



**SACRAMENTO  
INVESTMENT  
WITHOUT  
DISPLACEMENT**



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**RE: UCD Sac Campus LRDP and Aggie Square DSEIR Comments**

Sacramento Investment Without Displacement appreciates the ability to comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the University of California Davis Sacramento Campus Long Range Development Plan (LRPD). Sacramento Investment Without Displacement is a coalition of social justice advocates, equity-focused organizations and community partners organized to support the health and stability of neighborhoods impacted by development. Our coalition has identified the potential impacts of Aggie Square as a major concern for some of Sacramento's most underserved communities. We are joined in our comments by the Environmental Council of Sacramento, Planning and Conservation League, Organize Sacramento, United Latinos, the Building Healthy Communities Hub, the Sacramento chapter of Alliance of Californians for Community

Empowerment (ACCE), the Sacramento Housing Alliance, WalkSacramento, and Area Congregations Together (ACT).

UC Davis' long-range plans for the Sacramento Campus, including Phase 1, "Aggie Square," could be an exciting opportunity to benefit UC Davis, the City of Sacramento, and immediately surrounding neighborhoods alike—but only if the appropriate measures are taken to ensure that the existing residents of these surrounding communities equitably benefit from the planned improvements. Absent sufficient mitigation of the housing and transportation impacts of Aggie Square and additional phases of the long-range plan, UC Davis' actions will exacerbate existing housing inequities and drive displacement.

Aggie Square is projected to increase the UCD Sacramento Campus population by 4,552 people (Vol.2, 2-5), with 324 housing units proposed for an estimated 411 on campus residents (Vol.2, 2-3). The campus-wide 2040 total population projected by the LRDP is 21,200 people, a 7,653 increase over current population, with up to 500 total housing units anticipated (Vol.1, 2-6). As demonstrated by the DSEIR, a significant proportion of the residents of the immediately surrounding communities have low or very low incomes. We would argue that the remaining 4,000 to 7,000 employees and students for whom on-campus housing is not planned will either:

- have a significant displacement impact on local residents due to significant increases in housing demand if they are to live in proximity to campus, or
- have significant Vehicle Miles Travelled (VMT) and associated transportation, air quality, GHG and health impacts on the surrounding community if they are all to be living elsewhere around the region.

Likely it will be a mixture of these two scenarios, but the DSEIR neither adequately analyzes the potential impacts of either scenario nor proposes sufficient mitigation to address them. We recommend that these impacts be fully analyzed, and adequate mitigation be provided in accordance with the California Environmental Quality Act (CEQA), and that a new DSEIR be recirculated for public review.

### ***Population, Housing and Displacement***

In response to comments made by our coalition partners on the Notice of Preparation, the DSEIR does provide a thoughtful discussion on gentrification and displacement dynamics in proximity to the project. Unfortunately, however, the analysis ultimately comes to erroneous conclusions.

First, we acknowledge there is no *direct* displacement by the proposed project, as no existing housing would be demolished. The DSEIR acknowledges the LRDP projects population growth beyond that of local plans and the Sacramento Area Council of Governments' (SACOG) Sustainable Communities Strategy/Metropolitan Transportation Plan (MTP/SCS). Yet the DSEIR concludes that the impact is less than significant because the increased growth beyond that of the 2010 LRDP represents only a .08% population increase over total growth anticipated in Sacramento County. Representing the LRDP growth in comparison to a distribution of population over the entire County, over 20 year time frame,

obfuscates the potential for more intense localized impacts on the immediate-surrounding community due to increased housing demand in proximity to the project and the displacement pressure that this can cause.

The DSEIR acknowledges current displacement dynamics in the surrounding neighborhoods, but claims that there are no indirect displacement impacts caused by gentrifying effects of the project, because “these are social and economic issues that do not relate to adverse changes in the physical environment. Therefore, they are not impacts of concern under CEQA” (Vol.1, 3.12-1). and further that “changes in population and demographics in the Supplemental EIR are generally characterized for CEQA purposes as social and economic effects, not physical effects on the environment, and may not be treated as a significant effect under CEQA” (Vol.1, 13.12-10). Ultimately the DSEIR holds that “the employees and student population increase is partially comprised of existing Sacramento metropolitan area residents, which would not result in a substantial increase in the demand for housing and therefore, the displacement of people or housing” (Vol.1 3.12-16).

