



Ms. Mellanie Marshall, Associate Planner  
City of Sacramento, Development Services Department  
300 Richards Boulevard, 3<sup>rd</sup> Floor  
Sacramento, CA 95811

September 10, 2008

**Subject: Notice of Preparation for the Draft Environmental Impact Report (EIR)  
for the McKinley Village Project (P08-086)**

**PATRICK GAGE**  
PRESIDENT

**JOE CHAVEZ**  
VICE PRESIDENT

**RIAN TROTH**  
TREASURER

**VALERIE ROBERTS**  
SECRETARY

Dear Ms. Marshall:

The McKinley East Sacramento Neighborhood Association (MENA) would like to thank Steven Kerr for advising us of the availability of the Notice of Preparation (NOP), even though it was six days before the deadline and we had specifically requested notification. MENA has serious concerns regarding the proposed project which must be adequately addressed in the EIR.

Neighborhood livability and traffic has long been a concern for MENA. Past environmental documents have only considered intersection level of service as a significance criterion for traffic impacts. While this type of analysis is a necessary step in determining significance, it does not go far enough. CEQA requires that impacts be analyzed even if an impact meets an adopted standard, if circumstances indicate the project may nonetheless have a significant impact.<sup>1</sup> The City cannot rely on the LOS guidelines in a manner that precludes consideration of other evidence that the impact might be significant.<sup>2</sup> In this case, the traffic levels exceed the objectives stated in the City's General Plan, which provides an effective measure of significance and demonstrates that the project will have a significant impact on transportation and circulation. For example, C Street, between 33<sup>rd</sup> and Alhambra, which is classified as a local street, already has traffic volumes at 5000 vehicles per day and these traffic levels will increase if the project is approved. These levels are inconsistent with the City's General Plan, which states that:

*"Local streets are not intended to move through traffic. Volumes on residential local streets will typically be 2,000 or fewer vehicles per day but could be as high as 4,000 vehicles per day."*

This EIR must address the impact of traffic generated by this project on the livability of local residential streets that will be impacted. Moving vehicles is not the sole purpose of a local residential street.

The City in the past has often compared the project sites existing zoning, and the potential traffic that could be generated by development under that

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<sup>1</sup>*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1380-1382 (project that meet FCC noise standards could still have a significant effect if it caused a substantial increase in the ambient noise levels for adjoining areas); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App. 4th 1099, 1109-1111 (project meeting hydrology significance thresholds could still have a potentially significant impact because thresholds did not address all hydrology and water impacts of the project).

<sup>2</sup> *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342 (agencies can not apply standards or thresholds "in a way that forecloses the consideration of any other substantial evidence showing that there may be a significant effect).

zoning, to the potential traffic associated with the proposed project. While this is common practice under the California Environmental Quality Act (CEQA), it is not acceptable in this case. The project site could not have been developed to its maximum existing zoning potential due to lack of access. Any new access for development of the project site under its existing zoning designation would have required environmental documentation. Therefore, all the traffic generated by this project must be considered a new traffic impact.

Traffic impacts associated with this project cannot be analyzed in isolation. The cumulative impacts of this project along with the development of Sutter Landing and future redevelopment of CalExpo must be considered.

The project site is surrounded by heavily utilized railroad facilities and a heavily travelled freeway. The EIR must include a thorough Health Risk Assessment which determines the increased cancer risk that future residents will be exposed to if this project is built. The California Air Resources Board has recommended a minimum 500 foot setback from the freeway and given the train traffic in this area a similar setback from the railroad may be necessary to protect the health of future residents. This Health Risk Assessment should be conducted under the supervision of the Sacramento Metropolitan Air Quality Management District and the California Air Resources Board.

The EIR must address how providing services (i.e. water and sewer) to the project site will impact those services in Midtown and East Sacramento. Would it require upgrading of facilities in these neighborhoods? Since the East Sacramento sewer system can't handle the existing load during heavy rains, it obviously cannot handle the subject site on the same line.

The railroad embankment serves as a secondary flood protection levee. If a railroad underpass is approved at Lannatt Way, the EIR must address the impact of potential additional flood hazards imposed on East Sacramento residents.

The NOP states that the EIR will include consideration of the church and community hall on the project site. Since MENA has not received notice that an application for the church and community hall has been submitted to the City, how can it be considered adequately? MENA believes that these two separate but related projects should be considered together, but also believes that this EIR process should not go forward until there is a complete application for the church and community hall.

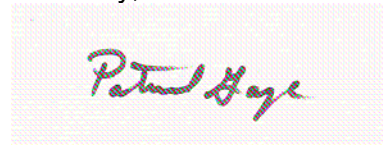
MENA recommends that the EIR consider two specific alternatives, one which has a far lower intensity of development and one that has a significantly higher intensity of development with primary access via on and off ramps to the Capital City Freeway. By considering these alternatives, a true picture of the options and impacts for the property will be better addressed.

The applicant utilizes the terms infill development and sustainability. Since the property does not have existing access or existing utilities, we do not believe it can be considered infill development. While the structures proposed have sustainable features, the development which is single use and completely auto-oriented cannot be considered sustainable or green. The EIR should address these project descriptors.

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If you have any question regarding these comments please contact MENA's Land Use Co Chair Ron Maertz at 67 Primrose Way, Sacramento 95819 ([RonMaertz@sbcglobal.net](mailto:RonMaertz@sbcglobal.net) or 455-3190)

Sincerely,

A rectangular area with a light pink background containing a handwritten signature in dark ink that reads "Patrick Gage".

Patrick Gage  
President, MENA

cc: Steve Cohn, District 3 Councilmember