

SECTION 1: INTRODUCTION

1.1 - Overview, Purpose, and Authority of the EIR

This Draft Environmental Impact Report (Draft EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the incorporation of Arden Arcade (State Clearinghouse No. 2007102114). This document was prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.), and Sacramento Local Agency Formation Commission (LAFCo) rules and regulations. This Draft EIR is intended to serve as an informational document for the public agency decision makers and the public regarding the incorporation of Arden Arcade.

A petition and application for the proposed incorporation of the community of Arden Arcade (project) was submitted to the Sacramento LAFCo by the Arden Arcade Incorporation Committee (proponents or project applicant) in February of 2007. The petition provided that the effective date of incorporation shall be July 1, 2009. However, because of inadequate funding, the project was placed on hold; as a result, the new effective date of incorporation shall be determined by LAFCo depending on the fiscal analysis. The proposed incorporation requires the discretionary approval of LAFCo, which is the Lead Agency for the project under CEQA. Section 3, Project Description provides a complete description of the project.

1.1.1 - Purpose

This Draft EIR provides a program-level analysis of the environmental effects of the project. The environmental impacts of the project are analyzed in the Draft EIR to the degree of specificity appropriate, in accordance with Section 15146 and Section 15180 of the CEQA Guidelines. This document addresses the potentially significant adverse environmental impacts that may result from future policy implementation and attempts to anticipate likely new development and service scenarios that could ultimately result from the incorporation of Arden Arcade. It also identifies appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements are contained in this Draft EIR and include:

- Table of Contents
- Executive Summary
- Introduction
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts

- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project
- Growth-Inducing Impacts
- Effects Found Not To Be Significant
- Areas of Known Controversy

1.1.2 - Lead Agency Determination

The Sacramento LAFCo is designated as the lead agency for the project. CEQA Guidelines Section 15367 defines the lead agency as “. . . the public agency, which has the principal responsibility for carrying out or approving a project.” Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process. This Draft EIR reflects the independent judgment and analysis of the Sacramento LAFCo as required by CEQA. Lists of organizations and persons consulted and the report preparation personnel are provided in Section 6 of this Draft EIR.

1.1.3 - LAFCo Authority

LAFCo’s powers are set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The legislative intent of Section 56300 of the Government Code requires that each LAFCo establish policies and exercise its powers in a manner that provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open space lands within those patterns. LAFCo’s purposes are the discouragement of urban sprawl and the encouragement of the orderly formation of local agencies based upon local conditions and circumstances. The project must be approved by LAFCo and meet all LAFCo requirements. Specific Policy Elements established by the Cortese-Knox Act are as follows:

- Encourage orderly growth and development patterns (Section 56001)
- Shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities (Section 56301)
- Guide development away from open space and prime agricultural land uses unless such action would not promote planned, orderly, and efficient development (Section 56377).

In order to implement the legislative mandate, LAFCOs have the specific authority to review the following actions: annexations to, or detachment from, cities or districts; formation or dissolution of districts; incorporation or disincorporation of cities; consolidation or reorganization of cities or districts; establishment of subsidiary districts; and development of, and amendments to, sphere of influence.

In order to implement the legislative policies, LAFCo has the power to approve, modify and approve, or deny applications and impose terms and conditions (Section 56885.5). However, LAFCo may not exercise direct land use authority through use of zoning or subdivision processes.

Factors to be considered by LAFCo when reviewing the proposed incorporation are set out in Section 56668 of the Government Code. They include but are not limited to the following:

- Population, population density, land area and land use, per capita assessed valuation, topography, natural boundaries and drainage basins, proximity to other populated areas, the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas during the next ten years.
- Need for organized community services, the present cost and adequacy of governmental services and controls in the area; probable future need for those services and control; probable effect on proposed incorporation on the cost and adequacy of services and controls in the area and adjacent areas.
- The effect of the proposed action and alternative actions on adjacent areas, on mutual social and economic interest, and on local governmental structure of the county.
- The conformity of the proposal and its anticipated effect with the adopted commission policies on providing planned, orderly, efficient patterns of urban development.
- The effect of the proposal on maintaining the physical and economic integrity of agricultural lands.
- The definiteness and certainty of the boundaries of the territory, the conformance of the proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- Consistency with city or county general specific plans.
- The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.
- The comments of any affected local agency.