We do not agree with any of these above assertions. While gentrification and resulting displacement may be a product of multiple factors not entirely within the control of a single project applicant in a given area, improvements in the physical environment from that project will indeed have a direct added causal effect on gentrification dynamics in a community, which in turn add to *indirect* displacement pressures on low-income residents. A project applicant is obligated to fully address these causal impacts and to provide reasonable mitigation to offset the project’s contribution to these impacts accordingly. The DSEIR does neither.

Environmental Impact Reports must consider all impacts of a project, including “[i]ndirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable.”<sup>1</sup> CEQA requires analysis of direct and indirect impacts, including impacts resulting from social and economic consequences of the project.<sup>2</sup> The DSEIR must therefore evaluate the physical, environmental, and health consequences associated with economic displacement. For example, among other steps, the DSEIR should model displacement and identify likely trends in displacement, including areas likely to face pressure; the number of households affected; the communities expected to absorb these households; and the location and quantity of resulting demand for additional housing construction.

Further, to limit the analysis of displacement only to the project area, as the DSEIR does here, is unlawful and illogical. CEQA requires that “[t]he EIR shall ... analyze any significant environmental effects

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<sup>1</sup> 10 Cal. Code Regs. tit. 14, § 15358(a)(2).

<sup>2</sup> 55 Cal. Code of Regs. tit. 14, §15064(e); see *El Dorado Union High Sch. Dist. v. City of Placerville*, 144 Cal. App. 3d 123, 132 (1983) (social effects of increased student enrollment and potential for overcrowding could lead to construction of new facilities and were thus relevant under CEQA; see also *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1215 (2004) (EIR improperly dismissed possibility that large shopping center could drive other retailers out of business as an economic effect when urban decay and other blight-like conditions could result).

the project might cause by bringing development and people into the *area affected*.<sup>3</sup> Specifically, an EIR must “[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.”<sup>4</sup>

In *Napa Citizens for Honesty Government v. Napa County Board of Supervisors*, 91 Cal. App. 4th 342 (2001), the court addressed a project involving development of an unincorporated area surrounding an airport. The FSEIR “found that the Project would create a need and opportunity for employment” and “would result in a need for additional housing units outside the Project area.” *Id.* at 370. But the FSEIR “simply declined to consider the possible effects the Project might have on surrounding communities.”<sup>5</sup> The court found this discussion inadequate.<sup>6</sup> It explained that “in order to fulfill its purpose as an informational document, the FSEIR should at a minimum,” do the following:

- identify the number and type of housing units that persons working within the Project area can be anticipated to require”.
- “identify the probable location of those units”.
- “consider whether the identified communities have sufficient housing units and sufficient services to accommodate the anticipated increase in population”; and
- “If it is concluded that the communities lack sufficient units and/or services, the FSEIR should identify that fact and explain that action will need to be taken to provide those units or services, or both.”<sup>7</sup>

Although the DSEIR here offers a discussion of the indirect impacts of the project outside of its boundaries, the discussion is inadequate and does not satisfy the requirements of *Napa Citizens*. Like the FSEIR in *Napa Citizens*, the UCD LRDP DSEIR’s discussion of immediate and cumulative impacts is inadequate because it “simply declined to consider the possible effects the project might have on surrounding communities.”<sup>8</sup>

Further, agencies are required to describe and discuss mitigation measures that could minimize each significant environmental effect identified in an EIR.<sup>9</sup> Mitigation measures are “the teeth of the EIR” because “[a] gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.”<sup>10</sup> Such measures must be at least “roughly proportional” to the impacts of the project, and must not be remote or speculative.<sup>11</sup>

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<sup>3</sup> Cal. Code of Regs. tit. 14, §15126.2(a) (emphasis added).

