



**REPORT TO THE
REDEVELOPMENT AGENCY
AND CITY COUNCIL
of the City of Sacramento**

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

Staff Report
May 6, 2008

**Honorable Chair and Members of the Agency Board
Honorable Mayor and Members of the City Council**

Title: Certify EIR, Richards Blvd. Redevelopment Amendment & Railyards Plan Adoption, PFP

Location/Council District: Richards Boulevard Redevelopment Project Area, District 1

Recommendation:

Adopt the following **Redevelopment Agency Resolutions:**

- 1) Certifying the completion of the Final Environmental Impact Report for the proposed Redevelopment Plan for the Railyards Redevelopment Project and the proposed Seventh Amendment to the Redevelopment Plan for the Richards Boulevard Redevelopment Project; adopting a Statement of Findings, Facts, and Overriding Considerations; and adopting a Mitigation Monitoring Plan;
- 2) Finding that the use of taxes allocated from the Railyards Redevelopment Project for the purpose of increasing, improving, and preserving the community's supply of low- and moderate-income housing outside the Project Area will be of benefit to the Project; and
- 3) Approving the Redevelopment Plan for the Railyards Redevelopment Project, approving the Seventh Amendment to the Redevelopment Plan for the Richards Boulevard Redevelopment Project, recommending that the City Council adopt the Railyards Redevelopment Plan and the Seventh Amendment, and adopting Implementation Plans for the Projects.

Adopt the following **City Council Resolutions:**

- 1) Adopting a Statement of Findings, Facts and Overriding Considerations based upon consideration of the Final Environmental Impact Report for the proposed Redevelopment Plan for the Railyards Redevelopment Project and the proposed Seventh Amendment to the Redevelopment Plan for the Richards Boulevard Redevelopment Project; and adopting a Mitigation and Monitoring Plan;
- 2) Finding that the use of taxes allocated from the Railyards Redevelopment Project for the purpose of increasing, improving, and preserving the community's supply of low- and moderate-income housing outside the Project Area will be of benefit to the Project;
- 3) Electing, pursuant to Section 33676(a) of the California Community Redevelopment Law, to receive the tax revenues attributable to tax rate increases imposed for the benefit of the City of Sacramento after the adoption of the proposed Redevelopment Plan for the Railyards Redevelopment Project;

Take the following **City Council** actions:

- 1) Review an Ordinance amending Ordinance Nos. 90-037, 94-046, 96-038, 2003-73, 2004-050, 2007-003, and 2007-044, approving and adopting the Seventh Amendment to the Redevelopment Plan for the Richards Boulevard Redevelopment Project;
- 2) Review an Ordinance approving and adopting the Railyards Redevelopment Plan; and
- 3) Pass for publication the Ordinance titles as required by Sacramento City Charter 32c to be adopted on May 13, 2007.

Contact: Rachel Hazlewood, Senior Project Manager, (916) 808-8645;
David Harzoff, Economic Development Manager, (916) 808-5385

Presenters: Rachel Hazlewood

Department: Economic Development

Division: Downtown/Richards Boulevard

Org. Number: 4451

Description/Analysis

Issue: The Redevelopment Agency (“Agency”) seeks to create a separate and distinct Railyards Redevelopment Project Area from the existing Richards Boulevard Redevelopment Project Area in order to address unique obstacles confronting these areas. This staff report recommends that the Agency and City Council take various actions in consideration of the proposed adoption of a Redevelopment Plan for the Railyards Redevelopment Project and the Seventh Amendment to the Richards Boulevard Redevelopment Plan (“Plan Adoption and Amendment”) pursuant to the California Community Redevelopment Law (“CRL”) and certifying the Final Environmental Impact Report (“EIR”).

Summary of Recommended Actions. First, the Agency is recommended to approve three resolutions: one to certify the Final EIR, a second to make a finding that housing set-aside funds may be used outside the Railyards Project Area (“Railyards Area”), and a third to approve the Plan Adoption and Amendment and recommend them to the City Council. The City Council then is recommended to adopt the resolutions to consider the Final EIR, make a finding that housing set-aside funds may be used outside the Railyards Project Area, and elect to have the City receive tax revenues from future tax rate increases, if any, imposed specifically for the benefit of the City of Sacramento.

Once the preceding resolutions have been acted upon at this meeting, it is recommended that the City Council pass for publication and conduct the first of two readings of the ordinances approving and adopting the Plan Adoption and Amendment. The ordinances would take effect ninety days after their second reading and adoption. The second reading and adoption is scheduled for May

13, 2008 and the ordinances would take effect August 11, 2008. A more detailed description of these actions is included in the attached Background section.

Policy Considerations: The actions proposed in this staff report are consistent with the redevelopment plan amendment and adoption processes established by the CRL. The proposed actions will meet the Agency's goals of eliminating blight and increasing economic opportunities. While the City's General Plan is being updated, the City Council has adopted a vision for the future of the City, as well as several guiding principles, to help guide the update and achieve this vision. The applicable guiding principle that this project complies with is the following: "Programs and strategies should promote the development of the community to the fullest range possible in the City of Sacramento." In addition, the proposed actions are not contrary to any of the other approved principles of the General Plan Update Vision.

Environmental Considerations: The preparation and processing of the proposed Seventh Amendment to the Richards Boulevard Redevelopment Plan and the proposed Railyards Redevelopment Plan required the Redevelopment Agency to conduct a full environmental review under the California Environmental Quality Act ("CEQA"), including preparation of an environmental impact report. The Agency is the lead agency under CEQA. The environmental review is pursuant to California Public Resources Code, section 21000 *et seq.*, including specifically sections 21090, 21093 and 21094; CEQA Guidelines sections 15152, 15168 and 15180; and California Health and Safety Code, section 33352 and local environmental review procedures. The Notice of Preparation and Initial Study on the Seventh Amendment and Railyards Redevelopment Plan were circulated on October 25, 2007. The Draft Program EIR was circulated for public comment for a 45-day public review period commencing on January 22, 2008. Following closure of the public comment period, the Draft Program EIR was revised to incorporate comments received and the Agency's responses to said comments, including additional information included in the Final EIR.

The Final EIR is a Program EIR that evaluates the potentially significant effects of public improvements and development that may be funded or encouraged by the Plan Adoption and Amendment. Topics addressed in the Final EIR include:

- Land Use,
- Population and Housing,
- Aesthetics, Light, and Glare,
- Air Quality and Microclimate,
- Biological Resources,
- Cultural and Historic Resources,
- Hazards and Hazardous Materials,
- Hydrology and Water Quality,
- Noise and Vibration,
- Public Utilities, and
- Transportation and Circulation.

Additionally, the Final EIR addresses all other sections as required by CEQA and is available for public review at the Office of the City Clerk. The National Environmental

Policy Act (“NEPA”) does not apply.

Summary of Environmental Impacts

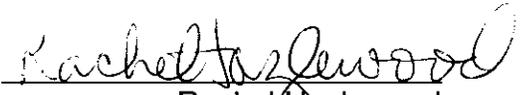
The Final EIR concluded that certain significant or potentially significant impacts could be reduced to a level of insignificance by the adoption of mitigation measures. These significant or potentially significant impacts were in the areas of Air Quality and Microclimate (contributions to global climate change) and Noise and Vibration (exposure of future sensitive receptors to traffic, rail and industrial noise levels and new on-site stationary sources; temporary increases in groundborne vibration and ongoing exposure of new receptors to vibration). The Final EIR also concluded that certain significant or potentially significant impacts could not be avoided or reduced to a level of insignificance. These unavoidable significant or potentially significant impacts were in the areas of Air Quality and Microclimate (long-term pollutant increases), Noise and Vibration (construction and permanent noise exposure to sensitive receptors), Cultural and Historic Resources (potential loss of historic resources), and Transportation and Circulation (increased traffic).

As a result of these unavoidable impacts, it will be necessary for the Agency and the City Council to consider making findings that the benefits of the recommended actions outweigh or override the unavoidable significant environmental consequences. The recommended actions include resolutions of each of the Agency and the City Council adopting findings, including a Statement of Findings, Facts and Overriding Considerations attached to each resolution as Exhibit A. The mitigated environmental impacts and the unavoidable environmental impacts, as well as the proposed findings and overriding considerations of the Agency and City Council, are particularly detailed in the proposed resolutions and Exhibit A thereto.

Rationale for Recommendation: The recommended actions are necessary to continue the process to amend the existing Richards Boulevard Redevelopment Project Area and approve the Railyards Redevelopment Project Area. Together, these projects will result in a more comprehensive program to revitalize and redevelop the Richards Boulevard (River District) and Railyards Project Areas. The second reading and final approval of the two ordinances adopting the Railyards Redevelopment Plan and Seventh Amendment to the Richards Boulevard Redevelopment Plan will be considered on May 13, 2008.

Financial Considerations: This action will have positive financial impacts by producing redevelopment financial resources, among other benefits, necessary to eliminate blight, which are detailed in The Report to the City Council which is available for public review at the Office of the City Clerk.

M/WBE Considerations: There are no Minority and Women’s Business Enterprise considerations associated with the actions recommended in this report.

Respectfully Submitted by: 
Rachel Hazlewood
Senior Project Manager
on behalf of the Redevelopment Agency
of the City of Sacramento

Approved by: 
David Harzoff
Economic Development Manager

Recommendation Approved:


Ray Kerridge
City Manager

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Attachments

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- 2 Agency Resolution finding that the use of taxes allocated from the Railyards Redevelopment Project for the purpose of increasing, improving, and preserving the community's supply of low- and moderate-income housing outside the project area will be of benefit to the Project
- 3 Agency Resolution approving the Redevelopment Plan for the Railyards Redevelopment Project, approving the Seventh Amendment to the Redevelopment Plan for the Richards Boulevard Redevelopment Project, recommending that the City Council adopt the Railyards Redevelopment Plan and the Seventh Amendment, and adopting Implementation Plans for the Projects

- 4 City Council Resolution adopting a Statement of Findings, Facts and Overriding Considerations based upon consideration of the Final Environmental Impact Report for the proposed Redevelopment Plan for the Railyards Redevelopment Project and the proposed Seventh Amendment to the Redevelopment Plan for the Richards Boulevard Redevelopment Project; and adopting a Mitigation and Monitoring Plan
- 5 City Council Resolution finding that the use of taxes allocated from the Railyards Redevelopment Project for the purpose of increasing, improving, and preserving the community's supply of low- and moderate-income housing outside the Project Area will be of benefit to the Project
- 6 City Council Resolution electing, pursuant to Section 33676(a) of the California Community Redevelopment Law, to receive the tax revenues attributable to tax rate increases imposed for the benefit of the City of Sacramento after the adoption of the proposed Redevelopment Plan for the Railyards Redevelopment Project
- 7 City Council Ordinance amending Ordinance Nos. 90-037, 94-046, 96-038, 2003-73, 2004-050, 2007-003, and 2007-044, and approving and adopting the Seventh Amendment to the Richards Boulevard Redevelopment Plan
- 8 City Council Ordinance approving and adopting the Railyards Redevelopment Plan

Background

The Richards Boulevard Redevelopment Plan was adopted by the City Council in July of 1990. Since that time, the Redevelopment Plan has been amended six times. Efforts to redevelop the Railyards area over the past 17 years have not resulted in any substantive change due to the unique obstacles that make it different from the rest of the Richards Boulevard Project Area. These obstacles include a severe lack of infrastructure, environmental contamination (which has created higher costs and longer timeframes for development), the need to realign the area's levee system, issues of historic preservation, and time and cost issues related to realignment of the Union Pacific mainline railroad tracks to facilitate circulation improvements.

The Amended Richards Boulevard and proposed Railyards Project Areas are located near downtown Sacramento. The Railyards Project Area ("Railyards Area") is approximately 298 acres, and generally bounded by the Sacramento River on the west, North B Street on the north and I street on the south. The eastern boundary varies between 7th Street and 12th Street. The Amended Richards Boulevard Project Area consists of approximately 1,068 acres and is located south of the American River, east of the Sacramento River, and just north of the Central City. The Amended Richards Boulevard Project Area ("Richards Area") will be renamed the River District Project Area ("River District Area") as a result of these actions.

For the Railyards Area, having a separate redevelopment project area will enable the Agency to more effectively address the unique constraints that plague the area and provide support and assistance to redevelopment projects as feasible, necessary and appropriate. It will also make more funding options possible for the development of the intermodal and other transportation infrastructure due to the longevity required for these types of funding mechanisms. The Railyards Redevelopment Plan provides the Agency the authority to implement a 30-year redevelopment, rehabilitation, and revitalization program in the Railyards Project Area. Long-term, the Agency's proposed Railyards Redevelopment Plan would encourage rehabilitation of the old Railyards buildings, facilitate environmental mitigation to make the area suitable for businesses and residences, and improve other physical and economic conditions adversely affecting the Railyards Area.

For the remaining Richards Area, which would become the River District Project Area, this approach will protect tax increment revenues generated in the River District Area for projects within its boundaries, rather than shifting all resources to the potentially costly and complicated needs of the Railyards Area. The formation of the Railyards Area will also aid the River District Area by spreading a "fair share" of the costs to relieve infrastructure capacity problems (i.e. sewer, traffic, stormwater) throughout the two areas.

On April 22, 2008, the Agency and City Council held joint and concurrent public hearings on the proposed Plan Adoption and Amendment. During this meeting, the Agency and City Council were provided with a presentation from staff and had an opportunity to hear all evidence and testimony for and against the Plan Adoption and

Amendment. Following the receipt of all evidence and testimony, the public hearings were closed.

Amendment to the Richards Boulevard Redevelopment Plan

The proposed Seventh Amendment to the Richards Boulevard Redevelopment Plan primarily removes the 298-acre area proposed to be the Railyards Redevelopment Project Area. The proposed amendment will also rename the Project and Project Area to the “River District Redevelopment Project” and “River District Redevelopment Project Area”, to be consistent with current community development initiatives in the area. Other than miscellaneous incidental changes, no other amendments are proposed.

The Amendment would not alter land use policies, financial or time limits, or any other component of the Richards Boulevard Redevelopment Plan, nor would it change the terms of any financial obligation of the Project Area.

The Amendment is being processed concurrently with the Railyards Redevelopment Plan, and would go into effect only if the Railyards Redevelopment Plan is adopted by the City Council.

Railyards Redevelopment Plan

The proposed Redevelopment Plan contains a list of major goals for the Railyards Redevelopment Project Area to guide future activities. Section 100 of the proposed Redevelopment Plan identifies the goals which include elimination of blight, the replanning, redesign and development of the stagnant or improperly utilized parcels, assembly of parcels into suitable sizes for modern development, improvement to circulation infrastructure, strengthening of the economic base, provision of parking and open spaces, establishment and implementation criteria to ensure high quality design, provision of opportunities for owner participation, and the increase, improvement, and preservation of affordable housing.

Section 300 of the proposed Redevelopment Plan outlines the permitted actions of the Agency, including but not limited to extending participation opportunities to property owners and business occupants, acquisition of property (including eminent domain), relocation procedures, property disposition and development, rehabilitation, and actions to support the development of low and moderate income housing (as required by Redevelopment Law).

Section 400 of the proposed Redevelopment Plan establishes the land use policies for the Project Area, which are those set forth in the General Plan and other applicable planning documents, as these documents exist today or are hereafter amended. In this manner, the proposed Redevelopment Plan is consistent with the General Plan.

The proposed method of financing redevelopment is outlined in Section 500 of the

proposed Redevelopment Plan. Tax increment revenue would be the primary means to finance redevelopment within the Project Area, and the Plan provides the Agency the authority to collect and use tax increment revenues generated by the Project Area over the next 45 years. The proposed Redevelopment Plan also permits the Agency to incur debt for the first 20 years of the Redevelopment Plan and leverage tax increment revenues to issue bonds, capping the total amount of bonded debt that may be outstanding at any one time at \$500 million.

The proposed Redevelopment Plan also contains a map, legal description, and General Plan land use map of the Project Area, as well as a list of public improvements that may be undertaken by the Agency. The list of public improvements contains broad categories of infrastructure and public facilities projects, as well as specific projects identified by staff that may occur during the first few years of the Redevelopment Plan.

Detailed Description of Recommended Actions

A detailed description of the final actions to adopt the Railyards Redevelopment Plan and approve the River District Plan Amendment is included below.

Certification of Final Environmental Impact Report

Topics addressed in the Final EIR for the Plan Adoption and Amendment are discussed in detail under the Environmental Review section of this report. The Final EIR, including responses to comments received during the 45-day public review period, was considered by the Agency and City Council during the joint and concurrent public hearings on April 22, 2008.

Approval of the attached Agency resolution would certify the completion and adequacy of the Final EIR and the City Council resolution would make findings based upon the Council's consideration of the Final EIR as prepared and certified by the Agency.

Use of Housing Funds Outside the Railyards Redevelopment Project Area

Redevelopment Law permits agencies to expend housing funds outside a project area, provided the redevelopment agency and legislative body each adopt a resolution finding that such expenditures are of benefit to the project area. Staff anticipates that the Railyards Area's demand for affordable housing could extend beyond the capacity of the Railyards Area. To maximize flexibility in the Agency's affordable housing programs underwritten by the Railyards Area's low and moderate income housing set-aside funds, staff recommends that the Agency and the City Council make findings that the use of tax increment generated by the Railyards Redevelopment Project for the purpose of increasing, improving, and preserving the community's supply of low and moderate income housing outside the Railyards Area will be of benefit to the Railyards Redevelopment Project.

Election to Receive Taxes from Any Future Tax Rate Increases Imposed for the Benefit of the City

Pursuant to Community Redevelopment Law ("CRL") Section 33670, the Agency would

receive Railyards Area tax increment revenue generated by the current tax levy formula and any future increases in property tax rates. As one of the affected taxing entities in the Railyards Area, the City of Sacramento could impose a tax rate increase in the future that it does not wish to be paid to the Agency. In order for the City to receive all of the tax revenues attributable to such tax rate increases, the CRL requires the City to adopt a resolution electing to receive such tax revenues. The resolution giving the City this authority must be adopted before the Railyards Redevelopment Plan is adopted, even if the City has no plans to increase property tax rates.

Written Findings in Response to Written Objections

Redevelopment Law requires that before the City Council may adopt the Plan Adoption and Amendment, it must make written findings in response to each written objection of affected property owners or taxing entities.

Adopting Ordinances

Once all of the above resolutions are approved, the City Council may consider adoption of the Plan Adoption and Amendment by passing for publication and conducting the first of two readings of the adopting ordinances on May 6, 2008. The Railyards Redevelopment Plan and Seventh Amendment to the Richards Boulevard Redevelopment Plan would be approved upon completion of the second reading and adoption of the ordinances, scheduled for May 13, 2008. The ordinances would be effective 90 days thereafter, or on August 11, 2008.

The ordinances contain various findings based on information in the record, including the Agency's Report to the City Council. The findings would be made by the City Council as part of the Plan Adoption and Amendment. The recommended findings for the Railyards Redevelopment Plan Adoption include the following:

- The Railyards Area is a blighted area,
- Redevelopment in the Railyards Area is not economically feasible without the Agency's assistance,
- The proposed Redevelopment Plan is consistent with the City's General Plan,
- The condemnation of real property as provided for in the Redevelopment Plan is necessary for the execution of the Redevelopment Plan,
- The Agency has in place a method of relocation for displacements caused by Agency action for the Railyards Area,
- The private sector, even together with available governmental assistance, cannot eliminate blight and carry out redevelopment without the aid and assistance of the Redevelopment Agency,
- The Railyards Area is predominantly urbanized as defined by Law, and
- Time limitations proposed by the Redevelopment Plan are reasonably related to the time needed for the completion of projects in the Redevelopment Plan.

The recommended findings for the Seventh Amendment to the Richards Boulevard Redevelopment Plan include the following:

- The Seventh Amendment would provide for the continued redevelopment of the River District Project Area in conformity with Redevelopment Law and in the

- interests of the public peace, health, safety, and welfare,
- The Seventh Amendment is economically sound and feasible, and
 - The Seventh Amendment is consistent with the City's General Plan.

Attachment 1

RESOLUTION NO. 2008-_____

Adopted by the Redevelopment Agency
of the City of Sacramento

**CERTIFYING THE COMPLETION OF THE FINAL ENVIRONMENTAL
IMPACT REPORT FOR THE PROPOSED REDEVELOPMENT PLAN FOR
THE RAILYARDS REDEVELOPMENT PROJECT AND THE PROPOSED
SEVENTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE
RICHARDS BOULEVARD REDEVELOPMENT PROJECT; ADOPTING A
STATEMENT OF FINDINGS, FACTS, AND OVERRIDING CONSIDERATIONS;
AND ADOPTING A MITIGATION MONITORING PLAN**

BACKGROUND

- A. The Redevelopment Agency of the City of Sacramento (the "Agency") has prepared a proposed Redevelopment Plan (the "Railyards Plan") for the Railyards Redevelopment Project (the "Railyards Project") and a proposed Seventh Amendment (the "Richards Amendment") to the Redevelopment Plan (the "Richards Plan") for the Richards Boulevard Redevelopment Project (the "Richards Project") in accordance with the provisions of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*, the "CRL").
- B. As the Lead Agency, the Agency has prepared an Environmental Impact Report (the "EIR") on the proposed Railyards Plan and Richards Amendment pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, hereinafter referred to as "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations Section 15000 *et seq.*, hereinafter referred to as the "State CEQA Guidelines") and procedures adopted by the Agency relating to environmental evaluation.
- C. On October 25, 2007, the Agency filed a Notice of Preparation of the Draft EIR with the State Clearinghouse and transmitted the Notice of Preparation to local agencies soliciting comments on the probable effects of the adoption of the Richards Amendment and the Railyards Plan (together, the "Project") and scope of the EIR in compliance with CEQA and the State CEQA Guidelines.
- D. In accordance with CEQA and the State CEQA Guidelines, a Notice of Completion and copies of the Draft EIR were distributed to the State Clearinghouse for distribution to those state agencies which have discretionary approval or jurisdiction by law over natural resources affected by the Project and were provided to other interested persons and agencies, including the affected taxing entities. The comments of such persons and agencies were sought. An official forty-five (45) day review period was established by the State Clearinghouse, beginning on January 22, 2008, and ending on March 7, 2008.

- E. A Notice of Availability of the Draft EIR was distributed to all responsible and trustee agencies and interested groups, organizations, and individuals on January 22, 2008. The Notice of Availability stated that the Agency had completed the Draft EIR and that copies were available at the Downtown Development Group, 1030 15th Street, Suite 250, Sacramento, California 95814. The letter also indicated that the forty-five (45) day public review period for the Draft EIR would end on March 7, 2008.
- G. A public notice was placed in the Sacramento Bee on January 22, 2008, that stated that the Richards Boulevard Redevelopment Plan Amendment and the Railyards Redevelopment Plan Draft EIR was available for public review and comment and that the forty-five (45) day public review period would end on March 7, 2008.
- H. A public notice was posted with the Sacramento County Clerk/Recorder's Office on January 22, 2008, that stated that the Richards Boulevard Redevelopment Plan Amendment and the Railyards Redevelopment Plan Draft EIR was available for public review and comment and that the forty-five (45) day public review period would end on March 7, 2008.
- I. Following closure of the public comment period, the Draft EIR was revised to incorporate comments received and the Agency's responses to said comments, including additional information included in the Final EIR.
- J. The Final EIR consists of the Draft EIR, as revised and supplemented to incorporate all comments received and the responses of the Agency thereto, and is part of the Agency's Report to the City Council on the proposed Richards Amendment and Railyards Plan.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:

- Section 1. The Agency hereby certifies that the Final EIR for the Project is adequate and has been completed in compliance with CEQA, the State CEQA Guidelines, and local procedures adopted by the Agency pursuant thereto and that the Agency has reviewed and considered the information contained in the Final EIR prior to adopting this resolution. The Agency hereby finds that the Final EIR reflects the independent judgment of the Agency.
- Section 2. The Agency hereby adopts the Statement of Findings, Facts, and Overriding Considerations relating to the environmental impacts of the Project as set forth in Exhibit A attached hereto and incorporated herein by this reference (including, without limitation, the mitigation measures set forth therein). Based upon such Statement of Findings, Facts, and Overriding Considerations, the Agency hereby finds that all significant environmental effects have been eliminated or substantially lessened except for the following unavoidable adverse impacts:
 - Air Quality and Microclimate, Impact 5.2-3: Redevelopment could result in long-term operational increases in regional criteria pollutants.
 - Cultural and Historic Resources, Impact 5.4-3: Redevelopment

projects and redevelopment engendered development could result in the potential removal or destruction of historic resources.

- Cultural and Historic Resources, Impact 5.4-5 (Cumulative Impact): Redevelopment projects and redevelopment engendered development could contribute to the cumulative loss or alteration of historical resources.
- Noise and Vibration, Impact 5.7-1: Redevelopment engendered development would cause construction noise at sensitive receptors.
- Noise and Vibration, Impact 5.7-3: Redevelopment engendered development could permanently expose existing sensitive receptors to increased traffic and rail noise levels on an ongoing basis.
- Noise and Vibration, Impact 5.7-7 (Cumulative Impact): Redevelopment engendered development would contribute to cumulative increases in traffic and rail noise levels.
- Transportation and Circulation, Impact 5.9-1: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Baseline plus Initial Phase conditions.
- Transportation and Circulation, Impact 5.9-2: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Near Term (2013) conditions.
- Transportation and Circulation, Impact 5.9-3: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Long Term (2030) conditions.
- Transportation and Circulation, Impact 5.9-4: Redevelopment would assist in roadway infrastructure construction and remove barriers to build-out of the Project Areas under Long Term (2030) conditions.

Based upon the foregoing, the Agency finds and determines that the adoption of the Project will have a significant effect upon the environment, but that the benefits of the Project outweigh the unavoidable adverse impacts for the reasons set forth in the Statement of Findings, Facts, and Overriding Considerations, in particular, VIII of Exhibit A.

Section 3. The Agency hereby adopts the Mitigation Monitoring Plan set forth in Exhibit B attached hereto and incorporated herein by this reference.

Section 4. Upon approval and adoption of the Richards Amendment and the Railyards Plan by the City Council, the Secretary is hereby directed to file a Notice of Determination pursuant to the provisions of Section 21152 of CEQA and Section 15094 of the State CEQA Guidelines.

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Exhibit A: Statement of Findings, Facts, and Overriding Considerations
Exhibit B: Mitigation Monitoring Plan

Exhibit A

**STATEMENT OF FINDINGS, FACTS
AND OVERRIDING CONSIDERATIONS**

FOR

**RICHARDS BOULEVARD
REDEVELOPMENT PLAN SEVENTH AMENDMENT
AND THE RAILYARDS REDEVELOPMENT PLAN
SACRAMENTO, CALIFORNIA**

(State Clearinghouse Number 2007102112)

Prepared By:

The Ervin Consulting Group
for the
City of Sacramento
City of Sacramento, Economic Development Department
Downtown Development Group

April 2008

**STATEMENT OF FINDINGS, FACTS AND OVERRIDING CONSIDERATIONS
CONCERNING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
RICHARDS BOULEVARD REDEVELOPMENT PLAN SEVENTH AMENDMENT
AND THE RAILYARDS REDEVELOPMENT PLAN**

I. PROJECT DESCRIPTION AND BACKGROUND

The Environmental Impact Report (EIR) for the Richards Boulevard Redevelopment Plan Amendment and the Railyards Redevelopment Plan (Project), prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts that could result from adoption of the Project or alternatives to the Project.

The proposed Project is the adoption of a Seventh Amendment to the Richards Boulevard Redevelopment Plan (Richards Plan), and the adoption of a new Railyards Redevelopment Plan (Railyards Plan). The Railyards portion of the existing Richards Boulevard Project Area will be deleted from the Richards Boulevard Project Area and established as a separate redevelopment project area (Railyards Project Area). A new Redevelopment Plan will be adopted for the Railyards Redevelopment Project Area. The Richards Boulevard Redevelopment Project Area will be amended to reflect the boundary change and rename the amended project area as the River District Redevelopment Project Area (River District Project Area).

The River District Project Area would consist of approximately 1,068 acres located south of the American River, east of the Sacramento River, and just north of the Central City and the proposed Railyards Project Area, discussed below. The proposed Railyards Project Area would consist of approximately 298 acres, generally bounded by the Sacramento River on the west, North B Street on the north, and I street on the south; the eastern boundary varies between 7th Street and 12th Street. The proposed Project would not expand the land area subject to redevelopment. An approximately 2-acre parcel on the northwest corner of the Federal Courthouse Building at 5th and I Streets would be permanently removed, from any redevelopment area. This de minimis change in the Railyards Project Area does not affect the analysis of environmental impacts presented in the EIR, as the recently-built Federal Courthouse would not have been redeveloped under the existing Richards Boulevard Redevelopment Plan, nor will its use likely change during the life of the proposed Railyards Plan. The Agency would not receive any tax increment from this government-owned property, and it would not be eligible for redevelopment funds.

The principal purposes to be accomplished by establishing the Railyards Project Area as a separate and distinct redevelopment project are 1) To enable the Railyards Project Area to be developed and to provide support and assistance to that development as feasible, necessary and appropriate and 2) To protect the

remainder of the River District Project Area from the costs and other development constraints particularly affecting the Railyards Project Area.

The Richards Plan currently authorizes, and the new Railyards Plan will authorize, the following programs and activities:

- Participation in the redevelopment process by owners and occupants of properties located in the project areas, consistent with the Plans and rules adopted by the Agency
- Acquisition of real property by the Agency
- Management of property under the ownership and control of the Agency
- Relocation assistance to displaced occupants of property acquired by the Agency in the project areas
- Demolition or removal of buildings and improvements in the Project Areas
- Installation, construction, expansion, addition, or reconstruction of streets, utilities, and other public facilities and improvements
- Disposition of property by the Agency for uses in accordance with the Plans
- Redevelopment of land by private enterprise and public agencies for uses in accordance with the Plans
- Rehabilitation of structures and improvements by present owners, their successors, and the Agency
- Rehabilitation, development, or construction of low- and moderate-income housing within the Project Areas and/or the City
- Providing for the retention of controls and establishment of restrictions or covenants running with the land so that property will continue to be used in accordance with the Plans.

