



Board of Directors Regular Meeting

Meeting Date: 9/20/2018

Agenda Item No.: 2018-September-8.

SACOG Board of Directors

Subject: Approve Submission of Amicus Brief for City of Sacramento's Yamanee Project (Est. time: 0 minutes)

Consent

Prepared by: Kirk Trost

Approved by: James Corless

Attachments: No

1. Issue:

Should SACOG submit an amicus brief to the Court of Appeal in support of the City of Sacramento and the Yamanee project?

2. Recommendation:

Staff recommends that the board approve the submission of an amicus brief in support of the parties mentioned above.

3. Background/Analysis:

SACOG received a request from counsel representing the City of Sacramento and 2500 J Owners, LLC, to file an amicus brief regarding the Yamanee project. The Yamanee project is a 14-story mixed-use residential building at 25th and J Street in Sacramento.

The City of Sacramento conducted its CEQA review of the project through a sustainable communities environmental assessment (SCEA). An SCEA is a form of CEQA streamlining, established under SB 375, intended to help local governments and project proponents develop Transit Priority Projects consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). For this reason, SACOG has supported and promoted the utilization of SCEAs. SACOG has maintained a website (sacog.org/sb-375-ceqa-streamlining) and provided staff support for such efforts, including a sample SCEA developed with funding from the HUD Sustainable Communities Grant Program and the California Strategic Growth Council Grant Program.

In this case, appellants have challenged the use of an SCEA, and are attacking SACOG's MTP/SCS and the related EIR as follows:

1. The MTP/SCS lacks legally adequate density and building intensity specifications and thus cannot be utilized for CEQA streamlining;

2. The density and building intensity description in the MTP/SCS is too generalized and vague and should, instead, more directly incorporate the local land use plans;
3. SACOG improperly determined the project's consistency with the density and building intensity in the MTP/SCS; and
4. The EIR for the MTP/SCS failed to analyze the cumulative impacts of projects of this magnitude at this specific location.

4. Discussion/Analysis:

If the appellant is successful in its CEQA challenge, the decision could effectively halt the ability of SACOG jurisdictions to utilize the SB 375 CEQA streamlining measures. This would adversely affect regional efforts to foster smart growth and high-density residential development. In addition, it could negatively impact pending projects/litigation, further delay transit-oriented projects, and might necessitate considerable revisions to, and increase the cost of, the MTP/SCS and related CEQA analysis.

If approved by the board, SACOG's amicus brief would be limited to the CEQA challenges directly impacting the MTP/SCS, its EIR, and the ability of member jurisdictions to obtain CEQA streamlining for projects consistent with the MTP/SCS.

5. Fiscal Impact/Grant Information:

General Counsel is working with the project proponents to identify an initial drafter for the amicus brief. Therefore, there is no fiscal impact other than a modest amount of General Counsel's time to work with the drafter and finalize the brief.

6. This staff report aligns with the following SACOG Work Plan Goals: