

## **RESOLUTION NO. 2008-311**

Adopted by the Sacramento City Council

May 20, 2008

### **CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE COMMERCE STATION PUD PROJECT (P06-018)**

#### **BACKGROUND**

- A. On April 17, 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council its recommendation of approval of the Commerce Station PUD Project (Project).
- B. On May 20, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Sections 16.24.0907, 17.204.020(C), 17.208.020(C) 17.180.050(D), 17.220.035, and 17.200.010(C)(2)(a), (b), and (c)(publication, posting, and mail 500'), and received and considered evidence concerning the Project.

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

- Section 1 The City Council finds that the Environmental Impact Report for Commerce Station (herein EIR) which consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
- Section 2 The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Environmental Impact Report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
- Section 3 The City Council certifies that the EIR has been presented to it, that the City Council has reviewed the EIR and has considered the information contained in the EIR prior to acting on the proposed Project, and that the EIR reflects the City Council's independent judgment and analysis.

- Section 4 Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit A of this Resolution.
- Section 5 Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program as set forth in Exhibit B of this Resolution.
- Section 6 The City Council directs that, upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.
- Section 7 Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Commerce Station Project.

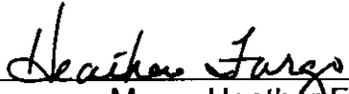
Adopted by the City of Sacramento City Council on May 20, 2008 by the following vote:

Ayes: Councilmembers Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: Councilmembers Cohn & Fong.

  
 Mayor Heather Fargo

Attest:

  
 Shirley Concolino, City Clerk

**CEQA FINDINGS AND  
STATEMENT OF OVERRIDING CONSIDERATIONS  
for the  
COMMERCE STATION PROJECT (P06-018)**

**I. DESCRIPTION OF THE PROJECT.**

The City Council (the "Council") of the City of Sacramento (the "City") hereby adopts and makes the following resolutions and findings relating to a General Plan Amendment, a North Natomas Community Plan Amendment, a Rezone, a Planned Unit Development Schematic Plan Amendment, a Planned Unit Development Guidelines Amendment, a Tentative Parcel Map and a Planned Unit Development Special Permit for the Commerce Station Project (the "Project"), located at the northwest corner of Del Paso Road and East Commerce Way in the North Natomas area. The Project Applicant/Owner is Commerce Station LLC and Natomas Towne Center LLC, c/o the Law Offices of Gregory D. Thatch, Attn. Gregory D. Thatch, Esq., 1730 "I" Street, Suite 220, Sacramento, California 95811. These CEQA Findings have been prepared for the certification of a Final Environmental Impact Report (the "FEIR") prepared for the Council's approval of the Project pursuant to Resolution Number \_\_\_\_\_, dated \_\_\_\_\_ (the "Resolution"). The foregoing actions are collectively referred to herein as the "Project". These Findings are prepared pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code, Section 21000 *et seq.*). (See Public Resources Code, Section 21081.)

The Project objective is the development and construction of a high quality mixed use office, retail, hospitality and residential development on an approximately 180.5 acre site situated east of Interstate 5, north of Del Paso Road, and west of East Commerce Way in the North Natomas Community Plan area of the City. The Commerce Station Project will include a 20.6 acre regional shopping center, 4.1 acres of park space, and 155.8 acres of mixed uses such as office, retail, support retail, hospitality and high density residential uses. A PUD Plan Review is also requested for the construction of four buildings within the Project and their associated infrastructure. Those four buildings would each be two stories in height with a total of 168,785 square feet of building space, composed of 102,760 square feet of office area and 66,025 square feet of mixed use area. The mixed use area would include ground floor retail/office and second floor office/high density residential. In addition, 481 off-street parking spaces would be provided. At full build out, the entire Commerce Station Project would have 3,267,068 square feet of buildings.

The Project is designed to meet those objectives. In order to do so, the Project has the following components:

- **General Plan Amendment** to re-designate 180.5± vacant acres consisting of 158.2± acres of Mixed Use (MU) and 22.3± acres of Parks-Recreation-Open Space (PROS) UtoU 135.4± acres of Mixed Use (MU), 24.7± acres of Parks-Recreation-Open Space (PROS), and 20.4± acres of Regional Commercial and Offices (RCO);
- **North Natomas Community Plan Amendment** to re-designate 180.5± vacant acres consisting of 15.4± acres of Employment Center (EC-80), 43.0± acres of Employment Center (EC-65), 88.1± acres of Employment Center (EC-50), 11.7± acres of Employment Center (EC-40), and 22.3± acres of Parks-Open Space (POS) UtoU 34.6± acres of Employment Center (EC-80), 47.0± acres of Employment Center (EC-65), 53.8± acres of Employment Center (EC-50), 20.4± acres of Regional Commercial (RC), and 24.7± acres of Parks-Open Space (POS);
- **Rezone** 180.5± vacant acres consisting of 15.4± acres of Employment Center Planned Unit Development (EC-80-PUD), 43.0± acres of Employment Center Planned Unit Development (EC-65-PUD), 88.1± acres of Employment Center Planned Unit Development (EC-50-PUD), 11.7± acres of Employment Center Planned Unit Development (EC-40-PUD), and 22.3± acres of Agriculture-Open Space Planned Unit Development (A-OS-PUD) zone UtoU 34.6± acres of Employment Center Planned Unit Development (EC-80-PUD), 47.0± acres of Employment Center Planned Unit Development (EC-65-PUD), 53.8± acres of Employment Center Planned Unit Development (EC-50-PUD), 20.4± acres of Shopping Center Planned Unit Development (SC-PUD), and 24.7± acres of Agriculture-Open Space Planned Unit Development (A-OS-PUD);
- **PUD Schematic Plan Amendment** to depict 2,322,160± square feet of office, 250,688± square feet of retail, 101,100± square feet of support retail, 588,920± square feet of mixed use/hospitality, and residential in the Commerce Station Planned Unit Development;
- **PUD Guidelines Amendment** to the established Commerce Station Planned Unit Development Guidelines;
- **Tentative Master Parcel Map** to subdivide 180.5± vacant acres totaling of nine (9) parcels into seventy-three (73) residential, park, open space, commercial, office, and mixed-use parcels;
- **Subdivision Modification** to allow non-standard street sections and elbows; and
- **PUD Plan Review** for the development of two (2) two-story office buildings (43,509± square feet and 59,251± square feet) and two (2) two-story mixed use (office or residential and support retail) buildings (30,762± square feet and 35,263± square feet) in the proposed Employment Center Planned Unit Development (EC-50-PUD) zone.

The Project, as proposed for adoption, has undergone modification and revision during

the course of public hearings concerning its content. As modified, the Project provides for an intensity of land uses which are within the range of land uses described and analyzed in the Draft EIR, as well as in the FEIR. The FEIR is adequate and sufficient to analyze the Project's impacts and inform the Council of those significant impacts. This point was recognized in *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 29 Cal.Rptr.2d 182, where an environmental impact report was upheld for a project which had an approved residential density different from the originally proposed project, but within the range of residential densities analyzed in the alternatives analysis of the project's environmental impact report.

## II. FINDINGS REQUIRED UNDER CEQA.

### 1. Procedural Findings.

The City Council of the City of Sacramento finds as follows:

Based on the initial study conducted for the Commerce Station Project, SCH#2006092106, (hereinafter the "Project"), the City of Sacramento's Environmental Planning Services determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA"), the CEQA Guidelines (14 California Code of Regulations Section 15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

- a. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and was circulated for public comments from September 21, 2006 through October 20, 2006.
- b. The Notice of Completion ("NOC") and copies of the Draft EIR were distributed to the Office of Planning And Research on September 18, 2007 and to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.
- c. An official 45-day comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on September 18, 2007 and ended on November 1, 2007.
- d. A Notice of Availability ("NOA") of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on September 18, 2007. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, New City Hall, 915 I Street,

Third Floor, Sacramento, California 95814. The NOA also indicated that the official 45-day public review period for the draft EIR would end on November 1, 2007.

- e. A public notice was placed in the Daily Recorder on September 18, 2007, which stated that the Draft EIR was available for public review and comment.
- f. A public notice was posted in the office of the Sacramento County Clerk on September 18, 2007.
- g. Following closure of the public comment period, all comments received on the Draft EIR during the comment period, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR to produce the Final EIR.

## **2. Record of Proceedings.**

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

- a. The City of Sacramento General Plan. (1988)
- b. The City of Sacramento General Plan Update. (2001)
- c. Environmental impact Report for the City of Sacramento General Plan Update, City of Sacramento, March 1987 and all updates.
- d. Findings of Fact and Statement of Overriding Considerations for the adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.
- e. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December 2004.
- f. North Natomas Community Plan Update.
- g. All Notices of Preparation and other public notices issued by the City in conjunction with the Project.
- h. The City of Sacramento Noise Ordinance (December 2003).
- i. The City of Sacramento Zoning Ordinance, Ordinance No. 2550, Fourth Series (Revised January 1, 1997).
- j. The Draft EIR prepared for the Project and all appendices thereto.

- k. The Final EIR prepared for the Project and all appendices thereto.
- l. The Commerce station PUD Schematic Plan and PUD Guidelines.
- m. All staff reports, memoranda, maps, letters, minutes of meetings, referrals, and other planning documents prepared by City staff relating to the Project.
- n. All testimony, documents, and other evidence presented by landowners and members of the public and their representatives within the Project Area.
- o. All testimony and documents submitted to the City by public agencies and members of the public in connection with the Project.
- p. Minutes and verbatim transcripts of all workshops, information sessions, public meetings, and public hearings held by the City in connection with the Project.
- q. Any documentary or other evidence submitted to the City at such workshops, information sessions, public meetings and public hearings.
- r. Matters of common knowledge to the Council, including, but not limited to, the following:
  - (1). Sacramento Metropolitan Air Quality Management District's *Guide to Air Quality Assessment in Sacramento County*, July 2004.
  - (2). SAFCA's Draft Engineers Report for the Sacramento Area Flood Control Agency Capital Assessment District No. 4, January 18, 2007.
  - (3). Other formally adopted City policies and ordinances.

**3. Definitions.**

"CARB" means the California Air Resources Board.

"CEQA" means the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*).

"City" means the City of Sacramento.

"Council" means the City Council of the City of Sacramento.

"County" means the County of Sacramento.

"DEIR" or "Draft EIR" means the Draft EIR for the Project (September 2007).

"EIR" means environmental impact report, consisting of both the DEIR and FEIR.

"FEIR" or "Final EIR" means the Final EIR for the Project (March 2008).

"LOS" means level of service.

"NOP" means notice of preparation.

"NOx" means oxides of nitrogen.

"Plan" means the North Natomas Community Plan.

"PM10" means fine particulate matter (solid particles less than ten microns in diameter).

"Project" means the Commerce Station Project, as well as the necessary land use entitlements, as granted by the Council.

"Project area" and "Project site" mean that land area encompassed within the Project.

"Record" means the Record of Proceedings hereinafter described in Section IV hereof.

"SMAQMD" means the Sacramento Metropolitan Air Quality Management District.

"SMUD" means Sacramento Municipal Utility District.

"VMT" means vehicle miles traveled.

#### **4. Findings.**

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Mitigation measures or alternatives are not required, however, where such changes are infeasible or where the responsibility for the project lies with some other agency. (CEQA Guidelines, Section 15091, sub. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, Sections 15093, 15043, sub.(b); see also Public Resources Code Section 21081, sub.(b).)

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact - even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* ("Laurel Heights I") (1998) 47 Cal.3d 376, 400-403.)

In these Findings, the City first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable does the City address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect, and (ii) "Feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proposed findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Public Resources Code, Section 21081, sub.(b); see also, CEQA Guidelines, Sections 15093, 15043, sub.(b).) In the Statement of Overriding Considerations found at the end of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

The California Supreme Court has stated that "[t]he wisdom of approving ... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II* (1990) 52 Cal.3d 553 at 576.)

To the extent that these Findings conclude that proposed mitigation measures outlined in the FEIR are feasible and have not been modified, superseded or withdrawn, the City hereby requires the implementation of those measures for all subsequent development projects within the Project Area. These Findings, in other words, are not merely informational, but constitute a binding set of obligations that will come into effect when the City adopts the resolution(s) and/or ordinance(s) approving the Project. (Public Resources Code, Section 21081.6, subd. (b)) In addition, the adopted mitigation measures are express conditions of approval.

In support of its approval of the Project, the City council makes the following findings for each of the significant environmental effects and alternatives of the Project identified in the EIR pursuant to Section 21080 of the Public Resources Code and Section 15091 of the CEQA Guidelines:

**A. FINDINGS REGARDING POTENTIAL ENVIRONMENTAL IMPACTS DETERMINED NOT TO BE SIGNIFICANT**

These Findings do not address impacts that are considered to be less-than-significant prior to mitigation. These findings therefore do not address the following resource areas because the Council, based upon the FEIR and the entire Record before the Council, finds that no significant impacts occur with respect to them:

- a) **Land Use: Consistency with the General Plan.** The proposed project is inconsistent with the goals of the General Plan, but will be consistent with the General Plan upon approval of the requested General Plan Amendment.
- b) **Land Use: Consistency with the North Natomas Community Plan (NNCP).** The Project is inconsistent with the NNCP land use designations for the project site and required a NNCP Amendment to change some EC uses to Regional Commercial that was granted to achieve consistency.
- c) **Land Use: Consistency with City Zoning Ordinance.** The Project was inconsistent with the previous NNCP land use designations for the project site and required an NNCP Amendment and a rezone consistent with the amended NNCP that was granted.
- d) **Land Use: Compatibility with Existing Adjacent Land Uses.** Approval of the Project would result in the development of a Shopping Center where development under the Employment Center designation was previously planned. A shopping center would be compatible with the adjacent mixed use development planned under the Employment Center designation on adjacent areas to the north and east. The shopping center would be compatible with the Highway Commercial uses to the south across Del Paso Road.
- e) **Land Use: Increases in the intensity of land uses in the region due to the proposed project and all other projects in the Sacramento area.** The Project, along with all known projects in the City, would change the intensity of land uses in the City's planning area by contributing to development. However, the uses proposed by the Project would be compatible with the surrounding uses, and the proposed uses are similar to those that have already been approved for the Project site. Furthermore, the General Plan EIR has cumulatively considered this

Project site's development and other developments in the City and has anticipated such growth. Given the land use controls and development standards presently in use within the City, cumulative land use impacts would be considered less than significant.

- f) **Transportation and Circulation: Freeway Mainline.** The Project would increase traffic volumes on the freeway mainline. The changes in freeway mainline operating conditions do not exceed the standards of significance for impacts to the freeway mainline. Consequently, the impacts of the Project would be less than significant.
- g) **Transportation and Circulation: Freeway Ramp Queuing.** The Project would increase traffic volumes on the freeway ramps. The changes in freeway ramp queuing do not exceed the available storage space. Consequently, the impacts of the Project would be less than significant.
- h) **Transportation and Circulation: Transit System.** The Project would increase demand for transit services. The Project would result in the addition of employees, residents, patrons and visitors to the site, some of whom would travel by public transit. Although particular transit vehicles operate at or near capacity during peak commuter periods, a review of existing transit operations and plans for future transit services indicate that there is ample capacity on the Regional Transit system to support the anticipated increase in trips. Because the existing and planned future transit system capacity is sufficient to accommodate the increased Project generated transit ridership, the impact on the transit system is less than significant.
- i) **Noise: Construction-induced vibration impact.** Construction activities can generate ground-borne vibrations. The Project does not include significant site grading because the site was previously mass graded, does not require the demolition of any existing buildings or any pile driving; therefore, ground-borne vibrations would not extend to nearby structures or noise-sensitive receivers. Consequently, constructed-related vibrations would have a less than significant impact.
- j) **Noise: Project-related Increase in Existing Traffic Noise Levels.** The Project is expected to result in traffic noise level increases over baseline levels of from 0.2 to 4.3 dB on the Project area roadways. The 4.3 dB increase in traffic noise levels on New Market Drive would exceed the City's 4 to 5 dB threshold because the resultant exterior noise level of 61.6 dB would exceed the City's "Normally Acceptable" 60 dB Ldn exterior noise level standard for residential areas. However, the recently constructed multi-family residential uses along New Market Drive underwent CEQA review and included the Commerce Station Project in their cumulative impact assessment. Furthermore, the traffic noise levels

predicted were calculated for a standard distance of 100 feet from the centerline of the roadway. The common outdoor areas of the multi-family site would be exposed to lower exterior noise levels due to their increased distance (the nearest common area is over 150 feet from the centerline of East Commerce Way) and shielding from intervening buildings. Because the projected increase in traffic noise levels would not expose common outdoor use areas to noise levels that would exceed the threshold of significance when compared to the baseline scenario, the noise impact is considered less than significant.

- k) **Noise:** Traffic Noise Levels at the Exterior of Residential Area or Parks on the Project Site. The pool area for the Project's proposed townhomes would be exposed to exterior noise levels exceeding the City's normally acceptable 60 dB Ldn exterior noise standard, but would not exceed the City's conditionally acceptable 70 dB Ldn exterior noise level standard. Therefore, additional noise reduction measures were not recommended, assuming that interior levels comply with the City's 45 dB Ldn interior noise level standard. As a result, the Project was found to have a less than significant impact on exterior residential areas and parks.
- l) **Noise:** Cumulative increase in Project vicinity noise levels. The cumulative noise scenario was found to be composed primarily of traffic noise, as well as pedestrian and mechanical noise. Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to the Project and other proposed projects in the North Natomas area. The proposed Project would not contribute more than 2 dB Ldn to projected cumulative noise levels on roadways fronting on residential uses. Therefore, the Project related increase is less than the 4 to 5 dB threshold of significance. The Project is not expected to create substantial non-traffic noise from pedestrians or noise from mechanical equipment. Consequently, non-traffic noise would not substantially add to cumulative noise levels. The total noise impact of the Project would be fairly small, and would not be a substantial increase to the cumulative noise environment. Therefore, the Project would result in a less than significant cumulative noise impact.
- m) **Air Quality:** Development of the Project would result in increases in emissions of carbon monoxide. Predicted screening level concentrations of carbon monoxide ("CO") for future buildout of the Project in year 2020 are projected to increase due to predicted increases in traffic attributable to the Project and would approach, but would not be anticipated to exceed, the 8-hour CAAQS for CO of 9.0 ppm. The CO screening assessment conducted for the future Project buildout conditions (Year 2020) was based on predicted Year 2010 background concentrations. There was no adjustment made to account for future anticipated reductions in vehicle emissions attributable to the Project. Because

background concentrations and emissions of CO from mobile sources are anticipated to decline in future years, predicted concentrations for future buildout conditions (Year 2020) would likely be less than those predicted. As a result, predicted concentrations would not be anticipated to exceed the 1-hour or 8-hour CAAQS (i.e., 20 ppm and 9.0 ppm, respectively). As a result, the impact would be considered less than significant.

- n) **Air Quality: Cumulative contribution to local air quality conditions.** The criteria air pollutant of primary local concern is carbon monoxide. Based on the modeling conducted for the Draft EIR, implementation of the Project would not be anticipated to contribute to localized concentrations of carbon monoxide that would exceed applicable ambient air quality standards. As a result, the Project's contribution of localized concentrations of criteria pollutants would be considered less than significant.
  
- o) **Hydrology, Water Quality, and Drainage: Project impacts to existing drainage facilities.** The drainage facilities for the Project area were master planned in 1997 and sized for the buildout of the Project site with Employment Center land uses. The EC land uses were assumed to be 90% impervious which remains the same for the Commerce Station Project. Therefore, the Project would not affect existing drainage facilities serving the site. The City's existing drainage facilities serving the larger drainage basin have also been designed with sufficient capacity to serve the Project. Consequently, the Project would have a less than significant impact on existing drainage facilities.
  
- p) **Hydrology, Water Quality, and Drainage: Construction-related impacts to surface water quality.** The Project's compliance with the City's grading, erosion and sediment control ordinances will require the preparation of an erosion and sediment control plan ("ESC") and a post-construction erosion and sediment control plan ("PC") for the review and approval of the City. The ESC and PC will ensure the quality of stormwater runoff from the Project during construction activities. Therefore, the Project would have a less than significant impact to surface water quality due to construction activities.
  
- q) **Hydrology, Water Quality, and Drainage: Long term water quality degradation associated with urban runoff from the Project site.** Control of urban runoff pollutants and water quality features have previously been incorporated into the existing downstream drainage system for Drainage Basin No. 1 that serves the Project. The Project itself is required to comply with the City's Stormwater Management and Discharge Control Ordinance (Title 13) which requires that improvement plans incorporate controls to minimize long-term, post construction discharge of stormwater pollutants from the Project. The Project will also include onsite source and

treatment controls as required by the City. Therefore, the potential for long-term adverse impacts from urban runoff generated by the Project would be less than significant.

- r) **Hydrology, Water Quality, and Drainage:** Long-term increases in peak stormwater runoff flows from the Project in combination with existing and future developments in the Sacramento area. The Project would create impervious surfaces in an area planned for 90% impervious surfaces at buildout. The addition of those impervious surfaces would increase peak stormwater rates and volumes on and downstream of the site. However, the existing infrastructure was sized to accommodate the Project, and the facilities would be able to accommodate the increased flows. In addition, the other projects would be required to provide the necessary on-site drainage infrastructure and contribute through the payment of development fees and assessments to the funding of off-site infrastructure. Therefore, a less than significant cumulative impact would result from implementation of the Project.
- s) **Hydrology, Water Quality, and Drainage:** Long-term risk to Project tenants and residents from flooding hazards. SAFCA has undertaken a building program to improve the Natomas Basin flood control system to protect against 100-year flood conditions, with an eventual goal of reaching 200-year flood protection levels. Levee improvements are anticipated to take between 2 and 5 years to complete. Following completion, the Natomas Basin would once again be out of the 100-year floodplain. Cumulative buildout of the North Natomas area is expected to take substantially longer than completion of the flood protection improvements. Therefore, as improvements would be finished within the near term, the development of the Project in conjunction with cumulative buildout of the North Natomas Community Plan area would result in a less than significant impact related to flooding hazards.

**B. FINDINGS REGARDING SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less than significant level and are set out below. Pursuant to Section 21081(a)(1) of the Public Resources Code and section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

The Project will result in significant environmental effects with respect to the

following issues or resources:

- Transportation and Circulation;
- Noise;
- Air Quality;
- Hydrology;
- Biological Resources;
- Cultural Resources.

These Findings identify mitigation measures which are incorporated into the Project, thereby avoiding the foregoing impacts. Each of these impacts will be considered in turn below.