<sup>4</sup> Cal. Code of Regs. tit. 14, §15126.2(d).

<sup>5</sup> *Napa Citizens*, 91 Cal. App. 4th at 370. 45 *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Napa Citizens*, 91 Cal. App. 4th at 370.

<sup>9</sup> See Pub. Res. Code §§21002.1(a)-(b), 21081.6(b); see also 14 CCR §15126.4.

<sup>10</sup> *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018, 1039.

<sup>11</sup> See 14 CCR §15126.4(a)(2)(B) (citing *Dolan v. City of Tigard*, 512 U.S. 374 (1994)); see also *Fed’n of Hillside & Canyon Ass’ns v. City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1261.

Indeed, a project should not be approved “as proposed if there are feasible mitigation measures available which would substantially lessen the significant environmental effects of the project.”<sup>12</sup>

Mitigation measures or alternatives that address the proportion of affordable housing in proximity to the area and the risk of displacement are feasible and should be discussed.<sup>13</sup> There are displacement impacts that have not been fully assessed by the LRDP DSEIR and there are mitigation options available to minimize these impacts. Without this analysis, the DSEIR is inadequate.

The LRDP touts many added community amenities that will be assets to the surrounding neighborhoods, which will in turn make those neighborhoods more desirable. As a result, property and rent values will rise. Transit, bike, and pedestrian improvements that will need to be made to accommodate the project will also add value to surrounding residences. Most importantly, adding an employment center of 4,500-7,500 thousand jobs that will likely pay substantially higher than the median income of surrounding residents will inevitably increase housing demand in the surrounding community, leading to increased property values and rents. These added community amenities, improvements, and increased housing demand will undeniably have a displacement effect on the existing low-income residents of the surrounding community.

At least some portion of those in the new Campus population, perhaps a significant proportion, will seek to live in proximity to their jobs and be easily able to pay higher rents and housing costs than existing residents. The DSEIR does not adequately analyze these impacts. The statement that “the employees and student population increase is partially comprised of existing Sacramento metropolitan area residents, which would not result in a substantial increase in the demand for housing and therefore, the displacement of people or housing” (Vol.1 3.12-16) is not adequately supported by evidence and is contrary to findings of the DSEIR’s transportation section discussed in detail below. The DSEIR provides substantial information on the current housing and income demographics in the existing neighborhood, but it does not provide reasonable projections of what proportion of the new population is expected to live in the immediately surrounding community rather than in other parts of the city, county, or region. Nor does it project how many new residents could be anticipated to come to the region for these jobs. Finally, the DSEIR does not provide an analysis of the potential impact of increased housing demand across different housing types given income levels in the existing community as compared to the expected income levels of the new population of 4,000 – 7,000 people that are not proposed to be housed on campus.

While exact projections of the impacts may be difficult to quantify, reasonable rough projections could be made based on income and housing trends of the populations of similar research facilities within or

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<sup>12</sup> Cal. Pub. Res. Code §21002; see also 14 CCR §15002(a)(3) (agencies must prevent avoidable damage “when [it] finds [mitigation measures] to be feasible”).

<sup>13</sup> See 14 CCR §15131(c) (“Economic, social and particularly housing factors shall be considered by public agencies ... in deciding whether change in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR.”).

outside of the UC system and UC Davis's planned facilities. The University is obligated to address these concerns to the extent of its ability.

The DSEIR also fails to analyze how the proposed LRDP will affirmatively further fair housing pursuant to Government Code Section 8899.50(a)(1) and (2)(E)(b) or analyze the disparate impact of the LRDP on protected classes living within and surrounding the development project pursuant to Government Code Section 12955.8(b).