The proposed Amendment to the Richards Plan does not change any of the Plan's established purposes or goals. And the proposed new Railyards Plan will include purposes and goals similar to those in the Richards Plan. A new Implementation Plan will be adopted for each of the Project Areas that outlines the projects and programs identified for that Project Area.

Permitted land uses in the Project Areas are the land uses designated in the Sacramento City General Plan (General Plan), Central City Community Plan (CCCP), Richards Boulevard Area Plan (RBAP), and Railyards Specific Plan (RSP), or any other land use plan that may be adopted by the City at any point in time. The Sacramento City General Plan governs development standards for the Project Areas, both currently and as amended over time.

The following information is incorporated by reference and made part of the record supporting these findings:

- A. The Draft and Final EIR and all documents relied upon or incorporated by reference including:
1. *Amended and Restated Preliminary Plan for the Richards Boulevard Redevelopment Project, Redevelopment Agency of the City of Sacramento, July 26, 2007.*
 2. *Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December 2004.*
 3. *Central City Community Plan, City of Sacramento, adopted May 15, 1980, reflecting City Council amendments through December 2007.*
 4. *City of Sacramento General Plan, City of Sacramento, updated and adopted January 1988, as revised by City Council in 2000 and 2003.*
 5. *City of Sacramento General Plan Update Draft and Final Environmental Impact Report, City of Sacramento, Draft EIR dated March 2, 1987, and Final EIR dated September 30, 1987.*
 6. *City of Sacramento General Plan Update Technical Background Report, City of Sacramento Development Services Department, June 2005.*
 7. *City of Sacramento Municipal Code, current through Ordinance 2007-077 and the November 2007 code supplement, City of Sacramento, retrieved from <http://ordlink.com/codes/sacramento/index.htm>, accessed January 7, 2008.*
 8. *Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.*
 9. *Historic Preservation Chapter of the City Code, Title 17, Chapter 17.134, City of Sacramento, current through Ordinance 2007-049 and the code alert page, City of Sacramento, <http://www.qcode.us/codes/sacramento/>.*
 10. *Preliminary Plan for the Railyards Redevelopment Project, Redevelopment Agency of the City of Sacramento, July 26, 2007.*
 11. *Preservation Element of the City's General Plan, City of Sacramento, adopted April 25, 2000.*
 12. *Railyards Specific Plan Amendment EIR, City of Sacramento, Draft EIR dated August 2007, and Final EIR dated November 2007.*
 13. *Railyards Specific Plan/Richards Boulevard Area Plan EIR, City of Sacramento, Draft dated June 10, 1992; Draft Supplement dated June 10, 1994, and Final EIR dated October 1994.*
 14. *Railyards Specific Plan/Richards Boulevard Area Plan Mitigation Monitoring Plan, City of Sacramento, December 13, 1994.*
 15. *Richards Boulevard Redevelopment Plan Environmental Impact Report, Draft dated March 14, 1990, Final dated June 1990.*

16. *Richards Boulevard Redevelopment Plan 3rd Amendment Mitigated Negative Declaration, City of Sacramento, Downtown Development Group, July 16, 2004.*
 17. *Richards Boulevard 2005-2009 Implementation Plan, Redevelopment Agency of the City of Sacramento, 2005.*
 18. *Sacramento Railyards Specific Plan, Public Review Draft, City of Sacramento, November 1, 2007.*
 19. *Sacramento Register, City of Sacramento Listing of Landmarks, Historic Districts, and Contributing Resources, updated February 2007.*
 20. *Sacramento Urban Design Plan, Central Business District Urban Design Framework Plan, Sacramento Housing and Redevelopment Agency, adopted February 18, 1987.*
- B. The Mitigation Monitoring Plan dated April 2008 as contained in the Final EIR for the Project.
- C. Testimony, documentary evidence and all correspondence submitted or delivered to the Agency/City in connection with the Agency/City hearing on this project and associated EIR.
- D. All staff reports, memoranda, maps, letters, minutes of meetings, and other documents relied upon or prepared by Agency/City staff relating to the project including but not limited to City of Sacramento General Plan and the Draft and Final Environmental Impact Report for the City of Sacramento General Plan Update.

II. Findings Concerning Significant Impacts That Can Be Avoided

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Code of Regulations Sections 15091, 15092, and 15093, the Agency/City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen to a level of insignificance the significant or potentially significant environmental impacts listed below, as identified in the EIR.

These findings are supported by substantial evidence in the record of proceedings before the Agency/City Council as stated below.

- 1) **Impact 5.2-14: *Redevelopment-engendered construction and development could contribute to global climate change.***
(DEIR pages 5.2-44 through 5.2-47).

a. Potentially Significant Impact

Redevelopment is primarily a mechanism to engender and facilitate new development in blighted areas, and can itself reduce an area's greenhouse gas (GHG) emissions through the recycling of older, less efficient buildings into new development that can incorporate new and future technologies to reduce GHG emissions. Though the proposed Project encourages efficient, high density development that will likely decrease GHG emissions on a normalized scale, the overall cumulative effect of development in the area, left unmitigated, has the potential to result in cumulatively considerable GHG emissions.

b. Facts in Support of Finding

Redevelopment would occur in the context of City plans and initiatives to address deteriorating air quality and GHG emissions, including:

- Smart Growth Principles, incorporated into the Sacramento General Plan in 2001, which discourage urban sprawl and promote infill development, reduce vehicle emissions, and improve air quality.
- The Infill Program, which offers incentives to help achieve infill development goals.
- The Sacramento Sustainability Master Plan, based on the United Nations Environmental Accords, will integrate environmentally sustainable practices into City policies, procedures, and operations.
- A forthcoming City Building Ordinance which will adopt the LEED Green Building Rating System Silver certification standards for new buildings in Sacramento.

The Agency anticipates that various energy conservation measures, related to architectural items, mechanical and plumbing systems, electrical systems, and landscaping and irrigation, will be included in individual building designs as feasible and appropriate, consistent with City policies and ordinances.

Compliance with federal and state programs will also help to reduce the production of GHGs throughout the City, including new development in the Project Areas. For instance, California Energy Commission energy efficiency standards for buildings, appliance energy efficiency standards, diesel-engine idling restrictions, use of E6 fuel, and vehicle emission standards are directly and indirectly applicable to development in the Project Areas.

Redevelopment engendered construction and development would also comply with all feasible and applicable measures described in the 2006 California Climate Action Taskforce (CAT) Report, and the draft 2007 CAT Report, on Proposed Early Action to Mitigate Climate Change in California. Applicable measures from the CAT Report address solid waste and recycling, efficient water use, green building, solar roof and panel installations, idling diesel engines, and urban forestry.

Attorney General Strategies applicable to redevelopment in the Project Areas include alternative fuels, transportation emissions reduction, diesel anti-idling, solid waste reduction, water use efficiency, energy efficiency and renewable energy standards, lighting efficiency standards, and smart land use and intelligent transportation systems.

The City has incorporated many effective mitigation measures in the RSP Draft EIR, which applies to the majority of future development in the Railyards Project Area. Inclusion of similar measures in the revision of the RBAP currently underway will effectively mitigate GHG emissions from future development in the River District Project Area.

The significant effect listed above will thus be reduced to a less-than-significant level with the implementation of the following mitigation measures:

- 5.2-14a The City of Sacramento shall incorporate GHG reduction measures into the revision of the RBAP to reduce GHG emissions from electricity use, natural gas combustion, solid waste, and trip generation, consistent with the CAT and Attorney General's strategies, as outlined in Table 5.2-6 of the Final EIR.
- 5.2-14b The Agency shall provide development incentives for constructing LEED Silver or better buildings, and meeting other strategies outlined in the Final EIR.

2) *Impact 5.7-2: Redevelopment engendered development could permanently expose future sensitive receptors to traffic, rail, and industrial noise levels on an ongoing basis.*
(DEIR pages 5.7-21 through 5.7-23).

a. *Potentially Significant Impact*

Redevelopment engendered development could result in impacts related to exposure of future sensitive receptors to traffic noise from local and interstate traffic noise sources, and rail noise associated with freight, passenger rail, and light rail services. Redevelopment engendered development would also contribute to traffic volumes along area roadways, which would result in increases in traffic noise levels at existing sensitive receptors. New residential development consistent with adopted land use plans may also be constructed near existing industrial facilities, such as the Sims recycling facility in the River District Project Area, which generate noise levels that may affect future residential development.

b. *Facts in Support of Finding*

The City of Sacramento's exterior noise standard for common outdoor areas at residential uses is 60 dB L_{dn}. Noise from existing traffic, rail, and industrial sources

in the Project Areas already exceeds this level at certain ranges and future development in the Project Areas, consistent with land use plans, could locate sensitive receptors in proximity to these sources such that the exterior noise standard is exceeded for those receptors.

Existing noise levels in the Project Areas associated with I-5 and the Union Pacific Railroad rail alignment typically exceed 60 dB L_{dn} at distances of 150 to 500 feet from these sources. Some existing industrial noise generators also currently exceed 60 dB L_{dn} . Existing industrial sources are eligible for a variance from the exterior noise standard for their existing operations and under such a variance would be able to continue to emit noise at the same level, despite their proximity to new sensitive receptors. Future residential construction, however, will be required to meet the City's standards for interior noise levels, such that interior noise will be reduced to acceptable ranges, despite proximity to these traffic, rail, and industrial sources. Multi-family residential uses in the Project Areas would not have outdoor residential spaces that would be exposed to exterior noise levels above 60 L_{dn} . Shielded exterior recreation areas would be provided for common use where feasible. Nevertheless, existing industrial noise could be perceived as an ongoing nuisance and affect enjoyment of unshielded outdoor areas. This potentially significant effect will be reduced to a less-than-significant level with the implementation of the following mitigation measure:

5.7-2 Future buyers and tenants of residential properties located within 1000 feet of an existing industrial use shall be notified that such industrial uses may generate noise levels that are audible and may approach or exceed the City of Sacramento noise ordinance standards. A signed acknowledgement of such notification shall be included with the real estate transaction.

3) Impact 5.7-4: Redevelopment engendered development could expose sensitive receptors in the Project Areas to noise produced by on-site stationary sources.
(DEIR page 5.7-25)

a. Significant Impact

Ongoing operation of new development in the Project Areas would introduce new stationary sources such as heating, ventilation and air conditioning (HVAC) equipment, garbage pickup activity, and truck activity at residential and commercial building loading docks. Due to the possibility of stationary source noise exceeding the standards established by the Sacramento Municipal Code at nearby residential and other noise-sensitive uses, future operational stationary noise sources would be considered to have a significant impact.

b. Facts in Support of Finding

The type and the size of HVAC systems installed to service future residential, commercial, and industrial buildings within the redeveloped areas will not be known until building permit applications are submitted to the City. The potential for noise impacts from such equipment will also depend on their proximity to noise-sensitive uses, existing or proposed at the time these buildings are under development. For these reasons, the City Planning Director will evaluate the potential for noise impacts from on-site stationary sources prior to issuing building permits, to ensure that stationary source equipment design will control noise generated from any new stationary source to at least 10 dBA below existing ambient levels.

The Agency shall ensure that the following mitigation measures are implemented for all redevelopment projects in the Project Areas to reduce the significant effect listed above to a less-than-significant level:

5.7-4a Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specifications for project mechanical HVAC equipment to the Planning Director demonstrating that the equipment design (types, location, enclosure, specifications) will control noise from the equipment to at least 10 dBA below existing ambient levels at nearby residential and other noise-sensitive land uses.

5.7-4b Noise generating stationary equipment associated with proposed commercial and/or office uses, including portable generators, compressors, and compactors, shall be enclosed or acoustically shielded to reduce noise-related impacts to noise-sensitive residential uses.

4) Impact 5.7-5: Construction of redevelopment engendered development could temporarily increase levels of groundborne vibration.
(DEIR pages 5.7-26 through 5.7-27)

a. Significant Impact

Construction activities can generate ground-borne vibrations. These vibrations can pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants.

b. Facts in Support of Finding

The groundborne vibrations from pile driving associated with redevelopment engendered development is anticipated to exceed the City's threshold for structural damage, 0.5 inches per second. Therefore, the City will work to prevent potential structural damage wherever possible, by requiring pre-drilling pile holes and protective coverings or temporary shoring for historic structures. Where damage

does nevertheless occur, construction will only proceed under vibration limits established by a qualified engineer, and all damage will be repaired. The contractor responsible for any given redevelopment project shall ensure that the following measures are implemented during all phases of project construction, to reduce this potentially significant effect to a less-than-significant level:

- 5.7-5a Pile holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier.
- 5.7-5b Provide protective coverings or temporary shoring of on-site or adjacent historic features as necessary, in consultation with the City's Preservation Director.
- 5.7-5c The pre-existing condition of all buildings within a 50-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.
- 5.7-5d If fire sprinkler failures are reported in surrounding buildings to the disturbance coordinator, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided.
- 5.7-5e Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.

5) Impact 5.7-6: Redevelopment engendered development could expose new receptors to vibration on an ongoing basis.
(DEIR pages 5.7-27 through 5.7-28)

a. Significant Impact

Based on a vibration analysis that screened areas for potential vibration impacts, there are areas within each Project Area that may be subjected to disruptive levels of vibration from rail, light rail transit, and highway sources.

b. Facts in Support of Finding

Future light rail alignment and use of heavy rail lines will potentially impact residential and hotel uses. It is expected that museum and exhibit space and a performing arts facility will be located within the zone of potential vibration impact from the realigned Union Pacific Railroad tracks. Buildings will not be located within the zone of impact for I-5 traffic, however.

Actual vibration levels in areas of potential vibration impact will depend on uses, building design, site layout, construction techniques, the relocated rail alignment, construction methods for the relocated tracks, and other factors. As redevelopment will occur over a 30-year time span, details on each of these factors are currently unknown. During the design phase of individual redevelopment projects, subsequent evaluation will be needed in the areas of potential impact identified by the screening analysis, to determine the extent of vibration impacts and appropriate methods for minimizing vibration.

This potentially significant effect will be reduced to a less-than-significant level with the following mitigation measures:

- 5.7-6a The City shall work with Regional Transit to identify methods of vibration reduction that could be implemented during light rail track construction for the proposed Downtown-Natomas-Airport light rail line. Such methods could include, but would not be limited to:
- Soil densification under the tracks
 - Use of deep piles under the track bed
 - Use of tire derived aggregate below the track bed
 - Floating slab tracks
 - Use of a resiliently supported fastener system
 - Installation of a ballast mat beneath the track
- 5.7-6b A certified vibration consultant shall prepare a site-specific vibration analysis for redevelopment projects with residential uses and historic structures that are within the screening distance for freight and passenger trains or light rail trains. The analysis shall detail how the vibration levels at these receptors would meet the applicable vibration standards to avoid potential structural damage and annoyance. The results of the analysis shall be incorporated into project design.

III. Findings Concerning Significant Impacts That Cannot Be Avoided

Finding

The Agency/City Council finds that, where feasible, changes or alterations have been required in, or incorporated into, the Project which reduce significant environmental impacts identified in the EIR. However, specific economic, social, or other considerations make certain mitigation measures or project alternatives, designed to reduce the following impacts to a less-than-significant level, infeasible. This finding is supported by evidence in the record of the proceeding before the Agency/City Council including the Draft EIR and Final EIR prepared for this Project and the General Plan for the City of Sacramento and the associated EIR. All available, reasonably feasible mitigation measures identified in the EIR are employed to reduce the magnitude of the impacts, even if the impacts are not reduced to a less-than-significant level.

6) Impact 5.2-3: Redevelopment could result in long-term operational increases in regional criteria pollutants.
(DEIR pages 5.2-35 through 5.2-37)

a. Significant Impact

Redevelopment would remove barriers to growth in the Project Areas. Development consistent with full and effective use of the land under applicable Plans would generate an increase in criteria pollutants from new residential, commercial, and recreational land uses. Sacramento County is in nonattainment for ozone under both federal and state standards. The RSP/RBAP EIR and the RSP EIR determined that operational emissions resulting from build-out in the Project Areas would exceed the Sacramento Metropolitan Air Quality Control Board (SMAQMD) thresholds of 65 lbs/day for two key ozone precursors, ROG and NOx.

b. Facts in Support of Finding

Mobile sources, non-permitted stationary sources, and permitted stationary sources of emissions were considered when evaluating the potential for the Project to cause an increase in criteria pollutants, particularly ozone and ozone precursors.

For permitted stationary sources, the SMAQMD will require that new equipment meet the lowest achievable emission rate for that equipment class. As for mobile sources, commuting and on-site motor vehicles represent the greatest proportion of emission sources in the Project Areas.

As new development is proposed in the Project Areas over time, site-specific potential air quality impacts will be assessed and mitigated to the extent feasible at the project level, per SMAQMD requirements. Mixed use, transit-oriented project design will go towards meeting SMAQMD's requisite 15 percent reduction in ozone

precursor emissions for any given project. RSP EIR MM 6.1-3 provides additional emission reduction strategies, outlined in detail in the Air Quality Management Plan adopted by the City and endorsed by SMAQMD. Implementing all of the proposed emission reduction measures of MM 6.1-3 would result in a 35.65 percent reduction in emissions. However, this decrease will not reduce operational impacts to a level below the SMAQMD threshold of significance, since most emissions associated with RSP build-out are the result of vehicle trips. There are no other feasible mitigation measures available, and no mitigation measures beyond those adopted for development within the RBAP and RSP are available for this Project.

7) Impact 5.4-3: Redevelopment projects and redevelopment engendered development could result in the potential removal or destruction of historic resources.
(DEIR pages 5.4-40 through 5.4-41)

a. Significant Impact

Redevelopment activities could involve the demolition or moving of existing structures or the removal or significant alteration of site and infrastructure features over the life of the redevelopment plans. If a building subject to demolition, movement, or significant alteration represents historic resources eligible for listing in the California Register or Sacramento Register, their damage or destruction would represent a significant impact.

b. Facts in Support of Finding

Under the standards of significance for cultural and historic resources, a significant impact would occur if the Project could cause a substantial change in the significance of an historical resource or archaeological resource. Compliance with measures in the RBAP, RSP, and the City's Preservation Element and Preservation Ordinance will help preserve and protect historic resources in the Project Areas, but any loss of a listed or eligible building, or character defining features of a listed or eligible building would nevertheless be a significant impact.

The goals of the Preservation Element of the Sacramento General Plan include (1) to establish and maintain a comprehensive citywide preservation program, (2) to foster public awareness and appreciation of the City's heritage and its historic and cultural resources, and (3) to identify and protect archaeological resources that enrich the City's understanding of the early Sacramento area. The Preservation Element requires that the City regard demolition of historic resources as a last resort, to be permitted only after the City determines that the resources retain no reasonable economic use, that demolition is necessary to protect health, safety, welfare, or that demolition is necessary to proceed with a new project where the benefits of the new project outweigh the loss of the historic resource. (Goal B.8.)

The Richards Boulevard Special Planning District and the Railyards Special Planning District have been afforded preservation protection by ordinance. The City has already completed an architectural and historical property survey within the Richards Boulevard Special Planning District to identify structures within the potential North 16th Street preservation area. An application to demolish or relocate any structure identified in this survey will be subject to review by the City Preservation Director, pursuant to the Preservation Ordinance, to determine whether the structure should be nominated for listing on the official register and potentially afforded all of the protections of the Preservation Ordinance.

The RBAP includes policies for the protection of historic resources, including guidelines for proposed alterations that would preserve street facades in order to retain the character and historic value of a building. The RSP designated the Central Shops Historic District and a transition zone surrounding the District to ensure that the Central Shops are protected and new development would complement the historic buildings. Even with this mitigation, the potential remains, however, that some redevelopment could affect historic resources, which would be a significant impact.

No mitigation beyond compliance with the protective measures and mitigation identified in the RBAP, the RSP, the City Preservation Element, and the City Preservation Ordinance is available at this programmatic level.

8) *Impact 5.7-1: Redevelopment engendered development would cause construction noise at sensitive receptors*
(DEIR page 5.7-18 through 5.7-21)

a. *Significant Impact*

Construction activities related to public and private projects undertaken as a result of redevelopment in the Project Areas could result in an increase in ambient noise levels during construction. This would be a short-term significant impact.

b. *Facts in Support of Finding*

The following mitigation measures are required to reduce the intensity of impacts for the Project:

The contractor shall ensure that the following measures are implemented during all phases of construction:

- 5.7-1a Whenever construction occurs adjacent to occupied residences (on- or off-site), temporary barriers shall be constructed around the construction sites to shield the ground floor of the noise-sensitive uses. These barriers shall be of ¾ inch Medium Density Overlay plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class (STC) of STC-30, or

greater, based on certified sound transmission loss data taken according to American Society for Testing and Materials (ASTM) Test Method E90 or as approved by the City of Sacramento Building Official.

- 5.7-1b Construction activities shall comply with the City of Sacramento Noise Ordinance, which limits such activity to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, the hours of 9:00 a.m. to 6:00 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines. Exceptions to these regulations may be granted by the building inspector, consistent with the Noise Ordinance.
- 5.7-1c Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors.
- 5.7-1d Quieter “sonic” pile-drivers shall be used, unless engineering studies are submitted to the City that show this is not feasible and cost-effective, based on geotechnical considerations.
- 5.7-1e Activities that generate high noise levels, such as pile driving and the use of jackhammers, drills, and impact wrenches, shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, unless it can be proved to the satisfaction of the City that the allowance of Saturday work on certain onsite parcels (i.e., those as far from noise-sensitive uses as possible) would not have an adverse noise impact.

Implementation of the above mitigation measure would ensure maximum feasible reduction of noise impacts on receptors near construction sites by shielding construction activities and staging construction equipment away from residential uses, limiting construction hours to daytime hours, and using exhaust and intake silencers on construction equipment. The actual reduction in noise levels would depend on a number of factors, such as distance between receptor and source and the ability to block line-of-sight. These measures would reduce exposure of occupants on and off-site to the maximum extent feasible. However, due to pile driving and other noisy construction activities that cannot be substantially reduced, this impact would remain significant.

9) Impact 5.7-3: Redevelopment engendered development could permanently expose existing sensitive receptors to increased traffic and rail noise levels on an ongoing basis.

(DEIR page 5.7-23 through 5.7-25)

a. Significant Impact

Existing sensitive noise receptors include residential uses located along 7th Street, 12th Street, 16th Street, Bannon Street, and Richards Boulevard. Most of these

receptors are currently exposed to existing traffic noise from the local roads and I-5, and to noise from the nearby railroad. Increases in ambient noise associated with build-out of the Project Areas would come primarily from traffic, but there may be effects from the proposed UPRR rail alignment modifications and from the planned light rail lines when they are built.

b. Facts in Support of Finding

According to the City of Sacramento General Plan DEIR noise impact criteria, an increase of 3 dB constitutes a significant increase in noise levels. Realignment of the existing UPRR rail line would allow for higher train speeds along stretches of rail within the Railyards Project Area. The expected increase in train speeds would result in an approximately 2 dB increase in noise levels for nearby residents. Since this increase would be less than the 3 dB threshold of significance, the potential impact from the rail alignment is considered less than significant.

According to the noise analysis prepared for the Project Areas, future traffic level increases along North B Street, east of 7th Street, would result in an increase of 4 dB at existing sensitive receptor locations along North B Street and Bannon Street. Estimated changes in traffic noise levels at other receptors, that would result from a Railyards built-out, ranged from an increase of 0.3 dB to 2.3 dB, to a decrease of 0.2 dB to 0.3 dB.

Redevelopment offers several programs that could assist in mitigating increasing noise levels on existing residents, including those on North B Street and Bannon Street that would see the greatest impact from redevelopment-engendered development. Older homes with poor insulation meet eligibility for Agency programs, such as rehabilitation funding that could improve insulation and replace single-paned windows on older dwelling units. Other programs can assist those residents in transitioning land use areas, such as along Bannon Street, with relocation assistance. Local infrastructure improvements can include the construction of sound walls. These redevelopment programs and activities can reduce interior noise levels to acceptable levels for existing sensitive receptors as growth occurs in the area. However, all programs are voluntary and cannot be proven to mitigate impacts, thus long-term impacts related to noise in the Project Areas would remain significant. No mitigation beyond voluntary redevelopment programs to reduce interior noise levels is available for existing receptors.

10) Impact 5.9-1: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Baseline plus Initial Phase conditions.

(DEIR page 5.9-17 through 5.9-19)

a. Significant Impact

Adoption of the Railyards Redevelopment Plan would eliminate barriers to redevelopment in the Project Areas and allow full and effective use of the land, including RSP Initial Phase development and infrastructure improvements. Redevelopment would assist with site remediation, installation of streets, utilities, and other public facilities and infrastructure, as well as development assistance. As identified in the RSP/RBAP EIR and the RSP EIR, many, but not all traffic impacts under Baseline plus Initial Phase conditions can be mitigated to less than significant levels. In the City, a project causes a significant traffic impact when the traffic generated by the project degrades peak level of service (LOS) from A, B, or C to D, E, or F. A project also causes a significant traffic impact if the LOS without the project is D, E, or F and project generated traffic increases the average vehicle delay by five seconds or more. Where redevelopment would engender development that would cause an unacceptable level of service at Project Area intersections, the proposed Project would result in a *significant impact*.

b. Facts in Support of Finding

The transportation and circulation impacts associated with build-out of the Richards Boulevard Area Plan and the Railyards Specific Plan were analyzed in the RSP/RBAP EIR and RSP EIR. Findings of Fact and a Statement of Overriding Considerations (Findings) were adopted for each of the Specific Plan areas adopted by the City Council in connection with its certification of the RSP/RBAP EIR and the RSP EIR and adoption of the Specific Plan land uses. No additional impacts beyond those identified in the RSP/RBAP and RSP EIRs would occur as a result of the proposed Project, and the proposed Project would be consistent with the adopted Findings. The Findings outline the adopted mitigation measures identified by the City's Development Engineering Division for impacts resulting from Plan conditions. No other feasible mitigation measures are available to the Agency.

Measures to mitigate the expected increase in traffic volumes include adding lanes, adjusting signal timing, restricting parking, and requiring payment of "fair share" traffic impact fees. For seven of the eighteen impacted intersections, mitigation measures would decrease delay times to below existing levels. For many impacted intersections, further mitigation of impacts would require widening roadways, which would be inconsistent with City goals and objectives to create pedestrian-friendly streets and with Smart Growth policies. In some instances, additional widening would also create secondary impacts to adjacent properties through the acquisition of additional right of way to create new lanes.

To mitigate significant impacts resulting from Initial Phase build-out, the City will install, or cause to be installed, additional lanes and will optimize signal timing at the following intersections:

- I-5 southbound ramps & Richards Boulevard. Additional turn lanes and optimized signal timing, the level of service would improve the level of service

from LOS F to LOS C in the a.m. peak hour. Time delays would be reduced by over 50% in the p.m. peak hour, but the level of service would remain at LOS F. The City will further mitigate freeway impacts by requiring project applicants to pay a fair share contribution to fund the Downtown Natomas Airport light rail system, which will provide an alternative transportation mode.

- I-5 northbound ramps & Richards Boulevard. Additional turn lanes and optimized signal timing would improve the level of service from LOS F to LOS C in the p.m. peak hour. With mitigation, time delays in the a.m. peak hour would be decreased to approximately existing delay times and remain at LOS C. The City will further mitigate freeway impacts by requiring project applicants to pay a fair share contribution to fund the Downtown Natomas Airport light rail system, which will provide an alternative transportation mode.
- Bercut Drive & Richards Boulevard. Additional turn lanes, re-striping, and optimizing signal timing would improve the level of service from LOS D to LOS B in the a.m. peak hour. The level of service in the p.m. peak hour would only be improved to LOS E from LOS F, but delay times would be reduced by about 78%, compared to delay times without mitigation. Further mitigation would require additional widening of Richards Boulevard.
- Bercut Drive & Bannon Street. With a new traffic signal, additional turn lanes, and optimized signal timing, the level of service will be improved from LOS F to LOS D in the p.m. peak hour. The level of service would remain at LOS B in the a.m. peak hour. Further mitigation would require additional widening of Bercut Drive.

The City has included the cost of improvements to the above intersections in the Richards Boulevard Area Plan and Facility Element. Project applicants will provide “fair-share” funding for these improvements in accordance with the Railyards Financing Plan. The applicant’s fair share contribution will be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

The City will also install, or cause to be installed, additional lanes and will optimize signal timing at the following intersections:

- 7th Street & Railyards Boulevard. With an additional turn lane and optimized signal timing, the level of service would be improved from LOS F to LOS C in the p.m. peak hour and remain at LOS B in the a.m. peak hour.
- 5th Street & G Street. An additional turn lane, split signal phasing, and optimized signal timing would reduce the delay time in the p.m. peak hour, but the level of service would remain at LOS D. The level of service in the a.m. peak hour would be LOS B. Further mitigation would require additional widening of roadways.
- 6th Street & G Street. With an additional turn lane and optimized signal timing, the level of service would be improved from LOS E to LOS C in the

- a.m. peak hour. Delay times would be reduced by approximately 60% for the p.m. peak hour as compared with delay times with no mitigation, but the level of service for the p.m. peak hour would remain at LOS F. Further mitigation would require additional widening of roadways.
- 6th Street & H Street. An additional turn lane, re-striping, and optimized signal timing would reduce the delay time in the a.m. peak hour by approximately 66%, improving the level of service from LOS F to LOS D. Likewise, the delay time in the p.m. peak hour would be reduced by approximately 35%, but the level of service would remain at LOS F. Further mitigation would require additional widening of roadways.
 - 6th Street & I Street. An additional turn lane and optimized signal timing would reduce the delay time in the p.m. peak hour by approximately 88%, improving the level of service from LOS F to LOS D. The level of service in the a.m. peak hour would remain at LOS C with mitigation, compared with LOS B without the Project. Further mitigation would require additional widening of roadways.
 - 3rd Street & J Street. Additional turn lanes and optimized signal timing would reduce the delay time in the a.m. peak hour by approximately 42%, improving the level of service from LOS F to LOS D. The level of service in the p.m. peak hour would remain at LOS C. Further mitigation would require additional widening of roadways.
 - 3rd Street & L Street. Additional turn lanes and optimized signal timing would reduce the delay time in the p.m. peak hour by approximately 57%, and improve the level of service from LOS F to LOS D. The level of service in the a.m. peak hour would remain at LOS C.