### **Impact Category: Traffic and Circulation**

#### **1. Intersection of Del Paso Road and El Centro Road. [DEIR, Impact 4.2-1(a)]**

- a. Impact. Traffic from the Project would result in level of service ("LOS") "E" conditions in the a.m. peak hour and LOS "D" conditions in the p.m. peak hour with an increase in average delay of greater than 5 seconds at this intersection. That impact is considered significant.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and in the Record and finds that the above referenced impact is a significant environmental impact that could arise from implementation of the Project.
- c. Proposed Mitigation. In order to reduce the impacts at the Del Paso Road and El Centro Road intersection to a less-than-significant level, the EIR required the following mitigation:  
  
*MM 4.2-1(a): Del Paso Road and El Centro Road - Before completion of the amount of development that would generate 45 percent of the a.m. peak hour traffic, the Project applicant shall pay a fair share to add a northbound right turn lane to the intersection, if not already implemented by others.*
- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the Project's traffic

and circulation impacts on the level of service at the identified intersection. The Council hereby adopts such mitigation measure.

e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

(1) Impacts Avoided/Lessened. Impacts of the Project relating to a potential reduction in the LOS at the Del Paso Road and El Centro Road intersections to LOS "D" and "E" have been avoided by the mitigation measure described in subparagraph c. above, because it will provide intersection improvements in the form of a new northbound left turn lane that will maintain intersection traffic flows at an acceptable LOS. The impact of the Project will thereby be reduced to a less than significant level.

2. **Intersection of Del Paso Road and East Commerce Way. [DEIR, Impact 4.2-1(b)]**

a. Impact. Traffic from the Project would result in LOS "E" conditions in the a.m. peak hour and LOS "F" conditions in the p.m. peak hour. This is considered a significant impact.

b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and in the Record, and finds that the above referenced impact is a significant environmental impact that could arise from implementation of the Project.

c. Proposed Mitigation. In order to mitigate for unacceptable traffic conditions at the Del Paso Road and East Commerce Way intersection during the a.m. peak hour and the p.m. peak hour, the Project must comply with the following mitigation measure:

*MM 4.2-1(b): Del Paso road and East Commerce Way - Before completion of the amount of development that would generate 50% of the p.m. peak hour Project traffic, the Project applicant shall add a northbound and a southbound right turn signal phase at the subject intersection. The Project applicant shall also restripe the westbound approach to include an exclusive right turn lane, a shared through/right turn lane, two through lanes, and two left turn lanes.*

d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the Project's traffic and circulation impacts on the Del Paso Road and East Commerce Way intersection. This mitigation measure will reduce the impact of the Project

on intersection operations to a less than significant level. The Council hereby adopts such mitigation measure.

e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

(1) Impacts Avoided/Lessened. Impacts of the Project relating to unacceptable levels of service at the Del Paso Road and East Commerce Way intersection will be avoided by the mitigation measure described in subparagraph c. above, because they will require the Project applicant to install additional northbound and southbound right turn signal phases at the intersection and restripe the westbound approach to the intersection with a shared through/right turn lane, two through lanes, and two left turn lanes in order to restore an acceptable LOS. The impact of the Project will thereby be reduced to a less than significant level.

**3. Intersection of Del Paso Road and I-5 Northbound Ramps. [DEIR, Impact 4.2-1(c)]**

a. Impact. Traffic from the Project would result in LOC "F" conditions during the a.m. and p.m. peak hours with an increase in average delay of greater than 5 seconds. This is considered a significant impact.

b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and the Record, and finds that the above referenced impact is a significant environmental impact that could arise from implementation of the Project.

c. Proposed Mitigation. In order to mitigate for the possibility that unacceptable traffic conditions would arise at the Del Paso Road and I-5 Northbound ramps, the following mitigation measure is required:

*MM 4.2-1(c): Del Paso Road and I-5 Northbound Ramps - Before completion of the amount of development that would generate 5% of the p.m. peak hour Project traffic, the Project applicant shall pay a fair share to signalize this intersection.*

d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the impacts of traffic from the Project on the Del Paso Road and I-5 Northbound ramps. The Council hereby adopts such mitigation measure.

e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire record before the Council, the Council finds that:

- (1) Impacts Avoided/Lessened. Impacts of the Project relating to increased traffic from the Project at the Del Paso Road and I-5 Northbound ramps would be avoided by requiring the Project applicant to pay a fair share of the costs to signalize that intersection in order to restore an acceptable LOS. The impact of the Project will thereby be reduced to a less than significant level.

4. **Intersection of Del Paso Road and Natomas Boulevard. [DEIR, Impact 4.2-1(d)]**

- a. Impact. Traffic from the Project would result in LOS "E" conditions in the a.m. peak hour with an increase in delay of greater than 5 seconds, and a change from LOC "C" to "D" in the p.m. peak hour. This is considered a significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and the Record, and finds that the above referenced impact is a significant environmental impact that could arise from implementation of the Project.
- c. Proposed Mitigation. In order to mitigate for the possibility that unacceptable traffic conditions would arise at the Del Paso Road and Natomas Boulevard intersection, the following mitigation measure is required:

*MM 4.2-1(d): Del Paso Road and Natomas Boulevard - Before completion of the amount of development that would generate 15% of the p.m. peak hour Project traffic, the Project applicant shall pay a fair share to add right turn signal phases on all approaches to the intersection.*

- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the impacts of traffic from the Project on the Del Paso Road and Natomas Boulevard intersection. The Council hereby adopts such mitigation measure.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire record before the Council, the Council finds that:
  - (1) Impacts Avoided/Lessened. Impacts of the Project relating to increased traffic from the Project at the Del Paso Road and Natomas Boulevard intersection would be avoided by requiring the Project applicant to pay a fair share of the costs to add right turn signal phases on all approaches to that intersection in order to

restore an acceptable LOS. The impact of the Project will thereby be reduced to a less than significant level.

5. **Intersection of East Commerce Way and New Market Drive. [DEIR, Impact 4.2- 1(e)]**

a. Impact. Traffic from the Project would result in LOS "F" conditions in the p.m. peak hour at the intersection of East Commerce Way and New Market Drive. This is considered a significant impact.

b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and the Record, and finds that the above referenced impact is a significant environmental impact that could arise from implementation of the Project.

c. Proposed Mitigation. In order to mitigate for the possibility that unacceptable traffic conditions would arise at the East Commerce Way and New Market Drive intersection, the following mitigation measure is required:

*MM 4.2-1(e): East Commerce Way and New Market Drive - Before completion of the amount of development that would generate 65% of the p.m. peak hour Project traffic, the Project applicant shall provide an eastbound double right turn lane and an eastbound right turn signal phase at the subject intersection.*

d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the impacts of traffic from the Project on the East Commerce Way and New Market Drive intersection. The Council hereby adopts such mitigation measure.

e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire record before the Council, the Council finds that:

(1) Impacts Avoided/Lessened. Impacts of the Project relating to increased traffic from the Project at the East Commerce Way and New Market Drive intersection would be lessened by requiring the Project applicant to provide an eastbound double right turn lane and an eastbound right turn signal phase at the intersection in order to restore an acceptable LOS. The impact of the Project will thereby be reduced to a less than significant level.

**6. Intersection of East Commerce Way and Road 1. [DEIR, Impact 4.2-1(f)]**

- a. Impact. Traffic from the Project would result in LOS "E" conditions in the p.m. peak hour at the intersection of East Commerce Way and Road 1. This is considered a significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and the Record, and finds that the above referenced impact is a significant environmental impact that could arise from implementation of the Project.
- c. Proposed Mitigation. In order to mitigate for the possibility that unacceptable traffic conditions would arise at the East Commerce Way and Road 1 intersection, the following mitigation measure is required:

*MM 4.2-1(f): East Commerce Way and Road 1 - Before completion of the amount of development that would generate 75% of the p.m. peak hour Project traffic, the Project applicant shall provide an eastbound double right turn lane at the subject intersection.*

- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the impacts of traffic from the Project on the East Commerce Way and Road 1 intersection. The Council hereby adopts such mitigation measure.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire record before the Council, the Council finds that:
  - (1) Impacts Avoided/Lessened. Impacts of the Project relating to increased traffic from the Project at the East Commerce Way and Road 1 intersection would be avoided by requiring the Project applicant to provide an eastbound double right turn lane at the intersection in order to restore an acceptable LOS. The impact of the Project will thereby be reduced to a less than significant level.

**7. Intersection of East Commerce Way and Elkhorn Boulevard. [DEIR, Impact 4.2- 1(g)]**

- a. Impact. Traffic from the Project would result in LOS "F" conditions in the p.m. peak hour at the intersection of East Commerce Way and Elkhorn Boulevard. This is considered a significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and the Record, and

finds that the above referenced impact is a significant environmental impact that could arise from implementation of the Project.

- c. Proposed Mitigation. In order to mitigate for the possibility that unacceptable traffic conditions would arise at the East Commerce Way and Elkhorn Boulevard intersection, the following mitigation measure is required:

*MM 4.2-1(g): East Commerce Way and Elkhorn Boulevard - Before completion of the amount of development that would generate 45% of the p.m. peak hour project traffic, the project applicant shall pay a fair share to signalize this intersection with existing geometry (if not completed by others).*

- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the impacts of traffic from the Project on the East Commerce Way and Elkhorn Boulevard intersection. The Council hereby adopts such mitigation measure.

- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire record before the Council, the Council finds that:

- (1) Impacts Avoided/Lessened. Impacts of the Project relating to increased traffic from the Project at the East Commerce Way and Elkhorn Boulevard intersection would be avoided by requiring the Project applicant to pay a fair share to signalize the intersection in order to restore an acceptable LOS. The impact of the Project will thereby be reduced to a less than significant level.

**8. Pedestrian and Bicycle Circulation Impacts. [DEIR, Impact 4.2-7]**

- a. Impact. The Project would add pedestrian and bicycle demands within the Project site and to and from nearby land uses. Specific information on improvements to on- and off-street bicycle and pedestrian facilities is not available at this time. Because the Project would add demand for pedestrian and bicycle facilities that may not be available, the impact of the Project on pedestrian and bicycle circulation is potentially significant.

- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a potentially significant environmental impact that could arise from the implementation of the Project.

- c. Proposed Mitigation. In order to mitigate for the possibility that the Project would add demand for pedestrian and bicycle facilities that may not be available, the following mitigation measures should be implemented:

*MM 4.2-7(a): Prior to recordation of the first map, the Project applicant shall coordinate with the City of Sacramento Development Engineering Division to identify the necessary on- and off-street pedestrian and bicycle facilities to serve the proposed development. These facilities shall be incorporated into the Project and could include sidewalks, stop signs, standard pedestrian and school crossing warning signs, lane striping to provide a bicycle lane, bicycle parking, signs to identify pedestrian paths, raised sidewalks, and pedestrian signal heads.*

*MM 4.2-7(b): Circulation and access to all proposed parks and public spaces shall include sidewalks that meet Americans with Disabilities Act standards.*

- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measures described in subparagraph c. above are both reasonably feasible and appropriate in mitigating for the pedestrian and bicycle circulation impacts of the Project. The Council hereby adopts such mitigation measures.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
- (1) Impacts Avoided/Lessened. Impacts of the Project relating to pedestrian and bicycle circulation will be reduced to a less than significant level through implementation of the foregoing mitigation measures because they will require the inclusion of on-street and off-street pedestrian and bicycle facilities and compliance with the Americans with Disabilities Act requirements for access to all parks and public spaces.

**9. Construction Traffic Impacts. [DEIR, Impact 4.2-17]**

- a. Impact. Construction of the Project would cause disruptions to the transportation network near the site, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Pedestrian and transit access also may be disrupted temporarily. Heavy vehicles will access the site and may need to be staged for construction. These activities could result in temporarily degraded roadway operating conditions. Therefore, the impacts from construction are considered significant.

- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to avoid any significant adverse impacts on the transportation network near the Project site, the EIR proposed the following mitigation measure:  
  
*MM 4.2-17: Prior to beginning of construction, a construction traffic and parking management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer and be subject to review by all affected agencies. Implementation of this mitigation measure would reduce this impact to less than significant.*
- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the construction related impacts of the Project on the transportation network near the site. The Council hereby adopts such mitigation measures.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
  - (1) Impacts Avoided/Lessened. Impacts of the Project relating to the construction related impacts of the Project on the transportation network near the site will be reduced to a less than significant level through implementation of the foregoing mitigation measure because it will require the preparation of a construction traffic and parking management plan approved by the City traffic engineer.

**10. Cumulative Intersection Impact - Del Paso Road and East Commerce Way.  
[DEIR, Impact 4.2-18(a)]**

- a. Impact. Traffic from the Project would result in LOS "D" conditions in the a.m. peak hour and LOS "E" conditions in the p.m. peak hour with an increase in average delay of greater than 5 seconds at the intersection of Del Paso Road and East Commerce Way. This is considered a significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project.

- c. Proposed Mitigation. In order to reduce the cumulative impacts of the Project on the Del Paso Road and East Commerce Way intersection, the EIR recommended the following mitigation measure:

*MM 4.2-18(a): Del Paso Road and East Commerce Way - The project applicant shall pay a fair share contribution to implement mitigation measure 4.2-1(b). This mitigation measure would reduce the cumulative impact of the Project to a less than significant level.*

- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the cumulative traffic impacts of the Project on the referenced intersection. The Council hereby adopts such mitigation measure.

- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

- (1) Impacts Avoided/Lessened. Impacts of the Project relating to its cumulative traffic impacts on the intersection of Del Paso Road and East Commerce Way would be reduced to a less than significant level because the proposed mitigation measure would improve the LOS of the intersection as described in the EIR.

**11. Cumulative Intersection Impact - Del Paso Road and Natomas Boulevard.**  
**[DEIR, Impact 4.2-18(b)]**

- a. Impact. Traffic from the Project would result in LOS "F" conditions in the a.m. peak hour and LOS "E" conditions in the p.m. peak hour with an increase in average delay of greater than 5 seconds at the Del Paso Road and Natomas Boulevard intersection. This is considered a significant impact.

- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project.

- c. Proposed Mitigation. In order to reduce the cumulative impacts of the Project on the Del Paso Road and Natomas Boulevard intersection, the EIR recommended the following mitigation measure:

*MM 4.2-18(b): Del Paso Road and Natomas Boulevard - The project applicant shall pay a fair share contribution to provide a westbound double left turn lane. This mitigation measure would reduce the cumulative impact of the Project to a less than significant level.*

- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the cumulative traffic impacts of the Project on the referenced intersection. The Council hereby adopts such mitigation measure.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
  - (1) Impacts Avoided/Lessened. Impacts of the Project relating to its cumulative traffic impacts on the intersection of Del Paso Road and Natomas Boulevard would be reduced to a less than significant level because the proposed mitigation measure would improve the LOS of the intersection as described in the EIR.

**12. Cumulative Intersection Impact - East Commerce Way and New Market Drive. [DEIR, Impact 4.2-18(c)]**

- a. Impact. Traffic from the Project would result in LOS "D" conditions in the p.m. peak hour at the intersection of East Commerce Way and New Market Drive. This is considered a significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to reduce the cumulative impacts of the Project on the East Commerce Way and New Market Drive intersection, the EIR recommended the following mitigation measure:
 

*MM 4.2-18(c): East Commerce Way and New Market Drive - The Project applicant shall pay a fair share contribution to implement mitigation measure 4.2-9(e). This mitigation measure would reduce the cumulative impact of the Project to a less than significant level.*
- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the cumulative traffic impacts of the Project on the referenced intersection. The Council hereby adopts such mitigation measure.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

- (1) Impacts Avoided/Lessened. Impacts of the Project relating to its cumulative traffic impacts on the intersection of East Commerce Way and New Market Drive would be reduced to a less than significant level because the proposed mitigation measure would improve the LOS of the intersection as described in the EIR.

**13. Cumulative Intersection Impact - East Commerce Way and Road 3. [DEIR, Impact 4.2-18(d)]**

- a. Impact. Traffic from the Project would result in LOS "F" conditions in the a.m. peak hour and LOS "E" conditions in the p.m. peak hour with an increase in average delay of greater than 5 seconds at the intersection of East Commerce Way and Road 3. This is considered a significant impact.

- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project.

- c. Proposed Mitigation. In order to reduce the cumulative impacts of the Project on the East Commerce Way and Road 3 intersection, the EIR recommended the following mitigation measure:

*MM 4.2-18(d): East Commerce Way and Road 3 - The Project applicant shall pay a fair share contribution to provide an eastbound double right turn lane and a northbound double left turn lane. That mitigation measure would reduce the cumulative impact of the Project to a less than significant level.*

- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the cumulative traffic impacts of the Project on the referenced intersection. The Council hereby adopts such mitigation measure.

- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

- (1) Impacts Avoided/Lessened. Impacts of the Project relating to its cumulative traffic impacts on the intersection of East Commerce Way and Road 3 would be reduced to a less than significant level because the proposed mitigation measure would improve the LOS of the intersection as described in the EIR.

**14. Cumulative Impacts to Roadway Segment: El Centro Road at I-5 Overcrossing. [DEIR, Impact 4.2-19(a)]**

- a. Impact. The Project will have cumulative impacts on the roadway segment at the El Centro Road/- I-5 Overcrossing: Traffic from the Project would degrade operations from LOS "E" to LOS "F" with an increase in volume-to-capacity ratio of greater than 0.02. This would be a significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project since the LOS would be reduced below LOS "C".
- c. Proposed Mitigation. In order to reduce the cumulative impacts of the Project on the identified roadways segment of El Centro Road at the I-5 Overcrossing, the EIR recommended the following mitigation measures:

*MM 4.2-19(a) El Centro Road -- I-5 Overcrossing: The Project applicant shall provide the appropriate right-of-way within the Project site to construct a North Natomas 2+ lane cross-section at this location. This will include 70 feet of right-of-way for road purposes, and appropriate slope easements. The applicant shall also provide for the eventual construction of the overcrossing by not encroaching with permanent structures within 40 feet of the dedication area. The applicant shall pay a fair share contribution toward the future lane reconfiguration of the overcrossing from two to four lanes. The lane reconfiguration shall not require widening of the planned overcrossing structure. This mitigation measure would reduce the impact of the Project and circulation alternative to a less than significant level.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the cumulative traffic impacts of the Project on the identified roadway segment to an acceptable LOS and reduced traffic volume, and still be feasible and consistent with the North Natomas Community Plan.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
  - (1) Impacts Avoided/Lessened. Cumulative impacts of the Project relating to a reduced LOS and acceptable traffic volume at the identified El Centro Road/I-5 Overcrossing roadway segment would be reduced to a less than significant level by requiring the applicant

to pay its fair share of the cost of reconfiguring the identified El Centro Road roadway segment with two additional lanes to improve the roadway's Level of Service.

**15. Cumulative Impacts on Freeway Ramp Queuing. [DEIR, Impact 4.2-22]**

a. Impact. The Project would increase cumulative traffic volumes on the freeway exit ramp leading to the City street intersection at the SR 99 Northbound - Elkhorn Boulevard exit during the p.m. peak hour. Traffic from the Project would increase queue length beyond available storage capacity and the expected queue length associated with the cumulative scenario. This is considered a significant cumulative impact.

b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant cumulative environmental impact that could arise from the implementation of the Project.

c. Proposed Mitigation. In order to reduce the cumulative impacts of the Project on freeway ramp queuing at SR 99 Northbound and the Elkhorn Boulevard exit during the p.m. peak hour, the EIR recommended the following mitigation measure:

*MM 4.2-22(a) SR99 Northbound -- Elkhorn Boulevard Exit. The Project applicant shall contribute a fair share to provide a northbound double right turn lane. This would reduce the length of the queue from 2,383 feet to 933 feet in the p.m. peak hour. The expected queue length does not exceed the available storage capacity. This mitigation measure would reduce the impact to a less than significant level.*

d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the cumulative traffic impacts of the Project on the SR99 Northbound - Elkhorn Boulevard Exit freeway ramp queue length. The Council hereby adopts such mitigation measure.

e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

(1) Impacts Avoided/Lessened. Impacts of the Project relating to its cumulative traffic impacts on the SR99 Northbound - Elkhorn Boulevard Exit ramp queue length would be reduced to a less than significant level because the proposed mitigation measure would add an additional right turn lane to reduce the queue length as described in the EIR.

**Impact Category: Noise**

**16. Construction Noise Impacts. [DEIR, Impact 4.3-1]**

a. Impact. Noise from construction activities at the Project would add to the noise environment in the immediate Project vicinity. Activities involved in typical construction would generate maximum noise levels ranging from 80 to 89 dB at a distance of 50 feet. Noise would also be generated by increased truck traffic on area roadways during the construction phase. Construction activities, such as the use of jackhammers and tractors, could expose occupants of nearby residences and commercial buildings to high levels of noise during the day. Private residences and buildings are located less than 0.1 mile east of the Project site, across East Commerce Way. Therefore, construction noise would be a short term potentially significant impact.

b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project.

c. Proposed Mitigation. In order to reduce the above short term construction noise impact to a less than significant level, the EIR recommended the following:

*4.3-1(a) Construction contractors shall locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.*

*4.3-1(b): The Project applicant shall designate a disturbance coordinator and conspicuously post this person's number around the Project site and in adjacent public spaces. The disturbance coordinator will receive all public complaints about construction noise disturbances, be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.*

d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measures described in subparagraph c. above are both reasonably feasible and appropriate in mitigating for the construction noise impacts of the Project on sensitive receptors located near the Project site. The Council hereby adopts such mitigation measure.

e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

- (1) Impacts Avoided/Lessened. Impacts of the Project relating to its construction noise impacts on sensitive noise receptors would be reduced to a less than significant level because the proposed mitigation measures would reduce the short term noise generated by construction activities and designate a disturbance coordinator responsible for implementing noise reduction measures needed to alleviate any problems, as described in the EIR.

**17. Stationary Noise Impacts to Exterior Areas of Existing Sensitive Receptors.**  
**[DEIR, Impact 4.3-4]**

- a. Impact. The Project could generate noise levels from onsite activities that could exceed the city's noise ordinance standards at existing and proposed residential uses from the use of HVAC mechanical equipment. Therefore, the project would result in a potentially significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to reduce the above noise impact to a less than significant level, the EIR recommended the following:

*MM 4.3-4: All commercial heating, cooling and ventilation equipment shall be located within mechanical rooms where possible, or shielded from view with solid barriers or parapets.*

- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the stationary noise impacts of the Project on sensitive receptors located near the Project site. The Council hereby adopts such mitigation measure.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
  - (1) Impacts Avoided/Lessened. Impacts of the Project relating to the stationary noise impacts of heating, cooling and ventilation equipment on sensitive noise receptors would be reduced to a less than significant level because the proposed mitigation measures would reduce the noise generated by such equipment by containing or shielding the noise created by the equipment, as described in the EIR.