Sacramento LAFCo has the authority, as part of the consideration and approval process for the proposed incorporation, to take the following actions (LAFCo 1990, amended 1993):

- Determine whether to approve or disapprove the incorporation, with or without amendments or conditions.
- Determine the boundaries of the proposed city.
- Approve a reorganization plan for special districts, over which LAFCo has authority, which provide service to the project area.
- Determine base and future property tax exchanges among affected entities.
- Determine the terms and conditions of approval, including the effective date of incorporation.

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- Determine the appropriations limit for the new city.
- Consider the consistency of the proposed incorporation with applicable general and community plans.
- Other duties, responsibilities, and authorities as provided by law.

LAFCo Compliance with CEQA

The Policies, Standards, and Procedures adopted by the Sacramento LAFCo include policies and procedures for implementing CEQA requirements for environmental review of LAFCo projects. These policies and procedures include a list of standards for determining the significance of environmental impacts, as well as requirements that EIRs for LAFCo actions include an evaluation of countywide or cumulative impacts and an alternatives analysis evaluating a reasonable range of alternatives. After reviewing the information in an environmental document, LAFCo may:

- At its discretion, approve a project without change if the anticipated environmental impacts are insignificant.
- Require an applicant to modify a project.
- Establish mitigation measures as conditions of project approval.
- Deny the proposal because of its unacceptable adverse environmental impacts.
- Approve a project despite its significant adverse environmental impacts by making findings of fact and a statement that project benefits outweigh the costs (statement of overriding considerations).

1.2 - Scope of the EIR

This Draft EIR addresses the potential environmental effects of the proposed project. The scope of this Draft EIR includes the areas of controversy identified by the Notice of Preparation (NOP) issued by LAFCo, comments obtained during a public scoping meeting, as well as issues raised by agencies and the public in response to the NOP. The 2007 NOP and 2009 Recirculated NOP are provided in Appendix A. A brief overview of comments received is provided in Table 1-1. The full comments received are available in Appendix B.

Although a Comprehensive Fiscal Analysis is required by state law for the incorporation of a new city, such information is outside the jurisdiction and requirements of CEQA and, therefore, will not be addressed in this EIR.

Table 1-1: NOP Comments

Author (Agency/Affiliation)	Date of Comments	Addressed In Draft EIR Section
Roy Imai, General Manager (Fulton-El Camino Recreation & Park District)	November 26, 2007	3.8, Public Services
Robert Heiligmann, MD	November 12, 2007	4, Alternatives
Robert S. Roscoe, P.E., General Manager (Sacramento Suburban Water District)	November 21, 2007	None
Navdeep S. Gill, Chief Operations Officer (County of Sacramento)	November 30, 2007	3.1, Air Quality 3.4, Hydrology 3.5, Land Use and Planning 3.6, Noise 3.7, Population and Housing 3.8, Public Services 3.9, Transportation 4, Alternatives
Sarena Deeble, Policy and Planning (Sacramento Regional County Sanitation District and Sacramento Area Sewer District)	November 7, 2007	3.8, Public Services
Bruce De Terra, Office Chief (California Department of Transportation, District 3)	November 19, 2007	None
Linda Wheaton	November 24, 2007	3.7, Population and Housing 3.8, Public Services 4, Alternatives
Michael Seaman	November 26, 2007	Entire EIR
Robert Heiligmann, MD	August 31, 2009	4, Alternatives
Sarena Deeble, Policy and Planning (Sacramento Regional County Sanitation District and Sacramento Area Sewer District)	September 24, 2009	3.8, Public Services
Robert S. Roscoe, P.E., General Manager (Sacramento Suburban Water District)	September 28, 2009	None
Kerry Schmitz, Principal Civil Engineer (Sacramento County Water Agency)	September 30, 2009	3.4, Hydrology
Theresa and Arthur Maxwell	September 26, 2009	None
Dave Ghirardelli, Solid Waste Planner (Sacramento County Waste Management and Recycling)	September 21, 2009	3.8, Public Services

1.3 - Organization of the EIR

This Draft EIR is organized into the following main sections:

- **ES: Executive Summary.** This section includes a summary of the proposed incorporation. A brief description of the areas of controversy and issues to be resolved and a table that

summarizes the impacts, mitigation measures, and level of significance after mitigation are also included in this section.

- **Section 1: Introduction.** This section provides an introduction and overview describing the purpose of this Draft EIR, its scope and components, and its review and certification process.
- **Section 2: Project Description.** This section includes a detailed description of the proposed project, including its location, site, and project characteristics. A discussion of the project objectives, intended uses of the Draft EIR, responsible agencies, and approvals that are needed for the proposed project are also provided.
- **Section 3: Environmental Impact Analysis.** This section analyzes the environmental impacts of the proposed project. It provides the introduction and organization of the analysis. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, significance criteria, impacts, mitigation measures, and significance after mitigation. The specific environmental topics that are addressed within Section 3 are as follows:
 - **Section 3.1- Air Quality:** Addresses the local and regional air quality impacts associated with project implementation as well as consistency with the Sacramento Metropolitan Air Quality Management District Ozone Strategy Plan.
 - **Section 3.2 - Biological Resources:** Addresses the project's impacts on habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat; and impacts on listed, proposed, and candidate threatened and endangered species.
 - **Section 3.3- Hazards and Hazardous Materials:** Addresses the likelihood of the presence of hazards and hazardous materials or conditions on the project site and in the project area that may have the potential to impact human health.
 - **Section 3.4 - Hydrology and Water Quality:** Addresses the impacts of the project on local hydrological conditions, including drainage areas, and changes in the flow rates.
 - **Section 3.5 - Land Use and Planning:** Addresses the related land use impacts associated with implementation of the project including project compatibility with surrounding land uses, consistency with the Sacramento County General Plan, Sacramento LAFCo policies, and the Arden Arcade Community Plan.
 - **Section 3.6 - Noise:** Addresses the noise impacts during construction and at project buildout from mobile and stationary sources. The section also addresses the impact of noise generation on neighboring uses.
 - **Section 3.7 - Population and Housing:** Addresses the impact of residential development in terms of population growth, employment opportunities, housing affordability, and the jobs-to-housing balance.
 - **Section 3.8 - Public Services and Utilities:** Addresses the impacts upon service providers including fire, police, water supply, wastewater, and solid waste providers. Addresses the impacts on existing neighborhood and regional parks, as well as impacts from potential recreational facilities as a result of the project.

- **Section 3.9 - Traffic and Transportation:** Addresses the impacts on the local and regional roadway system, public transportation, bicycle, and pedestrian access.
- **Section 3.10 - Environmental Justice:** Addresses the potential for disproportionate impacts upon low-income and minority populations within the proposed incorporation boundaries.
- **Section 4: Alternatives Analysis.** This section compares the impacts of the proposed project with three land use project alternatives: the No Project Alternative, the Alternative Boundary, and the Alternative Method of Providing Public Services by Existing Service Providers. An environmentally superior alternative is identified.
- **Section 5: Other CEQA Statutory Considerations.** This section provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts, and the project's irreversible and irretrievable commitment of resources. This section discusses the cumulative impacts associated with the proposed project, including the impacts of past, present, and probable future projects. Additionally, this section contains analysis of the topical sections not addressed in Section 4, and it identifies the effects found not to be significant.
- **Section 6: Organizations and Persons Consulted/List of Preparers.** This section lists the authors who assisted in the preparation of the Draft EIR, by name and company/agency affiliation. Also included is a full list of persons and organizations that were consulted during the preparation of this Draft EIR.
- **Section 7: References.** This section contains a full list of references that were used in the preparation of this Draft EIR.
- **Appendices:** This section includes all notices and other procedural documents pertinent to the Draft EIR, as well as all technical material prepared to support the analysis.

1.4 - Documents Incorporated by Reference

As permitted by Section 15150 of the CEQA Guidelines, this Draft EIR has referenced several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate sections(s). The relationship between the incorporated part of the referenced document and the Draft EIR has also been described. The documents and other sources that have been used in the preparation of this Draft EIR include but are not limited to:

- 1993 County of Sacramento General Plan
- Sacramento County General Plan Update Subsequent Environmental Impact Report (1993)
- Sacramento County 1993 General Plan Background Report
- Background to the 1993 General Plan As Amended (2009)

These documents are specifically identified in Section 9, References of this Draft EIR. In accordance with Section 15150(b) of the CEQA Guidelines, these referenced documents and other sources used in the preparation of the Draft EIR are available for review at the Sacramento LAFCo.

1.5 - Review of the Draft EIR

Upon completion of the Draft EIR, Sacramento LAFCo will file a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (Public Resources Code, Section 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the Sacramento LAFCo offices, located at the address provided below. Agencies, organizations, and interested parties not previously contacted or who did not respond to the NOP currently have the opportunity to comment on the Draft EIR during the public review period on the Draft EIR.

Written comments on this Draft EIR should be addressed to:

Peter Brundage, Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, California 95814
916.874.6458

Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review at least 10 days prior to the public hearing before the LAFCo hearing on the project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the project.