Government Code Section 8899.50 specifically requires public agencies to administer programs and activities relating to housing and community development in a manner to *affirmatively further* fair housing and importantly, to take *no action* that is materially inconsistent with its obligation to affirmatively further fair housing. The DSEIR makes no effort to consider or evaluate the impact of the proposed LRDP on individuals and families of protected classes currently living in and around the area covered by the LRDP, including how the potential for displacement is inconsistent with the obligation to affirmatively further fair housing. The DSEIR clearly acknowledges that some level of gentrification and displacement of existing low-income residents is a likely result of new investment to meet the demands of employees at the expanded project facilities. Given that low income populations in the area are disproportionately comprised of communities of color and seniors, the DSEIR should evaluate how the LRDP will act to affirmatively further fair housing including how it will foster inclusive communities free from barriers that restrict access to opportunity; take meaningful actions to address, among other things, access to opportunity; and transform racially and ethnically concentrated areas of poverty into areas of opportunity. Additionally, any recipient of federal funds also has a duty to affirmatively further fair housing and comply with Title VI of the Civil Rights Act of 1964.

The DSEIR should also analyze the potential discriminatory effect/disparate impact (see Government Code Section 12955.8(b)), of the LRDP on protected classes living within and surrounding the proposed development area. The acknowledged potential indirect displacement of low-income residents requires an in-depth analysis of the disparate impacts of low-income residents by race and ethnicity. Given the large percentage of seniors in this community, we also urge you to conduct an analysis on the extent to which seniors are disproportionately negatively impacted. The DSEIR indicates that "Some block groups shown in Table 3.12-1 have a notably lower median household income and higher poverty levels compared to the rest of the study area and compared to the City as a whole..." but does not identify or evaluate the extent to which those lower income and higher poverty levels are disproportionately experienced by protected classes. Further 2 CCR § 12060(b) indicates a practice has a discriminatory effect where it actually or *predictably* results in a disparate impact on a group of individuals. As a result, the DSEIR should be revised to consider these impacts.

In the end, the DSEIR finally acknowledges that the LRDP *could* have an indirect displacement effect on the surrounding community, and states UCD's commitment to participating in the support of creating new housing supply and affordable housing with the City (Vol.1, 3.12-13). UCD can and must do better than this vague commitment. While, as the DSEIR states, the ultimate extent of the impacts of "indirect displacement" may be difficult to quantify, it does not excuse UCD from reasonably assessing these

impacts to the extent that it can, nor does it excuse the need for UCD to mitigate the impact. The impact is not speculative and necessitates a reasonable proportion of affordable housing to be provided to help offset the impact of many thousands of high paid workers that will be brought to this community.

***Transportation, Air Quality and GHG:***

The DSEIR concludes that there will be a significant and unavoidable impact on existing transit operations, due to:

- increased volume to accommodate Aggie Square and the LRDP which will cause delays in the system without improvements, and
- the proposed 45th Street mobility hub, which is not anticipated in current Regional Transit planning (Vol 1. 3.15-26, 28).

This impact is avoidable and feasible mitigation is within the University's control (see mitigation suggestions below).

The DSEIR also concludes that the project's vehicle miles travelled (VMT) impact is presumed to be less than significant, because the project is in the "low-VMT area," as mapped by SACOG, for both employment and household VMT (Vol.1, 3.15-34) and that the project is thus exempt from doing further transportation impact analysis under the newly adopted CEQA guidelines regarding VMT. The reasoning for this, as referenced from the Office of Planning and Research's (OPR's) Technical Advisory on the new VMT guidelines, is that "residential and office projects that locate in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT" (Vol.1, 3.15-24).

Assuming transportation behavior will stay relatively the same with the project necessitates the presumption that future employees will be living close to their jobs in the existing neighborhood. That presumption conflicts with the assertion of the Population section of the DSEIR that most employees will be living elsewhere in the region. If most of the population are to live close to their jobs (replicating current transportation behavior as the Transportation section asserts) then there will be a significant displacement effect on the community that has not been analyzed by the Population section of DSEIR.

The housing demand induced by the project and the deficit of affordable housing in the surrounding area will generate indirect displacement. However, because the Population section dismisses the need to assess these impacts, the Transportation analysis fails to consider the substantial environmental impact of VMT increases as existing residents from the surrounding neighborhoods -- particularly low-income workers -- are forced to commute long distances to their jobs. These impacts may be difficult to quantify precisely, but that does not excuse the responsibility to reasonably assess the impact within the University's ability. These impacts are not speculative, and feasible mitigation is within the University's power (see mitigation suggestions below).