18. **Impacts to Interior Noise Levels for New Sensitive Receptors.** [DEIR, Impact 4.3-6]

- a. **Impact.** Under cumulative (2027) noise levels, the mixed use residential uses adjacent to East Commerce Way would be exposed to exterior noise levels of 72 dB Ldn that would require an exterior to interior noise level reduction of 27 dB to achieve an interior noise level of 45 dB Ldn.. The proposed residential townhomes would be exposed to exterior traffic noise levels of 73-75 dB Ldn that would require an exterior to interior noise reduction of 28-30 dB to achieve an interior noise level of 45 dB. The proposed hotel would be exposed to exterior traffic noise levels of 78-80 dB Ldn, requiring an exterior to interior noise reduction of 33-35 dB to achieve an interior noise level of 45 dB. Therefore, the Project could expose new dwelling units to interior traffic noise levels in excess of the applicable interior noise level standards, resulting in a potentially significant impact.
- b. **Findings Regarding Significance of Impact Prior to Mitigation.** The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project.
- c. **Proposed Mitigation.** In order to reduce the above noise impact to a less than significant level, the EIR recommended the following:

*MM 4.3-6(a): Prior to the issuance of building permits for the proposed townhouses located within 600 feet of the Interstate 5 right of way, STC 35 windows shall be included in the Project design for review and approval of the City Building Official. Additionally, a detailed interior noise analysis shall be conducted to confirm that the required mitigation measures are sufficient to achieve an interior noise level of 45 dB Ldn or less. This report shall be submitted to the Development Services Department in conjunction with the submittal of a site plan for the townhouse parcel. If the incorporation of STC 35 windows is not deemed adequate mitigation, the report shall recommend additional measures, which shall be incorporated into the site plan in order to reduce interior noise levels in the townhomes to a level at or below the City's 45 dB Ldn standard.*

*MM 4.3-6(b): Prior to the issuance of building permits for the proposed townhouses located within 600 feet of the Interstate 5 right-of-way, mechanical ventilation systems shall be included in the project design for the review and approval of the City Building Official. The use of mechanical ventilation systems would allow occupants to keep windows and doors closed to achieve acoustical isolation from Interstate 5 traffic noise. The systems should allow for the introduction of fresh outside air, without the requirement of open windows.*

*MM 4.3-6(c): STC 40 windows shall be included in the Project design for*

*the proposed hotel. Additionally, a detailed interior noise analysis shall be conducted to confirm that the required mitigation measures are sufficient to achieve an interior noise level of 45 dB Ldn or less. This report shall be submitted to the Development Services Department in conjunction with the submittal of a site plan for the hotel parcel. If the incorporation of STC 40 windows is not deemed adequate mitigation, the report shall recommend additional measures, which shall be incorporated into the site plan in order to reduce interior noise levels in the hotel to a level at or below the City's 45 dB Ldn standard.*

*MM 4.3-6(d): Prior to the issuance of building permits for the residential portion of the mixed use residential units adjacent to East Commerce Way, STC 32 rated window assemblies shall be included in the Project design for the review and approval of the City Building Official.*

*Additionally, a detailed interior noise analysis shall be conducted to confirm that the required mitigation measures are sufficient to achieve an interior noise level of 45 dB Ldn or less. This report shall be submitted to the Development Services Department in conjunction with the submittal of a site plan for the residential units adjacent to East Commerce Way. If the incorporation of STC 32 windows is not deemed adequate mitigation, the report shall recommend additional measures which shall be incorporated into the site plan in order to reduce interior noise levels to a level at or below the city's 45 dB Ldn standard.*

- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measures described in subparagraph c. above are both reasonably feasible and appropriate in mitigating for the interior noise impacts on sensitive receptors located at the Project site. The Council hereby adopts such mitigation measure.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
- (1) Impacts Avoided/Lessened. Impacts of the Project relating to the interior noise impacts on sensitive receptors at the Project site would be reduced to a less than significant level because the proposed mitigation measures would reduce the interior noise at such sensitive receptors through the required use of noise reducing window assemblies and noise analysis reports to confirm their effectiveness and attainment of the City's interior noise level standard of 45 dB Ldn.

## Impact Category: Air Quality

### 19. Short-term increases of construction-generated emissions of criteria air pollutants. [DEIR, Impact 4.4-1]

- a. Impact. Predicted emissions of NOx associated with the initial development of the Project's Special Permit Area ("SPA") would not exceed the SMAQMD's significance threshold of 85 lbs/day. However, subsequent development of the Project could result in emissions of NOx that could exceed SMAQMD's significance threshold, particularly during the initial grading and site preparation phase. As a result, short-term construction related emissions of ozone-precursor pollutants would be considered potentially significant. The total land area to be developed as part of the SPA would be approximately 12 acres. Assuming that one-quarter of the Project area would be disturbed on any given day, the maximum daily area of disturbance for the SPA would be approximately 3.08 acres. Based on this same assumption, maximum daily areas of disturbance in subsequent development phases could reach levels in excess of approximately 22 acres per day. While the SPA's development would be considered less than significant using SMAQMD criteria, the subsequent development activities could result in areas of daily ground disturbance that could exceed SMAQMD criteria of 15 acres. Because the Project does not include measures for the control of short-term increases of fugitive dust associated with construction, the impact would be considered significant.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to reduce the constructed generated emissions of ozone precursors and fugitive dust, the EIR recommended the following:

*MM 4.4-1(a): The Project applicant/developer shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy duty (>50 horsepower), off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.*

*MM 4.4-1(b): The Project applicant/developer shall submit to the City and*

*SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the Project. The inventory shall be updated and submitted monthly throughout the duration of the Project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy duty off-road equipment is used, the Project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the Project manager and on-site foreman.*

*MM 4.4-1(c): The Project applicant/developer shall ensure that emissions from off-road diesel powered equipment used on the Project site do not exceed 40 percent opacity for more than three minutes in any one hour, as determined by an onsite inspector trained in visual emissions assessment. Any equipment found to exceed 40 Percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/pr other officials may conduct periodic site inspections to determine compliance.*

*MM 4.4-1(d): The applicant shall construct the Commerce Station project consistent with the development assumptions identified in the DEIR as follows:*

- Development of the Special Permit Area (SPA) shall not exceed 168,786 square feet of mixed-use office uses within a three-year consecutive construction period.*
- Prior to approval of the Planning Director Review, the applicant shall calculate the construction emissions associated with the development phase being considered. Subsequent development phases shall not commence until completion of the SPA development. In the event that construction would exceed the above stated development restrictions, the SMAQMD shall be notified and construction-related emissions shall be recalculated in accordance with the most current SMAQMD-recommended methodologies. Additional mitigation measures and/or offset fees, (to be calculated based on the most current SMAQMD-recommended fee structure at the time of development) shall be implemented to ensure that construction-generated emissions of NO<sub>x</sub> would not exceed the SMAQMD's daily emission threshold of 85 lbs/day.*

*MM 4.4-1(e): Ground-disturbing activities (i.e. grading, trenching) shall not exceed a total disturbed area of 15 acres per day.*

*MM 4.4-1(f): Construction activities shall comply with SMAQMD's Rule 403, Fugitive Dust. As previously discussed, Rule 403 requires implementation of reasonable precautions so as not to cause or allow emissions of fugitive dust from being airborne beyond the property line of the Project site. In accordance with SMAQMD-recommended mitigation measures for the control of fugitive dust, reasonable precautions shall include, but shall not be limited to, the following:*

- *Apply water, a chemical stabilizer or suppressant, or vegetative cover to all disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive longer than a period of three months.*
- *Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth moving, or excavation operations. Actively disturbed areas should be kept moist at all times.*
- *Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114.*
- *Limit or expeditiously remove the accumulation of project generated mud or dirt from adjacent public streets at least one every 24 hours when construction operations are occurring.*
- *Limit onsite vehicle speeds on unpaved surfaces to 15 mph or less.*

d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measures described in subparagraph c. above are both reasonably feasible and appropriate in mitigating for the construction related air quality emissions impacts of the Project. The Council hereby adopts such mitigation measures.

e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

- (1) Impacts Avoided/Lessened. Impacts of the Project relating to construction related air quality emissions would be avoided by requiring the Project applicant/developer to keep all soils moist during the construction period to reduce dust emissions, reduce emissions from off road vehicles and construction equipment, control opacity of diesel powered equipment, limit ground disturbing activities to no more than 15 acres per day, and complying with SMAQMD's Rule 403 in order to reduce the Project's construction related air quality impacts to a less than significant level.

**Impact Category: Biological Resources**

**20. Impacts to Special-Status Species. [Initial Study, Impact 7.A.]**

a. Impact. The Project area was designated for urban development in the NNCP and the City's General Plan and has been mass graded. All NBHCP mitigation fees were paid prior to the mass grading. However, should any special-status protected species of animals be found on site during construction activities, the NBHCP requires a biological survey to be performed and compliance with the mitigation measures stated in the NBHCP to address any potentially significant impacts to those species. The NBHCP listed 18 special-species with the potential to use the Project site for nesting or foraging habitat.

b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the Initial Study and EIR and finds that the above-referenced impact is a significant impact that could arise from the implementation of the Project.

c. Proposed Mitigation. In order to reduce the Project's impacts on any special-status species that might be found at the Project site, the Initial Study and the EIR recommended the following:

*MM-1: Prior to site disturbance, surveys shall be conducted for special-status species by a qualified biologist retained by the Project applicant and approved by the Development Services Department. Should any special-status species be identified, appropriate measures shall be implemented in compliance with the NBHCP (including implementation of Incidental Take Minimization Measures) for the review and approval of the Planning Director.*

d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measure described in subparagraph c. above is both reasonably feasible and appropriate in mitigating for the potential impacts of the Project on special status species. The Council hereby adopts such mitigation measures.

e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

(1) Impacts Avoided/Lessened. Impacts of the Project relating to impacts on any special-status species found at the Project site would be avoided by requiring the Project applicant/developer to have a pre-construction survey performed by a qualified biologist prior to any site disturbance and the implementation of any measures required by the NBHCP if any such species are found on

the Project site, in order to reduce the Project's biological resources impacts to a less than significant level.

### **Impact Category: Cultural Resources**

#### **21. Impacts to Undiscovered Human Remains and Archeological Resources.** **[Initial Study, Impact 14.A. to Impact 14.D.]**

- a. Impact. The Project site is within an area known for previous Native American habitation, the disruption of undiscovered human remains and archeological resources on the site could potentially occur, even though various parts of the site have been surveyed several times by archeological consultants and significant cultural resources have not been found. Nonetheless, implementation of the Project could result in a potentially significant impact to cultural resources.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the Initial Study and EIR and finds that the above-referenced impact is a significant impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to reduce the Project's impacts on any undiscovered cultural resources that might be found at the Project site, the Initial Study and the EIR recommended the following:

*MM-2a: Prior to issuance of grading permits, the applicant/developer shall submit plans to the Development Services Department for review and approval which indicate (via notation on the improvement plans) that if subsurface archaeological or historical remains (including unusual amounts of bones, stones or shells) are discovered during excavation or construction of the site, the applicant shall stop work immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant level before construction continues.*

*MM-2b: If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment shall be conducted by qualified archaeologists who are either certified by the Society of Professional Archaeologists (SOPA) or who meet the federal standards as stated in the Code of Federal Regulations (36 C.F.R. 61) and Native American representatives who are approved by the local Native American community as scholars of their cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological site or historic architectural features are involved, all identification and treatment*

*is to be carried out by historical archaeologists or architectural historians. These individuals shall meet either SOPA or 36 C.F.R. 61 requirements. Identified cultural resources should be recorded on DPR 523 (A-J) historic resources recordation forms.*

*MM-2c: If human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission who shall notify the person it believes to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have been carried out.*

- d. Findings Regarding Proposed Mitigation. The Council finds that the mitigation measures described in subparagraph c. above are both reasonably feasible and appropriate in mitigating for the potential impacts of the Project on cultural resources. The Council hereby adopts such mitigation measures.
  
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR, the Initial Study, and the entire Record before the Council, the Council finds that:
  - (1) Impacts Avoided/Lessened. Impacts of the Project relating to impacts on cultural resources discovered at the Project site would be avoided or lessened by requiring the Project applicant/developer to have construction stopped in the vicinity of any find and a qualified archaeologist, historian, the County Coroner and Native American Heritage Commission notified and appropriate measures implemented in conjunction with them to avoid any significant impacts on cultural resources and human remains discovered during the course of Project construction, in order to reduce the Project's impacts to a less than significant level.

**C. FINDINGS REGARDING SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS FOR WHICH MITIGATION IS OUTSIDE THE CITY'S RESPONSIBILITY AND/OR JURISDICTION**

Mitigation measures to mitigate, avoid, or substantially lessen the following significant and potentially significant environmental impacts of the Project are within the responsibility and jurisdiction of another public agency and not the City. Pursuant to Section 21081(a)(2) of the Public Resources Code and Section 15091(a)(2) of the CEQA Guidelines, the City Council, based on the evidence in the record before it, specifically finds that implementation of these mitigation

measures can and should be undertaken by the other public agency. The City will request, but cannot compel implementation of the identified mitigation measures described. The impact and mitigation measures and the facts supporting the determination that mitigation is within the responsibility and jurisdiction of another public agency and not the City are set forth below. Notwithstanding the disclosure of these impacts, the City Council elects to approve the Project due to the overriding considerations set forth below in the Statement of Overriding Considerations.

**Impact Category: Traffic and Circulation**

**22. Freeway Ramp Junction - Del Paso Road Exit Ramp/I-5 Northbound. [DEIR, Impact 4.2-4(a)]**

- a. Impact. Traffic from the Project would increase traffic volumes at freeway ramp junctions at the Del Paso Road Exit Ramp for I-5 Northbound. During the p.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS "F". Traffic volumes on the ramp would increase by 12.5%. This is considered a significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and the Record, and finds that the above referenced impact is a significant and unavoidable environmental impact that could arise from implementation of the Project.
- c. Proposed Mitigation. In order to mitigate for the possibility that unacceptable traffic conditions would arise at the I-5 Northbound, Del Paso Road Exit Ramp, the following mitigation measure could be implemented:

*MM 4.2-4(a): The Project applicant shall pay development fees for infrastructure projects as outlined in the North Natomas Finance Plan ("NNFP") as its required share of all freeway-related improvements. In addition to payment for freeway related improvements, ramps and interchanges, the North Natomas Finance Plan includes a share of the Downtown Natomas Airport Light Rail Extension (DNA) project costs. With several DNA light rail stations in close proximity to the Commerce Station site, the DNA project provides future congestion relief for both the I-80 and the I-5 freeways and is included in the Metropolitan Transportation Plan.*

*In conjunction with the North Natomas Community Plan ("NNCP") and the NNFP, in 1994 the City prepared the North Natomas Freeway-Related Improvements Study (the "Kittleson Report"), which analyzed freeway-related impacts associated with development of the NNCP. The Kittleson*

Report recommended various improvements to the freeway mainlines, auxiliary lanes and interchanges and estimated that 43% of the cost for the proposed improvements are attributable to North Natomas. The Kittleson Report was discussed in further detail in the NNFP, which, in order to implement the Kittleson Report, provides that a portion of the PFF will be earmarked for the freeway-related improvements identified in the Kittleson Report.

Caltrans District 3 has a Draft District System Management Plan ("DSMP") that includes I-5 and SR 99 improvement projects near the Commerce Station site. The DSMP is the Vision Document for the District and has a 20 year planning horizon. The anticipated completion years of various DSMP projects are:

#### *Interstate 5*

- 2006 - Construct auxiliary lanes from Richards Blvd to Garden Highway*
- 2008 - Construct northbound auxiliary lane from Del Paso Road to SR 99*
- 2010 - Add SR 99 southbound on-ramp lane to SR 99 / I-5 Interchange*
- 2010 - HOV lanes from Downtown Sacramento to I-5 / I-80 interchange*
- 2016 - Reconstruct I-5 northbound / I-80 eastbound ramp*
- 2019 - HOV connector between I-5/ I-80 interchange*
- 2020 - HOV Lanes from Downtown Sacramento to Sacramento International Airport*
- 2023 - HOV lanes from I-80 to Sacramento International Airport*

#### *State Route 99*

- 2012 - Construct Elverta Road interchange*
- 2015 - Expand Elkhorn Blvd. interchange to accommodate Elkhorn Blvd's widening*
- 2024 - Construct lane in each direction from I-5 to Elkhorn Blvd.*
- Unknown - HOV lanes from I-5 interchange to SR 70*

*Some of these proposed freeway improvement projects are included in the Sacramento Area Council of Government's (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax and other taxes rather than development fees.*

*The freeway improvement projects proposed by Caltrans are not currently approved and funded, but, consistent with the Kittleson Report, the applicant's payment of the PFF will satisfy its required share of the cost of such anticipated future improvements. Nevertheless, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.*

*Consequently, payment of the PFF fees cannot assure that impacts on the I-5 Northbound exit Ramp to Del Paso Road will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share for freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvement and because the California Environmental Quality Act defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and technological factors, the impacts of the Project on the I-5 Northbound Exit Ramp to Del Paso Road would remain significant and unavoidable.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the traffic impacts of the Project on the I-5 Northbound Exit Ramp to Del Paso Road to an acceptable LOS.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
  - (1) Impacts Reduced. Impacts of the Project relating to a reduced LOS on the I-5 Northbound Exit Ramp to Del Paso Road would be lessened by paying the PFF fee pursuant to the NNFP, but this would not lessen the impact to a less than significant level.
  - (2) Implementation of the listed "DSMP" freeway specific mitigation measures are within the responsibility and jurisdiction of Caltrans and can and should be undertaken by Caltrans.
  - (3) Remaining Impacts. The environmental, economic, social and other benefits of the Project override the remaining impacts of the Project relating to a reduced LOS on the I-5 Northbound Exit Ramp to Del Paso Road.

23. Freeway Weaving Segment. [DEIR, Impact 4.2-6]

- a. Impact. The Project would increase traffic volumes on the freeway weaving segment. The changes in freeway weaving segment operating conditions exceed the standards of significance for impacts to freeway weaving segments during the a.m. peak hour.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to mitigate for the possibility that unacceptable traffic conditions would arise on the freeway weaving segment during the a.m. peak hour, the following mitigation measure could be implemented:

*MM 4.2-6: Implementation of Mitigation Measure 4.2-4(a) and payment of the PFF by the Project applicant will insure that the Project pays its required share of freeway-related improvements. Nevertheless, given the status of the improvement projects identified by Caltrans (listed in Mitigation Measure 4.2-4(a)) and the information available at this time, the City has concluded that prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion. Consequently, payment of the PFF cannot assure that impacts on the freeway weaving segment will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvement and because the California Environmental Quality Act defines "feasible" for these purposes as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors, the impacts of the Project on the freeway weaving segment would remain significant and unavoidable.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the traffic impacts of the Project on the freeway weaving segment to an acceptable LOS and reduced traffic volume.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

- (1) Impacts Reduced. Impacts of the Project relating to a reduced LOS and acceptable traffic volume on the freeway weaving segment would be lessened by paying the PFF fee pursuant to the NNFP, but this would not lessen the impact to a less than significant level.
- (2) Implementation of the listed "DSMP" freeway specific mitigation measures are within the responsibility and jurisdiction of Caltrans and can and should be undertaken by Caltrans.
- (3) Remaining Impacts. The environmental, economic, social and other benefits of the Project override the remaining impacts of the Project relating to a reduced LOS and acceptable traffic volume on the freeway weaving segment.

**24. Freeway Mainline Impacts. [DEIR, Impact 4.2-20]**

- a. Impact. The Project will have cumulative impacts on the following freeway mainline segments:
  - (1) I-5 Northbound from Arena Boulevard to Del Paso Road: During the p.m. peak hour, traffic from the Project would add traffic volume to a freeway segment already operating at LOS "F". Traffic volumes would increase by 0.05%. This is considered a significant impact.
  - (2) I-5 Southbound from SR(( to Del Paso Road: During the a.m. and p.m. peak hours, traffic from the Project would add traffic volume to a freeway mainline segment already operating at LOS "F". Traffic volumes would increase by 0.06% during the a.m. peak hour and 0.2% during the p.m. peak hour. This would be a significant impact.
  - (3) SR99 Northbound from I-5 to Elkhorn Boulevard: During the p.m. peak hour, traffic from the Project would add traffic volume to a freeway mainline segment already operating at LOS "F." Traffic volumes would increase by 0.1 percent. This is considered a significant impact.
  - (4) SR99 Northbound - North of Elkhorn Boulevard: During the p.m. peak hour, traffic from the Project would add traffic volume to a segment already operating at LOS "F." Traffic volume would increase by 0.5 %. This is considered a significant impact.
  - (5) SR99 Southbound - North of Elkhorn Boulevard: During the a.m. peak hour, traffic from the Project would add traffic volume to a segment already operating at LOS "F." Traffic volumes would increase by 0.5%. This is considered a significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could

arise from the implementation of the Project since the LOS would be reduced below LOS "C"..

- c. Proposed Mitigation. In order to reduce the cumulative impacts of the Project on the identified I-5 Northbound, I-5 Southbound, SR99 Northbound and SR99 Southbound freeway mainline segments, the EIR recommended the following mitigation measure:

*MM 4.2-20: Implementation of Mitigation Measure 4.2-4(a) and payment of the PFF fee by the Project applicant will insure that the Project pays its required share of freeway-related improvements. Nevertheless, given the status of the improvement projects identified by Caltrans (listed in Mitigation Measure 4.2-4(a)) and the information available at this time, the City has concluded that the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and ongoing policy developments that may favor other approaches to addressing freeway congestion. Consequently, payment of the PFF fee cannot assure that impacts on the listed freeway mainline segments will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF fee. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvements and because the California Environmental Quality Act defines "feasible" for these purposes as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the listed freeway mainline segments would remain significant and unavoidable.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the traffic impacts of the Project on the identified freeway mainline segments to an acceptable LOS and reduced traffic volume.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
- (1) Impacts Reduced. Impacts of the Project relating to a reduced LOS and acceptable traffic volume on the five identified freeway mainline segments would be lessened by paying the PFF fee pursuant to the NNFP, but would not lessen the impacts to a less than significant level because it would not guarantee that the necessary freeway mainline improvement projects would be built within a reasonable period of time by Caltrans.

- (2) Implementation of the listed "DSMP" freeway specific mitigation measures are within the responsibility and jurisdiction of Caltrans, and can and should be undertaken by Caltrans.
- (3) Remaining Impacts. The environmental, economic, social and other benefits of the Project override the remaining impacts of the Project relating to a reduced LOS and acceptable traffic volumes on the five identified freeway mainline segments.

