providing efficient service delivery, LAFCo could require consolidation of the special districts “to guard against the wasteful duplication of services”.

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CONT

- Page 4-11 Arden Arcade is only 3.4% of Sac Metro’s total territory – Arden Arcade is 14 square miles, Sac Metro territory is 417 square miles; it is inaccurate to conclude that a loss of 3.4% of Sac Metro’s territory could adversely impact their ability to provide services.
- Page 4-11 discusses impacts for Alternative Service Delivery option on Sheriff’s Department – noting the loss of 4/6 patrol areas of the North Central Division. First, the document refers to this as an “annexation” – which is otherwise inconsistent with how this alternative is handled elsewhere in this section. Furthermore, reorganization of the Sheriff’s Department could also be an outcome of the incorporation proposal – if the new City contracts with providers other than the Sheriff.
- Page 4-12 states using the City of Sacramento General Plan for Arden Arcade will result in more traffic in the area. The City of Sacramento General Plan has no land use designations for the Arden Arcade area; therefore, it is an incorrect assertion that City of Sacramento would adopt land use designations more intensive than the existing land use designations of the Sacramento County General Plan, or the land use designations of the proposed updated Sacramento County General Plan.

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Please contact me at (916) 808-4756 if you have any questions about these comments.

Sincerely,



Scot Mende
New Growth & Infill Manager

City of Sacramento, Scot Mende, New Growth and Infill Manager (SACCITY)

Response to Comment SACCITY-1

The commenter asserts concern regarding the “Alternate Provisions of Services Alternative” and states, “the City of Sacramento has not been consulted regarding the manner in which any such services would be provided.” The commenter further states that the discussion should include a disclaimer that this possibility has not been discussed with City of Sacramento staff.

This Alternate Provision of Services Alternative was included in the EIR at the direction of the Commission, pursuant to Cortese-Knox-Hertzberg Section 56301. When the formation of a new government entity is proposed, a commission shall make a determination as to whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner. The Alternate Provision of Services Alternative was based on City annexation, not on the City providing services to the new City of Arden Arcade on a contract basis.

The Commission’s discussion and direction acknowledged that the City Council has not issued a policy directive on whether a proposal for annexation of Arden Arcade would be based on a full-service City that would detach existing special districts or whether the special districts would remain intact. In light of this, the Draft EIR relied on the current adopted City Budget, applicable Master Plans, and adopted service standards and criteria. It is understood that should the City propose to provide services to the area, either by contract with the new city or through annexation, the service model would be determined by the City Council. Should the City propose to provide services to the area through annexation, there may be potential impacts on special districts. Any annexation proposal would require CEQA review, and such impacts would be analyzed.

Response to Comment SACCITY-2

The commenter states that although the City of Sacramento is a full-service city, it does not preclude the City from contracting with another jurisdiction to provide services. Comment noted.

Response to Comment SACCITY-3

The commenter disagrees with the conclusion in the Draft EIR about impacts on special districts under the Alternate Provision of Services Alternative, and suggests that the City of Arden Arcade could make payments to the special districts to keep them viable. Comment noted. The Alternate Provision of Services Alternative assumes the City of Sacramento would annex the territory and provide municipal services rather than incorporating the new city. Therefore, the comment about the City of Arden Arcade making payments to the special districts would not apply.

Response to Comment SACCITY-4

The commenter asserts concern regarding the adequacy of the Alternate Provisions of Services Alternative analysis, stating that it “does not recognize that full service cities can better weather financial cycles,” and specifically references (1) Revenue Diversification and (2) Service Flexibility as financial tools to aid in “weathering” financial cycles.

Regarding the financial stability of the future City of Arden Arcade, please see Response SACDOT-1. However, as stated in Section 2.5.2, Provision of Public Services, on pages 2-8 and 2-9:

Section 56815 of the Cortese-Knox-Hertzberg Act, which states “any proposal that includes an incorporation should result in a similar exchange of both revenue and responsibility for services delivery among the county, the proposed city, and other subject agencies.”

As a result, factual evidence would be required for the draft EIR to assume that the City of Arden Arcade would have “budget shortfalls” and require “flexibility to reallocate expenditures.” There is no substantial evidence in the record supporting that assertion.

Response to Comment SACCITY-5

The commenter states that the Draft EIR is inconsistent regarding the size of the Arden Arcade Community Plan Area.

To further clarify the extent and boundary of the Arden Arcade Community Plan boundary, additional language has been added to page 3.5-18 to articulate the relationship of the Arden Arcade Community Plan Area to the City of Sacramento’s Planning Area 7 relative to Campus Commons and Cal Expo. The comment has been noted, and the addition of clarifying language does not alter the significance findings of the Draft EIR; therefore, no further discussion is necessary. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACCITY-6

The commenter states that there is conflicting information between Tables 3.5-1 (page 3.5-16) and 3.7-1 (page 3.7-5) when compared with Exhibit 3.5-5, General Plan Land Use Designations.

To rectify the relationship between Low, Medium, and Commercial land uses, both tables have been updated to reflect the correct data that is accurately presented in Exhibit 3.5-5, General Plan Land Use Designations. Text revisions have also been made to pages 3.5-12, 3.5-16, and 3.7-5 to properly reflect the correct land use data. The relationship of Low, Medium, and Commercial land uses was used to present the percentage of currently developed acres relative to “Vacant” acres. The critical piece of information that is the acres of “vacant lands” does not change. The discrepancies were a clerical error that had no significance on the impact findings presented in the Draft EIR; therefore, no further discussion is necessary. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACCITY-7

The commenter states that there is “no mention of the City of Sacramento General Plan which includes Arden Arcade as a Study Area.”

The City of Sacramento General Plan land use policies were not mentioned in the Regulatory Framework portion of Section 3.5, Land Use and Planning, because the City of Sacramento does not have jurisdictional authority over the proposed incorporation area. However, Section 3.5 does provide the reader with information and context of the Arden Arcade Community Plan Area, which is designated in the City of Sacramento's General Plan as a Community Plan Area and Special Study Area. However, to provide additional clarification, a minor discussion has been added to page 3.5-18 to provide the reader clarification regarding the City of Sacramento's land use authority related to its designated "Study Areas" and "Community Plan Areas." This information provides the reader with further clarification and has no significance on the impact findings presented in the Draft EIR; therefore, no further discussion is necessary. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACCITY-8

The commenter requested that Mitigation Measure 3.3-5 be revised to provide additional flexibility in the event that the currently adopted 1992 McClellan CLUP is revised in the future.

Mitigation Measure 3.3-5 on page 3.3-13 of the Draft EIR has been revised to provide future flexibility. This revision does not alter or change the impact findings presented in the Draft EIR; therefore, no further discussion is necessary. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACCITY-9

The commenter indicates that two City of Sacramento fire stations (Stations 8 and 19) are located immediately west of the new city's western boundary and may provide fire and first response services to the western portions of the new city.

Comment noted. The Sacramento Metropolitan Fire District maintains a mutual aid agreement with all contiguous fire agencies. Incorporation would not affect mutual aid agreements.

Response to Comment SACCITY-10

The commenter notes that Table 3.8-2 identifies parks and amenities operated by Mission Oaks Recreation and Park District, including those parks outside of the proposed incorporation boundaries, but does not identify parks and amenities operated by the City of Sacramento Department of Parks & Recreation that are outside the proposed incorporation boundaries.

The EIR addresses impacts to service providers with facilities within the proposed incorporation boundaries. The City of Sacramento Department of Parks & Recreation does not operate any parks within the proposed incorporation boundary; therefore, nearby City of Sacramento parks need not be considered in the EIR.

Response to Comment SACCITY-11

The commenter indicated that Exhibit 3.8-2 on page 3.8-9 does not show correct boundaries of Fulton-El Camino Recreation and Park District.

Comment noted. Exhibit 3.8-2 has been updated to correctly reflect Fulton-El Camino Recreation and Park District boundaries. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACCITY-12

The commenter provided several comments regarding information provided in Table 3.8-6 of the Draft EIR. Included in the comments is a question of why paramedic and ambulance services are stated as currently being provided to the incorporation area through a contract with Cal Fire. The reference to Cal Fire in Table 3.8-6 on page 3.8-26 was erroneous; paramedic and ambulance services are currently provided by Sac Metro Fire District. The text of the table has been revised to provide the corrected information. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

The commenter states that Table 3.8-6 should indicate that Sacramento Metropolitan Fire District will continue to provide fire services in the incorporation area instead of the existing statement that the new city will “contract with a fire protection agency.” Comment noted. However, the statement in the table regarding the city contracting with a fire protection agency is based on the application filed by the proponents. Therefore, no change was made.

The commenter further states that Table 3.8-6 should also include an option that would allow the new city to contract with the City of Sacramento Police Department for police services. Comment noted. However, the statement in the table regarding potential police service contracts is based on the application filed by the proponents. Therefore, no change was made.

Response to Comment SACCITY-13

The commenter states that solid waste service, provided by Sacramento County, must remain in place for at least three years after incorporation, but could change thereafter.

Comment noted.

Response to Comment SACCITY-14

The commenter indicates Mitigation Measure 3.8-7a should allow the City to contract with other existing water districts or agencies, or to allow consolidation of the special districts, should a primary water provider no longer be able to render services.

While Mitigation Measure 3.8-7a would require the city to become the primary service provider for a district in which the existing provider were no longer able to render services, it would not limit the city from contracting with other water districts or allowing water district consolidation.

Response to Comment SACCITY-15

The commenter questions the validity and methodology of the Alternatives Analysis that is presented in the Draft EIR; specifically questioning if “more efficient delivery of service” could be offered with the inclusion of the “area south of Fair Oaks Blvd.” when compared to the unincorporated area that would be served by the County as presented in the proposed project.

As stated in the Draft EIR Section 4.1.1, Development of Alternatives and Screening Process, “the CEQA Guidelines, Section 15126(d) emphasize the selection of a range of reasonable alternatives and adequate assessment of these alternatives to allow for a comparative analysis for consideration by decision makers.” Section 15126(d) also states that the level of analysis of the selected alternatives is not to a project-level of detail. The commenter questions the level of detail provided in the alternatives analysis and requests a comparative analysis based on the speculative efficiencies that potentially could be offered with the inclusion of the “area south of Fair Oaks Blvd.” However, this would require a “project” level of analysis to distinguish the benefit and impact offered by each service provider as presented in Table 3.8-6: Service Provider Summary, and further supported by the impact analysis in Section 3.8.5, Impact Statements and Mitigation Discussion, as prepared for the proposed project. Without factual evidence that such efficiencies exist, they must be considered speculative and therefore are not required to be presented and accounted for in a “comparative analysis” as considered in Section 4.2.2, Alternate Boundary, of the Draft EIR.

Response to Comment SACCITY-16

The commenter questions the validity of the Alternative Screening Methodology used by LAFCo in selecting the Alternatives analyzed in the Draft EIR stating that “The all/nothing approach is not directly comparable with the incorporation proposal in which the special districts continue provision of public services.”

As stated in Section 4.1.2, Alternative Screening Methodology, the “Alternatives to the proposed project were selected based on the input from the project applicant, the Lead Agency, and the public and local jurisdictions during the EIR scoping hearings.” Furthermore, as stated in the Executive Summary under Areas of Controversy, LAFCo solicited input from the public regarding the scope of the EIR and its contemplated alternatives not once but twice, as documented by the Notice of Preparation circulation dates that took place in October 2007 and again in September 2009, with specific emphasis on the later circulation and notice in defining the Alternate Boundary Alternative. Furthermore, CEQA Guidelines Section 15126(d) also states that the level of analysis of the selected alternatives is not to a project level of detail; therefore, the analysis presented in the Draft EIR is adequate to provide Sacramento LAFCo with a reasonable range of alternatives, all of which provide an adequate assessment of these alternatives to allow for a comparative analysis.

Response to Comment SACCITY-17

The commenter asserts that the significant and unavoidable impact discussed in Section 4, Alternatives Analysis, from annexation into the City of Sacramento could be avoided by the creation of a community plan.

The commenter is correct in providing a plausible solution to the significant and unavoidable impact; however, with full annexation into the City of Sacramento, the Arden Arcade Area would not be fulfilling the second objective listed on page ES-2, which states:

To increase local control over, and accountability for, decisions affecting Arden Arcade by having an elected City Council and mayor made up of Arden Arcade residents who serve as the community's primary local governmental representatives.

Comment noted. No further discussion is necessary.

Response to Comment SACCITY-18

The commenter states that the City of Sacramento adopted a new General Plan on March 2009.

Comment noted. Section 15125(a) of the CEQA Guidelines suggests that thresholds can and should be based on existing environmental laws and regulations whenever possible to reduce duplicative environmental reviews and take advantage of regulatory agency expertise. As such, the Draft EIR utilized the adopted and approved General Plan that existed at the time of preparation. No further discussion is necessary.

Response to Comment SACCITY-19

The commenter provides editorial opinion regarding the use of the term “annexation.”

Additional text has been added to pages 4-3 and 4-10 to provide further clarification regarding the annexation of the Arden Arcade area to the City of Sacramento under the Alternate Provision of Services Alternative. This revision does not alter or change the impact findings presented in the Draft EIR; therefore, no further discussion is necessary. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACCITY-20

The commenter questions that the discussion of public services under the Alternate Provision of Services Alternative is “not supported.”

The analysis of Public Services in the Alternate Provision of Services Alternative presents a rational and fair argument that a decrease of tax revenue will result in a decrease of service. It also presents the concept that there is a parallel relationship between tax base and service provision. If the incorporation area were annexed into the City of Sacramento for services, the existing public service providers would lose a percentage of their existing tax base commensurate with the loss of their service territory. Therefore, the analysis concludes that a reduction in customers (i.e., service area)

will result in a decrease of revenues (i.e., tax base), which will result in a decrease in services (i.e., significant impact). However, CEQA Guidelines Section 15126(d) states that the level of analysis of alternatives is not required to be at a project-level of detail; therefore, the analysis presented in the Draft EIR, while not specifically quantified, is adequate to provide LAFCo with an adequate assessment of alternatives to allow for a comparative analysis.

Response to Comment SACCITY-21

The commenter states the Draft EIR “speculates” that the City of Sacramento would extend water services to the project area under the Alternate Provision of Services Alternative, and states that the City could instead provide only services not currently provided by special districts, thereby leaving the special districts intact. The commenter further states that LAFCo could require consolidation of the special districts if they are not providing sufficient service delivery. Comment noted.

The Alternate Provision of Services Alternative does assume the City of Sacramento would annex the proposed incorporation territory and provide a full complement of municipal services, thereby assuming the responsibility of services currently provided by special districts. Therefore, it assumes that areas served by special districts within the project boundary would be detached from the remainder of the special district outside of the project boundary. However, this alternative could also be used to establish a scenario as raised by the commenter, whereby the City of Sacramento provides only the services that are not currently provided by special districts, leaving the special districts intact. The analysis of the Alternate Provision of Services Alternative inherently includes analysis of this alternative organization of providers (leaving the special districts intact), but reflects the most conservative scenario of the City of Sacramento assuming responsibility for all services. If there were no detachment of territory for existing special districts, then the impact would be less than that described under this alternative. Text in the Section 4, Alternatives Analysis, on pages 4-3 and 4-10 has been amended to clarify that leaving the special districts intact is an option under the Alternate Provision of Services Alternative, and that the analysis represents the most conservative analysis of the alternative. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment SACCITY-22

The commenter states that it is inaccurate to conclude that a loss of 3.4 percent of Sacramento Metropolitan Fire District’s territory could adversely impact its ability to provide services.

As discussed on page 4.11 of the Draft EIR, Sacramento Metropolitan Fire District (Sac Metro) would lose five stations and the property tax revenues from the Arden Arcade area if territory is detached. Current mutual aid agreements and boundary drops for the fire service are typically modified to reflect the change in service area. Sac Metro may be required to provide mutual aid service to areas no longer providing revenue, thereby potentially affecting its ability to provide services within its district boundaries.

Response to Comment SACCITY-23

The commenter notes that the use of the term “annexation” is inconsistent with the alternative. The commenter also notes that the reorganization of the Sheriff’s Department could also be an outcome of the incorporation proposal if the new city contracts with police services providers other than the Sheriff’s Department. Comment noted.

The Alternate Provision of Services Alternative assumes the City of Sacramento would annex the proposed incorporation territory and provide a full complement of municipal services. The description of the alternative, on pages 4-3 and 4-10 of the Draft EIR, has been revised to clarify that the analysis addresses the annexation of the territory by the City of Sacramento, which will then provide a full complement of municipal services. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

The reorganization of the Sheriff’s Department may result from proposed project as well as the Alternate Provision of Services Alternative, if a law enforcement service provider other than the Sacramento County Sheriff’s Department is chosen. However, it is currently unknown and speculative if the new city will choose to provide those services. Therefore, no changes to the discussion are required.

Response to Comment SACCITY-24

The commenter asserts that the Draft EIR concludes that the City of Sacramento General Plan “will result in more traffic” than the County of Sacramento General Plan and references the lack of land use authority over the proposed incorporation area to provide support for its conclusion.

Page 4-12 of the Draft EIR states:

*The Alternate Provision of Services Alternative **could potentially** cause a traffic increase in the proposed incorporation area and surrounding areas because homes, public facilities, retail businesses and office uses would be constructed under the City of Sacramento General Plan, which has higher densities than the Sacramento County General Plan (emphasis added).*

As documented in the City of Sacramento General Plan and City of Sacramento Zoning Map Book, which provides brief definitions of the zoning designations found in the City of Sacramento, the City of Sacramento Zone Code allows for higher densities of development than allowed under the Sacramento County General Plan and Zoning Code. Therefore, the conclusion presented in the Draft EIR that the City of Sacramento land use and zoning would result in potentially more dense development and traffic is a fair argument that is supported by fact.



INVESTING IN COMMUNITIES

April 8, 2010

A Joint Powers Agency

MEMBERS

City of Sacramento

County of Sacramento

Redevelopment Agency of
the City of Sacramento

Redevelopment Agency of
the County of Sacramento

Housing Authority of the
City of Sacramento

Housing Authority of the
County of Sacramento

Peter Brundage, Executive Officer
Donald Lockhart, Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street Suite 100
Sacramento, CA 95814

Dear Mr. Brundage and Mr. Lockhart:

The Sacramento Housing and Redevelopment Agency (SHRA) has reviewed the Draft Environmental Impact Report (DEIR), prepared by Michael Brandman Associates, and the Draft Comprehensive Fiscal Analysis (DCFA), prepared by Willdan Financial Services, for the proposed Incorporation of Arden Arcade (LAFC 07-03). The proposed area of incorporation includes a portion of the existing Auburn Boulevard Redevelopment Area (Auburn RDA) (see attached map).

Both the DEIR and the DCFA failed to analyze impacts associated with incorporating a portion of the existing Auburn RDA. The Auburn RDA currently includes approximately 118 acres and \$99.8 million in assessed property value. As previously outlined in our response dated November 30, 2009 (Attached) to LAFCo's October 29, 2009 request for fiscal information on the incorporation, the Auburn RDA is jointly administered by the City and County of Sacramento. The Draft EIR (April 1992) and Final EIR (July 1992) for the Auburn Boulevard Redevelopment Project and the attached response memo from SHRA should be reviewed and referenced before continuing with analyses for the proposed incorporation.

SHRA-1

If you have any questions regarding these comments, please contact Rochelle Amrhein at (916) 440-1312 or ramrhein@shra.org.

Sincerely,

Rochelle Amrhein
Environmental Coordinator

Donald Cavier
Director of Finance

Cc: Tia Boatman Patterson, Chief General Counsel, SHRA

Enclosures: Auburn Boulevard Redevelopment Area Map
SHRA November 30, 2009 response to LAFCo October 29, 2009 request
for fiscal information

Private Organizations

Sacramento Housing and Redevelopment Agency, Rochelle Amrhein, Environmental Coordinator; Donald Cavier, Director of Finance (SHRA)

Response to Comment SHRA-1

The commenter asserts that the Draft EIR failed to analyze impacts associated with incorporating a portion of the existing Auburn Boulevard Redevelopment Area.

As stated in Section 2.5, Description of the Proposed Project, the “new city council shall immediately following its organization and prior to performing any other official act, adopt an ordinance providing that all Sacramento County ordinances previously applicable shall remain in force and effect as city ordinances for a period of 120 days after incorporation.” Therefore, the Draft EIR did analyze impacts to the Auburn Boulevard Redevelopment Area, because of the requirement of the new city to adopt all previous ordinances such as those related to redevelopment areas. However, for additional clarification, Land Use Mitigation Measure 3.5-2 on page 3.5-23 has been revised to include a provision that the new city be required to operate under the provisions of the Sacramento Housing and Redevelopment Agency for those areas under the new city’s jurisdiction until such time that the new city adopts a new general plan and zoning ordinance. In addition, text has been added to page 3.5-23 of the Draft EIR to discuss the Sacramento Housing and Redevelopment Agency. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION (LAFCo)

PUBLIC SCOPING MEETING

SACRAMENTO COUNTY ADMINISTRATION BUILDING
BOARD OF SUPERVISORS CHAMBERS
700 H STREET
SACRAMENTO, CALIFORNIA

WEDNESDAY, NOVEMBER 14, 2007

5:30 P.M.

A P P E A R A N C E S

Stephen L. Jenkins, AICP
Michael Brandman Associates

Peter Brundage
Sacramento Local Agency Formation Commission

Public Participants

Michael Seaman
Member of the Public

Joel Archer, Chair
Arden Arcade Incorporation Committee

I N D E X

	<u>Page</u>
Proceedings	1
Opening Comments	
Peter Brundage	1
Stephen Jenkins	3
Public Comments	
Michael Seaman	5
Joel Archer	10
Adjournment	11
Certificate of Reporter	12

P R O C E E D I N G S

-oOo-

MR. BRUNDAGE: I'd like to welcome the huge crowd here this evening. I thought there would be a few more people. But it's past 5:30 so I think we'll get underway.

What I intend to do real quickly is just to explain the project, describe it a little bit, and then turn it over to Steve to just briefly speak about the Notice of Preparation process and then take any public testimony that may be made this evening.

First off, the project is basically the proposed incorporation of the Arden Arcade community. The location is on the map behind me, the furthest on your right. It is basically bounded on Ethan Way and the City of Sacramento on the west, on the north by Auburn Boulevard, on the east by Mission Avenue and on the south by Fair Oaks Boulevard.

At this time the petition was initiated by registered voters and it does not propose to dissolve or reorganize any special districts such as fire, water or parks. Those special districts would continue to provide services after the incorporation. The new city would be required to provide law enforcement, animal control and engineering services to the new city.

The LAFCo Commission has directed me to evaluate the annexation to the City of Sacramento and also possible district reorganizations and consolidations of some of the special districts. And we will be doing that evaluation both in the EIR and in the comprehensive, physical analysis that is required for this incorporation.

Tonight is the scoping meeting on the environmental issues. Therefore your comments should be directed towards the potential environmental impacts related to the government reorganizations that I have described this evening as well as the potential creation of a new city.

Steve is here just to give brief comments on the Notice of Preparation and the process. We are really encouraging any written comments to be submitted to Peter Brundage, the Executive Officer of LAFCo at 1112 I Street, Suite 200, Sacramento, California, 95814. Comments should be mailed to us by the deadline and they are due on Monday, November 26 at five p.m.

So with any other comments I'll give it to Steve just to kind of briefly talk about the environmental

process.

MR. JENKINS: Thank you, Peter. My name is Steve Jenkins, I am a Director with Michael Brandman Associates, a consulting firm, environmental consulting firm here in Sacramento. We have been selected by LAFCo to prepare the Environmental Impact Report for the proposed incorporation of Arden Arcade.

As Peter indicated, the purpose of the meeting tonight is to conduct a public, early consultation and scoping meeting.

For the record I'll indicate that we did release a Notice of Preparation in accordance with Section 15082 of the CEQA guidelines on October 26. We submitted it to the clearinghouse; we mailed it to a mailing list. It is published on the LAFCo webpage and it was posted at the County Clerk's Office as required by law. As Peter indicated, it is being circulated for a public review period of 30 days which will end on Monday, November 26.

The purpose of the Notice of Preparation is to provide agencies that are responsible for approving or acting on the proposed incorporation and agencies that are responsible for protecting public trust resources such as animals, fish and game resources and that type of thing, to give them an opportunity to review and comment on the proposed incorporation.

In addition, in accordance with Section 15083 of the CEQA guidelines there is not required but an opportunity to conduct an early consultation or scoping meeting to provide other public agencies, members of the public and interested organizations to comment on the alternatives that are being proposed for review. To comment on any potential impacts, mitigation measures and that type of thing that they would like to have addressed in the Environmental Impact Report.

As I noted the Notice of Preparation does contain a list of proposed alternatives. It describes in detail the methodology that we will use in evaluating the various impacts in that. It also includes a list of the project objectives that are being sought by the incorporation proponents. The importance of those objectives is that any alternative for mitigation measures that are imposed must generally carry out those project objectives.

So with that, for the record, I'll conclude my presentation.

One final thing. The purpose of the meeting is not to receive any comments on whether the incorporation should be approved or not. The purpose is to receive public comments on the types of issues that should be addressed in the Environmental Impact Report. Thank you, Peter.

MR. BRUNDAGE: So with that if there's any comments please come up to the podium and state your name and your comment for us.

And again I would appreciate or encourage that in addition to your testimony this evening that you provide your comments in writing so that we can assure that we capture everything that you have said. We do have court reporters here and we can use that but we would also appreciate your written statements.

MR. JENKINS: And just one other comment. If you would please either write your name down or spell your name so that the court reporters can pick that up, appreciate it.

MR. SEAMAN: Hi, I'm Michael Seaman, S-E-A-M-A-N. I live on Merrywood Drive in Arden Arcade; I have since 1978. I am also a Director on the Board of the Fulton-El Camino Recreation and Park District. I am not here to give you comments from the Park District, I'll give you my comments.

Now your Commission, Peter, has made a major blunder in seeking to go to the full EIR for an area that is totally built out. Anybody with an eyeball can look at your map and the vacant parcels, which by the way, it has inaccuracies in it. But even if it was all true, you can clearly see that the area is built out. We all know it's built out. So the notion that somehow there is a direct or indirect potential for significant change to the physical environment is just plain baloney.

And most of the stuff that is in the Notice of Preparation is really a consultant trolling for money. Either that or it's a commission seeking to kill the request from the citizen committee that put forth the request for incorporation.