Project applicants will pay a fair share toward the City traffic operations center for the re-timing and monitoring of signals at these intersections to improve vehicle progression.

The City will also optimize signal timing at the following intersections:

- 7th Street & Richards Boulevard. Overlapped signal phasing would improve the level of service from LOS D to LOS C in the a.m. peak hour; level of service would remain at LOS C in the p.m. peak hour.
- North 12th / North 16th Streets & Richards Boulevard. Optimizing signal timing in the a.m. peak hour would improve the level of service from LOS E to LOS D. Build-out in the Initial Phase would decrease the delay time in the p.m. peak hour, but level of service would remain at LOS F.
- 12th Street & North B Street. Altering the cycle lengths and optimizing signal timing in the a.m. and p.m. peak hours would improve the level of service from LOS D to LOS C in the a.m. peak hour and from LOS E to LOS D in the p.m. peak hour. Further mitigation would require widening of roadways.

- 7th Street & H Street, Optimizing signal timing in the p.m. peak hour would improve the level of service from LOS F to LOS C. The level of service would remain at LOS B in the a.m. peak hour.
- Jibboom Street & I Street. Optimizing signal timing in the p.m. peak hour would improve delay times but the level of service would remain at LOS F. Further mitigation would require widening of the elevated bridge structures. However, the RSP proposes to replace the Jibboom Street structure with an elevated connection from Bercut Drive. The level of service would remain at LOS C in the a.m. peak hour.
- 5th Street & I Street. Optimizing signal timing in the p.m. peak hour would improve the level of service from LOS D to LOS C. The level of service would remain at LOS B in the a.m. peak hour.
- 5th Street & Capitol Mall. Optimizing signal timing in the a.m. peak hour would improve the level of service from LOS D to LOS C. The level of service would remain at LOS B in the p.m. peak hour.

Project applicants will pay a fair share toward the City traffic operations center for the re-timing and monitoring of these signals to improve vehicle progression.

Even with implementation of these measures, the impacts would remain significant and no additional mitigation is available to the Agency.

11) Impact 5.9-2: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Near Term (2013) conditions.

(DEIR page 5.9-19 through 5.9-21)

a. Significant Impact

Adoption of the Railyards Redevelopment Plan would provide tools to eliminate barriers to redevelopment in the Project Areas, including RSP and General Plan anticipated 2013 development and infrastructure improvements. Redevelopment would assist with site remediation, installation of streets, utilities, and other public facilities and infrastructure, as well as development assistance. All redevelopment activities would be consistent with the City's adopted plans and policies, and the analysis in the RSP EIR. While the adopted infrastructure program has been assessed from a circulation perspective and at a programmatic level in the EIR, each individual project will require site specific environmental review during the design phase, and any additional right-of-way requirements or environmental impacts (such as trees within the right-of-way) would be determined at that time. As identified in the RSP/RBAP EIR and the RSP EIR, many, but not all traffic impacts under Near Term (2013) conditions can be mitigated to less than significant levels. Where redevelopment would engender development that would cause an

unacceptable level of service at Project Area intersections, the proposed Project would result in a *significant impact*.

b. Facts in Support of Finding

Findings of Fact and a Statement of Overriding Considerations (Findings) were adopted for each of the Specific Plan areas adopted by the Council in connection with its certification of the RSP/RBAP EIR and the RSP EIR and adoption of the Specific Plan land uses. No additional impacts beyond those identified in the RSP/RBAP and RSP EIRs would occur as a result of the proposed Project, and the proposed Project would be consistent with the adopted Findings. The Findings outline the adopted mitigation measures identified by the City's Development Engineering Division for impacts resulting from Plan conditions. No other feasible mitigation measures are available to the Redevelopment Agency.

The RSP EIR Findings outline mitigation measures for 22 intersections that will be impacted by Initial Phase development under Near Term conditions. Four of these intersections did not require mitigation measures for initial phase development under baseline conditions. Under Near Term conditions, however, impacts to three of these four intersections will be mitigated: North 10th Street & North B Street, 7th Street & F Street, and 8th Street & H Street.

The City will install a new traffic signal and optimize signal timing at North 10th Street & North B Street to improve the level of service in the p.m. peak hour from LOS F to LOS B. The City will optimize the signal timing at 7th Street & F Street and 8th Street & H Street. This will improve the level of service in the a.m. peak hour from LOS D to LOS C at 7th Street and F Street. The level of service in the p.m. peak hour at 8th Street & H Street will improve from LOS D to LOS C.

The mitigation measures noted above for Impact 5.9-1 would be supplemented by signal timing modifications and further optimization of signal timing for the following intersections: Bercut Drive & Richards Boulevard, 7th Street & Richards Boulevard, Bercut Drive & Bannon Street, 12th Street & North B Street, 7th Street & Railyards Boulevard, 5th Street & G Street, 6th Street & G Street, 6th Street & H Street, 7th Street & H Street, Jibboom Street & I Street, 5th Street & I Street, 6th Street & I Street, 3rd Street & J Street, 3rd Street & L Street, and 5th Street & Capitol Mall. With the exception of 7th Street & Railyards Boulevard, which is a proposed new intersection, and 5th Street & I Street and 5th Street & Capitol Mall, further mitigation of traffic impacts at the above intersections would require widening of roadways.

Aside from optimizing signal timing, the Agency cannot further mitigate the impacts on the Richards Boulevard intersections at the I-5 southbound off-ramp and northbound on-ramp. Further mitigation would require widening of the freeway ramps, which is within the jurisdiction of Caltrans, and not the Agency.

For 20 of the impacted intersections, individual project applicants will pay a fair share toward the City traffic operations center for the re-timing and monitoring of signals to improve vehicle progression along these impacted routes.

At the 12th Street/North 16th Street & Richards Boulevard intersection and the 16th Street & North B Street intersection, mitigating the RSP impacts would entail widening 12th Street and 16th Street, respectively. This would be inconsistent with the City goals and objectives to create pedestrian-friendly streets and with the City's Smart Growth policies. Additional widening would also create secondary impacts to adjacent properties through the acquisition of additional right of way for new lanes. Therefore, no mitigation is available to lessen traffic impacts at these intersections. Even with implementation of these measures, the impacts would remain significant and no additional mitigation is available to the Agency.

12) Impact 5.9-3: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Long Term (2030) conditions.

(DEIR page 5.9-21 through 5.9-23)

a. Significant Impact

Adoption of the Railyards Redevelopment Plan would provide tools to eliminate the barriers to redevelopment in the Project Areas, including RSP anticipated 2030 development and infrastructure improvements. Redevelopment would assist with site remediation, installation of streets, utilities, and other public facilities and infrastructure. All redevelopment activities would be consistent with the City's adopted plans and policies, and the analysis in the RSP EIR. While the adopted infrastructure program has been assessed from a circulation perspective and at a programmatic level in the EIR, each individual project will require site specific environmental review during the design phase, and any additional right-of-way requirements or environmental impacts (such as trees within the right-of-way) would be determined at that time. As identified in the RSP/RBAP EIR and the RSP EIR, many, but not all traffic impacts of the RSP Initial Phase under Long Term (2030) conditions can be mitigated to less than significant levels. Where redevelopment would engender development that would cause unacceptable level of service at Project Area intersections, the proposed Project would result in a *significant impact*.

b. Facts in Support of Finding

Findings of Fact and a Statement of Overriding Considerations (Findings) were adopted for each of the Specific Plan areas adopted by the City Council in connection with its certification of the RSP/RBAP EIR and the RSP EIR and adoption of the Specific Plan land uses. No additional impacts beyond those identified in the RSP/RBAP and RSP EIRs would occur as a result of the proposed Project, and the proposed Project would be consistent with the adopted Findings. The Findings outline the adopted mitigation measures identified by the City's

Development Engineering Division for impacts resulting from Plan conditions. No other feasible mitigation measures are available to the Redevelopment Agency.

The RSP EIR Findings outline mitigation measures for 29 intersections that will be impacted by Initial Phase development under Long Term Conditions. Seven of these intersections were not previously significantly impacted by development under Near Term or baseline conditions with Initial Phase development. The other 22 intersections were mitigated for impacts from Initial Phase development under Near Term conditions and/or baseline conditions (see Impact 5.9-1 and Impact 5.9-2, above), and the mitigation measures below represent additional mitigation.

To mitigate time delays at 19 of the 29 impacted intersections, the City will optimize signal timing or increase cycle length in the a.m. peak hour, p.m. peak hour, or both, including at the intersections below. To further mitigate time delays at 11 of these 19 intersections would require widening of roadways, which would be inconsistent with City goals and objectives to create pedestrian-friendly streets and Smart Growth policies.

- Bercut Drive & Bannon Street – to reduce delay times (though maintain level of service at LOS C in the a.m. peak hour and LOS D in the p.m. peak hour);
- 12th Street & Bannon Street – to improve level of service from LOS E to LOS D in the a.m. peak hour and from LOS F to LOS E in the p.m. peak hour;
- 16th Street & North B Street – to reduce delay times in the p.m. peak hour (maintaining LOS E) and maintain LOS A in the a.m. peak hour;
- 5th Street & Railyards Boulevard – to improve level of service from LOS F to LOS E in the p.m. peak hour and maintain LOS B in the a.m. peak hour;
- 6th Street & Railyards Boulevard – to improve level of service from LOS E to LOS C in the p.m. peak hour and maintain LOS B in the a.m. peak hour;
- 7th Street & Railyards Boulevard – to improve level of service from LOS F to LOS C in the p.m. peak hour and maintain LOS C in the a.m. peak hour;
- 5th Street & G Street – to reduce delay times in the p.m. peak hour (maintaining LOS F), though the level of service in the a.m. peak hour would be downgraded from LOS B to LOS C;
- 6th Street & G Street – to improve level of service from LOS F to LOS D in the a.m. peak hour and reduce delay times by approximately 54% in the p.m. peak hour (maintaining LOS F);
- 6th Street & H Street – to improve level of service from LOS F to LOS C in the a.m. peak hour and reduce delay times by approximately 22% in the p.m. peak hour (maintaining LOS F);
- 7th Street & H Street – to reduce delay times, though LOS F would be maintained in the p.m. peak hour;

- Jibboom Street & I Street – to improve level of service from LOS F to LOS E in the a.m. peak hour, and reduce delay times in the p.m. peak hour by approximately 20% (maintaining LOS F);
- 5th Street & I Street – to improve level of service from LOS E to LOS D in the p.m. peak hour;
- 6th Street & I Street – to reduce delay times by approximately 79% in the p.m. peak hour, though maintaining level of service at LOS F;
- 7th Street & I Street – to improve level of service from LOS E to LOS D in the p.m. peak hour;
- 3rd Street & J Street – to reduce delay times by approximately 12% in the a.m. peak hour (maintaining LOS F) and by approximately 5% in the p.m. peak hour (maintaining LOS D);
- 3rd Street & L Street – to improve level of service from LOS F to LOS D in the a.m. peak hour and reduce delay in the p.m. peak hour by approximately 65% (maintaining LOS F);
- 5th Street & Capital Mall – to improve level of service from LOS D to LOS C in the a.m. peak hour;
- 3rd Street & P Street – to improve level of service from LOS E to LOS D in the p.m. peak hour and from LOS B to LOS A in the a.m. peak hour;
- Richards Boulevard & 12th Street – to improve levels of service from LOS E to LOS D in the a.m. peak hour and from LOS D to LOS C in the p.m. peak hour.

To mitigate time delays at four of the 29 impacted intersections, the City will provide additional lanes and optimize signal timing in the a.m. peak hour, p.m. peak hour, or both, including at the intersections below. To further mitigate time delays at two of these four intersections would require widening of roadways, which would be inconsistent with City goals and objectives to create pedestrian-friendly streets and Smart Growth policies.

- 10th Street & Richards Boulevard – to improve level of service to LOS C in the a.m. and p.m. peak hours;
- Jibboom Street & Railyards Boulevard – improve level of service from LOS D to LOS B in the p.m. peak hour and maintain LOS B in the a.m. peak hour;
- Bercut Drive & Railyards Boulevard – improve level of service from LOS E to LOS D in the p.m. peak hour and maintain LOS C in the a.m. peak hour;
- 7th Street & G Street – to improve levels of service from LOS F to LOS E in the p.m. peak hour and from LOS D to LOS C in the a.m. peak hour;

The City will optimize signal timing at the I-5 southbound off-ramp intersection with Richards Boulevard in both the a.m. and the p.m. peak hours and at the I-5 northbound on-ramp intersection with Richards Boulevard in the p.m. peak hour.

Further mitigation would require widening of the freeway ramps, which is within the jurisdiction of Caltrans, and not the Agency.

The City will also optimize signal timing and add additional lanes to the four intersections below. The City has included the cost of improvement at these four intersections in its approved Richards Boulevard Area Plan and Facility Element and project applicants will provide “fair-share” funding for these improvements through payment of traffic impact fees in accordance with the Railyards Financing Plan.

- Bercut Drive & Richards Boulevard – to improve the level of service to LOS D in the p.m. peak hour;
- 5th Street & Richards Boulevard – to improve the level of service to LOS C in the a.m. peak hour and LOS D in the p.m. peak hour;
- I-5 northbound ramp & Bannon Street – to improve the level of service from LOS E to LOS D in the a.m. peak hour and from LOS D to LOS C in the p.m. peak hour
- North 5th Street & Bannon Street – to improve the level of service from LOS C to LOS B in the a.m. peak hour and from LOS D to LOS C in the p.m. peak hour.

For 25 of the impacted intersections, individual project applicants will pay a fair share toward the City traffic operations center for the re-timing and monitoring of signals to improve vehicle progression along these impacted routes.

Even with implementation of these measures, the impacts would remain significant and no additional mitigation is available to the Agency.

13) Impact 5.9-4: Redevelopment would assist in roadway infrastructure construction and remove barriers to build-out of the Project Areas under Long Term (2030) conditions.

(DEIR page 5.9-23 through 5.9-25)

a. Significant Impact

Adoption of the Railyards Redevelopment Plan would provide tools to eliminate the barriers to redevelopment in the Project Areas, including RSP and General Plan anticipated 2030 development and infrastructure improvements. Redevelopment would assist with site remediation, installation of streets, utilities, and other public facilities and infrastructure. All redevelopment activities would be consistent with the City’s adopted plans and policies, and the analysis in the RSP EIR. While the adopted infrastructure program has been assessed from a circulation perspective and at a programmatic level in the EIR, each individual project will require site specific environmental review during the design phase, and any additional right-of-way requirements or environmental impacts (such as trees within the right-of-way) would be determined at that time. As identified in the RSP/RBAP EIR and the RSP EIR, many, but not all traffic impacts under Long Term (2030) conditions can be mitigated to less than significant levels. Where redevelopment would engender

development that would cause unacceptable level of service at Project Area intersections, the proposed Project would result in a *significant impact*.

b. Facts in Support of Finding

Findings of Fact and a Statement of Overriding Considerations (Findings) were adopted for each of the Specific Plan areas adopted by the City Council in connection with its certification of the RSP/RBAP EIR and the RSP EIR and adoption of the Specific Plan land uses. No additional impacts beyond those identified in the RSP/RBAP and RSP EIRs would occur as a result of the proposed Project, and the proposed Project would be consistent with the adopted Findings. The Findings outline the adopted mitigation measures identified by the City's Development Engineering Division for impacts resulting from Plan conditions. No other feasible mitigation measures are available to the Redevelopment Agency.

The RSP EIR Findings outline mitigation measures for 32 intersections that will be impacted by full build-out under Long Term conditions. Three of these intersections were not previously significantly impacted by development under baseline, Near Term, or Long Term conditions with Initial Phase development. The other 29 intersections were mitigated for impacts from Initial Phase development under baseline, Near Term, and/or Long Term conditions (see Impacts 5.9-1, 5.9-2, 5.9-3, above), and the mitigation measures below represent additional mitigation for the potential impacts of full build-out under Long Term conditions.

The City will optimize signal timing at the I-5 southbound off-ramp intersection with Richards Boulevard in both the a.m. and the p.m. peak hours and at the I-5 northbound on-ramp intersection with Richards Boulevard in the p.m. peak hour. Further mitigation would require widening of the freeway ramps, which is within the jurisdiction of Caltrans, and not the Agency.

To mitigate time delays, the City will optimize signal timing in the a.m. peak hour, p.m. peak hour, or both at the following intersections:

- Bercut Drive & Richards Boulevard
- 5th Street & Richards Boulevard
- 10th Street & Richards Boulevard
- I-5 southbound ramps & Bannon Street
- I-5 northbound ramps & Bannon Street
- Bercut Drive & Bannon Street
- North 5th Street & Bannon Street
- 7th Street & Bannon Street
- 12th Street & Bannon Street
- 16th Street & North B Street

- Bercut Drive & Railyards Boulevard
- 6th Street & Railyards Boulevard
- 7th Street & Railyards Boulevard
- 5th Street & G Street
- 6th Street & G Street
- 7th Street & G Street
- 6th Street & H Street
- 7th Street & H Street
- 16th Street & H Street
- 3rd Street & I Street
- 6 Crocker Street & Railyards Boulevard Street & I Street
- 7th Street & I Street
- 3rd Street & J Street
- 3rd Street & L Street
- 3rd Street & P Street
- Richards Boulevard & 12th Street

Further mitigation of delays at the many of the intersections, above, would require widening of roadways, which would be inconsistent with City goals and objectives to create pedestrian-friendly street and Smart Growth policies. More specifically, the following intersections would require widening to further mitigate delays: 10th Street & Richards Boulevard, Bercut Drive & Bannon Street, 12th Street & Bannon Street, 16th Street & North B Street, 6th Street & Railyards Boulevard, 5th Street & G Street, 6th Street & G Street, 7th Street & G Street, 6th Street & H Street, 7th Street & H Street, 16th Street & H Street, 7th Street & I Street, and 3rd Street & J Street.

The City will install a traffic signal, add lanes, and optimize signal timing at the Crocker Street & Railyards Boulevard and Bercut Drive & Camille Lane intersections. This mitigation measure would improve the level of service in the p.m. peak hour from LOS E to LOS B at Crocker Street & Railyards Boulevard. The a.m. peak hour will remain at LOS B at this intersection. This mitigation will improve delay times at Bercut Drive & Camille Lane by approximately 24%, but the level of service will remain at LOS F. This intersection is located along a primary pedestrian/bicycle corridor linking the Project to the Sacramento River trail, and further mitigation of delay times would require widening the roadways. Such widening would be inconsistent with keeping this a pedestrian-friendly street.

The City will install, or cause to be installed, an additional lane at the Bercut Drive & South Park Street intersection, as well as optimize signal timing, to improve the level of service during the p.m. peak hour from LOS D to LOS C. The a.m. peak hour will remain at LOS B at this intersection.

For 30 of the impacted intersections, individual project applicants will pay a fair share toward the City traffic operations center for the re-timing and monitoring of signals to improve vehicle progression along these impacted routes.

The City did not identify any feasible mitigation measures to lessen the impact of full build-out at the Jibboom Street and I Street intersection. The existing and/or proposed elevated bridge structures would need to be widened to mitigate the impact at this intersection. The costs of such improvements cannot be justified because the RSP Plan proposes to replace the Jibboom Street structure with an elevated connection from Bercut Drive.

Even with implementation of all of the above measures, the impacts would remain significant and no additional mitigation is available to the Agency.

IV. Significant Cumulative Impacts That Cannot Be Avoided

Finding

The Agency/City Council finds that, where feasible, changes or alterations have been required in, or incorporated into, the Project which reduce significant cumulative environmental impacts identified in the EIR. However, specific economic, social, or other considerations make certain mitigation measures or project alternatives, designed to reduce the following cumulative impacts to a less-than-significant level, infeasible. This finding is supported by evidence in the record of the proceeding before the Agency/City Council including the Draft EIR and Final EIR prepared for this Project and the General Plan for the City of Sacramento and the associated EIR. All available, reasonably feasible mitigation measures identified in the EIR are employed to reduce the magnitude of the cumulative impacts, even if the cumulative impacts are not reduced to a less-than-significant level.

14) Impact 5.4-5: *Redevelopment projects and redevelopment engendered development could contribute to the cumulative loss or alteration of historical resources.*
(DEIR page 5.4-42).

a. Potentially Significant Impact

Redevelopment activities in the Project Areas have the potential to affect several historic resources including the Central Shops Historic District, the REA Building, the Sacramento Depot, and other historic resources either through the alteration of the resource itself or the surrounding environment/setting.

b. Facts in Support of Finding

Because all historical resources are unique and nonrenewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. Federal, state, and local laws protect historical resources in most instances. Even so, it is not always feasible to protect historical resources, particularly when preservation in place would frustrate implementation of projects. The proposed Project includes the potential alteration of existing buildings in the Project Areas that could cause a substantial adverse change in the significance of a historic resource, or could result in the damage or demolition of a historic resource. For this reason, the cumulative effects of development in the City of Sacramento are considered to have a potentially significant impact on historic resources. No mitigation beyond compliance with the RBAP, the RSP, the City Preservation Element, and the City Preservation Ordinance is available at this programmatic level.

15)Impact 5.7-7: Redevelopment engendered development would contribute to cumulative increases in traffic and rail noise levels.
(DEIR pages 5.7-29 through 5.7-31)

a. Significant Impact

Redevelopment engendered development would, in combination with cumulative development, increase noise levels experienced by sensitive receptors due to increased traffic (local and interstate traffic noise sources) and rail use (associated with increased freight, passenger rail, and light rail services). Such development would also contribute to future traffic volumes along area roadways, which would result in increases in traffic noise levels at off-site receptors.

b. Facts in Support of Finding

The Union Pacific Railroad track realignment will allow trains to travel at greater speeds through the Project Areas, increasing noise levels at nearby receptors. Redevelopment will also assist with the development of the Sacramento Intermodal Transportation Facility. These factors, combined with the expected increase in the level of passenger and freight train activity and the development of a high speed rail project, cumulative noise level could increase by 3 dB for nearby residential uses, a significant cumulative increase.

While the increase in traffic noise levels from the RSP build-out is not, at most receptor locations, significant under Sacramento General Plan EIR noise impact criteria, the RSP will contribute to significant increases at North B Street and Bannon Street locations within the Railyards Project Area. Blight elimination and redevelopment activities will also encourage build-out of the RBAP land uses, contributing to a cumulative significant increase in traffic noise level on Richards Boulevard east of Dos Rios Street.

The programs described under Impact 5.7-3, above, will also help to mitigate cumulative increases in traffic and rail noise. These programs can reduce interior noise levels to acceptable levels for existing sensitive receptors. However, all such programs are voluntary and cannot be proven to mitigate impacts, thus long-term impacts related to cumulative noise in the Project Areas would remain significant. No mitigation beyond voluntary redevelopment programs to reduce interior noise levels is available for existing receptors.

V. Growth-Inducing Impacts

The EIR discusses ways in which the proposed Project would foster economic and population growth, directly and indirectly, in the surrounding environment, in compliance with CEQA Guidelines section 15126.2(g).

a. Potentially Significant Impact

Growth-inducing impacts can result from development that directly or indirectly induces additional growth pressures that are more intense than what is currently planned for in general and community plans. Implementation of the Proposed Project would remove impediments to growth. However, build-out of the Project Areas would not exceed planned growth rates and would not result in substantial regional demands on public services and infrastructure. In addition, while the proposed Project would assist with major infrastructure development within the Railyards property, the Railyards is an urban infill parcel and adopted City and Regional plans and policies encourage redevelopment of existing urbanized locations such as the Project Areas to minimize growth pressures on the urban fringe. Growth-inducing impacts would be less than significant.

b. Facts in Support of Finding

A primary objective of redevelopment is to eliminate obstacles to growth. The intensification of land uses within the Project Areas would result in increased jobs and housing in areas served by existing transportation, public transit, and utility infrastructure systems. Implementation of the proposed Project would neither require extension or expansion of services to an area where none is provided, nor involve substantial improvements to existing facilities, except where those facilities are needed and/or upgraded to accommodate planned land uses. Upgrades to utilities for infill development in the Project Areas are considered improved technology/rehabilitation efforts, not a growth-inducing activity. The implementation of the proposed Project would not result in substantial new demands from housing, public services, or utilities that were not previously anticipated in adopted plans. Growth that would be induced by the elimination of blight and infrastructure constraints would reduce demands on land and infrastructure extensions in the urban fringe by allowing planned build-out of the Project Areas.

Redevelopment efforts to eliminate blight and promote economic development would encourage employment growth within the Project Areas. Additional local employment would also be generated through what is commonly referred to as the multiplier effect. Increased future development generated by resident and employee spending would ultimately result in physical development of space to accommodate those employees. The characteristics of this physical space and its specific location will determine the type and magnitude of environmental impacts of this additional economic activity.

While the proposed Project would contribute to direct, indirect, and induced growth in the area, enhancing the vitality of the Central City is a goal of the City's General Plan, the Central City Community Plan, and the RBAP and RSP, and the Regional Blueprint for the Project Areas.

VI. Findings Concerning Additional Information

Finding

The comment period for the DEIR was from January 22, 2008 to March 7, 2008. All comments received on the DEIR were fully and completely responded to in the FEIR. Following release of the FEIR, additional comments were received on the FEIR, including comments on air quality issues such as greenhouse gas emissions and toxic air contaminants (TACs). The comments received on the FEIR parallel and reiterate issues previously raised in comments on the DEIR, all of which were responded to in the FEIR. One comment brought a recent California Air Resources Board (CARB) study to the Agency's attention. However, this study and the other comments do not raise any new significant information requiring additional environmental review pursuant to Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5.

a. Facts in Support of Finding

The CARB recently published a diesel particulate matter (DPM) health risk assessment (HRA) for the West Oakland Community, addressing the health risk from multiple sources of DPM emissions in that area. An HRA for DPM emissions was conducted for the RSP EIR, using guidance from the CARB and the Sacramento Metropolitan Air Quality Management District (SMAQMD). For this HRA, a separate cancer risk analysis was performed for freeway DPM emissions and for railway DPM emissions. A qualitative analysis was also performed in the HRA for the Sacramento Intermodal Transportation Facility (SITF). There are not yet detailed plans for the SITF, so there was insufficient information to allow a more detailed evaluation of this source of DPM emissions. As the City noted in the RSP FEIR, adding the risk from all three of these DPM sources to generate a cumulative

risk would result in a substantial overestimate of risks.

Impact 5.2-5 identifies the potential for redevelopment to result in a substantial increase in exposure of sensitive receptors to TACs, including DPM emissions. (DEIR, pages 5.2-38 through 5.2-39.) Based on the HRA prepared for the RSP EIR, the Agency concluded in the EIR that the exposure of sensitive receptors to TACs through build-out of planned land uses in the Project Areas would be less than significant. The proposed Project would remove barriers to efficient in-fill development and redevelopment planned in the Project Areas, consistent with the RSP and RBAP and their approved land uses. The Project itself, however, does not change any land use already proposed and approved for the Project Areas. Therefore, this Project does not alter the potential TAC health risks associated with development in the Project Areas.

When a River District Land Use Plan is prepared, the methods used in the CARB HRA to evaluate multiple-source DPM emissions may be relevant to the air quality impact analysis conducted for this new land use plan. The proposed Project, however, does not alter land uses within the Project Areas and an additional HRA for this Project is unwarranted. To the extent that land uses are changed in the Project Areas in the future, the air quality impacts of such changes will be analyzed and addressed when changes are proposed.

VII. Project Alternatives

The Agency/City Council has considered a reasonable range of alternatives to the proposed Project and evaluated the comparative merits of each to determine whether they would avoid or substantially lessen any of the significant impacts of the Project, while feasibly attaining most of the basic objects of the Project. The Agency/City Council finds that the alternatives evaluated either have impacts identical to or more severe than the Project, do not achieve the basic objectives of the Project, or both.

1. No Project Alternative (DEIR pages 6.0-3 to 6.0-5)

Under the No Project Alternative to the Proposed Project, the Richards Boulevard Redevelopment Plan (Richards Plan) would not be amended to reduce the Richards Boulevard Redevelopment Project Area boundaries, and the Railyards Redevelopment Plan would not be created. The Richards Plan redevelopment activities would continue to support infrastructure improvements and the elimination of blight in the existing Richards Boulevard Redevelopment Project Area (Existing Project Area). Under this Alternative, resources would be shifted to the redevelopment of the Railyards and development in the Existing Project Area would occur at a slower rate than with adoption of a separate Railyards Redevelopment Plan. With this Alternative, certain conditions would be expected to remain in the Project Areas for a longer period of time, including deteriorated housing; blighted,

vacant, underutilized, and marginal commercial uses; vacant properties; and inadequate infrastructure.

Because general land use types, densities, and intensities that could be developed pursuant to the proposed Project could ultimately be developed under the existing Richards Plan, long-term environmental effects associated with the No Project Alternative, including traffic increases and noise, are considered similar to those of the proposed Project. Impacts on transportation, air quality, noise, visual resources, and the combined sewer system (CSS) could be less in the short-term, with less development occurring. However, less development in the downtown core would be inconsistent with the City's infill and Regional Blueprint policies, and would be expected to result in more urban sprawl on the suburban fringes, in turn causing greater regional transportation and air quality impacts. The No Project Alternative is considered environmentally inferior to the proposed Project because the long-term environmental impacts of the No Project Alternative could be comparable to or greater than those of the proposed Project, while remaining physical blighting conditions are likely to continue for a longer period of time, or are less likely to be eliminated at all.