**25. Cumulative Freeway Ramp Junctions. [DEIR, Impact 4.2-21]**

- a. Impact. The Project will have cumulative impacts on the eight (8) following freeway ramp junctions:
  - (1) I-5 Northbound - Del Paso Road Exit Ramp. During the a.m. and p.m. peak hours, traffic from the Project would add traffic volume to a ramp junction already operating at LOS "F." This is considered a significant impact.
  - (2) I-5 Northbound - Del Paso Road Eastbound Entrance Ramp. During the a.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS "F." This is considered a significant impact.
  - (3) I-5 Southbound - SR99 Entrance Ramp. During the a.m. and p.m. peak hours, traffic from the Project would add volume to a ramp junction already operating at LOS "F." This is considered a significant impact.
  - (4) I-5 Southbound - Del Paso Road Exit Ramp. During the a.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS "F." This is considered a significant impact.
  - (5) SR99 Northbound - I-5 Southbound Entrance Ramp. During the a.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS "F." This is considered a significant impact.
  - (6) SR99 Northbound - Elkhorn Boulevard Exit Ramp. During the p.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS "F." This is considered a significant impact.
  - (7) SR99 Southbound - Elkhorn Boulevard Exit Ramp. During the a.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS "F." This is considered a significant impact.
  - (8) SR99 Southbound - Elkhorn Boulevard Westbound Entrance Ramp. During the p.m. peak hour, traffic from the Project would add volume to a ramp junction already operating at LOS "F." This is considered a significant impact.

- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant cumulative environmental impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to reduce the cumulative impacts of the Project on the eight (8) identified I-5 Northbound, I-5 Southbound, SR99 Northbound and SR99 Southbound freeway ramp junctions, the EIR recommended the following mitigation measure:

*MM 4.2-21: Implementation of Mitigation Measure 4.2-4(a) and payment of the PFF fee by the Project applicant will insure that the Project pays its required share of freeway-related improvements. Nevertheless, given the status of the improvement projects identified by Caltrans (listed in Mitigation Measure 4.2-4(a)) and the information available at this time, the City has concluded that the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and ongoing policy developments that may favor other approaches to addressing freeway congestion. Consequently, payment of the PFF fee cannot assure that impacts on the identified freeway ramp junctions will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF fee. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvements and because the California Environmental Quality Act defines "feasible" for these purposes as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the listed freeway ramp junctions would remain significant and unavoidable.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the traffic impacts of the Project on the identified freeway ramp junctions to an acceptable LOS and reduced traffic volume.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
- (1) Impacts Reduced. Impacts of the Project relating to a reduced LOS and acceptable traffic volume on the eight (8) identified freeway ramp junctions would be lessened by paying the PFF fee pursuant to the NNFP, but would not lessen the impacts to a less than significant level because it would not guarantee that the

necessary freeway mainline improvement projects would be built within a reasonable period of time by Caltrans.

- (2) Implementation of the listed "DSMP" freeway specific mitigation measures are within the responsibility and jurisdiction of Caltrans and can and should be undertaken by Caltrans.
- (3) Remaining Impacts. The environmental, economic, social and other benefits of the Project override the remaining impacts of the Project relating to a reduced LOS and acceptable traffic volumes on the eight (8) identified freeway ramp junctions.

**26. Cumulative Impacts on Freeway Weaving Segment. [DEIR, Impact 4.2-23]**

- a. Impact. The Project would increase cumulative traffic volumes on the freeway weaving segment. The changes in freeway weaving segment operating conditions exceed the standards of significance for impacts to freeway weaving segments during the a.m. peak hour. This is considered a significant cumulative impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant cumulative environmental impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to reduce the cumulative impacts of the Project on the freeway weaving segment during the a.m. peak hour, the EIR recommended the following mitigation measure:

*MM 4.2.-23 Implementation of Mitigation Measure 4.2-4(a) and payment of the PFF fee by the Project applicant will insure that the Project pays its required share of freeway-related improvements. Nevertheless, given the status of the improvement projects identified by Caltrans (listed in Mitigation Measure 4.2-4(a)) and the information available at this time, the City has concluded that the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and ongoing policy developments that may favor other approaches to addressing freeway congestion. Consequently, payment of the PFF fee cannot assure that impacts on the freeway weaving segment will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF fee. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvements and because the California Environmental Quality Act defines "feasible" for these purposes as capable of being accomplished in a successful manner within a reasonable period of time, taking into*

*account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the freeway weaving segment would remain significant and unavoidable.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the cumulative traffic impacts of the Project on the freeway weaving segment to an acceptable LOS and reduced traffic volume.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
- (1) Impacts Reduced. Impacts of the Project relating to a reduced LOS and acceptable traffic volume on the freeway weaving segment would be lessened by paying the PFF fee pursuant to the NNFP, but would not lessen the impacts to a less than significant level because it would not guarantee that the necessary freeway mainline improvement projects would be built within a reasonable period of time by Caltrans.
  - (2) Implementation of the listed "DSMP" freeway specific mitigation measures are within the responsibility and jurisdiction of Caltrans and can and should be undertaken by Caltrans.
  - (3) Remaining Impacts. The environmental, economic, social and other benefits of the Project override the remaining impacts of the Project relating to a reduced LOS and acceptable traffic volumes on the freeway weaving segment.

**D. FINDINGS REGARDING SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS FOR WHICH MITIGATION MEASURES FOUND TO BE INFEASIBLE.**

Mitigation measures to mitigate, avoid, or substantially lessen the following significant and potentially significant environmental impacts of the Project have been identified. However, pursuant to Section 21081(a)(3) of the Public Resources Code and Section 15091(a)(3) of the CEQA Guidelines, as to each such impact and mitigation measure, the City Council, based on the evidence in the record before it, specifically finds that the mitigation measures are infeasible. The impact and mitigation measures and the facts supporting the finding of infeasibility of each such mitigation measure are set forth below. Notwithstanding the disclosure of these impacts and the finding of infeasibility, the City Council elects to approve the Project due to overriding considerations as set forth below in the Statement of Overriding Considerations.

**Impact Category: Traffic and Circulation**

**27. Cumulative Impacts to Road Segments at Del Paso and East Commerce Way. [DEIR, Impacts 4.2-19(b) and 4.2-19(c)]**

- a. Impact. The Project will have cumulative impacts on the following roadway segments:
- (i) Del Paso Road - I-5 to East Commerce Way: Traffic from the Project would degrade operations from LOS "D" to LOS "E" with an increase in volume-to-capacity ratio of greater than 0.02. This would be a significant impact.
  - (ii) East Commerce Way - Del Paso Road to New Market Drive: Traffic from the Project would result in LOS "D" conditions. This would be a significant impact.

- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant environmental impact that could arise from the implementation of the Project since the LOS would be reduced below LOS "C".

- c. Proposed Mitigation. In order to reduce the cumulative impacts of the Project on the identified roadways segments of Del Paso Road and East Commerce Way, the EIR recommended the following mitigation measures:

*MM 4.2-19(b) Del Paso Road -- I-5 to East Commerce Way: The Project applicant shall widen the roadway from six lanes to eight lanes. This improvement is considered infeasible, as the widening is inconsistent with the North Natomas Community Plan. Therefore, the impact is significant and unavoidable.*

*MM 4.2-19(c) East Commerce Way -- Del Paso Road to New Market Way: The Project applicant shall widen the roadway from six lanes to eight lanes. This improvement is considered infeasible, as the widening is inconsistent with the North Natomas Community Plan. Therefore, the impact is considered significant and unavoidable.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the cumulative traffic impacts of the Project on the identified roadway segments to an acceptable LOS and reduced traffic volume, and still be feasible and consistent with the North Natomas Community Plan.

- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

- (1) Cumulative Impacts Reduced. Cumulative impacts of the Project relating to a reduced LOS and acceptable traffic volume on the three identified roadway segments could be lessened by widening the two identified roadway segments to improve their Level of Service, but that such widening would be infeasible and would be inconsistent with the North Natomas Community Plan. Consequently, such mitigation measures will not be imposed on the Project.
- (2) Remaining Cumulative Impacts. The environmental, economic, social and other benefits of the Project override the cumulative impacts of the Project relating to a reduced LOS and acceptable traffic volumes on the two identified roadway segments.

**E. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS.**

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact. Notwithstanding the disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in the Statement of Overriding Considerations.

**Impact Category: Traffic and Circulation**

**28. Roadway Segment - Del Paso Road - from I-5 to East Commerce Way.  
[DEIR, Impact 4.2-2(a)]**

- a. Impact. Traffic from the Project would result in LOS "F" conditions on Del Paso Road between I-5 and East Commerce Way. This is considered a significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and the Record, and finds that the above referenced impact is a significant and unavoidable environmental impact that could arise from implementation of the Project.
- c. Proposed Mitigation. In order to mitigate for the possibility that unacceptable traffic conditions would arise on Del Paso Road from I-5 to East Commerce Way, the following mitigation measure could be considered:

*MM 4.2-2(a): Del Paso Road from I-5 to East Commerce Way. The project applicant shall widen the roadway from six lanes to ten lanes. This improvement is considered infeasible, as the widening is inconsistent with*

*the North Natomas Community Plan (see Subsection D, above, FINDINGS REGARDING SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS FOR WHICH MITIGATION MEASURES FOUND TO BE INFEASIBLE). Acceleration of the implementation of the El Centro Road overcrossing would reduce the severity, but not fully mitigate the impact. Therefore, the impact is considered significant and unavoidable.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the traffic impacts of the Project on the roadway segment of Del Paso Road between I-5 and East Commerce Way to an acceptable LOS. The Council further finds that widening Del Paso Road from six to ten lanes is not feasible as it would be inconsistent with the North Natomas Community Plan
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
  - (1) Impacts Reduced. Impacts of the Project relating to a reduced LOS on Del Paso Road between I-5 and East Commerce Way would be lessened by accelerating the construction of the El Centro Road overcrossing to improve the LOS, but this would not lessen the impact to a less than significant level.
  - (2) Remaining Impacts. The environmental, economic, social and other benefits of the Project override the remaining impacts of the Project relating to a reduced LOS "F" on the segment of Del Paso Road between I-5 and East Commerce Way.

**29. Roadway Segment - East Commerce Way - from Del Paso Road to New Market Drive. [DEIR, Impact 4.2-2(b)]**

- a. Impact. Traffic from the Project would result in LOS "E" conditions on East Commerce Way between Del Paso Road and New Market Drive. This is considered a significant impact.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and the Record, and finds that the above referenced impact is a significant and unavoidable environmental impact that could arise from implementation of the Project.
- c. Proposed Mitigation. In order to mitigate for the possibility that unacceptable traffic conditions would arise on the East Commerce Way roadway segment from Del Paso Road to New Market Drive, the following mitigation measure could be considered:

*4.2-2(b): The Project applicant could widen the roadway segment of East Commerce Way from six lanes to eight lanes. However, that improvement is considered infeasible, as widening is inconsistent with the North Natomas Community Plan (see Subsection D, above, FINDINGS REGARDING SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS FOR WHICH MITIGATION MEASURES FOUND TO BE INFEASIBLE). In addition, acceleration of the implementation of the El Centro Road overcrossing would reduce the severity, but not fully mitigate the impact.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the traffic impacts of the Project on the roadway segment of East Commerce Way between Del Paso Road and New Market Drive to an acceptable LOS. The Council further finds that it would not be feasible to widen East Commerce Way from six to eight lanes as that would not be consistent with the North Natomas Community Plan.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
- (1) Impacts Reduced. Impacts of the Project relating to a reduced LOS on East Commerce Way between Del Paso Road to New Market Drive would be lessened by accelerating the construction of the El Centro Road overcrossing to improve the LOS, but this would not lessen the impact to a less than significant level.
  - (2) Remaining Impacts. The environmental, economic, social and other benefits of the Project override the remaining impacts of the Project relating to a reduced LOS "E" on the East Commerce Way roadway segment between Del Paso Road and New Market Drive.

**Impact Category: Air Quality.**

**30. Long-term Increases of Criteria Air Pollutants. [DEIR, Impact 4.4-2]**

- a. Impact. Initial development of the Project's special permit area ("SPA") would not result in total predicted emissions of ROG or NOx that would exceed the SMAQMD threshold of 65 lbs/day. As subsequent development of the Project occurs, total project-generated operational emissions at buildout are expected to exceed SMAQMD thresholds for ozone precursor pollutants (i.e., ROG and NOx). This impact would be considered significant.

- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to reduce the long term increases of criteria air pollutants from the Project, the EIR recommended the following:

*MM 4.4-2: Prior to the issuance of the project's first grading permit, the Project applicant will obtain written endorsement from the SMAQMD for an air quality mitigation plan ("AQMP"). In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15% in the Project's anticipated operational NO<sub>x</sub> and ROG emissions. SMAQMD recommended measures and corresponding emissions reduction benefits are identified in SMAQMD's Guidance for Land Use Emission Reductions, which has been included in Appendix B of DEIR Appendix D, Air Quality Impact Assessment. Available measures to be included in the AQMP include, but are not limited to, the following:*

Commercial and Public Facilities

- Provide preferential carpool/vanpool parking spaces.
- Provide transit facility improvements (e.g., pedestrian shelters, route information, benches, and lighting).
- Provide bicycle storage/parking facilities.
- Provide shower/locker facilities.
- Provide incentives to employees to rideshare or take public transportation.
- Provide a parking lot that provides clearly marked and shaded pedestrian pathways between transit facilities, pedestrian walkways and trails, and building entrances.

Residential Use

- Prohibit use of wood-burning stoves or fireplaces within interior and exterior areas. Install only USEPA certified gas-fired fireplaces.
- Install Energy Star or ground source heat pumps.
- Install Energy Star labeled roof materials.
- Exceed Title 24 energy standards.
- Include incentives for purchasers of new residential dwellings to incorporate solar-powered energy systems.

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the long-term increases of criteria air pollutants from the Project to a less than significant level, and that the Project's impacts would remain significant and unavoidable.

e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:

- (1) Impacts Reduced. Impacts of the Project relating to long-term increases in criteria air pollutants would be reduced by the foregoing mitigation measures, but not to a less than significant level because specific levels of reduction would be dependent on the mitigation measures ultimately selected and the degree to which they are incorporated into the Project design and operation. Some emission reduction measures, such as the incorporation of mixed-use development and locating residential uses near existing/planned public transit services, have already been incorporated into the project design. However, even with implementation of recommended emission reduction measures, predicted operational emissions of ROG and NOx would still be anticipated to exceed SMAQMD's significance threshold of 65 lbs/day.
- (2) Remaining Impacts. The environmental, economic, social and other benefits of the Project override the remaining impacts of the Project relating to long-term increases in criteria air pollutants from the Project at buildout.

**31. Cumulative Contribution to Regional Air Quality Conditions. [DEIR, Impact 4.4-5]**

- a. Impact. The Sacramento Valley Air Basin is classified as non-attainment for ozone and PM10. As noted above, both short term and long term operational emissions at the Project would exceed SMAQMD significance thresholds. In addition, the Project would result in a change in land use and a possible increase in basin-wide vehicles miles traveled ("VMT".) Therefore, any Project-generated increases in VMT could conflict with emissions inventories contained in regional air quality attainment plans and contribute, on a cumulative basis, to the region's existing and/or projected non-attainment status. As a result, increases in regional criteria air pollutants would be considered significant.
- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to reduce the cumulative contribution to regional criteria air pollutants by the Project, the EIR recommended the following:

*MM 4.4-5(a): Implement Mitigation Measures 4.4-1(a) through 4.4-1(f) and 4.4-2.*

*MM 4.4-5(b): The City of Sacramento shall coordinate with the SMAQMD and SACOG to ensure that increases in vehicles miles traveled (VMT) attributable to the proposed project are accounted for in the VMT calculations used for the development of regional emissions inventories.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the cumulative contribution to regional air quality conditions from the Project to a less than significant level, and that the Project's impacts would remain significant and unavoidable.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
- (1) Impacts Reduced. Impacts of the Project relating to its cumulative contribution to regional air quality conditions would be reduced by the foregoing mitigation measures, but not to a less than significant level because specific levels of reduction would be dependent on the mitigation measures ultimately selected and the degree to which they are incorporated into the Project design and operation. Some emission reduction measures, such as the incorporation of mixed-use development and locating residential uses near existing/planned public transit services, have already been incorporated into the project design. However, even with implementation of recommended emission reduction measures, the predicted cumulative contribution to regional air quality conditions of the Project would remain significant and unavoidable.
  - (2) Remaining Impacts. The environmental, economic, social and other benefits of the Project override the remaining impacts of the Project relating to its cumulative contribution to regional air quality conditions.

### **Impact Category: Hydrology, Water Quality and Drainage**

#### **32. Exposure of People and Structures to Flood Hazards on the Project Site.** **[DEIR, Impact 4.5-1]**

- a. Impact. The Project area is protected by a comprehensive reservoir, dam, levee and bypass system designed to protect the region from the floodwaters of the American River and the Sacramento River. In 2006, the U.S. Army Corps of Engineers issued a letter stating that it could no longer support the certification of the levees in the Natomas Area as

providing a 100-year level of flood protection. SAFCA is currently working with State and federal agencies to improve the Natomas Basin levee system to 100-year protection, and intends to reach 200-year protection in the future. While there is reasonable certainty that the levee improvements would be in place to provide 100-year flood protection within the next 3 to 5 years, it is possible that some structures or homes could be in place before implementation of all levee improvements that would provide 100-year flood protection. Should that occur, a significant and unavoidable exposure to flood hazard impacts could exist for a short period of time.

- b. Findings Regarding Significance of Impact Prior to Mitigation. The Council concurs with the reasoning stated in the EIR and finds that the above-referenced impact is a significant impact that could arise from the implementation of the Project.
- c. Proposed Mitigation. In order to reduce the Project's exposure of people and structures to flood hazards at the Project site, the EIR recommended the following:

*MM 4.5-1: If the North Natomas Area is remapped by FEMA into an AE zone, AR Zone or A99 Zone, then (1) the City shall require development within the Project site to comply with all applicable building and design regulations identified by FEMA and the City of Sacramento's Floodplain Management Ordinance in existence at the date of issuance of building permits pertaining to the applicable remapped zone; (2) the Project applicant shall participate in a funding mechanism such as an assessment district established by SAFCA and/or the City for the purpose of implementing measures that would provide no less than 100-year flood protection including the North Natomas Area, or for that portion of the Natomas Basin requiring re-certification for 100-year flood protection including the Project site provided such funding mechanism is (i) based on a nexus study; (ii) is regional in nature; (iii) is proportionate; (iv) complies with all applicable laws and ordinances; and (3) the requirements of the applicable FEMA zone and corresponding requirements under the City of Sacramento's Floodplain Ordinance shall be satisfied prior to the issuance of building permits for the Project. Any future homeowners within the flood zone shall maintain federal flood insurance, as required under the applicable FEMA and City of Sacramento Floodplain Management Ordinance regulations. Under any of the three scenarios (AE, AR, A99 Zone), homebuilders within the flood zone area shall disclose to all prospective buyers, lenders, bondholders and insurers of the Property through written disclosure, prior to the sale of units, that the U.S. Army Corps of Engineers has determined that the levees protecting the Natomas Basin may not provide flood protection from a 100-year or greater storm event until the levees are recertified as providing 100-year*

*storm protection. The above measures shall terminate upon the first recertification of the levees by the U.S. Army Corps of Engineers.*

- d. Findings Regarding Proposed Mitigation. The Council finds that there are no additional mitigation measures in addition to those described in subparagraph c. that would be both reasonably feasible and appropriate to reduce the exposure of people and structures to flood hazards to a less than significant level, and that the Project's impacts would remain significant and unavoidable.
- e. Findings Regarding Significance of Impact After Mitigation. Based on the EIR and the entire Record before the Council, the Council finds that:
  - (1) Impacts Reduced. Impacts of the Project relating to the exposure of people and structures to flood hazards would be reduced by the foregoing mitigation measures, but not to a less than significant level because specific levels of reduction would be dependent on the mitigation measures ultimately selected and the degree to which they are incorporated into the Project design and operation. Even with implementation of the recommended mitigation measures, the exposure of people and structures to flood hazards cannot be reduced to a less than significant level until the SAFCA levee improvements are completed and the U.S. Army Corps of Engineers re-certifies the levee system as providing a minimum of 100-year flood protection. Consequently, this impact would remain significant and unavoidable.
  - (2) Remaining Impacts. The environmental, economic, social and other benefits of the Project override the remaining impacts of the Project relating to its exposure of people and structures to flood hazards at the Project site.

**F. FINDINGS RELATED TO THE RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY.**

Based on the EIR and the entire record before the City Council, the City Council makes the following findings with respect to the Project's balancing of local short-term uses of the environment and the maintenance of long-term productivity:

- 1. As the Project is implemented over time, certain impacts would occur on a short term level. Such short term impacts are discussed fully above. Such short term impacts include, without limitation, impacts relating to noise, air quality, exposure to flood risk and traffic increases due to the Project, although measures have been and will be incorporated both in the Project to lessen these impacts.

2. The long term implementation of the Project would serve to balance the need for economic development, office uses, commercial uses, mixed uses and housing at the Project and surrounding areas with maintenance of long-term economic development, air quality, and protection of the environment from uncontrolled sprawl. Notwithstanding the foregoing, some long term impacts would result. These impacts include adverse impacts on air quality and increased traffic congestion. However, implementation of the Project would provide many long term benefits, including, without limitation, greater economic productivity, the creation of high density residential and office development along a future light rail line and near a light rail station, as well as shopping center near the future light rail line, development of an infill site and reduction of pressure for the development of outlying areas.
3. Although there are short term adverse impacts from the Project, the short and long term benefits of the Project justify its immediate implementation.

**G. PROJECT ALTERNATIVES.**

CEQA requires the City to consider the feasibility of any environmentally superior alternatives to the Project, as proposed. An evaluation must be made by the City as to whether one or more of these alternatives could substantially lessen or avoid the unavoidable significant environmental effects. (*Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, at 443-445 [243 Cal. Rptr. 727]; see also Public Resources Code, Section 21002.) An EIR is required to evaluate a reasonable range of alternatives that would attain most of the basic objectives of the proposed project, but would avoid or substantially lessen the significant effects of the project under review. (CEQA Guidelines, Section 15126.6)

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an acceptable level (i.e., can be substantially lessened) solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation even to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521 [147 Cal.Rptr. 842]; see also, *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403 [253 Cal.Rptr. 426]; *Kings City Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731 [270 Cal.Rptr. 650]; see also Public Resources Code, Section 21002.)

Additionally, factors such as site suitability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and site accessibility and control should also be considered and evaluated in the assessment of alternatives.