You have the OPR incorporation guidelines. I know that you've used them, you've read them because you cited it in your notice of preparation. These are the guidelines that are issued by the Governor's Office. And it says essentially you are going to make one of three decisions,

MS1-1

one of which does not apply clearly and that is the 15320 section of the CEQA guidelines pertaining to exemption. That has to do with consolidating districts. So either you are going to conclude that there is no significant environmental impact based on an initial study, which is what the guidelines say, or you are going to conclude there is potential for significant environmental impact based on an initial study.

Now your Commission has chosen not to do an initial study. The CEQA guidelines give you that authority but it has to do with when it's clear that a full EIR is needed. It is not clear. And I have given you testimony about that in the past, I don't have to repeat that testimony.

Citrus Heights was a totally different situation than Arden Arcade. The Citrus Heights incorporation involved some rather large tracts of open land. So a reasonable person could look at that and say, well, you know, there is a possibility that there will be an indirect potential for conversion of the physical environment. That is not the case in Arden Arcade. It just simply isn't. And your own data, the map that you presented to the public shows that very clearly.

What you should do is an initial study. And as I've said before, if you go through Sacramento County's initial study checklist, which is the one that everybody uses in this local area and has for decades, you will see there is not a significant potential for environmental impact on any of the questions asked on the initial study. So if you did an initial study you would conclude that you don't have to do a full EIR.

Now what is the issue about doing a full EIR? It costs money, unnecessarily costs money. As one of five people on the Board of Fulton-El Camino Rec and Park District I have a responsibility, a fiduciary responsibility to my constituents about our budget.

As you know, Peter, some of our budget goes to pay for LAFCo expenses. We are assessed, along with other special districts, for the operations of LAFCo. So we have a direct interest in knowing that our money is well spent. It is not being well spent in this regard.

Let me give you a good example of that. Look at page seven of your scoping study proposal. I'll read it to you. Under *Schools* it says:

MS1-1
CONT

"The Arden Arcade Gwinn Elementary School, at 100 North Street, is the only public school in Arden Arcade and is part of the Morgan Hill Unified School District. The northern part of Arden Arcade, north of Church Avenue, is part of the Morgan Hill Unified School District and the southern part of Arden Arcade, south of Church Avenue, is part of the Gilroy Unified School District. After incorporation, school district boundaries will not change."

Well that is completely wrong. We are not part of Santa Clara County. I think you know that. And if your staff had any intelligence between their ears they would have read the document before issuing it to the public.

So either we have a consultant who is just being lazy and using a word processor to shift paragraphs from one document to another in another part of the state, or, and I think this is worse, your staff is not doing its job in checking the work. I want to know, what are we paying for when we get this kind of gross error?

Now suppose you correct that, and I assume you will. You've shot yourself in the foot already. it's just like John Edwards' \$400 haircut, Rudy Giuliani's cross-dressing and Mitt Romney's animal abuse of his Irish Setter on the family vacation. These things stick, they don't go away.

What you have demonstrated to us tonight is that this is just a sleazy game to mess with the process. If you did the process properly you would do an initial study and you would make conclusions from that.

There is only one thing on the checklist that I can see LAFCo having a real oar to stick in the water and that is environmental justice. Your issue there is to ensure that the boundaries that are proposed do not artificially mess with low-income communities. Well there is no gerrymandering that is going on here. Furthermore Arden Arcade is not a well-off community. If anything it is full of underprivileged communities of interest.

And it is seeking to serve them the same way that it seeks to serve everyone else in Arden Arcade, by generally upgrading the service level that is delivered to the citizens. Something that is the primary driving reason

MS1-2

for the incorporation. Sac County has dropped the ball over the years and is not capable of being a municipal services agency in a way that the public wants. That's why the public has in so many numbers signed the petition of incorporation.

So what would I like you to do? I would like you as a result of the public input you are receiving tonight to change the whole way you are going about this. You can save dollars and you can save time and you can get it right instead of abusing the CEQA process. Thank you.

MR. BRUNDAGE: Thanks. Do we have any other commentors that would like to speak? Seeing none I will close the hearing -- the meeting, the workshop and we will provide a response in the EIR during the preparation of our document.

In addition once we issue the EIR there is a 45 day review period where again the public can comment, provide written comments, and we will address those comments in a response in the final Environmental Impact Report.

Thank you for attending this evening and I hope you have a good evening.

MR. ARCHER: Do you have any written comments as of this point?

MR. BRUNDAGE: So far I've received two letters, one from the Sacramento Regional County Sanitation District, the second was from an individual, Dr. Robert Heiligman, I believe is how you pronounce it. They were received this week and those are the only two so far.

We have distributed the NOP to quite a few agencies and have made it, as Steve mentioned, available on our website.

MR. ARCHER: Will those comments be available to the public?

MR. JENKINS: Can you come up and speak, for the record.

MR. ARCHER: Sure.

MR. JENKINS: And while you're doing that I'll just indicate, this is Steve Jenkins with Michael Brandman Associates. We obviously take responsibility for the typo in the issue of schools and we will correct that.

I would ask Mr. Seaman as part of his formal comments, if he chooses to make some, to point out the apparent inaccuracies in the vacant land map that he referred to.

MR. ARCHER: Joel Archer, A-R-C-H-E-R, Chair of the Arden Arcade Incorporation Committee. I was curious if comments that have been made currently or even in the future will be available to the public or to the Incorporation Committee?

MR. JENKINS: The comment letters themselves? Yes, those are all public documents. Upon the close of the 30 day period next Monday all of that can be made available to anyone.

MR. ARCHER: Good, thank you.

MR. BRUNDAGE: Again, thanks for attending and have a good evening.

(Thereupon, the Public Scoping Meeting was adjourned at 5:56 p.m.)

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CERTIFICATE OF REPORTER

I, John Cota, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Department of Toxic Substances Control public hearing; that it was thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of November, 2007.

JOHN COTA

Individuals

Michael Seaman (MS1)

Response to Comment MS1-1

The commenter suggests there is no need for a full Environmental Impact Report because the proposed incorporation area is fully built out and that LAFCo should do an Initial Study that would lead to a Negative Declaration.

CEQA Guidelines Section 15063 states that if the “Lead Agency can determine than an EIR will clearly be required for the project, an Initial Study is not required” LAFCo as the Lead Agency has determined through its experience with previous incorporation proposals for Citrus Heights, Elk Grove, and Rancho Cordova that there are potentially significant impacts and that a full EIR is required.

Response to Comment MS1-2

The commenter suggests there may be significant impacts with regard to environmental justice but did not provide any reasons why such impacts would occur. Section 3.10 of the Draft EIR addresses environmental justice and found no significant impact (pages 3.10.8 to 3.10.9). No further response is necessary.

RECEIVED

NOV 26 2007

Comments of Michael Seaman
To the Sacramento County Local Agency Formation Commission

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

Re: Notice of Preparation Scoping Document for Incorporation of New City
of Arden Arcade

November 26, 2007

The following comments are submitted in response to your Commission's request for written comments on the Notice of Preparation Scoping Document for the New City of Arden Arcade. These written comments supplement my oral testimony given at the LAFCO public hearing on this subject on November 14, 2007.

OVERALL

In general, the Notice of Preparation (NOP) oversteps the boundaries of common sense. The California Environmental Quality Act (CEQA) is about decision makers' disclosure of impacts from a project and the mitigation of such impacts as may be disclosed. Given that the Arden Arcade area has been built out for decades, the project, formation of a new city for that built out area, is benign. In light of this, taking the CEQA process through a full EIR procedure adds unnecessary time and expense, while contributing nothing to the knowledge base.

The October 2003 OPR Incorporation Guidelines lay out three basic determinations a LAFCO can make with respect to the potential environmental effects of an incorporation. One of those three choices, a finding of exemption, clearly does not apply in the case of the Arden Arcade cityhood request. The other two choices, per the OPR guidelines (at page 48) are:

- "The incorporation does not have the potential to result in significant environmental impacts, based on an initial study."

or

- "The incorporation has the potential to result in significant environmental impacts, based on an initial study."

The CEQA Guidelines, at Section 15060(d) empower a lead agency to skip the initial review of a proposed project and begin work directly on a full Environmental Impact Report (EIR) process *if the lead agency can*

MS2-1

determine that an EIR will be clearly required for the project. LAFCO has stated a full EIR process is necessary because of a past lawsuit concerning another incorporation. But that other incorporation was a different project with a different set of circumstances. If every lead agency that ever lost a law suit was to follow LAFCO's line of thinking, all projects subject to CEQA would immediately default to a full EIR process, regardless of the facts pertaining to any given project. The existence in state law and administrative guidelines of procedural options other than a full EIR are proof that CEQA is not intended to only lead to use of the full EIR process. Since no two projects are alike, the law clearly provides lead agencies with flexibility when circumstances vary as to time, place and project specifics.

For the fully built-out Arden Arcade area, LAFCO has nonetheless decided that it will pursue a full blown EIR with the associated extended timelines and costs that accompany the execution of an unnecessary level of analysis.

LAFCO could (and should) follow the OPR Incorporation Guidelines and perform an initial study, which would lead to the obvious determination of no significant impacts. Doing so in the sunshine of public review and comment would insulate LAFCO from lawsuits. But LAFCO has chosen instead to delve deeply into the question of environmental impacts when it is plain that there are none. This does a disservice to the public.

The NOP clearly states that Section 57376 of the State Government Code requires a new city to abide by existing County rules for a minimum period of time or until the new city adopts its own ordinances. The NOP also clearly states that Section 65360 of the Government Code stipulates that a new city has 30 months following incorporation to adopt its own General Plan and it further states its assumption that the City of Arden Arcade will do as other newly formed cities have done---adopt the currently-operative County General Plan for its interim decision making.

This means the NOP anticipates that the project (incorporation) will not change anything related to municipal ordinances or land use processes. After saying that, the NOP then launches into a relentless search for "maybes" associated with ordinances and land use, yet then concludes in its discussion of the No Project alternative that, "the potential environmental effects of the No Project Alternative and of the proposed Project may be the same." I agree with that latter statement. The impacts are the same with or without

MS2-1
CONT

the project. No change to the physical status quo is as solid a basis for a determination of no significant impacts as there could be.

The correct direction for LAFCO to take concerning the application of CEQA to the Arden Arcade cityhood request is to conduct an initial study, which would lead to the conclusion that there are no significant effects. A Negative Declaration could then be prepared and circulated for public review and comment.

MS2-1
CONT

SPECIFIC COMMENTS

Page 1

Project Description

This section is accurate in stating that the proposed project is the formation of a new city. The reader can easily see that annexation of the area by an existing city is not on the table. However, this paragraph fails to mention that a mayor would be elected, bringing the total of elected officials for the new city to seven. This section also clearly states that land use will not be affected by the project.

MS2-2

Level of Detail of Environmental Analysis to be Included

The reason for choosing a Draft Program EIR is not given, which is no surprise since there is no valid basis for selecting a Draft Program EIR in the absence of an Initial Study.

Purpose of Public Scoping Process

This section says LAFCO is the Lead Agency (OK, fine) then says a Program EIR will be prepared. After saying that, the document says the public gets to provide input about what should be covered in the analysis. This is like asking the public about the cows that have left the barn. It would have been more honest to have said to the public, "Help us figure out what needs to be analyzed" without the bias associated with defaulting beforehand to a full blown program EIR.

MS2-3

But since the NOP asked for input, here is mine: there are no significant impacts. Since there are no impacts, there is nothing to mitigate. The only

reasonable alternatives LAFCO could legitimately look into would be boundary adjustments to maintain a fair balance of delivered services.

MS2-3
CONT

Page 3

Description of Proposed Project

This section fails to include the mostly accurate description of the proposed project that the NOP provides on its first page, i.e.

"...a new City of Arden-Arcade would be a General Law City with a city manager form of government. The general governmental structure would include management, administration, and support operations that would be provided by the new City of Arden Arcade. A six member city council elected at large would govern the new city. The city manager, city clerk, city treasurer and city attorney would be appointed and removed by the city council."

MS2-4

The NOP should add to this language that there will also be an elected mayor of the new city.

This section states an assumption that the existing County land use laws will remain in effect until changed by the new city. This assumption is not followed in the balance of the NOP. Had it been followed, the NOP would be proposing that there are no significant effects.

Page 5

Description of Proposed Project (continued)

The section continues with an assumption that the new city will follow the existing General Plan during an interim period as other new cities in the region have done. This assumption is also not followed in the balance of the NOP. Had it been followed, the NOP would be proposing that there are no significant effects.

MS2-5

Proposed Boundary

The boundaries appear to be reasonable. The City of Sacramento constrains on the western edge and a small portion of the southern edge. Fair Oaks

MS2-6

Boulevard and Auburn Boulevard/Capital City Freeway are major arteries that definitely divide the area from mostly recreational space in the City of Sacramento to the North and urban areas to the south. The eastern boundary has been established by the County of Sacramento and is widely regarded as a valid boundary between Arden Arcade and Carmichael. Since the boundaries are reasonable, LAFCO does not need to revise them.

MS2-6
CONT

Government Reorganization

The NOP states that the proposed project will not change any of the service boundaries of the existing special districts and cities. That being the case, there is no valid basis to finding anything other than "no significant effects" that would follow from approval of the proposed project.

Municipal Services Plan

There are no significant impacts associated with the continuation of the services listed.

MS2-7

Page 7

Municipal Services Plan (continued)

There are no significant impacts associated with the continuation of the services listed.

There is a gross error in the paragraph about schools. It is obvious from the NOP language that the consultant lifted words from a different document having to do with a project in Santa Clara County. Worse, the LAFCO staff either did not review the flawed language or allowed it to pass through despite the obvious error. When I pointed this problem out at the November 14th hearing, the consultant stated that the wording would be corrected. Unfortunately for LAFCO and the public, the damage has been done. This is the kind of problem that cannot go away through the miracle of word processing. It is the kind of blunder that sticks. The consultant has demonstrated that it is just cranking out stock phrases for income purposes. Tellingly, LAFCO has shown its hand by establishing its inability to ensure accuracy. With this paragraph the NOP has clearly defined a lack of credibility for LAFCO's application of CEQA.

Page 8

Municipal Services Plan (continued)

There are no significant impacts associated with the continuation of the services listed.

Revenue Neutrality

This section is out of place in the CEQA process. It belongs in the Comprehensive Fiscal Analysis, but not in the environmental document.

MS2-8

Permits and Permitting Agencies---Sacramento LAFCO

It is misleading for the Lead Agency to recite its powers and duties in its environmental document. Cities and counties do not waste ink in their environmental documents citing chapter and verse of their police powers. LAFCO's application of CEQA in this instance is just one part of LAFCO's discretionary authority regarding the incorporation of Arden Arcade. But this Section reads as though the other components are subservient to the environmental document. In reality, CEQA is supposed to add value for LAFCO in its discretionary approval process by disclosing environmental impacts. And since there are no significant impacts, LAFCO can freely continue with the rest of its discretionary approval process for Arden Arcade's incorporation.

MS2-9

Page 10

Permits and Permitting Agencies---Responsible Agencies and Trustee Agencies

It is true that LAFCO is the only public agency with discretionary jurisdiction over the incorporation.

MS2-10

Scope of EIR

The NOP does not disclose what factors were considered in its preliminary review of the proposed project, nor how those factors lead to the decisions that there were potential significant impacts and that no initial study would be prepared. Was there some kind of surrogate process that took place prior

MS2-11

to the NOP? How did LAFCO make this decision? It surely was not in response to my prior public comments, given at LAFCO meetings, about the lack of need for anything other than an Initial Study leading to a Negative Declaration. By refusing to do an initial study, which would have disclosed no significant impacts, LAFCO has deliberately chosen to pursue an unnecessary and costly full EIR. LAFCO cannot find any significant impacts, as demonstrated by the NOP's statement that the No Project alternative and the proposed project have the same impacts.

MS2-11
CONT

When pressed about this, LAFCO staff has consistently referred to its experience with the Citrus Heights incorporation process. But that project occurred years ago in a different part of Sacramento County, with a different environmental setting. Lead Agencies are supposed to apply CEQA on a case-by-case basis, taking into account the specific circumstances that bear on each project. If LAFCO would do so with an open mind, as intended by CEQA, then it would perform an initial study, which would inevitably lead to a finding of no significant effects, thereby saving time and money for the applicants and the public.

Less Than Significant Impacts

I agree with these conclusions of this section. However, the section is incomplete in that the list of less than significant impacts is incomplete and too short.

Pages 11-13

Potentially Significant Impacts---Air Quality

It strains credibility to propose that air quality will change due to the substitution of a city council for a county Board of Supervisors, particularly when the land uses will not change as a result of the proposed project. Whether the proposed project is approved or not, the California Air Resources Board will continue to be responsible for the regulation of mobile sources and air toxics. The Sacramento Air Quality Management District will continue to be responsible for maintaining an Air Quality Plan that applies to the Arden Arcade area and for controlling stationary sources of air pollution.

MS2-12

The inclusion of this parameter as a potential significant impact appears to indicate a consultant trolling for dollars, as evidenced by the obviously *de minimus* amount of vacant parcels shown in Exhibit 3. While on the subject of Exhibit 3, the Exhibit should include a matrix listing the specific vacant lots' parcel numbers and street addresses, the applicable zoning, and the existence of any development proposals for those lots already in the Sacramento County land use approval queue. A good many of the lots on the map are already undergoing construction, or are already proceeding through the Sacramento County land development process, or have been approved for development by Sacramento County, or are in residential areas with development entitlement exempt from CEQA, or are within the Auburn Blvd. Redevelopment Area. At least one lot (a mirror-image "P" shape at Watt and El Camino), appears to be the current location of a US Post Office building. The "vacant lot" at the NE corner of Fulton Avenue (inaccurately labeled as Monroe Street) and Cottage Way is a used car sales business. There are homes under construction on the lot just north of Sierra Blvd. on the west side of Fulton Avenue. The largest indication of vacant land on the map is the "J" shaped site on Loma Vista Way. That site has a development plan pending with the County for houses and a small office building. The fifth lot SW of Fulton on Auburn Blvd. is a recently built car dealership (Nieillo). Even if none of those inaccurate or misleading "vacant lots" was corrected on the map, the only reasonable conclusion is that the map shows an environmental setting that is totally built out.

MS2-13

None of the significance criteria can be validly applied to the proposed project. If anything, air quality will likely improve as a result of the proposed project because the city council will be better able to respond to citizen concerns about the issue than the current form of governance can. For example, suppose citizens of the area request the County to purchase electric vehicles for public works use in the area, the better to improve air quality. Even if the County Supervisor who represents the Arden Arcade area agreed with the citizens, the votes of two other Supervisors, whose loyalties are to citizens who reside elsewhere, are required. The standard County reply in that sort of situation is that money is needed for something else, somewhere else.

MS2-14

The inclusion of GHG emissions as a parameter is also invalid. First, as the NOP points out, AB32 rules have not been adopted. In fact, per SB97 of 2007, the Office of Planning and Research has until July 1, 2009 to issue GHG CEQA guidelines and the Resources Agency has until January 1, 2010

MS2-15

to certify and adopt the guidelines. But more importantly, cities are known for sustainability initiatives, not counties. At the recently concluded US Green Building Council's Greenbuild 2007 conference, speakers repeatedly pointed out the importance of the ambitious goals the US Conference of Mayors (not the National Association of Counties) has set to address climate change and sustainability. Cities are actively working towards those goals. The Mayors' Panel at Greenbuild stated that cities are uniquely suited to take the local initiative to achieve greenhouse gas reduction. Significantly, the Clinton Climate Initiative, Architecture 2030 and the American Institute of Architects are all working with cities, not counties, to implement sustainability programs and practices.

MS2-15
CONT

Page 14

Biological Resources

This section says the NOP assumes land uses will not change as a result of incorporation and adds, "...it is unlikely that the proposed incorporation would create adverse impacts on identified biological resources." Then it refers back to the flawed logic that somehow the fully developed area is characterized by a large amount of vacant land (it is not) and therefore, despite the requirement in state law for a later General Plan to comply with CEQA, prematurely attempts to implement CEQA for the years-in-the-future adoption of a General Plan by the City of Arden Arcade. This is just grasping at straws.

MS2-16

Hazards and Hazardous Materials

The same conclusion applies to this section, i.e. grasping at straws. There are no hazards and hazardous materials issues related to the proposed incorporation. For example, McClellan Field was an airport well before Arden Arcade's urbanization was implemented by Sacramento County. Incorporation will not make it go away. Neither are there wildlands, subject to wildland fires, anywhere in the project area. And who in their right mind would assume that the establishment of a city council for Arden Arcade would somehow impede an adopted emergency response plan or emergency evacuation plan?

MS2-17

Hydrology and Water Quality

Here is another section that struggles to find possible impacts where there are none. Maybe the consultant has expertise in hydrology, but please spare us the unnecessary detailed analyses of surface and groundwater flows. Those are not issues that will change whether the City of Arden Arcade is formed or not. Inundation by tsunami 100 miles from the ocean? Mudflows in an area devoid of slopes? Dam failure? If Folsom Dam fails it will be due to an act of God or the errors of the federal government, not the actions of the new City of Arden Arcade. False considerations such as these have no place in the environmental analysis for this proposed project. That such considerations made the list of potential significant impacts is yet another demonstration of the insincerity of LAFCO's preferred course for environmental analysis.

MS2-18

Pages 16-17

Land Use and Planning

As noted above and as pointed out in this section, land use issues will not change as a result of the proposed incorporation. Eventually, the City of Arden Arcade will adopt its own General Plan, but will have to apply CEQA in so doing. It is premature to know how that eventual City of Arden Arcade General Plan will turn out, as LAFCO apparently learned from the Citrus Heights incorporation experience. As cited by the NOP, the Citrus Heights final EIR concluded that, "It was determined upfront that any type of a 'redevelopment scenario' (reuse of developed lands) for the project territory would be far too speculative, or useful for evaluation of environmental impacts resulting from project approval."

MS2-19

Despite having "learned" that lesson, LAFCO now seeks to apply a wildly doubtful set of assumptions about land use development intensity being either reduced or increased by 20%! Where did that thinking come from? Is there some kind of nefarious scheme afoot to burn down 2 out of 10 existing residences? Or to shutter 2 of 10 existing businesses? Of course not. How in the world could development increase 20% in the next 30 months after incorporation given that the economy is currently in a downward cycle? Such a rapid turnaround of economic fortune is completely improbable. The chosen scenarios are entirely misleading and, to borrow a phrase from the

MS2-20

Citrus Heights incorporation EIR, "...far too speculative, or useful for evaluation of environmental impacts resulting from project approval."

Also, as previously noted, it is particularly inappropriate to treat Arden Arcade's incorporation as though the circumstances are the same as existed in the case of Citrus Heights' incorporation. At the time of the Citrus Heights proposal, there were, arguably, some very large tracts of open, developable land. Even though the County had not stood in the way of development of those tracts, the argument was made that incorporation would open the floodgates of land development. This argument, however tenuous for Citrus Heights 13 years ago, certainly does not apply in the current case of the fully developed Arden Arcade area.

MS2-21

Page 18

Population and Housing

Here is yet another section that grasps at straws. It is obvious from the incorporation map (Exhibit 2) that there is no gerrymandering going on in the proposed project. Areas in the adjacent City of Sacramento are off limits for this subject. Demographics of population in the unincorporated areas outside the proposed city boundary to the South and East do not indicate any kind of environmental injustices are in play there. No new roads or other population-inducing infrastructure are in the works because the new city is fully built out. The area already includes a disproportionate share of low and moderate income housing units in comparison to the rest of the region. Incorporation of Arden Arcade will not change population levels or the housing stock.

MS2-22

Noise

This section states, "It is unlikely that incorporation will create any adverse impacts on identified noise." I agree. The section then wanders off into highly speculative territory by asserting that the area could become much noisier if the unsupported assumptions about land development come to pass. The argument is misleading and without merit.

MS2-23

Page 19

Public Services and Recreation

The proposed project does not propose to change the delivery of services from the array of special districts in the area. No change to those services equals no significant impacts due to the proposed project. Detailing and evaluating those services via the Arden Arcade incorporation CEQA process is a waste of time and money. LAFCO can, and should, evaluate those services, but not in this context. Instead, LAFCO is required to evaluate such services in its Municipal Services Review (MSR) authority. Interestingly, all of the special districts reviewed thus far under that authority have been found to:

MS2-24

...provide efficient, comprehensive services to the residents and visitors of the area and do so in a highly professional and cost-effective manner. (paraphrased from MSR findings for special districts that serve Arden Arcade and reviewed to date by Sacramento LAFCO, per LAFCO's web site for MSRs)

The proposed project does apply to the municipal services now provided by the County. A driving force behind the Arden Arcade incorporation effort is the improvement of those services over the inadequate level of service now offered by the County.

MS2-25

Fortunately, this section states it will not require a significant comparative analysis of the environmental impacts that may result from alternative means of providing services to Arden Arcade. That is a wise choice.

MS2-26

Unfortunately, that wisdom is trumped by the unnecessary determination that a qualitative analysis of service delivery under an annexation scenario is appropriate. Such a scenario is not part of the scope of the proposed project. Substituting a speculative, completely different development scenario (other than the "No Project Alternative") is not an appropriate role for an environmental document. If the proposed project was about building an apartment complex, it would be like the environmental process wondering what the impacts would be if the project was an office park instead, even though such a proposal was not on the table.

MS2-27

Finally, this section once again inappropriately suggests that development of a mere handful of small vacant lots will somehow upset the apple cart of existing service delivery.

Page 20

Transportation

This section correctly states that it is unlikely that the proposed incorporation would create any adverse traffic impacts. Despite this, the section hastens to add that the handful of vacant lots will require detailed analysis of trip generation rates. What a waste of time and money! Again, Arden Arcade is a fully built out area. Land development will not change as a result of the act of incorporation. Yes, a future General Plan has to be done, but it will require its own CEQA determination.

MS2-28

Page 21

Utilities and Service Systems

My comments above concerning Public Services and Recreation apply to this section as well. Please see also my comments above concerning how cities are addressing energy use and sustainability. It is confusing to have infrastructure matters discussed in so many different sections. From the NOP, one can envision a draft Program EIR that is full of duplicative analysis and conclusions, since the incorporation will not change the infrastructure of this built out area, will not alter the regional service delivery mechanisms (e.g. landfills, wastewater treatment, energy utilities, etc.), and will not influence land use patterns. This is another section of the NOP that is grasping at straws.

MS2-29

Pages 22-23

Growth Inducing Effects

The section properly defers consideration of growth-inducement to the arena of the new City's eventual General Plan. The section correctly states that it is not anticipated or assumed that the act of incorporation itself will have growth inducing effects.

