



ECOS
ENVIRONMENTAL
♦ COUNCIL ♦
OF SACRAMENTO

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June 1, 2009

Jennifer Hageman, Senior Planner
City of Sacramento, Development Services Department
300 Richards Boulevard
Sacramento, CA 95811

SUBJECT: CURTIS PARK VILLAGE DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Ms. Hageman:

Several years ago, the ECOS Land Use Committee offered its conditional support of the “Curtis Park Village” development plan, as part of the Smart Growth Leadership Recognition Program (SGLRP). ECOS applauded the vision of mixed-use residential, retail, and commercial zoning within the project, as well as its focus on increasing the availability of mixed-income housing for Sacramento and encouraging public transportation for future residents.

ECOS is not currently prepared to endorse the most recent iteration of the project, despite our endorsement of the previous iteration.

Recent changes to the project – including site design and toxic substances cleanup provisions in the March 2009 Curtis Park Village Draft Environmental Impact Report (DEIR) – must be addressed before we can endorse the most recent iteration of the project. We urge the City of Sacramento to adequately address the following concerns before approving any Final Environmental Impact Report (EIR).

Design Issues within the DEIR

The ECOS Land Use Committee commends Petrovich Development Company for its collaboration with community members to help develop Curtis Park Village as mixed-use infill that is compatible with its community. The proposed land-use plan consists of approximately 166,000 square feet of commercial retail; 10,000 square feet of office space; entertainment and lodging uses; 178 single-family home sites; an 80-unit senior multi-family housing complex; a 212-unit multi-family residential housing complex and an 8.7 acre park on approximately 72 acres.

ECOS cannot, however, endorse this plan under the SGLRP without more specific information.

The Curtis Park Village project would be a Planned Unit Development (PUD), and a review of the PUD guidelines is necessary to adequately evaluate the project and its impacts. To allow the

EIR to serve its purpose of allowing the public to evaluate the project and its impacts, the PUD guidelines should be included in the Final EIR. Without access to these guidelines, the public, including ECOS, cannot adequately evaluate this project.

ECOS has not yet had the opportunity to work with Petrovich Development to review the PUD guidelines. Initial review of project plans without more specific information, however, yields two points of potential project improvement.

First, the overall densities and intensities of use for the most recent iteration are less than the previous iteration of the project. The most recent iteration contains substantially fewer residential units and less commercial square footage. The site's prime location near Sacramento's urban core, and on major transit lines, justifies urban, transit-supportive densities and intensities, with strong connections to adjacent transit stops. We commend the project's use of existing urban infrastructure; and we support using its infill location to best advantage by developing it with appropriate urban densities and intensities of use.

Second, the DEIR indicates that a strip of commercial development with copious parking would be located at the southern end of the site. The shared parking study in Appendix D of the DEIR bases its analysis on uses including a grocery store of over an acre in size, and over three acres of total retail space not including parking. Neighborhood retail appropriate to urban environments, including grocery stores, is typically smaller in size than the proposed retail. The proposed commercial development has the potential to be "big box" retail – depending on its physical design – and to pose associated impacts on non-motorized circulation and adjacent transit lines.

We commend the shared parking study for the proposed commercial development, and suggest further measures to mitigate the potential effects of parking on the surrounding community. Possible measures include performance parking pricing, a parking benefit district and unbundling parking from commercial rents. These measures are appropriate to the site's urban environment; and they are demonstrated to be cost-effective and efficient in mitigating the negative impacts of copious parking, as well as alleviating perceived need for copious parking. More information on these measures is available in *The High Cost of Free Parking*, by Donald Shoup.¹

Toxic Substances Cleanup

The original plan endorsed by ECOS promised a full cleanup of all hazardous materials. Understandably, the discovery of three-times the amount of hazardous substances onsite than originally thought will require a redrafting of the Remedial Action Plan (RAP) and a restructured cleanup. ECOS is concerned because the current DEIR does not make clear where the remaining hazardous soil is located or how any new cleanup will occur. The DEIR indicates only that the areas of the project zoned for single-family housing will be "cleaned to an unrestricted use standard," while other areas may be subject to "restricted deeds."² **ECOS urges the City to**

¹ Shoup, Donald. *The High Cost of Free Parking*. American Planning Association, 2005.

² See DEIR §5.8-2.

require adequate cleanup in non-single family home areas to ensure protection for the health and safety of families living in multi-family and senior housing.

Furthermore, prior to approving any government action which may affect the environment, the California Environmental Quality Act (CEQA) requires adequate public participation in all aspects of a proposed action.³ For instance, the public is entitled to be made aware of the mitigation measures within the plan designed to address potential environmental impacts.⁴ In projects involving hazardous materials, a Remedial Action Plan (RAP) for cleanup is one such mitigation measure. When measures are proposed to mitigate environmental effects under CEQA, project plans **must** be revised to incorporate these mitigation measures "before the proposed negative declaration is released for public review."⁵ As such, the public must be afforded the opportunity to review any proposed mitigation measure prior to project approval.⁶ In the March 2009 DEIR, the City of Sacramento makes repeated reference to the "updated RAP," and claims that "the remediation of the site, pursuant to the updated RAP, will be completed prior to development of the Curtis Park Village project."⁷ However, the updated RAP is not included in the DEIR. ECOS understands that an update to the RAP will likely proceed pursuant to a Department of Toxic Substances Control (DTSC) public notice and comment process. As such, ECOS reserves its right to add further comments during the likely DTSC revised RAP process.

ECOS reminds the City of Sacramento that Senate Bill 120 (1999 Ortiz & Steinberg) prohibits the Department of Toxic Substances Control (DTSC) from "making any determination that a response action at the [project site] is complete, until after the City of Sacramento has completed its land use planning process **and** all response actions necessary to conform to the approved land use plan are complete." Therefore, the cleanup must be fully completed to conform to the land use designations prior to any determination of completion by DTSC.

Finally, the ECOS Land Use Committee has been informed that Petrovich Development Company has included in its discussions with the City of Sacramento and the Sierra Curtis Neighborhood Association a Planned Unit Development (PUD) Site Remediation Commitment, which includes a map of where the remaining toxic soil is located and where it would be stored. According to Petrovich Development Company, this "commitment is provided by the Project Applicant to ensure that all housing areas, single-family or multi-family, are remediated to unrestricted standards." We commend this laudable commitment and would fully support the City's actions to implement and enforce this cleanup.

The ECOS Land Use Committee continues to support and applaud efforts by local government to promote and implement mixed-use development, and strongly supports Sacramento's Mixed-Income Housing Ordinance. ECOS respectfully requests that the City carefully review the

³ See Public Resources Code § 21000 *et seq.*

⁴ See *id.* at § 21092.

⁵ Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296, 306-308. (emphasis added).

⁶ See Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359, 1397.

⁷ See DEIR § 2.1.

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proposed DEIR in light of the above concerns. Please feel free to contact us should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Paul Menard". The signature is fluid and cursive, with the first name being more prominent.

Paul Menard, Co-Chair, Land Use Committee
Environmental Council of Sacramento

A handwritten signature in black ink that reads "Molly Wright". The signature is cursive and clearly legible.

Molly Wright, Co-Chair, Land Use Committee
Environmental Council of Sacramento

A handwritten signature in blue ink that reads "Jason Gray". The signature is cursive and stylized.

Jason Gray, Land Use Committee
Environmental Council of Sacramento

cc: Graham Brownstein, Environmental Council of Sacramento
Rosanna Herber, Sierra Curtis Neighborhood Association
Alex Kelter, Environmental Council of Sacramento
Paul Petrovich, Petrovich Development