The Project objectives are:

- To construct a high quality mixed use office, retail, hospitality and residential development on property located in the North Natomas Community Plan adjacent to Interstate 5.
- To promote the development of regional commercial uses adjacent to the Del Paso Road Interchange to meet current commercial needs.
- To promote the development of high quality office opportunities through the construction of low and mid-rise buildings to meet current and future office needs.
- To foster economic and employment opportunities within the City of Sacramento through the development of underutilized property within the North Natomas Community Plan area.
- To encourage office, retail and residential development patterns that will support a proposed light rail station at the intersection of East Commerce Way and Club Center Drive.
- To provide the necessary circulation and infrastructure improvements to accommodate development of the property.
- To promote strong architectural and design features that are both compatible with adjacent uses while also providing unique identity for the Project as a whole.

The alternatives to the Project need to feasibly attain most of the basic objectives of the Project, but avoid or substantially lessen any of the significant effects of the Project. Potential significant environmental impacts of the Project include:

- **Traffic and Circulation:** The proposed Project would result in increased traffic congestion that would have significant adverse effects on intersections and freeway ramps and segments.
- **Noise:** The proposed Project would result in noise from construction and operation of the Project.
- **Air Quality:** The proposed Project would attract additional vehicles to the area, resulting in increased long-term emissions, and construction activities would increase temporary air pollutant emissions.
- **Hydrology, Water quality and Drainage:** The proposed Project would expose buildings and people to flood risks.

The City Council has considered the Project alternatives presented and analyzed in the Final EIR and presented during the comment period and public hearing process. Some of those alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. The City Council finds, based on specific economic, legal, social, technological, or other considerations, that those alternatives were infeasible as set forth below.

The EIR evaluated two alternatives to the Project: (i) the No Project-No Build Alternative; and (ii) the No Project-Buildout Pursuant to Existing Designations Alternative. Under the No Project-No Build Alternative the Project site would remain vacant, undeveloped land. However, as the Project site is entitled to develop under a development agreement with urban uses based on the existing land use designations, a denial of the proposed Project would still likely result in the proposal of another project. Under the No Project-Buildout Pursuant to Existing Designations Alternative, the Project site would be developed pursuant to the existing land use designations contained in the North Natomas Community Plan and existing zoning designations, as vested by the development agreement.

**a. No Project - No Build Alternative.**

The CEQA Guidelines require that a no project alternative be evaluated in comparison to the Proposed Project. The No Project - No Build Alternative is defined as the continuation of the existing condition of the Project site as vacant, undeveloped land. The No Project - No Build Alternative would not meet any of the identified objectives of the Project.

The No Project - No Build Alternative's implementation would not need any changes to the existing City land use designations, so there would not be any land use impacts. However, the site would remain in a vacant condition and would result in a lack of retail and employment opportunities for nearby residents. The No Project - No Build alternative would eliminate the need for expansion of surrounding roadways to accommodate the Project, and thereby have reduced impacts on transportation and circulation as compared to the Project. Potential noise impacts would also be eliminated by the No Project - No Build Alternative because construction would not occur; therefore, noise and vibration impacts would not result, nor would increased traffic and other operational noise impacts result. Existing air quality conditions remain under the No Project - No Build Alternative, since the site would remain vacant and no pollution emissions would be generated. No impacts to hydrology and flood risk would result from the No Project - No Build Alternative, since no new structures or people would be exposed to an increased risk of flooding.

**b. No Project - Buildout Pursuant to Existing Designations Alternative**

Under the No Project - Buildout Pursuant to Existing Designations Alternative (the "Existing Designations Alternative"), the Project site would be developed at lower Employment Center densities than the proposed Project. In addition, the Existing Designations Alternative would not include a shopping center or park component. Instead, there would be up to 2,172,412 square feet of office development, compared to the Project's 3,267,068 square feet of office, retail, support retail, hospitality, and residential uses. Thus, the Existing Designations Alternative would reduce the square footage of potential total development by 1,094,656 square feet at the project site. Notwithstanding this reduced intensity of use of the land, the Existing Designations Alternative would allow the site to be developed for employment uses and meet many,

but not all, of the identified project objectives listed above.

There would be no impacts to land uses under the Existing Designations Alternative since it would implement the current, existing land uses applicable to the Project site and vested under the development agreement. Transportation and circulation impacts under the Existing Designations Alternative would be reduced, since baseline trips would be reduced by 19,044 trips per day and cumulative traffic trips would be reduced by 16,716 trips per day. Notwithstanding the reduction in trips per day, the Existing Designations Alternative would still have significant impacts to study intersections, roadway segments, and freeway facilities. The impact to the Del Paso Road and Natomas Boulevard intersection would remain significant and unavoidable, as would the impact to the roadway segment of Del Paso Road from I-5 to East Commerce Way, as well as impacts to the freeway ramp junctions and freeway weaving segment. However, the Existing Designations Alternative would have a less than significant impact on the freeway mainline, on freeway ramp queuing, and on transit systems. Overall traffic impacts from this Alternative would be generally reduced as compared to the proposed Project.

Due to its reduced traffic, the Existing Designations Alternative would have reduced operational noise impacts compared to the proposed Project. However, construction noise impacts would remain similar, but overall noise impacts reduced. Due to its reduction in the number of vehicle trips, the existing Designations Alternative would have fewer air pollution emissions from project-related traffic. In addition, because the land use entitlements and designations are not being altered, the emissions produced from the site's development would be in substantial conformance with the amounts projected in existing air quality attainment plans. Therefore, while the Existing Designations alternative would still contribute to existing air quality conditions, its overall impacts would be reduced as compared to the proposed Project. With regard to hydrology and exposure to flood risks, the existing Designations Alternative would still expose people and structures to flood risks. Under the Existing Designations alternatives, up to 8,900 employees would be at the Project site; the proposed Project would increase this to up to 9,474 employees. While the number of employees exposed to flood risks would be lower, the number of employees is nonetheless still substantial. Therefore, this impact would be similar to the proposed Project's hydrology and flood risk impacts.

**c. Environmentally Superior Alternative.**

The EIR concluded that the No Project - Buildout Pursuant to Existing Designations Alternative would be the environmentally superior alternative, since it would generate fewer trips, have reduced air quality and noise impacts, but have comparable hydrology and flood risk impacts. However, environmental considerations are not the only factors that must be considered by the public and decision-makers in deliberations on the proposed Project and the alternatives. Other factors of importance recognized by CEQA and the courts include urban design considerations, economics, social factors, and fiscal considerations.

## **Conclusion**

The Council finds that none of the above Alternatives are feasible because they will not fully meet the Project's objectives as set forth above in these Findings. The No Project - No Build Alternative would result in the project site remaining vacant, but it would not achieve any of the Project objectives. The No Project - Buildout Pursuant to Existing Designations Alternative would achieve most of the enumerated Project objectives, but would not efficiently use the Project site in terms of density and intensity of use of the land. Consequently, unlike the proposed Project, the Existing Designations Alternative would not as adequately fulfill the City's desire to encourage and foster higher densities for infill development, thereby reducing the need to develop outlying areas.

## **H. FINDINGS REGARDING GROWTH-INDUCING AND CUMULATIVE IMPACTS.**

As required by CEQA, the EIR evaluated the growth-inducing impacts of the Project and the cumulative impacts of the Project (CEQA Guidelines, Sections 15126.2). The significant growth-inducing and cumulative impacts are set forth in this Section H.

It should be noted that in some cases the impacts described in this Section H have been outlined in other sections above and appropriate mitigation imposed and findings made with respect thereto. For instance, impacts relating to the Project's air quality are described above. In such instances, additional mitigation measures may be unnecessary and the mitigation measures considered above are hereby incorporated by reference in this Section H.

### **1. Land Use.**

Description: The EIR identified no additional significant land use impacts from the proposed Project. The Project's status as an infill project limits the potential for the Project to induce a substantial amount of unanticipated growth in the surrounding area. As such cumulative land use impacts of the Project remain less than significant.

Mitigation Measures: The mitigation measures expressed throughout the EIR mitigate, to the extent possible, any potential growth-inducing impacts of the Project.

Finding: The Council finds that the Project will not have any new, significant and unavoidable growth-inducing impacts not already examined in the EIR.

### **2. Traffic and Circulation.**

Description: Increased traffic at the Project and the cumulative impacts thereof were discussed in the EIR at Impacts 4.2-18 through Impact 4.23-23. The Project would add more trips to roadway segments, and the projected vehicle trips would degrade service levels in North Natomas. Cumulative intersection impacts from the Project would occur at the following intersections:

- Del Paso Road / East Commerce Way
- Del Paso Road / Natomas Boulevard
- East Commerce Way / New Market Boulevard
- East Commerce Way / Road 3

Mitigation Measures: The mitigation measures adopted with respect to the impacts identified in Section X above are hereby incorporated by reference and specifically found to lessen and avoid the specific, as well as the general, cumulative traffic and circulation impacts of the Project on the four identified intersections.

Finding: Based on the EIR and the entire Record before the Council, the Council finds that the Project will not have significant cumulative impacts on the intersections at (i) Del Paso Road / East Commerce way; (ii) Del Paso Road / Natomas Boulevard; (iii) East Commerce Way / New Market Boulevard; and (iv) East Commerce Way / Road 3 with implementation of mitigation measures 4.2-18(a) through 4.2-18(d) identified above and in the EIR.

### **3. Noise**

Description: The EIR determined that cumulative impacts regarding noise would be less than significant.

Mitigation Measures: The mitigation measures expressed throughout the EIR mitigate, to the extent possible, any potential cumulative noise impacts of the Project.

Finding: The Council finds that the Project will not have any new, significant and unavoidable noise impacts not already examined in the EIR.

### **4. Air Quality.**

Description: The EIR determined that the Project would have a less than significant cumulative impact on local air quality. However, the EIR also determined that the traffic and potential increase in VMT associated with the Project would have a significant and unavoidable cumulative impact on regional air quality.

Mitigation Measures: The EIR requires Mitigation Measures 4.4-5 (a) and 4.4-5(b) which implement measures to reduce emissions during the construction phase of the Project, as well as measures that reduce and control air emissions

during the operational phase of the Project. However, the EIR determined that those mitigation measures would not reduce the cumulative impacts on regional air quality to a less than significant level, and that the impact would remain significant and unavoidable.

Finding: Based on the EIR and the entire Record before the Council, the Council finds that the identified mitigation measures would reduce the Project to the extent feasible, but that it would still have significant cumulative impacts on regional air quality. The environmental, economic, social and other benefits of the Project override the remaining cumulative impacts of the Project on regional air quality.

## **5. Hydrology**

Description: The EIR determined that the increases in peak stormwater flows from the Project, in combination with existing and future developments in the Sacramento area, would have a less than significant cumulative impact on the drainage infrastructure, since it had sufficient capacity to handle flows from the Project. In addition, the EIR also concluded that upon the completion of the SAFCA flood control improvements to the Natomas Basin levee system, the Project's long term impacts with regard to exposing people and structures to flooding risks would be a less than significant impact.

Mitigation Measures: The mitigation measures expressed throughout the EIR mitigate, to the extent possible, any potential cumulative, long term impacts of the Project from exposing people and structures to flooding hazards.

Finding: The Council finds that the Project will have not have any new, significant and unavoidable flood risk impacts not already examined in the EIR.

### **I. GLOBAL CLIMATE CHANGE IMPACTS OF THE PROJECT**

No accepted analytical methodology currently exists to determine the Project's relative impact on global climate change when measured in a global context. Therefore, the EIR did not identify a threshold of significance or make a significance determination as to the Project's cumulative contribution to global climate change. That does not mean that the City has ignored the issue or has failed to include measures that would mitigate greenhouse gas emissions. Global climate change is inherently a cumulative issue as the greenhouse gas emissions of an individual project cannot currently be shown to have any material effect on climate when examined in a global setting. Nonetheless, the EIR provided a comprehensive discussion of the measures that will be employed by the Project to reduce its overall contribution to global climate change. Moreover, the unique, in-fill nature of the Project, which is designed to provide for higher density, mixed use development in an urban area of the City along a major transit corridor that reduces VMT, will, by its very nature, minimize total greenhouse gas emissions from the Project.

## **Speculative Nature of Project Impacts on Global Climate Change**

Currently no State or regional regulatory agency has adopted any agreed upon threshold of significance for greenhouse gas emissions. The California Office of Planning and Research (“OPR”) is charged with developing guidelines for the mitigation of greenhouse gases emissions by July 1, 2009, and the California Air Resources Board (“CARB”) is required to develop a framework to manage impacts of greenhouse gas pollutants by June 30, 2009. As a result, experts have acknowledged the lack of any meaningful basis for lead agencies, such as the City, to consider or evaluate thresholds of significance for greenhouse gas emissions. In this regard, the California Air Pollution and Control Officers Association has opined that a local agency “may decide to defer any consideration of thresholds” until the state framework is in place. (See, CEQA and Climate Change, California Air Pollution and Control Officers Association, Jan. 2008, p.23.) Similarly, the Association of Environmental Professionals has concluded that “there are currently no published CEQA thresholds or approved methods for determining whether a project’s potential contribution to a cumulative [global climate change] impact is considerable.” (See, Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents, Association of Environmental Professionals, June 29, 2007, p.1.) Moreover, it has also been acknowledged that “a typical individual project does not generate enough greenhouse gas emissions to influence [global climate change] significantly on its own.” *Id.* Accordingly, absent this important guidance from the State, the City has no meaningful basis to establish a threshold of significance to enable it to evaluate and determine whether project specific impacts of the Project rise to the level of significance for purposes of CEQA review.

CEQA does not demand that the City undertake an analysis of greenhouse gas emissions that cannot be conclusively tied to a physical change in the environment, such as the development of a mixed use project like Commerce Station. Since there currently exists no identified threshold of significance with respect to project-level contributions to greenhouse gas emissions, any finding of significance with respect to a project-level contribution to global climate change, even cumulatively to a larger problem, is highly speculative. In this regard, CEQA Guidelines Section 15145 makes it clear that in the absence of an available methodology to determine whether project-level greenhouse gas emissions are significant, the City simply should evaluate and identify the issue and determine that it is too speculative at this time to make a significance determination. Until such time as a state or regional agency has identified thresholds of significance for individual projects, the City has determined that it will continue to be too speculative for the City to analyze project-level impacts of the Commerce Station Project on this global issue.

The City also recognizes the limitations inherent in quantifying any nexus between the calculated greenhouse gas emissions of individual projects and the predicted environmental changes that could be caused by global temperature increases. Absent such quantification, the City has no authority, pursuant to CEQA or

otherwise, to impose mitigation measures on the Project to address speculative impacts on global climate change. (See, CEQA Guidelines Section 15126.4(a)(4); *Nollan v. California Coastal Commission* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374.) Further, the City believes that to engage in such speculative analysis falls outside of the limitations established under CEQA which pertain to speculation (See, CEQA Guidelines section 15145) and the geographic limitation of impact analysis (See, CEQA Guidelines section 15130(b)(3)).

As explained on pages 4.4-8 through 4.4-11 of the DEIR, the City acknowledged and recognized the current concern regarding global warming, and the role of greenhouse gas emissions in contributing to potential climate changes around the globe. The City also finds that the mitigation measures incorporated as part of the Project include measures that will reduce greenhouse gas emissions associated with energy use.

CEQA requires that Lead Agencies inform decision makers and the public regarding potential significant environmental effects of proposed projects; feasible ways that environmental damage can be avoided or reduced through the use of feasible mitigation measures and/or project alternatives; and disclose the reasons why the City approved a project if significant environmental effects are involved (CEQA Guidelines §15002). CEQA also requires the City to evaluate potential environmental effects to the fullest extent possible based on scientific and factual data (CEQA Guidelines §15064[b]). Significance conclusions must be based on substantial evidence, which includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines §15064f[5]).

In addition, under the “rule of reason,” an EIR is required to evaluate impacts to the extent that is reasonably feasible (CEQA Guideline §15151; *San Francisco Ecology Center v. City and County of San Francisco* (1975) 48 Cal.App.3d 584, 594). While CEQA does require the City to make a good faith effort to disclose what it reasonably can, CEQA does not demand what is not realistically possible (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286). The City, therefore, has discretion to design the CEQA document; it does not need to conduct every recommended test or perform all requested research or analysis (CEQA Guideline §15204(a); *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 410).

In the absence of some uniform, accepted methodology to evaluate the significance of potential project level contributions to global climate change, it is sufficient for the City to have analyzed the issue and determined that any impact is too speculative for evaluation. *Berkeley Keep Jets Over the Bay Committee v. Board of Ports Commissioners* (2001) 91 Cal.App.4th 1344, 1370. In this regard, the California Supreme Court has specifically confirmed that CEQA does not require evaluation of speculative impacts that are impossible to quantify. *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376. Recent Court of Appeal decisions confirm this approach. *Alliance of Small Emitters/Metals*

*Industry v. South Coast Air Quality Management District* (1997) 60 Cal.App. 4<sup>th</sup> 55; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App 4<sup>th</sup> 1173. While these court decisions generally concern the issue of air emissions, toxic or otherwise, they certainly have credible application to the issue of speculation and with respect to project level impacts on global warming.

The speculative nature of any such global warming discussion is further supported by the fact that issues of greenhouse gas emissions and climate change are fundamentally different from other areas of air quality impact analysis, which are linked to some region or specific area in which the impact is significant. In the context of global warming, the majority of emissions that could be generated by a land development project would not necessarily qualify as “new” emissions that are specifically attributable to the proposed project in question. The approval of a new development project does not necessarily create new or additional VMT, which is the primary source of project emissions. People moving to a particular California city or county often are, in large part, switching their VMT and resultant greenhouse gas emissions from one place to another, rather than creating a new emission. This conclusion holds true, regardless of whether the relocating citizen is from within or without the State of California. Thus, there is no accepted methodology for identifying the specific incremental impact of a project on the creation of “new” greenhouse gas emissions.

While the City has been able to provide estimates of the quantified emission of greenhouse gas emissions from the Commerce Station Project, there is simply no basis for the City to determine that any such contribution is in fact significant, as it is too speculative at this time to determine the particular impact of the Project on climate change. As explained on pages 4.4-8 through 4.4-11 of the DEIR, the City acknowledges and recognizes the current concern regarding global warming, and the recognition of the role of greenhouse gas emissions in contributing to potential climate changes around the globe. As explained in the DEIR, the City has acknowledged and acted upon those concerns in a variety of ways including the 2001 adoption of Smart Growth Principles into the General Plan, which seeks to change urban development patterns by supporting projects that, through the density and mix of land uses, transportation management, and infrastructure design and construction, discourage urban sprawl, promote infill development, reduce vehicle emissions and minimize air pollutant emissions. The City has also prepared and approved a Sustainability Master Plan, as well as a resolution establishing a Green Building Plan for new buildings in the City. In all of these ways, the City is taking leadership in the region by addressing the emission of greenhouse gases and the potential global warming effects. As the DEIR noted, the Commerce Station Project includes numerous characteristics consistent with these goals, including the incorporation of mixed use development and locating employment centers near existing/planned public transit services that will reduce greenhouse gas emissions from mobile sources. Moreover, the mitigation measures incorporated as part of the Project include measures that will reduce greenhouse gas emissions associated with energy use.

## Global Climate Change Impacts

Implementation of the Project would generate greenhouse gases through the construction and operation of new office, commercial, hospitality and residential uses. Greenhouse gas emissions from the Project would specifically arise from Project construction and from sources associated with Project operation, including direct sources such as motor vehicles, natural gas consumption, solid waste handling/treatment, and indirect sources such as electricity generation. Emissions from these sources are presented below.

### a) Construction Emissions

The Project would emit greenhouse gases during construction of the Project from the operation of construction equipment and from worker and building supply vendor vehicles. Emissions during construction were estimated using the URBEMIS2007 model. The Project construction emissions of CO<sub>2</sub> are shown in Table 1. It is important to note that emissions from construction equipment are continuously being improved and that emissions at the time of construction will likely be even less than those estimated. Given the long-term buildout of the Project, emissions of nitrous oxide and methane are negligible in comparison and were not estimated. Emissions estimates for each phase were based on construction phasing and square footage data for each land use category.

**TABLE 1**  
**CONSTRUCTION-GENERATED EMISSIONS**

<b>Phase</b>	<b>CO<sub>2</sub> Equivalent (Tons)</b>
Special Permit Area	9,523.67
Phase 2	17,301.5
Phase 3	16,853.4
Construction Waste	6,251
Total	49,929.6

Emissions generated by phase were calculated using the URBEMIS2007 (version 9.2.2) computer program.

Construction waste emissions were calculated based on data obtained from the U.S. EPA for construction-generated debris and waste (U.S. EPA 1998).

### b) Operational Emissions

The Project would also generate greenhouse gases during its operation, principally from motor vehicle use, electricity and natural gas consumption, and solid waste disposal. Greenhouse gases from each of these sources are further explained, below. Table 2 summarizes the total operational emissions at buildout in CO<sub>2</sub> equivalents.

**TABLE 2**  
**TOTAL OPERATIONAL EMISSIONS AT BUILDOUT**

<b>Emissions Source</b>	<b>CO<sub>2</sub> Equivalent (Tons/Year)</b>
Motor Vehicles	42,404
Electricity	23,342
Natural Gas	4,695
Solid Waste	8,096
Total:	78,537

c) Motor Vehicle Greenhouse Gas Emissions

The largest source of greenhouse gas emissions associated with the Project would be on- and off-site motor vehicle use. CO<sub>2</sub> emissions, the primary greenhouse gas from mobile sources, are directly related to the quantity of fuel consumed. Two important determinants of transportation-related greenhouse gas emissions are VMT and vehicle fuel efficiency. CO<sub>2</sub> emissions during operation of the Project at full buildout were estimated using URBEMIS2007. As shown in Table 3 below, total Project CO<sub>2</sub> emissions would be 40,370 tons per year, which is .008 percent of California's 2004 emissions (i.e., 478.7 million tons). The Project emissions inventory is .0005 percent of 2005 U.S. emissions (i.e., 8,003.1 million tons) and .00018 percent of reported 2004 global emissions (i.e., 22,195 million tons).

**TABLE 3**  
**OPERATIONAL CO<sub>2</sub> EMISSIONS FROM MOTOR VEHICLES AT BUILDOUT**

<b>Land Use Type</b>	<b>CO<sub>2</sub> Equivalent (Tons/Year)</b>
Condo/Townhouse	881.5
Quality Restaurant	1,098.7
High Turnover Restaurant	405.1
Retail	10,150.3
Office	27,834.0
Total	40,369.5

Emissions were calculated using the URBEMIS2007 (version 9.2.2) computer program.

