

1 INTRODUCTION

1.1 BACKGROUND

In accordance with Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5,¹ City of Rocklin has decided to partially recirculate the Rocklin Crossings Project Draft Environmental Impact Report (Draft EIR).

CEQA requires a lead agency to issue new notice and “recirculate” a revised EIR, or portions thereof, for additional commentary and consultation if, subsequent to the commencement of public review and interagency consultation but prior to final EIR certification, the lead agency adds “significant new information” to an EIR (see Pub. Resources Code, Section 21092.1; CEQA Guidelines, Section 15088.5; *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1993) 6 Cal.4th 1112 (*Laurel Heights II*)). CEQA Guidelines Section 15088.5 provides four examples of disclosure which constitute “significant new information” for purposes of requiring recirculation of a revised EIR:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it; or
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The revised environmental document must be subjected to the same “critical evaluation that occurs in the draft stage,” so that the public is not denied “an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom.” (*Sutter Sensible Planning, Inc. v. Board of Supervisors* (1981) 122 Cal.App.3d 813, 822; see also *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 131).

Recirculation of an EIR requires notice pursuant to CEQA Guidelines Section 15087, and consultation pursuant to Section 15086 (see CEQA Guidelines, Section 15088.5, subd. (d)). Where an agency determines that recirculation is required, the agency can satisfy its obligation by reissuing only the revised part or parts of the EIR, rather than a whole new document. “If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified” (see CEQA Guidelines, Section 15088.5, subd. (c)).

1.2 SUMMARY OF REVISIONS TO DRAFT EIR

The CEQA Guidelines state that “[w]hen recirculating a revised EIR, either in whole or in part, the lead agency shall, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR” (see CEQA Guidelines, Section 15088.5, subd. (g)).

¹ The CEQA Guidelines are found in Title 14 of the California Code of Regulations, commencing with Section 15000.

1.2.1 REVISED TRAFFIC ANALYSIS

The City has decided to recirculate Section 4.2 (Traffic and Circulation) and portions of Section 6.1 (Cumulative Impacts) related to traffic and circulation. This decision was made based in part on input from members of the public on the December 2007 Draft EIR and proposed April 2008 Final EIR and in part based on the fact that, after completion of the Draft EIR, the City determined that the original traffic study included some relatively minor errors. Changes in mathematical calculations flowing from modifications to the original study are evident in changes to text and tables shown through underlining and strikeout (with changed information being struck out and new information being underlined). These changes generally show the occurrence of unacceptable levels of service (“LOS”) in more instances than previously shown, though previously proposed mitigation will suffice to address these additional LOS exceedences. So, with a few exceptions, no “new” significant and unavoidable impacts have been identified solely due to the new calculations. In a relatively few instances, the modified traffic analysis has identified some “new” significant impacts, but with the exception of those occurring at locations where mitigation implementation is impossible without the cooperation of third party agencies over whom the City has no control (see discussion below), these new impacts can be reduced to less than significant levels through new or previously proposed mitigation measures (so that these impacts within Rocklin are not “unavoidable”). To avoid causing problems with the impact numbering scheme from the original Draft EIR, these newly identified impacts, including those considered unavoidable, are shown with new letters but not new numbers (i.e., Impacts 4.2-4b, 6-2b, 6-2c, 6-5b, 6-5c, 6-10b, 6-11b, 6-14b, 6-14c, 6-14d, 6-14e, and 6-15b).

This Partially Recirculated Draft EIR does, however, reveal more traffic impacts that the City now considers “significant and unavoidable” from a legal standpoint despite having been disclosed as impacts in the Draft EIR. These unavoidable impacts result not from new information or new calculations, though, but rather from a more legally conservative approach to previously-identified impacts occurring at intersections and road segments at which implementation of the mitigation measures proposed to mitigate the impacts to less-than-significant levels will require the cooperation of other agencies that the City does not control. Whereas the Draft EIR categorized these impacts as less than significant after mitigation because the City proposed mitigation measures that, if implemented, would render these impacts less-than-significant, this Partially Recirculated Draft EIR reflects the City’s recognition that the mitigation cannot be implemented without the cooperation of third party agencies whose actions the City cannot control and thus cannot take for granted. Where fee payments had been proposed to mitigate impacts within Loomis and Placer County, the new analysis and impact conclusions recognize that the City is not certain whether its sister jurisdictions have capital improvement programs or other fee collection programs in place that will ensure that the payment of fees translates into actual implementation of the mitigation measures. In the revised analysis, then, the City has conservatively concluded that these limited impacts for which implementation is outside the City’s jurisdiction and control are Significant and Unavoidable, even after the identification of apparently feasible mitigation. The City has also made the payment of traffic impact fees to Loomis and Placer County conditional on those agencies demonstrating to the City that they have capital improvement programs or other programs in place that will ensure that the payment of impact fees by the Rocklin Crossings applicant will actually result in the construction of identified improvements needed to mitigate impacts within those other jurisdictions. Finally, in recognition that the City’s planned improvements at the Rocklin Road-Interstate 80 interchange require cooperation from Caltrans, the City has conservatively determined that, despite the applicant’s payment of fair share fees into an established City fee program that should be sufficient to fully fund the improvements at issue, the impacts at the westbound and eastbound ramps at the interchange are also significant and unavoidable. The City reaches this conclusion solely in order to be legally conservative, and has every expectation that Caltrans will cooperate and in fact will do so enthusiastically because of the benefits that these improvements will bring to Interstate 80 and the ramps at that intersection. This conclusion should not be understood to suggest that the City lacks confidence in the efficacy of its fair share funding program for the anticipated improvements.