MS2-30

Cumulative Projects

The section correctly states that it is unlikely that the proposed incorporation would create any adverse cumulative impacts as no new development of land use changes will result that were not already approved in the county General Plan and analyzed in county certified CEQA documents.

MS2-31

Page 23

Alternatives to be Addressed in the EIR---No Project Alternative.

The section states that the potential impacts of the No Project alternative and the proposed project may be the same. Indeed, they are the same. The area is build out and the only changes stemming from the proposed project involve a different form of governance intended to improve the area and stem the malaise of indifference demonstrated by the County over the years.

MS2-32

Page 24

Alternative Boundaries

LAFCO is supposed to look at boundaries. This section indicates that minor modifications to the proposed boundaries might be in order. How that translates to the need for an expensive, time-consuming EIR is a mystery. As noted above, the proposed boundaries appear reasonable.

MS2-33

Alternative Method of Providing Public Services by Existing Service Providers

This section raises an inappropriate issue. Alteration of services from existing service providers is not part of the project description, except for the municipal services currently provided by the County (e.g. filling potholes, rounding up stray dogs, etc.). For those services, the City of Arden Arcade intends improved service delivery. Any other consideration of alternative services should be done by LAFCO as part of its MSR authority, which is outside the scope of the incorporation's CEQA analysis.

MS2-34

CONCLUSION

In summary, the NOP points in the direction of an effort to try and make something out of nothing. It is inappropriate to proceed with an analysis that desperately tries to find impacts when there are none. LAFCO should instead do an honest, open Initial Study. When it does, it will conclude that there are no significant impacts and set about to prepare a Negative Declaration. This will save time and money and enable LAFCO to spend its energy on the more legitimate inquiry about the financial aspects of the incorporation and the precise boundaries.

MS2-35

Michael Seaman (MS2)

Response to Comment MS2-1

The commenter cites the Governor's Office of Planning and Research (OPR) incorporation guidelines and CEQA guidelines to support the need for an Initial Study rather than proceeding to an EIR without an Initial Study. Please see Response to Comment MS1-1.

Response to Comment MS2-2

The commenter discusses the make-up of the city council and mentions the need to clearly state that a mayor will be elected separately from the council for a total of seven members. Page ES-2 of the Draft EIR clearly states that six council members will be elected by district and that the mayor will be elected separately at large, for a total of seven council members. No further response is necessary.

Response to Comment MS2-3

The commenter states opinion on potential significant impacts of the proposed project, and states that the EIR could evaluate boundary adjustments to maintain a "fair balance of delivered services." The Draft EIR evaluated impacts from the Alternate Boundary Alternative in Section 4.2.2. No further response is necessary.

Response to Comment MS2-4

The commenter states the project description should include a statement that there will be an elected mayor. Section 2.5, Description of the Proposed Project, of the Draft EIR states the council will include six members elected by district and a mayor elected at large. No further response is necessary.

Response to Comment MS2-5

The commenter states that the new city will follow the County General Plan and should be considered throughout the analysis. The Draft EIR at the top of page 3.5-11 states that the new city is required to adopt all County ordinances for a period of 120 days, including the County General Plan. In addition, the required adopting of the County ordinances and General Plan is referenced throughout the impact discussions in the Draft EIR.

Response to Comment MS2-6

The commenter states he agrees with the proposed boundaries contained in the application and that LAFCo does not need to revise them. Comment noted.

Response to Comment MS2-7

The commenter states that the incorporation proposal does not change the boundaries of any of the special district or city service providers, so the analysis should conclude there are no significant effects. However, analysis contained in Section 3.8 of the Draft EIR found that potential impacts exist for law enforcement, animal control services, provision of water, stormwater facilities, solid waste services, roadway/street services, lighting services, and regional planning. The impacts and

associated mitigation measures are summarized in Table ES-1 on pages ES-16 through ES-19 of the Draft EIR. No further response is necessary.

Response to Comment MS2-8

The commenter states the discussion of revenue neutrality should only occur in the Comprehensive Fiscal Analysis and not be part of the environmental review. No discussion of revenue neutrality is contained in the analysis of the Draft EIR.

Response to Comment MS2-9

The commenter states there is no need to state LAFCo's CEQA requirements. Cortese-Knox-Herzberg in Government Code Section 56300 requires LAFCo to establish written policies as a way to implement the law. The Draft EIR includes a discussion of LAFCo policies, standards, and procedures as they related to potential environmental impacts and proposed mitigation measures. Therefore, discussion of LAFCo policies, standards, and procedures is pertinent to the environmental impact analysis.

Response to Comment MS2-10

The commenter correctly states that LAFCo is the only public agency with discretionary jurisdiction over incorporations. No further response is necessary.

Response to Comment MS2-11.

The commenter reiterates his position that LAFCo should do an initial study and need not complete the EIR. Please see Response to Comment MS1-1

Response to Comment MS2-12

The commenter states the project would not result in significant air quality impacts. However, the commenter does not provide support for the assertion. As stated in Response to Comment SACDERA-6, CEQA Guidelines Section 15064(f) states the decision as to whether a project may have a significant effect must be based on substantial evidence. CEQA Guidelines Section 15064(f)(5) further states:

Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.

The Draft EIR identifies potential impacts on climate change and requires the new city develop a climate action plan as mitigation. Impacts are identified in Section 3.1 and summarized in Table ES-1 on page ES-9 of the Draft EIR. No further response is necessary.

Response to Comment MS2-13

The commenter believes the EIR should list vacant lots, parcel numbers, street addresses, zoning, and any development proposals that are currently being processed by the County. The requested level of

detail is not required by CEQA. However, information about the quantity and land use designation of vacant lands is contained in the Draft EIR. Table 3.7-1 on page 3.7-5 lists the acreage of vacant land by land use designation.

Response to Comment MS2-14

The commenter presumes that none of the air quality significance criteria in the CEQA Guidelines applies to the project and that air quality may actually improve because the new city will be more responsive than the County. The statement is highly speculative. Significance determinations must be based on substantial evidence, not speculation. No further response is necessary.

Response to Comment MS2-15

The commenter states that the inclusion of impacts of greenhouse gases is not necessary. Since the comment was written, OPR prepared and transmitted recommended Amendments to the CEQA Guidelines for greenhouse gas emissions to the California Natural Resources Agency, which adopted the CEQA Guidelines Amendments. The CEQA Guidelines Amendments became effective March 18, 2010.

The CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of greenhouse gas emissions in draft CEQA documents. The CEQA Amendments fit within the existing CEQA framework by amending existing CEQA Guidelines to reference climate change and are, therefore, appropriately considered in the Draft EIR.

Response to Comment MS2-16

The commenter states the NOP “prematurely attempts to implement CEQA for the years-in-the-future adoption of a General Plan by the City of Arden Arcade.” The Draft EIR analyzes the reasonably foreseeable environmental impacts associated with the proposed project, and does not attempt to analyze potential impacts from a future General Plan adoption. No further response is necessary.

Response to Comment MS2-17

The commenter believes there would be no potential significant impacts for hazardous materials or hazards as a result of the project. The Draft EIR evaluated impacts that are due to hazards and hazardous materials and found a potentially significant impact because of the new city’s proximity to McClellan Park on the site of the former McClellan Air Force Base (pages 3.3-12 and 3.3-13). The impact was reduced to less than significant with mitigation.

Response to Comment MS2-18

The commenter states the criteria for significance for Hydrology and Water Quality are “false considerations” for the environmental analysis of the project. The criteria for significance are taken directly from the CEQA Guidelines Appendix G. Once an environmental factor such as hydrology and water quality is identified as being potentially impacted by a proposed project, it is standard practice to review and assess all criteria for that environmental factor, as contained in CEQA

Guidelines Appendix G. Please see Draft EIR Section 3.4 for the analysis of hydrology and water quality. No further response is necessary.

Response to Comment MS2-19

The commenter pointed out that land uses will not immediately change as a result of incorporation and theorizes that land use and planning impacts would be less than significant. On page 3.5-11, the Draft EIR discusses that the new city, upon incorporation, is required to adopt all County ordinances for at least 120 days, including the County General Plan. The analysis contained in Draft EIR Section 3.5 is based on reasonably foreseeable impacts resulting from the project as proposed, and it does not contain analysis of any future land use changes from an as yet-proposed General Plan, as asserted by the commenter. No further response is necessary.

Response to Comment MS2-20

The commenter is concerned about an assumption that land use development intensity being changed by 20 percent, and appears to believe that the 20-percent change in intensity applies to existing land uses. As described in Draft EIR Section 3.5.4, the 20-percent change in land use intensity applies to the potential development of vacant land within the project boundary. This assumption is based on the allowable variety in development under the existing General Plan to account for a potential most conservative scenario whereby all vacant land is constructed out to the maximum intensity allowed. No further response is necessary.

Response to Comment MS2-21

The commenter compares the development of the project's CEQA document to the Citrus Heights incorporation, and states that assumptions for the Citrus Heights incorporation, specifically for increased land development, do not apply to the project. The Draft EIR is based on factual evidence for the proposed project, and does not contain assumptions from, or based on, the Citrus Heights incorporation documents. No further response is necessary.

Response to Comment MS2-22

The commenter makes observations about the population and housing setting for the project. No further response is necessary.

Response to Comment MS2-23

The commenter paraphrases a statement in the NOP concerning a potential for increased noise, and states that the "argument is misleading and without merit." As provided in CEQA Guidelines Section 15082(a), an NOP must contain the probable environmental effects of the project. The NOP does not claim that the project will result in significant impacts to the impact area, nor does it need to contain substantial evidence or detailed analysis. The NOP simply identifies probable impact areas of a proposed project.

The Draft EIR contains the significance determinations, based on substantial evidence. Noise impacts are addressed in Section 3.6 of the Draft EIR. The analysis identified a potentially significant impact

due to noise from overflights from aircraft going to or from McClellan Park. Impacts were mitigated to less than significant by Mitigation Measure 3.6-5. Changes to Mitigation Measure 3.6-5 have been made requiring the new city to adopt criteria regarding infill development within the McClellan Airport Planning Policy Area. Refer to Section 3, Errata, of this Final EIR for changes to the Draft EIR.

Response to Comment MS2-24

The commenter asserts that since there would be no change to the service delivery of public services and recreation, there would be no significant impact. The Draft EIR analyzes the potential for impacts to public services in Section 3.8. No further response is necessary.

Response to Comment MS2-25

The commenter provides opinion about the adequacy of the County's provision of public services, and driving forces behind the project. No further response is necessary.

Response to Comment MS2-26

The commenter supports the NOP's discussion about the level of comparative analysis of environmental impacts from the project alternatives. No further response is necessary.

Response to Comment MS2-27

The commenter states that the alternatives selected, an alternate service delivery, is an inappropriate alternative to the proposed project. Please see Response to Comment SACCITY-1.

Response to Comment MS2-28

The commenter reiterates opinion about the project's potential significant impacts, and states that no analysis for traffic impacts is required. Please see Section 3.9 of the Draft EIR for the analysis of traffic and transportation impacts. No further response is necessary.

Response to Comment MS2-29

The commenter believes that since there is no change in services, there will be no significant impacts to utilities and public services, and expresses concern about the structure the Draft EIR and of potential duplicative analysis in the Draft EIR. The Draft EIR analysis on page 3.8-36 finds there are no significant impacts on energy, gas, and communication facilities. No further response is necessary.

Response to Comment MS2-30

The commenter concurs with the NOP's discussion of potential growth inducement of the proposed project. No further response is necessary.

Response to Comment MS2-31

The commenter concurs with the NOP's discussion of potential cumulative impacts of the proposed project. No further response is necessary.

Responses to Comments

Response to Comment MS2-32

The commenter believes the potential impacts of the proposed project and the No Project Alternative are the same. Section 4 of the Draft EIR contains the environmental analysis of the project alternatives. The Draft EIR in Section 4 finds the proposed project would be the environmentally superior alternative.

Response to Comment MS2-33

The commenter states that there is no need to analyze alternative boundaries with an expensive EIR. See Response to Comments LAFCO1-11 and SACDERA-4. No further response is necessary.

Response to Comment MS2-34

The commenter reiterates the objection raised in Comment MS2-27, and believes there is no need to examine an alternative method of providing public services by existing service providers. Please see Response to Comments MS2-27 and SACCITY-1.

Response to Comment MS2-35

The commenter concludes an EIR is not required but that an Initial Study/ Negative Declaration is all that is necessary to satisfy the requirements of CEQA. Please see Response to Comment MS1-1.

Michael J. Seaman
2837 Merrywood Drive
Arden Arcade, CA 95825

September 26, 2009

Peter Brundage, Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, #100
Sacramento, CA 95814

Dear Mr. Brundage:

These comments are submitted in response to your "Recirculated Notice of Preparation (NOP) of a Draft Environmental Impact Report" dated August 26, 2009, concerning the incorporation of Arden Arcade.

Your letter stated that the purpose of the Recirculated Notice of Preparation is to obtain views as to the scope and content of the environmental information and analysis and to inform the public about proposed alternatives.

1. Comments as to scope and content of environmental information.

I have already provided LAFCO with detailed comments on the Oct. 2007 version of the scoping document. Nothing has really changed since then, neither the issues nor the land use or circulation patterns. Please therefore, accept once again my verbal and written comments on the scoping document (see attached PDF file). I believe today as firmly as I did almost two years ago that it is wrong for LAFCO to impose a full EIR on this incorporation proposal. Time, space and circumstances separate the Citrus Heights, Elk Grove and Rancho Cordova incorporations from the proposed incorporation of Arden Arcade. Arden Arcade is a dense, fully built-out community, with a complete range of urban services provided by Special Districts and the County, hosting commercial centers and a wide array of housing types that vary from mobile homes and low-cost apartments to large houses on large lots. Changing the governing structure from an unincorporated area to a city will have NO environmental impacts.

MS3-1

Your letter lays bare the absurdity of its claim that incorporation could cause dire harm to the environment by correctly noting that, "...the act of incorporation will not alter either the existing county zoning designations or proposed land uses or development which is currently authorized to occur within the Arden Arcade incorporation area." What LAFCO should have done, and still could do, is begin the CEQA process with an Initial Study. If LAFCO did an Initial Study, using the standard County checklist, the logical choice for each "what if" question on the checklist would have to be "no significant impact". LAFCO could circulate its Initial Study findings, get public

MS3-2

input, and move to the next logical step, the issuance of a Negative Declaration.

Instead of doing the logical thing, LAFCO determined from day one that a full EIR would be the tool for its analysis. Unfortunately, since there are no impacts, LAFCO has to make them up. Like the silly assumption that the new city MIGHT intensify or de-intensify land uses by 20%. I know LAFCO has paid no attention to my concerns so far and I am not naïve enough to think LAFCO will come to its senses after reading these comments. So I'll just say LAFCO is painting itself into a corner speculating on nefarious, sweeping changes the new city will try to sneak by with. LAFCO is wrong to make up those stories and LAFCO won't be able to find mitigation measures for those tall tales. There is NO evidence for any of the speculative points in the scoping documents.

MS3-3

That the area is built out means nothing will change. The description of the "no project" alternative is a good description of the environmental impacts of the "incorporation project" alternative.

MS3-4

Now having said all that, I would be ever so grateful if LAFCO would address each of the points I raised previously concerning the Oct. 2007 scoping documents. (With the exception, that is, of the Oct. 2007 document's error about the schools being in Santa Clara County. At the November 2007 scoping hearing you said you would correct that mistake.)

MS3-5

2. Comments as to proposed alternatives.

a. Alternative boundaries

I recognize that LAFCO is in the business of boundary-setting, so I understand LAFCO's interest in looking at the best boundaries for the new city. However, the incorporation proponents stipulated the Fair Oaks Blvd. boundary because polling indicated the public in the American River Drive neighborhoods did not want to be part of the new city. And that comes as no surprise, given that the area south of Fair Oaks Blvd. does not have the land use mess the County has bestowed on the rest of Arden Arcade and generally benefits from a higher level of County services than the rest of the area.

MS3-6

I cannot think of a good reason why LAFCO would propose to expand the new city into that territory except to perhaps gain more flood-prone land for the study area so LAFCO could claim the new city might screw it up. Or maybe it will allow LAFCO to claim that the new city might threaten the American River islands and their wildlife habitat. But when it comes to environmental impacts, extending the boundary to the south will only acquire more fully-built-out area. Nothing in the environment will change there, any more than would be changed in the area proposed by the cityhood

MS3-7

petitioners...not the land use, not the circulation systems, nothing. And since the islands are governed by the American River Parkway Plan, the new city will have no impact there, either. There is no evidence that a switch from unincorporated status to cityhood will change the environment in any detrimental way in either the originally-proposed area or the alternative boundary areas.

MS3-7
CONT

b. Alternative service delivery

What in the world could this mean? The cityhood proponents are not proposing any change to service delivery by the special districts and have said they intend to IMPROVE delivery vs. the county's pattern of neglect. How could better services, like cheaper garbage rates or stepped-up code enforcement or a higher level of stray dog-catching or better law enforcement, ruin the environment? With this version of alternatives, LAFCO is once again demonstrating its inclination to troll for false issues and run up the cost of the environmental analysis. Besides, LAFCO routinely conducts Municipal Service Reviews (MSRs). MSRs are the proper way to assess service delivery and the costs of MSRs should not be assigned to the cityhood proposal in that LAFCO has to do them anyway. Further, the recent trend in MSRs covering the service area has shown that the services are adequate. Please do not waste time and money on duplicative service analyses.

MS3-8

MS3-9

In conclusion, I see no valid basis for LAFCO's speculation as to adverse environmental impacts of cityhood for Arden Arcade. Nor do I see how the proposed alternatives will harm the environment. I have gone to some effort to provide detailed responses to the scoping proposal. Thus far I have seen just one of my comments addressed (the one about the schools being in Santa Clara County). I would appreciate LAFCO providing a detailed response to all the other points I have raised in this letter, in my testimony to LAFCO on the subject and in my prior written comments to the Oct. 207 document. I believe it is LAFCO's obligation under the law to respond to the issues I have raised. I look forward to hearing LAFCO's response to each of the points and to seeing that the public has access to both my comments and LAFCO's responses. The correct answer is that LAFCO should conduct an Initial Study, after which LAFCO should prepare a Negative Declaration. Anything else is a mockery of the CEQA process and a waste of time and money.

MS3-10

Thank you very much for your attention to my input.

Sincerely,

Michael Seaman

Attachment: testimony and written comments within file lafco_122007.pdf

Cc: Joel Archer, Arden Arcade Cityhood proponents

Michael Seaman (MS3)

Response to Comment MS3-1

The commenter states that imposing a full EIR for the incorporation proposal is incorrect because changing the governing structure will have no environmental impacts. The commenter is referred to Response to Comments MS1-1 and MS1-2, and Response to Comments MS2-1 through MS2-35.

Response to Comment MS3-2

The commenter states that LAFCo should have done an initial study, and claims recirculated NOP claims the project would cause “dire harm” to the environment. CEQA is a regulation that requires environmental review of discretionary actions in order to assess the potential for significant adverse environmental impacts. The recirculated NOP makes no claims of “dire harm” from the proposed project. The commenter further states that LAFCo should prepare an Initial Study. As discussed in Response to Comment MS1-1, CEQA allows Lead Agencies the option of not preparing an Initial Study if it is determined that an EIR is required for a project.

Response to Comment MS3-3

The commenter states that the assumption that the new city would intensify or de-intensify land uses by 20 percent is speculation based on “nefarious, sweeping changes the new city will try to sneak by with.” Please see Response to Comment MS2-20.

Response to Comment MS3-4

The commenter states the description of the No Project Alternative is a good description of the proposed incorporation project. Please see Response to Comment MS2-32.

Response to Comment MS3-5

The commenter requests that LAFCo address his comments on the October 2007 NOP. Those comments are addressed in Responses to Comments MS1-1, MS1-2, and MS2-1 through MS2-35.

Response to Comment MS3-6

The commenter states that LAFCo should only consider the boundary in the incorporation application and that the area south of Fair Oaks should not be considered, owing to an improved level of services provided to that area by the County. The Draft EIR does analyze the impacts within the proposed incorporation area. Section 15126.6 of the CEQA Guidelines requires consideration and discussion of alternatives to the proposed project. The area south of Fair Oaks is considered in the discussion of the Alternate Boundary Alternative in Section 4.1.3 and Section 4.2.2 of the Draft EIR. No further discussion is necessary.

Response to Comment MS3-7

The commenter theorizes the reason for including the area south of Fair Oaks Boulevard in the Alternate Boundary Alternative, and states there will be no adverse environmental impact within the proposed boundary or the alternative boundary. The reason for selection of the alternatives is provided in Section 4 of the Draft EIR. The impacts are also addressed in Section 4 of the Draft EIR

and summarized in Table ES-1. The parameters and analysis of the Alternate Boundary Alternative are considered and discussed in Section 4.1.3 and Section 4.2.2 of the Draft EIR.

Response to Comment MS3-8

The commenter expresses confusion about the Alternate Provision of Services Alternative and provides opinion about the provision of services of the proposed project. Please see Response to Comments SACCITY-1, SACCITY-19, and SACCITY-21.

Response to Comment MS3-9

The commenter states that the Municipal Service Review (MSR) is the appropriate means to assess service delivery and that recent MSRs have concluded that services are adequate. Further, the costs of an MSR should not be assigned to the incorporation proposal.

The MSR and an incorporation are different but related processes. An incorporation is by definition a change in organization. The MSR is a precursor to one of the factors that must be considered in a change in organization. The MSR provides information with respect to six specific areas identified in Government Code Section 56430. The MSR is required before the Commission can update or amend an agency's Sphere of Influence, which is defined as the probable extent of the boundary of the agency. An agency's Sphere of Influence is one of the factors that must be considered in a change in organization. The potential impacts are addressed in Section 3.8 of the Draft EIR.

Response to Comment MS3-10

The commenter states that LAFCo should prepare an Initial Study and Negative Declaration in order to comply with CEQA requirements to the proposed incorporation. Please see Response to Comments MS1-1 and MS1-2, MS2-1 through MS2-35, and MS3-1 through MS3-9.

4648 American River Drive
Sacramento, CA 95864
March 31, 2010

Peter Brundage
Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, #100
Sacramento, CA 95814

Dear Mr. Brundage:

Thank you for sending me the Notice of Availability, dated February 18, 2010, of the Draft Environmental Impact Report (DEIR) for the proposed incorporation of Arden Arcade. I am submitting this letter, which contains my comments on and criticisms of the DEIR, as part of the public review period that is scheduled to end on April 5, 2010.

The central theme of this letter is that the DEIR has not properly considered the consequences of the proposed southern boundary of the project, at Fair Oaks Boulevard. This is particularly disappointing because Sacramento LAFCO specifically instructed Michael Brandman Associates to analyze the alternative of having the southern border of the project extend to the American River. The DEIR has done this in only the most superficial manner. In addition, the DEIR has underestimated the adverse impacts associated with having the southern border at Fair Oaks Boulevard and, in fact, has proposed mitigations that could potentially worsen the adverse effects of such a border.

RMH-1

On the very first page of the Executive Summary, ES-1, in the second paragraph under "Project Setting", the DEIR states the communities to which the project is contiguous on its western and northern borders (the City of Sacramento) and on its eastern border (the unincorporated community of Carmichael). It is very telling that this paragraph does NOT mention the community to which the project is contiguous on its southern border (the neighborhoods between Fair Oaks Boulevard and the American River, that are part of Arden yet were deliberately excluded from the project by the Incorporation Committee, for purely political reasons). This omission demonstrates the inadequate attention to the southern border issue that pervades the entire DEIR. The authors of the DEIR have somehow forgotten that, historically, this narrow corridor of land has always been considered to be part of Arden Arcade. This fact is clearly demonstrated by the community map of Arden Arcade, published by the County of Sacramento, which unequivocally shows that Arden Arcade extends to the American River:

RMH-2

<http://www.communities.saccounty.net/arden-arcade/docs/Arden-Arcade.pdf>

By ignoring the awkward fact that the proposed City of Arden Arcade is contiguous, on its southern border, with ... more of Arden Arcade, the DEIR is able to list several Project Objectives (the nine bullets on bottom of page ES-2 and top of page ES-3) that appear superficially plausible. However, when one considers that the project does NOT

include all of Arden-Arcade, each of these project objectives becomes totally implausible. As an example, the first bullet states that the project will enhance the character and identity of Arden Arcade. In fact, the omission of a significant portion of Arden Arcade from the project will have just the opposite effect. The excluded portion of the historical Arden Arcade Community will be left with diminished character and identity as the excluded neighborhoods south of the project will, de facto, no longer be considered to be part of Arden Arcade. These neighborhoods will also not be a part of the City of Sacramento nor will they be part of the unincorporated community of Carmichael. They will truly be orphaned. The DEIR similarly misrepresents each of the other eight Project Objectives.

RMH-2
CONT

The DEIR makes serious errors in its conclusions on Impacts, as presented in Table ES-1. Under Section 3.5 (Land Planning), Impact 3.5-1 states that the proposed incorporation of Arden Arcade would not physically divide an established community and then rates this criterion as having “less than significant impact”. The selection of Fair Oaks Boulevard as the southern boundary clearly divides the established community of Arden Arcade. The above cited community map demonstrates beyond doubt that the excluded neighborhoods between Fair Oaks Boulevard and the American River are part of Arden Arcade. The DEIR states (Section 3.5.5) that creating a new jurisdictional boundary at Fair Oaks Boulevard would not result in the physical division of an established community because the roadway is “primarily commercial in nature”. It is stated that Fair Oaks Boulevard resembles Auburn Boulevard in this regard. The authors of the DEIR must not have actually driven down Fair Oaks Boulevard. Anyone who had would know that the segment of Fair Oaks Boulevard between Fulton/Munroe Avenues on the west and Mission Avenue on the East is predominately residential, not commercial. The DEIR concludes that the only mitigation necessary for Impact 3.5-1 is for the new City of Arden Arcade to include the Mission Oaks Neighborhood Preservation Area (located far away from corridor between Fair Oaks Boulevard and the American River) in its General Plan. I will not comment on that mitigation but instead point out that the DEIR should have concluded that the exclusion of the area south of Fair Oaks Boulevard constitutes a very significant impact, because the excluded neighborhoods would suffer significant adverse effects by being divided from the area to be incorporated. The only way to mitigate these adverse effects is by stipulating that the southern border be shifted from Fair Oaks Boulevard to the American River (in other words, by choosing the Alternate Boundary Alternative).

