

COALITION FOR COMPASSION

August 10, 2021

RE: August 10, 2021 City Council Agenda Item No. 1: City of Sacramento Master Siting Plan to Address Homelessness

Dear Sacramento City Council and Mayor,

This letter is sent on behalf of the Coalition of Compassion. Your plan to approve the City of Sacramento Master Siting Plan to Address Homelessness (Plan) is extremely flawed, dangerous to those experiencing homelessness, unfair to disadvantaged residents and businesses that will have shelters placed across the street from them, disproportionately burdens neighborhoods that are already disadvantaged, and fails to comply with the California Environmental Quality Act (CEQA). Thus, the Plan must **not** be passed.

I. Siting individuals experiencing homelessness under freeways is dangerous to their health.

The Plan includes siting numerous individuals experiencing homelessness in close proximity to freeways (indeed, some sites are directly adjacent to freeways). This poses an extreme health risk to the individuals that the City plans to have stay there. This shows utter disregard for the health and wellbeing of these individuals that are already compromised in terms of healthcare and wellbeing

The Sacramento Metropolitan Air Quality Management District (SMAQMD) and California Air Resources Board (CARB) have repeatedly gone on record stating that new land uses, such as residential uses, for sensitive populations such as children, the elderly, and those with pre-existing chronic conditions such as heart disease and diabetes (such as is the case with many people experiencing homelessness), “not be sited within 500 feet of a roadway with 100,000 vehicles per day.” Average daily traffic on State Highway 50 between 18th Street and 26th Street is 246,000 to 258,000 vehicles.¹ That is, the traffic in the area where the Plan intends to house approximately 800 individuals is ***more than double*** the number that CARB considers too high for residential uses.

As CARB has demonstrated, “vehicle traffic generates fine particulate matter, including metallic constituents, which is strongly associated with asthma, blood pressure increases, cognitive decline, stroke, and death from heart attack.” (See attached Letter at p. 1.) How can the City in good conscience plan to send the poorest among us, individuals with compromised health, and in-need to such sites, knowing the risks associated with such a location. This is particularly true because the planned shelters will not include critical health and safety safeguards such as advanced air filtration systems to reduce exposure to particulate matter and toxic air contaminants. Nobody should be encouraged to live under a freeway. Yet the largest concentrated site (800 individuals per the Plan) will be doing just that. How is this equitable?

¹ (See http://www.dot.ca.gov/trafficops/census/docs/2015_aadt_volumes.pdf).

Why is it that the City thinks it is okay to force these individuals into a situation where their health will be further compromised?

City leaders should be ashamed for thinking that individuals experiencing homelessness can just be tucked under a freeway somewhere, “out of sight, out of mind,” and forced to breathe in the fine particulate matter, including metallic constituents, and diesel exhaust. Again, no site should be placed adjacent to or under a high-trafficked freeway. Doing so goes against expert agency guidance and shows complete disregard for the health and welfare of the individuals experiencing homelessness.

II. Sites should not be placed in already-disadvantaged neighborhoods.

Although not surprising, considering the City’s typical “NIMBY” attitude that protects the wealthy and further burdens the disadvantaged neighborhoods, the Plan primarily proposes sites in areas that are already struggling and have been neglected by the City. A review of the Plan’s Figure 1: Priority Sites – Location within Council Districts clearly shows the “have’s and have nots” of Sacramento.

Does East Sacramento include any priority sites? Very clearly, no.

Does the Pocket neighborhood include any priority sites? Again, clearly, no.

These are not outliers. The pattern of siting shelters in disadvantaged (and often residential neighborhoods) is consistent.

In contrast, take for example the W/X corridor. Not really Land Park, not really Midtown, not really Central Business District. The W/X corridor is designated a disadvantaged corridor by local, state, and federal metrics. Indeed, almost the entire W/X corridor has been designated as an Opportunity Zone and also as a Promise Zone—designations reserved specifically for neighborhoods that are disadvantaged economically and have large minority populations.