The Impacts at issue are the following:

- ▶ 4.2-1 (Rocklin Road/Interstate 80 westbound ramps);

- ▶ 4.2-2 (Rocklin Road/Interstate 80 eastbound ramps);
- ▶ 4.2-6 (Sierra College Boulevard/Taylor Road intersection) (within jurisdiction of Loomis);
- ▶ 6-1 (Rocklin Road/Interstate 80 westbound ramps under cumulative condition without Dominguez Road);
- ▶ 6-2 (Rocklin Road/Interstate 80 eastbound ramps under cumulative condition without Dominguez Road);
- ▶ 6-2b (Sierra College Boulevard/Taylor Road intersection under cumulative conditions without Dominguez Road) (within jurisdiction of Loomis);
- ▶ 6-2c (Sierra College Boulevard/Rocklin Road intersection under cumulative conditions without Dominguez Road) (within jurisdiction of Loomis);
- ▶ 6-3 (Barton Road/Brace Road intersection under cumulative conditions without Dominguez Road) (within jurisdiction of Loomis);
- ▶ 6-4 (Barton Road/Rocklin Road intersection under cumulative conditions without Dominguez Road) (within jurisdiction of Loomis);
- ▶ 6-5 (Sierra College Boulevard/English Colony Way intersection under cumulative condition without Dominguez Road) (within jurisdiction of Placer County);
- ▶ 6-6 (Taylor Road/Horseshoe Bar Road intersection under cumulative condition without Dominguez Road) (within jurisdiction of Loomis);
- ▶ 6-9 (Rocklin Road/Interstate 80 westbound ramps under cumulative condition with Dominguez Road);
- ▶ 6-9b (Rocklin Road/Interstate 80 eastbound ramps under cumulative condition with Dominguez Road);
- ▶ 6-10b (Sierra College Boulevard/Taylor Road intersection under cumulative conditions with Dominguez Road) (within jurisdiction of Loomis);
- ▶ 6-11b (Horseshoe Bar Road/Interstate 80 eastbound ramps under cumulative conditions with Dominguez Road) (within jurisdiction of Loomis);
- ▶ 6-12 (Barton Road/Brace Road intersection under cumulative conditions with Dominguez Road) (within jurisdiction of Loomis);
- ▶ 6-13 (Barton Road/Rocklin Road intersection under cumulative conditions with Dominguez Road) (within jurisdiction of Loomis); and
- ▶ 6-14 (Sierra College Boulevard/English Colony Way intersection under cumulative condition with Dominguez Road) (within jurisdiction of Placer County).

Finally, the City has added to Chapters 4.2 and 6 of the Draft EIR a discussion of impacts associated with some of the transportation-related mitigation measures. Consistent with CEQA Guidelines section 15126.4, subdivision (a)(1)(D), these impact discussions include less detail than has been provided for direct impacts associated with the project.

1.3 PARTIALLY RECIRCULATED REVISED DRAFT EIR PROCESS

Where a lead agency chooses to recirculate only “portions” of a draft EIR, the lead agency may require commenters to limit their new comments to the new material in the recirculated portions of the prior document and preclude the commenters from commenting anew on topics or text not subject to a partial recirculation. CEQA Guidelines section 15088.5, subdivision (f)(2), provides:

When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period[s] that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency’s request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

The Partially Recirculated Draft EIR will be subject to review and comment by the public, as well as all responsible agencies and other interested parties, agencies and organizations for a period of no less than 45 days. The Partially Recirculated Draft EIR will be available for public review and comments during the period from August 7, 2008, through September 22, 2008. Comments should be sent to the City at the following address:

Mr. David Mohlenbrok
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677
(916) 625-5162

In accordance with Section 15150(b) of the CEQA Guidelines, all documents and/or portions of documents incorporated into this Partially Recirculated Draft EIR by reference are also available for public inspection at the City of Rocklin at the above address.

Pursuant to CEQA Guidelines Section 15088.5, subdivision (f)(2), the City of Rocklin directs that public comments must be restricted to the newly circulated information contained in this document related to the revised portions of the Traffic and Circulation and Cumulative Impacts chapters.

Following the close of the comment period, the City will prepare a new Final EIR that will supersede the original proposed Final EIR issued in April 2008. The new and expanded Final EIR will include all comments received in writing during the comment periods for the Partially Recirculated Draft EIR, along with responses to comments previously submitted during the public review period for the original Draft EIR. The City is not obligated to respond to any new comments that are directed to the portions of the Draft EIR that were not revised and are not being recirculated in this document. In other words, *the partial recirculation is not an opportunity to re-submit comments on previously published topics, or add additional comments on previously published topics.* The new Final EIR for the Project will contain detailed responses to all comments made on the original Draft EIR, and the Partially Recirculated Draft EIR that are properly limited to the subjects of the revised portions of the Traffic and Circulation and Cumulative chapters. Readers are therefore cautioned not to make comments on issues not directly implicated by this Partially Recirculated Draft EIR.

Once it is completed, the new Final EIR will be published and made available to commenting agencies a minimum of ten days prior to a hearing by the Rocklin City Council to consider its adequacy in accordance with the CEQA Guidelines and City Guidelines.

In the event that the City Council approves the proposed Rocklin Crossings Project, written findings of fact will be prepared and adopted in which the Council identifies all significant effects and adopts mitigation measures. In the findings of fact, which will supersede the draft findings submitted to the City Council by the Planning Commission in April 2008, the Council may, if it so chooses, reject mitigation measures and/or alternatives, and provide a written explanation of its reasons for doing so (see Pub. Resources Code, Section 21081, subd. (a); CEQA Guidelines, Section 15091, subd. (a)). If the Council chooses to approve a project that would result in an unavoidable significant impact, the Council must adopt a statement of overriding considerations, which must explain the benefits of the project that, on balance, have caused the Council to choose to accept a significant adverse environmental impact.