Combustion of fossil fuels also generates CH<sub>4</sub> and N<sub>2</sub>O. Since URBEMIS 2007 does not currently calculate CH<sub>4</sub> and N<sub>2</sub>O emissions, emissions factors for each gas were obtained from the California Climate Action Registry (CCAR 2007) and were used with data on the fleet mix, fuel type and VMT for the proposed Project to calculate their emissions, as shown in Table 4 below.

**TABLE 4  
OPERATIONAL N<sub>2</sub>O AND CH<sub>4</sub> EMISSIONS FROM MOTOR VEHICLES AT  
BUILDOUT**

Source	Phase	Annual VMT	CO <sub>2</sub> Equivalent (Tons/Year)		
			N <sub>2</sub> O	CH <sub>4</sub>	Total
Vehicle Fleet		8.75x10 <sup>07</sup>	1933.6	100.8	2,034.4

VMT=Vehicle miles traveled. Derived from URBEMIS2007 (version 9.2.2) computer program.

Based on vehicle fleet data obtained from the URBEMIS2007 (version 9.2.2.) computer program and emission factors obtained from California Climate Action Registry General Reporting Protocol, version 2.2, March 2007.

**TABLES 3 & 4 COMBINED  
OPERATIONAL EMISSIONS FROM MOTOR VEHICLES AT BUILDOUT**

Source	Phase	Annual VMT	CO <sub>2</sub> Equivalent (Tons/Year)			
			CO <sub>2</sub>	N <sub>2</sub> O	CH <sub>4</sub>	Total
Vehicle Fleet		8.75x10 <sup>07</sup>	40,369.5	1933.6	100.8	42,403.9

VMT=Vehicle miles traveled. CO<sub>2</sub> emissions derived from URBEMIS2007 (version 9.2.2) computer program. N<sub>2</sub>O and CH<sub>4</sub> emissions based on vehicle fleet data obtained from the URBEMIS2007 (version 9.2.2.) computer program and emission factors obtained from California Climate Action Registry General Reporting Protocol, version 2.2, March 2007.

Although motor vehicle energy consumption will occur at the Project, the Project's proximity to light rail, its mix of land uses, its participation in the North Natomas Transportation Management Association and the various smart growth measures incorporated into the Project are designed to improve the energy efficiency of the transportation system by increasing use of more fuel-efficient public transit, carpools, and vanpools, and improving circulation system levels of service. Any reductions in traffic congestion realized through implementation of enhanced transit operations would also allow for more energy-efficient vehicular travel.

d) Electricity and Natural Gas Combustion Greenhouse Gas Emissions

The Project would use electricity for its office, commercial, residential, and other components, which would contribute to greenhouse gas emissions. The Project related emissions were estimated by using Project electricity and natural gas use estimates noted below. The emissions factors for electricity use and natural gas combustion were obtained from the California Climate Action Registry (CCAR 2007). Greenhouse gas emissions from these two sources are as shown in Tables 5 and 6, below.

**TABLE 5  
OPERATIONAL EMISSIONS FROM ELECTRICITY USE  
CO<sub>2</sub> Equivalent (Tons/Year)**

<b>Geographic Region and Emissions Source</b>	<b>Energy Use (MWh/Year)</b>	<b>CO<sub>2</sub></b>	<b>N<sub>2</sub>O</b>	<b>CH<sub>4</sub></b>	<b>Total</b>
State of California	272,464,000	109,604,093	156,258	19,168	109,779,519
Sacramento County	10,574,000	4,253,603	6,064	744	4,260,411
City of Sacramento	3,363,000*	1,352,834	1,929	237	1,354,999
Project	57,793**	23,248	33	60	23,342

\*Calculated based on percentage of statewide energy use according to ratio from U.S. Bureau of the Census, California Dept. of Finance, Population Estimates.

\*\*Based on average estimated usage rates derived from the California Energy Commission, 2004, California Statewide Residential Appliance Saturation Study, Volume 2, Study Results Final Report.

**TABLE 6  
OPERATIONAL EMISSIONS FROM NATURAL GAS COMBUSTION  
CO<sub>2</sub> Equivalent (Tons/Year)\***

<b>Geographic Region and Emissions Source</b>	<b>Energy Use Therms/Year</b>	<b>CO<sub>2</sub></b>	<b>N<sub>2</sub>O</b>	<b>CH<sub>4</sub></b>	<b>Total</b>
State of California (2004)**					1,354,000
Project (2020)	664,173.8***	4,683.3	2.3	9.1	4,694.6

\* CO<sub>2</sub> emissions calculated using the URBEMIS2007 computer program. N<sub>2</sub>O and CH<sub>4</sub> emissions calculated based on emission factors derived from California Climate Action Registry General Reporting Protocol, version 2.2, March 2007.

\*\* Calculated based on percentage of statewide energy use according to ratio from U.S. Bureau of the Census, California Dept. of Finance, Population Estimates.

\*\*\*Represents total usage rate for all proposed land uses based on data obtained from the California Department of Energy.

e) Solid Waste Greenhouse Gas Emissions

Since the Project involves office, commercial, hospitality and residential uses, solid waste generated by the Project would also contribute to greenhouse gas emissions. Treatment and disposal of municipal, industrial and other solid waste produces significant amounts of CH<sub>4</sub>. In addition to CH<sub>4</sub>, solid waste disposal sites also produce biogenic CO<sub>2</sub> and non-methane volatile organic compounds, as well as smaller amounts of N<sub>2</sub>O, nitrogen oxides (NO<sub>x</sub>) and carbon monoxide

(CO).

CH<sub>4</sub> and CO<sub>2</sub> emissions from solid waste generated by the Project were estimated based on formulas provided in the State Workbook: Methodologies for Estimating Greenhouse Gas Emissions. Total Project emission of greenhouse gases from landfill material is shown in Table 7 below.

**TABLE 7  
OPERATIONAL EMISSIONS FROM SOLID WASTE**

Geographic Region	Solid Waste (Tons/Year)	CO <sub>2</sub> Equivalent (Tons/Year)		
		CO <sub>2</sub>	CH <sub>4</sub>	Total
<b>State of California</b>				
	2004			6,876,000
<b>City of Sacramento</b>				
	2005	291,691	21,068	12,039
	2005 (including private hauling)	632,800	45,705	26,117
<b>Proposed Project at Buildout</b>		8,623	623	7,474
				8,096

Based on a ratio of project-generated waste and estimated 2005 waste generation rates for City of Sacramento. Emission factors derived from U.S. EPA State Workbook: Methodologies for Estimating Greenhouse Gas Emissions. Waste generation rates derived from California Integrated Waste Management Board, 2007 and U.S. EPA, 1998.

f) Other Greenhouse Gas Emissions

Ozone is a greenhouse gas; however, unlike the other greenhouse gases, ozone in the troposphere is relatively short-lived and therefore is not global in nature. According to CARB, it is difficult to make an accurate determination of the contribution of ozone precursors (NO<sub>x</sub> and ROGs) to global warming (CARB 2004b). Therefore, it is assumed that Project emissions of ozone precursors would not significantly contribute to global climate change. At present, there is a federal ban on CFCs; therefore, it is assumed the Project will not generate emissions of these greenhouse gases. The Project may emit a small amount of HFC emissions from leakage and service of refrigeration and air conditioning equipment and from disposal at the end of the life of the equipment. However, the details regarding refrigerants to be used in the Project and the capacity of these are unknown. Therefore, it is not anticipated the Project would contribute significant emissions of these additional greenhouse gases.

## Mitigation Measures That Will Lessen Global Climate Change Impacts

The inherent design and location of the Project will operate to lessen its contribution to global climate change, and thus may be considered built-in mitigation when compared to a similar project in an outlying area. From a geographic standpoint, the Project is situated along the route of the Downtown-Natomas-Airport light rail line, and is situated within five miles of the urban core in Downtown Sacramento. It will provide residents of the City with the opportunity to live and shop close to their jobs and close to public transportation lines. In addition, the following mitigation measures which have been incorporated into the Project, will lessen any contribution of the Project to global climate change:

### Transportation and Circulation Measures:

In order to reduce congestion and promote the free flow of traffic, thereby improving vehicle exhaust emissions, the EIR required the following mitigation:

*MM 4.2-1(a): Del Paso Road and El Centro Road Intersection. Before completion of the amount of development that would generate 45 percent of the a.m. peak hour traffic, the Project applicant shall pay a fair share of the cost to add a northbound right turn lane to the intersection, if not already implemented by others.*

*MM 4.2-1(b): Del Paso Road and East Commerce Way Intersection. Before completion of the amount of development that would generate 50% of the p.m. peak hour Project traffic, the Project applicant shall add a northbound and a southbound right turn signal phase at the subject intersection. The Project applicant shall also restripe the westbound approach to include an exclusive right turn lane, a shared through/right turn lane, two through lanes, and two left turn lanes.*

*MM 4.2-1(c): Del Paso Road and I-5 Northbound Ramps. Before completion of the amount of development that would generate 5% of the p.m. peak hour Project traffic, the Project applicant shall pay a fair share to signalize this intersection.*

*MM 4.2-1(d): Del Paso Road and Natomas Boulevard Intersection. Before completion of the amount of development that would generate 15% of the p.m. peak hour Project traffic, the Project applicant shall pay a fair share to add right turn signal phases on all approaches to the intersection.*

*MM 4.2-1(e): East Commerce Way and New Market Drive Intersection. Before completion of the amount of development that would generate 65% of the p.m. peak hour Project traffic, the Project applicant shall provide an eastbound double right turn lane and an eastbound right turn signal phase at the subject intersection.*

*MM 4.2-1(f): East Commerce Way and Road 1 Intersection. Before completion of the amount of development that would generate 75% of the p.m. peak hour Project traffic, the Project applicant shall provide an eastbound double right turn lane at the subject intersection.*

*MM 4.2-4(a): Freeway Ramp Junctions. The Project applicant shall pay development fees for infrastructure projects as outlined in the North Natomas Finance Plan ("NNFP") as its required share of all freeway-related improvements. In addition to payment for freeway related improvements, ramps and interchanges, the North Natomas Finance Plan includes a share of the Downtown Natomas Airport Light Rail Extension (DNA) project costs. With several DNA light rail stations in close proximity to the Commerce Station site, the DNA project provides future congestion relief for both the I-80 and the I-5 freeways and is included in the Metropolitan Transportation Plan.*

*In conjunction with the NNCP and the NNFP, in 1994 the City prepared the North Natomas Freeway-Related Improvements Study (the "Kittleson Report"), which analyzed freeway-related impacts associated with development of the NNCP. The Kittleson Report recommended various improvements to the freeway mainlines, auxiliary lanes and interchanges and estimated that 43% of the cost for the proposed improvements are attributable to North Natomas. The Kittleson Report was discussed in further detail in the NNFP, which, in order to implement the Kittleson Report, provides that a portion of the PFF will be earmarked for the freeway-related improvements identified in the Kittleson Report.*

*Caltrans District 3 has a Draft District System Management Plan ("DSMP") that includes I-5 and SR 99 improvement projects near the Commerce Station site. The DSMP is the Vision Document for the District and has a 20 year planning horizon. The anticipated completion years of various DSMP projects are:*

*Interstate 5*

- 2006 - Construct auxiliary lanes from Richards Blvd to Garden Highway*
- 2008 - Construct northbound auxiliary lane from Del Paso Road to SR 99*
- 2010 - Add SR 99 southbound on-ramp lane to SR 99 / I-5 Interchange*
- 2010 - HOV lanes from Downtown Sacramento to I-5 / I-80 interchange*
- 2016 - Reconstruct I-5 northbound / I-80 eastbound ramp*
- 2019 - HOV connector between I-5/ I-80 interchange*
- 2020 - HOV Lanes from Downtown Sacramento to Sacramento International Airport*
- 2023 - HOV lanes from I-80 to Sacramento International Airport*

*State Route 99*

- 2012 - Construct Elverta Road interchange*
- 2015 - Expand Elkhorn Blvd. interchange to accommodate Elkhorn Blvd's widening*
- 2024 - Construct lane in each direction from I-5 to Elkhorn Blvd.*
- Unknown - HOV lanes from I-5 interchange to SR 70*

*Some of these proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax and other taxes rather than development fees.*

*The freeway improvement projects proposed by Caltrans are not currently approved and funded, but, consistent with the Kittleson Report, the applicant's payment of the PFF will satisfy its required share of the cost of such anticipated future improvements. Nevertheless, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.*

*MM 4.2-7(a): Pedestrian and Circulation Impacts. Prior to recordation of the first map, the Project applicant shall coordinate with the City's Development Engineering Division to identify the necessary on- and off-street pedestrian and bicycle facilities to serve the proposed development. These facilities shall be incorporated into the Project and could include sidewalks, stop signs, standard pedestrian and school crossing warning signs, lane striping to provide a bicycle lane, bicycle parking, signs to identify pedestrian paths, raised sidewalks, and pedestrian signal heads.*

*4.2-7(b): Pedestrian and Circulation Impacts. Circulation and access to all proposed parks and public spaces shall include sidewalks that meet Americans with Disabilities Act standards.*

*MM 4.2-17: Construction. Prior to beginning of construction, a construction traffic and parking management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer and be subject to review by all affected agencies.*

*MM 4.2-18(a): Intersections (Cumulative) Del Paso Road and East Commerce Way. The project applicant shall pay a fair share contribution to implement mitigation measure 4.2-1(b).*

*MM 4.2-18(b): Intersections (Cumulative) Del Paso Road and Natomas Boulevard. The project applicant shall pay a fair share contribution to*

provide a westbound double left turn lane. .

*MM 4.2-18(c): Intersections (Cumulative) East Commerce Way and New Market Drive. The project applicant shall pay a fair share contribution to implement mitigation measure 4.2-9(e).*

*MM 4.2-18(d): Intersections (Cumulative) East Commerce Way and Road 3. The project applicant shall pay a fair share contribution to provide an eastbound double right turn lane and a northbound double left turn lane.*

*MM 4.2-19(a): El Centro Road -- I-5 Overcrossing: The Project applicant shall provide the appropriate right-of-way within the Project site to construct a North Natomas 2+ lane cross-section at this location. This will include 70 feet of right-of-way for road purposes, and appropriate slope easements. The applicant shall also provide for the eventual construction of the overcrossing by not encroaching with permanent structures within 40 feet of the dedication area. The applicant shall pay a fair share contribution toward the future lane reconfiguration of the overcrossing from two to four lanes. The lane reconfiguration shall not require widening of the planned overcrossing structure.*

#### **Air Quality Measures:**

In order to reduce the air pollutants emitted by the Project and lessen its air quality impacts, the EIR proposed the following air quality mitigation measures that would in turn aide in reducing the Project's contributions to global climate change by reducing its overall emissions of greenhouse gases:

*4.4-1: Short-term increases of construction generated emissions of criteria air pollutants:*

*MM 4.4-1(a): The Project applicant/developer shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy duty (>50 horsepower), off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.*

*MM 4.4-1(b): The Project applicant/developer shall submit to the City and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the Project. The inventory shall be updated and submitted monthly throughout the duration*

*of the Project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy duty off-road equipment is used, the Project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the Project manager and on-site foreman.*

*MM 4.4-1(c): The Project applicant/developer shall ensure that emissions from off-road diesel powered equipment used on the Project site do not exceed 40 percent opacity for more than three minutes in any one hour, as determined by an onsite inspector trained in visual emissions assessment. Any equipment found to exceed 40 Percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance.*

*MM 4.4-1(d): The applicant shall construct the Commerce Station project consistent with the development assumptions identified in the DEIR as follows:*

- Development of the Special Permit Area (SPA) shall not exceed 168,786 square feet of mixed-use office uses within a three-year consecutive construction period.*
- Prior to approval of the Planning Director Review, the applicant shall calculate the construction emissions associated with the development phase being considered. Subsequent development phases shall not commence until completion of the SPA development. In the event that construction would exceed the above stated development restrictions, the SMAQMD shall be notified and construction-related emissions shall be recalculated in accordance with the most current SMAQMD-recommended methodologies. Additional mitigation measures and/or offset fees, (to be calculated based on the most current SMAQMD-recommended fee structure at the time of development) shall be implemented to ensure that construction-generated emissions of NO<sub>x</sub> would not exceed the SMAQMD's daily emission threshold of 85 lbs/day..*

*MM 4.4-1(e): Ground-disturbing activities (i.e. grading, trenching) shall not exceed a total disturbed area of 15 acres per day.*

*MM 4.4-1(f): Construction activities shall comply with SMAQMD's Rule 403, Fugitive Dust. As previously discussed, Rule 403 requires implementation of reasonable precautions so as not to cause or allow emissions of fugitive dust from being airborne beyond the property line of*

the Project site. In accordance with SMAQMD-recommended mitigation measures for the control of fugitive dust, reasonable precautions shall include, but shall not be limited to, the following:

- Apply water, a chemical stabilizer or suppressant, or vegetative cover to all disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive longer than a period of three months.
- Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth moving, or excavation operations. Actively disturbed areas should be kept moist at all times.
- Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114.
- Limit or expeditiously remove the accumulation of project generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring.
- Limit onsite vehicle speeds on unpaved surfaces to 15 mph or less.

MM 4.4-2: Long Term Increases of Criteria Air Pollutants. Prior to the issuance of the project's first grading permits, the Project applicant will obtain written endorsement from the SMAQMD for an air quality mitigation plan ("AQMP"). In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15% in the Project's anticipated operational NO<sub>x</sub> and ROG emissions. SMAQMD recommended measures and corresponding emissions reduction benefits are identified in SMAQMD's Guidance for Land Use Emission Reductions, which has been included in Appendix B of DEIR Appendix D, Air Quality Impact Assessment. Available measures to be included in the AQMP include, but are not limited to, the following:

Commercial and Public Facilities

- Provide preferential carpool/vanpool parking spaces.
- Provide transit facility improvements (e.g., pedestrian shelters, route information, benches, and lighting).
- Provide bicycle storage/parking facilities.
- Provide shower/locker facilities.
- Provide incentives to employees to rideshare or take public transportation.
- Provide a parking lot that provides clearly marked and shaded pedestrian pathways between transit facilities, pedestrian walkways and trails, and building entrances.

Residential Use

- Prohibit use of wood-burning stoves or fireplaces within interior and exterior areas. Install only USEPA certified gas-fired fireplaces.
- Install Energy Star or ground source heat pumps.
- Install Energy Star labeled roof materials.

- *Exceed Title 24 energy standards.*
- *Include incentives for purchasers of new residential dwellings to incorporate solar-powered energy systems.*

4.4-5: *Cumulative Contribution to Regional Air Quality Conditions:*

*MM 4.4-5(a): Implement Mitigation Measures 4.4-1(a) through 4.4-1(f) and 4.4-2.*

*MM 4.4-5(b): The City shall coordinate with the SMAQMD and SACOG to ensure that increases in vehicles miles traveled (VMT) attributable to the proposed project are accounted for in the VMT calculations used for the development of regional emissions inventories.*

### **Project Design / Emission Reduction Strategies**

In addition to the above described mitigation measures in the EIR, there are also a number of conditions of approval for the Project and Project design strategies that the City Council finds will reduce the greenhouse gas emissions from the Project and reduce its impacts on global climate change. These conditions of approval and design strategies include the following:

- **Diesel Anti-Idling:** The Project is subject to the Sacramento City Code, Chapter 8.116, which regulates the idling of commercial vehicles and prohibits idling for more than five consecutive minutes or five total minutes in one hour. This feature will comply with California Air Resources Board measures adopted in July 2004 to limit diesel-fueled commercial vehicle idling.
- **Transportation Emissions Reduction:** The Project is required to install light emitting diode (LED) traffic lights in all traffic signals associated with the development of the Project so that traffic passes more efficiently through congested areas. This requirement will serve to coordinate controlled intersections so that traffic passes more efficiently through them in order to improve air quality.
- **Transportation Emissions Reduction:** The Project will be required to participate in funding for the North Natomas Transportation Management Association (NNTMA) through CFD No. 99-01, which operates ridesharing and shuttle services programs. In that manner the project will comply with the California Attorney General's recommended measures to promote ride sharing programs.
- **Transportation Emissions Reduction:** The Project is conditioned to provide designated parking spaces for high occupancy vehicles and passenger loading, unloading and waiting areas for ridesharing. The foregoing will serve to implement the California Attorney General's measures promoting ride sharing by providing parking spaces for high-occupancy vehicles, larger parking spaces for vans used for ride sharing, and designating adequate passenger loading and unloading and waiting areas.
- **Transportation Emissions Reduction:** The Project is immediately adjacent to and

supportive of the proposed Downtown-Natomas-Airport ("DNA") light rail line, which will provide public transit service to the Project site. This will satisfy the California Attorney General's measure to promote public transit.

- Transportation Emissions Reduction: The Project's funding of the NNTMA and participation in CFD No. 99-01 will offer public transit discounts to residents in North Natomas, including those who may potentially reside in the Project. This will promote the use of public transit.
- Transportation Emissions Reduction: The Project is immediately adjacent to the proposed DNA light rail line and has been designed to support the Club Center Light Rail Station with the addition of four, seven and ten story office buildings within one-quarter mile of the station. The Club Center Light Rail Station is anticipated to provide multi-modal transit options, including bus and light rail service, thereby providing a transportation center where public transportation of various modes intersects as recommended by the California Attorney General's greenhouse gas mitigation measures.
- Transportation Emissions Reduction: The Project will be required to pay the North Natomas Transit Fee (established by City Ordinance 95-058 and Resolution 95-620, updated by Resolution 2002-374) which requires payment of impact fees by residential, commercial and office development to support light rail station construction. Such fees will implement the California attorney General's mitigation measure that would require transportation impact fees to facilitate and increase public transit service.
- Transportation Emissions Reduction: The Project is conditioned to construct Class I and Class II bike lanes throughout the Project site in excess of those required by the City's 2010 Bikeway Master Plan. These additional bike lanes will include a north-south commuter bike lane running the entire length of the Project site which connects to the City's existing off-street bikeway network. Such bike lanes will serve to satisfy the recommendation of the California Attorney General to incorporate bicycle lanes into project circulation systems.
- Transportation Emissions Reduction: The Project's Air Quality Management Plan requires it to provide on-site bicycle and pedestrian facilities, including showers and bicycle parking for all commercial uses. Such facilities will satisfy the mitigation suggestions of the California Attorney General to provide on-site bicycle and pedestrian facilities at commercial uses to encourage employees to bicycle or walk to work.
- Transportation Emissions Reduction: The Project's required participation in the NNTMA will provide funding for the NNTMA's public education and publicity programs that encourage the use of public transit. In this manner, the Project will satisfy the California Attorney General's measure requiring the provision of public education and publicity about public transportation services.
- Zero Waste - High Recycling: The Project will be required to comply with Sacramento City Code Section 17.72.030 which establishes separate waste and recycling disposal requirements and the use of separate receptacles. This will implement the California Attorney General's recommendation that separate receptacles and additional recycling beyond the State's 50% recycling goal be provided.