As the City has not yet adopted its own thresholds of significance for VMT, we support the use of OPR's guidance generally. However, we feel OPR's guidance has been misused in this case, leading to the DSEIR being fundamentally internally conflicted in this regard. We assert that UCD is obligated to mitigate the VMT impacts of the project.

These impacts are clearly disclosed in the Air Quality and Greenhouse Gas Sections of the DSEIR, which find that "The 2020 LRDP Update includes growth not accounted for in SMAQMD's air quality attainment plans. Likewise, levels of criteria pollutants generated by the 2020 LRDP Update under full implementation would exceed SMAQMD's thresholds and could therefore impede SMAQMD's long-term emissions planning efforts. Mitigation Measures LRDP-AQ-1, LRDP-AQ-2a through LRDP-AQ- 2e, and LRDP-TRA-1a would reduce this impact, but not to a less-than-significant level. Therefore, this impact would be *significant and unavoidable*" (Vol.1, 3.2-.33). The DSEIR also finds that the LRPD update is inconsistent with SACOG'S MTP/SCS (Vol.1, 3.2-33).

Much of these impacts are due to emissions from mobile sources and increased VMT. Table 3.2-9 projects 1.81 growth factor of total VMT and 1.17 for per capita VMT. The DSEIR states "While reducing trip distances is consistent with SB 743, the overall growth in VMT under the 2020 LRDP Update is projected to outpace campus population, leading to an increase in daily per capita VMT" (Vol.1, 3.3-34) and further that "The 2020 LRDP Update would generate additional VMT compared to existing conditions (Hananouchi, pers. comm.). However, declining vehicle emission factors between 2019 and 2040 are enough to offset this increase in VMT and emissions from other sources, resulting in a net reduction in total project NOX emissions" (Vol.1, 3.2-42). It is appropriate to mitigate the air quality impacts of these mobile emissions with increased vehicle efficiency, but vehicle efficiency does not mitigate the increase of VMT itself, which is now an explicit impact under the SB 743 CEQA guidelines.

Similar findings are clearly illustrated in the Greenhouse Gas chapter of the DSEIR, which find that the increase in mobile source GHG emissions will exceed what is required to meet the GHG reduction mandate set forth by SB 32 and Executive Order B-55-18 (Vol.1, 3.7-25) and further, that emissions "will exceed SACOG's SCS mobile source reduction target" (Vol.1, 3.7-32, 33, 36).

The DSEIR states that stationary source emissions will be mitigated by the purchase of offsets, and that mobile sources will not be fully mitigated, but since overall emissions will be offset to meet SB 32/EO B-55 goals, the impact is considered less than significant with mitigation (Vol.1, 3.7-37). Again, while the GHG impacts may be mitigated by GHG offsets, the GHG offsets do not mitigate the VMT impacts which are explicit under CEQA. VMT increases can only be mitigated by offsetting via VMT reducing activities. UCD is not exempt from mitigating these impacts under the VMT CEQA guidelines as found in the Transportation section—a "presumption" of less than significant cannot be found when the analysis otherwise indicates that there will be a significant increase in VMT.

UCD must fully analyze, disclose, and mitigate these VMT impacts in relation to a fuller housing impact analysis that projects where the new campus population is reasonably anticipated to reside. Without this analysis, it is impossible to assess the extent of these housing and transportation impacts and the extent of appropriate mitigation. Further, because the housing and transportation impacts have not

been fully analyzed, the extent of public health impacts associated with potential displacement due to increased housing demand and emissions due to VMT increases have not been fully addressed. The university is obligated to fully analyze these considerations and recirculate the DSEIR.