Under the No Project Alternative, the tax basis would be reset at a higher level. Because less redevelopment tax-increment revenue would be available to fund public improvements and affordable housing, this Alternative would also result in a heavier burden on the City for support of the uses in the Existing Project Area. Funding options for the development of transportation infrastructure would not be available due to the longevity of these types of funding mechanisms, and traffic congestion could increase in the Downtown core. Affected taxing agencies (including the City General Fund, school districts, County, and special districts), would not realize the ancillary benefit of creating a new separate Railyards Plan as tax revenues generated by the 2006 sale of the Union Pacific properties would not be paid to these taxing entities, instead of to the Agency as tax increment revenue.

Without the creation of a separate Railyards Redevelopment Plan, the Existing Project Area would not be protected from the costs and other development constraints particularly affecting the Railyards Area. Conditions in the Railyards Area are so severe and extensive that they are anticipated to drain Richards Area redevelopment funds, leaving no resources to address additional needs in the balance of the Richards Area. Additional tax increment and bonding capacity generated by the longer life of the Railyards Plan would not be available for the necessary remediation, historic preservation, and infrastructure needs of the Railyards. Therefore, this alternative would not achieve the Project objectives.

Findings

- a) The No Project Alternative would be less likely to resolve conditions of blight in the Project Areas.

- b) The No Project Alternative would not promote the City's General Plan policies related to promoting the rehabilitation and revitalization of existing commercial centers.
- c) The No Project Alternative would be inconsistent with the City's infill and Regional Blueprint policies, in hampering development in the downtown core.
- d) The No Project Alternative would not achieve the basic goals and objectives of the Project, including housing, social, environmental, and economic goals for the Project Areas.
- e) Impacts on transportation, air quality, noise, visual resources, and the CSS could be less, in the short term under the No Project Alternative, than the potential impacts related to the proposed Project, because of less development occurring. The No Project Alternative would have greater regional transportation and air quality impacts, however.

2. *Reduced Railyards Project Area Alternative*
(DEIR pages 6.0-5 to 6.0-6)

Under this Alternative, the Railyards Project Area boundary would coincide with the Railyards Specific Plan boundary. The 244-acre Project Area would exclude the area of governmental and professional offices and the REA building that are currently in the Existing Project Area. The area east of 7th Street and within the Railyards Area boundary consists mainly of government buildings and private offices, as well as the County parking lot and jury parking lot. The area northeast of the former Railyards at the southwest quadrant of 12th and North B Streets has a long history as a site for metal salvage operations; this area would remain in the River District Project Area.

Under this Alternative, the Agency would lose its existing powers as a redevelopment agency to assemble parcels for more modern development patterns in the government offices area between 6th and 10th streets, I and F streets. Although existing development would remain, underutilized and blighted properties within this nine block area would not have access to redevelopment assistance except for affordable housing projects. Less recycling of existing properties to new uses is likely to occur, as this would be dependent upon market forces or other sources of government funding.

Because general land use types, densities, and intensities that could be developed pursuant to the proposed Project could ultimately be developed under this Alternative, long-term environmental effects associated with the Reduced Railyards Project Area Alternative, including traffic increases and noise, are considered similar to those of the proposed Project. Impacts on transportation, air quality, noise, and the CSS could be less in the short-term, as more blight remains and less development occurs. However, less development in the downtown core would be inconsistent with the City's infill and Regional Blueprint policies, and would be expected to result in more urban sprawl on the suburban fringes, causing greater

regional transportation and air quality impacts. Because less redevelopment tax-increment revenue would be available to fund public improvements and affordable housing, this alternative could also result in a heavier burden on the City for constructing infrastructure in the Railyards Project Area. The Downtown Sacramento area could remain underutilized in conflict with City and regional goals to promote infill development and reduce demand for development on the urban fringe.

Any reduction in localized traffic impacts from less development/lower densities in the downtown area would likely be offset by regional increases in traffic and air emissions as development demand was met further away from the downtown center. Such a shift is inconsistent with the City's Smart Growth Principles and the Regional Blueprint. Although project-specific impacts on historic resources, traffic, construction noise, and utilities could be reduced, long-term environmental impacts could be comparable to or greater than those of the proposed Project.

No redevelopment would occur in the Plaza Park Historic District, which would reduce the potential for impacts to listed historic resources and reduced cumulative losses of historic resources. Less development may occur close to the residential receptors in Alkali Flat, thereby reducing the potential for construction noise impacts on sensitive receptors.

With the creation of a separate Railyards Redevelopment Plan, the River District Project Area would be protected from the costs and other development constraints particularly affecting the Railyards Area, consistent with Project objectives. Although reduction of the Railyards Project Area would reduce the level of tax increment available for the Railyards property redevelopment, this alternative would generally achieve the Project objectives.

Findings

- a) This Alternative would be less effective than the Project in resolving conditions of blight in the Project Areas.
- b) This Alternative would be less effective than the Project in promoting the City's General Plan policies related to promoting the rehabilitation and revitalization of existing commercial centers.
- c) With fewer resources to eliminate barriers to development, this Alternative could restrict the development potential of the Project Area and limit the scope and scale of economic growth and downtown housing development.
- d) Marginal commercial uses, vacant properties, and inadequate infrastructure would be expected to remain in the Project Area for a longer period of time under this Alternative. During that time, these uses may continue to decline and adversely affect adjacent uses.
- e) Less quality affordable housing would be provided due to a lower level of set-aside redevelopment funds.

- f) This Alternative would be less effective than the Project in achieving the basic goals and objectives of the Project, including housing, social, environmental, and economic goals for the Project Area.

3. *Alternative Land Use Plan For The Railyards Project Area*
(DEIR pages 6.0-6 to 6.0-8)

Under California Redevelopment Law (CRL), a land use plan can be adopted for the Railyards Project Area with the adoption of the redevelopment plan, which would supersede adopted land use plans for the Project Area. Under the Alternative Land Use Plan for the Railyards Project Area, densities in the Railyards Project Area would be reduced about 30 percent in the RSP area. The boundaries of the Project Area would remain the same as those for the proposed Project. There would be no change to the proposed River District Project Area; land uses would remain consistent with those outlined in the RBAP and the Central City Community Plan.

The Alternative Land Use Plan for the Railyards Project Area would develop the same footprint as the adopted RSP; therefore, effects related to the location of development, such as potential loss of biological and cultural resources, exposure to seismic or other geologic hazards, exposure to hazardous materials, and changes to local hydrology, would be the same as for the proposed Project. This Alternative includes a mix of uses the same as the RSP, only less intense, so land use impacts, such as potential incompatibility of uses, would be the same as the proposed Project.

This Alternative represents an approximately 40 percent reduction in the amount of non-residential development, and 2,500 to 5,000 fewer residential units compared to the adopted RSP. Therefore, impacts related to the level of development of the Alternative Land Use Plan Alternative would be reduced compared to the proposed Project. Construction noise and air quality impacts of the Alternative Land Use Plan Alternative would be less than the proposed Project; however, these effects would be significant even with implementation of measures adopted for the RSP. While operational air emissions would be reduced compared to the proposed Project, the reductions would not be sufficient to reduce the operational emissions to a level below the threshold of significance. The demand for utilities (wastewater, drainage, and potable water) would be less under the Alternative Land Use Plan Alternative, because of the reduced population. The Alternative Land Use Plan Alternative would generate fewer vehicle trips than the proposed Project, so effects on traffic would be less severe. However, the Alternative Land Use Plan Alternative would still result in significant effects on local road segments, intersections, freeway on-and off-ramps, and freeway segments that would not be mitigated to a less-than-significant level.

While the local traffic and air quality effects caused by this alternative may be somewhat lower, it is reasonable to assume that the non-residential space and up to 5,000 housing units not developed under this Alternative would need to be developed somewhere else in the greater Sacramento region, most likely at a

greater distance from the downtown core, and at substantially lower densities than proposed in the Project. The resulting housing developments would be characterized by a greater dependence on automobiles, more vehicle miles traveled, and more land converted to urban uses. The net result of this type of development would be greater levels of congestion on regional roadways, higher levels of air pollutant emissions, greater consumption of land resulting in losses of farmland and/or habitat, and other effects caused by development typically considered to be sprawl.

Similar to the proposed Project, the Alternative Land Use Plan Alternative would allow the Agency to maximize its ability to implement projects that alleviate blight and foster redevelopment of both the River District and the Railyards Project Areas. The Alternative Land Use Plan Alternative would create a separate Railyards Redevelopment Plan, thus the River District (Richards Boulevard) Project Area would be protected from the costs and other development constraints particularly affecting the Railyards Area, consistent with Project objectives. The Alternative Land Use Plan Alternative would enable the Agency to assist private development to revitalize both the River District and the Railyards Project Areas, to the benefit of both areas. Reduction of the land use intensities within the Railyards Project Area would be inconsistent with the adopted RSP, however, and would reduce the level of tax increment available for the Railyards property redevelopment.

Findings

- a) The Agency would not have additional resources to use in the elimination of blight, thus this Alternative would be less effective than the Project in resolving conditions of blight in the Project Areas.
- b) This Alternative would be less effective than the Project in promoting the City's General Plan policies related to promoting the rehabilitation and revitalization of existing commercial centers.
- c) This Alternative would be less effective than the Project in achieving the basic goals and objectives of the Project, including housing, social, environmental, and economic goals for the Project Area.
- d) With fewer resources to implement projects to eliminate barriers to development, this Alternative could restrict the development potential of the Railyards Project Area and limit the scope and scale of economic growth and downtown housing development.
- e) Under this Alternative, deteriorated housing; blighted, vacant, underutilized, and marginal commercial uses; vacant properties; and inadequate infrastructure would be expected to remain in the Project Area for a longer period of time with fewer resources for redevelopment. During that time, these uses may continue to decline and adversely affect adjacent uses.

- f) The Downtown Sacramento area would likely remain underutilized in conflict with City and regional goals to promote infill development and reduce demand for development on the urban fringe.

VIII. Statement of Overriding Considerations

Pursuant to Guidelines section 15092, the Agency/City Council find that in approving the Project, the Agency/City Council have eliminated or substantially lessened all significant effects on the environment where feasible, as shown in Parts II, III, IV, and V of this Exhibit A. The Agency/City Council further find that the remaining potential significant effects on the environment are unavoidable. In balancing the economic, legal, social, technological, and other benefits of the Project against these unavoidable effects, the Agency/City Council have determined that the benefits of the Project outweigh the unavoidable adverse effects, such that the adverse effects are acceptable. The Agency/City Council make this statement of overriding considerations in support of their approval of the Project. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Agency/City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting these justifications is contained in these findings and in the administrative record:

1. The establishment of a separate and distinct redevelopment plan for the Railyards Project Area would enable redevelopment in the River District under its existing Redevelopment Plan to continue and to be more effectively carried out, protected from the potentially overwhelming needs of the Railyards Project for resources of the Agency and other governmental entities.
2. The establishment of a separate and distinct redevelopment plan for the Railyards Project Area would assist in relieving infrastructure capacity problems in downtown Sacramento and the existing Richards Project Area by spreading the fair share of costs among another area.
3. The establishment of a separate and distinct redevelopment plan for the Railyards Project Area would expedite redevelopment in the Railyards Project Area.
4. The establishment of a separate and distinct redevelopment plan for the Railyards Project Area would expedite the elimination of blighting conditions and the correction of environmental deficiencies in the Railyards Project Area, including: unsafe or unhealthy buildings; conditions that prevent or substantially hinder economically viable use of buildings or lots; incompatible land uses; subdivided lots of irregular shape and inadequate size for property usefulness; depreciated or stagnant property values or impaired investments; presence of hazardous wastes; abnormally high business vacancies; vacant lots, or abandoned buildings; substandard vehicular circulation systems;

- inadequate water, sewer, and storm drainage systems; insufficient off-street parking; and a lack of necessary neighborhood-serving commercial facilities.
5. The Project would expedite redevelopment in the River District Project Area and the Railyards Project Area, facilitating the achievement of redevelopment goals for both Project Areas, including:
 - a. Expand, preserve, and improve the community's supply of extremely low-, very low-, low- and moderate-income housing;
 - b. Strengthen the economic base of the Project Areas and the community by installing needed site improvements which will stimulate new industrial and commercial expansion, new employment and economic growth;
 - c. Promote new and continuing private sector investment within the Project Areas to prevent the loss of and to facilitate the capture of commercial sales activity;
 - d. Increase retail, industrial and commercial use in the Project Areas;
 - e. Provide public improvements and infrastructure to facilitate development, provide adequate land for parks and open spaces, and promote an overall environment for social and economic growth;
 - f. Create and develop local job opportunities and preserve the area's existing employment base.
 - g. Allow for the replanning, redesign, and development of areas which are stagnant or improperly utilized.

Exhibit B

MITIGATION MONITORING PLAN

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring Plan (MMP) is designed to aid the Redevelopment Agency of the City of Sacramento (Agency) and the City of Sacramento (City) in their implementation and monitoring of measures adopted from the Richards Boulevard Redevelopment Plan Amendment and the Railyards Redevelopment Plan Draft EIR (Proposed Project).

MITIGATION MEASURES

The mitigation measures are taken from the Richards Boulevard Redevelopment Plan Amendment and the Railyards Redevelopment Plan Draft EIR (Draft EIR) and are assigned the same number as in the Draft EIR. The Mitigation Monitoring Program (MMP) describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMP COMPONENTS

The components of each monitoring form are addressed briefly, below.

Impact

This column summarizes the significant impact stated in the Draft EIR.

Mitigation Measure

All mitigation measures that were identified in the Draft EIR are presented, and numbered accordingly.

Action

For every mitigation measure, one or more actions are described. These are the center of the MMP, as they delineate the means by which EIR mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Implementing Party

This item identifies the entity that will undertake the required action.

Timing

Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design, construction, or on an ongoing basis. The timing for each measure is identified.

Monitoring Party

The Agency is responsible for monitoring completion of mitigation measures for redevelopment projects, although the City is responsible for ensuring that most mitigation measures are successfully implemented through the land use entitlement and planning process. Within the City, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project. Occasionally, monitoring parties outside the Agency and City are identified; these parties are referred to as "Responsible Agencies" by CEQA.

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party |
|--|--|---|--|---|--|
| Impact 5.2-14 Redevelopment-engendered construction and development could contribute to global climate change | 5.2-14a The City of Sacramento shall incorporate GHG reduction measures into the revision of the RBAP to reduce GHG emissions from electricity use and natural gas combustion and solid waste, and trip generation, consistent with the CAT and Attorney General's strategies as outlined in Table 5.2-6. 5.2-14b The Redevelopment Agency shall provide development incentives for constructing LEED Silver or better buildings, and meeting other strategies outlined in Table 5.2-6. | DEIR Section 5.2 Air Quality and Microclimate a. GHG reduction measures incorporated into land use design, goals, and policies of proposed River District Specific Plan. b. Agency to provide incentives as projects are proposed for OPAs and DDAs | City of Sacramento Development Services Division | a. During River District Specific Plan development b. As projects are proposed for OPAs and DDAs | City of Sacramento Development Services Division Downtown Development Group, Economic Development Department, City of Sacramento |
| 5.7 Noise/Vibration | | | | | |
| Impact 5.7-1: Redevelopment engendered development would cause construction noise at sensitive receptors | The contractor shall ensure that the following measures are implemented during all phases of project construction: 5.7-1a Whenever construction occurs adjacent to occupied residences (on- or off-site), temporary barriers shall be constructed around the construction sites to shield the ground floor of the noise-sensitive uses. These barriers shall be of ¾ inch Medium Density Overlay plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class (STC) of STC-30, or greater, based on certified sound transmission loss data taken according to American Society for Testing and Materials (ASTM) Test Method E90 or as approved by the City of Sacramento Building Official. | Mitigation measures shall be used and monitored during construction and demolition activities The City of Sacramento will include the construction noise conditions in a project's construction permits. | Contractor City of Sacramento Building Division | Before and during construction | The Building Division shall verify compliance during construction. The Applicant shall submit a copy of construction conditions to the City Project Coordinator. |

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party |
|---|---|---|--|---|---|
| <p>Impact 5.7-2: Redevelopment engendered development could permanently expose future sensitive</p> | <p>5.7-1b Construction activities shall comply with the City of Sacramento Noise Ordinance, which limits such activity to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, the hours of 9:00 a.m. to 6:00 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines. Exceptions to these regulations may be granted by the building inspector, consistent with the Noise Ordinance.</p> <p>5.7-1c Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors.</p> <p>5.7-1d Quieter "sonic" pile-drivers shall be used, unless engineering studies are submitted to the City that show this is not feasible and cost-effective, based on geotechnical considerations.</p> <p>5.7-1e Activities that generate high noise levels, such as pile driving and the use of jackhammers, drills, and impact wrenches, shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, unless it can be proved to the satisfaction of the City that the allowance of Saturday work on certain onsite parcels (i.e., those as far from noise-sensitive uses as possible) would not have an adverse noise impact.</p> <p>5.7-2 Future buyers and tenants of residential properties located within 1000 feet of an existing industrial use shall be notified that such industrial uses may generate noise levels that are audible and may approach or exceed the City of</p> | <p>Standard notification to be conditioned for and provided to applicable development</p> | <p>Development Services Division Developer/Builder</p> | <p>During project approval and prior to issuance of occupancy permits</p> | <p>The Development Services Division. The Applicant shall submit a copy of notification to the City Project</p> |

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party |
|--|---|---|--|--|---|
| <p>receptors to traffic, rail, and industrial noise levels on an ongoing basis.</p> | <p>Sacramento noise ordinance standards. A signed acknowledgement of such notification shall be included with the real estate transaction.</p> | <p>projects by the Development Services Division. Notification included in real estate transactions</p> | | | <p>Coordinator.</p> |
| <p>Impact 5.7-4: Redevelopment engendered development could expose sensitive receptors in the Project Areas to noise produced by on-site stationary sources.</p> | <p>The Agency shall ensure that the following measures are implemented for all redevelopment projects in the Project Areas: 5.7-4a Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment to the Planning Director for project mechanical HVAC equipment to the Planning Director demonstrating that the equipment design (types, location, enclosure, specifications) will control noise from the equipment to at least 10 dBA below existing ambient at nearby residential and other noise-sensitive land uses. 5.7-4b Noise generating stationary equipment associated with proposed commercial and/or office uses, including portable generators, compressors, and compactors shall be enclosed or acoustically shielded to reduce noise-related impacts to noise-sensitive residential uses.</p> | <p>Applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment to the Planning Director. Planning Director shall approve equipment design for construction documents.</p> | <p>Developer/Contractor Planning Director</p> | <p>Prior to the issuance of building permits</p> | <p>The Building Division shall verify compliance prior to signing off on construction documents.</p> |
| <p>Impact 5.7-5: Construction of redevelopment engendered development could temporarily increase levels of groundborne vibration.</p> | <p>5.7-5a Pile holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier.</p> | <p>Mitigation measures shall be used and monitored during construction and demolition activities</p> | <p>Developer/Contractor The Applicant shall provide verification to the Building Division that the pre-existing condition of sensitive buildings has been assessed and recorded prior to the</p> | <p>Prior to construction and demolition</p> | <p>The Building Division shall verify compliance during demolition and construction. The Applicant shall submit a copy of construction conditions and</p> |

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party |
|--|--|---|---|---------------------------------------|--|
| | <p>5.7-5b Provide protective coverings or temporary shoring of on-site or adjacent historic features as necessary, in consultation with the Preservation Director.</p> <p>5.7-5c The pre-existing condition of all buildings within a 50-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.</p> <p>5.7-5d If fire sprinkler failures are reported in surrounding buildings to the disturbance coordinator, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided.</p> <p>5.7-5e Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.</p> | | <p>issuance of construction permits. The Building Division will include conditions in the project's construction permits.</p> | | <p>existing conditions report to the City Project Coordinator.</p> |
| Impact 5.7-6: Redevelopment engendered | The following mitigation measure applies to redevelopment projects within the River District near the proposed DNA | a. Document discussions with Regional Transit | a. Regional Transit City Department of | a. During DNA light rail planning and | a. City Department of Transportation Engineering |

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party |
|---|--|---|---|---|---|
| <p>development could expose new receptors to vibration on an ongoing basis.</p> | <p>light rail line: 5.7-6a The City shall work with Regional Transit to identify methods of vibration reduction that could be implemented during light rail track construction. Such methods could include, but would not be limited to:</p> <ul style="list-style-type: none"> • Soil densification under the tracks • Use of deep piles under the track bed • Use of tire derived aggregate below the track bed • Floating slab tracks • Use of a resiliently supported fastener system • Installation of a ballast mat beneath the track <p>5.7-6b A certified vibration consultant shall prepare a site-specific vibration analysis for redevelopment projects with residential uses and historic structures that are within the screening distance for freight and passenger trains or light rail trains. The analysis shall detail how the vibration levels at these receptors would meet the applicable vibration standards to avoid potential structural damage and annoyance. The results of the analysis shall be incorporated into project design.</p> | <p>regarding instituting feasible vibration reduction methods for DNA construction. b. Agency shall require vibration analysis as part of OPA or DDA approval for projects defined in measure.</p> | <p>Transportation Engineering Division b. Redevelopment Agency</p> | <p>design. b. During preparation of redevelopment project construction documents</p> | <p>Division b. Downtown Development Group, Economic Development Department, City of Sacramento</p> |

Attachment 2

RESOLUTION NO. 2008-_____

Adopted by the Redevelopment Agency
of the City of Sacramento

**FINDING THAT THE USE OF TAXES ALLOCATED FROM THE
RAILYARDS REDEVELOPMENT PROJECT FOR THE PURPOSE OF
INCREASING, IMPROVING, AND PRESERVING THE COMMUNITY'S
SUPPLY OF LOW- AND MODERATE-INCOME HOUSING OUTSIDE
THE PROJECT AREA WILL BE OF BENEFIT TO THE PROJECT**

BACKGROUND

- A. The Redevelopment Agency of the City of Sacramento (the "Agency") has prepared a proposed Redevelopment Plan (the "Railyards Plan") for the Railyards Redevelopment Project (the "Railyards Project") in accordance with the provisions of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*, the "CRL"); and
- B. If the proposed Railyards Plan is adopted, then pursuant to Article XVI, Section 16, of the California Constitution, Section 33670 *et seq.* of the CRL and the Redevelopment Plan, increases in the assessed values of the property within the Railyards Project Area above the sum of the assessed values as shown on the 2007-2008 assessment roll (the "Base Year Roll") will result in that portion of property taxes levied each year on such increases in assessed values being paid to the Agency as tax increments (the "Tax Increments") to pay the principal of and interest on loans, monies advanced to or indebtedness incurred by the Agency to finance or refinance, in whole or in part, redevelopment in accordance with the Railyards Plan; and
- C. Section 33334.2 of the CRL requires that not less than twenty percent (20%) of all Tax Increments allocated to the Agency from the Railyards Project Area (the "Housing Funds") be used by the Agency for the purposes of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable housing cost to persons and families of extremely low, very low, low or moderate income; and
- D. Section 33334.2(g) of the CRL provides that the Agency may use the Housing Funds outside the Railyards Project Area if a finding is made by the Agency and the City Council that such use will be of benefit to the Railyards Project;

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE
REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO RESOLVES AS
FOLLOWS:**

- Section 1. That the use of Housing Funds from the Railyards Project Area for the purpose of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable housing cost

to persons and families of extremely low, very low, low, or moderate income outside the Railyards Project Area will be of benefit to the Railyards Project.

Attachment 3

RESOLUTION NO. 2008-_____

Adopted by the Redevelopment Agency
of the City of Sacramento

**APPROVING THE REDEVELOPMENT PLAN FOR THE RAILYARDS
REDEVELOPMENT PROJECT, APPROVING THE SEVENTH AMENDMENT TO THE
REDEVELOPMENT PLAN FOR THE RICHARDS BOULEVARD REDEVELOPMENT
PROJECT, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE RAILYARDS
REDEVELOPMENT PLAN AND THE SEVENTH AMENDMENT, AND ADOPTING
IMPLEMENTATION PLANS FOR THE PROJECTS**

BACKGROUND

- A. The Redevelopment Agency of the City of Sacramento (the "Agency") has prepared a proposed Seventh Amendment (the "Richards Amendment") to the Redevelopment Plan (the "Richards Plan") for the Richards Boulevard Redevelopment Project (the "Richards Project") and the Agency has prepared a proposed Redevelopment Plan (the "Railyards Plan") for the Railyards Redevelopment Project (the "Railyards Project"), all in accordance with the provisions of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*, the "CRL").
- B. The Agency has transmitted the proposed Richards Amendment and the proposed Railyards Plan to the City Council of the City of Sacramento for its consideration, together with the combined Report of the Agency to the City Council on the adoption of the proposed Richards Amendment and Railyards Plan, which Report includes: (1) the reasons for the proposed actions; (2) a description of the physical and economic blighting conditions existing in the Railyards Project; (3) a description of specific projects proposed by the Agency in the Railyards Project and an explanation of how the proposed projects will alleviate the blighting conditions existing in the Railyards Project; (4) an implementation plan for the Railyards Project and an amended and restated implementation plan for the Richards Project (to be renamed the River District Redevelopment Project); (5) the proposed method of financing redevelopment of the Railyards Project, including an assessment of the economic feasibility of the Railyards Project; (6) an explanation of why the elimination of blight and redevelopment of the Railyards Project cannot be accomplished by private enterprise acting alone or through other financing alternatives other than tax increment financing; (7) a method or plan for relocation; (8) an analysis of the Preliminary Plan for the Railyards Project and the Amended and Restated Preliminary Plan for the Richards Project; (9) the Report and Recommendations of the Planning Commission of the City of Sacramento (the "Planning Commission"); (10) the Final Environmental Impact Report on the Richards Amendment and Railyards Plan; (11) a neighborhood impact report; and (12) a summary of consultations with affected taxing agencies.
- C. The Richards Amendment does two things: (1) deletes approximately 298 acres

- from within the boundaries of the Richards Project Area (the “Deleted Area”); and (2) renames the amended area the “River District Redevelopment Project.” The Deleted Area comprises the area that is proposed to be included within the new Railyards Project.
- D. The Planning Commission has reported that the Richards Amendment and the Railyards Plan each conform to the General Plan for the City of Sacramento and has recommended approval of both the Richards Amendment and the Railyards Plan.
 - E. The Agency prepared and circulated a Draft Environmental Impact Report (the “Draft EIR”) on the Richards Amendment and the Railyards Plan in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, “CEQA”), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 *et seq.*, “State CEQA Guidelines”), and environmental procedures adopted by the Agency pursuant thereto, and the Draft EIR was thereafter revised and supplemented to incorporate comments received and responses thereto, and, as so revised and supplemented, a Final Environmental Impact Report (the “Final EIR”) was prepared and certified by the Agency.
 - F. The Agency has reviewed and considered the Final EIR and has determined that, for certain significant effects identified by the Final EIR, mitigation measures and a mitigation monitoring program therefor have been adopted and mitigation measures incorporated into the Richards Amendment and/or the Railyards Plan to avoid or substantially lessen such effects.
 - G. The Agency has adopted a Statement of Overriding Considerations for the remaining significant effects identified by the Final EIR that cannot be mitigated to a level of insignificance.
 - H. The City Council and the Agency held a joint public hearing in the City Council Chambers, 915 I Street, Sacramento, California, on April 22, 2008, to consider adoption of the Richards Amendment and the Railyards Plan.
 - I. A notice of said hearing was duly and regularly published in the *Daily Recorder*, a newspaper of general circulation in the City of Sacramento, once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk.
 - J. On March 19, 2008, copies of the notice of joint public hearing were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Richards Project Area and the Railyards Project Area as shown on the last equalized assessment roll of the County of Sacramento. The mailing to assessees within the Railyards Project Area included a statement concerning the possibility of acquisition of property by the Agency by eminent domain.
 - K. On March 19, 2008, copies of the notice of joint public hearing were mailed by first-class mail to all residents and businesses within the Richards Project Area and the Railyards Project Area.
 - L. On March 19, 2008, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing entity that receives taxes from property in the Richards Project Area and the

Railyards Project Area.

- M. On March 6, 2008, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the California Department of Finance and the California Department of Housing and Community Development.
- N. The Agency has considered the Report and Recommendations of the Planning Commission, the Richards Amendment, the Railyards Plan and the Final EIR, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Richards Amendment and of the Railyards Plan.
- O. All actions required by law have been taken by all appropriate legal bodies.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:

- Section 1. The Agency hereby approves the Seventh Amendment to the Redevelopment Plan for the Richards Boulevard Redevelopment Project and recommends adoption thereof by the City Council.
- Section 2. The Agency hereby approves the proposed Redevelopment Plan for the Railyards Redevelopment Project and recommends adoption thereof by the City Council.
- Section 3. The Agency hereby approves and adopts the Amended and Restated Implementation Plan for the River District Redevelopment Project in the form set forth in the Report of the Agency to the City Council. Said Implementation Plan shall be effective immediately upon adoption by the City Council of an Ordinance approving and adopting the Richards Amendment.
- Section 4. The Agency hereby approves and adopts the Implementation Plan for the Railyards Redevelopment Project in the form set forth in the Report of the Agency to the City Council. Said Implementation Plan shall be effective immediately upon adoption by the City Council of an Ordinance approving and adopting the Railyards Plan.