- Solid Waste Reduction Strategy: The Project will be conditioned upon reusing and recycling construction waste where feasible. This condition will further implement the California Attorney General's recommendation that recycled components be used and additional recycling above the 50% goal be performed.
- Solid Waste Reduction Strategy: The Project will be required to comply with Sacramento City Code Section 17.72.030 which establishes separate waste and recycling disposal requirements for all new uses and will be encouraged to support green waste and food recycling efforts during operation of the Project. These features will implement the California Attorney General's measure to ensure that each unit contains recycling and composting containers and convenient facilities for residents and businesses.
- Water Use Efficiency: The Project will be subject to Sacramento City Code Section 15.76.030 which requires that all shower fixtures be fitted with low-flow features. This feature will increase the efficiency of water transport by reducing water use and greenhouse gas emissions that arise therefrom as recommended by the California Attorney General's Office.
- Water Use Efficiency: The Project will be subject to Sacramento City Code Section 15.92.080 which establishes maximum water usage for landscaping, limits the use of turf, and requires the use of climate-adapted landscaping. Those requirements for the Project will reduce its water use and the greenhouse gas emissions that arise there from as recommended by the California Attorney General's Office. They will also reduce the amount of water sent to the sewer system, resulting in less water treatment and more energy savings.
- Building Energy Efficiency: The Project will be conditioned to exceed Title 24 energy efficiency standards by 10%. This implements the California Attorney General's recommendation that projects achieve a greater reduction in combined space heating, cooling and water heating energy compared to current Title 24 Standards.
- Lighting Efficiency: The Project will be conditioned to provide efficient fluorescent lighting for all primary lighting within the Project's office buildings. In addition, all accent lighting and aesthetic lighting will also be required to be fluorescent. Such requirements will implement the California Attorney General's recommendation that projects be required to include efficient lighting, since fluorescent lighting uses approximately 75% less energy than incandescent lighting to provide the same amount of light.
- Transportation Refrigeration Units: The Project will be conditioned to install electrification stations/connections in all Project loading docks for use by transportation refrigeration units. This measure will further the strategy suggested by the California Attorney General that in order to reduce greenhouse gas emissions from transportation refrigeration units, electrification should be installed.
- Urban Forest: The Project will be required to comply with Sacramento City Code Section 17.68.040 and plant shade trees to ensure that 50% of all surface parking areas are shaded within 15 years of establishment. This will serve to implement the California Attorney General's suggestion of a new statewide goal of planting 5 million trees in urban areas by 2020.

- Smart Land Use and Intelligent Transportation Systems: The Project is subject to and consistent with the North Natomas Community Plan ("NNCP"). Adopted in 1994, the NNCP was developed based on a variety of smart growth strategies and initiatives, including a jobs/housing balance, the mixing of land uses, transit oriented development, and higher density residential/commercial development. This feature implements the California Attorney General's recommendation that cities and counties use smart land use strategies to encourage jobs/housing proximity, promote transit-oriented development, and encourage high-density residential/commercial development along transit corridors.
- Smart Land Use and Intelligent Transportation Systems: The Project will implement the NNCP by providing a significant mixed use, office development consistent with the NNCP's goals. In addition, the Project is adjacent to and has been designed to support light rail through the identification of the highest office densities adjacent to the future Club Center Light Rail Station. Moreover, the Project is required to participate in and provide funding for the NNTMA, which has as its mission the promotion of transit supportive measures throughout the NNCP area. In that way the Project has complied with the California Attorney General's suggested smart land use strategies which encourage jobs/housing proximity, promote transit-oriented development, and encourage high-density residential/commercial development along transit corridors.
- Smart Land Use and Intelligent Transportation Systems: The Project has been designed to be consistent with the Smart Growth Principles adopted by the City Council in 2001. In this manner the project has satisfied the California Attorney General's suggestion to encourage mixed-use and high-density development which reduces vehicle trips, promotes alternatives to vehicle travel, and promotes the efficient delivery of services and goods.
- Smart Land Use and Intelligent Transportation Systems: The Project is being conditioned to require the use of light-colored roofing materials and paint on roofs. This condition will address the "urban heat island" effect by requiring light-colored roofing materials and paint as suggested by the California Attorney General.
- Smart Land Use and Intelligent Transportation Systems: The Project is adjacent to and has been conditioned to support light rail through the identification of the highest office densities adjacent to the future Club Center Light Rail Station. In that manner, the project has incorporated public transit into project design as promoted by the California Attorney General's global warming reduction measures.
- Smart Land Use and Intelligent Transportation Systems: The Project has been conditioned to provide Class I and Class II bike lanes in excess of those required by the City's 2010 Bikeway Master Plan. In addition, the Project is designed to include enlarged sidewalks to encourage pedestrian movement throughout the Project site. These features will allow destinations within the Project site to be conveniently reached by walking or bicycling to reduce the Project's global warming impacts, as suggested by the California Attorney General's Office.
- Smart Land Use and Intelligent Transportation Systems: In order to limit sprawl and discourage leapfrog development, the Project represents infill development

consistent with the NNCP and within an otherwise urbanized portion of the City that has been identified for development for over two decades. The Project is a classic example of a project designed to discourage leapfrog development and limit urban sprawl. Those features implement the measures suggested by the California Attorney General to discourage leapfrog development.

### **Global Climate Change Conclusion**

As noted above, the specific greenhouse gas emissions of an individual project cannot be shown to have any measurable, material effect on global climate change. Consequently, a specific project's contribution to greenhouse gases is inherently a cumulative impact issue when examined in a global setting. No state or regional agency has yet identified any method for determining a local project's threshold of significance. In the absence of any analytical methodology to determine a particular project's impact on global climate change, the City has no means of determining the significance of the Commerce Station Project's contribution to global climate change for CEQA purposes. While it is possible to determine the level of greenhouse gases associated with a particular project, it is impossible to determine whether its level of emissions is individually significant. In the absence of a general recognized analytical protocol, CEQA does not require speculation.

Nonetheless, the City finds that the Commerce Station Project was designed from the outset to minimize its greenhouse gas emissions and thereby reduce its contribution to global warming. From a geographic standpoint, the Project is situated along the route of the Downtown-Natomas-Airport light rail line, and is situated within five miles of the urban core in Downtown Sacramento. It will provide residents of the City with the opportunity to live and shop close to their jobs and close to public transportation lines. The Project is precisely the type of Smart Growth project the City wants to encourage with a combination of employment center and residential uses, including a substantial component of mixed use space, retail space and office space. Moreover, the Project has much higher densities than those originally envisioned when the Project site was originally entitled in 1999 with the vested right to develop under a development agreement. In addition, the Project has been required to comply with the above-described air quality and transportation and circulation mitigation measures, all of which were designed to reduce the Project's generation of greenhouse gases and other criteria air pollutants, thereby further reducing the Project's contribution to global climate change. Notwithstanding the Project's cumulative contribution to greenhouse gas emissions, the economic, social and other benefits of the Project override the cumulative impacts of the Project on global climate change, as more fully set forth in the Statement of Overriding Considerations.

Thus, while the significance of the Project's impacts on global climate change cannot be determined, the environmental, economic, social and other benefits of the Project override any impacts of the Project on global climate change.

### III. STATEMENT OF OVERRIDING CONSIDERATIONS

#### Introduction

The Council has carefully balanced the benefits of the Project against the adverse impacts and residual impacts identified in the EIR that it would not be feasible to mitigate to a less than significant level. Notwithstanding the identification and analysis of impacts which are identified in the EIR as being significant and potentially significant which have not been avoided, eliminated, lessened, or mitigated to a level of less than significant, the Council, acting pursuant to Section 15093 of the CEQA Guidelines, hereby determines that the benefits of the Project outweigh the unmitigated adverse impacts and remaining residual impacts, and that the Project should be approved. The EIR described certain environmental impacts which cannot be avoided if the Project is implemented. In addition, the EIR describes certain impacts which, although substantially mitigated or lessened, are potentially not mitigated to a point of being less than significant.

This Statement of Overriding Considerations applies specifically to those impacts found to be significant and unavoidable above, as well as any residual impacts. Such impacts include, but are not limited to:

- |                  |  |
|------------------|--|
| Impact 4.2-2(b)  | Roadway Segment - East Commerce Way - from Del Paso Road to East Market.             |
| Impact 4.2-4(a)  | Freeway Ramp Junctions.  |
| Impact 4.2-6     | Freeway Weaving Segment.   |
| Impact 4.2-14    | Freeway Weaving Segment  |
| Impact 4.2-19(a) | Roadway Segment (Cumulative): El Centro Road -- I-5 Overcrossing                     |
| Impact 4.2-19(b) | Roadway Segment (Cumulative): Del Paso Road -- I-5 to East Commerce Way              |
| Impact 4.2-19(c) | Roadway Segment (Cumulative): East Commerce Way -- Del Paso Road to New Market Drive |
| Impact 4.2-20    | Freeway Mainline (Cumulative)  |
| Impact 4.2-21    | Freeway Ramp Junctions (Cumulative)  |
| Impact 4.2-23    | Freeway Weaving Segment (Cumulative)   |
| Impact 4.4-2     | Long-term Increases of Criteria Air Pollutants                                       |

Impact 4.4-5	Cumulative Contribution to Regional Air Quality Conditions
Impact 4.5-1	Exposure of People and Structures to Flood Hazards on the Project Site

In addition to the above impacts, this Statement of Overriding Considerations applies to those residual impacts which have been substantially lessened or avoided, but not necessarily reduced to a level of less than significant, as well as the Project's cumulative contribution to greenhouse gas emissions which have no measurable impact on global climate change.

The City Council believes that many of the unavoidable and irreversible environmental effects, as well as many of the environmental effects which have not been mitigated to a less than significant level will be substantially reduced by the mitigation measures incorporated into the Project and in the EIR. The Council recognizes that the implementation of the Project will result in certain potentially irreversible environmental effects.

In reaching the Council's decision to approve the Project and all related documentation, the Council has carefully considered each of the unavoidable impacts, each of the impacts that have not been substantially mitigated to a less than significant level, as well as each of the residual impacts over which there is a dispute concerning the impact's significance following mitigation.

**Specific Findings.**

1. Project Benefits Outweigh Unavoidable Impacts. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of the economic, fiscal, social, public safety, environmental, land-use and other considerations set forth herein because the benefits of the Project outweigh any significant and unavoidable or irreversible adverse environmental impacts of the Project, as well as outweighing any residual impacts over which a controversy exists concerning the impacts' significance following mitigation.
2. Rejected Mitigation Measures. Any of the mitigation measures which were suggested in the EIR but not incorporated into the Project due to their infeasibility are infeasible in part because such measures would impose limitations and restrictions on the Project so as to prohibit the attainment of economic, social and other benefits of the Project which this Council finds outweigh the unmitigated impacts of the Project.
3. Balance of Competing Goals. The Council finds that it is imperative to balance competing goals in approving the Project and certifying the environmental documentation for the Project. Not every policy or environmental concern has been fully satisfied because of the need to satisfy competing

concerns to a certain extent. Accordingly, in some instances the City Council has chosen to accept certain environmental impacts because to eliminate them would unduly compromise some other important economic, social, environmental or other goals, such as the integrity of the North Natomas Community Plan and encouraging people to use public transit, to walk and to bicycle. The Council finds and determines that the design of the Project and the supporting environmental documentation provide for a positive balance of the competing goals and that the economic, fiscal, social, environmental, land use, and other benefits to be provided by the Project outweigh any environmental and related potential detriment from the Project.

### **Overriding Considerations.**

Based upon the above enumerated objectives and the comprehensive vision developed by the Council through extensive public participation, the Council has determined that the Project should be approved and that any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific economic, fiscal, social, environmental, land-use and other overriding considerations.

#### 1. Economic Considerations.

Substantial evidence is included in the Record demonstrating the economic benefits which the City would derive from implementation of the Project. The Project will provide the City with a high quality mixed use office, retail, hospitality and residential development on vacant property located in the North Natomas Community adjacent to the intersection of Interstate 5 and Del Paso Road. The regional commercial uses in the Project will meet current commercial needs in that area of the City. In addition, the Project will provide the City with high quality office space in low and mid-rise buildings to meet current and future needs for that type of office space in the City. The Project also will provide employment opportunities within the City by allowing the development of underutilized property.

#### 2. Environmental and Land Use Considerations.

- a. Substantial evidence is included in the record that the implementation of the Project will have beneficial as well as potential adverse impacts relating to environmental and land use considerations.
- b. The proximity of the Project to a new light rail station on the Downtown-Natomas-Airport light rail line at the corner of East Commerce Way and Club Center Drive will implement the goals of the North Natomas Community Plan and the City's goal of encouraging higher density developments around existing and planned light rail stations in order to promote the use of public transit. The Project's location along the light rail

line with a combination of mixed uses consisting of retail, office, hospitality and residential, situates the Project at one of the most desirable locations in the greater Sacramento region for locating such mixed uses.

- c. The Council finds that the Project, through its PUD Guidelines, will incorporate strong architectural and design features that are compatible with adjacent land uses, while providing a unique identity for the Project as a whole.
- d. The design of the Project will help to reduce global warming impacts by promoting pedestrian uses, providing high density residential uses adjacent to employment opportunities, by requiring the planting of numerous trees along the Project's roadways, and by encouraging the use of public transit modes in order to reduce vehicle miles traveled and motor vehicle emissions of criteria air pollutants and greenhouse gases.
- e. Based upon these land use and environmental considerations, the Council has determined that any environmental detriment caused by the Project has been minimized to the extent feasible. Where not feasible, the environmental detriment is outweighed and counterbalanced by the significant economic, fiscal, environmental and land use benefits to be generated for the City.

### 3. Other Related Overriding Considerations.

In addition to the economic, fiscal, environmental and land use considerations identified above, the Council has considered various factors in arriving at its decision to approve the Project. Although economic, fiscal, environmental and land use benefits to be derived by the City are the primary reasons for the City's decision to approve the Project, other factors have been considered by the City in the planning process and add to the benefits of the Project when weighed against any unavoidable environmental impacts identified in the EIR. Among these factors are the prospect of creating a development plan for vacant, underutilized land which will serve as a model for the future environmentally sensitive development of infill locations throughout the City and elsewhere.

### Conclusion

The City Council has determined that any remaining significant effects on the environment attributable to the Project which are found to be unavoidable, irreversible or not substantially lessened are acceptable due to the overriding considerations set forth in this Statement of Overriding Considerations. The Council has concluded that with all the environmental trade-offs of the Project taken into account, its implementation will represent a net positive impact on the City, and based upon such considerations after a comprehensive analysis of all the underlying planning and environmental documentation, the Council has approved the Project.

#### **IV. APPROVAL**

Having certified the EIR and adopted the foregoing CEQA Findings and Statement of Overriding Considerations, the Council hereby approves the Project.

Exhibit A: Mitigated Monitoring Plan (MMP) – 19 Pages

## Exhibit A: Mitigated Monitoring Plan (MMP)

This Mitigation Monitoring Program (MMP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811, pursuant to CEQA Guidelines Section 15097.

### SECTION 1: PROJECT IDENTIFICATION

**Project Name / File Number:** COMMERCE STATION (P06-018)  
**Owner/Developer- Name:** Commerce Station, LLC  
**Address:** 2200 E. Camelback Road, Suite 101  
Phoenix, AZ 85016

**Project Location / Legal Description of Property** (if recorded): The project site is located on approximately 180.5-acre site, east of Interstate 5, north of Del Paso Road, and west of East Commerce Parkway in the North Natomas Community Plan Area of the City of Sacramento.

#### **Project Description:**

The proposed project includes the development of a mixed-use community. Individual building sizes would range from one to ten stories in height. Entitlements are being requested to modify the existing land use designations of the project site to permit approximately 20.6 acres of new regional commercial uses and approximately 4.1 acres of new park space. Existing zoning would allow the development of up to 2,172,412 square feet (sf) of office development on the Commerce Station site. At full buildout, the currently proposed project would include approximately 3,267,068 sf of buildings which would include a mixture of uses, such as office, retail, support retail, hospitality, and residential uses. The proposed project would result in a net increase of 1,094,656 sf of building space beyond what has been previously approved. The additional square footage is composed of: 149,748 sf of office space; 588,920 sf of mixed use space; 254,888 sf of retail space; and 101,000 sf of support retail.

The overall project would proceed in phases; however, a PUD Plan Review is requested for the immediate development of four buildings and associated infrastructure. The buildings would be two stories in height, and would accommodate a total of 168,785 sf of building space composed of 102,760 sf of office area and 66,025 sf of mixed use area. The mixed use area would include ground floor retail/office and second floor office/high density residential. In addition, 481 off-street parking spaces would be provided.

### SECTION 2: GENERAL INFORMATION

The Program includes mitigation for Transportation and Circulation, Noise, Air Quality, Hydrology, Biological Resources, and Cultural Resources. The intent of the Program is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Program shall be funded by the owner/developer identified above. This Mitigation Monitoring Program (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken from the EIR and Initial Study and are assigned the same number they have in the document. The 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. The developer will be responsible for fully understanding and effectively implementing the

mitigation measures contained with the MMP. The City of Sacramento will be responsible for ensuring compliance.

**Commerce Station (P06-018)  
Mitigation Monitoring Program**

Impact Number	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
Transportation and Circulation 4.2-1	4.2 Transportation and Circulation  4.2-1(a) Del Paso Road and El Centro Road – Before completion of the amount of development that would generate 45 percent of the a.m. peak hour traffic, the project applicant shall pay a fair share to add a northbound right turn lane to the intersection, if not implemented by others. This mitigation measure would reduce the impact of the project to a <b>less than significant</b> level.	Development Services Department & Department of Transportation	Before completion of the amount of development that would generate 45 percent of the a.m. peak hour traffic	
	4.2-1(b) Del Paso Road and East Commerce Way – Before completion of the amount of development that would generate 50 percent of the p.m. peak hour project traffic, the project applicant shall add a northbound and a southbound right turn signal phase at the subject intersection. The project applicant shall also restripe the westbound approach to include an exclusive right turn lane, a shared through / right turn lane, two through lanes, and two left turn lanes. This mitigation measure would reduce the impact of the project on intersection operations to a <b>less than significant</b> level.	Development Services Department & Department of Transportation	Before completion of the amount of development that would generate 50 percent of the p.m. peak hour project traffic	
	4.2-1(c) Del Paso Road and I-5 Northbound Ramps – Before completion of the amount of development that would generate 5 percent of the p.m. peak hour project traffic, the project applicant shall pay a fair share to signalize this intersection. This mitigation measure would reduce the impact of the project on intersection operations to a <b>less than significant</b> level.	Development Services Department & Department of Transportation	Before completion of the amount of development that would generate 5 percent of the p.m. peak hour project traffic	
	4.2-1(d) Del Paso Road and Natomas Boulevard – Before completion of the amount of development that would generate 15 percent of the p.m. peak hour project traffic, the project applicant shall pay a fair share to add right turn signal phases on all approaches to the intersection. This mitigation measure would reduce the impact of the project to a <b>less than significant</b> level.	Development Services Department & Department of Transportation	Before completion of the amount of development that would generate 15 percent of the p.m. peak hour project traffic	
	4.2-1(e) East Commerce Way and New Market Drive – Before completion of the amount of development that would generate 65 percent of the p.m. peak hour project traffic, the project applicant shall provide an eastbound double right turn lane and an eastbound right turn signal phase at the subject intersection. This mitigation measure would reduce the impact of the project to a <b>less than significant</b> level.	Development Services Department & Department of Transportation	Before completion of the amount of development that would generate 65 percent of the p.m. peak hour project traffic	

**Commerce Station (P06-018)  
Mitigation Monitoring Program**

Impact Number	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	<p>4.2-1(f) East Commerce Way and Road 1 – Before completion of the amount of development that would generate 75 percent of the p.m. peak hour project traffic, the project applicant shall provide an eastbound double right turn lane at the subject intersection. This mitigation measure would reduce the impact of the project to a <b>less than significant</b> level.</p> <p>4.2-1(g) East Commerce Way and Elkhorn Boulevard – Before completion of the amount of development that would generate 45 percent of the p.m. peak hour project traffic, the project applicant shall pay a fair share to signalize this intersection with existing geometry (if not completed by others). This mitigation measure would reduce the impact of the project to a <b>less than significant</b> level.</p>	<p>Development Services Department &amp; Department of Transportation</p> <p>Development Services Department &amp; Department of Transportation</p>	<p>Before completion of the amount of development that would generate 75 percent of the p.m. peak hour project traffic</p> <p>Before completion of the amount of development that would generate 45 percent of the p.m. peak hour project traffic</p>	
<p>Transportation and Circulation 4.2-4</p>	<p>4.2-4(a) The project applicant shall pay development fees for infrastructure projects as outlined in the North Natomas Financing Plan ("NNFP") as its required share of all freeway-related improvements. In addition to payment for freeway related improvements, ramps and interchanges, the North Natomas Finance Plan includes share of the Natomas Airport Light Rail Extension (DNA) project costs. With several light rail-stations within the Commerce station site in the close proximity to the DNA project provides future congestion relief for both the I-80 and the I-5 freeways and is included in the Metropolitan Transportation Plan.</p> <p>In conjunction with the North Natomas Community Plan ("NNCP") and the NNFP, in 1994 the City of Sacramento prepared the North Natomas Freeway-Related Improvements Study (the "Kittleson Report"), which analyzed freeway-related impacts associated with development of the NNCP. The Kittleson Report recommended various improvements to the freeway mainlines, auxiliary lanes and interchanges and estimated that 43% of the cost for the proposed improvements are attributable to North Natomas. The Kittleson Report was discussed in further detail in the NNFP, which, in order to implement the Kittleson Report, provides that a portion of the PFF will be earmarked for the freeway-related improvements identified in the Kittleson Report.</p>	<p>Development Services Department &amp; Department of Transportation</p> <p>Caltrans</p>	<p>Pay NNFP and PFF fees prior to issuance of building permit</p>	