### ***Conclusion and Proposed Mitigation***

While the analysis of the impacts described above is incomplete, it nevertheless demonstrates that there will ultimately be some mixture of the new campus population living in proximity and traveling from elsewhere, with significant housing impact to existing local residents and significant VMT impacts. UCD's proposed mitigation does not address either of these impacts. *The primary option to mitigate both displacement and VMT impacts, within UC's control, is to provide additional affordable housing in proximity to the project.* Absent mitigation measures that address the need for affordable homes and displacement pressures created by the project in the surrounding area, the project will cause significant environmental impacts.

First, UCD can explicitly commit to setting aside a portion of its proposed on-campus housing to be affordable to lower income residents. The lower-wage workers who will be employed on-site will have trouble finding affordable housing in the neighborhood, forcing them to compete with existing neighborhood residents.

Further, UCD should calculate a reasonable proportion of the new population that would be likely to live in the surrounding neighborhoods and use that metric to calculate (and commit to) commensurate mitigation could be tied to. UCD could either build these units or provide a direct and commensurate financial contribution to a housing trust fund dedicated to the area surrounding Aggie Square. Priority uses for such a trust fund should include support for development of new regulated affordable multifamily rental homes; rehabilitation of substandard homes in the area; promotion of homeownership opportunities for existing residents; and rental assistance supports for existing renters. A commensurate mitigation could also be achieved in part by identifying any parcels in the surrounding area owned by the UC system and making them available for the development of housing affordable to lower income households.

Finally, as one of Sacramento's anchor institutions, UCD can speak out about the need for the City of Sacramento to address housing demand and prevent displacement in the neighborhoods surrounding Aggie Square. The City of Sacramento could mitigate the project's impacts by establishing an inclusionary housing requirement or density overlay zone in the area surrounding Aggie Square to create additional affordable homes with priority for existing residents of the area. UCD's public support of such actions would demonstrate commitment to the objective expressed in the LRDP Amendment to "support access to jobs and services to a more diverse population, including providing housing and transportation opportunities and community-serving uses" and help ensure University investments benefit—not harm—existing neighborhood residents, vulnerable populations, and the broader surrounding community.

Like the indirect displacement of housing, there is also indirect displacement of local businesses, which the document does not discuss. As the improvements of the project will add value to housing in proximity, it will also add value to commercial space. To mitigate this impact, UCD should commit an explicit proportion of the project's commercial space to units that are affordable to small local business, and further, provide a financial contribution to the City in compensation for enacting protections for local businesses in proximity (e.g., subsidizing commercial rents).

UCD can also improve upon "monitoring transit performance" and coordination with Regional Transit to address the new passenger loads the project will bring, as Mitigation TRA-1 suggests: UCD should commit to an explicit financial contribution to RT for increased service needs to accommodate the project's increased loads on the Stockton Corridor. A more specific mitigation within UCD's control would be to provide new and improved shuttle service between campus and the 39<sup>th</sup> Light rail station, and new direct on-site shuttle bus service from Aggie Square to the 48<sup>th</sup> Street light rail station. Additional, frequent shuttle connections to the nearby light rail stations could reduce student and employee VMT. However, these transit improvements would also have a gentrifying effect on the community, which would in turn also need to be mitigated by a commitment and contribution to affordable housing in proximity to the project.

We believe the potential Aggie Square development and UC Davis' long-range plans for the Sacramento Campus as a whole can have a significant positive impact on the existing and surrounding neighborhoods. We hope to see a version of Aggie Square that supports the health and livelihoods of existing and future Sacramento residents through the creation of affordable home and job opportunities for communities too often excluded from the economic prosperity and investments elsewhere in the City. To achieve this vision, thoughtful and commensurate mitigation of housing, displacement, and transportation impacts must be made. We further believe that these mitigations are critical enough to the future of Sacramento that they must be codified in a community benefits agreement which also addresses issues beyond the scope of the environmental planning process.

Again, we recommend that these impacts be fully analyzed, and adequate mitigation be provided in accordance with the California Environmental Quality Act (CEQA), and that a new DSEIR be recirculated for public review. Thank you for the opportunity to comment on this long-range plan.

Sincerely,

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