Attachment 4

RESOLUTION NO. 2008-_____

Adopted by the Sacramento City Council

**ADOPTING A STATEMENT OF FINDINGS, FACTS AND
OVERRIDING CONSIDERATIONS BASED UPON CONSIDERATION
OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
PROPOSED REDEVELOPMENT PLAN FOR THE RAILYARDS
REDEVELOPMENT PROJECT AND THE PROPOSED SEVENTH
AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE
RICHARDS BOULEVARD REDEVELOPMENT PROJECT;
AND ADOPTING A MITIGATION MONITORING PLAN**

BACKGROUND

- A. The Redevelopment Agency of the City of Sacramento (the "Agency") has prepared a proposed Redevelopment Plan (the "Railyards Plan") for the Railyards Redevelopment Project (the "Railyards Project") and a proposed Seventh Amendment (the "Richards Amendment") to the Redevelopment Plan (the "Richards Plan") for the Richards Boulevard Redevelopment Project (the "Richards Project") in accordance with the provisions of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*, the "CRL").
- B. As the Lead Agency, the Agency has prepared an Environmental Impact Report (the "EIR") on the proposed Railyards Plan and Richards Amendment pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, hereinafter referred to as "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations Section 15000 *et seq.*, hereinafter referred to as the "State CEQA Guidelines") and procedures adopted by the Agency relating to environmental evaluation.
- C. On October 25, 2007, the Agency filed a Notice of Preparation of the Draft EIR with the State Clearinghouse and transmitted the Notice of Preparation to local agencies soliciting comments on the probable effects of the adoption of the Richards Amendment and the Railyards Plan (together, the "Project") and scope of the EIR in compliance with CEQA and the State CEQA Guidelines.
- D. In accordance with CEQA and the State CEQA Guidelines, a Notice of Completion and copies of the Draft EIR were distributed to the State Clearinghouse for distribution to those state agencies which have discretionary approval or jurisdiction by law over natural resources affected by the Project and were provided to other interested persons and agencies, including the affected taxing entities. The comments of such persons and agencies were sought. An official forty-five (45) day review period was established by the State Clearinghouse, beginning on January 22, 2008, and ending on March 7, 2008.

- E. A Notice of Availability of the Draft EIR was distributed to all responsible and trustee agencies and interested groups, organizations, and individuals on January 22, 2008. The Notice of Availability stated that the Agency had completed the Draft EIR and that copies were available at the Downtown Development Group, 1030 15th Street, Suite 250, Sacramento, California 95814. The letter also indicated that the forty-five (45) day public review period for the Draft EIR would end on March 7, 2008.
- G. A public notice was placed in the Sacramento Bee on January 22, 2008, that stated that the Richards Boulevard Redevelopment Plan Amendment and the Railyards Redevelopment Plan Draft EIR was available for public review and comment and that the forty-five (45) day public review period would end on March 7, 2008.
- H. A public notice was posted with the Sacramento County Clerk/Recorder's Office on January 22, 2008, that stated that the Richards Boulevard Redevelopment Plan Amendment and the Railyards Redevelopment Plan Draft EIR was available for public review and comment and that the forty-five (45) day public review period would end on March 7, 2008.
- I. Following closure of the public comment period, the Draft EIR was revised to incorporate comments received and the Agency's responses to said comments, including additional information included in the Final EIR.
- J. The Final EIR consists of the Draft EIR, as revised and supplemented to incorporate all comments received and the responses of the Agency thereto, and is part of the Agency's Report to the City Council on the proposed Richards Amendment and Railyards Plan.
- K. The City of Sacramento is a Responsible Agency, as defined in Section 21069 of the Public Resources Code, with respect to the Project.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The City Council has duly reviewed and considered the Final EIR prepared and certified by the Agency prior to adopting this resolution and acting on the Project.
- Section 2. The City Council hereby adopts the Statement of Findings, Facts, and Overriding Considerations relating to the environmental impact of the Project as set forth in Exhibit A attached hereto and incorporated herein by this reference (including, without limitation, the mitigation measures set forth therein). Based upon such Statement of Findings, Facts, and Overriding Considerations, the City Council hereby finds that all significant environmental effects have been eliminated or substantially lessened except for the following unavoidable adverse impacts:
 - Air Quality and Microclimate, Impact 5.2-3: Redevelopment could result in long-term operational increases in regional criteria pollutants.
 - Cultural and Historic Resources, Impact 5.4-3: Redevelopment projects and redevelopment engendered development could result

in the potential removal or destruction of historic resources.

- Cultural and Historic Resources, Impact 5.4-5 (Cumulative Impact): Redevelopment projects and redevelopment engendered development could contribute to the cumulative loss or alteration of historical resources.
- Noise and Vibration, Impact 5.7-1: Redevelopment engendered development would cause construction noise at sensitive receptors.
- Noise and Vibration, Impact 5.7-3: Redevelopment engendered development could permanently expose existing sensitive receptors to increased traffic and rail noise levels on an ongoing basis.
- Noise and Vibration, Impact 5.7-7 (Cumulative Impact): Redevelopment engendered development would contribute to cumulative increases in traffic and rail noise levels.
- Transportation and Circulation, Impact 5.9-1: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Baseline plus Initial Phase conditions.
- Transportation and Circulation, Impact 5.9-2: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Near Term (2013) conditions.
- Transportation and Circulation, Impact 5.9-3: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Long Term (2030) conditions.
- Transportation and Circulation, Impact 5.9-4: Redevelopment would assist in roadway infrastructure construction and remove barriers to build-out of the Project Areas under Long Term (2030) conditions.

Based upon the foregoing, the City Council finds and determines that the adoption of the Project will have a significant effect upon the environment, but that the benefits of the Project outweigh the unavoidable adverse impacts for the reasons set forth in the Statement of Findings, Facts, and Overriding Considerations, in particular, Part VIII of Exhibit A.

Section 3. The City Council hereby adopts the Mitigation Monitoring Plan set forth in Exhibit B attached hereto and incorporated herein by this reference.

Section 4. Upon approval and adoption of the Richards Amendment and the Railyards Plan by the City Council, the City Clerk is hereby directed to file a Notice of Determination pursuant to the provisions of Section 21152 of CEQA and Section 15096(i) of the State CEQA Guidelines.

Table of Contents:

Exhibit A: Statement of Findings, Facts, and Overriding Considerations
Exhibit B: Mitigation Monitoring Plan

Exhibit A

**STATEMENT OF FINDINGS, FACTS
AND OVERRIDING CONSIDERATIONS**

FOR

**RICHARDS BOULEVARD
REDEVELOPMENT PLAN SEVENTH AMENDMENT
AND THE RAILYARDS REDEVELOPMENT PLAN
SACRAMENTO, CALIFORNIA**

(State Clearinghouse Number 2007102112)

Prepared By:

The Ervin Consulting Group
for the
City of Sacramento
City of Sacramento, Economic Development Department
Downtown Development Group

April 2008

**STATEMENT OF FINDINGS, FACTS AND OVERRIDING CONSIDERATIONS
CONCERNING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
RICHARDS BOULEVARD REDEVELOPMENT PLAN SEVENTH AMENDMENT
AND THE RAILYARDS REDEVELOPMENT PLAN**

I. PROJECT DESCRIPTION AND BACKGROUND

The Environmental Impact Report (EIR) for the Richards Boulevard Redevelopment Plan Amendment and the Railyards Redevelopment Plan (Project), prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts that could result from adoption of the Project or alternatives to the Project.

The proposed Project is the adoption of a Seventh Amendment to the Richards Boulevard Redevelopment Plan (Richards Plan), and the adoption of a new Railyards Redevelopment Plan (Railyards Plan). The Railyards portion of the existing Richards Boulevard Project Area will be deleted from the Richards Boulevard Project Area and established as a separate redevelopment project area (Railyards Project Area). A new Redevelopment Plan will be adopted for the Railyards Redevelopment Project Area. The Richards Boulevard Redevelopment Project Area will be amended to reflect the boundary change and rename the amended project area as the River District Redevelopment Project Area (River District Project Area).

The River District Project Area would consist of approximately 1,068 acres located south of the American River, east of the Sacramento River, and just north of the Central City and the proposed Railyards Project Area, discussed below. The proposed Railyards Project Area would consist of approximately 298 acres, generally bounded by the Sacramento River on the west, North B Street on the north, and I street on the south; the eastern boundary varies between 7th Street and 12th Street. The proposed Project would not expand the land area subject to redevelopment. An approximately 2-acre parcel on the northwest corner of the Federal Courthouse Building at 5th and I Streets would be permanently removed, from any redevelopment area. This de minimis change in the Railyards Project Area does not affect the analysis of environmental impacts presented in the EIR, as the recently-built Federal Courthouse would not have been redeveloped under the existing Richards Boulevard Redevelopment Plan, nor will its use likely change during the life of the proposed Railyards Plan. The Agency would not receive any tax increment from this government-owned property, and it would not be eligible for redevelopment funds.

The principal purposes to be accomplished by establishing the Railyards Project Area as a separate and distinct redevelopment project are 1) To enable the Railyards Project Area to be developed and to provide support and assistance to that development as feasible, necessary and appropriate and 2) To protect the

remainder of the River District Project Area from the costs and other development constraints particularly affecting the Railyards Project Area.

The Richards Plan currently authorizes, and the new Railyards Plan will authorize, the following programs and activities:

- Participation in the redevelopment process by owners and occupants of properties located in the project areas, consistent with the Plans and rules adopted by the Agency
- Acquisition of real property by the Agency
- Management of property under the ownership and control of the Agency
- Relocation assistance to displaced occupants of property acquired by the Agency in the project areas
- Demolition or removal of buildings and improvements in the Project Areas
- Installation, construction, expansion, addition, or reconstruction of streets, utilities, and other public facilities and improvements
- Disposition of property by the Agency for uses in accordance with the Plans
- Redevelopment of land by private enterprise and public agencies for uses in accordance with the Plans
- Rehabilitation of structures and improvements by present owners, their successors, and the Agency
- Rehabilitation, development, or construction of low- and moderate-income housing within the Project Areas and/or the City
- Providing for the retention of controls and establishment of restrictions or covenants running with the land so that property will continue to be used in accordance with the Plans.

The proposed Amendment to the Richards Plan does not change any of the Plan's established purposes or goals. And the proposed new Railyards Plan will include purposes and goals similar to those in the Richards Plan. A new Implementation Plan will be adopted for each of the Project Areas that outlines the projects and programs identified for that Project Area.

Permitted land uses in the Project Areas are the land uses designated in the Sacramento City General Plan (General Plan), Central City Community Plan (CCCP), Richards Boulevard Area Plan (RBAP), and Railyards Specific Plan (RSP), or any other land use plan that may be adopted by the City at any point in time. The Sacramento City General Plan governs development standards for the Project Areas, both currently and as amended over time.

The following information is incorporated by reference and made part of the record supporting these findings:

- A. The Draft and Final EIR and all documents relied upon or incorporated by reference including:
1. *Amended and Restated Preliminary Plan for the Richards Boulevard Redevelopment Project, Redevelopment Agency of the City of Sacramento, July 26, 2007.*
 2. *Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December 2004.*
 3. *Central City Community Plan, City of Sacramento, adopted May 15, 1980, reflecting City Council amendments through December 2007.*
 4. *City of Sacramento General Plan, City of Sacramento, updated and adopted January 1988, as revised by City Council in 2000 and 2003.*
 5. *City of Sacramento General Plan Update Draft and Final Environmental Impact Report, City of Sacramento, Draft EIR dated March 2, 1987, and Final EIR dated September 30, 1987.*
 6. *City of Sacramento General Plan Update Technical Background Report, City of Sacramento Development Services Department, June 2005.*
 7. *City of Sacramento Municipal Code, current through Ordinance 2007-077 and the November 2007 code supplement, City of Sacramento, retrieved from <http://ordlink.com/codes/sacramento/index.htm>, accessed January 7, 2008.*
 8. *Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.*
 9. *Historic Preservation Chapter of the City Code, Title 17, Chapter 17.134, City of Sacramento, current through Ordinance 2007-049 and the code alert page, City of Sacramento, <http://www.qcode.us/codes/sacramento/>.*
 10. *Preliminary Plan for the Railyards Redevelopment Project, Redevelopment Agency of the City of Sacramento, July 26, 2007.*
 11. *Preservation Element of the City's General Plan, City of Sacramento, adopted April 25, 2000.*
 12. *Railyards Specific Plan Amendment EIR, City of Sacramento, Draft EIR dated August 2007, and Final EIR dated November 2007.*
 13. *Railyards Specific Plan/Richards Boulevard Area Plan EIR, City of Sacramento, Draft dated June 10, 1992; Draft Supplement dated June 10, 1994, and Final EIR dated October 1994.*
 14. *Railyards Specific Plan/Richards Boulevard Area Plan Mitigation Monitoring Plan, City of Sacramento, December 13, 1994.*
 15. *Richards Boulevard Redevelopment Plan Environmental Impact Report, Draft dated March 14, 1990, Final dated June 1990.*

16. *Richards Boulevard Redevelopment Plan 3rd Amendment Mitigated Negative Declaration, City of Sacramento, Downtown Development Group, July 16, 2004.*
 17. *Richards Boulevard 2005-2009 Implementation Plan, Redevelopment Agency of the City of Sacramento, 2005.*
 18. *Sacramento Railyards Specific Plan, Public Review Draft, City of Sacramento, November 1, 2007.*
 19. *Sacramento Register, City of Sacramento Listing of Landmarks, Historic Districts, and Contributing Resources, updated February 2007.*
 20. *Sacramento Urban Design Plan, Central Business District Urban Design Framework Plan, Sacramento Housing and Redevelopment Agency, adopted February 18, 1987.*
- B. The Mitigation Monitoring Plan dated April 2008 as contained in the Final EIR for the Project.
- C. Testimony, documentary evidence and all correspondence submitted or delivered to the Agency/City in connection with the Agency/City hearing on this project and associated EIR.
- D. All staff reports, memoranda, maps, letters, minutes of meetings, and other documents relied upon or prepared by Agency/City staff relating to the project including but not limited to City of Sacramento General Plan and the Draft and Final Environmental Impact Report for the City of Sacramento General Plan Update.

II. Findings Concerning Significant Impacts That Can Be Avoided

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Code of Regulations Sections 15091, 15092, and 15093, the Agency/City Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen to a level of insignificance the significant or potentially significant environmental impacts listed below, as identified in the EIR.

These findings are supported by substantial evidence in the record of proceedings before the Agency/City Council as stated below.

- 16) Impact 5.2-14: *Redevelopment-engendered construction and development could contribute to global climate change.***
(DEIR pages 5.2-44 through 5.2-47).

a. Potentially Significant Impact

Redevelopment is primarily a mechanism to engender and facilitate new development in blighted areas, and can itself reduce an area's greenhouse gas (GHG) emissions through the recycling of older, less efficient buildings into new development that can incorporate new and future technologies to reduce GHG emissions. Though the proposed Project encourages efficient, high density development that will likely decrease GHG emissions on a normalized scale, the overall cumulative effect of development in the area, left unmitigated, has the potential to result in cumulatively considerable GHG emissions.

b. Facts in Support of Finding

Redevelopment would occur in the context of City plans and initiatives to address deteriorating air quality and GHG emissions, including:

- Smart Growth Principles, incorporated into the Sacramento General Plan in 2001, which discourage urban sprawl and promote infill development, reduce vehicle emissions, and improve air quality.
- The Infill Program, which offers incentives to help achieve infill development goals.
- The Sacramento Sustainability Master Plan, based on the United Nations Environmental Accords, will integrate environmentally sustainable practices into City policies, procedures, and operations.
- A forthcoming City Building Ordinance which will adopt the LEED Green Building Rating System Silver certification standards for new buildings in Sacramento.

The Agency anticipates that various energy conservation measures, related to architectural items, mechanical and plumbing systems, electrical systems, and landscaping and irrigation, will be included in individual building designs as feasible and appropriate, consistent with City policies and ordinances.

Compliance with federal and state programs will also help to reduce the production of GHGs throughout the City, including new development in the Project Areas. For instance, California Energy Commission energy efficiency standards for buildings, appliance energy efficiency standards, diesel-engine idling restrictions, use of E6 fuel, and vehicle emission standards are directly and indirectly applicable to development in the Project Areas.

Redevelopment engendered construction and development would also comply with all feasible and applicable measures described in the 2006 California Climate Action Taskforce (CAT) Report, and the draft 2007 CAT Report, on Proposed Early Action to Mitigate Climate Change in California. Applicable measures from the CAT Report address solid waste and recycling, efficient water use, green building, solar roof and panel installations, idling diesel engines, and urban forestry.

Attorney General Strategies applicable to redevelopment in the Project Areas include alternative fuels, transportation emissions reduction, diesel anti-idling, solid waste reduction, water use efficiency, energy efficiency and renewable energy standards, lighting efficiency standards, and smart land use and intelligent transportation systems.

The City has incorporated many effective mitigation measures in the RSP Draft EIR, which applies to the majority of future development in the Railyards Project Area. Inclusion of similar measures in the revision of the RBAP currently underway will effectively mitigate GHG emissions from future development in the River District Project Area.

The significant effect listed above will thus be reduced to a less-than-significant level with the implementation of the following mitigation measures:

- 5.2-14a The City of Sacramento shall incorporate GHG reduction measures into the revision of the RBAP to reduce GHG emissions from electricity use, natural gas combustion, solid waste, and trip generation, consistent with the CAT and Attorney General's strategies, as outlined in Table 5.2-6 of the Final EIR.
- 5.2-14b The Agency shall provide development incentives for constructing LEED Silver or better buildings, and meeting other strategies outlined in the Final EIR.

17) Impact 5.7-2: *Redevelopment engendered development could permanently expose future sensitive receptors to traffic, rail, and industrial noise levels on an ongoing basis.*
(DEIR pages 5.7-21 through 5.7-23).

a. *Potentially Significant Impact*

Redevelopment engendered development could result in impacts related to exposure of future sensitive receptors to traffic noise from local and interstate traffic noise sources, and rail noise associated with freight, passenger rail, and light rail services. Redevelopment engendered development would also contribute to traffic volumes along area roadways, which would result in increases in traffic noise levels at existing sensitive receptors. New residential development consistent with adopted land use plans may also be constructed near existing industrial facilities, such as the Sims recycling facility in the River District Project Area, which generate noise levels that may affect future residential development.

b. *Facts in Support of Finding*

The City of Sacramento's exterior noise standard for common outdoor areas at residential uses is 60 dB L_{dn}. Noise from existing traffic, rail, and industrial sources

in the Project Areas already exceeds this level at certain ranges and future development in the Project Areas, consistent with land use plans, could locate sensitive receptors in proximity to these sources such that the exterior noise standard is exceeded for those receptors.

Existing noise levels in the Project Areas associated with I-5 and the Union Pacific Railroad rail alignment typically exceed 60 dB L_{dn} at distances of 150 to 500 feet from these sources. Some existing industrial noise generators also currently exceed 60 dB L_{dn} . Existing industrial sources are eligible for a variance from the exterior noise standard for their existing operations and under such a variance would be able to continue to emit noise at the same level, despite their proximity to new sensitive receptors. Future residential construction, however, will be required to meet the City's standards for interior noise levels, such that interior noise will be reduced to acceptable ranges, despite proximity to these traffic, rail, and industrial sources. Multi-family residential uses in the Project Areas would not have outdoor residential spaces that would be exposed to exterior noise levels above 60 L_{dn} . Shielded exterior recreation areas would be provided for common use where feasible. Nevertheless, existing industrial noise could be perceived as an ongoing nuisance and affect enjoyment of unshielded outdoor areas. This potentially significant effect will be reduced to a less-than-significant level with the implementation of the following mitigation measure:

- 5.7-2 Future buyers and tenants of residential properties located within 1000 feet of an existing industrial use shall be notified that such industrial uses may generate noise levels that are audible and may approach or exceed the City of Sacramento noise ordinance standards. A signed acknowledgement of such notification shall be included with the real estate transaction.

18)Impact 5.7-4: Redevelopment engendered development could expose sensitive receptors in the Project Areas to noise produced by on-site stationary sources.
(DEIR page 5.7-25)

a. Significant Impact

Ongoing operation of new development in the Project Areas would introduce new stationary sources such as heating, ventilation and air conditioning (HVAC) equipment, garbage pickup activity, and truck activity at residential and commercial building loading docks. Due to the possibility of stationary source noise exceeding the standards established by the Sacramento Municipal Code at nearby residential and other noise-sensitive uses, future operational stationary noise sources would be considered to have a significant impact.

b. Facts in Support of Finding

The type and the size of HVAC systems installed to service future residential, commercial, and industrial buildings within the redeveloped areas will not be known until building permit applications are submitted to the City. The potential for noise impacts from such equipment will also depend on their proximity to noise-sensitive uses, existing or proposed at the time these buildings are under development. For these reasons, the City Planning Director will evaluate the potential for noise impacts from on-site stationary sources prior to issuing building permits, to ensure that stationary source equipment design will control noise generated from any new stationary source to at least 10 dBA below existing ambient levels.

The Agency shall ensure that the following mitigation measures are implemented for all redevelopment projects in the Project Areas to reduce the significant effect listed above to a less-than-significant level:

5.7-4a Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specifications for project mechanical HVAC equipment to the Planning Director demonstrating that the equipment design (types, location, enclosure, specifications) will control noise from the equipment to at least 10 dBA below existing ambient levels at nearby residential and other noise-sensitive land uses.

5.7-4b Noise generating stationary equipment associated with proposed commercial and/or office uses, including portable generators, compressors, and compactors, shall be enclosed or acoustically shielded to reduce noise-related impacts to noise-sensitive residential uses.

19) Impact 5.7-5: Construction of redevelopment engendered development could temporarily increase levels of groundborne vibration.
(DEIR pages 5.7-26 through 5.7-27)

a. Significant Impact

Construction activities can generate ground-borne vibrations. These vibrations can pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants.

b. Facts in Support of Finding

The groundborne vibrations from pile driving associated with redevelopment engendered development is anticipated to exceed the City's threshold for structural damage, 0.5 inches per second. Therefore, the City will work to prevent potential structural damage wherever possible, by requiring pre-drilling pile holes and protective coverings or temporary shoring for historic structures. Where damage

does nevertheless occur, construction will only proceed under vibration limits established by a qualified engineer, and all damage will be repaired. The contractor responsible for any given redevelopment project shall ensure that the following measures are implemented during all phases of project construction, to reduce this potentially significant effect to a less-than-significant level:

- 5.7-5a Pile holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier.
- 5.7-5b Provide protective coverings or temporary shoring of on-site or adjacent historic features as necessary, in consultation with the City's Preservation Director.
- 5.7-5c The pre-existing condition of all buildings within a 50-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.
- 5.7-5d If fire sprinkler failures are reported in surrounding buildings to the disturbance coordinator, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided.
- 5.7-5e Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.

20) Impact 5.7-6: Redevelopment engendered development could expose new receptors to vibration on an ongoing basis.
(DEIR pages 5.7-27 through 5.7-28)

a. Significant Impact

Based on a vibration analysis that screened areas for potential vibration impacts, there are areas within each Project Area that may be subjected to disruptive levels of vibration from rail, light rail transit, and highway sources.

b. Facts in Support of Finding

Future light rail alignment and use of heavy rail lines will potentially impact residential and hotel uses. It is expected that museum and exhibit space and a performing arts facility will be located within the zone of potential vibration impact from the realigned Union Pacific Railroad tracks. Buildings will not be located within the zone of impact for I-5 traffic, however.

Actual vibration levels in areas of potential vibration impact will depend on uses, building design, site layout, construction techniques, the relocated rail alignment, construction methods for the relocated tracks, and other factors. As redevelopment will occur over a 30-year time span, details on each of these factors are currently unknown. During the design phase of individual redevelopment projects, subsequent evaluation will be needed in the areas of potential impact identified by the screening analysis, to determine the extent of vibration impacts and appropriate methods for minimizing vibration.

This potentially significant effect will be reduced to a less-than-significant level with the following mitigation measures:

- 5.7-6a The City shall work with Regional Transit to identify methods of vibration reduction that could be implemented during light rail track construction for the proposed Downtown-Natomas-Airport light rail line. Such methods could include, but would not be limited to:
- Soil densification under the tracks
 - Use of deep piles under the track bed
 - Use of tire derived aggregate below the track bed
 - Floating slab tracks
 - Use of a resiliently supported fastener system
 - Installation of a ballast mat beneath the track
- 5.7-6b A certified vibration consultant shall prepare a site-specific vibration analysis for redevelopment projects with residential uses and historic structures that are within the screening distance for freight and passenger trains or light rail trains. The analysis shall detail how the vibration levels at these receptors would meet the applicable vibration standards to avoid potential structural damage and annoyance. The results of the analysis shall be incorporated into project design.

III. Findings Concerning Significant Impacts That Cannot Be Avoided

Finding

The Agency/City Council finds that, where feasible, changes or alterations have been required in, or incorporated into, the Project which reduce significant environmental impacts identified in the EIR. However, specific economic, social, or other considerations make certain mitigation measures or project alternatives, designed to reduce the following impacts to a less-than-significant level, infeasible. This finding is supported by evidence in the record of the proceeding before the Agency/City Council including the Draft EIR and Final EIR prepared for this Project and the General Plan for the City of Sacramento and the associated EIR. All available, reasonably feasible mitigation measures identified in the EIR are employed to reduce the magnitude of the impacts, even if the impacts are not reduced to a less-than-significant level.

21) Impact 5.2-3: Redevelopment could result in long-term operational increases in regional criteria pollutants.
(DEIR pages 5.2-35 through 5.2-37)

a. Significant Impact

Redevelopment would remove barriers to growth in the Project Areas. Development consistent with full and effective use of the land under applicable Plans would generate an increase in criteria pollutants from new residential, commercial, and recreational land uses. Sacramento County is in nonattainment for ozone under both federal and state standards. The RSP/RBAP EIR and the RSP EIR determined that operational emissions resulting from build-out in the Project Areas would exceed the Sacramento Metropolitan Air Quality Control Board (SMAQMD) thresholds of 65 lbs/day for two key ozone precursors, ROG and NOx.

b. Facts in Support of Finding

Mobile sources, non-permitted stationary sources, and permitted stationary sources of emissions were considered when evaluating the potential for the Project to cause an increase in criteria pollutants, particularly ozone and ozone precursors.

For permitted stationary sources, the SMAQMD will require that new equipment meet the lowest achievable emission rate for that equipment class. As for mobile sources, commuting and on-site motor vehicles represent the greatest proportion of emission sources in the Project Areas.

As new development is proposed in the Project Areas over time, site-specific potential air quality impacts will be assessed and mitigated to the extent feasible at the project level, per SMAQMD requirements. Mixed use, transit-oriented project design will go towards meeting SMAQMD's requisite 15 percent reduction in ozone

precursor emissions for any given project. RSP EIR MM 6.1-3 provides additional emission reduction strategies, outlined in detail in the Air Quality Management Plan adopted by the City and endorsed by SMAQMD. Implementing all of the proposed emission reduction measures of MM 6.1-3 would result in a 35.65 percent reduction in emissions. However, this decrease will not reduce operational impacts to a level below the SMAQMD threshold of significance, since most emissions associated with RSP build-out are the result of vehicle trips. There are no other feasible mitigation measures available, and no mitigation measures beyond those adopted for development within the RBAP and RSP are available for this Project.

22) Impact 5.4-3: Redevelopment projects and redevelopment engendered development could result in the potential removal or destruction of historic resources.
(DEIR pages 5.4-40 through 5.4-41)

a. Significant Impact

Redevelopment activities could involve the demolition or moving of existing structures or the removal or significant alteration of site and infrastructure features over the life of the redevelopment plans. If a building subject to demolition, movement, or significant alteration represents historic resources eligible for listing in the California Register or Sacramento Register, their damage or destruction would represent a significant impact.

b. Facts in Support of Finding

Under the standards of significance for cultural and historic resources, a significant impact would occur if the Project could cause a substantial change in the significance of an historical resource or archaeological resource. Compliance with measures in the RBAP, RSP, and the City's Preservation Element and Preservation Ordinance will help preserve and protect historic resources in the Project Areas, but any loss of a listed or eligible building, or character defining features of a listed or eligible building would nevertheless be a significant impact.

The goals of the Preservation Element of the Sacramento General Plan include (1) to establish and maintain a comprehensive citywide preservation program, (2) to foster public awareness and appreciation of the City's heritage and its historic and cultural resources, and (3) to identify and protect archaeological resources that enrich the City's understanding of the early Sacramento area. The Preservation Element requires that the City regard demolition of historic resources as a last resort, to be permitted only after the City determines that the resources retain no reasonable economic use, that demolition is necessary to protect health, safety, welfare, or that demolition is necessary to proceed with a new project where the benefits of the new project outweigh the loss of the historic resource. (Goal B.8.)

The Richards Boulevard Special Planning District and the Railyards Special Planning District have been afforded preservation protection by ordinance. The City has already completed an architectural and historical property survey within the Richards Boulevard Special Planning District to identify structures within the potential North 16th Street preservation area. An application to demolish or relocate any structure identified in this survey will be subject to review by the City Preservation Director, pursuant to the Preservation Ordinance, to determine whether the structure should be nominated for listing on the official register and potentially afforded all of the protections of the Preservation Ordinance.

The RBAP includes policies for the protection of historic resources, including guidelines for proposed alterations that would preserve street facades in order to retain the character and historic value of a building. The RSP designated the Central Shops Historic District and a transition zone surrounding the District to ensure that the Central Shops are protected and new development would complement the historic buildings. Even with this mitigation, the potential remains, however, that some redevelopment could affect historic resources, which would be a significant impact.

No mitigation beyond compliance with the protective measures and mitigation identified in the RBAP, the RSP, the City Preservation Element, and the City Preservation Ordinance is available at this programmatic level.

23) Impact 5.7-1: Redevelopment engendered development would cause construction noise at sensitive receptors
(DEIR page 5.7-18 through 5.7-21)

a. Significant Impact

Construction activities related to public and private projects undertaken as a result of redevelopment in the Project Areas could result in an increase in ambient noise levels during construction. This would be a short-term significant impact.

b. Facts in Support of Finding

The following mitigation measures are required to reduce the intensity of impacts for the Project:

The contractor shall ensure that the following measures are implemented during all phases of construction:

- 5.7-1a Whenever construction occurs adjacent to occupied residences (on- or off-site), temporary barriers shall be constructed around the construction sites to shield the ground floor of the noise-sensitive uses. These barriers shall be of 3/4 inch Medium Density Overlay plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class (STC) of STC-30, or

greater, based on certified sound transmission loss data taken according to American Society for Testing and Materials (ASTM) Test Method E90 or as approved by the City of Sacramento Building Official.