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	<p>Caltrans District 3 has a Draft District System Management Plan (DSMP) that includes I-5 and SR 99 improvement projects near the Commerce Station site. The DSMP is the Vision Document for the District and has a 20-year planning horizon. The anticipated completion years of various DSMP projects are:</p> <p>Interstate 5</p> <p>2006—Construct auxiliary lanes from Richards Blvd. to Garden Highway</p> <p>2008—Construct northbound auxiliary lane from Del Paso Road to SR 99</p> <p>2010—Add SR 99 southbound on-ramp lane to SR 99 / I-5 interchange</p> <p>2010—HOV lanes from downtown Sacramento to I-5 / I-80 interchange</p> <p>2016—Reconstruct I-5 northbound / I-80 eastbound ramp</p> <p>2019—HOV connector between I-5 / I-80 interchange</p> <p>2020—HOV lanes from downtown Sacramento to Sacramento International Airport</p> <p>2023—HOV lanes from I-80 to Sacramento International Airport</p> <p>State Route 99</p> <p>2012—Construct Elverta Road interchange</p> <p>2015—Expand Elkhorn Blvd. interchange to accommodate Elkhorn Blvd's widening</p> <p>2024—Construct lane in each direction from I-5 to Elkhorn Blvd.</p> <p>Unknown—HOV lanes from I-5 interchange to SR 70</p> <p>Some of these proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan that is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help</p>			

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	<p>prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. Regional traffic improvements have generally been funded in the past through bond measures, sales tax and other taxes rather than development fees.</p> <p>The freeway improvement projects proposed by Caltrans are not currently approved and funded, but, consistent with the Kittleson Report, the applicant's payment of the PFF will satisfy its required share of the cost of such anticipated future improvements. Nevertheless, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.</p> <p>Consequently, payment of the PFF fees cannot assure that impacts on the I-5 Northbound Exit Ramp to Del Paso Road will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvement and because the California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the I-5 Northbound Exit Ramp to Del Paso Road would remain <b>significant and unavoidable</b>.</p>			
<p>Transportation and Circulation 4.2-6</p>	<p>4.2-6 Implementation of Mitigation Measure 4.2-4(a) and payment of the PFF by the project applicant will insure that the project pays its required share of freeway-related improvements. Nevertheless, given the status of the improvement projects identified by Caltrans (listed in Mitigation Measure 4.2-4(a)) and the information available at this time, the City has concluded that prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor</p>	<p>Development Services Department &amp; Department of Transportation</p>	<p>Prior to issuance of building permit</p>	

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	<p>other approaches to addressing freeway congestion.</p> <p>Consequently, payment of the PFF cannot assure that impacts on the freeway weaving segment will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvement and because the California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the freeway weaving segment would remain <b>significant and unavoidable</b>.</p>			
<p>Transportation and Circulation 4.2-7</p>	<p>4.2-7(a) Prior to recordation of the first map, the project applicant shall coordinate with the City of Sacramento Development Engineering Division to identify the necessary on- and off-street pedestrian and bicycle facilities to serve the proposed development. These facilities shall be incorporated into the project and could include sidewalks, stop signs, standard pedestrian and school crossing warning signs, lane striping to provide a bicycle lane, bicycle parking, signs to identify pedestrian and bicycle paths, raised crosswalks, and pedestrian signal heads.</p> <p>4.2-7(b) Circulation and access to all proposed parks and public spaces shall include sidewalks that meet Americans with Disabilities Act standards.</p>	<p>Development Engineering Division</p> <p>Development Services Department</p>	<p>Prior to recordation of the first map</p> <p>Prior to issuance of building permits.</p>	
<p>Transportation and Circulation 4.2-12</p>	<p>4.2-12(a) Implementation of Mitigation Measure 4.2-4(a) and payment of the PFF by the project applicant will insure that the project pays its required share of freeway-related improvements. Nevertheless, given the status of the improvement projects identified by Caltrans (listed in Mitigation Measure 4.2-4(a)) and the information available at this time, the City has concluded that the prospects of the proposed freeway improvements ever being constructed remains uncertain due</p>	<p>Development Services Department &amp; Department of Transportation Caltrans</p>	<p>Pay NNFP and PFF fees prior to the issuance of building permit</p>	

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	<p>to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.</p> <p>Consequently, payment of the PFF cannot assure that impacts on the I-5 Northbound Exit Ramp to Del Paso Road will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvement and because the California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the I-5 Northbound Exit Ramp to Del Paso Road would remain <b>significant and unavoidable</b>.</p>			
<p>Transportation and Circulation 4.2-14</p>	<p>4.2-14 Implementation of Mitigation Measure 4.2-4(a) and payment of the PFF by the project applicant will insure that the project pays its required share of freeway-related improvements. Nevertheless, given the status of the improvement projects identified by Caltrans (listed in Mitigation Measure 4.2-4(e)) and the information available at this time, the City has concluded that the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.</p> <p>Consequently, payment of the PFF cannot assure that impacts on the freeway weaving segment will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvement and because the California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and</p>	<p>Development Services Department &amp; Department of Transportation Caltrans</p>	<p>Prior to issuance of building permit</p>	

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	<p>technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the freeway weaving segment would remain <b>significant and unavoidable</b>.</p>			
<p>Transportation and Circulation 4.2-15</p>	<p>4.2-15 Implement mitigation measures 4.2-7(a) and 4.2-7(b).</p>	<p>See mitigation measures 4.2-7(a) and 4.2-7(b)</p>	<p>See mitigation measures 4.2-7(a) and 4.2-7(b)</p>	
<p>Transportation and Circulation 4.2-17</p>	<p>4.2-17 Prior to beginning of construction, a construction traffic and parking management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer and subject to review by all affected agencies. Implementation of the mitigation measure would reduce this impact to <b>less than significant</b>.</p>	<p>City traffic engineer</p>	<p>Prior to beginning of construction</p>	
<p>Transportation and Circulation 4.2-18</p>	<p>4.2-18(a) Del Paso Road and East Commerce Way – The project applicant shall pay a fair share contribution to implement mitigation measure 4.2-1(b). This mitigation measure would reduce the impact of the project to a <b>less than significant</b> level.  4.2-18(b) Del Paso Road and Natomas Boulevard – The project applicant shall pay a fair share contribution to provide a westbound double left turn lane. This mitigation measure would reduce the impact of the project to a <b>less than significant</b> level.  4.2-18(c) East Commerce Way and New Market Drive – The project applicant shall pay a fair share contribution to implement mitigation measure 4.2-9(e). This mitigation measure would reduce the impact of the project to a <b>less than significant</b> level.  4.2-18(d) East Commerce Way and Road 3 – The project applicant shall pay a fair share contribution to provide an eastbound double right turn lane and a northbound double left turn lane. This mitigation measure would reduce the impact of the project to a <b>less than significant</b> level.</p>	<p>Development Services Department &amp; Department of Transportation For MM 4.2-18(a thru d).</p>	<p>See mitigation measure 4.2-1(b)  Prior to issuance of building permit  See mitigation measure 4.2-9(e)  Prior to issuance of building permit</p>	

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<p>Transportation and Circulation 4.2-19</p>	<p>4.2-19(a) El Centro Road – I-5 Overcrossing – The project applicant shall provide the appropriate right-of-way within the project site to construct a North Natomas 2+ lane cross-section at this location. This will include 70 feet of right-of-way for road purposes, and appropriate slope easements. The applicant shall also provide for the eventual construction of the overcrossing by not encroaching with permanent structures within 40 feet of the dedication area. The applicant shall pay a fair-share contribution toward the future lane reconfiguration of the overcrossing from two to four lanes. The lane reconfiguration shall not require widening of the planned overcrossing structure. This mitigation measure would reduce the impact of the project and circulation alternative to a <b>less than significant</b> level.</p>	<p>Development Services Department &amp; Department of Transportation</p>	<p>Right-of-way shall be shown on final map prior to the issuance of building permit.  Fair share fee shall be paid prior to issuance of building permit.</p>	
<p>Transportation and Circulation 4.2-20</p>	<p>4.2-20 Implementation of Mitigation Measure 4.2-4(a) and payment of the PFF by the project applicant will insure that the project pays its required share of freeway-related improvements. Nevertheless, given the status of the improvement projects identified by Caltrans (listed in Mitigation Measure 4.2-4(a)) and the information available at this time, the City has concluded that the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.  Consequently, payment of the PFF cannot assure that impacts on the listed freeway mainline segments will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvement and because the California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the listed freeway mainline segments would remain <b>significant and unavoidable</b>.</p>	<p>Development Services Department &amp; Department of Transportation  Caltrans</p>	<p>See mitigation measure 4.2-4(a)</p>	

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Transportation and Circulation 4.2-21	<p>4.2-21 Implementation of Mitigation Measure 4.2-4(a) and payment of the PFF by the project applicant will insure that the project pays its required share of freeway-related improvements. Nevertheless, given the status of the improvement projects identified by Caltrans (listed in Mitigation Measure 4.2-4(a)) and the information available at this time, the City has concluded that the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.</p> <p>Consequently, payment of the PFF cannot assure that impacts on the identified freeway ramp junctions will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvement and because the California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the identified freeway ramp junctions would remain <b>significant and unavoidable</b>.</p>	<p>Development Services Department &amp; Department of Transportation  Caltrans</p>	<p>See mitigation measure 4.2-4(a)</p>	
Transportation and Circulation 4.2-22	<p>4.2-22(a) SR 99 Northbound – Elkhorn Boulevard Exit – The project applicant shall contribute a fair share to provide a northbound double right turn lane. This would reduce the length of the queue from 2,383 feet to 933 feet in the p.m. peak hour. The expected queue length does not exceed the available storage capacity. This mitigation measure would reduce the impact of the circulation alternative to a <b>less than significant</b> level.</p>	<p>Development Services Department &amp; Department of Transportation</p>	<p>Prior to issuance of building permit</p>	
Transportation and Circulation 4.2-23	<p>4.2-23 Implementation of Mitigation Measure 4.2-4(a) and payment of the PFF by the project applicant will insure that the project pays its required share of freeway-related improvements. Nevertheless, given the status of the improvement projects identified by Caltrans (listed in</p>	<p>Development Services Department &amp; Department of</p>	<p>See mitigation measure 4.2-4(a)</p>	

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	<p>Mitigation Measure 4.2-4(a)) and the information available at this time, the City has concluded that the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.</p> <p>Consequently, payment of the PFF cannot assure that impacts on the freeway weaving segment will be reduced to a less than significant level. To partially offset these impacts, the applicant will pay its required share of freeway-related improvements by paying the PFF. Nevertheless, given the uncertainty regarding the timing and completion of the proposed freeway improvement and because the California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, Section 21061.1), the impacts of the project on the freeway weaving segment would remain <b>significant and unavoidable</b>.</p>	<p>Transportation Caltrans</p>		
Noise 4.3-1	<p style="text-align: center;"><b>4.3 Noise</b></p> <p>4.3-1(a) Construction contractors shall locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.</p> <p>4.3-1(b) The project applicant shall designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator will receive all public complaints about construction noise disturbances and will be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.</p>	<p>Development Services Department  Development Services Department</p>	<p>Prior to and during construction activities  Prior to issuance of grading permit</p>	
Noise 4.3-4	<p>4.3-4 All commercial heating, cooling and ventilation equipment shall be located within mechanical rooms where possible, or shielded from view with solid barriers or parapets.</p>	<p>Development Services Department</p>	<p>Compliance shall be demonstrated on building plans prior to issuance of building</p>	

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Noise 4.3-6	<p>4.3-6(a) Prior to the issuance of building permits for the proposed townhouses located within 600 feet of the Interstate 5 right-of-way, STC 35 windows shall be included in the project design for the review and approval of the City Building Official. Additionally, a detailed interior noise analysis shall be conducted to confirm that the required mitigation measures are sufficient to achieve an interior noise level of 45 dB L<sub>dn</sub>, or less. This report shall be submitted to the Development Services Department in conjunction with the submittal of a site plan for the townhouse parcel. If the incorporation of STC 35 windows is not deemed adequate mitigation, the report shall recommend additional measures, which shall be incorporated into the site plan in order to reduce interior noise levels in the townhomes to a level at or below the City's 45 dB L<sub>dn</sub> standard.</p> <p>4.3-6(b) Prior to the issuance of building permits for the proposed townhouses townhomes located within 600 feet of the Interstate 5 right-of-way, mechanical ventilation systems shall be included in the project design for the review and approval of the City Building Official. The use of mechanical ventilation systems would allow occupants to keep windows and doors closed to achieve acoustical isolation from Interstate 5 traffic noise. The systems should allow for the introduction of fresh outside air, without the requirement of open windows.</p>	<p>Development Services Department</p>	<p>permit</p> <p>Prior to the issuance of building permits for proposed townhouses located within 600 feet of I-5 right-of-way STC 35 windows shall be included in project design A detailed interior noise analysis shall be submitted in conjunction with the submittal of a site plan for the townhouse parcel</p>	
	<p>4.3-6(c) STC 40 windows shall be included in the project design for the proposed hotel. Additionally, a detailed interior noise analysis shall be conducted to confirm that the required mitigation measures are sufficient to achieve an interior noise level of 45 dB L<sub>dn</sub>, or less. This report shall be submitted to the Development Services Department in conjunction with the submittal of a site plan for the hotel parcel. If the incorporation of STC 40 windows is not deemed adequate mitigation, the report shall recommend additional measures, which shall be incorporated into the site plan in order to reduce interior noise levels in the hotel to a level at or below the City's 45 dB L<sub>dn</sub> standard.</p>	<p>Development Services Department</p>	<p>Prior to the issuance of building permits STC 40 windows shall be included in the project design for the proposed hotel A detailed interior noise analysis shall be submitted in conjunction with the submittal of a site plan for the hotel parcel.</p>	
	<p>4.3-6(d) Prior to the issuance of building permits for the residential portion of the mixed use residential units adjacent to E. Commerce Way, STC</p>	<p>Development Services</p>	<p>Prior to the issuance of</p>	

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	<p>32 rated window assemblies shall be included in the project design for the review and approval of the City Building Official. Additionally, a detailed interior noise analysis shall be conducted to confirm that the required mitigation measures are sufficient to achieve an interior noise level of 45 dB Ldn, or less. This report shall be submitted to the Development Services Department in conjunction with the submittal of a site plan for the residential units adjacent to E. Commerce Way. If the incorporation of STC 32 windows is not deemed adequate mitigation, the report shall recommend additional measures, which shall be incorporated into the site plan in order to reduce interior noise levels to a level at or below the City's 45 dB L<sub>dn</sub> standard.</p>	<p>Department</p>	<p>building permits for the mixed-use residential units adjacent to East Commerce Way, STC rated window assemblies shall be included in the project design  A detailed interior noise analysis shall be submitted in conjunction with the submittal of a site plan for the mixed-use residential units adjacent to East Commerce Way</p>	
<p>Air Quality 4.4-1</p>	<p><b>4.4 Air Quality</b></p> <p>4.4-1(a) The project applicant/developer shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy-duty (&gt;50 horsepower), off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.</p> <p>4.4-1(b) The project applicant/developer shall submit to the City and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that will be used an aggregate of 40 or more hours during any portion of the project. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required</p>	<p>SMAQMD Development Services Department</p> <p>SMAQMD Development Services Department</p>	<p>Prior to issuance of a grading permit</p> <p>Prior to issuance of a grading permit</p>	

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	<p>for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used, the project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the project manager and on-site foreman.</p> <p>4.4-1(c) The project applicant/developer shall ensure that emissions from off-road, diesel-powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour, as determined by an on-site inspector trained in visual emissions assessment. Any equipment found to exceed 40 percent opacity (or Ringlemann 2.0) shall be repaired immediately, and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance.</p> <p>4.4-1(d) The applicant shall construct the Commerce Station project consistent with the development assumptions identified in the DEIR, as follows:</p> <ul style="list-style-type: none"> <li>• Development of the Special Permit Area (SPA) shall not exceed 168,786 square feet of mixed-use office uses within a three-year consecutive construction period.</li> <li>• Prior to approval of Planning Director Review, the applicant shall calculate the construction emissions associated with the development phase being considered. Subsequent development phases shall not commence until completion of the SPA development. In the event that construction would exceed the above stated development restrictions, the SMAQMD shall be notified and construction-related emissions</li> </ul>	<p>SMAQMD Development Services Department</p> <p>Development Services Department</p>	<p>During construction</p> <p>During construction</p>	

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	<p>shall be recalculated in accordance with the most current SMAQMD-recommended methodologies. Additional mitigation measures and/or offset fees, (to be calculated based on the most current SMAQMD-recommended fee structure at the time of development) shall be implemented to ensure that construction-generated emissions of NO<sub>x</sub> would not exceed the SMAQMD's daily emissions threshold of 85 lbs/day.</p> <p>4.4-1(e) Ground-disturbing activities (i.e., grading, trenching) shall not exceed a total disturbed area of 15 acres per day.</p> <p>4.4-1(f) Construction activities shall comply with SMAQMD's Rule 403, Fugitive Dust. As previously discussed, Rule 403 requires implementation of reasonable precautions so as not to cause or allow emissions of fugitive dust from being airborne beyond the property line of the project site. In accordance with SMAQMD-recommended mitigation measures for the control of fugitive dust, reasonable precautions shall include, but shall not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• Apply water, a chemical stabilizer or suppressant, or vegetative cover to all disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive longer than a period of three months;</li> <li>• Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times;</li> <li>• Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114;</li> <li>• Limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring; and</li> <li>• Limit on-site vehicle speeds on unpaved surfaces to 15 mph, or less.</li> </ul>	<p>Development Services Department SMAQMD</p>	<p>During construction  During construction</p>	

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Air Quality 4.4-2	<p>4.4-2 Prior to the issuance of the project's first grading permit, the project applicant will obtain written endorsement from the SMAQMD for an Air Quality Mitigation Plan (AQMP). In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15 percent in the project's anticipated operational NO<sub>x</sub> and ROG emissions. SMAQMD-recommended measures and corresponding emissions-reduction benefits are identified in SMAQMD's Guidance for Land Use Emission Reductions, which has been included in Appendix B of DEIR Appendix D, Air Quality Impact Assessment. Available measures to be included in the AQMP include, but are not limited to, the following:</p> <p><u>Commercial and Public Facilities</u></p> <ul style="list-style-type: none"> <li>• Provide preferential carpool/vanpool parking spaces;</li> <li>• Provide transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting);</li> <li>• Provide bicycle storage/parking facilities;</li> <li>• Provide shower/locker facilities;</li> <li>• Provide incentives to employees to rideshare or take public transportation; and</li> <li>• Provide a parking lot that provides clearly marked and shaded pedestrian pathways between transit facilities, pedestrian walkways and trails, and building entrances.</li> </ul> <p><u>Residential Use</u></p> <ul style="list-style-type: none"> <li>• Prohibit use of wood-burning stoves or fireplaces within interior and exterior areas. Install only USEPA-certified gas-fired fireplaces;</li> <li>• Install Energy Star or ground source heat pumps;</li> <li>• Install Energy Star labeled roof materials;</li> <li>• Exceed Title 24 energy standards; and</li> <li>• Include incentives for purchasers of new residential dwellings to incorporate solar-powered energy systems.</li> </ul>	SMAQMD Development Services Department	Prior to issuance of grading permit	
Air Quality 4.4-5	<p>4.4-5(a) Implement Mitigation Measures 4.4-1(a) through 4.4-1(f) and 4.4-2.</p>	Development Services	See Mitigation Measures 4.4-1(a)	

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Impact Number	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	<p>4.4-5(b) The City of Sacramento shall coordinate with the SMAQMD and SACOG to ensure that increases in vehicle miles traveled (VMT) attributable to the proposed project are accounted for in the VMT calculations used for the development of regional emissions inventories.</p>	<p>Department SMAQMD SACOG</p>	<p>through 4.4-1(f) and 4.4-2. Prior to issuance of building permits</p>	
<p>Hydrology 4.5-1</p>	<p>4.5 Hydrology</p> <p>4.5-1 If the North Natomas Area is remapped by FEMA into an AE Zone, AR Zone, or A99 Zone, then (1) the City shall require development within the project site to comply with all applicable building and design regulations identified by FEMA and by the City of Sacramento's Floodplain Management Ordinance. In existence at the date of issuance of building permits pertaining to the applicable remapped zone; (2) the project applicant shall participate in a funding mechanism such as an assessment district established by SAFCA and/or the City for the purpose of implementing measures that would provide no less than 100-year flood protection including the North Natomas Area, or for that portion of the Natomas Basin requiring recertification for 100-year flood protection including the Project site provided that such funding mechanism is (i) based on a nexus study; (ii) is regional in nature; (iii) is proportionate; (iv) complies with all applicable laws and ordinances; and (3) the requirements of the applicable FEMA zone and corresponding requirements under the City of Sacramento's Floodplain Ordinance shall be satisfied prior to the issuance of building permits for the project. Any future homeowners within the floodzone shall maintain federal flood insurance, as required under the applicable FEMA and City of Sacramento Floodplain Management Ordinance regulations.</p> <p>Under any of the three scenarios (AE, AR, A99 Zone), homebuilders within the floodzone area shall disclose to all prospective buyers, lenders, bondholders and insurers of the property through written disclosure, prior to the sale of units, that the U.S. Army Corps of Engineers has determined that the levees protecting the Natomas Basin may not provide flood protection from a 100-year or greater storm event until the levees are recertified as providing 100-year storm protection.</p>	<p>Development Services Department</p> <p>Development Services Department</p>	<p>Prior to issuance of building permits</p> <p>Prior to the sale of units</p>	

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<p>The above measures shall terminate upon the first recertification of the levees by the U.S. Army Corps of Engineers.</p>				
<p>Initial Study Section 7. Biological Resources</p>				
7. Biological Resources	<p>MM-1 Prior to site disturbance, surveys shall be conducted for special-status species by a qualified biologist retained by the project applicant and approved by the Development Services Department. Should any special-status species be identified appropriate measures shall be implemented in compliance with the NBHCP (including implementation of Incidental Take Minimization Measures) for the review and approval of the Planning Director.</p>	<p>Development Services Department Planning Director</p>	<p>Prior to site disturbance</p>	
<p>Initial Study Section 14. Cultural Resources</p>				
14. Cultural Resources	<p>MM-2a Prior to issuance of grading permits, the applicant/developer shall submit plans to the Development Services Department for review and approval which indicate (via notation on the improvement plans) that if subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, the applicant shall stop work immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant level before construction continues.</p> <p>MM-2b If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment shall be conducted by qualified archaeologists who are either certified by the Society of Professional Archaeologists (SOPA) or who meet the federal standards as stated in the Code of Federal Regulations (36 C.F.R.61), and Native American representatives who are approved by the local Native American community as scholars of their cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological site or historic architectural features are</p>	<p>Development Services Department</p>	<p>Prior to issuance of grading permits</p>	

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	<p>involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians. These individuals shall meet either SOPA or 36 C.F.R 61 requirements. Identified cultural resources should be recorded on DPR 523 (A-J) historic resource recordation forms.</p> <p>MM-2c If human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission who shall notify the person it believes to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have been carried out.</p>	<p>determined to be Native American)</p> <p>Development Services Department</p> <p>County Coroner</p> <p>Native American Heritage Commission (if remains are determined to be Native American)</p>	<p>Prior to issuance of grading permits</p>	