RMH-3

The conclusion of Impact 3.8-1, that there would be a “less than significant impact” on fire protection services, is incorrect. The following discussion is based on a conversation I had with a representative of the Regional Communication Center of the Sacramento Metropolitan Fire District (SMFD). Although modern day dispatchers are assisted in their work by technological advances such as Automatic Number (Location) Indicators (ANIs), Phase II cellular phone standards, and geodata shared through the Sacramento Area Council of Governments (SACOG), these methods are not foolproof. For example, ANIs may link a phone number to the location at which the phone bill is received rather than at which the phone is located. In addition, it is not unusual for dispatchers to encounter situations where the calling party provides ambiguous or contradictory

RMH-4

information. In these circumstances, the dispatcher uses the technique of “call interrogation” to attempt to resolve these ambiguities and/or internal contradictions by asking for additional information. This non-automated process “call interrogation” adds to the response time. In fact, there are instances in which even “call interrogation” does not resolve the issue as to the actual location of the emergency, in which case the dispatcher will dispatch two (or more) units to two (or more) possible locations of the emergency, an undesirable waste of resources and money. The current southern border of the proposed City of Arden Arcade will create ambiguity that could lead to an increased incidence of “call interrogation” by dispatchers, with its attendant increase in response times. The residents of the corridor of land located between Fair Oaks Boulevard and the American River, many of whom are elderly and have lived in their homes since they were built over forty years, regard themselves as residents of Arden. In the event of an emergency requiring the dispatch of units from SMFD, innocently replying that one lives in Arden could well mean the difference between life and death, because the dispatcher may hold up sending a response unit while exploring the possibility that the address is located within the incorporated area of the City of Arden Arcade rather than within the adjacent unincorporated area of Sacramento County. It is therefore inaccurate for the DEIR to conclude that there would be a “less than significant” impact on fire protection services. Once again, the best way to mitigate this significant impact would be to stipulate that the southern border of the new city be the American River, not Fair Oaks Boulevard (i.e. to stipulate the Alternate Boundary Alternative).

RMH-4
CONT

Everything that I have outlined in the last paragraph also applies to “emergency medical services”, which are also furnished by SMFD. “Emergency medical services” are not mentioned under Impact 3.8-1 (or any other Impact) in Table ES-1.

RMH-5

The conclusion of Impact 3.8-2, that there would be, after mitigation, a “less than significant” impact to law enforcement services, is also incorrect. The proposed mitigation is that “LAFCO shall condition the incorporation approval to require that the city provide adequate law and traffic enforcement services through the creation of a local department or on a contractual basis with the Sacramento County Sheriff’s Department, any CHP, or another law enforcement agency and other entities if legally permissible.” This mitigation measure would permit the proposed City of Arden Arcade to further isolate the excluded unincorporated corridor between Fair Oaks Boulevard and the American River, to the detriment of law enforcement service provision for this corridor. After the incorporation, the Sacramento County Sheriff would still be responsible for local police services and the California Highway Patrol would still be responsible for traffic enforcement services in the excluded unincorporated corridor. But the new City of Arden Arcade would be free to create a local department (i.e. a city Police Department) for these purposes. In fact, there is little doubt that the new City would choose this option, given that one of the Project Objectives (see the first bullet on Page ES-3) is to “enhance the level of local police protection”. Let’s suppose that the City of Arden Arcade created its own Police Department. Does anyone honestly think that the financially strapped Sacramento County Sheriff would continue to maintain the North Central Division headquarters in its current location? Would there still be a North Central

RMH-6

Division at all? Clearly, the Sheriff would no longer need to have patrol zones that included the incorporated regions. How would the Sheriff organize the patrol zone(s) that would cover the unincorporated corridor between Fair Oaks Boulevard and the American River? To what Division would the patrol zone(s) for this corridor report? The most likely scenario is that the unincorporated corridor would be “policed” out of a Division headquarters which was very far away and without other nearby patrol zones. Thus, the actions of the City of Arden Arcade could imperil the very safety of the citizens of the excluded unincorporated corridor. Exhibit 3.8-3 of the DEIR further supports these conclusions. Notice how the land areas of the four patrol zones (41 through 44), taken together, almost exactly match the outlines of the historical boundaries of the community of Arden Arcade (see map that can be accessed via the URL link on the first page of this letter). The current geographic organization of law enforcement services clearly demonstrates the Sheriff’s recognition that Arden Arcade is a distinct area and that the entire area should receive law enforcement services through the same administrative and operational structure.

RMH-6
CONT

The same issues that would complicate law enforcement would also affect traffic enforcement. If the new City of Arden Arcade formed its own Police Department, then that Police Department would be responsible for traffic enforcement for the west bound lanes of Fair Oaks Boulevard (and areas to the north) and the California Highway Patrol would be responsible for traffic enforcement for the east bound lanes of Fair Oaks Boulevard (and areas to the south). Does this make any sense? Fair Oaks Boulevard is well known to be one of the most treacherous streets in Sacramento County. There have been many fatal accidents on this thoroughfare. Aggressive traffic enforcement is critical, and this can only be compromised if an artificially boundary creates jurisdictional ambiguities. As a practical matter, it is very unlikely that the financially strapped CHP would bother to do much traffic enforcement for a remote corridor of unincorporated land, far removed from its other responsibilities. There are two high schools within that corridor: Rio Americano High School and Jesuit High School. They are located only about one-half mile distant from each other and generate considerable traffic from inexperienced drivers. The last thing that this area needs is less traffic enforcement, because CHP considers it to be a distant outpost.

RMH-7

The conclusions reached by the DEIR regarding Impact 3.8-6 are also incorrect. With respect to animal control, the conclusion is that there would be “less than significant impact” after mitigation in the form of requiring the City of Arden Arcade to provide animal control services through the creation of a local department or on a contractual basis with other entities if legally permissible. (It is unclear to me why the authors of the DEIR would not have researched what is, and what is not, legally permissible, prior to holding forth the possibility of contracting with other entities.) Currently, the Sacramento County Animal Care and Regulation Department provides animal control for the region. If the City of Arden Arcade, with a southern border at Fair Oaks Boulevard, created its own Animal Control Department (the preferred solution, according to Table 3.8-6), then the isolated corridor between Fair Oaks Boulevard and the American River would still rely on Sacramento County for animal control services. It is unlikely that financially depleted Sacramento County would designate dedicated personnel and other

RMH-8

resources for this small area. Residents of this corridor could expect longer response times for animal control emergencies. In 2007, mountain lions were sighted adjacent to the American River Parkway. Other predators and dangerous animals also flourish in this region. The potential negative effects on animal control in the excluded corridor should have been included in the DEIR. Of course, once again the best way to mitigate this adverse impact would be to designate the American River, not Fair Oaks Boulevard as the southern boundary (i.e. to stipulate the Alternate Boundary Alternative).

RMH-8
CONT

The DEIR does not adequately address the adverse impact that the Project could potentially have on the collection of solid wastes (including recycled materials and green waste). In summarizing Impact 3.8-11, the Executive Summary Matrix considers only whether the Project would “comply with federal, state, and local statutes and regulations related to solid waste”. It concludes that there would be “less than significant” impact but recommends a mitigation in the form of “requiring the new city to contract waste collection services through the County of Sacramento’s Department of Waste Management and Recycling Services”. The treatment of this topic is inadequate, because the analysis should be more extensive than just compliance with statutes and regulations. A contract cannot be compelled upon its parties; it is entered into voluntarily based on mutual agreement. In fact, it could be argued that the proposed mitigation would make the outcome more difficult to achieve. Without competition, why would the County of Sacramento be inclined to compromise on the terms of a contract? What might ensue should the new City of Arden Arcade and the County of Sacramento not be able to reach an agreement for such a contract? The City of Arden Arcade would then need to contract with another entity or provide the service itself. Section 3.8 of the DEIR points out that, currently, solid waste and green waste collected south of El Camino Avenue is transported directly to the Kiefer Landfill while solid waste, green waste, and recyclables collected north of El Camino Avenue is transported initially to the North Area Recovery Station, prior to being taken to the Kiefer Landfill. (The DEIR does not indicate to where recyclables collected south of El Camino Avenue are transported.) If the City of Arden Arcade, with a southern border at Fair Oaks Boulevard, did not contract with the County of Sacramento, the narrow corridor of homes between Fair Oaks Boulevard and the American River would still be dependent on the County of Sacramento for solid waste collection. It would not be economical for the financially challenged County of Sacramento to provide the current level of service to such a small, isolated area. Thus the Project could easily result in an adverse environmental effect on the excluded corridor.

RMH-9

Section 4 of the DEIR is deeply flawed. It states that the environmentally superior alternative is the “No Project Alternative”. However, the DEIR observes that, because this would not achieve the “Project Objectives”, the California Environmental Quality Act (CEQA) specifies that the DEIR specify an environmentally superior alternative (from among the remaining alternatives considered). The DEIR then claims that the proposed Project is this environmentally superior alternative. I vigorously dispute this conclusion. I have demonstrated that the Alternate Boundary alternative is, by far, superior to the proposed Project. In addition the Alternate Boundary alternative, subject to the caveats discussed below, achieves the Project Objectives much more than the proposed Project. As previously mentioned, these nine Project Objectives (listed at the

RMH-10

bottom of page ES-2 and the top of page ES-3) all reference “Arden Arcade”. It is completely irrational to accept the premise that the Project can achieve Project Objectives when the Project’s boundaries have been drawn in such a way as to exclude a portion of the true “Arden Arcade” as defined historically and as accepted by Sacramento County (see the link to the map on the first page of this letter).

RMH-10
CONT

The DEIR should have specified the Alternate Boundary Alternative as the environmentally superior alternative (excluding the No Project Alternative). However, I must say that this is true ONLY if the southern boundary of the proposed City of Arden Arcade is shifted to the American River at the time of the initial incorporation. The concept of placing the area between Fair Oaks Boulevard and the American River in the “sphere of influence” of the City of Arden Arcade (with a southern boundary at Fair Oaks Boulevard) and then supposing that this would lead to eventual annexation of the excluded corridor of land is, quite frankly, preposterous. If the City of Arden Arcade were to be incorporated, as planned, with a southern boundary of Fair Oaks Boulevard, there is absolutely no chance that the excluded corridor would ever be annexed. This is because there is almost no retail business in the excluded corridor. Therefore, annexation of the excluded corridor would commit the City of Arden Arcade to provide additional services without a commensurate increase in sales tax revenues. Please look carefully at the lower left corner of Exhibit 4-1, which displays the proposed boundary (and the alternate boundary). You will see that the proposed boundary includes a small, wedge-shaped piece of land that is bounded by Fair Oaks Boulevard on the north, by Munroe Street (unlabeled in Exhibit 4-1) on the east, and by no streets at all on the south and west. This parcel contains exclusively retail properties including, but not limited to, all of the stores in Lyon Village Shopping Center (at the east side of the parcel) and in University Village Shopping Center (at the west side of the parcel). Why did the incorporation committee decide to extend the boundary of the City of Arden Arcade south of Fair Oaks Boulevard only in this one small area? Clearly, it was because this area would add far more in property tax revenue to city coffers than it would consume in city services. This conscious choice on the part of the incorporation committee clearly demonstrates that the prospect of future annexation of the remainder of the area south of Fair Oaks Boulevard is a fantasy. Therefore, the initial southern boundary will be the southern boundary in perpetuity and all of the adverse impacts that I discussed will become realities.

RMH-11

Therefore, I would like to request that the final EIR divide the DEIR’s current “Alternate Boundary Alternative” into two alternatives, each to be considered separate and distinct from each other and from any other alternatives:

- “Alternate Boundary Alternative #1” consisting of including the areas south of Fair Oaks Boulevard in the initial incorporation of the City of Arden Arcade
- “Alternate Boundary Alternative #2” consisting of placement of the areas south of Fair Oaks Boulevard in the “sphere of influence” of the City of Arden Arcade

After this is done, the final EIR should specify that “Alternate Boundary Alternative #1” is the environmentally superior alternative, aside from the “No Project Alternative”.

RMH-12

Finally, I would like to remind LAFCO that Government Code, Section 56668 (f) states that factors to be considered in the review of a proposal include: "... the creation of islands or corridors of unincorporated territory...". Anyone who looks at the map will agree that the Project, as currently proposed, creates a corridor of unincorporated territory. I hope that my arguments, and common sense, will cause the final EIR to be amended in a manner that favors the Alternate Boundary Alternative (with immediate incorporation), rather than the current Proposal. If, by some chance, the final EIR does not reflect this position, I hope that LAFCO, pursuant to its authority under Government Code, Section 56880, will adopt a resolution disapproving the Proposal, with its current southern border (Fair Oaks Boulevard) and instead approving the Alternative Boundary Proposal (with immediate incorporation). Thank you very much for your consideration.

RMH-13

Sincerely,

Robert M. Heiligman, MD

Individuals

Robert M. Heiligman, MD (RMH)

Response to Comment RMH-1

The commenter asserts that the Draft EIR failed to analyze consequences (impacts) of the proposed southern boundary of the project, at Fair Oaks Boulevard.

The methodology developed for the purposes of Alternative Analysis was based on information available at the time of analysis, based on facts, expert opinion based on facts, and reasonable assumptions predicated upon facts (CEQA Guidelines Section 15384). The commenter does not provide substantial evidence to counter the conclusions of the EIR; rather, the commenter provides argument, speculation, and unsubstantiated opinion about the validity of the Alternate Boundary Alternative. According to Section 15064 (f)(5) of the CEQA Guidelines, this does not constitute substantial evidence: “Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” The commenter questions the level of detail provided in the alternatives analysis and asserts that the “adverse impacts” are underestimated and that mitigation proposed “could potentially worsen the adverse effects.” CEQA Guidelines Section 15126.6(d) does not require the level of analysis of the selected alternatives to be a project-level of detail. Without factual evidence that such mitigation would worsen the impacts of the proposed project, they must be considered speculative and therefore are not required to be considered in the Draft EIR. No further discussion is required.

Response to Comment RMH-2

The commenter asserts that the Draft EIR failed to provide an adequate discussion of the proposed incorporation area and questions the boundary of the proposed incorporation application.

Please see Response to SACDERA-4 for clarification and discussion regarding the proposed incorporation boundary. Additionally, the referenced web link is not the Sacramento County “Approved” Arden Arcade Community Plan Map. The most current Arden Arcade Community Plan, Map, and Action Plan are available for download at <http://www.msa2.saccounty.net/planning/Pages/ArdenArcadeCommunityArea.aspx>.

To address the commenter’s statement that the proposed incorporation boundary will not meet the project objectives, it is unsubstantiated opinion; furthermore, as a point of clarification, the area south of Fair Oaks Boulevard would remain as it currently exists in the unincorporated portion of Sacramento County.

Response to Comment RMH-3

The commenter questions the significance findings of the Draft EIR related to Land Use, specifically, the “division on an established community.”

As stated on page 3.5-21, “The act of incorporation would include the formation of the City of Arden Arcade within a portion of the Arden Arcade Community Plan Area,” and further states that “the project would not result in a physical separation of the neighborhood but in a jurisdictional delineation for planning and government activities.” The commenter mischaracterizes the creation of a jurisdiction, such as the proposed project, with a “physical” barrier, such as a wall or development. The commenter also asserts that “The only way to mitigate these adverse effects is by stipulating that the southern border be shifted from Fair Oaks Boulevard to the American River.” Please see Response to Comment SACDERA-4 related to the distinction of the proposed incorporation boundary. Additionally, as stated in the Opinion Paper of Attorney General Edmund G. Brown Jr., dated June 27, 2008, No. 07-206,

LAFCo may change the boundaries of a proposal to prevent “an overlap of service responsibilities and inefficiencies in service provision” Placer, 135 Cal. App. 4th at 798 (quoting Daniel J. Curtin, Curtin’s Cal. Land Use and Planning Law, 381-382 (24th ed., Solano Press 2004)), or “to bring about a unified and accountable government” Fallbrook, 208 Cal. App. 3d at 760. Indeed, these purposes lie at the heart of the policy that underlies the entire local government reorganization scheme Govt. Code § 56001. In light of these authorities, we believe that a decision to enlarge the boundaries of an incorporation proposal to promote the efficient extension of services would be an appropriate exercise of a LAFCo’s powers to approve, disapprove, or amend a proposal.

As such, LAFCo is granted the authority to approve the Alternate Boundary Alternative if it chooses to do so.

Response to Comment RMH-4

The commenter expresses the opinion that, contrary to the conclusions made in the Draft EIR, the proposed incorporation would result in significant impacts to fire protection services due to potential confusion related to the new city boundary along Fair Oaks Boulevard. The commenter indicates support for the Alternate Boundary Alternative.

Comment noted. The source cited is ambiguous and the commenter’s conclusion is based on conjecture. As discussed in Response to Comment SACDERA-6, the determination of significant effects must be based on substantial evidence, not argument, speculation, or unsubstantiated opinion or narrative. The commenter does not provide substantive evidence to support his conclusion. The documentation in the Draft EIR supports the conclusion. No further response is necessary.

Response to Comment RMH-5

The commenter indicates that the comments made regarding fire protection services also relate to emergency medical services.

Comment noted. Emergency medical services are discussed on page 3.8-1 and Impact 3.8-1 on page 3.8-29.

Response to Comment RMH-6

The commenter states that the proposed incorporation and establishment of police protection would reduce the Sacramento County Sheriff's level of service in the unincorporated corridor between Fair Oaks Boulevard and the American River.

Comment noted. The commenter's conclusion is based on conjecture. As discussed in Response to Comment SACDERA-6, the determination of significant effects must be based on substantial evidence, not argument, speculation, or unsubstantiated opinion or narrative. The commenter does not provide substantive evidence that the Sheriff's level of service to the unincorporated area south of the project boundary would be reduced.

Response to Comment RMH-7

The commenter indicates that the comments made regarding police protection services also relate to traffic enforcement services.

The commenter's conclusion is based on conjecture. As discussed in Response to Comment SACDERA-6, the determination of significant effects must be based on substantial evidence, not argument, speculation, or unsubstantiated opinion or narrative. The commenter does not provide substantive evidence to support his conclusion. The documentation in the Draft EIR supports the Draft EIR's conclusion.

Response to Comment RMH-8

The commenter stated that the proposed incorporation would cause the Sacramento County Animal Care and Regulation Department to reduce its level of service to the unincorporated area between Fair Oaks Boulevard and the American River Parkway.

The commenter's conclusion is based on conjecture. As discussed in Response to Comment SACDERA-6, the determination of significant effects must be based on substantial evidence, not argument, speculation, or unsubstantiated opinion or narrative. The commenter does not provide substantive evidence to support his conclusion. The documentation in the Draft EIR supports the Draft EIR's conclusion.

Response to Comment RMH-9

The commenter stated that the proposed incorporation would result in an adverse environmental effect related to continued waste collection services by the County of Sacramento to the unincorporated area between Fair Oaks Boulevard and the American River Parkway.

The commenter's conclusion is based on opinion and conjecture. As discussed in Response to Comment SACDERA-6, the determination of significant effects must be based on substantial evidence, not argument, speculation, or unsubstantiated opinion or narrative. The commenter does not provide substantive evidence to support his conclusion. The documentation in the Draft EIR supports the Draft EIR's conclusion.

Response to Comment RMH-10

The commenter questions the CEQA Guidelines Section 15126(d)(2) related to determining the “environmentally superior alternative” and concludes that the Alternate Boundary Alternative is “by far, superior to the proposed Project” and that “it is completely irrational to accept the premise that the (proposed) Project can achieve Project Objectives”

The commenter provides unsubstantiated opinion regarding the conclusions of the environmentally superior alternative. This commenter asserts that the Alternate Boundary Alternative should be designated the “environmentally superior” alternative from among the alternatives evaluated in the Draft EIR. The only significant difference between the proposed project and the Alternate Boundary Alternative in the context of environmental impacts is the increase of impacts that will result from the increase in the incorporation area. The Alternate Boundary Alternative includes additional impacts associated with hydrology and water quality related to the exposure of more homes to flooding; additional impacts associated with public services, related to two additional high schools and four additional parks; and additional impacts associated with biological resources, related to greater frequency of impacts related to the same species. Therefore, the Alternate Boundary Alternative is the second of the two. The CEQA Guidelines require that an EIR “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project,” but do not dictate the methodology that lead agencies must use in identifying the environmentally superior alternative. Thus, lead agencies may consider both local and regional environmental impacts and benefits in their consideration of the environmentally superior alternative.

Please see Response to Comments SACDERA-4 and SACDERA-5 and Response to Comment RMH-3 for additional support.

Response to Comment RMH-11

The commenter expresses opinion on the proposed incorporation boundary.

Comment noted. The incorporation boundary was defined in the incorporation application submitted to LAFCo. Please see Section 2.5, Description of the Proposed Project, pages 2-7 and 2-9, for further clarification on the proposed incorporation boundary. No further discussion is necessary.

Response to Comment RMH-12

The commenter questions the validity of the Alternative Screening Methodology used by LAFCo in selecting the Alternatives analyzed in the Draft EIR, requesting that the Alternate Boundary Alternative be divided into “two alternatives”: (1) including the areas south of Fair Oaks Boulevard and (2) including areas south of Fair oaks Boulevard in the “sphere of influence.”

Please see Response to Comments SACCITY-16 and RMH-3, related to LAFCo’s authority to “promote the efficient extension of service.”

Response to Comment RMH-13

The commenter quotes California Government Code Section 56668(f), regarding the creation of islands or corridors of unincorporated territory. The commenter expressed support of the Alternate Boundary Alternative.

Comment noted.

Chryss Meier - FW: Comments on Draft EIR for Arden Arcade Incorporation SCH No. 2007102114

From: "Brundage. Peter" <BrundageP@saccounty.net>
To: "Trevor Macenski" <TMacenski@brandman.com>
Date: 3/26/2010 8:51 AM
Subject: FW: Comments on Draft EIR for Arden Arcade Incorporation SCH No. 2007102114
CC: "Lockhart. Don" <Don.Lockhart@SacLAFCo.org>

Trevor, our first comment letter.

Peter

From: Bill Davis [mailto:zbilldavis@comcast.net]
Sent: Friday, March 26, 2010 8:38 AM
To: Brundage. Peter
Cc: AA Incorporation Committee; Allen Green; Trish Harrington; Barbara A. Weiss; Bob Stevens; Joel E. Archer; Laura Lavalley ; Mari Farnsworth; Mike Grace; Pat Cole ; Rob Harrison
Subject: Comments on Draft EIR for Arden Arcade Incorporation SCH No. 2007102114

Bill Davis

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March 26, 2010

Via Email

Mr. Peter Brundage, Executive Director
Sacramento Local Agency Formation Commission
1112 "I" Street, Suite 100
Sacramento, CA 95814

SUBJECT: Comments on Draft Environmental Impact Report (DEIR) for the Proposed Incorporation of Arden Arcade SCH No. 2007102114

Dear Mr. Brundage:

These comments are made with respect to the document, "Incorporation of Arden Arcade, Draft Environmental Impact Report, SCH No. 2007102114, dated February 18, 2010, (DEIR) and prepared for the Sacramento Local Agency Formation Commission (LAFCo) by Michael Brandman Associates. The comments are submitted in response to the Public Notice issued by Sacramento LAFCo which states that the public comment period for the DEIR closes at 4:00 p.m. on April 5, 2010.

1. Comments Regarding Analysis

a) Page 4-7 No Project Conclusion: There is no listing of the environmental effects that would be avoided by the “No Project” alternative nor any cross reference to another part of the document which identifies these environmental effects. What are they? Since the Draft EIR on page 4-12 proclaims the No Project Alternative to be environmentally superior, it is important to clearly divulge the environmental effects that would be avoided by the No Project Alternative.

BD-1

Given the requirements of law related to the County General Plan and the provision of service, it is hard to see how there can be significant environmental effects associated with changing one set of elected officials and staff for another set, much less how not changing the elected officials would have a lesser environmental impact.

b) Page 4-8 Alternative Boundary Analysis: What is the basis for adding the area north of Winding Way to the proposed incorporation area? Since there seems to be no mention of this area in the Alternate Boundary analysis, is it reasonable to conclude that there is no significant impact that would result from this addition? What impact is being avoided or mitigated by this addition?

BD-2

The first sentence at the top of page 4-8 is incoherent.

BD-3

c) Page 4-11 Analysis of Annexation: The Fulton El Camino Recreation and Park District (FECRPD) conducts operations west of Ethan Way in the City of Sacramento. Why wouldn't it be reasonable to conclude that the City would also take over these operations and FECRPD would disband rather than assuming that FECRPD would continue trying to stay in existence only to conduct said operations?

BD-4

d) Page 3.8-33 Water Supply Impact Analysis: The first sentence of the first paragraph at the top of page 3.8-33 states that the incorporation could result in an increased water demand beyond that anticipated in the County General Plan. The last sentence of the paragraph states that a substantial increase in water demand and ground water depletion is not expected to occur from growth resulting from the limited vacant parcels and growth potential with the proposed incorporation area. If this last sentence is true, what is the basis for the first sentence?

BD-5

The second paragraph on this page states that Sacramento County Water Agency (SCA), which is operated by Sacramento County, has expressed concern that the new city could adopt policies that would cause operating expenses to increase significantly resulting in higher rates for customer service. The Draft EIR provides no description of these concerns. What are the specific concerns and policies that have been identified by SCA and where is the analysis that shows these concerns are either valid or invalid?

BD-6

e) Page 3.7-6 Regional Housing Needs Allocation: The document seems to say that the 450 new housing units that could be accommodated on vacant land would be dedicated towards Sacramento County's Regional Housing Needs Allocation. Is this correct?

BD-7

What portion of the County's allocation of very low and low income housing has the County assigned to Arden Arcade given that there is only land for an additional 450 housing units?

BD-8

f) Page 3.4-9 McClellan Groundwater Contamination: Given the ground water overdraft described in the Draft EIR, what is the potential for migration of groundwater contamination into the proposed incorporation area?

BD-9

g) Page 3.1-29 Chicago Climate Exchange: Will Sacramento County, as a result

BD-10

of the proposed incorporation, realize emission reductions that will have value on the Chicago Climate Exchange?

BD-10
CONT

2. Comments Regarding Mitigation Measures

a) Mitigation Measure 3.1-7 Climate Action Plan: Does the listing require components that are beyond those required by applicable law? What would be the impact of replacing the detailed list of components with the words “all components as required by law” since laws change as more is learned and needed components may not include those listed?

BD-11

b) Mitigation Measure 3.8-6 Animal Control: Sacramento County may well reduce Animal Control services after approval of the Environmental Impact Report. In such event, this mitigation measure would require that the new city provide funding for Animal Control Services greater than that provided by the County and to provide a higher level of service that would be provided if the area remains unincorporated. This same comment would apply to other municipal services provided by the County.