- 5.7-1b Construction activities shall comply with the City of Sacramento Noise Ordinance, which limits such activity to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, the hours of 9:00 a.m. to 6:00 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines. Exceptions to these regulations may be granted by the building inspector, consistent with the Noise Ordinance.
- 5.7-1c Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors.
- 5.7-1d Quieter “sonic” pile-drivers shall be used, unless engineering studies are submitted to the City that show this is not feasible and cost-effective, based on geotechnical considerations.
- 5.7-1e Activities that generate high noise levels, such as pile driving and the use of jackhammers, drills, and impact wrenches, shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, unless it can be proved to the satisfaction of the City that the allowance of Saturday work on certain onsite parcels (i.e., those as far from noise-sensitive uses as possible) would not have an adverse noise impact.

Implementation of the above mitigation measure would ensure maximum feasible reduction of noise impacts on receptors near construction sites by shielding construction activities and staging construction equipment away from residential uses, limiting construction hours to daytime hours, and using exhaust and intake silencers on construction equipment. The actual reduction in noise levels would depend on a number of factors, such as distance between receptor and source and the ability to block line-of-sight. These measures would reduce exposure of occupants on and off-site to the maximum extent feasible. However, due to pile driving and other noisy construction activities that cannot be substantially reduced, this impact would remain significant.

24) Impact 5.7-3: Redevelopment engendered development could permanently expose existing sensitive receptors to increased traffic and rail noise levels on an ongoing basis.

(DEIR page 5.7-23 through 5.7-25)

a. Significant Impact

Existing sensitive noise receptors include residential uses located along 7th Street, 12th Street, 16th Street, Bannon Street, and Richards Boulevard. Most of these

receptors are currently exposed to existing traffic noise from the local roads and I-5, and to noise from the nearby railroad. Increases in ambient noise associated with build-out of the Project Areas would come primarily from traffic, but there may be effects from the proposed UPRR rail alignment modifications and from the planned light rail lines when they are built.

b. Facts in Support of Finding

According to the City of Sacramento General Plan DEIR noise impact criteria, an increase of 3 dB constitutes a significant increase in noise levels. Realignment of the existing UPRR rail line would allow for higher train speeds along stretches of rail within the Railyards Project Area. The expected increase in train speeds would result in an approximately 2 dB increase in noise levels for nearby residents. Since this increase would be less than the 3 dB threshold of significance, the potential impact from the rail alignment is considered less than significant.

According to the noise analysis prepared for the Project Areas, future traffic level increases along North B Street, east of 7th Street, would result in an increase of 4 dB at existing sensitive receptor locations along North B Street and Bannon Street. Estimated changes in traffic noise levels at other receptors, that would result from a Railyards built-out, ranged from an increase of 0.3 dB to 2.3 dB, to a decrease of 0.2 dB to 0.3 dB.

Redevelopment offers several programs that could assist in mitigating increasing noise levels on existing residents, including those on North B Street and Bannon Street that would see the greatest impact from redevelopment-engendered development. Older homes with poor insulation meet eligibility for Agency programs, such as rehabilitation funding that could improve insulation and replace single-paned windows on older dwelling units. Other programs can assist those residents in transitioning land use areas, such as along Bannon Street, with relocation assistance. Local infrastructure improvements can include the construction of sound walls. These redevelopment programs and activities can reduce interior noise levels to acceptable levels for existing sensitive receptors as growth occurs in the area. However, all programs are voluntary and cannot be proven to mitigate impacts, thus long-term impacts related to noise in the Project Areas would remain significant. No mitigation beyond voluntary redevelopment programs to reduce interior noise levels is available for existing receptors.

25) Impact 5.9-1: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Baseline plus Initial Phase conditions.

(DEIR page 5.9-17 through 5.9-19)

a. Significant Impact

Adoption of the Railyards Redevelopment Plan would eliminate barriers to redevelopment in the Project Areas and allow full and effective use of the land, including RSP Initial Phase development and infrastructure improvements. Redevelopment would assist with site remediation, installation of streets, utilities, and other public facilities and infrastructure, as well as development assistance. As identified in the RSP/RBAP EIR and the RSP EIR, many, but not all traffic impacts under Baseline plus Initial Phase conditions can be mitigated to less than significant levels. In the City, a project causes a significant traffic impact when the traffic generated by the project degrades peak level of service (LOS) from A, B, or C to D, E, or F. A project also causes a significant traffic impact if the LOS without the project is D, E, or F and project generated traffic increases the average vehicle delay by five seconds or more. Where redevelopment would engender development that would cause an unacceptable level of service at Project Area intersections, the proposed Project would result in a *significant impact*.

b. Facts in Support of Finding

The transportation and circulation impacts associated with build-out of the Richards Boulevard Area Plan and the Railyards Specific Plan were analyzed in the RSP/RBAP EIR and RSP EIR. Findings of Fact and a Statement of Overriding Considerations (Findings) were adopted for each of the Specific Plan areas adopted by the City Council in connection with its certification of the RSP/RBAP EIR and the RSP EIR and adoption of the Specific Plan land uses. No additional impacts beyond those identified in the RSP/RBAP and RSP EIRs would occur as a result of the proposed Project, and the proposed Project would be consistent with the adopted Findings. The Findings outline the adopted mitigation measures identified by the City's Development Engineering Division for impacts resulting from Plan conditions. No other feasible mitigation measures are available to the Agency.

Measures to mitigate the expected increase in traffic volumes include adding lanes, adjusting signal timing, restricting parking, and requiring payment of "fair share" traffic impact fees. For seven of the eighteen impacted intersections, mitigation measures would decrease delay times to below existing levels. For many impacted intersections, further mitigation of impacts would require widening roadways, which would be inconsistent with City goals and objectives to create pedestrian-friendly streets and with Smart Growth policies. In some instances, additional widening would also create secondary impacts to adjacent properties through the acquisition of additional right of way to create new lanes.

To mitigate significant impacts resulting from Initial Phase build-out, the City will install, or cause to be installed, additional lanes and will optimize signal timing at the following intersections:

- I-5 southbound ramps & Richards Boulevard. Additional turn lanes and optimized signal timing, the level of service would improve the level of service

- from LOS F to LOS C in the a.m. peak hour. Time delays would be reduced by over 50% in the p.m. peak hour, but the level of service would remain at LOS F. The City will further mitigate freeway impacts by requiring project applicants to pay a fair share contribution to fund the Downtown Natomas Airport light rail system, which will provide an alternative transportation mode.
- I-5 northbound ramps & Richards Boulevard. Additional turn lanes and optimized signal timing would improve the level of service from LOS F to LOS C in the p.m. peak hour. With mitigation, time delays in the a.m. peak hour would be decreased to approximately existing delay times and remain at LOS C. The City will further mitigate freeway impacts by requiring project applicants to pay a fair share contribution to fund the Downtown Natomas Airport light rail system, which will provide an alternative transportation mode.
 - Bercut Drive & Richards Boulevard. Additional turn lanes, re-striping, and optimizing signal timing would improve the level of service from LOS D to LOS B in the a.m. peak hour. The level of service in the p.m. peak hour would only be improved to LOS E from LOS F, but delay times would be reduced by about 78%, compared to delay times without mitigation. Further mitigation would require additional widening of Richards Boulevard.
 - Bercut Drive & Bannon Street. With a new traffic signal, additional turn lanes, and optimized signal timing, the level of service will be improved from LOS F to LOS D in the p.m. peak hour. The level of service would remain at LOS B in the a.m. peak hour. Further mitigation would require additional widening of Bercut Drive.

The City has included the cost of improvements to the above intersections in the Richards Boulevard Area Plan and Facility Element. Project applicants will provide “fair-share” funding for these improvements in accordance with the Railyards Financing Plan. The applicant’s fair share contribution will be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

The City will also install, or cause to be installed, additional lanes and will optimize signal timing at the following intersections:

- 7th Street & Railyards Boulevard. With an additional turn lane and optimized signal timing, the level of service would be improved from LOS F to LOS C in the p.m. peak hour and remain at LOS B in the a.m. peak hour.
- 5th Street & G Street. An additional turn lane, split signal phasing, and optimized signal timing would reduce the delay time in the p.m. peak hour, but the level of service would remain at LOS D. The level of service in the a.m. peak hour would be LOS B. Further mitigation would require additional widening of roadways.
- 6th Street & G Street. With an additional turn lane and optimized signal timing, the level of service would be improved from LOS E to LOS C in the

- a.m. peak hour. Delay times would be reduced by approximately 60% for the p.m. peak hour as compared with delay times with no mitigation, but the level of service for the p.m. peak hour would remain at LOS F. Further mitigation would require additional widening of roadways.
- 6th Street & H Street. An additional turn lane, re-striping, and optimized signal timing would reduce the delay time in the a.m. peak hour by approximately 66%, improving the level of service from LOS F to LOS D. Likewise, the delay time in the p.m. peak hour would be reduced by approximately 35%, but the level of service would remain at LOS F. Further mitigation would require additional widening of roadways.
 - 6th Street & I Street. An additional turn lane and optimized signal timing would reduce the delay time in the p.m. peak hour by approximately 88%, improving the level of service from LOS F to LOS D. The level of service in the a.m. peak hour would remain at LOS C with mitigation, compared with LOS B without the Project. Further mitigation would require additional widening of roadways.
 - 3rd Street & J Street. Additional turn lanes and optimized signal timing would reduce the delay time in the a.m. peak hour by approximately 42%, improving the level of service from LOS F to LOS D. The level of service in the p.m. peak hour would remain at LOS C. Further mitigation would require additional widening of roadways.
 - 3rd Street & L Street. Additional turn lanes and optimized signal timing would reduce the delay time in the p.m. peak hour by approximately 57%, and improve the level of service from LOS F to LOS D. The level of service in the a.m. peak hour would remain at LOS C.

Project applicants will pay a fair share toward the City traffic operations center for the re-timing and monitoring of signals at these intersections to improve vehicle progression.

The City will also optimize signal timing at the following intersections:

- 7th Street & Richards Boulevard. Overlapped signal phasing would improve the level of service from LOS D to LOS C in the a.m. peak hour; level of service would remain at LOS C in the p.m. peak hour.
- North 12th / North 16th Streets & Richards Boulevard. Optimizing signal timing in the a.m. peak hour would improve the level of service from LOS E to LOS D. Build-out in the Initial Phase would decrease the delay time in the p.m. peak hour, but level of service would remain at LOS F.
- 12th Street & North B Street. Altering the cycle lengths and optimizing signal timing in the a.m. and p.m. peak hours would improve the level of service from LOS D to LOS C in the a.m. peak hour and from LOS E to LOS D in the p.m. peak hour. Further mitigation would require widening of roadways.

- 7th Street & H Street, Optimizing signal timing in the p.m. peak hour would improve the level of service from LOS F to LOS C. The level of service would remain at LOS B in the a.m. peak hour.
- Jibboom Street & I Street. Optimizing signal timing in the p.m. peak hour would improve delay times but the level of service would remain at LOS F. Further mitigation would require widening of the elevated bridge structures. However, the RSP proposes to replace the Jibboom Street structure with an elevated connection from Bercut Drive. The level of service would remain at LOS C in the a.m. peak hour.
- 5th Street & I Street. Optimizing signal timing in the p.m. peak hour would improve the level of service from LOS D to LOS C. The level of service would remain at LOS B in the a.m. peak hour.
- 5th Street & Capitol Mall. Optimizing signal timing in the a.m. peak hour would improve the level of service from LOS D to LOS C. The level of service would remain at LOS B in the p.m. peak hour.

Project applicants will pay a fair share toward the City traffic operations center for the re-timing and monitoring of these signals to improve vehicle progression.

Even with implementation of these measures, the impacts would remain significant and no additional mitigation is available to the Agency.

26) Impact 5.9-2: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Near Term (2013) conditions.

(DEIR page 5.9-19 through 5.9-21)

a. Significant Impact

Adoption of the Railyards Redevelopment Plan would provide tools to eliminate barriers to redevelopment in the Project Areas, including RSP and General Plan anticipated 2013 development and infrastructure improvements. Redevelopment would assist with site remediation, installation of streets, utilities, and other public facilities and infrastructure, as well as development assistance. All redevelopment activities would be consistent with the City's adopted plans and policies, and the analysis in the RSP EIR. While the adopted infrastructure program has been assessed from a circulation perspective and at a programmatic level in the EIR, each individual project will require site specific environmental review during the design phase, and any additional right-of-way requirements or environmental impacts (such as trees within the right-of-way) would be determined at that time. As identified in the RSP/RBAP EIR and the RSP EIR, many, but not all traffic impacts under Near Term (2013) conditions can be mitigated to less than significant levels. Where redevelopment would engender development that would cause an

unacceptable level of service at Project Area intersections, the proposed Project would result in a *significant impact*.

b. Facts in Support of Finding

Findings of Fact and a Statement of Overriding Considerations (Findings) were adopted for each of the Specific Plan areas adopted by the Council in connection with its certification of the RSP/RBAP EIR and the RSP EIR and adoption of the Specific Plan land uses. No additional impacts beyond those identified in the RSP/RBAP and RSP EIRs would occur as a result of the proposed Project, and the proposed Project would be consistent with the adopted Findings. The Findings outline the adopted mitigation measures identified by the City's Development Engineering Division for impacts resulting from Plan conditions. No other feasible mitigation measures are available to the Redevelopment Agency.

The RSP EIR Findings outline mitigation measures for 22 intersections that will be impacted by Initial Phase development under Near Term conditions. Four of these intersections did not require mitigation measures for initial phase development under baseline conditions. Under Near Term conditions, however, impacts to three of these four intersections will be mitigated: North 10th Street & North B Street, 7th Street & F Street, and 8th Street & H Street.

The City will install a new traffic signal and optimize signal timing at North 10th Street & North B Street to improve the level of service in the p.m. peak hour from LOS F to LOS B. The City will optimize the signal timing at 7th Street & F Street and 8th Street & H Street. This will improve the level of service in the a.m. peak hour from LOS D to LOS C at 7th Street and F Street. The level of service in the p.m. peak hour at 8th Street & H Street will improve from LOS D to LOS C.

The mitigation measures noted above for Impact 5.9-1 would be supplemented by signal timing modifications and further optimization of signal timing for the following intersections: Bercut Drive & Richards Boulevard, 7th Street & Richards Boulevard, Bercut Drive & Bannon Street, 12th Street & North B Street, 7th Street & Railyards Boulevard, 5th Street & G Street, 6th Street & G Street, 6th Street & H Street, 7th Street & H Street, Jibboom Street & I Street, 5th Street & I Street, 6th Street & I Street, 3rd Street & J Street, 3rd Street & L Street, and 5th Street & Capitol Mall. With the exception of 7th Street & Railyards Boulevard, which is a proposed new intersection, and 5th Street & I Street and 5th Street & Capitol Mall, further mitigation of traffic impacts at the above intersections would require widening of roadways.

Aside from optimizing signal timing, the Agency cannot further mitigate the impacts on the Richards Boulevard intersections at the I-5 southbound off-ramp and northbound on-ramp. Further mitigation would require widening of the freeway ramps, which is within the jurisdiction of Caltrans, and not the Agency.

For 20 of the impacted intersections, individual project applicants will pay a fair share toward the City traffic operations center for the re-timing and monitoring of signals to improve vehicle progression along these impacted routes.

At the 12th Street/North 16th Street & Richards Boulevard intersection and the 16th Street & North B Street intersection, mitigating the RSP impacts would entail widening 12th Street and 16th Street, respectively. This would be inconsistent with the City goals and objectives to create pedestrian-friendly streets and with the City's Smart Growth policies. Additional widening would also create secondary impacts to adjacent properties through the acquisition of additional right of way for new lanes. Therefore, no mitigation is available to lessen traffic impacts at these intersections. Even with implementation of these measures, the impacts would remain significant and no additional mitigation is available to the Agency.

27) Impact 5.9-3: Redevelopment would assist in roadway infrastructure construction and remove barriers to Initial Phase development of the Railyards Specific Plan under Long Term (2030) conditions.

(DEIR page 5.9-21 through 5.9-23)

a. Significant Impact

Adoption of the Railyards Redevelopment Plan would provide tools to eliminate the barriers to redevelopment in the Project Areas, including RSP anticipated 2030 development and infrastructure improvements. Redevelopment would assist with site remediation, installation of streets, utilities, and other public facilities and infrastructure. All redevelopment activities would be consistent with the City's adopted plans and policies, and the analysis in the RSP EIR. While the adopted infrastructure program has been assessed from a circulation perspective and at a programmatic level in the EIR, each individual project will require site specific environmental review during the design phase, and any additional right-of-way requirements or environmental impacts (such as trees within the right-of-way) would be determined at that time. As identified in the RSP/RBAP EIR and the RSP EIR, many, but not all traffic impacts of the RSP Initial Phase under Long Term (2030) conditions can be mitigated to less than significant levels. Where redevelopment would engender development that would cause unacceptable level of service at Project Area intersections, the proposed Project would result in a *significant impact*.

b. Facts in Support of Finding

Findings of Fact and a Statement of Overriding Considerations (Findings) were adopted for each of the Specific Plan areas adopted by the City Council in connection with its certification of the RSP/RBAP EIR and the RSP EIR and adoption of the Specific Plan land uses. No additional impacts beyond those identified in the RSP/RBAP and RSP EIRs would occur as a result of the proposed Project, and the proposed Project would be consistent with the adopted Findings. The Findings outline the adopted mitigation measures identified by the City's

Development Engineering Division for impacts resulting from Plan conditions. No other feasible mitigation measures are available to the Redevelopment Agency.

The RSP EIR Findings outline mitigation measures for 29 intersections that will be impacted by Initial Phase development under Long Term Conditions. Seven of these intersections were not previously significantly impacted by development under Near Term or baseline conditions with Initial Phase development. The other 22 intersections were mitigated for impacts from Initial Phase development under Near Term conditions and/or baseline conditions (see Impact 5.9-1 and Impact 5.9-2, above), and the mitigation measures below represent additional mitigation.

To mitigate time delays at 19 of the 29 impacted intersections, the City will optimize signal timing or increase cycle length in the a.m. peak hour, p.m. peak hour, or both, including at the intersections below. To further mitigate time delays at 11 of these 19 intersections would require widening of roadways, which would be inconsistent with City goals and objectives to create pedestrian-friendly streets and Smart Growth policies.

- Bercut Drive & Bannon Street – to reduce delay times (though maintain level of service at LOS C in the a.m. peak hour and LOS D in the p.m. peak hour);
- 12th Street & Bannon Street – to improve level of service from LOS E to LOS D in the a.m. peak hour and from LOS F to LOS E in the p.m. peak hour;
- 16th Street & North B Street – to reduce delay times in the p.m. peak hour (maintaining LOS E) and maintain LOS A in the a.m. peak hour;
- 5th Street & Railyards Boulevard – to improve level of service from LOS F to LOS E in the p.m. peak hour and maintain LOS B in the a.m. peak hour;
- 6th Street & Railyards Boulevard – to improve level of service from LOS E to LOS C in the p.m. peak hour and maintain LOS B in the a.m. peak hour;
- 7th Street & Railyards Boulevard – to improve level of service from LOS F to LOS C in the p.m. peak hour and maintain LOS C in the a.m. peak hour;
- 5th Street & G Street – to reduce delay times in the p.m. peak hour (maintaining LOS F), though the level of service in the a.m. peak hour would be downgraded from LOS B to LOS C;
- 6th Street & G Street – to improve level of service from LOS F to LOS D in the a.m. peak hour and reduce delay times by approximately 54% in the p.m. peak hour (maintaining LOS F);
- 6th Street & H Street – to improve level of service from LOS F to LOS C in the a.m. peak hour and reduce delay times by approximately 22% in the p.m. peak hour (maintaining LOS F);
- 7th Street & H Street – to reduce delay times, though LOS F would be maintained in the p.m. peak hour;

- Jibboom Street & I Street – to improve level of service from LOS F to LOS E in the a.m. peak hour, and reduce delay times in the p.m. peak hour by approximately 20% (maintaining LOS F);
- 5th Street & I Street – to improve level of service from LOS E to LOS D in the p.m. peak hour;
- 6th Street & I Street – to reduce delay times by approximately 79% in the p.m. peak hour, though maintaining level of service at LOS F;
- 7th Street & I Street – to improve level of service from LOS E to LOS D in the p.m. peak hour;
- 3rd Street & J Street – to reduce delay times by approximately 12% in the a.m. peak hour (maintaining LOS F) and by approximately 5% in the p.m. peak hour (maintaining LOS D);
- 3rd Street & L Street – to improve level of service from LOS F to LOS D in the a.m. peak hour and reduce delay in the p.m. peak hour by approximately 65% (maintaining LOS F);
- 5th Street & Capital Mall – to improve level of service from LOS D to LOS C in the a.m. peak hour;
- 3rd Street & P Street – to improve level of service from LOS E to LOS D in the p.m. peak hour and from LOS B to LOS A in the a.m. peak hour;
- Richards Boulevard & 12th Street – to improve levels of service from LOS E to LOS D in the a.m. peak hour and from LOS D to LOS C in the p.m. peak hour.

To mitigate time delays at four of the 29 impacted intersections, the City will provide additional lanes and optimize signal timing in the a.m. peak hour, p.m. peak hour, or both, including at the intersections below. To further mitigate time delays at two of these four intersections would require widening of roadways, which would be inconsistent with City goals and objectives to create pedestrian-friendly streets and Smart Growth policies.

- 10th Street & Richards Boulevard – to improve level of service to LOS C in the a.m. and p.m. peak hours;
- Jibboom Street & Railyards Boulevard – improve level of service from LOS D to LOS B in the p.m. peak hour and maintain LOS B in the a.m. peak hour;
- Bercut Drive & Railyards Boulevard – improve level of service from LOS E to LOS D in the p.m. peak hour and maintain LOS C in the a.m. peak hour;
- 7th Street & G Street – to improve levels of service from LOS F to LOS E in the p.m. peak hour and from LOS D to LOS C in the a.m. peak hour;

The City will optimize signal timing at the I-5 southbound off-ramp intersection with Richards Boulevard in both the a.m. and the p.m. peak hours and at the I-5 northbound on-ramp intersection with Richards Boulevard in the p.m. peak hour.

Further mitigation would require widening of the freeway ramps, which is within the jurisdiction of Caltrans, and not the Agency.

The City will also optimize signal timing and add additional lanes to the four intersections below. The City has included the cost of improvement at these four intersections in its approved Richards Boulevard Area Plan and Facility Element and project applicants will provide “fair-share” funding for these improvements through payment of traffic impact fees in accordance with the Railyards Financing Plan.

- Bercut Drive & Richards Boulevard – to improve the level of service to LOS D in the p.m. peak hour;
- 5th Street & Richards Boulevard – to improve the level of service to LOS C in the a.m. peak hour and LOS D in the p.m. peak hour;
- I-5 northbound ramp & Bannon Street – to improve the level of service from LOS E to LOS D in the a.m. peak hour and from LOS D to LOS C in the p.m. peak hour
- North 5th Street & Bannon Street – to improve the level of service from LOS C to LOS B in the a.m. peak hour and from LOS D to LOS C in the p.m. peak hour.

For 25 of the impacted intersections, individual project applicants will pay a fair share toward the City traffic operations center for the re-timing and monitoring of signals to improve vehicle progression along these impacted routes.

Even with implementation of these measures, the impacts would remain significant and no additional mitigation is available to the Agency.

28) Impact 5.9-4: Redevelopment would assist in roadway infrastructure construction and remove barriers to build-out of the Project Areas under Long Term (2030) conditions.

(DEIR page 5.9-23 through 5.9-25)

a. Significant Impact

Adoption of the Railyards Redevelopment Plan would provide tools to eliminate the barriers to redevelopment in the Project Areas, including RSP and General Plan anticipated 2030 development and infrastructure improvements. Redevelopment would assist with site remediation, installation of streets, utilities, and other public facilities and infrastructure. All redevelopment activities would be consistent with the City’s adopted plans and policies, and the analysis in the RSP EIR. While the adopted infrastructure program has been assessed from a circulation perspective and at a programmatic level in the EIR, each individual project will require site specific environmental review during the design phase, and any additional right-of-way requirements or environmental impacts (such as trees within the right-of-way) would be determined at that time. As identified in the RSP/RBAP EIR and the RSP EIR, many, but not all traffic impacts under Long Term (2030) conditions can be mitigated to less than significant levels. Where redevelopment would engender

development that would cause unacceptable level of service at Project Area intersections, the proposed Project would result in a *significant impact*.

b. Facts in Support of Finding

Findings of Fact and a Statement of Overriding Considerations (Findings) were adopted for each of the Specific Plan areas adopted by the City Council in connection with its certification of the RSP/RBAP EIR and the RSP EIR and adoption of the Specific Plan land uses. No additional impacts beyond those identified in the RSP/RBAP and RSP EIRs would occur as a result of the proposed Project, and the proposed Project would be consistent with the adopted Findings. The Findings outline the adopted mitigation measures identified by the City's Development Engineering Division for impacts resulting from Plan conditions. No other feasible mitigation measures are available to the Redevelopment Agency.

The RSP EIR Findings outline mitigation measures for 32 intersections that will be impacted by full build-out under Long Term conditions. Three of these intersections were not previously significantly impacted by development under baseline, Near Term, or Long Term conditions with Initial Phase development. The other 29 intersections were mitigated for impacts from Initial Phase development under baseline, Near Term, and/or Long Term conditions (see Impacts 5.9-1, 5.9-2, 5.9-3, above), and the mitigation measures below represent additional mitigation for the potential impacts of full build-out under Long Term conditions.

The City will optimize signal timing at the I-5 southbound off-ramp intersection with Richards Boulevard in both the a.m. and the p.m. peak hours and at the I-5 northbound on-ramp intersection with Richards Boulevard in the p.m. peak hour. Further mitigation would require widening of the freeway ramps, which is within the jurisdiction of Caltrans, and not the Agency.

To mitigate time delays, the City will optimize signal timing in the a.m. peak hour, p.m. peak hour, or both at the following intersections:

- Bercut Drive & Richards Boulevard
- 5th Street & Richards Boulevard
- 10th Street & Richards Boulevard
- I-5 southbound ramps & Bannon Street
- I-5 northbound ramps & Bannon Street
- Bercut Drive & Bannon Street
- North 5th Street & Bannon Street
- 7th Street & Bannon Street
- 12th Street & Bannon Street
- 16th Street & North B Street

- Bercut Drive & Railyards Boulevard
- 6th Street & Railyards Boulevard
- 7th Street & Railyards Boulevard
- 5th Street & G Street
- 6th Street & G Street
- 7th Street & G Street
- 6th Street & H Street
- 7th Street & H Street
- 16th Street & H Street
- 3rd Street & I Street
- 6 Crocker Street & Railyards Boulevard Street & I Street
- 7th Street & I Street
- 3rd Street & J Street
- 3rd Street & L Street
- 3rd Street & P Street
- Richards Boulevard & 12th Street

Further mitigation of delays at the many of the intersections, above, would require widening of roadways, which would be inconsistent with City goals and objectives to create pedestrian-friendly street and Smart Growth policies. More specifically, the following intersections would require widening to further mitigate delays: 10th Street & Richards Boulevard, Bercut Drive & Bannon Street, 12th Street & Bannon Street, 16th Street & North B Street, 6th Street & Railyards Boulevard, 5th Street & G Street, 6th Street & G Street, 7th Street & G Street, 6th Street & H Street, 7th Street & H Street, 16th Street & H Street, 7th Street & I Street, and 3rd Street & J Street.

The City will install a traffic signal, add lanes, and optimize signal timing at the Crocker Street & Railyards Boulevard and Bercut Drive & Camille Lane intersections. This mitigation measure would improve the level of service in the p.m. peak hour from LOS E to LOS B at Crocker Street & Railyards Boulevard. The a.m. peak hour will remain at LOS B at this intersection. This mitigation will improve delay times at Bercut Drive & Camille Lane by approximately 24%, but the level of service will remain at LOS F. This intersection is located along a primary pedestrian/bicycle corridor linking the Project to the Sacramento River trail, and further mitigation of delay times would require widening the roadways. Such widening would be inconsistent with keeping this a pedestrian-friendly street.

The City will install, or cause to be installed, an additional lane at the Bercut Drive & South Park Street intersection, as well as optimize signal timing, to improve the level of service during the p.m. peak hour from LOS D to LOS C. The a.m. peak hour will remain at LOS B at this intersection.

For 30 of the impacted intersections, individual project applicants will pay a fair share toward the City traffic operations center for the re-timing and monitoring of signals to improve vehicle progression along these impacted routes.

The City did not identify any feasible mitigation measures to lessen the impact of full build-out at the Jibboom Street and I Street intersection. The existing and/or proposed elevated bridge structures would need to be widened to mitigate the impact at this intersection. The costs of such improvements cannot be justified because the RSP Plan proposes to replace the Jibboom Street structure with an elevated connection from Bercut Drive.

Even with implementation of all of the above measures, the impacts would remain significant and no additional mitigation is available to the Agency.