According to the bourgeois attitudes reflected in the Plan, this creates the perfect “no man’s” land to site *more than a thousand individuals*. The corridor already has multiple existing sites: Front Street (120 people), W/6th Street (300 people), and 29th / X Street Navigation Center (200 people). The combined *existing* sites have an annual capacity of 620 people. To that, the Plan proposes adding 800 more! That would result in a total of ***1,420 individuals experiencing homelessness along a single, already-disadvantaged corridor.***

Aside from the dire health impacts of siting 1,420 individuals adjacent to a busy freeway—in complete disregard of expert agency recommendations—the concept of further burdening an already-disadvantaged neighborhood with 1,420 individuals in great material need is disgraceful. No other section of the City is asked to take on such a burden. Indeed, the wealthiest neighborhoods are not asked to take-on even a single individual experiencing homelessness. How does that make any sense? You speak of equity when you campaign and raise funds, but your words are obviously hollow. It should not be a surprise (you are politicians, after all), but considering your rhetoric and the promises you all tend to make, we thought you might do better.

What are you going to do for the local businesses in these already-disadvantaged neighborhoods? What are you going to say to the family that is barely scraping-by to make ends meet, that now lives across the street from more than 1,000 people that are also desperately in need, many of whom struggle with mental stability and drug addiction? Are any of the council-members that vote for this Plan going to be living across the street from a site? Or is it only the peasants that must do so? Don't worry, you won't have to see these struggling neighborhoods become further burdened while you go home to your far-away enclaves.

Again, these sites should not be placed in already-disadvantaged neighborhoods, particularly disadvantaged residential neighborhoods.

III. The City has failed to comply with CEQA.

The agenda for the Plan states that the Plan is exempt from CEQA under CEQA Guidelines sections 15269(c) (actions necessary to mitigate an emergency) and 15061(b)(3) (common sense exemption), and Government Code 65660(b) (low barrier navigation centers). These exemptions are largely inapplicable. Further CEQA analysis is required.

First, CEQA Guidelines section 15269(c) is wholly inapplicable. The exemption applies only for actual emergencies. This is apparently the slowest-moving emergency of all time. Homelessness is not new. Indeed, this problem has been ongoing and growing for years. But there is not a sudden emergency being faced that warrants complete avoidance of CEQA analysis. This shows blatant disregard for CEQA's mandates that public agencies err on the side of environmental disclosure, analysis, and protection. "CEQA is a comprehensive scheme designed to provide long-term protection to the environment. [Citation.] ... CEQA is to be interpreted 'to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.' " (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112.)

Under CEQA, "'Emergency' means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. 'Emergency' includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." (Public Resources Code, § 21060.3.) This definition "limits an emergency to an 'occurrence,' not a condition, and ... the occurrence must involve a 'clear and imminent danger, demanding immediate action.'" (*Western Municipal Water District of Riverside County v. Superior Court* (1986) 187 Cal.App.3d 1104, 1111.) Again, there is not a "sudden, unexpected occurrence" of homelessness at the City's doorstep.

The City has not provided any why the time to undertake environmental review would create an immediate risk to the public health, safety, or welfare. Or at least, a risk beyond that which has existed for many, many years. The City's use of an emergency exemption for a problem that is neither new, nor sudden, is simply an attempt to avoid getting public input, properly disclosing impacts, and skirting its responsibilities to the public. This is a violation of CEQA.

Second, CEQA Guidelines section 15061(b)(3) (common sense exemption) is also inapplicable. The exemption only applies "if it can be seen with a certainty that there is no possibility that the activity in question may have a significant effect on the environment." (14 Cal. Code Regs., §

15061(b)(3).) There is absolutely no “certainty” that there is “no possibility” that the Plan will avoid all significant effects on the environment. Further, the City has the burden of demonstrating that this exemption applies. (See *Muzzy Ranch Co. v. Solano County Airport Land Use Comm’n* (2007) 41 Cal.4th 372, 386.) The City has not met this burden.

Indeed, there are very real risks of significant environmental effects as a result of the Plan. For example, there is very real risk of significant noise effects from congregating numerous individuals in close quarters – often with no hard walls to lessen the noise impacts. Placing hundreds of individuals (who may be outside for the majority of their time on the site) across from existing residences, could have significant noise effects. The City cannot abdicate its responsibilities to analyze this impact.

