

COSUMNES COMMUNITY PLANNING ADVISORY COUNCIL

TO: Elk Grove Planning Commission

FROM: Gary Cortopassi, Chair
Cosumnes Community Planning Advisory Council

Subject: Lent Ranch Marketplace Draft Environmental Impact Report

As Chair of the CCPAC, I am requesting an extension of time for submission of comments on the DEIR before the Commission. The CCPAC was not aware of this meeting until last weeks and as a result were unable to hold any public meeting on the subject. I have reviewed the DEIR in the last two days and believe that the CCPAC would have concerns which would justify our holding a public meeting with a submission to you of our conclusions. I have not had enough time to thoroughly review the DEIR and have concentrated on Section 4.2 – Transportation and Circulation. My initial observations are that the CCPAC area would be impacted and that further review is needed as follows:

1. There was no review of the impact on the traffic from the proposed site to Jackson Highway. Currently the traffic at the intersection of Wilton Road and Grantline is heavily congested during the day but particularly during the commute time. 1
2. The proposed would certainly draw from the Rancho Murietta, Sloughouse, and the proposed Clay Station 2000 communities. What would be the impact on Dillard Road, Green Road, and Wilton Road? The DEIR does not address this issue. 2
3. According to Section 15378 of CEQA Guidelines (copy attached) it would be my conclusion that the Highway 99/Grantline Road Interchange and the Lent Ranch Marketplace must be considered in the same EIR since they are both part of the same "project". Yet, the DEIR states that the Highway 99/Grantline Road Interchange will be addressed in a separate EIR. This leaves the reader with an inaccurate understanding of the overall traffic impact, particularly with respect to items (1) and (2) above. 3
4. I could find nothing in the DIR which addresses the potential hazard of the proposed site's proximity to the Suburban Propane Plant. This certainly should be considered. 4

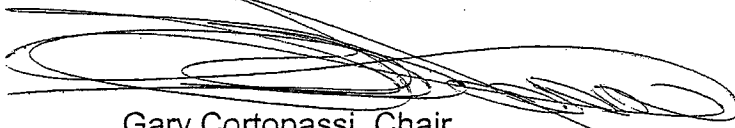
5. The Air Quality, Transportation and Circulation, and Noise sections should address the impacts upon the surrounding areas of the proposed site, much of which exists in the CCPAC area.

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I therefore request that an extension for comments be made in order that CCPAC may schedule this item on the agenda for the December 13, 2000 meeting. I also request that the CCPAC be added to the list of recipients of meeting notification of this Committee in order that we can, in the future, act in a more timely manner.

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Respectively submitted.



Gary Cortopassi, Chair
Cosumnes Community Planning Advisory Council

15378. Project

(a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

(2) An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

(b) Project does not include:

(1) Proposals for legislation to be enacted by the State Legislature;

(2) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances covered above);

(3) The submittal of proposals to a vote of the people of the state or of a particular community. (*Stein v. City of Santa Monica* (1980) 110 Cal.App.3d 458);

(4) The creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

(5) Organizational or administrative activities of governments which are political or which are not physical changes in the environment (such as the reorganization of a school district or detachment of park land).

(c) The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

(d) Where the Lead Agency could describe the project as either the adoption of a particular regulation under subsection (a)(1) or as a development proposal which will be subject to several governmental approvals under subsections (a)(2) or (a)(3), the Lead Agency shall describe the project as the development proposal for the purpose of environmental analysis. This approach will implement the Lead Agency principle as described in Article 4.

Note: Authority: Sections 21083 and 21087, Public Resources Code; Reference: Section 21065, Public Resources Code; *Kaufman and Broad-South Bay, Inc. v. Morgan Hill Unified School District* (1992) 9 Cal.App.4th 464; and *Fullerton Joint Union High School District v. State Board of Education* (1982) 32 Cal.3d 779; *Simi Valley Recreation and Park District v. Local Agency Formation Commission of Ventura County* (1975) 51 Cal.App.3d 648

Discussion: This section provides a more complete explanation of the term "project." This term describes activities which are subject to CEQA. This definition brings together a number of separate provisions in the Act. These are the definition of the term contained in Section 21065 of the statute, the Lead Agency concept in Section 21165 of

the statute, and the result of a number of court decisions interpreting this term. Chapter 1230 of the Statutes of 1994 codifies the emphasis on "physical change" in the environment.

Following the State Supreme Court's decision in *Friends of Mammoth*, the Legislature added a definition of the term "project" to the statute. The definition provided that "project" meant activities directly undertaken by government, activities financed by government, or activities requiring a permit or other approval from government. The Legislature then added the words "or approve" to the section requiring that agencies shall prepare an EIR "on any project they proposed to carry out or approve which may have a significant effect on the environment."

Reading the language of Sections 21065 and 21100 together, the project which is to be analyzed in the EIR is not the approval itself but is that which is being approved.

With some activities carried out by government, the plan, control, or regulation being adopted may need to be regarded as the project even though the plan, etc., is being adopted to control activities to be initiated later by other people. For example, in approving a new general plan for a city, the city council would properly regard the general plan itself as the project. The EIR would examine the environmental changes that would probably result from adopting the new plan. In this situation, the governmental plan would not be proposed in conjunction with a proposal for a specific development project, and the EIR on the plan would need to examine the range of possible effects of the plan. If, however, a small amendment to the general plan was requested as one of several approvals necessary for a specific development project, the city should characterize the proposed development as the project. In this way, the city would implement the Lead Agency concept by designating as the project the activity which would be approved by a number of agencies. This approach would result in only one EIR being prepared for the proposed development as required by Sections 21165 and 21166 of CEQA.

In *Livermore v. Local Agency Formation Commission of Alameda County* (1986) 184 Cal. App. 3d 531/(1986) 183 Cal. App. 3d. 681, the court ruled that LAFCO's guideline revisions fit within CEQA's broad definition of a project because they are a discretionary activity of a public agency that will unquestionably have an ultimate impact on the environment, i.e., major policy decisions that determine whether growth will occur in unincorporated areas and whether agricultural land will be preserved or developed. However, in marked contrast, *Northwood Homes, Inc. v. Moraga* (1989) 216 Cal. App. 3d 1197 concluded that general guidelines enacted as administrative activities for procedural implementation as to definitions of terms and application procedures of land use decisions are not a project.

Items (4) and (5) under subsection (b) codify the decisions in *Kaufman and Broad-South Bay, Inc. v. Morgan Hill Unified School District* (1992) 9 Cal.App.4th 464 and *Simi Valley Recreation and Park District v. Local Agency Formation Commission of Ventura County* (1975) 51 Cal.App.3d 648 which clarify that CEQA does not apply to activities which do not result, either directly or in a reasonably foreseeable indirect way, in a physical change to the environment.

17. Letter from Cosumnes Community Planning Advisory Council, Gary Cortopassi, no date**Response 1**

The scope of the traffic analysis was developed under the direction of City of Elk Grove and Sacramento County staff and included the analysis of Grant Line Road between State Route 99 and Bradshaw Road. All of the County maintained roadways in question are two-lane roadways with moderate access control, have standard roadway cross-sections, and have a capacity of 18,000 vehicles per day based on the City of Elk Grove and Sacramento County Traffic Impact Guidelines (summarized in Draft EIR Table 4.2-1). State Route 16 (east of Grant Line Road) is as a rural two-lane highway. The capacity of a rural two-lane highway is 22,900 vehicles per day as outlined in the City of Elk Grove and Sacramento County Traffic Impact Guidelines. Existing (i.e., "No Project") daily volumes for the roadways in question are summarized below:

County Maintained Roadways (Source: Sacramento County Traffic Volume Flow Map, 1998)

- Grant Line Road (east of Bradshaw Road) - 7,900 vehicles per day;
- Wilton Road (east of Grant Line Road) - 10,600 vehicles per day;
- Wilton Road (west of Dillard Road) - 3,400 vehicles per day;
- Green Road (north of Wilton Road) - 3,500 vehicles per day;
- Dillard Road (north of Wilton Road) - 2,800 vehicles per day;
- Dillard Road (south of Wilton Road) - 3,400 vehicles per day; and

State Highway (Source: Caltrans, 1998 Traffic Volumes on California State Highways)

- State Route 16 (east of Grant Line Road) - 12,300 vehicles per day.

Eight percent of project trips (approximately 5,100 vehicles per day) are expected to use Grant Line Road east of Bradshaw Road. Assuming all 5,100 trips use each roadway in question (which is unlikely), the daily volume on each roadway would still be less than the capacity of 18,000 vehicles per day for the County maintained roadways (22,900 vehicles per day for State Route 16) as identified in the City of Elk Grove and Sacramento County Traffic Impact Guidelines and would operate at acceptable levels of service. Consequently, the impact of the project on these roadways would be less than significant. This scenario is "worst-case" since the actual percentage of project trips on these roadways would likely be less than eight percent.

Response 2

Please refer to Response 1, above.

Response 3

Please refer to **Topical Response 1 - Segmentation** regarding the consideration of these projects. In addition, cumulative impact of both projects, the Lent Ranch Marketplace and the Grant Line Road Interchange, are addressed in the traffic analysis for each project. In addition, please refer to Response 1, above.

Response 4

Please refer to Draft EIR Section 4.5, Hazards, and the responses to Letter 11 submitted by the Elk Grove Community Services District, Mark Meaker, dated December 12, 2000. Suburban Propane is addressed in detail on pages 4.5-1 through 4.5-6, and pages 4.5-9 through 4.5-39. The conclusion as contained within the Draft EIR indicates that the vast majority of the project site falls within the one chance in 10,000,000 to 100,000,000 zone of a fatality per year with the exception of a small portion along the eastern boundary of District D, where the risk is within the zone of one chance in 1,000,000 to 10,000,000 of a fatality per year. It should be noted that District D is in the upper limits of the zone closer to the one chance in 10,000,000 of a fatality per year area. The most common acceptable risk in the international standards and the standards used in this EIR to constitute significance is one chance in 1,000,000 of a fatality per year. This means that all locations 600 feet and farther beyond the Suburban Propane and Georgia Pacific fencelines are defined as acceptable in terms of risk. It should be noted that no public residences, parks, etc., are within 600 feet of the fenceline. Thus, the risk levels posed by these facilities are viewed as acceptable and impacts are considered to be less than significant (see Draft EIR, page 4.5-23).

Response 5

Please refer to Section 4.2, Transportation and Circulation, which addresses nineteen roadway segments, the SR-99 and I-5 freeway mainlines, and roadways and twenty-two intersections that lie both within and outside the City of Elk Grove. In addition, please refer to Draft EIR Section 4.3, Air Quality, which addresses air quality both on a regional (both construction and operational emissions) and localized level (carbon monoxide concentrations at sensitive intersection locations). Lastly, Draft EIR Section 4.4, Noise, addresses transportation sources on all roadways analyzed as part of the traffic analysis and onsite point sources that may affect offsite uses.

Response 6

The Planning Commission on December 7, 2000 approved an extension of the public review period to December 15, 2000.

Response 7

A copy of the *CEQA Guidelines* Section 15378 has been provided as an attachment to the letter. The EIR considered this section of the *CEQA Guidelines* in determining that the project and interchange are not being segmented. Please refer to **Topical Response 1 - Segmentation** for further discussion.