BD-12

c) Mitigation Measure 3-8.7 Water Supply Providers: This mitigation measure is appropriate only if the County is currently required to become the primary service provider if existing service provider(s) do not continue providing service. Has this condition been included in prior recent incorporations? Does this condition of approval require the new city to provide water service to un-served areas reported in the DEIR as being served by wells? Why doesn't this mitigation measure provide an incentive to the County to avoid having to provide water service in Zone 41?

BD-13

This Mitigation Measure should be revised to allow the new city the option of arranging for alternative service providers in the event that an existing service provider does not continue providing service.

What is the cost that would be borne by the new city as a result of the mandate to become a signatory to the Water Forum agreement?

BD-14

It is understood that Del Paso Manor Water District is being asked to enter into conjunctive use arrangements with the City of Sacramento that are projected to cost at least \$3.5 million plus connection costs between the District and the City of Sacramento water system. It is also understood that there may be a substantially lower cost for an alternative conjunctive use arrangement. If Del Paso Manor Water District were to be unable to continue in existence, would the mandate to become a signatory to the Water Forum agreement or the mandate to assume water service delivery for the area within the District transfer the obligation to the new city and require the new city to pay for the conjunctive use system arrangement with the City of Sacramento? Could the new city select a lower cost conjunctive use alternative?

BD-15

d) Mitigation Measure 3.8-9c Storm Water Management: What is the impact if the option is included for the new city to obtain its own Storm Water NPDES permit? What is the cost that would be borne by the new city as a result of the mandate for the new city to become a participant in the County's Storm Water Management program?

BD-16

e) Mitigation Measure 3.8-11 Solid Waste & Recycling: The impact analysis on page 3.8-36 seems strained given that (a) the new city is legally required to provide solid waste and recycling services and (b) the County and private haulers will continue to provide solid waste and recycling services during the transition period. It is understood that Sacramento County operates a system of nonexclusive franchises for

BD-17

solid waste and recycling services provided by private businesses within Arden Arcade which would be continued after the incorporation. As a result of the foregoing, the impact should be insignificant not requiring any mitigation.

BD-17
CONT

What is the basis for the assumption stated on page 2-9 that the new city will continue to contract with Sacramento County after the transition period?

BD-18

There is no justification for Mitigation Measure 3.8-11 which limits the new city to contracting with the County for solid waste service after the transition period. If Mitigation Measure 3.8-11 must be included, it should be rewritten using the same language as other mitigation measures, namely, "LAFCo shall condition the incorporation approval to require that the city provide adequate solid waste and recycling services through the creation of a local department, or on a contractual basis with Sacramento County, a qualified private entity or other entities if legally permissible, and private hauler arrangements for larger residential and commercial generators."

BD-19

f) Mitigation Measure 3.8-14a Transportation Impact Fee: Is this the Sacramento County Transportation Development Fee? If not, what is the Fee that is being referenced? This mitigation measure needs to be clarified to specify that existing transportation fee impact programs being referenced in the DEIR would be continued at a level necessary to adequately fund, in addition to Fees collected from within Arden Arcade and on deposit with the County, approved road and transit projects within the boundaries of the new city.

BD-20

g) Mitigation Measure 3.8-14b Road Maintenance Transfer: What environmental impact will be mitigated by transferring maintenance responsibility from the County to the new city for (i) Watt Avenue north of the proposed incorporation, (ii) Auburn Boulevard, (iii) Winding Way, and (iv) Bell Street? Other than the Watt Avenue transfer, why doesn't this transfer occur automatically with the approval of the incorporation by the electorate?

BD-21

What is the cost that will be incurred by the new city as a result of this mandate contained in the DEIR? Does the County receive any financial support of any kind for maintenance or any portion of affected roadways from the City of Sacramento or any other entity?

BD-22

h) Mitigation Measure 3.8-15 Street Light Maintenance: The mitigation measure is very confusing. Why is it necessary to prohibit detachment from CSA-1 and require that the new city make up any difference in revenues collected by CSA-1? What service is currently being provided beyond that funded by revenues collected by CSA-1?

BD-23

i) Mitigation Measure 3.8-16b Transit Service: This mitigation measure should allow the new city to set up its own transit system and should not be used to preclude the new city from augmenting Regional Transit service by providing neighborhood shuttle services.

BD-24

What are the "LAFCo standards for public service provisions associated with provision of transit services" which is mentioned on page 3.9-28?

BD-25

3. Comments on Other Matters

a) The American River Parkway: The document is internally inconsistent with regard to the inclusion of the American River Parkway within the proposed incorporation, does not recognize the American River Parkway Plan as the governing document for the Parkway, and should require that the proposed new city comply with

BD-26

the American River Parkway Plan.

BD-26
CONT

The incorporation petition submitted to LAFCo specifies that the western boundary of the new city is coterminous with the boundary of the City of Sacramento. This is the only place where the area identified by the petition involves the American River Parkway. Consequently, a portion of the American River Parkway is included within the boundaries of the new city. Statements on pages 2-1 and 3.5-15 are consistent with the petition. However, statements on pages 3.8.9 and 3.8-31 state that the proposed incorporation area is alongside of the American River Parkway.

BD-27

Discussion on page 2-9 should include mention of the American River Parkway and specify that the American River Parkway would continue to be operated by Sacramento County Regional Parks in accordance with the American River Parkway Plan after proposed incorporation.

The Alternate Boundary analysis in Section 4.2.2 of the DEIR makes no mention of the American River Parkway or the American River Parkway Plan.

BD-28

On page 3.5-15, the proper name is the American River Parkway, not “American River Park”.

b) Table 2-1 on Page 2-2: The numbers in the column labeled “Total Acres Designated” does not add to the total given in the table. The total of the numbers listed is 8,936.16 acres, not 8,989.00 acres. This table also appears at other locations in the document and this comment also applies to those locations.

BD-29

c) Page 3.5-2: “Fulton Auto Mall” is not a defined place as described in the DEIR but rather an agglomeration of individual businesses that are located all the way along Fulton Avenue from Arden Way to Auburn Boulevard and along Auburn Boulevard. Also, the Fulton Avenue Association is more than an “Auto Mall”.

BD-30

Arden Fair Mall and Cal Expo are located west of, not east of, the proposed incorporation.

BD-31

d) Page 3.5-12: The last sentence of the second paragraph from the top of the page is incoherent.

BD-32

The second paragraph under “Low Density Residential” is inconsistent with the data in Table 2-1 in that low density residential acreage in Table 2.1 is 21.8% of the corrected total—hardly the “large majority” described in the second paragraph. Additionally, medium density residential acreage is 60.9% of the corrected total which would seem to be a “large majority”.

BD-33

e) Page 3.8-26 Table 3.8-6 Service Provider Summary: The following changes are needed to avoid limiting options for the new city and to ensure that the document is not misleading:

i) Law Enforcement – should include option for contracting with City of Sacramento or any other legally permissible entity.

BD-34

ii) Library – Public Library Authority is a Joint Powers Agency and not the County.

BD-35

iii) Parks and Recreation – County Regional Parks should be shown in list of Proposed Service Providers for the American River Parkway.

BD-36

iv) Solid Waste Trash Collection and Disposal – Should include recycling services, add “private company or other legally permissible entity” for residential solid

BD-37

- waste and recycling services, and add “non-exclusive franchise arrangements for solid waste and recycling services provided to large multifamily dwellings and commercial establishments. | BD-37
CONT
- v) Transit – Potential Service Provider list should list Regional Transit either by contract or as a member or a transit service established by the new city. | BD-38
- f) Page 3.8-29: Is it permissible for the new city to contract with a private entity for law enforcement services? | BD-39
- g) County Service Area No. 11: The Draft EIR does not appear to address the impact of detachment from County Service Area No. 11. | BD-40

I look forward to reading the responses to these and other comments that may be submitted in the Final EIR that is submitted for public review.

Sincerely,

Bill Davis
Arden Arcade Resident

cc: Arden Arcade Incorporation Committee

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Bill Davis (BD)

Response to Comment BD-1

The commenter inquires the location of a listing of environmental effects that would be avoided by the No Project Alternative. The commenter further notes that the project, under the legal requirements to adopt the County's General Plan, would appear not to result in significant environmental impacts. Please see text within the Draft EIR's Section 4.2.1 for a comparison of the No Project Alternative's impacts relative to the proposed project's alternatives. As illustrated in the Draft EIR's Executive Summary, the project would not have any significant environmental impacts after incorporation of mitigation.

Response to Comment BD-2

The commenter inquires why the Alternate Boundary Alternative included a portion of land south of Winding Way. Additional maps were prepared to more clearly illustrate details of the proposed project's boundary as well as the Alternate Boundary Alternative's boundary. These exhibits are available in the Section 3, Errata, of this Final EIR. Please see Exhibit 4-1d in Section 3 for the northern portion of the alternative's boundary. As shown in Exhibit 4-1d, the area included in the Alternate Boundary Alternative is a residential area of lot size consistent with the land south of Winding Way. In addition, the included neighborhood is accessible only by winding way and Pasadena Avenue, with the northernmost lots backing an adjacent drainage (Arcade Creek). North of Arcade Creek are larger lot residential parcels as well as office land uses accessed by Auburn Boulevard. Between the included neighborhood and the City of Sacramento to the west are a large, vacant parcel and a small, low-rise apartment complex that are similarly accessed by Winding Way. Inclusion of this northern portion was determined to be a logical extension of the city because of access issues, land use and parcel consistency, as well as location between Pasadena Avenue, the City of Sacramento, and Arden Creek. See Response to Comment SACDERA-4.

Response to Comment BD-3

The commenter states that the sentence at the beginning of Draft EIR page 4-8 is "incoherent." The sentence referenced, as well as the sentence immediately prior, are:

The Alternate Boundary Alternative also includes the possibility of incorporating the proposed incorporation area, and establishing a sphere of influence made up of the remainder of the Arden Arcade Community Plan area and the small area immediately north of Winding Way and south of Arcade Creek.

The analysis of the Alternate Boundary Alternative necessarily includes an analysis of this alternative organization proposal, as it evaluates impacts in the same area, and would result in a lesser environmental impact.

As described in Response to Comment SACDERA-4, the Alternate Boundary Alternative includes two potential scenarios:

1. Incorporation of the entirety of the area within the Alternate Boundary Alternative's boundary, or
2. Incorporation of the proposed project and establishment of a sphere of influence (SOI) at the Alternate Boundary Alternative's boundary.

The "alternative organization proposal" in the sentence referenced by the commenter refers to the second potential scenario posed by the Alternate Boundary Alternative. The sentence indicates that both scenarios are included in the analysis of the Alternate Boundary Alternative, as they both cover the same area, but that the second potential scenario would result in fewer environmental impacts than the first potential scenario.

Response to Comment BD-4

The commenter questions if it would be reasonable for the new city to "take over" the Fulton El Camino Recreation and Park District (FECRPD) operations, as the FECRPD may disband.

There has not been any analysis to suggest the FECRPD would disband rather than continue to serve its remaining residents, nor has the commenter provided such an analysis. As described in Response to Comment SACDERA-6, the CEQA Guidelines state that decisions of significant effects must be based on substantial evidence, not argument, speculation, or unsubstantiated opinion or narrative. The commenter does not provide substantive evidence to support his conclusion. The documentation in the Draft EIR supports the conclusion. No further response is necessary.

Response to Comment BD-5

The commenter indicates the first and last sentences of the first paragraph at the top of page 3.8-33 are in opposition.

The first sentence mentions a potential for increased demand. The last sentence states that given the limited availability of vacant land, the increase would not be substantial. Therefore, the sentences are consistent.

Response to Comment BD-6

The commenter asks what the specific concerns and policies are in relation to potential increases in customer service rates as identified by the Sacramento Water Agency and what the concerns and policies are based on.

The commenter is referred to Appendix B-2 and the comments on the NOP from the Sacramento Water Agency. Further, economic considerations are not required to be analyzed under CEQA and are therefore outside the scope of this document.

Response to Comment BD-7

The commenter asks if the housing quantity discussed in Impact 3.7-1 would be dedicated towards Sacramento County's Regional Housing Needs Allocation. Please see Response to Comment

SACDERA-6. It should be noted that the quantity of housing that could be accommodated by the project's vacant land was calculated under the current Sacramento County general plan designations.

Response to Comment BD-8

As discussed in Response to Comment SACDERA-6, the new city would be required to coordinate the city's share of housing needs allocation. The distribution of the County's allocation of very-low-income and low-income housing in relation to the quantity of potential future housing is unknown, as state law only requires cities and counties to show that the housing needs allocation can be met through designated residential acreage. Further, this is not a CEQA impact. Therefore, no further analysis is required.

Response to Comment BD-9

As stated in the Draft EIR Impact 3.8-7, the project would not result in a substantial increase in water consumption above that anticipated by the Sacramento County General Plan. Therefore, the project would not contribute to potential migration of groundwater contamination. The degree, direction, and other parameters of existing or potential migration of groundwater contamination are beyond the scope of this project and Draft EIR. No further analysis is required.

Response to Comment BD-10

The commenter inquires if the project would influence Sacramento County to realize emission reductions that will have value on the Chicago Climate Exchange. The project would not place any requirements for greenhouse gas reductions on Sacramento County. The realization of greenhouse gas emission reductions for Sacramento County is outside of the scope of this project and the Draft EIR. Therefore, no further analysis is required.

Response to Comment BD-11

The commenter asks if the detailed components listed in Mitigation Measure 3.1-7 are required by state law, and recommends that the list be replaced by "all components as required by law." The components listed in the mitigation measure are not currently required by law. In addition, the new city is required to comply with all applicable laws, as are all cities. Therefore, as new laws are developed that are applicable to greenhouse gas emissions inventories, climate action plans, and similar subjects, the new city would be required to comply with them as applicable.

Response to Comment BD-12

The commenter states that animal control services provided by Sacramento County may be reduced after approval of the EIR. Accordingly, the commenter theorized that Mitigation Measure 3.8-6 would require the new city to provide animal control services at a level greater than those provided by Sacramento County.

CEQA requires mitigation measures to be specific. To do so requires adding a specific point in time for evaluating the level of services. The most reasonable point in time is the time of approval of the project EIR. Furthermore, the supposition that services provided by the County will be reduced is

pure conjecture with no supporting data. The new city must provide equal or better service to satisfy the requirements of incorporation.

Response to Comment BD-13

The commenter questions the appropriateness of Mitigation Measure 3-8.7a and if, under unincorporated circumstances, the County would be required to provide water.

The mitigation measure was designed to avoid duplication of as required by *City of Ceres v. City of Modesto* (1969) 274 Cal. App. 2d 545, which provides that LAFCOs are established to guard against the wasteful duplication of services.

Response to Comment BD-14

The commenter asks what the cost would be of the new city becoming a signatory to the Water Forum Agreement. In complying with Mitigation Measure 3.8-7b, there would be no additional cost to the city. Further, as described in Response to Comment SACDERA-5, the CEQA Guidelines state that economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, further discussion is not required.

Response to Comment BD-15

The commenter asks if the Del Paso Manor Water District were to disband, would the new city be required to pay for the currently proposed conjunctive use system between the District and the City of Sacramento.

It is possible the City of Arden Arcade would be the successor agency and inherit the obligations of the Del Paso Manor Water District, but this is not relevant to the EIR, as it is an economic rather than an environmental issue. Further, such a circumstance is speculative. However, financial information is included in the “Proposed Arden Arcade Incorporation (LAFCo 07-03) Comprehensive Fiscal Analysis,” which is available at Sacramento LAFCo’s website, <http://www.saclafco.org/default.htm>.

Response to Comment BD-16

The commenter inquired about the financial costs to the new city as a result of participating in the County’s Storm Water Management program and the potential financial impact of applying for an individual Storm Water NPDES permit.

Costs are addressed in the Fiscal Analysis and are not relevant to the EIR. However, financial information is included in the “Proposed Arden Arcade Incorporation (LAFCo 07-03) Comprehensive Fiscal Analysis,” which is available at Sacramento LAFCo’s website, <http://www.saclafco.org/default.htm>.

As described in Response to Comment SACDERA-5, the CEQA Guidelines state that economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, further discussion is not required.

Response to Comment BD-17

The commenter states that because the new city would be legally required to provide solid waste and recycling services and existing haulers would continue to provide such services during the transition period, Mitigation Measure 3.8-11 is unnecessary and the impact should be considered less than significant. Comment noted.

Response to Comment BD-18

The commenter asks what the basis of assumption was regarding the new city's continuation to contract with Sacramento County for refuse collection. The assumption is based on the proponent's application, which was the basis for the project description contained in Section 2, Project Description, of the Draft EIR.

Response to Comment BD-19

The commenter states that Mitigation Measure 3.8-11 would limit the new city to contract with Sacramento County for solid waste services. Please see Response to Comment SACDWMR-1 and Section 3, Errata, of this Final EIR for revisions to the Draft EIR. The mitigation measure contained in the impact discussion allows the new city to contract with Sacramento County "or competent private hauler."

Response to Comment BD-20

The commenter asks what fee is being required by Mitigation Measure 3.8-14a and asks the mitigation measure be clarified. Fees are identified on page 3.8-21 under the Street Lighting and Street Maintenance discussion.

Response to Comment BD-21

The commenter questions what impact will be mitigated by the transfer of maintenance responsibility under Mitigation Measure 3.8-14b.

The impact is described on page 3.8-37 in the last paragraph. These streets are on the located along the project boundary; specifically, the project boundary is located along the centerlines of the streets. Only the portions within the proposed incorporation area would automatically transfer. Therefore, the project would split the responsibility for maintenance, etc., for the roadways along the centerline. Additional text has been added to Impact 3.8-14 to clarify the impact being mitigated by Mitigation Measure 3.8-14b. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment BD-22

The commenter inquires as to the cost of road maintenance required in Mitigation Measure 3.8-14b and if the County receives financial support for road maintenance from other entities.

Costs are addressed in the Fiscal Analysis and are not relevant to the EIR. As described in Response to Comment SACDERA-5, the CEQA Guidelines state that economic and social changes resulting

from a project shall not be treated as significant effects on the environment. Therefore, further discussion is not required.

Response to Comment BD-23

The commenter states that Mitigation Measure 3.8-15 is confusing and asks why it is necessary to prohibit detachment from County Service Area-1 and require the new city to make up any differences in revenue collected by County Service Area-1.

Text has been added to Mitigation Measure 3.8-15 on page 3.8-38 to clarify that only one of the three present options is required. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment BD-24

The commenter indicates that Mitigation Measure 3.8-16b should allow the new city to set up its own transit system and should not be used to preclude the new city from augmenting Regional Transit service by providing neighborhood shuttle services.

The measure allows the City to “enter into an agreement” to provide its own transit services.

Response to Comment BD-25

The commenter inquires about the LAFCo standards for public services provisions associate with transit services. LAFCo standards are summarized on page 3.8-24.

Response to Comment BD-26

The commenter asserts that the project is inconsistent with the inclusion of the American River Parkway and that the new city should be required to be consistent with the American River Parkway Plan.

The American River Parkway Plan is a component of the Sacramento County General Plan. Because the new city would adopt the Sacramento County General Plan, the project would be consistent with the American River Parkway Plan. No further response is necessary.

Response to Comment BD-27

The commenter indicates that statements on pages 3.8-9 and 3.8-31 are inconsistent with the incorporation petition and statements on pages 2-1 and 3.5-15 regarding the new city’s western boundary in relation to the American River Parkway and the City of Sacramento boundaries.

Pages 3.8-9 and 3.8-31 indicate that the proposed incorporation boundary would lie alongside an approximately 0.75-mile stretch of the American River Parkway’s northern boundary. Text changes have been made on these pages to clarify that the proposed incorporation boundary would pass into the American River Parkway for an approximately 0.75-mile stretch. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment BD-28

The commenter states that the Alternate Boundary alternative analysis does not mention the American River Parkway or American River Parkway Plan. In addition, the commenter notes that page 3.5-15 of the Draft EIR provides “American River Park” instead of “American River Parkway.” As described in Response to Comments SMAQMD-4 and SACCITY-20, the level of detail in an alternative analysis is not required to be at the same level of detail as a project impact analysis.

The text within the discussion of the Nature Preserve land use does incorrectly name the American River Parkway. The text has been corrected. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment BD-29

The commenter correctly notes that the “total” acreage shown in Table 2-1 on page 2-2 of the Draft EIR does not equal the sum of the land uses provided. Specifically, the total is greater than the sum of the land uses. The total in the table is correct, as it includes acreage of roadways, which are not designated land uses. The text of Table 2-1 has been amended to provide clarification. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment BD-30

The commenter provides a discussion about the nature of the Fulton Auto Mall. Comment noted.

Response to Comment BD-31

The commenter correctly notes that the relative locations of the Arden Fair Mall and CalExpo were incorrectly identified on page 3.5-2 as east, rather than west, of the project boundary. The text of the Draft EIR has been revised to correct this error. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment BD-32

The commenter states that a sentence on page 3.5-12 of the Draft EIR is “incoherent.” It appears that the sentence in question resulted from a clerical error, erroneously combining two separate sentences. The text has been revised to clarify and separate the two sentences. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment BD-33

The commenter notes that the text on page 3.5-12 states that a “large majority” of the proposed incorporation area is designated Low Density Residential (LDR), whereas LDR is calculated to be approximately 21 percent of the proposed project acreage. The text should read, “large portion.” This change does not affect the impact analysis or significance determination. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment BD-34

The commenter indicated that to avoid limiting options for the new city, changes to Table 3.8-6 should be made to allow the option for contracting with City of Sacramento or any other legally permissible entity.

The statement in the table is based on the application filed by the proponents and, therefore, is not limiting.

Response to Comment BD-35

The commenter indicated that changes should be made to Table 3.8-6 to reflect the Public Library Authority is a Joint Powers Agency and not a County service.

Comment noted. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment BD-36

The commenter indicated that changes should be made to Table 3.8-6 to reflect Sacramento County Regional Parks as a proposed service provider for the American River Parkway.

Comment noted. Refer to Section 3, Errata, of this Final EIR for revisions to the Draft EIR.

Response to Comment BD-37

The commenter requested that changes be made to Table 3.8-6 to include recycling services, private company or other legally permissible entity, and non-exclusive franchise arrangements for solid waste and recycling services provided to large multifamily dwellings and commercial establishments.

The incorporation application does not include reference to such service providers or contracts. Therefore, no additional discussion is required.

Response to Comment BD-38

The commenter requested that changes be made to Table 3.8-6 to include Regional Transit as a potential service provider either by contract or as a member or a transit service established by the new city.

Comment noted. However, the incorporation application does not include reference to such potential service providers or contracts. Therefore, no additional discussion is required.

Response to Comment BD-39

The commenter questions if it is permissible for the new city to contract with a private entity for law enforcement services.

Contracting for law enforcement services with a private entity is permissible only if the private entity meets the legal requirements.

Response to Comment BD-40

The commenter states that the Draft EIR (Draft EIR) does not address the impact of detachment from County Service Area No. 11.

County Service Area No. 11 is an inactive district and, therefore, was not addressed.

From: Trevor Macenski
To: Chryss Meier
Date: 4/6/2010 10:05 AM
Subject: Fwd: FW: Comments on Arden Arcade Draft EIR

Another comment.

Trevor Macenski, REA

Branch Manager
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>>> "Brundage. Peter" <BrundageP@saccounty.net> 4/6/2010 10:02 AM >>>
Comments on Draft EIR. FYI.

-----Original Message-----

From: Bob Lanphear [<mailto:blanphear@macnexus.org>]
Sent: Tuesday, April 06, 2010 9:44 AM
To: Brundage. Peter
Subject: Comments on Arden Arcade Draft EIR

Mr. Peter Brundage:

I submit the following comments and questions on subject EIR.

Reference the first paragraph, Section 2.5 Description of the Proposed Project on page 2-7.

1. Is the City Council to be six or seven members? With six members there could easily be a tie and no decisions made. If it is seven, then I wonder why when Folsom, Citrus Heights, Rancho Cordova and Elk Grove each have just five. Who made the decision on the structure? Was it the incorporation committee, LAFco or the contractor?

RML-1

2. If I understand the Elk Grove structure, the members are elected at large but must live in the district they oversee. Was that approach considered for Arden Arcade? If not, can it still be considered?

RML-2

2. If incorporation is successful, who will determine the boundaries of the districts to assure compliance with the California Voting Rights Act. ?

RML-3

3. Was any consideration given to a Charter city rather than a General Law city? I believe that a Charter city could provide an opportunity for more proportional representation and might make it somewhat easier to redevelop a lot of the infrastructure that is in dire need of improvement.

RML-4

Regarding the city name, I hope, if incorporation is successful there will be an opportunity for a name change. I propose going back to the roots and calling the city - Rancho Del Paso. Per Mr. David Webb, North Area Service Center, the history of Arden Arcade is poorly

RML-5

documented. Arcade was the name of an old depot near the creek and Arden may have been named after the French Ardennes, hence Arden Middle School. Therefore, the city could be considered a French railroad station. Hardly appropriate!

RML-5
CONT

Thank you for your consideration,

Robert M. Lanphear
4144 Eunice Way
Sacramento, CA 95821

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Robert M. Lanphear (RML)

Response to Comment RML-1

The commenter inquired about the make-up of the new city council. California Government Code Section 34871 allows a city council to consist of five, seven, or nine members as determined by the community. The Arden Arcade city council would consist of six districts and an elective mayor. Accordingly, the city council would consist of seven voting members. The make-up of the new city council identified in the incorporation proponent's application to LAFCo.

Response to Comment RML-2

The commenter asked by what manner the city council would be elected. Government Code Section 34871 allows a city council to be elected at-large, by district (election by voters of the district alone), or from district (at-large or election of a resident of the district by the entire city). According to the Arden Arcade incorporation application, the city council would be elected by district, while the elective mayor would be elected from district (at-large). The choice to elect council members from district is still an option until LAFCo adopts a resolution approving the application.

Response to Comment RML-3

The commenter asked who would determine the boundaries of the City's voting districts to assure compliance with the California Voting Rights Act. The district boundaries would be determined by the City Council in compliance with the California Voting Rights Act.

Response to Comment RML-4

The commenter asks if consideration was given to the implementation of a charter city rather than a general law city. The proponent's application is the basis for the project description contained in Section 2, Project Description, of the Draft EIR.

Response to Comment RML-5

The commenter asks if an opportunity for the selection of a different City name would be made. California Government Code Section 34502 allows the city council to change the name of a City by a four-fifths vote.