IV. Significant Cumulative Impacts That Cannot Be Avoided

Finding

The comment period for the DEIR was from January 22, 2008 to March 7, 2008. All comments received on the DEIR were fully and completely responded to in the FEIR. Following release of the FEIR, additional comments were received on the FEIR, including comments on air quality issues such as greenhouse gas emissions and toxic air contaminants (TACs). The comments received on the FEIR parallel and reiterate issues previously raised in comments on the DEIR, all of which were responded to in the FEIR. One comment brought a recent California Air Resources Board (CARB) study to the Agency's attention. However, this study and the other comments do not raise any new significant information requiring additional environmental review pursuant to Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5.

a. *Facts in Support of Finding*

The CARB recently published a diesel particulate matter (DPM) health risk assessment (HRA) for the West Oakland Community, addressing the health risk from multiple sources of DPM emissions in that area. An HRA for DPM emissions was conducted for the RSP EIR, using guidance from the CARB and the Sacramento Metropolitan Air Quality Management District (SMAQMD). For this HRA, a separate cancer risk analysis was performed for freeway DPM emissions and for railway DPM emissions. A qualitative analysis was also performed in the HRA for the Sacramento Intermodal Transportation Facility (SITF). There are not yet detailed plans for the SITF, so there was insufficient information to allow a more detailed evaluation of this source of DPM emissions. As the City noted in the RSP FEIR, adding the risk from all three of these DPM sources to generate a cumulative

risk would result in a substantial overestimate of risks.

Impact 5.2-5 identifies the potential for redevelopment to result in a substantial increase in exposure of sensitive receptors to TACs, including DPM emissions. (DEIR, pages 5.2-38 through 5.2-39.) Based on the HRA prepared for the RSP EIR, the Agency concluded in the EIR that the exposure of sensitive receptors to TACs through build-out of planned land uses in the Project Areas would be less than significant. The proposed Project would remove barriers to efficient in-fill development and redevelopment planned in the Project Areas, consistent with the RSP and RBAP and their approved land uses. The Project itself, however, does not change any land use already proposed and approved for the Project Areas. Therefore, this Project does not alter the potential TAC health risks associated with development in the Project Areas.

When a River District Land Use Plan is prepared, the methods used in the CARB HRA to evaluate multiple-source DPM emissions may be relevant to the air quality impact analysis conducted for this new land use plan. The proposed Project, however, does not alter land uses within the Project Areas and an additional HRA for this Project is unwarranted. To the extent that land uses are changed in the Project Areas in the future, the air quality impacts of such changes will be analyzed and addressed when changes are proposed.

V. Growth-Inducing Impacts

The EIR discusses ways in which the proposed Project would foster economic and population growth, directly and indirectly, in the surrounding environment, in compliance with CEQA Guidelines section 15126.2(g).

a. Potentially Significant Impact

Growth-inducing impacts can result from development that directly or indirectly induces additional growth pressures that are more intense than what is currently planned for in general and community plans. Implementation of the Proposed Project would remove impediments to growth. However, build-out of the Project Areas would not exceed planned growth rates and would not result in substantial regional demands on public services and infrastructure. In addition, while the proposed Project would assist with major infrastructure development within the Railyards property, the Railyards is an urban infill parcel and adopted City and Regional plans and policies encourage redevelopment of existing urbanized locations such as the Project Areas to minimize growth pressures on the urban fringe. Growth-inducing impacts would be less than significant.

b. Facts in Support of Finding

A primary objective of redevelopment is to eliminate obstacles to growth. The intensification of land uses within the Project Areas would result in increased jobs and housing in areas served by existing transportation, public transit, and utility infrastructure systems. Implementation of the proposed Project would neither require extension or expansion of services to an area where none is provided, nor involve substantial improvements to existing facilities, except where those facilities are needed and/or upgraded to accommodate planned land uses. Upgrades to utilities for infill development in the Project Areas are considered improved technology/rehabilitation efforts, not a growth-inducing activity. The implementation of the proposed Project would not result in substantial new demands from housing, public services, or utilities that were not previously anticipated in adopted plans. Growth that would be induced by the elimination of blight and infrastructure constraints would reduce demands on land and infrastructure extensions in the urban fringe by allowing planned build-out of the Project Areas.

Redevelopment efforts to eliminate blight and promote economic development would encourage employment growth within the Project Areas. Additional local employment would also be generated through what is commonly referred to as the multiplier effect. Increased future development generated by resident and employee spending would ultimately result in physical development of space to accommodate those employees. The characteristics of this physical space and its specific location will determine the type and magnitude of environmental impacts of this additional economic activity.

While the proposed Project would contribute to direct, indirect, and induced growth in the area, enhancing the vitality of the Central City is a goal of the City's General Plan, the Central City Community Plan, and the RBAP and RSP, and the Regional Blueprint for the Project Areas.

VI. Findings Concerning Additional Information

Finding

The comment period for the DEIR was from January 22, 2008 to March 7, 2008. All comments received on the DEIR were fully and completely responded to in the FEIR. Following release of the FEIR, one additional comment was received regarding the analysis of multiple sources of diesel particulate matter (DPM) and a recent DPM health risk assessment released by the California Air Resources Board (CARB). This comment does not raise any new significant information requiring additional environmental review pursuant to Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5.

a. Facts in Support of Finding

A Health Risk Assessment (HRA) for DPM emissions was conducted for the RSP EIR, using guidance from the CARB and the Sacramento Metropolitan Air Quality Management District (SMAQMD). For this HRA, a separate cancer risk analysis was performed for freeway DPM emissions and for railway DPM emissions. A qualitative analysis was also performed in the HRA for the Sacramento Intermodal Transportation Facility (SITF). There are not yet detailed plans for the SITF, so there was insufficient information to allow a more detailed evaluation of this source of DPM emissions. As the City noted in the RSP FEIR, adding the risk from all three sources to generate a cumulative risk would result in a substantial overestimate of risks.

Impact 5.2-5 identifies the potential for redevelopment to result in a substantial increase in exposure of sensitive receptors to toxic air contaminants (TACs). (DEIR, pages 5.2-38 through 5.2-39.) Based on the HRA prepared for the RSP EIR, the Agency concluded in the EIR that the exposure of sensitive receptors to TACs through build-out of planned land uses in the Project Areas would be less than significant. The proposed Project would remove barriers to efficient in-fill development and redevelopment planned in the Project Areas, consistent with the RSP and RBAP and their approved land uses. The Project would thus encourage planned development near I-5, the UPRR rail line, and the SITF. The RSP EIR HRA found that the cancer risk from DPM emissions affecting planned residential land uses near I-5, the rail line, and the SITF was lower than the threshold in the SMAQMD guidance. Therefore, the potential exposure of sensitive receptors to TACs as a result of redevelopment-engendered development in the Project Areas would be less than significant.

On March 19, 2008, the CARB published a Draft Preliminary Summary of Results of the DPM HRA for the West Oakland Community. This HRA analyzed the combined emissions impacts and potential public health risk from exposures to DPM from multiple sources, in the case of West Oakland, from port, rail, and freeway sources. This type of study could potentially be used to evaluate the health risk associated with potential land uses proposed in the River District Land Use Plan. When the River District Land Use Plan is prepared, the methods in the CARB HRA to evaluate multiple-source DPM emissions may be relevant. The proposed Project does not alter land uses previously approved for areas within proposed Project Areas. Therefore, an additional HRA for the proposed Project is unwarranted.

VII. Project Alternatives

The Agency/City Council has considered a reasonable range of alternatives to the proposed Project and evaluated the comparative merits of each to determine whether they would avoid or substantially lessen any of the significant impacts of the Project, while feasibly attaining most of the basic objects of the Project. The Agency/City Council finds that the alternatives evaluated either have impacts

identical to or more severe than the Project, do not achieve the basic objectives of the Project, or both.

1. No Project Alternative (DEIR pages 6.0-3 to 6.0-5)

Under the No Project Alternative to the Proposed Project, the Richards Boulevard Redevelopment Plan (Richards Plan) would not be amended to reduce the Richards Boulevard Redevelopment Project Area boundaries, and the Railyards Redevelopment Plan would not be created. The Richards Plan redevelopment activities would continue to support infrastructure improvements and the elimination of blight in the existing Richards Boulevard Redevelopment Project Area (Existing Project Area). Under this Alternative, resources would be shifted to the redevelopment of the Railyards and development in the Existing Project Area would occur at a slower rate than with adoption of a separate Railyards Redevelopment Plan. With this Alternative, certain conditions would be expected to remain in the Project Areas for a longer period of time, including deteriorated housing; blighted, vacant, underutilized, and marginal commercial uses; vacant properties; and inadequate infrastructure.

Because general land use types, densities, and intensities that could be developed pursuant to the proposed Project could ultimately be developed under the existing Richards Plan, long-term environmental effects associated with the No Project Alternative, including traffic increases and noise, are considered similar to those of the proposed Project. Impacts on transportation, air quality, noise, visual resources, and the combined sewer system (CSS) could be less in the short-term, with less development occurring. However, less development in the downtown core would be inconsistent with the City's infill and Regional Blueprint policies, and would be expected to result in more urban sprawl on the suburban fringes, in turn causing greater regional transportation and air quality impacts. The No Project Alternative is considered environmentally inferior to the proposed Project because the long-term environmental impacts of the No Project Alternative could be comparable to or greater than those of the proposed Project, while remaining physical blighting conditions are likely to continue for a longer period of time, or are less likely to be eliminated at all.

Under the No Project Alternative, the tax basis would be reset at a higher level. Because less redevelopment tax-increment revenue would be available to fund public improvements and affordable housing, this Alternative would also result in a heavier burden on the City for support of the uses in the Existing Project Area. Funding options for the development of transportation infrastructure would not be available due to the longevity of these types of funding mechanisms, and traffic congestion could increase in the Downtown core. Affected taxing agencies (including the City General Fund, school districts, County, and special districts), would not realize the ancillary benefit of creating a new separate Railyards Plan as tax revenues generated by the 2006 sale of the Union Pacific properties would not be paid to these taxing entities, instead of to the Agency as tax increment revenue.

Without the creation of a separate Railyards Redevelopment Plan, the Existing Project Area would not be protected from the costs and other development constraints particularly affecting the Railyards Area. Conditions in the Railyards Area are so severe and extensive that they are anticipated to drain Richards Area redevelopment funds, leaving no resources to address additional needs in the balance of the Richards Area. Additional tax increment and bonding capacity generated by the longer life of the Railyards Plan would not be available for the necessary remediation, historic preservation, and infrastructure needs of the Railyards. Therefore, this alternative would not achieve the Project objectives.

Findings

- f) The No Project Alternative would be less likely to resolve conditions of blight in the Project Areas.
- g) The No Project Alternative would not promote the City's General Plan policies related to promoting the rehabilitation and revitalization of existing commercial centers.
- h) The No Project Alternative would be inconsistent with the City's infill and Regional Blueprint policies, in hampering development in the downtown core.
- i) The No Project Alternative would not achieve the basic goals and objectives of the Project, including housing, social, environmental, and economic goals for the Project Areas.
- j) Impacts on transportation, air quality, noise, visual resources, and the CSS could be less, in the short term under the No Project Alternative, than the potential impacts related to the proposed Project, because of less development occurring. The No Project Alternative would have greater regional transportation and air quality impacts, however.

2. Reduced Railyards Project Area Alternative
(DEIR pages 6.0-5 to 6.0-6)

Under this Alternative, the Railyards Project Area boundary would coincide with the Railyards Specific Plan boundary. The 244-acre Project Area would exclude the area of governmental and professional offices and the REA building that are currently in the Existing Project Area. The area east of 7th Street and within the Railyards Area boundary consists mainly of government buildings and private offices, as well as the County parking lot and jury parking lot. The area northeast of the former Railyards at the southwest quadrant of 12th and North B Streets has a long history as a site for metal salvage operations; this area would remain in the River District Project Area.

Under this Alternative, the Agency would lose its existing powers as a redevelopment agency to assemble parcels for more modern development patterns in the government offices area between 6th and 10th streets, I and F streets.

Although existing development would remain, underutilized and blighted properties within this nine block area would not have access to redevelopment assistance except for affordable housing projects. Less recycling of existing properties to new uses is likely to occur, as this would be dependent upon market forces or other sources of government funding.

Because general land use types, densities, and intensities that could be developed pursuant to the proposed Project could ultimately be developed under this Alternative, long-term environmental effects associated with the Reduced Railyards Project Area Alternative, including traffic increases and noise, are considered similar to those of the proposed Project. Impacts on transportation, air quality, noise, and the CSS could be less in the short-term, as more blight remains and less development occurs. However, less development in the downtown core would be inconsistent with the City's infill and Regional Blueprint policies, and would be expected to result in more urban sprawl on the suburban fringes, causing greater regional transportation and air quality impacts. Because less redevelopment tax-increment revenue would be available to fund public improvements and affordable housing, this alternative could also result in a heavier burden on the City for constructing infrastructure in the Railyards Project Area. The Downtown Sacramento area could remain underutilized in conflict with City and regional goals to promote infill development and reduce demand for development on the urban fringe.

Any reduction in localized traffic impacts from less development/lower densities in the downtown area would likely be offset by regional increases in traffic and air emissions as development demand was met further away from the downtown center. Such a shift is inconsistent with the City's Smart Growth Principles and the Regional Blueprint. Although project-specific impacts on historic resources, traffic, construction noise, and utilities could be reduced, long-term environmental impacts could be comparable to or greater than those of the proposed Project.

No redevelopment would occur in the Plaza Park Historic District, which would reduce the potential for impacts to listed historic resources and reduced cumulative losses of historic resources. Less development may occur close to the residential receptors in Alkali Flat, thereby reducing the potential for construction noise impacts on sensitive receptors.

With the creation of a separate Railyards Redevelopment Plan, the River District Project Area would be protected from the costs and other development constraints particularly affecting the Railyards Area, consistent with Project objectives. Although reduction of the Railyards Project Area would reduce the level of tax increment available for the Railyards property redevelopment, this alternative would generally achieve the Project objectives.

Findings

- g) This Alternative would be less effective than the Project in resolving conditions of blight in the Project Areas.

- h) This Alternative would be less effective than the Project in promoting the City's General Plan policies related to promoting the rehabilitation and revitalization of existing commercial centers.
- i) With fewer resources to eliminate barriers to development, this Alternative could restrict the development potential of the Project Area and limit the scope and scale of economic growth and downtown housing development.
- j) Marginal commercial uses, vacant properties, and inadequate infrastructure would be expected to remain in the Project Area for a longer period of time under this Alternative. During that time, these uses may continue to decline and adversely affect adjacent uses.
- k) Less quality affordable housing would be provided due to a lower level of set-aside redevelopment funds.
- l) This Alternative would be less effective than the Project in achieving the basic goals and objectives of the Project, including housing, social, environmental, and economic goals for the Project Area.

3. Alternative Land Use Plan For The Railyards Project Area
(DEIR pages 6.0-6 to 6.0-8)

Under California Redevelopment Law (CRL), a land use plan can be adopted for the Railyards Project Area with the adoption of the redevelopment plan, which would supersede adopted land use plans for the Project Area. Under the Alternative Land Use Plan for the Railyards Project Area, densities in the Railyards Project Area would be reduced about 30 percent in the RSP area. The boundaries of the Project Area would remain the same as those for the proposed Project. There would be no change to the proposed River District Project Area; land uses would remain consistent with those outlined in the RBAP and the Central City Community Plan.

The Alternative Land Use Plan for the Railyards Project Area would develop the same footprint as the adopted RSP; therefore, effects related to the location of development, such as potential loss of biological and cultural resources, exposure to seismic or other geologic hazards, exposure to hazardous materials, and changes to local hydrology, would be the same as for the proposed Project. This Alternative includes a mix of uses the same as the RSP, only less intense, so land use impacts, such as potential incompatibility of uses, would be the same as the proposed Project.

This Alternative represents an approximately 40 percent reduction in the amount of non-residential development, and 2,500 to 5,000 fewer residential units compared to the adopted RSP. Therefore, impacts related to the level of development of the Alternative Land Use Plan Alternative would be reduced compared to the proposed Project. Construction noise and air quality impacts of the Alternative Land Use Plan Alternative would be less than the proposed Project; however, these effects would be significant even with implementation of measures adopted for the RSP. While operational air emissions would be reduced compared to the proposed Project, the reductions would not be sufficient to reduce the operational emissions to a level

below the threshold of significance. The demand for utilities (wastewater, drainage, and potable water) would be less under the Alternative Land Use Plan Alternative, because of the reduced population. The Alternative Land Use Plan Alternative would generate fewer vehicle trips than the proposed Project, so effects on traffic would be less severe. However, the Alternative Land Use Plan Alternative would still result in significant effects on local road segments, intersections, freeway on- and off-ramps, and freeway segments that would not be mitigated to a less-than-significant level.

While the local traffic and air quality effects caused by this alternative may be somewhat lower, it is reasonable to assume that the non-residential space and up to 5,000 housing units not developed under this Alternative would need to be developed somewhere else in the greater Sacramento region, most likely at a greater distance from the downtown core, and at substantially lower densities than proposed in the Project. The resulting housing developments would be characterized by a greater dependence on automobiles, more vehicle miles traveled, and more land converted to urban uses. The net result of this type of development would be greater levels of congestion on regional roadways, higher levels of air pollutant emissions, greater consumption of land resulting in losses of farmland and/or habitat, and other effects caused by development typically considered to be sprawl.

Similar to the proposed Project, the Alternative Land Use Plan Alternative would allow the Agency to maximize its ability to implement projects that alleviate blight and foster redevelopment of both the River District and the Railyards Project Areas. The Alternative Land Use Plan Alternative would create a separate Railyards Redevelopment Plan, thus the River District (Richards Boulevard) Project Area would be protected from the costs and other development constraints particularly affecting the Railyards Area, consistent with Project objectives. The Alternative Land Use Plan Alternative would enable the Agency to assist private development to revitalize both the River District and the Railyards Project Areas, to the benefit of both areas. Reduction of the land use intensities within the Railyards Project Area would be inconsistent with the adopted RSP, however, and would reduce the level of tax increment available for the Railyards property redevelopment.

Findings

- g) The Agency would not have additional resources to use in the elimination of blight, thus this Alternative would be less effective than the Project in resolving conditions of blight in the Project Areas.
- h) This Alternative would be less effective than the Project in promoting the City's General Plan policies related to promoting the rehabilitation and revitalization of existing commercial centers.
- i) This Alternative would be less effective than the Project in achieving the basic goals and objectives of the Project, including housing, social, environmental, and economic goals for the Project Area.

- j) With fewer resources to implement projects to eliminate barriers to development, this Alternative could restrict the development potential of the Railyards Project Area and limit the scope and scale of economic growth and downtown housing development.
- k) Under this Alternative, deteriorated housing; blighted, vacant, underutilized, and marginal commercial uses; vacant properties; and inadequate infrastructure would be expected to remain in the Project Area for a longer period of time with fewer resources for redevelopment. During that time, these uses may continue to decline and adversely affect adjacent uses.
- l) The Downtown Sacramento area would likely remain underutilized in conflict with City and regional goals to promote infill development and reduce demand for development on the urban fringe.

VIII. Statement of Overriding Considerations

Pursuant to Guidelines section 15092, the Agency/City Council find that in approving the Project, the Agency/City Council have eliminated or substantially lessened all significant effects on the environment where feasible, as shown in Parts II, III, IV, and V of this Exhibit A. The Agency/City Council further find that the remaining potential significant effects on the environment are unavoidable. In balancing the economic, legal, social, technological, and other benefits of the Project against these unavoidable effects, the Agency/City Council have determined that the benefits of the Project outweigh the unavoidable adverse effects, such that the adverse effects are acceptable. The Agency/City Council make this statement of overriding considerations in support of their approval of the Project. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Agency/City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting these justifications is contained in these findings and in the administrative record:

- 6. The establishment of a separate and distinct redevelopment plan for the Railyards Project Area would enable redevelopment in the River District under its existing Redevelopment Plan to continue and to be more effectively carried out, protected from the potentially overwhelming needs of the Railyards Project for resources of the Agency and other governmental entities.
- 7. The establishment of a separate and distinct redevelopment plan for the Railyards Project Area would assist in relieving infrastructure capacity problems in downtown Sacramento and the existing Richards Project Area by spreading the fair share of costs among another area.

8. The establishment of a separate and distinct redevelopment plan for the Railyards Project Area would expedite redevelopment in the Railyards Project Area.
9. The establishment of a separate and distinct redevelopment plan for the Railyards Project Area would expedite the elimination of blighting conditions and the correction of environmental deficiencies in the Railyards Project Area, including: unsafe or unhealthy buildings; conditions that prevent or substantially hinder economically viable use of buildings or lots; incompatible land uses; subdivided lots of irregular shape and inadequate size for property usefulness; depreciated or stagnant property values or impaired investments; presence of hazardous wastes; abnormally high business vacancies; vacant lots, or abandoned buildings; substandard vehicular circulation systems; inadequate water, sewer, and storm drainage systems; insufficient off-street parking; and a lack of necessary neighborhood-serving commercial facilities.
10. The Project would expedite redevelopment in the River District Project Area and the Railyards Project Area, facilitating the achievement of redevelopment goals for both Project Areas, including:
 - a. Expand, preserve, and improve the community's supply of extremely low-, very low-, low- and moderate-income housing;
 - b. Strengthen the economic base of the Project Areas and the community by installing needed site improvements which will stimulate new industrial and commercial expansion, new employment and economic growth;
 - c. Promote new and continuing private sector investment within the Project Areas to prevent the loss of and to facilitate the capture of commercial sales activity;
 - d. Increase retail, industrial and commercial use in the Project Areas;
 - e. Provide public improvements and infrastructure to facilitate development, provide adequate land for parks and open spaces, and promote an overall environment for social and economic growth;
 - f. Create and develop local job opportunities and preserve the area's existing employment base.
 - g. Allow for the replanning, redesign, and development of areas which are stagnant or improperly utilized.

Exhibit B

MITIGATION MONITORING PLAN

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring Plan (MMP) is designed to aid the Redevelopment Agency of the City of Sacramento (Agency) and the City of Sacramento (City) in their implementation and monitoring of measures adopted from the Richards Boulevard Redevelopment Plan Amendment and the Railyards Redevelopment Plan Draft EIR (Proposed Project).

MITIGATION MEASURES

The mitigation measures are taken from the Richards Boulevard Redevelopment Plan Amendment and the Railyards Redevelopment Plan Draft EIR (Draft EIR) and are assigned the same number as in the Draft EIR. The Mitigation Monitoring Program (MMP) describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMP COMPONENTS

The components of each monitoring form are addressed briefly, below.

Impact

This column summarizes the significant impact stated in the Draft EIR.

Mitigation Measure

All mitigation measures that were identified in the Draft EIR are presented, and numbered accordingly.

Action

For every mitigation measure, one or more actions are described. These are the center of the MMP, as they delineate the means by which EIR mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Implementing Party

This item identifies the entity that will undertake the required action.

Timing

Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design, construction, or on an ongoing basis. The timing for each measure is identified.

Monitoring Party

The Agency is responsible for monitoring completion of mitigation measures for redevelopment projects, although the City is responsible for ensuring that most mitigation measures are successfully implemented through the land use entitlement and planning process. Within the City, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project. Occasionally, monitoring parties outside the Agency and City are identified; these parties are referred to as "Responsible Agencies" by CEQA.

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party |
|--|--|---|--|---|--|
| Impact 5.2-14 Redevelopment-engendered construction and development could contribute to global climate change | 5.2-14a The City of Sacramento shall incorporate GHG reduction measures into the revision of the RBAP to reduce GHG emissions from electricity use and natural gas combustion and solid waste, and trip generation, consistent with the CAT and Attorney General's strategies as outlined in Table 5.2-6. 5.2-14b The Redevelopment Agency shall provide development incentives for constructing LEED Silver or better buildings, and meeting other strategies outlined in Table 5.2-6. | DEIR Section 5.2 Air Quality and Microclimate a. GHG reduction measures incorporated into land use design, goals, and policies of proposed River District Specific Plan. b. Agency to provide incentives as projects are proposed for OPAs and DDAs | City of Sacramento Development Services Division | a. During River District Specific Plan development b. As projects are proposed for OPAs and DDAs | City of Sacramento Development Services Division Downtown Development Group, Economic Development Department, City of Sacramento |
| 5.7 Noise/Vibration | | | | | |
| Impact 5.7-1: Redevelopment engendered development would cause construction noise at sensitive receptors | The contractor shall ensure that the following measures are implemented during all phases of project construction: 5.7-1a Whenever construction occurs adjacent to occupied residences (on- or off-site), temporary barriers shall be constructed around the construction sites to shield the ground floor of the noise-sensitive uses. These barriers shall be of ¾ inch Medium Density Overlay plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class (STC) of STC-30, or greater, based on certified sound transmission loss data taken according to American Society for Testing and Materials (ASTM) Test Method E90 or as approved by the City of Sacramento Building Official. | Mitigation measures shall be used and monitored during construction and demolition activities The City of Sacramento will include the construction noise conditions in a project's construction permits. | Contractor City of Sacramento Building Division | Before and during construction | The Building Division shall verify compliance during construction. The Applicant shall submit a copy of construction conditions to the City Project Coordinator. |

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party |
|---|---|--|--|--|---|
| Impact 5.7-2: Redevelopment engendered development could permanently expose future sensitive | <p>5.7-1b Construction activities shall comply with the City of Sacramento Noise Ordinance, which limits such activity to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, the hours of 9:00 a.m. to 6:00 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines. Exceptions to these regulations may be granted by the building inspector, consistent with the Noise Ordinance.</p> <p>5.7-1c Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors.</p> <p>5.7-1d Quieter "sonic" pile-drivers shall be used, unless engineering studies are submitted to the City that show this is not feasible and cost-effective, based on geotechnical considerations.</p> <p>5.7-1e Activities that generate high noise levels, such as pile driving and the use of jackhammers, drills, and impact wrenches, shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, unless it can be proved to the satisfaction of the City that the allowance of Saturday work on certain onsite parcels (i.e., those as far from noise-sensitive uses as possible) would not have an adverse noise impact.</p> <p>5.7-2 Future buyers and tenants of residential properties located within 1000 feet of an existing industrial use shall be notified that such industrial uses may generate noise levels that are audible and may approach or exceed the City of</p> | Standard notification to be conditioned for and provided to applicable development | Development Services Division Developer/Builder | During project approval and prior to issuance of occupancy permits | The Development Services Division. The Applicant shall submit a copy of notification to the City Project |

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party |
|--|--|---|--|--|---|
| <p>receptors to traffic, rail, and industrial noise levels on an ongoing basis.</p> | <p>Sacramento noise ordinance standards. A signed acknowledgement of such notification shall be included with the real estate transaction.</p> | <p>projects by the Development Services Division. Notification included in real estate transactions</p> | | | <p>Coordinator.</p> |
| <p>Impact 5.7-4: Redevelopment engendered development could expose sensitive receptors in the Project Areas to noise produced by on-site stationary sources.</p> | <p>The Agency shall ensure that the following measures are implemented for all redevelopment projects in the Project Areas: 5.7-4a Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment to the Planning Director. 5.7-4b Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment to the Planning Director demonstrating that the equipment design (types, location, enclosure, specifications) will control noise from the equipment to at least 10 dBA below existing ambient at nearby residential and other noise-sensitive land uses.</p> | <p>Applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment to the Planning Director. Planning Director shall approve equipment design for construction documents.</p> | <p>Developer/Contractor Planning Director</p> | <p>Prior to the issuance of building permits</p> | <p>The Building Division shall verify compliance prior to signing off on construction documents.</p> |
| <p>Impact 5.7-5: Construction of redevelopment engendered development could temporarily increase levels of groundborne vibration.</p> | <p>5.7-5a Pile holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier.</p> | <p>Mitigation measures shall be used and monitored during construction and demolition activities</p> | <p>Developer/Contractor The Applicant shall provide verification to the Building Division that the pre-existing condition of sensitive buildings has been assessed and recorded prior to the</p> | <p>Prior to construction and demolition</p> | <p>The Building Division shall verify compliance during demolition and construction. The Applicant shall submit a copy of construction conditions and</p> |

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party |
|--|--|---|---|---------------------------------------|--|
| | <p>5.7-5b Provide protective coverings or temporary shoring of on-site or adjacent historic features as necessary, in consultation with the Preservation Director.</p> <p>5.7-5c The pre-existing condition of all buildings within a 50-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.</p> <p>5.7-5d If fire sprinkler failures are reported in surrounding buildings to the disturbance coordinator, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided.</p> <p>5.7-5e Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.</p> | | <p>issuance of construction permits. The Building Division will include conditions in the project's construction permits.</p> | | <p>existing conditions report to the City Project Coordinator.</p> |
| Impact 5.7-6: Redevelopment engendered | The following mitigation measure applies to redevelopment projects within the River District near the proposed DNA | a. Document discussions with Regional Transit | a. Regional Transit City Department of | a. During DNA light rail planning and | a. City Department of Transportation Engineering |

| Impact | Mitigation Measure | Action | Implementing Party | Timing | Monitoring Party |
|---|--|---|---|---|---|
| <p>development could expose new receptors to vibration on an ongoing basis.</p> | <p>light rail line: 5.7-6a The City shall work with Regional Transit to identify methods of vibration reduction that could be implemented during light rail track construction. Such methods could include, but would not be limited to:</p> <ul style="list-style-type: none"> • Soil densification under the tracks • Use of deep piles under the track bed • Use of tire derived aggregate below the track bed • Floating slab tracks • Use of a resiliently supported fastener system • Installation of a ballast mat beneath the track <p>5.7-6b A certified vibration consultant shall prepare a site-specific vibration analysis for redevelopment projects with residential uses and historic structures that are within the screening distance for freight and passenger trains or light rail trains. The analysis shall detail how the vibration levels at these receptors would meet the applicable vibration standards to avoid potential structural damage and annoyance. The results of the analysis shall be incorporated into project design.</p> | <p>regarding instituting feasible vibration reduction methods for DNA construction. b. Agency shall require vibration analysis as part of OPA or DDA approval for projects defined in measure.</p> | <p>Transportation Engineering Division b. Redevelopment Agency</p> | <p>design. b. During preparation of redevelopment project construction documents</p> | <p>Division b. Downtown Development Group, Economic Development Department, City of Sacramento</p> |

Attachment 5

RESOLUTION NO. 2008-_____

Adopted by the Sacramento City Council

**FINDING THAT THE USE OF TAXES ALLOCATED FROM THE
RAILYARDS REDEVELOPMENT PROJECT FOR THE PURPOSE OF
INCREASING, IMPROVING, AND PRESERVING THE COMMUNITY'S
SUPPLY OF LOW- AND MODERATE-INCOME HOUSING OUTSIDE
THE PROJECT AREA WILL BE OF BENEFIT TO THE PROJECT**

BACKGROUND

- A. The Redevelopment Agency of the City of Sacramento (the "Agency") has prepared a proposed Redevelopment Plan (the "Railyards Plan") for the Railyards Redevelopment Project (the "Railyards Project") in accordance with the provisions of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*, the "CRL"); and
- B. If the proposed Railyards Plan is adopted, then pursuant to Article XVI, Section 16, of the California Constitution, Section 33670 *et seq.* of the CRL and the Redevelopment Plan, increases in the assessed values of the property within the Railyards Project Area above the sum of the assessed values as shown on the 2007-2008 assessment roll (the "Base Year Roll") will result in that portion of property taxes levied each year on such increases in assessed values being paid to the Agency as tax increments (the "Tax Increments") to pay the principal of and interest on loans, monies advanced to or indebtedness incurred by the Agency to finance or refinance, in whole or in part, redevelopment in accordance with the Railyards Plan; and
- C. Section 33334.2 of the CRL requires that not less than twenty percent (20%) of all Tax Increments allocated to the Agency from the Railyards Project Area (the "Housing Funds") be used by the Agency for the purposes of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable housing cost to persons and families of extremely low, very low, low or moderate income; and
- D. Section 33334.2(g) of the CRL provides that the Agency may use the Housing Funds outside the Railyards Project Area if a finding is made by the Agency and the City Council that such use will be of benefit to the Railyards Project;

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. That the use of Housing Funds from the Railyards Project Area for the purpose of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable housing cost

to persons and families of extremely low, very low, low, or moderate income outside the Railyards Project Area will be of benefit to the Railyards Project.