There are also risks of significantly exacerbating air quality emissions. Although many of the individuals experiencing homelessness may not have vehicles, there is a large portion that live in their vehicles, many of which are older models and have high emissions. Campers parked in safe ground parking lots, running their motors for heat and electricity will be idling, spewing particulates into nearby neighborhoods, exacerbating air pollution (particularly in areas adjacent to existing freeways). This is a potentially significant environmental effect. Further, there will be significant effects on the health of the individuals being placed in these sites adjacent to freeways (as discussed above).

There are also risks that the Plan will cause an environmental effect via urban decay. Concentrating hundreds (sometimes more than 1,000) of individuals experiencing homelessness in a single commercial corridor, particularly corridors that are already disadvantaged will have dire effects on the commercial viability of the neighborhood. It places burdens on already-struggling businesses that may not be surmountable. Businesses will close, and are unlikely to be replaced by other businesses. Putting neighborhoods on a downward trajectory. More and more vacant storefronts will be present, creating urban blight and corresponding significant aesthetic impacts. Further, the aesthetic impacts of placing huge tent structures, old motor homes, and tiny homes in areas have not been analyzed. These could potentially cause significant aesthetic effects.

Finally, Government Code section 65660(b) (low barrier navigation centers) does not cover all of the sites. Many of the sites proposed in the Plan are not low barrier navigation centers. Further, the exemption is only allowed in areas where there is a “use by right” as defined in Section 65583.2(i).

As explained in that section:

(i) For purposes of this section and Section 65583 , the phrase “use by right” shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code . Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a

“project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code . Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

There is no indication that the sites referenced in the Plan comply with this definition of “use by right.” Indeed, it appears that many of them do *not* qualify under this definition.

For all of these reasons, the Plan is not exempt from CEQA, and further CEQA analysis is required.

Sincerely,

The Coalition for Compassion

Exhibit 1

SENT VIA E-MAIL ONLY

City of Sacramento
Community Development Department
Environmental Planning Services
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

RE:

Dear

Thank you for providing the project routing form for the _____ to the Sacramento Metropolitan Air Quality Management District (SMAQMD) for review. The project is a request to

parking development standards. SMAQMD staff comments on the project follow.

_____ . The California Air Resources Board recommends that new land uses, such as residential uses, for sensitive populations such as children, the elderly, and those with pre-existing chronic conditions such as heart disease and diabetes, not be sited within 500 feet of a roadway with 100,000 vehicles per day. Average daily traffic on State Highway 50 at 15th/16th Street is 246,000 to 258,000 vehicles.¹ Vehicle traffic generates fine particulate matter, including metallic constituents, which is strongly associated with asthma, blood pressure increases, cognitive decline, stroke, and death from heart attack. To protect the future residents of the apartments from excessive exposure to particulate matter, SMAQMD recommends the following reduction measures be considered:

- Install enhanced indoor air filtration to reduce residents' exposure to particulate matter and toxic air contaminants. The filtration for the heating, ventilation and air conditioning system (HVAC) should be certified by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and equivalent to or greater than that provided by MERV 13 filters (as defined by ASHRAE standard 52.2). A licensed mechanical engineer, or an individual authorized by California Business and Professions Code Sections 6700-6799 to design mechanical ventilation systems, should be consulted. Building permit documents should incorporate all designs and details necessary for the construction of the enhanced ventilation system. The ventilation systems installed should be properly maintained as specified by the manufacturer. A fixed notice should be placed on the filter compartment door of each ventilation unit advising that MERV 13 (or greater) filters shall be used per local law.

¹ http://www.dot.ca.gov/trafficops/census/docs/2015_aadt_volumes.pdf

- Plant a vegetative barrier between the major roadway and the receptors. The vegetative barrier should consist of tree species with year-round foliage. Suggested tree species and planting practices are listed in the SMAQMD's [SMAQMD's Landscaping Guidance for Improving Air Quality near Roadways](#).

Construction

All projects are subject to SMAQMD rules at the time of construction. Specific rules that may relate to construction activities are attached. A complete listing of current rules is available at www.airquality.org or by calling 916-874-4800.

Please contact me at 916-874-4816 or teriduarte@airquality.org if you have any questions regarding these recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Teri Duarte". The signature is written in a cursive style and is enclosed in a light blue rectangular box.

Teri Duarte, MPH Planner/Analyst

Attachment

Cc: Paul Philley