The California Secretary of State provides any incorporated jurisdiction with the opportunity to revise or change a jurisdictional name.

SECTION 3: ERRATA

The following are revisions to the Draft EIR. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underline (underlined) and all deletions from the text are stricken (~~stricken~~).

Page ES-9

Mitigation Measure 3.1-7 in Table ES-1 has been modified to require the new city to provide emissions inventory information to the County of Sacramento:

MM 3.1-7 LAFCo shall condition the incorporation approval to require the new city to develop a community-wide and municipal greenhouse gas emissions inventory ~~and a Climate Action Plan~~ concurrent with the development of the city's first General Plan. ~~At a minimum, the Climate Action Plan shall include the following components:~~

- ~~• Baseline and future year emission inventories for the community and local government operations~~
- ~~• Emission reduction targets for 2020 and 2030~~
- ~~• Descriptions of strategies selected to achieve targets~~
- ~~• Emission reduction estimates from potential reduction measures and strategies~~
- ~~• Implementation plan with mechanisms for monitoring and course corrections~~

In addition, the new city will be required to cooperate with the County of Sacramento by providing emissions inventory information to the County during and after the emissions inventory preparation.

Page ES-12

Text has been added to Mitigation Measure 3.3-5 in Table ES-1 to ensure compliance with land use regulations related to McClelland Air Force Base:

MM 3.3-5 Prior to the approval of specific land uses that affects an area within an airport planning boundary established by the ALUC, the new city shall refer the proposed action to the ALUC for consistency determination. Future development and/or proposed new land uses must comply with the 1992 McClellan Air Force Base CLUP; development restrictions, as updated.

Page ES-14

Mitigation Measure 3.5-1 in Table ES-1 has been modified to require consultation with the County regarding the Mission Oaks Neighborhood Preservation Area:

- MM 3.5-1** LAFCo shall condition the incorporation approval to require the new city (Arden Arcade) to consult with the County of Sacramento regarding the Mission Oaks Neighborhood Preservation Area in connection with the city's new General Plan.

Page ES-14

Mitigation Measure 3.5-2 in Table ES-1 has been clarified:

- MM 3.5-2** LAFCo shall condition the incorporation approval to require the City (Arden Arcade) to ~~prohibit development of vacant land~~ parcels within the incorporation area to uses that are inconsistent with the 1993 Sacramento County General Plan and/or the most recent and binding land use guidance document until such time the City adopts its own General Plan.

Page ES-15

Mitigation Measure 3.6-5 in Table ES-1 has been revised to reflect requirements for new residential development within McClellan Airport Planning Policy Area (APPA):

- MM 3.6-5** As a contingency for incorporation approval, LAFCo shall require the new city to adopt requirements for new residential development that may include (1) disclosure notices are provided to prospective buyers identifying the property as residing within the McClellan Airport Planning Policy Area (APPA) and that aircraft can be expected to fly at varying altitudes below 3,000 feet above ground level in the property's vicinity; and (2) aviation easements granted to Sacramento County to further ensure that future home buyers are aware of potential aircraft overflights. ~~criteria similar to those listed in the Sacramento County General Plan regarding infill development within the airport's 65-dB CNEL noise contour.~~

Page ES-16

Impact statement 3.8-2 in Table ES-1 has been clarified:

- Impact 3.8-2:** The project could ~~potentially~~ adversely impact law enforcement services.

Page ES-16

Mitigation Measure 3.8-2 in Table ES-1 has been updated as follows:

- MM 3.8-2** LAFCo shall condition the incorporation approval to require that the city provide adequate law and traffic enforcement services, either by a contract with Sacramento County or other public safety agency, a contract with a private company, or shall directly perform the service by an appropriate City agency. At a minimum, law enforcement services shall be maintained at existing levels. ~~through the creation of a local department or on a contractual basis with the Sacramento County Sheriff, and CHP, or another law enforcement agency and other entities if legally permissible.~~

Page ES-17

Mitigation Measure 3.8-7a in Table ES-1 has been clarified:

- MM 3.8-7a** LAFCo shall condition the approval of the incorporation to require the new city to coordinate with public and private water purveyors in water service planning. ~~identify the current public agencies that provide water as primary service providers such that if it is determined that one of the primary provider districts were no longer able to render services, the city would become the primary service provider for that district.~~

Page ES-17

Mitigation Measures 3.8-9a and 3.8-9b in Table ES-1 have been revised:

- MM 3.8-9a** LAFCo shall condition the incorporation approval to require the new city to accept ownership and maintenance responsibility of the existing drainage system serving the incorporation area (including pump stations, channels, pipes, detention basins, and other pump stations located in the public rights of way, recorded and prescriptive easements and other such instruments, and owned or operated by the County of Sacramento or the Sacramento County Water Agency); develop standards for construction, operation, and maintenance of drainage facilities and to adopt and enact a Stormwater Utility (SWU) program similar to, and levying the same SWU fee as, the County of Sacramento Stormwater Utility; and continue to have SWU services provided by the County of Sacramento, including the collection and retention of the new incorporation SWU fee to fund those services for one year after incorporation, with subsequent continued service provided by the County through a long term agreement. ~~develop standards for construction, operation, and maintenance~~

~~regarding the maintenance of Zone 11B and 13 that are compatible with SCWA therefore continuing services from the Sacramento County Stormwater Utility.~~

- MM 3.8-9b** LAFCo shall condition the incorporation approval to continue to receive services provided by Zone 13 of the SCWA. Further, Zone 11B services and programs will no longer be carried out in the incorporation area and the incorporation area will be detached from Zone 11B upon incorporation.~~require the new city to adopt a flood plain management ordinance.~~

Page ES-18

Mitigation Measure 3.8-14c has been added to Table ES-1:

- MM 3.8-14c** LAFCo shall condition the incorporation approval to require that existing transportation fee impact programs be continued at levels necessary to adequately fund approved road construction projects.

Page ES-18

Mitigation Measure 3.8-11 in Table ES-1 has been clarified:

- MM 3.8-11** LAFCo shall condition the incorporation approval to require the new city to contract waste collection services through the County of Sacramento's Department of Waste Management and Recycling Services, or competent public or private hauler to maintain current service levels, at a minimum.

Page ES-19

The following changes have been made to Mitigation Measure 3.8-15 in Table ES-1 to clarify its requirements:

- MM 3.8-15** LAFCo shall condition the incorporation approval to require that the new city shall provide street lighting maintenance either by (1) contract with the County, or by contract with a private company, or by directly performing the maintenance. ~~(2) waive detachment from CSA 1 and agree to be financially responsible for any difference in revenues collected by CSA 1 and the cost of services, or (3) directly perform the maintenance.~~ At a minimum, street lighting and roadway conditions shall be maintained at existing levels, and close coordination between city and county staff will be required. In addition, LAFCo shall condition the incorporation approval to require the new city to enter into a joint lighting maintenance agreement with Sacramento County for public streets that define common boundaries.

Section 2: Project Description

Additional maps have been added to Section 2, Project Description of the Draft EIR to clarify the proposed project’s boundary. Refer to Exhibits 2-2a, 2-2b, 2-2c, and 2-2d. These exhibits are provided in this Final EIR at the end of Section 3, Errata. Note that these maps reflect the same proposed incorporation boundary as that which is presented in the Draft EIR. Additional, smaller-scale maps were provided to allow a more detailed view of the boundary. It is important to note that the proposed incorporation boundary was not changed.

Page 2-2

Table 2-1 has been updated as follows:

Table 2-1: Land Use Designations and Vacant Lands

Land Use Designation	Acres within Propose Incorporation Area*	
	Total Acres Designated**	Acres Vacant
Low Density Residential	6,349.78 <u>1,946.62</u>	50.75
Medium Density Residential	1,149.86 <u>5,395.92</u>	26.50
Commercial and Office	1,457.85 <u>1,531.32</u>	35.99
Industrial Intensive	0.99	0.00
Public/Quasi Public	26.42	0.00
Nature Preserve	31.85 <u>34.89</u>	0.00
Total	8,989.00	113.24
Notes: * Includes roadways ** Includes Vacant Lands Source: Sacramento County GIS, 2005, 2006.		

Page 3.1-37 to 3.1-38

Mitigation Measure 3.1-7 has been modified to require the new city to provide emissions inventory information to the County of Sacramento:

- MM 3.1-7** LAFCo shall condition the incorporation approval to require the new city to develop a community-wide and municipal greenhouse gas emissions inventory ~~and a Climate Action Plan~~ concurrent with the development of the city’s first General Plan. ~~At a minimum, the Climate Action Plan shall include the following components:~~
- ~~• Baseline and future year emission inventories for the community and local government operations~~

- ~~Emission reduction targets for 2020 and 2030~~
- ~~Descriptions of strategies selected to achieve targets~~
- ~~Emission reduction estimates from potential reduction measures and strategies~~
- ~~Implementation plan with mechanisms for monitoring and course corrections~~

In addition, the new city will be required to cooperate with the County of Sacramento by providing emissions inventory information to the County during and after the emissions inventory preparation.

Page 3.3-13

Text has been added to Mitigation Measure 3.3-5 to ensure compliance with land use regulations related to McClelland Air Force Base.

- MM 3.3-5** Prior to the approval of specific land uses that affects an area within an airport planning boundary established by the ALUC, the new city shall refer the proposed action to the ALUC for consistency determination. Future development and/or proposed new land uses must comply with the 1992 McClellan Air Force Base CLUP; development restrictions, as updated.

Page 3.4-9

Text has been added to include information regarding the Aerojet groundwater pollution plume:

Generally, groundwater quality is affected by both naturally occurring and human-made constituents. Potential sources of groundwater contamination are identified in Section 3.3, Hazards and Hazardous Materials, of the Draft EIR. The largest sources of groundwater pollution near the proposed incorporation area are residual contaminants from the McClellan Air Force Base operations and the Aerojet facility.

Contamination Plumes

The former McClellan Air Force Base (McClellan AFB), located approximately 1 mile north of the Arden Arcade proposed incorporation boundary, presents particular concern for groundwater quality. McClellan AFB is a Superfund site ranked as one of America's worst polluted Air Force bases. It is estimated that over 12 billion gallons of groundwater beneath the base are severely contaminated as a result of historical base activities. Cleanup of the soils and groundwater are ongoing and are expected to take approximately 40 years and to cost \$900 million (SCGP 2006). According to the Sacramento Suburban Water District, the McClellan Air Force Base groundwater pollution plume is considered to be contained.

The Aerojet groundwater pollution plume emanates from Aerojet's site in Rancho Cordova, south of the incorporation area. The plume has migrated northwest under the American River and currently threatens groundwater aquifers underlying the communities of Carmichael and Arden Arcade. Remediation systems are currently being installed north of the American River, but the plume has yet to be contained.

Page 3.4-16

The following text changes have been made to appropriately describe the functions of Zone 13 and Zone 11B:

The Arden Arcade proposed incorporation area is located in Zone 13 and Zone 11B of the SCWA. Zone 13 collects fees assessed on property to fund studies related to water supply, drainage, and flood control within the zone. Zone 11b collects drainage development fees charged to new development projects to fund the plan review and construction of trunk drainage facilities associated with new development in the zone. Fees assessed on property in Zone 13 and Zone 11B fund studies related to water supply, drainage, and flood control within the zone (SCMSA 2007b).

In addition, a portion of the proposed incorporation area is served by SCWA Zone 41 (~~an improvement~~ a benefit zone similar to Zone 11b and Zone 13 with water service responsibilities). Revenues collected from Zone 41 fund the water system operations and maintenance activities~~capital improvements~~ (SCMSA 2007b).

Page 3.4-21

The first paragraph on Page 3.4-21, has been revised as follows:

The project is not expected to result in any direct increased groundwater consumption. Similar to existing conditions, the Sacramento County Department of Water Resources in coordination with local water purveyors would continue to actively manage ~~its conjunctive water use program to optimize~~ the use and management of local water supply sources, including surface and groundwater. These water supply sources would continue to be collectively delivered to local retail water agencies within the proposed incorporation area. The Sacramento County General Plan contains policies and implementation measures with the common goal of ensuring adequate, long-term quantity and high quality of groundwater resources, including objectives for the elimination of groundwater overdraft through conjunctive use management and managing growth to protect groundwater supply.

Furthermore, the Sacramento Groundwater Authority is in the process of adopting a Groundwater Accounting Framework applicable to the incorporation area. The Framework will be essential to maintaining safe and reliable groundwater resources.

Page 3.5-2

The following text has been revised:

Outside of but bordering the proposed incorporation area on the ~~west~~ east are Arden Fair Mall and CalExpo.

Page 3.5-12

The text has been revised:

The County currently is in the process of updating its General Plan document. A Public Review Draft of the Land Use Element (Plan Update) was released on May 30, 2007 (County of Sacramento 2007). The Plan Update is still under review, and while the Final EIR was published on April 19, 2010, the County must schedule a series of adoptions hearings with the Board of Supervisors before the new General Plan is enacted. ~~certification of the General Plan EIR is not anticipated to~~ Elements and policies of the current, certified General Plan that are pertinent to the proposed incorporation area are summarized below; the Plan Update is not considered in this analysis.

Page 3.5-12

The text has been updated to properly reflect lands designated as Low Density Residential:

A large ~~portion majority~~ of the proposed incorporation area is designated Low Density Residential (LDR), totaling approximately 6,350 ~~4,947~~ acres, and concentrated in the central and eastern portions of the project area.

Page 3.5-12

The text has been updated to properly reflect lands designated as Medium Density Residential:

Areas designated as MDR total approximately 1,150 ~~5,396~~ acres within the incorporation area and are primarily situated along the western sections of Sierra Boulevard, Northgate Boulevard, and Hurley Way between Howe and Fulton avenues.

Page 3.5-15

The text has been updated to properly reflect lands designated as Commercial and Office:

This use accounts for approximately 1,458 ~~1,531~~ acres within the incorporation area and is concentrated along the majority of Howe Avenue; it is clustered in the northern section of Watt Avenue and western section of Arden Way and Fair Oaks Boulevard.

Page 3.5-15

The text has been updated to properly reflect lands designated as Nature Preserve:

The incorporation area contains approximately 3235 acres of land designated as Nature Preserve; mainly associated with American River Park.

Page 3.5-15

The following text is erroneous and has been deleted:

~~Industrial Intensive. This land use designation allows for manufacturing and related activities including research, processing, warehousing, and supporting commercial uses, the intensive nature of which require urban services. Industrial Intensive areas are located within the urban portion of the County and receive an urban level of public infrastructure and services. Floor Area Ratios range from 0.15 to 0.80. Industrial uses make up less than 1 acre within the incorporation area and represent a small fraction of the total land area.~~

~~Public/Quasi Public. The Public/Quasi Public designation establishes areas for uses such as education, solid and liquid waste disposal, and cemeteries. This designation identifies public and quasi public areas that are of significant size, under County jurisdiction, regional in scope, specified by state law, or have significant land use impacts. Some facilities (e.g., elementary schools and fire stations) are too small or numerous to show on the Land Use Diagram but may be identified on other diagrams in the Plan. Public/Quasi Public uses make up approximately 26 acres within the incorporation area.~~

Page 3.5-15

The following text has been updated:

The incorporation area contains approximately 325 acres of land designated as Nature Preserve; mainly associated with American River Parkway.

Page 3.5-16

Table 3.5-1 has been updated as follows:

Table 3.5-1: Land Use Designations and Vacant Lands

Land Use Designation	Acres within Propose Incorporation Area*	
	Total Acres Designated**	Acres Vacant
Low Density Residential	6,349.78 1,946.62	50.75
Medium Density Residential	1,149.86 5,395.92	26.50
Commercial and Office	1,457.85 1,531.32	35.99
Industrial Intensive	0.99	0.00
Public/Quasi Public	26.42	0.00
Nature Preserve	31.85 34.89	0.00
Total	8,989.00	113.24
Notes: * Includes roadways ** Includes Vacant Lands Source: Sacramento County GIS, 2005, 2006.		

Page 3.5-18

The following text has been modified to clarify the relationship between the Arden Arcade Community Plan area, the City of Sacramento, and the County of Sacramento.

The Arden Arcade Community Plan (Community Plan) was adopted by the Sacramento County Board of Supervisors on November 6, 1980. The Community Plan covers approximately 21 square miles northeast of downtown Sacramento. (Exhibit 3.5-1). As shown, the proposed incorporation area falls entirely within the Community Plan area. The County has made minor revisions to the official Community Plan boundary since 1980; however, the adopted Community Plan has not been thoroughly updated to reflect all changes. As a result, the County published the currently approved Community Area map to identify the “official” boundary of the Arden Arcade Community Plan. This map was utilized for the preparation of the Draft EIR and is available at <http://www.msa2.saccounty.net/planning/Pages/ArdenArcadeCommunityArea.aspx>.

Additionally, given the proximity to the City of Sacramento, the City of Sacramento has also identified the area of Arden Arcade as a “Special Study Area” as part of its recently completed General Plan. In the City of Sacramento Arden Arcade Community Plan, adopted March 3 2009, the City identifies the Arden Arcade area of the County as a Special Study Area that encompasses approximately 33 square miles, including 5.7 square miles of property that lie within the City of Sacramento.

The primary difference between the County and City designations is the extent of their boundaries. The City of Sacramento identifies an area south of the American River that is

included in the City of Sacramento Arden Arcade Community Plan Boundary. However, it is important to note that the County of Sacramento retains land use authority for all decisions within the Sacramento County identified Arden Arcade Community, as designated by the November 6, 1980 Community Plan.

Page 3.5-18

The following paragraph has been added on page 3.5-18 above the Arden Arcade Community Plan paragraph to provide the reader clarification regarding the City of Sacramento's land use authority over the proposed incorporation area:

City of Sacramento General Plan

The City of the Sacramento's General Plan governs lands within the boundaries of the Sacramento city limits. Because the incorporation area is located adjacent to and outside of the City of Sacramento city limits, land use policies included in the City of Sacramento General Plan are not applicable. However, the City of Sacramento General Plan Land Use section does provide information regarding the Arden Arcade Community Plan Area, which is designated by the City of Sacramento as a Community Plan and Special Study Area.

Page 3.5-21

Mitigation Measure 3.5-1 has been modified to require consultation with the County regarding the Mission Oaks Neighborhood Preservation Area:

MM 3.5-1 LAFCo shall condition the incorporation approval to require the new city (Arden Arcade) to consult with the County of Sacramento regarding the Mission Oaks Neighborhood Preservation Area in connection with the city's new General Plan.

Page 3.5-23

The following paragraph has been added on page 3.5-23 above the Arden Arcade Community Plan paragraph to provide the reader clarification regarding the Sacramento Housing and Redevelopment Agency's authority over the proposed incorporation area:

Sacramento Housing and Redevelopment Agency

The Housing Authority for the City of Sacramento and the Housing Authority for the County of Sacramento are legal entities that operate under the umbrella organization of the Sacramento Housing and Redevelopment Agency (SHRA). These housing authorities operate under federal guidelines from the U.S. Department of Housing and Urban Development to provide both the public housing and the rental subsidy assistance program more commonly known as Section 8. SHRA oversees the investment of public funds for residential and

commercial redevelopment activities in 12 designated neighborhoods throughout the City and County of Sacramento, including a portion of the Arden Arcade Community Plan Area.

Page 3.5-23

Mitigation Measure 3.5-2 has been clarified:

MM 3.5-2 LAFCo shall condition the incorporation approval to require the new city (Arden Arcade) to ~~prohibit development of vacant land parcels within the incorporation area to uses that are inconsistent with the 1993 Sacramento County General Plan and/or the most recent and binding land use guidance document until such time the city adopts its own General Plan.~~

Page 3.6-7

The following text has been modified to include the 60-db CNEL Theoretic Capacity Contour used in land use planning near McClellan Park:

The McClellan Park, formerly McClellan Air Force Base, is located approximately 1.25 miles north of the proposed incorporation area's northern boundary. In March 2005, the Sacramento County Board of Supervisors initiated an Airport Land Use Compatibility Plan (ALUCP) for McClellan Park to update the previous Comprehensive Land Use Plan (CLUP). The ALUCP update is currently under way; however, a 60-db CNEL Theoretic Capacity noise contour has already been adopted by the Board of Supervisors for land use planning purposes. The 60-db CNEL Theoretic Capacity Contour is available for viewing at www.sacairports.org. The Theoretic Capacity Contour identifies the boundary within which new residential development is prohibited. For the purposes of this document, it is assumed that the 60-db CNEL Theoretic Capacity Contour replaces the 65-db CNEL noise contour previously identified in the CLUP.

On April 16, 2006, the Board of Supervisors approved a resolution adopting the definition of the McClellan Airport Planning Policy Area (APPA), in accordance with current and future uses (Resolution No. 2006-1379) and based on guidance provided by the 2002 Airport Land Use Planning Handbook. The APPA identifies areas that are and may be affected by aircraft overflights beyond the mapped aircraft noise exposure contour (that is, the 60-db CNEL Theoretic Capacity Contour). Note that residential development is not restricted within the APPA. According to the Sacramento County Department of Environmental Review and Assessment, the entire incorporation area is within the McClellan APPA, but outside the 60-CNEL Theoretic Capacity noise contour. The McClellan Air Force Base Comprehensive Land Use Plan (CLUP) was developed to govern the relationship between the airport and the land uses that surrounding it. The CLUP defines policies and guidelines intended to safeguard the general welfare of populations near the airport by protecting them from adverse effects of

aircraft noise. Figure 12 of the CLUP shows the noise contours adopted for McClellan Air Force

Page 3.6-8

The following text has been deleted:

~~Base. Areas within the airport's 65 dB CNEL noise contour are considered incompatible with the following land uses: single family dwellings, multi-family dwellings, trailer parks, and schools of standard construction. Within the proposed incorporation area, the airport's 65 dB CNEL includes the majority of the area north of El Camino Avenue and west of Watt Avenue. It is recognized by the Sacramento County General Plan that some areas within the 65 dB CNEL noise contour are substantially developed; however, these long-standing developments are considered to be "legal nonconforming" uses. Furthermore, the Sacramento County General Plan establishes criteria indented to resolve compatibility for infill projects that are technically inconsistent with the CLUP but similar to existing land use.~~

Page 3.6-18

The following changes have been made to the Public Airport Noise Levels Impact Analysis to consider the 60-db CNEL Theoretic Capacity noise contour:

According to the Sacramento County Department of Environmental Review and Assessment, the entire incorporation area is within the McClellan APPA, but outside the 60-db CNEL Theoretic Capacity noise contour. The APPA identifies areas that are and may be affected by aircraft overflights beyond the mapped aircraft noise exposure contour (that is, the 60-db CNEL Theoretic Capacity Contour). The a portion of the project is located within the McClellan Air Force Base CLUP's 65 dB CNEL noise contour. Because the area within the noise contour is mostly developed with both conforming and non-conforming uses, the Sacramento County General Plan has established criteria to resolve compatibility for infill projects that are technically inconsistent with the CLUP but similar to surrounding existing land uses. While only small parcels of land remain undeveloped within the airport's noise contour, future development may still occur, resulting in the exposure of people residing or working in the incorporation area to excessive noise levels. Accordingly, mitigation is proposed that would require the new city to adopt requirements for new residential development that would include APPA disclosure notices and avigation easements. adopt criteria similar to those listed in the Sacramento County General Plan regarding development within the airport's 65 dB CNEL noise contour. Implementation of the proposed mitigation would reduce impacts to less than significant.

Page 3.6-19

Mitigation measure 3.6-5 has been revised to reflect requirements for new residential development within McClellan Airport Planning Policy Area (APPA):

MM 3.6-5 As a contingency for incorporation approval, LAFCo shall require the new city to adopt requirements for new residential development that may include (1) disclosure notices are provided to prospective buyers identifying the property as residing within the McClellan Airport Planning Policy Area (APPA) and that aircraft can be expected to fly at varying altitudes below 3,000 feet above ground level in the property’s vicinity; and (2) aviation easements granted to Sacramento County to further ensure that future home buyers are aware of potential aircraft overflights. ~~criteria similar to those listed in the Sacramento County General Plan regarding infill development within the airport’s 65-dB CNEL noise contour.~~

Page 3.7-2

Text has been added to reference the requirements of Government Code 65584.07(c) in relation to the redistribution of housing allocations:

According to the SACOG Regional Housing Needs Plan (2009), Sacramento County is to provide an additional 59,093 housing units between 2006 and 2013, of which 21.3 percent must be very-low income, 16.2 percent must be low-income, 19.1 percent must be moderate-income, and 43.4 percent must be above-moderate income. As governed by Government Code 65584.07(c), newly incorporated cities must accept transferred housing allocations from the County in which they are located to ensure housing needs are properly distributed.

Page 3.7-5

Table 3.7-1 has been updated as follows:

Table 3.7-1: Land Use Designations and Vacant Lands

Land Use Designation	Acres within Propose Incorporation Area*	
	Total Acres Designated**	Acres Vacant
Low Density Residential	<u>6,349.78</u> 1,946.62	50.75
Medium Density Residential	<u>1,149.86</u> 5,395.92	26.50
Commercial and Office	<u>1,457.85</u> 1,531.32	35.99

Table 3.7-1 (cont.): Land Use Designations and Vacant Lands

Land Use Designation	Acres within Propose Incorporation Area*	
	Total Acres Designated**	Acres Vacant
Industrial Intensive	0.99	0.00
Public/Quasi Public	26.42	0.00
Nature Preserve	31.85 34.89	0.00
Total	8,989.00	113.24
Notes: * Includes roadways ** Includes Vacant Lands Source: Sacramento County GIS, 2005, 2006.		

Page 3.7-6

Text has been added to reference the requirements of Government Code 65584.07(c) in relation to the redistribution of housing allocations:

The project has the potential to add 450 housing units to the County’s housing supply. These units have the potential to be dedicated for affordable housing and would contribute to fulfilling the County’s RHNA. These units will be credited to the forthcoming RHNA. Furthermore, the new city would accept transferred housing allocations from the County to ensure housing needs are properly distributed in accordance with Government Code 65584.07(c). Therefore, the proposed project’s residential development would be consistent with local and regional housing strategies, and impacts would be less than significant.

Page 3.8-3

Exhibit 3.8-1, located on page 3.8-3 of the Draft EIR, has been modified to reflect that Station 107 is no longer used by the Sacramento Metropolitan Fire District. The modified Exhibit 3.8-1 is provided in this Final EIR at the end of Section 3, Errata.

Page 3.8-5

Exhibit 3.8-2, located on page 3.8-5 of the Draft EIR, has been modified to correctly reflect the Fulton-El Camino Recreation and Park District boundaries. The modified Exhibit 3.8-2 is provided in this Final EIR at the end of Section 3, Errata.

Page 3.8-9

The text has been clarified to better describe the proposed incorporation boundary in relation to the American River Parkway boundary.

The proposed incorporation ~~area~~ boundary passes into the American River Parkway for an approximately 0.75-mile stretch in order to be contiguous with the City of Sacramento city limits. ~~would lie alongside an approximate 0.75-mile stretch of the American River Parkway's northern boundary, just east of the Sacramento city limits. The adjacent portion of the American River Parkway is managed by the Sacramento County Regional Parks and Recreation Department.~~

Page 3.8-17

The text has been stricken and replacement text has been added to page 3.8-18:

~~The Sacramento County Water Agency (SCWA) provides flood control and storm drainage services to the majority of the incorporation area. Services include maintenance and operation of the channel~~

Page 3.8-18

Text has been added to better reflect the stormwater drainage services provided by the County of Sacramento and the Sacramento County Water Agency (SCWA):

~~system, maintenance and operation of the drainage pipe systems, investigation of drainage system design problems, and formulation and construction of projects to alleviate the problems.~~

The County of Sacramento and the Sacramento County Water Agency (SCWA) provide various stormwater drainage services within the proposed incorporation area. The County of Sacramento provides storm drain maintenance, rehabilitation, construction, repair, flood response, master planning, and stormwater quality services through the Sacramento County Stormwater Utility (SWU). The SWU assesses a bi-monthly utility charge on developed properties within the SWU boundary (coterminous with the boundary of SCWA Zone 12 described below) to fund these services. Additionally, a limited, fixed portion of property tax revenue is also collected and transferred to the SWU to fund these services.

The SCWA provide various services through Zone 11B, Zone 12, and Zone 13. Zone 11b is a drainage development fee charged to new development projects to fund the plan review and construction of trunk drainage facilities associated with new development within the zone. Zone 12 is a now-defunct drainage maintenance zone that was replaced by the County of Sacramento SWU. However, the boundary of Zone 12 continues to exist, as it is the basis for the boundary of the SWU. Zone 13 is a fee assessed on property to fund studies related to water, supply, drainage, and flood control within the zone.

~~In addition, SCWA develops and implements programs to reduce the discharge of pollutants from urban runoff to local receiving waters, and develops long range drainage master plans. When the SCWA was formed, zones were delineated within the agency's boundary in order to finance drainage facilities. The proposed incorporation area lies within Zone 11B, Zone 12, and Zone 13. Zone 11B was created to provide funds for the construction of major drainage facilities. The Sacramento County Stormwater Utility (SWU), Zone 12, provides drainage, operation, and maintenance of storm drainage facilities; the construction of remedial storm drainage improvement projects; the preparation of storm drainage master plans; and the implementation of stormwater quality programs. The SWU is funded by bi-monthly service fees.~~

Page 3.8-26

The Existing Service Provider in the fourth row of Table 3.8-6 has been changed to reflect that paramedic and ambulance services are provided by Sac Metro Fire District.

Sacramento Metropolitan Fire District. ~~Cal Fire contracts paramedic and ambulance services to American Medical Response (AMR).~~

Page 3.8-26

The Proposed Service Provider in the ninth row of Table 3.8-6 has been changed to reflect that the Public Library Authority is a Joint Powers Agency and not the County.

It is expected that the County of Sacramento and City of Sacramento Joint Powers Agency ~~County~~ will continue to provide this service.

Page 3.8-26

The Proposed Service Provider in the last row of Table 3.8-6 has been updated as follows:

After incorporation, it is expected that the Sacramento County Regional Parks and Recreation Department and Special Districts will continue to provide these services.

Page 3.8-29

The following impact statement has been clarified:

Impact 3.8-2: The project could ~~potentially~~ adversely impact law enforcement services.

Page 3.8-30

Mitigation Measure 3.8-2 has been updated as follows:

- MM 3.8-2** LAFCo shall condition the incorporation approval to require that the city provide ~~adequate law and traffic enforcement services, either by a contract with Sacramento County or other public safety agency, a contract with a private company, or by directly performing the service by an appropriate City agency.~~ At a minimum, law enforcement services shall be maintained at existing levels. ~~through the creation of a local department or on a contractual basis with the Sacramento County Sheriff, and CHP, or another law enforcement agency and other entities if legally permissible.~~

Page 3.8-31

The text has been clarified to better describe the proposed incorporation boundary in relation to the American River Parkway boundary.

The proposed incorporation boundary would pass through ~~lie alongside~~ an approximately 0.75-mile stretch of the American River Parkway to be contiguous with the City of Sacramento city limits's northern boundary.

Page 3.8-33

Mitigation Measure 3.8-7a has been clarified:

- MM 3.8-7a** LAFCo shall condition the approval of the incorporation to require the new city to coordinate with public and private water purveyors in water service planning. ~~identify the current public agencies that provide water as primary service providers such that if it is determined that one of the primary provider districts were no longer able to render services, the city would become the primary service provider for that district.~~

Page 3.8-35

Mitigation Measures 3.8-9a and 3.8-9b have been revised:

- MM 3.8-9a** LAFCo shall condition the incorporation approval to require the new city to accept ownership and maintenance responsibility of the existing drainage system serving the incorporation area (including pump stations, channels, pipes, detention basins, and other pump stations located in the public rights of way, recorded and prescriptive easements and other such instruments, and owned or operated by the County of Sacramento or the Sacramento County Water Agency); develop standards for construction, operation, and maintenance of drainage facilities and to adopt and enact a Stormwater Utility (SWU) program similar to, and levying the same SWU fee as, the County of

Sacramento Stormwater Utility; and continue to have SWU services provided by the County of Sacramento, including the collection and retention of the new incorporation SWU fee to fund those services for one year after incorporation, with subsequent continued service provided by the County through a long-term agreement, develop standards for construction, operation, and maintenance regarding the maintenance of Zone 11B and 13 that are compatible with SCWA therefore continuing services from the Sacramento County Stormwater Utility.

- MM 3.8-9b** LAFCo shall condition the incorporation approval to continue to receive services provided by Zone 13 of the SCWA. Further, Zone 11B services and programs will no longer be carried out in the incorporation area and the incorporation area will be detached from Zone 11B upon incorporation.~~require the new city to adopt a flood plain management ordinance.~~

Page 3.8-36

Mitigation Measure 3.8-11 has been clarified:

- MM 3.8-11** LAFCo shall condition the incorporation approval to require the new city to contract waste collection services through the County of Sacramento's Department of Waste Management and Recycling Services, or competent public or private hauler to maintain current service levels, at a minimum.

Page 3.8-37

The following text has been clarified to better describe the impacts on road maintenance of placing a city boundary on the centerline of a street:

There are sections of Watt Avenue (Auburn Boulevard to Longview Drive), Auburn Boulevard (Park Road to Howe Avenue), Winding Way (Auburn Boulevard to 1000 feet east), and Bell Street (between the easterly and westerly legs of Auburn Boulevard) that lie on the boundary between the City of Sacramento and the new city. Accordingly, the new city boundary would be located along the centerlines of these streets, and the responsibility for road maintenance and other required services would be split between the City of Sacramento and the new city. The Sacramento County Department of Transportation requests that the responsibility for maintenance be transferred to the new city to maintain consistency of roadway maintenance and services.

Page 3.8-38

Mitigation Measure 3.8-14c has been added:

MM 3.8-14c LAFCo shall condition the incorporation approval to require that existing transportation fee impact programs be continued at levels necessary to adequately fund approved road construction projects.

Page 3.8-39

The following changes have been made to Mitigation Measure 3.8-15 to clarify its requirements:

MM 3.8-15 LAFCo shall condition the incorporation approval to require that the new city shall provide street lighting maintenance either by (1) contracting with the County, or by contracting with a private company, or by directly performing the maintenance. (2)waive detachment from CSA 1 and agree to be financially responsible for any difference in revenues collected by CSA 1 and the cost of services, or (3)directly perform the maintenance. At a minimum, street lighting and roadway conditions shall be maintained at existing levels, and close coordination between city and county staff will be required. In addition, LAFCo shall condition the incorporation approval to require the new city to enter into a joint lighting maintenance agreement with Sacramento County for public streets that define common boundaries.

Section 4: Alternatives Analysis

Additional maps have been added to Section 4, Alternatives Analysis, of the Draft EIR to illustrate details of the proposed project's boundary as well as the Alternate Boundary Alternative's boundary. Refer to Exhibits 4-1a, 4-1b, 4-1c, and 4-1d. These exhibits are provided in this Final EIR at the end of Section 3, Errata.

Page 4-3

Additional description of the Alternate Boundary Alternative has been added regarding the area north of Winding Way.

The Alternate Boundary Alternative would entail a larger incorporation area than is currently proposed. This boundary modification would include portions of the Arden Arcade Community Plan area to the south of Fair Oaks Boulevard and north of the American River. The area included is illustrated in Exhibits 4-1a, 4-1b, 4-1c, and 4-1d. As shown, in addition to the inclusion of the remainder of the Arden Arcade Community Plan area, this alternative includes a small area immediately north of Winding Way and south of Arcade Creek. The additional area is accessible only by Winding Way and Pasadena Avenue, with the

northernmost lots backing Arcade Creek. In addition, the area contains lots sizes that are consistent with those located south of Winding way. Accordingly, the inclusion of this small, northern area was determined to be a logical extension of the proposed new city, because of access issues, land use type, and parcel size consistency, as well as the location between Pasadena Avenue, the City of Sacramento, and Arcade Creek.

This Alternative Boundary alternative could also be used to establish a sphere of influence made up of all or a portion of the remainder of the Arden Arcade Community Plan area and the small area immediately north of Winding Way and south of Arcade Creek. This would allow the area to remain unincorporated and permit the area to be annexed at a later date pursuant to the provisions of Cortese-Knox-Hertzberg Reorganization Act of 2000.

Page 4-3

The text has been modified to clarify that the Alternate Provision of Services Alternative includes annexation of the Arden Arcade area by the City of Sacramento:

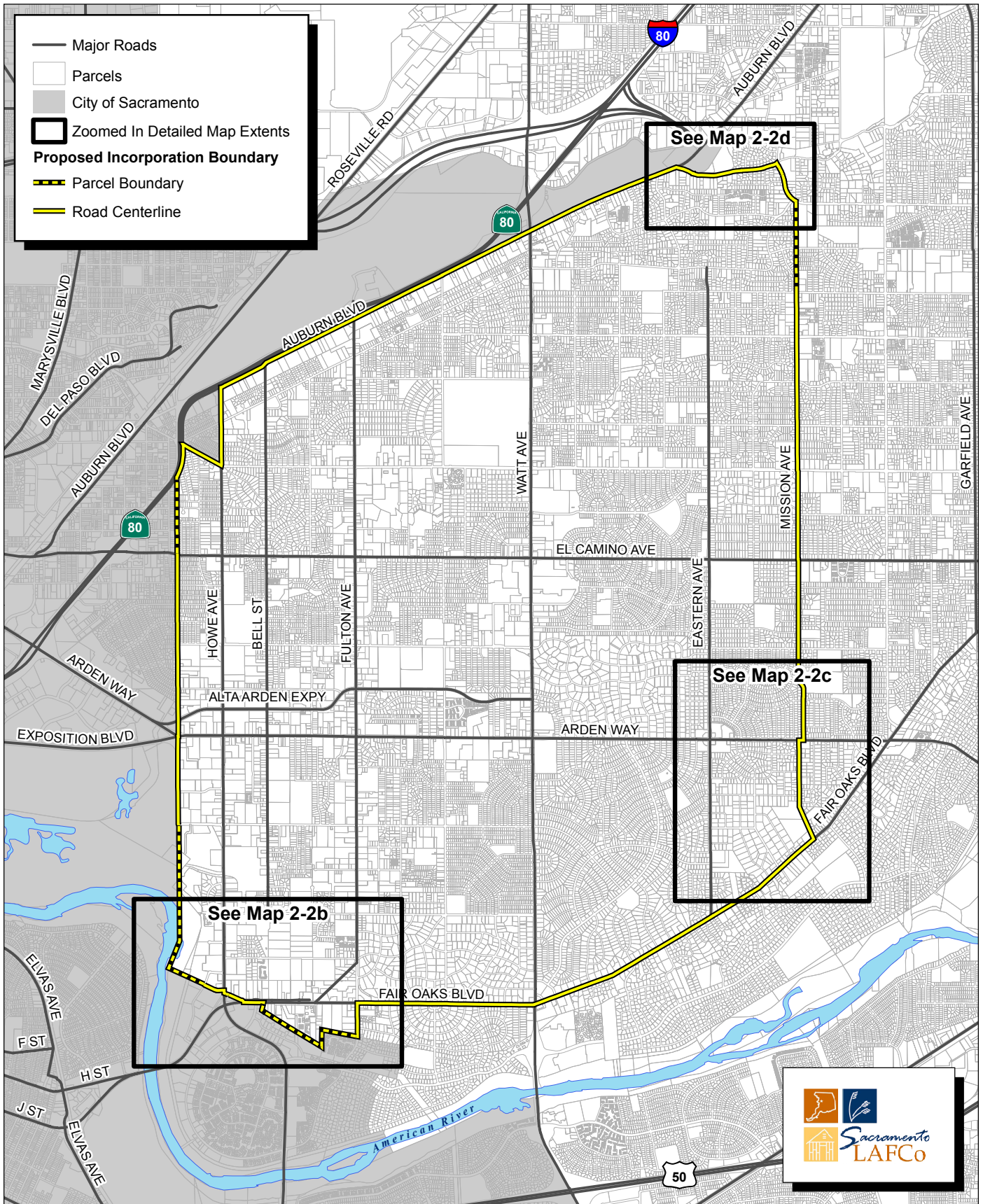
Under the Alternate Provision of Services Alternative, the City of Sacramento would annex the proposed incorporation area, and the City of Arden Arcade would not be created. Accordingly, the City of Sacramento would extend all of its services to the Arden Arcade area, including ~~The possibility of the proposed incorporation area utilizing Alternative Services Providers is a plausible alternative to the proposed project. Under this alternative, the City of Sacramento would provide~~ fire, police, parks, water, wastewater, solid waste removal, planning, public works, animal control, street lighting, and street maintenance services to the new city. ~~In the event of annexation to the City of Sacramento, the City would extend all of its services to the proposed incorporation area. While the City of Sacramento may extend all services to the newly annexed area, this is a most conservative service scenario, and it is understood that the City of Sacramento may propose to leave special districts (such as those providing water) intact. Any proposed reorganization (annexation and related detachments) would be at the discretion of LAFCo.~~

Page 4-10

The text has been modified to clarify that the Alternate Provision of Services Alternative includes annexation of the Arden Arcade area by the City of Sacramento:

Under the Alternate Provision of Services Alternative, the City of Sacramento would annex the proposed incorporation area, and the City of Arden Arcade would not be created. Accordingly, the City of Sacramento would extend all of its services to the Arden Arcade area, including ~~The possibility of the proposed incorporation area utilizing Alternative Services Providers is a plausible alternative to the proposed project. Under this alternative, the City of Sacramento would provide~~ fire, police, parks, water, wastewater, solid waste

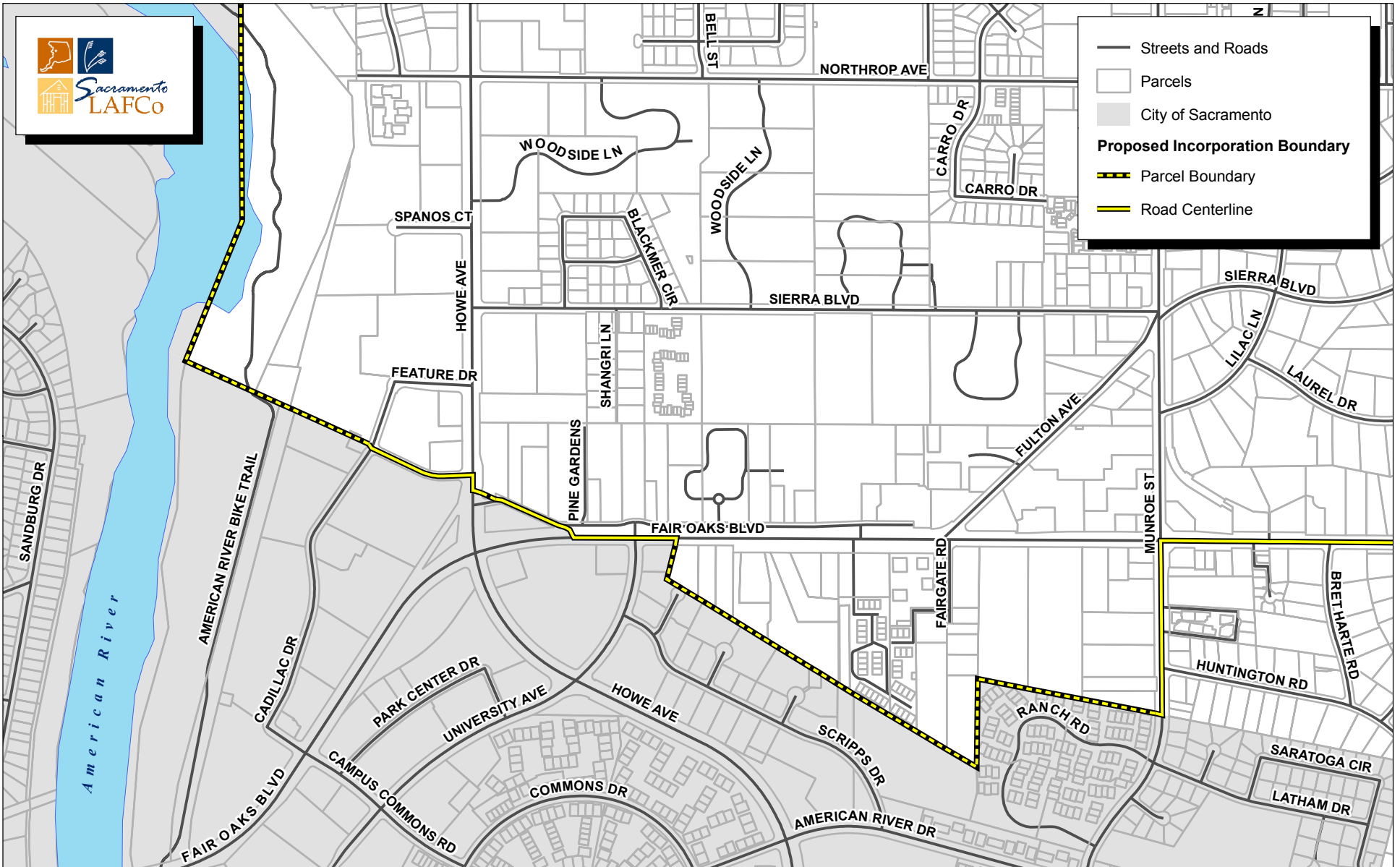
removal, planning, public works, animal control, street lighting, and street maintenance services to the new city. In the event of annexation to the City of Sacramento, the City would extend all of its services to the proposed incorporation area. While the City of Sacramento may extend all services to the newly annexed area, this is a most conservative service scenario, and it is understood that the City of Sacramento may propose to leave special districts (such as those providing water) intact. Any proposed reorganization (annexation and related detachments) would be at the discretion of LAFCo.



Source: Sacramento County GIS (2009), SACOG (2009), MBA (2009).



Exhibit 2-2a Proposed Project Boundary



- Streets and Roads
- Parcels
- City of Sacramento
- Proposed Incorporation Boundary**
- Parcel Boundary
- Road Centerline

Source: Sacramento County GIS (2009), SACOG (2009), MBA (2010).

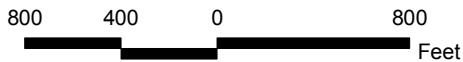


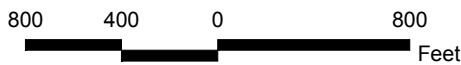
Exhibit 2-2b Proposed Project Boundary (Southwest Section)



Source: Sacramento County GIS (2009), SACOG (2009), MBA (2009).

Exhibit 2-2c

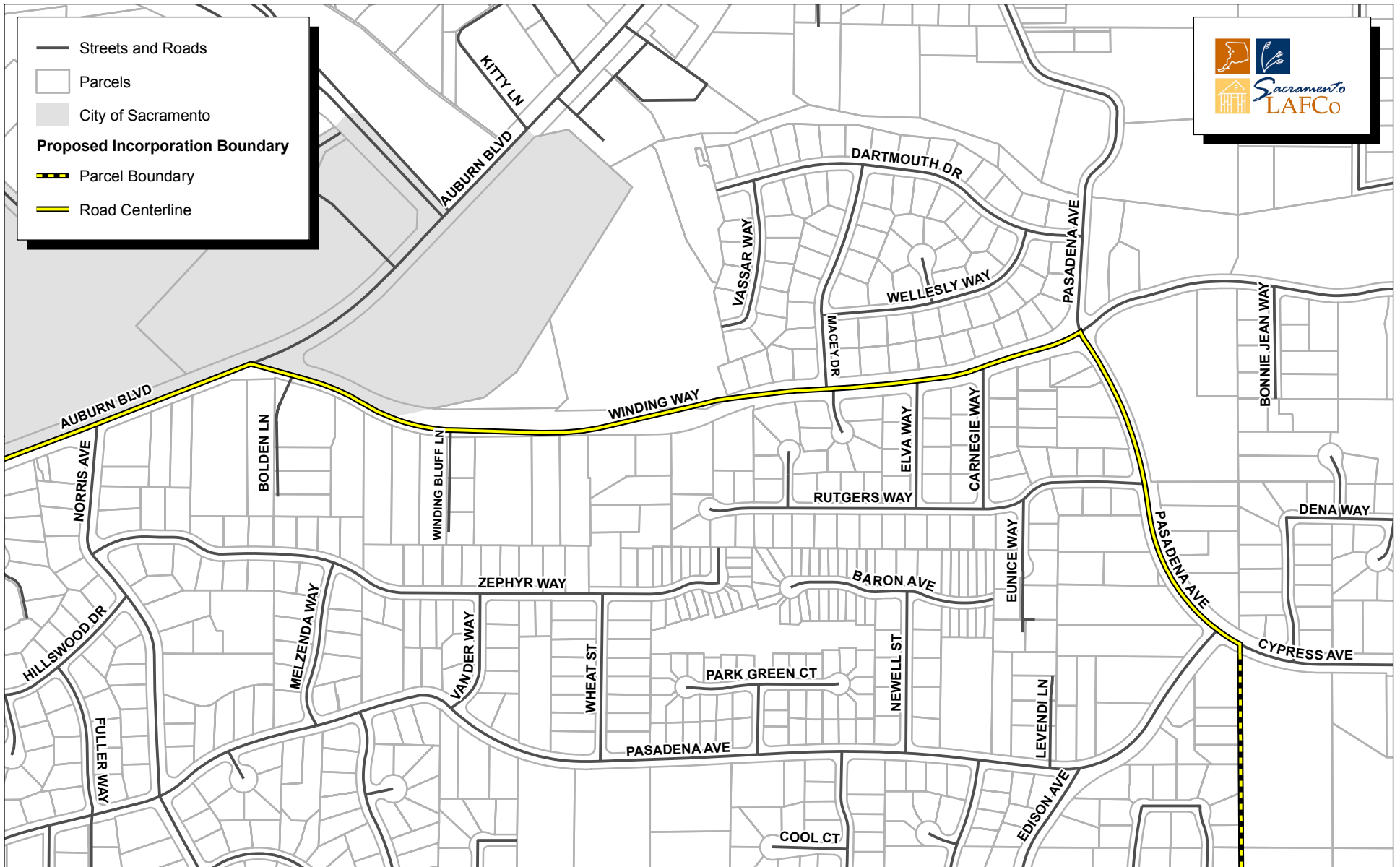
Proposed Project Boundary
(Southeast Section)



Michael Brandman Associates

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SACRAMENTO LAFCO • ARDEN ARCADE INCORPORATION
DRAFT EIR



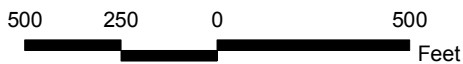
Source: Sacramento County GIS (2009), SACOG (2009), MBA (2009).

Exhibit 2-2d

Proposed Project Boundary
(Northeast Section)



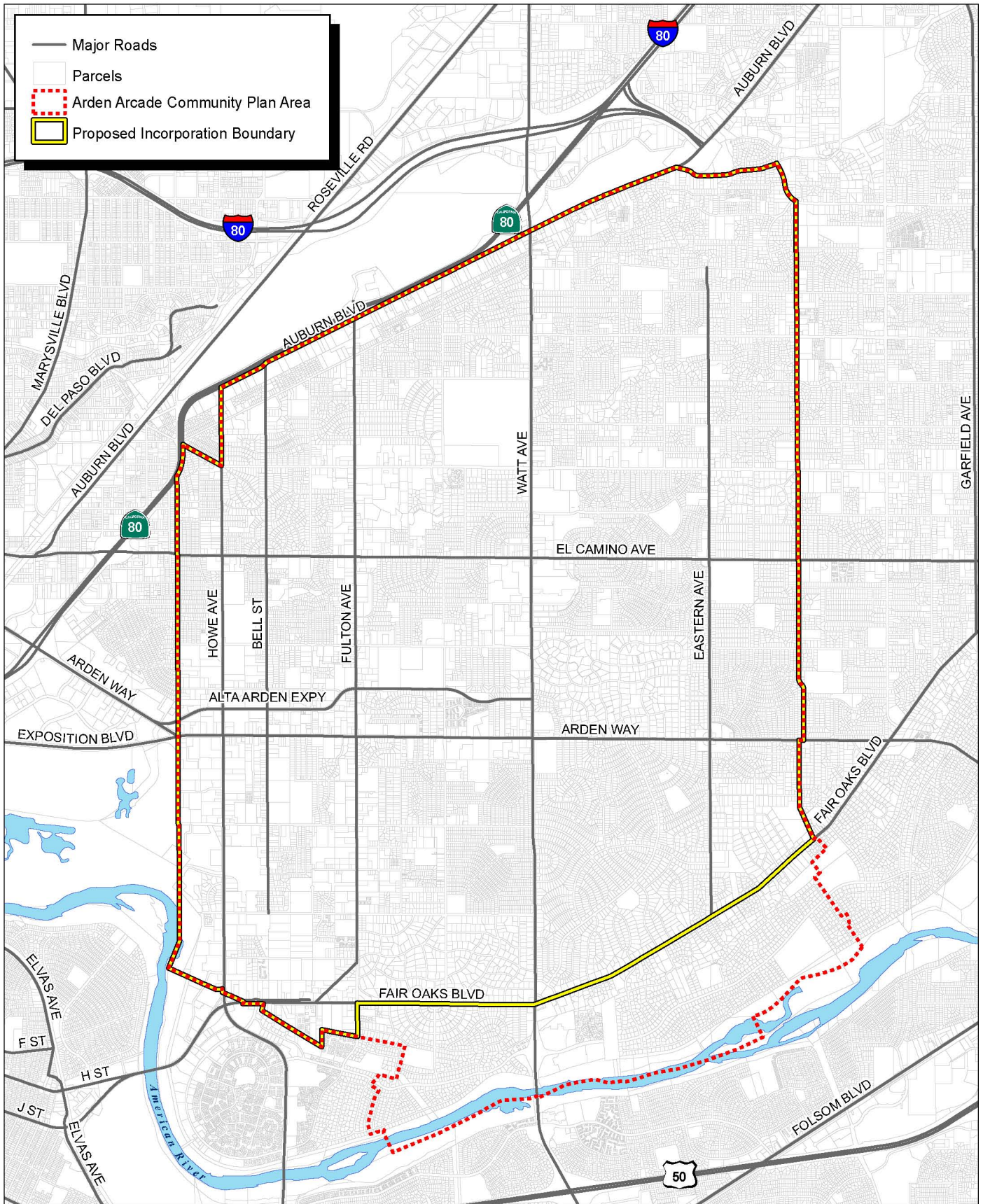
Michael Brandman Associates



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DRAFT EIR



Source: Sacramento County GIS (2009), SACOG (2009), MBA (2009).