Attachment 6

RESOLUTION NO. 2008-_____

Adopted by the Sacramento City Council

**ELECTING, PURSUANT TO SECTION 33676(a) OF THE CALIFORNIA
COMMUNITY REDEVELOPMENT LAW, TO RECEIVE THE TAX REVENUES
ATTRIBUTABLE TO TAX RATE INCREASES IMPOSED FOR THE BENEFIT OF
THE CITY OF SACRAMENTO AFTER THE ADOPTION OF THE PROPOSED
REDEVELOPMENT PLAN FOR THE RAILYARDS REDEVELOPMENT PROJECT**

BACKGROUND

- A. The Redevelopment Agency of the City of Sacramento (the "Agency") has prepared a proposed Redevelopment Plan (the "Railyards Plan") for the Railyards Redevelopment Project (the "Railyards Project") in accordance with the provisions of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*, the "CRL"); and
- B. If the proposed Railyards Plan is adopted, then pursuant to Article XVI, Section 16, of the California Constitution, Section 33670 *et seq.* of the CRL and the Redevelopment Plan, increases in the assessed values of the property within the Railyards Project Area above the sum of the assessed values as shown on the 2007-2008 assessment roll (the "Base Year Roll") will result in that portion of property taxes levied each year on such increases in assessed values being paid to the Agency as tax increments (the "Tax Increments") to pay the principal of and interest on loans, monies advanced to or indebtedness incurred by the Agency to finance or refinance, in whole or in part, redevelopment in accordance with the Railyards Plan; and
- C. Section 33676(a) of the CRL provides that, prior to the adoption of the Railyards Plan, any affected taxing agency may elect to receive, in addition to the portion of taxes allocated to the affected taxing agency pursuant to Section 33670(a) of the CRL, all or any portion of the tax revenues allocated to the Agency from the Railyards Project Area pursuant to Section 33670(b) of the CRL that are attributable to the tax rate increases imposed for the benefit of the taxing agency after the tax year in which the ordinance adopting the Railyards Plan becomes effective (the "Tax Rate Increases"); and
- D. As an affected taxing agency, the City of Sacramento desires to receive that portion of the Tax Increments from the Railyards Project Area attributable to the Tax Rate Increases, if any, imposed for the benefit of the City of Sacramento;

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The City Council elects to receive that portion of the Tax Increments from the Railyards Project Area attributable to the Tax Rate Increases, if any, imposed for the benefit of the City of Sacramento.

Section 2. The City Clerk is hereby directed and authorized to transmit a copy of this resolution to the Executive Director of the Redevelopment Agency of the City of Sacramento and to the tax collector of Sacramento County.

Attachment 7

ORDINANCE NO. 2008 _____

Adopted by the Sacramento City Council

**AMENDING ORDINANCE NOS. 90-037, 94-046, 96-038, 2003-73,
2004-050, 2007-003, AND 2007-044, AND ADOPTING THE
SEVENTH AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE RICHARDS BOULEVARD REDEVELOPMENT PROJECT**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The City Council hereby finds and declares:

- A. The City Council of the City of Sacramento (the "City Council") has received from the Redevelopment Agency of the City of Sacramento (the "Agency") the proposed Seventh Amendment (the "Richards Amendment") to the Redevelopment Plan (the "Richards Plan") for the Richards Boulevard Redevelopment Project (the "Richards Project"), a copy of which is on file at the office of the City Clerk (the "City Clerk") at 915 I Street, Historic City Hall, Sacramento, California, together with the combined Report of the Agency to the City Council on the adoption of the proposed Richards Amendment and of the Redevelopment Plan (the "Railyards Plan") for the Railyards Redevelopment Project (the "Railyards Project"), which Report includes: (1) the reasons for the proposed actions; (2) a description of the physical and economic blighting conditions existing in the Railyards Project; (3) a description of specific projects proposed by the Agency in the Railyards Project and an explanation of how the proposed projects will alleviate the blighting conditions existing in the Railyards Project; (4) an implementation plan for the Railyards Project and an amended and restated implementation plan for the Richards Project (to be renamed the River District Redevelopment Project); (5) the proposed method of financing redevelopment of the Railyards Project, including an assessment of the economic feasibility of the Railyards Project; (6) an explanation of why the elimination of blight and redevelopment of the Railyards Project cannot be accomplished by private enterprise acting alone or through other financing alternatives other than tax increment financing; (7) a method or plan for relocation; (8) an analysis of the Preliminary Plan for the Railyards Project and the Amended and Restated Preliminary Plan for the Richards Project; (9) the Report and Recommendations of the Planning Commission of the City of Sacramento (the "Planning Commission"); (10) the Final Environmental Impact Report on the Richards Amendment and Railyards Plan; (11) a neighborhood impact report; and (12) a summary of consultations with affected taxing agencies.

- B. The Richards Amendment does two things: (1) deletes approximately 298 acres from within the boundaries of the Richards Project Area (the “Deleted Area”); and (2) renames the amended area the “River District Redevelopment Project.” The Deleted Area comprises the area that is proposed to be included within the new Railyards Project.
- C. The Planning Commission has reported that the Richards Amendment conforms to the General Plan for the City of Sacramento and has recommended approval of the Richards Amendment.
- D. The Agency prepared and circulated a Draft Environmental Impact Report (the “Draft EIR”) on the Richards Amendment and the Railyards Plan in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, “CEQA”), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 *et seq.*, “State CEQA Guidelines”), and environmental procedures adopted by the Agency pursuant thereto, and the Draft EIR was thereafter revised and supplemented to incorporate comments received and responses thereto, and, as so revised and supplemented, a Final Environmental Impact Report (the “Final EIR”) was prepared and certified by the Agency.
- E. The Agency and the City Council have reviewed and considered the Final EIR and have determined that, for certain significant effects identified by the Final EIR, mitigation measures and a mitigation monitoring program therefor have been adopted and mitigation measures incorporated into the Richards Amendment to avoid or substantially lessen such effects.
- F. The Agency and the City Council have each adopted a Statement of Overriding Considerations for the remaining significant effects identified by the Final EIR that cannot be mitigated to a level of insignificance.
- G. The City Council and the Agency held a joint public hearing in the City Council Chambers, 915 I Street, Sacramento, California, on April 22, 2008, to consider adoption of the Richards Amendment and the Railyards Plan.
- H. A notice of said hearing was duly and regularly published in the *Daily Recorder*, a newspaper of general circulation in the City of Sacramento, once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk.
- I. On March 19, 2008, copies of the notice of joint public hearing were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Richards Project Area and the Railyards Project Area as shown on the last equalized assessment roll of the County of Sacramento.
- J. On March 19, 2008, copies of the notice of joint public hearing were mailed by first-class mail to all residents and businesses within the Richards Project Area and the Railyards Project Area.

- K. On March 19, 2008, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing entity that receives taxes from property in the Richards Project Area and the Railyards Project Area.
- L. On March 6, 2008, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the California Department of Finance and the California Department of Housing and Community Development.
- M. The City Council has considered the Report of the Agency, the Report and Recommendations of the Planning Commission, the Richards Amendment, and the Final EIR, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Richards Amendment.
- N. The City Council has adopted written findings in response to the written objections received, if any, from affected property owners and/or affected taxing entities at or prior to the joint public hearing.
- O. All actions required by law have been taken by all appropriate legal bodies.

SECTION 2.

The City Council declares that the purpose and intent of the City Council with respect to the Richards Amendment is to accomplish the following: (a) the deletion of the Deleted Area (which comprises the proposed new Railyards Project Area) from the Richards Project Area in order to enable each area to more effectively implement and carry out redevelopment efforts and, in particular, to protect the finite resources of the remaining Richards Project Area from being overwhelmed by the substantial costs and development constraints associated with redevelopment of the proposed Railyards Project; and (b) the renaming of the Richards Project as the "River District Redevelopment Project" in order to foster and promote the current community planning and development vision emphasizing its distinctive assets, the Sacramento and American rivers.

SECTION 3.

The City Council hereby finds and determines that:

- (a) The Richards Amendment will provide for the continued redevelopment of the Richards Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare. This finding is based upon the facts, as more particularly set forth in the Report of the Agency to the City Council, that the Richards Amendment will implement the objectives of the Community Redevelopment Law by removing certain property suffering extensively from unique obstacles to development, the alleviation of which would potentially drain the financial resources of the Richards Project Area.

- (b) The adoption and carrying out of the Richards Plan, as amended by the Richards Amendment, is economically sound and feasible. This finding is based on the facts, as more particularly set forth in the Report of the Agency to the City Council, that: (1) the unique obstacles of redevelopment of the Railyards property, including its almost complete lack of infrastructure, need for realignment of the levee system and mainline railroad tracks, environmental contamination, and historic preservation, would potentially overwhelm the financial resources of the existing Richards Project Area; and (2) the removal of the Railyards property will enable resources from the remaining Richards Project Area to be used to fund redevelopment projects in the remaining Richards Project Area.
- (c) The Richards Amendment is consistent with the General Plan of the City of Sacramento, including, but not limited to, the housing element, which substantially complies with state housing law. This finding is based upon the finding of the Planning Commission that the Richards Amendment is consistent with the General Plan of the City of Sacramento.
- (d) The carrying out of the Richards Amendment would promote the public peace, health, safety, and welfare of the City of Sacramento and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the fact that the exclusion of property contemplated by the Richards Amendment will allow the Agency to more effectively carry out redevelopment in the remaining Richards Project Area. The Richards Amendment will protect the tax increment revenues generated by the remaining Richards Project Area from the complicated and costly demands of the Railyards property, providing the Agency with the funds necessary to implement redevelopment projects and programs to improve the remaining Richards Project Area and thereby stimulating development and improving the physical and economic conditions of the remaining Richards Project Area.
- (e) The exclusion of properties contemplated by the Richards Amendment will not result in any noncontiguous areas of the Richards Project Area.
- (f) The findings set forth in paragraphs (1), (6), (7), (8), (10), (11), (12), (13) and (14) of subdivision (d) of Section 33367 of the Community Redevelopment Law are not applicable to the approval and adoption of the Richards Amendment because the Richards Amendment does not make any changes to the existing Richards Plan as it will continue to apply to the remaining Richards Project Area. The Richards Amendment is limited in scope to the removal of the Deleted Area and the renaming of the Project.

SECTION 4.

In order to implement and facilitate the effectuation of the Richards Amendment, certain official actions must be taken by the City Council; accordingly, the City Council hereby: (a) pledges its cooperation in helping to carry out the Richards Plan as amended by the Richards Amendment; (b) directs the various officials, departments, boards, and agencies of the City of Sacramento having administrative responsibilities in the

Richards Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Richards Plan as amended by the Richards Amendment; (c) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Richards Plan as amended by the Richards Amendment; and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Richards Plan as amended by the Richards Amendment.

SECTION 5.

The City Council is satisfied that written findings have been adopted in response to the written objections received, if any, at or before the noticed public hearing from affected property owners and/or affected taxing entities. Having considered all evidence and testimony presented for or against any and all aspects of the Richards Amendment, the City Council hereby overrules all written and oral objections to the Richards Amendment.

SECTION 6.

The mitigation measures, as identified in Council Resolution No. 2008-_____, adopted on May 6, 2008, and Agency Resolution No. 2008-_____, adopted on May 6, 2008, are incorporated and made part of the proposed Richards Amendment.

SECTION 7.

The Redevelopment Plan for the Richards Boulevard Redevelopment Project, as adopted and amended by Ordinance Nos. 90-037, 94-046, 96-038, 2003-73, 2004-050, 2007-003 and 2007-044, is hereby amended as set forth in the Richards Amendment attached hereto and incorporated herein by this reference. As so amended, the Richards Plan is hereby incorporated herein by reference. The Executive Director of the Agency is hereby authorized to prepare a single Richards Plan document that incorporates the provisions of the original Richards Plan, as adopted and amended by the ordinances identified above and this Ordinance, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official "Redevelopment Plan for the River District Redevelopment Project."

SECTION 8.

The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, and the Agency is hereby vested with the responsibility for carrying out the Richards Amendment.

SECTION 9.

Pursuant to Section 33456 of the Community Redevelopment Law, within sixty (60) days following the adoption of this Ordinance, the City Clerk is hereby directed to record with the County Recorder of the County of Sacramento a notice of the approval and adoption of the Richards Amendment pursuant to this Ordinance, containing a

description of the Deleted Area, a description of the land within the remaining Richards Project Area, and a statement that the Richards Plan has been amended.

SECTION 10.

The City Clerk is hereby directed to transmit a copy of the description and statement recorded pursuant to Section 9 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the boundaries of the Richards Project Area, as amended by the Richards Amendment, to the auditor and assessor of the County of Sacramento, to the governing body of each of the taxing entities which receives taxes from property in the Richards Project Area, as amended by the Richards Amendment, and to the State Board of Equalization within thirty (30) days following adoption of this Ordinance.

SECTION 11.

If any part of this Ordinance or the Richards Amendment which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Richards Amendment, and this City Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Richards Amendment if such invalid portion thereof had been deleted.

SECTION 12.

This Ordinance shall be in full force and effect ninety (90) days after its adoption; provided, however, that this Ordinance is contingent upon and shall not take effect if an Ordinance approving and adopting the Railyards Plan is not also adopted prior to the date this Ordinance would have taken effect; and provided further that if the Ordinance approving and adopting the Railyards Plan does not take effect within ninety (90) days after its adoption or is determined to be invalid for any reason, this Ordinance shall be automatically repealed as of the date of its adoption. It is the intent of this section that this Ordinance and the resulting adoption of the Richards Amendment shall be of no force and effect unless the Ordinance approving and adopting the Railyards Plan is in full force and effect without the possibility of being invalidated.

Attachment 8

ORDINANCE NO. 2008_____

Adopted by the Sacramento City Council

**APPROVING AND ADOPTING THE
REDEVELOPMENT PLAN FOR THE
RAILYARDS REDEVELOPMENT PROJECT**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The City Council hereby finds and declares:

- A. The City Council of the City of Sacramento (the "City Council") has received from the Redevelopment Agency of the City of Sacramento (the "Agency") the proposed Redevelopment Plan (the "Railyards Plan") for the Railyards Redevelopment Project (the "Railyards Project"), a copy of which is on file at the office of the City Clerk (the "City Clerk") at 915 I Street, Historic City Hall, Sacramento, California, together with the combined Report of the Agency to the City Council on the adoption of both the Railyards Plan and the proposed Seventh Amendment (the "Richards Amendment") to the Redevelopment Plan (the "Richards Plan") for the Richards Boulevard Redevelopment Project (the "Richards Project"), which Report includes: (1) the reasons for the proposed actions; (2) a description of the physical and economic blighting conditions existing in the Railyards Project; (3) a description of specific projects proposed by the Agency in the Railyards Project and an explanation of how the proposed projects will alleviate the blighting conditions existing in the Railyards Project; (4) an implementation plan for the Railyards Project and an amended and restated implementation plan for the Richards Project (to be renamed the River District Redevelopment Project); (5) the proposed method of financing redevelopment of the Railyards Project, including an assessment of the economic feasibility of the Railyards Project; (6) an explanation of why the elimination of blight and redevelopment of the Railyards Project cannot be accomplished by private enterprise acting alone or through other financing alternatives other than tax increment financing; (7) a method or plan for relocation; (8) an analysis of the Preliminary Plan for the Railyards Project and the Amended and Restated Preliminary Plan for the Richards Project; (9) the Report and Recommendations of the Planning Commission of the City of Sacramento (the "Planning Commission"); (10) the Final Environmental Impact Report on the Richards Amendment and Railyards Plan; (11) a neighborhood impact report; and (12) a summary of consultations with affected taxing agencies.

- B. The Planning Commission has reported that the Railyards Plan conforms to the General Plan for the City of Sacramento and has recommended approval of the Railyards Plan.
- C. The Agency prepared and circulated a Draft Environmental Impact Report (the "Draft EIR") on the Richards Amendment and the Railyards Plan in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 *et seq.*, "State CEQA Guidelines"), and environmental procedures adopted by the Agency pursuant thereto, and the Draft EIR was thereafter revised and supplemented to incorporate comments received and responses thereto, and, as so revised and supplemented, a Final Environmental Impact Report (the "Final EIR") was prepared and certified by the Agency.
- D. The Agency and the City Council have reviewed and considered the Final EIR and have determined that, for certain significant effects identified by the Final EIR, mitigation measures and a mitigation monitoring program therefor have been adopted and mitigation measures incorporated into the Railyards Plan to avoid or substantially lessen such effects.
- E. The Agency and the City Council have each adopted a Statement of Overriding Considerations for the remaining significant effects identified by the Final EIR that cannot be mitigated to a level of insignificance.
- F. The City Council and the Agency held a joint public hearing in the City Council Chambers, 915 I Street, Sacramento, California, on April 22, 2008, to consider adoption of the Railyards Plan and the Richards Amendment.
- G. A notice of said hearing was duly and regularly published in the *Daily Recorder*, a newspaper of general circulation in the City of Sacramento, once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk.
- H. On March 19, 2008, copies of the notice of joint public hearing and a statement concerning acquisition of property by the Agency were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Railyards Project as shown on the last equalized assessment roll of the County of Sacramento.
- I. On March 19, 2008, copies of the notice of joint public hearing were mailed by first-class mail to all residents and businesses within the Railyards Project.
- J. On March 19, 2008, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing entity that receives taxes from property in the Railyards Project.
- K. On March 6, 2008, copies of the notice of joint public hearing were mailed by

certified mail with return receipt requested to the California Department of Finance and the California Department of Housing and Community Development.

- L. The City Council has considered the Report of the Agency, the Report and Recommendations of the Planning Commission, the Railyards Plan, and the Final EIR, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Railyards Plan.
- M. The City Council has adopted written findings in response to the written objections, if any, received from affected property owners and/or affected taxing entities at or prior to the joint public hearing.
- N. All actions required by law have been taken by all appropriate legal bodies.

SECTION 2.

The City Council declares that the purpose and intent of the City Council with respect to the Railyards Project Area is to accomplish the following: (a) eliminate blighting influences and correct environmental deficiencies in the Railyards Project Area, including, among others, buildings in which it is unsafe or unhealthy for persons to live or work, conditions that substantially hinder the viable use and capacity of buildings and lots, impaired investments, high business vacancies, and inadequate or deteriorated public improvements, facilities, and utilities; (b) strengthen the economic and employment base of the Railyards Project Area and the community by removing impediments to and encouraging new residential and commercial development and other private investment; (c) improve public facilities and infrastructure, including providing adequate access to and within the Railyards Project Area and infrastructure that meets modern health and safety standards, provide adequate land for parks and open spaces, and promote an overall environment for social and economic growth; (d) implement design and use standards to assure high aesthetic and environmental quality and provide unity and integrity to developments within the Railyards Project Area, preserving historic resources where feasible and promoting public transit access and use; (e) encourage the cooperation and participation of residents, businesses, public agencies and community organizations in the redevelopment and revitalization of the Railyards Project Area; and (f) increase, improve and preserve the community's supply of housing available to extremely low, very low, low and moderate income persons and families.

SECTION 3.

The City Council hereby finds and determines that:

- (a) The Railyards Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*). This finding is based upon the following facts, as more particularly set forth in the Report of the Agency to the City Council:

- (1) The Railyards Project Area is predominantly urbanized;
 - (2) The Railyards Project Area is characterized by and suffers from a combination of blighting physical and economic conditions, including, among others: buildings in which it is unsafe or unhealthy for persons to live or work due to serious dilapidation and deterioration, construction that is vulnerable to serious damage from seismic or geologic hazards, and inadequate water and sewer utilities; conditions substantially hindering the viable use or capacity of buildings or lots; depreciated or stagnant property values; impaired property values due in significant part to hazardous wastes; and abnormally high business vacancies, abnormally low lease rates, or an abnormally high number of abandoned buildings; and
 - (3) The combination of the conditions referred to in paragraph (2) above is so prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the Railyards Project Area to such an extent that it constitutes a serious physical and economic burden on the City that cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.
- (b) The Railyards Plan will redevelop the Railyards Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare. This finding is based upon the fact that redevelopment of the Railyards Project Area will implement the objectives of the Community Redevelopment Law by: aiding in the elimination and correction of the conditions of blight; providing for planning, development, redesign, clearance, reconstruction, or rehabilitation of properties which need improvement; improving, increasing, and preserving the supply of low- and moderate-income housing within the community; providing additional employment opportunities; and providing for higher economic utilization of potentially useful land.
 - (c) The adoption and carrying out of the Railyards Plan is economically sound and feasible. This finding is based on the facts, as more particularly set forth in the Report of the Agency to the City Council: that under the Railyards Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Railyards Project Area; and that no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.
 - (d) The Railyards Plan is consistent with the General Plan of the City of Sacramento, including, but not limited to, the housing element, which substantially complies with state housing law. This finding is based upon the finding of the Planning Commission that the Railyards Plan is consistent with the General Plan of the City of Sacramento.
 - (e) The carrying out of the Railyards Plan would promote the public peace, health,

safety, and welfare of the City of Sacramento and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the fact that redevelopment, as contemplated by the Railyards Plan, will benefit the Railyards Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the physical and economic conditions of the Railyards Project Area.

- (f) The condemnation of real property, as provided for in the Railyards Plan, is necessary to the execution of the Railyards Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon: (1) the need to ensure that the provisions of the Railyards Plan will be carried out and to prevent the recurrence of blight; (2) the fact that no property will be acquired unless the Agency can demonstrate that it has adequate revenue for the acquisition; and (3) the fact that the condemnation of real property by the Agency is subject to the requirements of the California Eminent Domain Law (Code of Civil Procedure Section 1230.010 *et seq.*).
- (g) The Agency has a feasible method for the relocation of families and persons who might be displaced, temporarily or permanently, from housing facilities in the Railyards Project Area. This finding is based on the fact that the Railyards Plan provides for relocation assistance according to law, and the fact that there are no existing residential uses within the Railyards Project Area.
- (h) There are, or shall be provided, within the Railyards Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Railyards Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. No person or family will be required to move from any dwelling unit until suitable replacement housing is available. Families and persons shall not be displaced prior to the adoption of a relocation plan, and dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan. These findings are based on the fact that the Railyards Plan provides for relocation assistance according to law, and the fact that there are no existing residential uses within the Railyards Project Area.
- (i) There are no noncontiguous areas of the Railyards Project Area.
- (j) Inclusion of any lands, buildings, or improvements in the Railyards Project Area that are not detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the entire area of which they are a part; and any area included is necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for its inclusion. This finding is based upon the fact that the boundaries of the Railyards Project Area were chosen as a unified and consistent whole to include a geographically defined and identified area of the

City in which all properties are contributing to or affected by the blighting conditions characterizing the Railyards Project Area.

- (k) The elimination of blight and the redevelopment of the Railyards Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the facts, as more particularly set forth in the Report of the Agency to the City Council, that the Railyards Project Area suffers from particularly serious obstacles to redevelopment, including an almost complete lack of infrastructure, severe environmental contamination, the need to realign the levee system, historic preservation issues and issues related to the realignment of mainline railroad tracks. The substantial costs of redevelopment cannot be borne solely by private owners and developers, and the funds of other potentially available public sources and programs have been or are insufficient to eliminate the blighting conditions.
- (l) The Railyards Project Area is a predominantly urbanized area as defined by subdivision (b) of Section 33320.1 of the Community Redevelopment Law. This finding is based upon the facts, as more particularly set forth in the Report of the Agency to the City Council, that 100% of the properties within the Railyards Project Area have been or are developed for urban uses.
- (m) The time limitations in the Railyards Plan, which are the maximum time limitations authorized under the Community Redevelopment Law, are reasonably related to the proposed projects to be implemented in the Railyards Project Area and the ability of the Agency to eliminate blight within the Railyards Project Area. This finding is based upon the facts that redevelopment depends, in large part, upon private market forces beyond the control of the Agency and shorter time limitations would impair the Agency's ability to be flexible and respond to market conditions as and when appropriate and would impair the Agency's ability to maintain development standards and controls over a period of time sufficient to assure area stabilization. In addition, shorter time limitations would limit the revenue sources and financing capacity necessary to carry out proposed projects in the Railyards Project Area.
- (n) The implementation of the Railyards Plan will improve or alleviate the physical and economic conditions of blight in the Railyards Project Area, as described in the Report of the Agency to the City Council. This finding is based upon the facts, as more particularly set forth in the Report of the Agency to the City Council, that redevelopment is expected to result in the provision of new residential and commercial facilities meeting modern health and safety standards, the improvement of public facilities and infrastructure meeting modern health and safety standards, and a strengthening of the economic and

employment base of the Railyards Project Area, providing additional employment opportunities and a higher economic utilization of potentially useful land.

SECTION 4.

The City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Railyards Project Area are displaced, if any, and that pending the development of the facilities, there will be available to the displaced occupants, if any, adequate temporary housing facilities at rents comparable to those in the City of Sacramento at the time of their displacement. No persons or families of low or moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings.

SECTION 5.

In order to implement and facilitate the effectuation of the Railyards Plan, certain official actions must be taken by the City Council; accordingly, the City Council hereby: (a) pledges its cooperation in helping to carry out the Railyards Plan; (b) directs the various officials, departments, boards, and agencies of the City of Sacramento having administrative responsibilities in the Railyards Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Railyards Plan; (c) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Railyards Plan; and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Railyards Plan.

SECTION 6.

The City Council is satisfied that written findings have been adopted in response to the written objections, if any, received at or before the noticed public hearing from affected property owners and/or affected taxing entities. Having considered all evidence and testimony presented for or against any and all aspects of the Railyards Plan, the City Council hereby overrules all written and oral objections to the Railyards Plan.

SECTION 7.

The mitigation measures, as identified in Council Resolution No. 2008-_____, adopted on May 6, 2008, and Agency Resolution No. 2008-_____, adopted on May 6, 2008, are incorporated and made part of the proposed Railyards Plan.

SECTION 8.

That certain document entitled "Redevelopment Plan for the Railyards Redevelopment Project," a copy of which is on file in the office of the City Clerk and attached hereto, is hereby incorporated herein by this reference and designated as the official

“Redevelopment Plan for the Railyards Redevelopment Project.”

SECTION 9.

The City of Sacramento Building Department is hereby directed for a period of at least two (2) years after the effective date of this Ordinance to advise all applicants for building permits within the Railyards Project Area that the site for which a building permit is sought for construction of buildings or for other improvements is within a redevelopment project area.

SECTION 10.

The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, and the Agency is hereby vested with the responsibility for carrying out the Railyards Plan.

SECTION 11.

Pursuant to Section 33373 of the Community Redevelopment Law, within sixty (60) days following the adoption of this Ordinance, the City Clerk is hereby directed to record with the County Recorder of the County of Sacramento a notice of the approval and adoption of the Railyards Plan pursuant to this Ordinance, containing a description of the land within the Railyards Project Area, a statement that proceedings for the redevelopment of the Railyards Project Area have been instituted under the Community Redevelopment Law, particularly stating that the Agency is authorized to acquire property by eminent domain.

SECTION 12.

The City Clerk is hereby directed to transmit a copy of the description and statement recorded pursuant to Section 11 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the boundaries of the Railyards Project Area, to the auditor and assessor of the County of Sacramento, to the governing body of each of the taxing entities which receives taxes from property in the Railyards Project Area, and to the State Board of Equalization within thirty (30) days following adoption of this Ordinance.

SECTION 13.

If any part of this Ordinance or the Railyards Plan which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Railyards Plan, and this City Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Railyards Plan if such invalid portion thereof had been deleted.

SECTION 14.

This Ordinance shall be in full force and effect ninety (90) days after its adoption; provided, however, that this Ordinance is contingent upon and shall not take effect unless and until an Ordinance approving and adopting the Richards Amendment has

become effective; and provided, further, that if the Ordinance approving and adopting the Richards Amendment is determined to be invalid for any reason, this Ordinance shall be automatically repealed as of the date of its adoption. It is the intent of this section that this Ordinance and the resulting adoption of the Railyards Plan shall be of no force and effect unless the Ordinance approving and adopting the Richards Amendment is in full force and effect without the possibility of being invalidated.