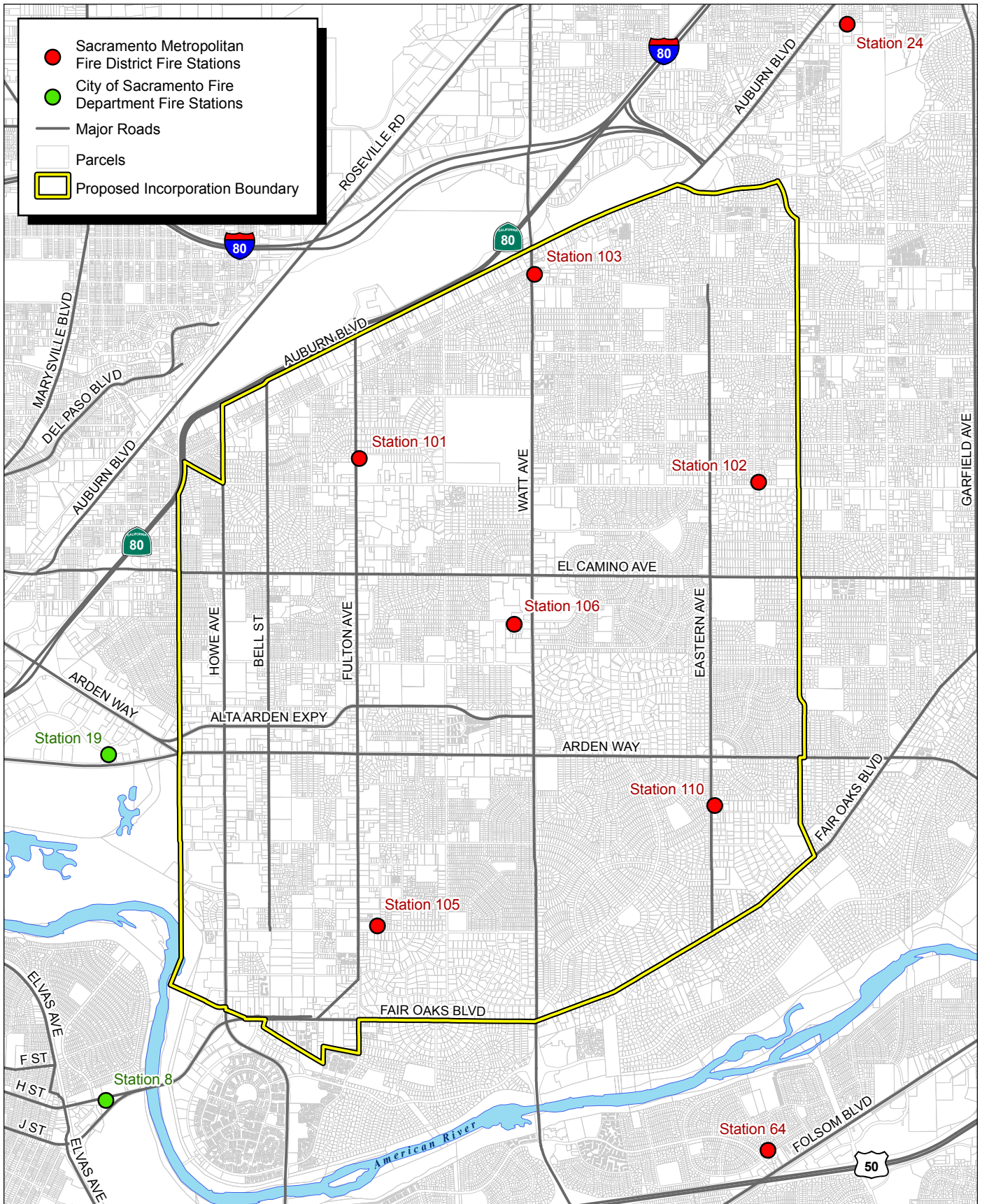


Michael Brandman Associates

32330001 • 10/2009 | 3.5-1_AA_Community_Plan.mxd



Exhibit 3.5-1 Arden Arcade Community Plan Area



Source: Sacramento County GIS (2008, 2009), SACOG (2009), MBA (2009).

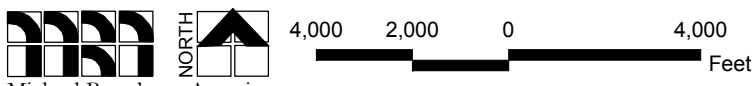
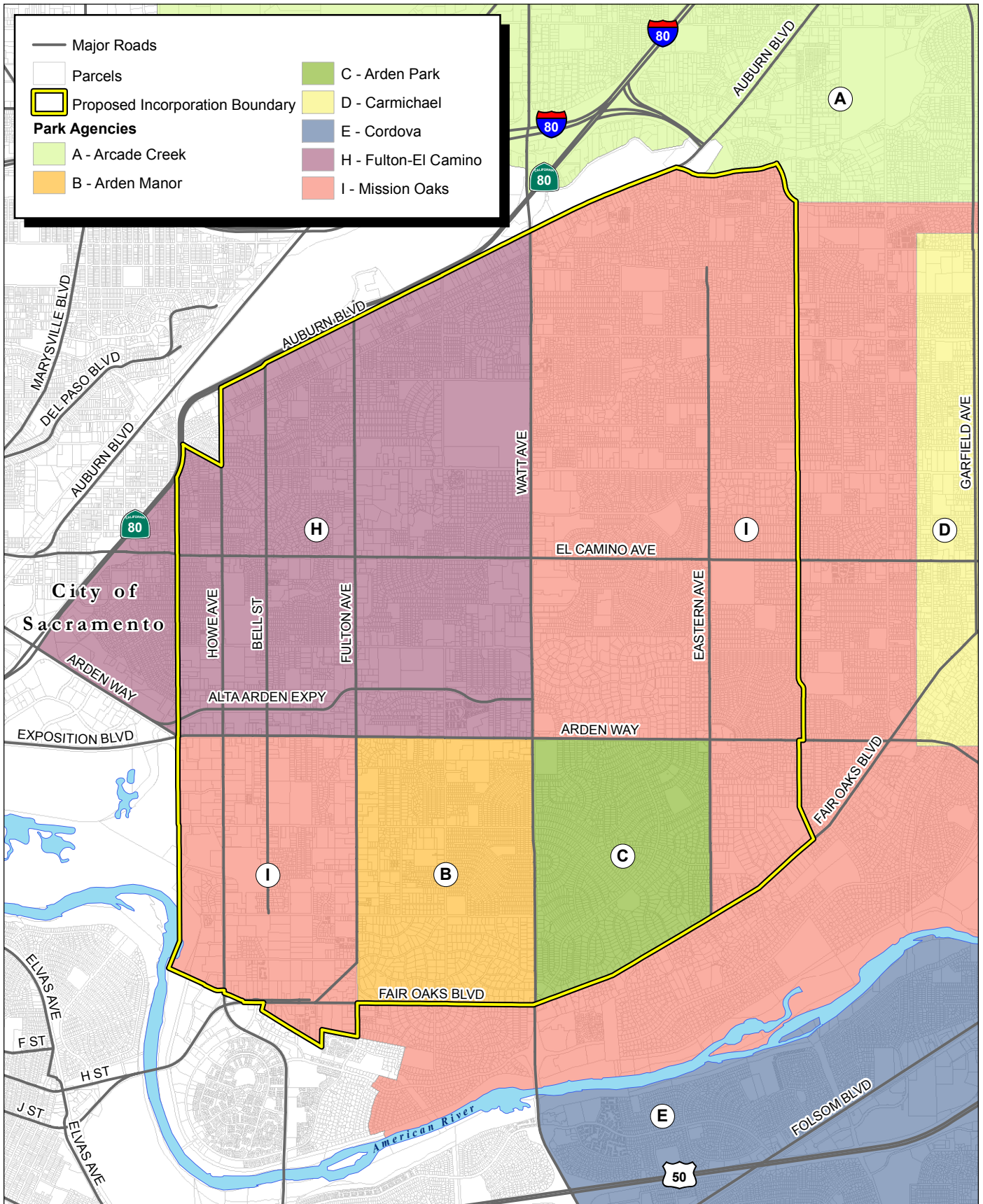


Exhibit 3.8-1 Fire Station Locations



Source: Sacramento County GIS (2009), SACOG (2009), MBA (2009), Sacramento LaFCO (2009).

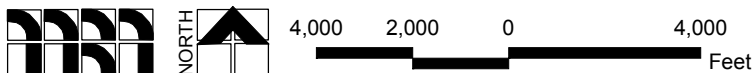
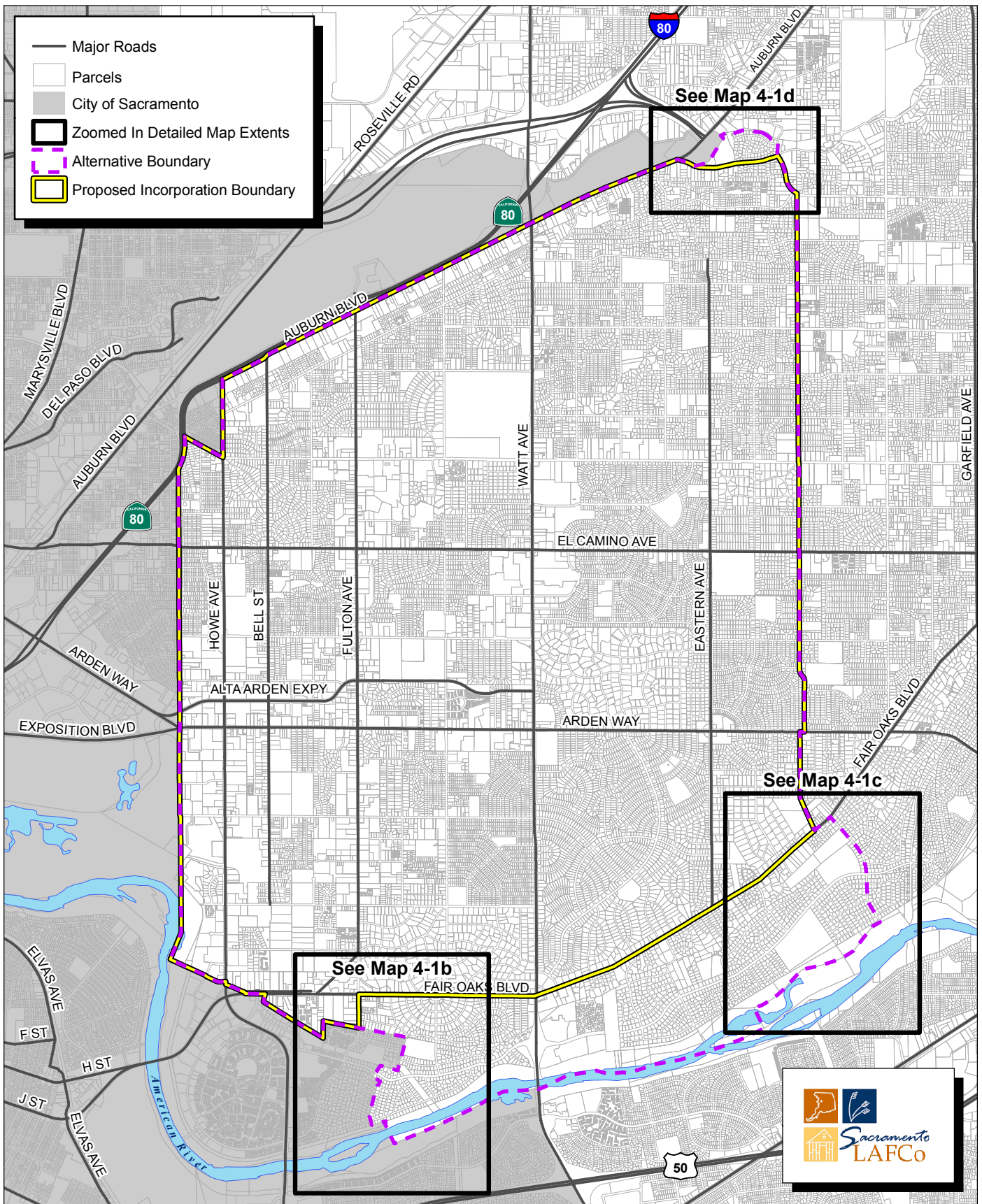
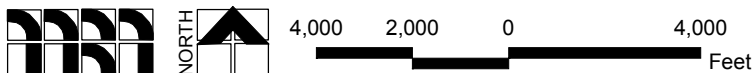


Exhibit 3.8-2 Park Agencies

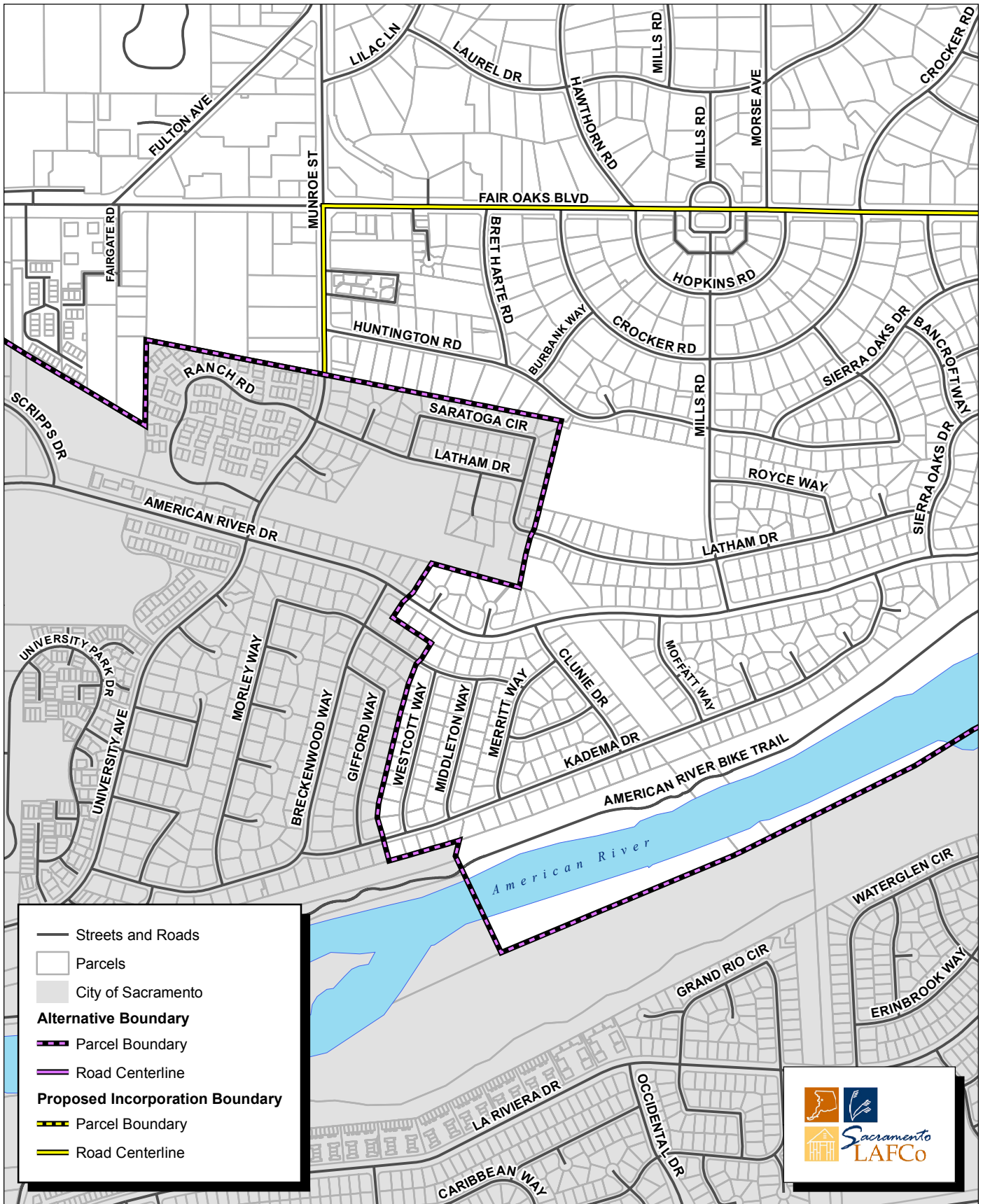


Source: Sacramento County GIS (2009), SACOG (2009), MBA (2009).



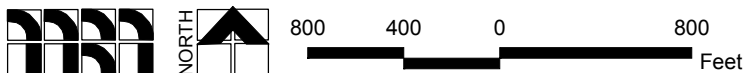
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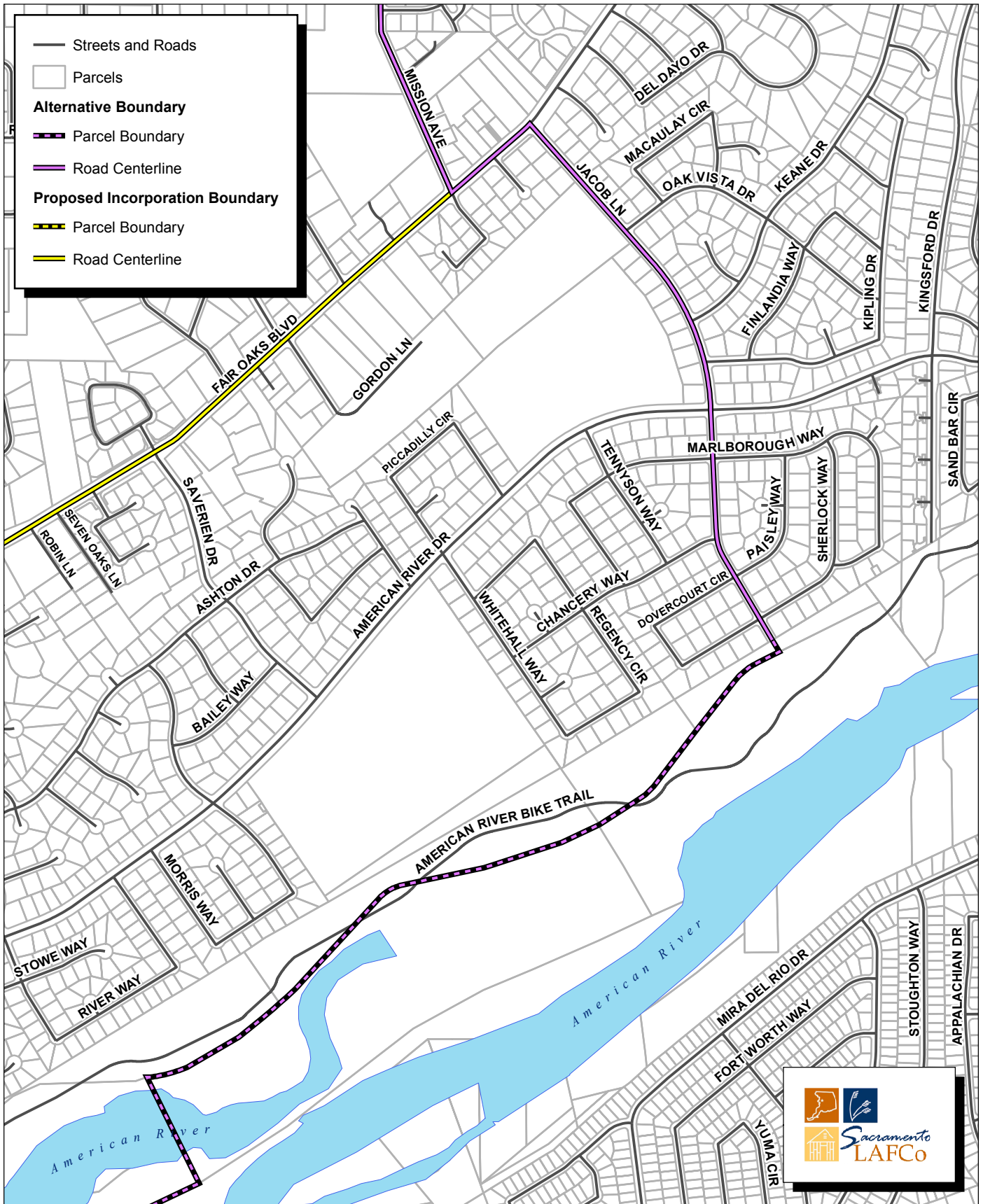
Exhibit 4-1a Alternative Boundary



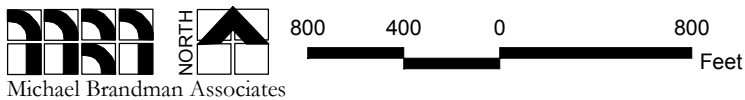
Source: Sacramento County GIS (2009), SACOG (2009), MBA (2009).

Exhibit 4-1b Alternative Boundary (Southwest Section)



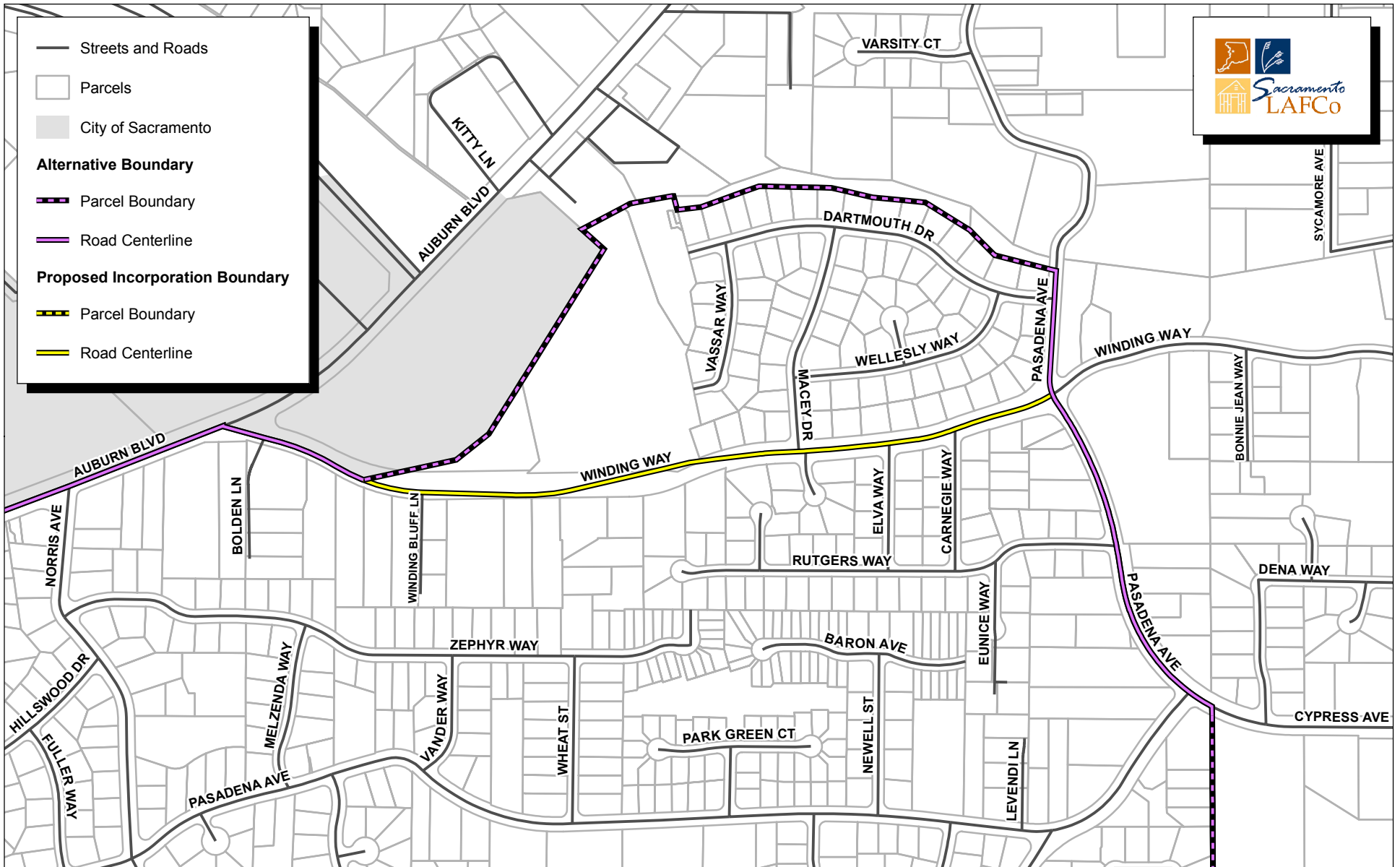


Source: Sacramento County GIS (2009), SACOG (2009), MBA (2009).



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Exhibit 4-1c Alternative Boundary (Southeast Section)



Source: Sacramento County GIS (2009), SACOG (2009), MBA (2009).

**Exhibit 4-1d
Alternative Boundary
(Northeast Section)**

