

5.2-1e If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the 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. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.

5.2-1f If a 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 most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment 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 taken place.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.2-1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

A Cultural Resource Sensitivity Study was prepared by Tremaine and Associates to provide a context for predicting where significant archaeological deposits may have survived. The mitigation measure provides for this context to be used in conjunction with detailed plans of where ground disturbance will occur to develop a testing strategy for locating/identifying buried cultural resources and research design for the evaluation of resources prior to construction. Implementation of Mitigation Measure 5.2-1 would reduce the impact of the loss or degradation of known or undiscovered prehistoric resources. The impact will be less than significant after mitigation.

(b) **Impact 5.2-2 Potential alteration or demolition of historic resources.**
Without mitigation, this is a *significant impact*.

Mitigation Measure (From MMP). The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.2-2

Retain the original granite curbstones in place during project construction; if that is not possible, all curbstones shall be carefully removed and stored during sidewalk demolition and replaced back in their original location during sidewalk reconstruction.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.2-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The granite curbstones along J Street from the west edge of the Biltmore Hotel at 1009 J Street east to halfway along the width of 1017-23 J Street are a character-defining feature of downtown Sacramento and should be retained in place if possible, or relocated back in their original location during project construction. Permanent loss of the granite curbstones would be a potentially significant impact. Implementation of Mitigation Measure 5.2-2 would preserve the granite curbstones. The impact will be less than significant after mitigation.

Hazards and Hazardous Materials

(c) **Impact 5.3-1 Construction disturbance of potentially contaminated soil and structures. Without mitigation, this is a *significant impact*.**

Mitigation Measure (From MMP). The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.3-1

a. Prior to any demolition activities on the project site, conduct an interior survey to evaluate the presence of asbestos containing materials, lead based paint, PCB containing electrical and hydraulic fluids, and/or CFCs, as well as any other potential environmental concerns (i.e., aboveground/underground fuel tanks, elevator shafts/hydraulic lifts, floor drains/sumps, chemical storage/disposal) which may be present within structures on the properties.

b. The City shall require in construction contract documents that a hazardous materials removal team be on-call and available for immediate response during site preparation, excavation, and any pile driving construction activities. Hazardous material removal activities may be contracted to a qualified hazardous materials removal contractor. Construction contract documents shall require the hazardous material removal contractor or subcontractor to comply with the following:

(1) Prepare a hazardous material discovery and response contingency plan for review by the City of Sacramento Fire Department. The fire department will act as the first responder to a condition of extreme emergency (i.e., fire, emergency medical assistance, etc).

(2) In the event that a condition or suspected condition of soil and/or groundwater contamination are discovered during construction, work shall cease or be restricted to an unaffected area of the site as the situation warrants and the City shall be immediately notified. Upon notification, the City shall notify the Sacramento County Environmental Management Department (SCEMD) of the contamination condition, and

the hazardous material removal contractor shall prepare a site remediation plan and a site safety plan, the latter of which is required by OSHA for the protection of construction workers. Similarly, the hazardous material removal contractor shall follow and implement all directives of the SCEMD and any other jurisdictional authorities that might become involved in the remediation process.

(3) Preparation of any remediation plan shall include in its focus measures to be taken to protect the public from exposure to potential site hazards and shall include a certification that the remediation measures would clean up the contaminants, dispose of the wastes properly, and protect public health in accordance with federal, state, and local requirements.

(4) Obtain closure and/or No Further Action letters from the appropriate agency(ies).

(5) Construction contract documents shall include provisions for the proper handling and disposal of contaminated soil and/or dewatering water (including groundwater and contaminated rainwater) in accordance with federal, state, and local requirements.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.3-1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Demolition activities would be subject to all applicable federal, state, and local regulations to minimize potential risks to human health and the environment, and worker and public safeguards included in the demolition contract. Appropriate identification of existing hazards and preparation of plans for proper handling and disposal will protect the health of construction workers. Implementation of Mitigation Measure 5.3-1 would reduce the impact of the construction disturbance of potentially contaminated soil and structures. The impact will be less than significant after mitigation.

Noise and Vibration

- (d) **Impact 5.4-2 Construction-induced vibration impacts could cause architectural damage to nearby historic structures and annoyance to nearby sensitive receivers. Without mitigation, this is a *significant impact*.**

Mitigation Measure (From MMP). The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.4-2

- a. Implement mitigation measure 5.4-1c.
- b. Prior to demolition, the pre-existing condition of all buildings within a 50-

foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.

c. If fire sprinkler failures are reported in surrounding buildings to the disturbance coordinator, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided.

d. During demolition and construction, should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.4-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The vibration study for the Esquire Plaza Office/IMAX Theater construction, located two blocks east at the northwest corner of 13th and K streets, was reviewed to estimate the potential for vibration impacts on nearby historic structures. Soils beneath the Esquire Plaza Office/IMAX Theater site are consistent with soils at the project site. The Esquire Plaza Office/IMAX Theater facade was measured five feet from the pile hole, and no damage was observed during pile driving. The vibration report concluded that indicator pile driving at the Esquire Plaza Office/IMAX Theater site generated vibrations well below the threshold for architectural damage to historic buildings. All pile holes were pre-drilled. No damage was observed and none would be expected based on the available criteria.

Other previous pile driving monitoring for the Convention Center and the Attorney General's office building projects similarly identified vibrations well below the threshold for architectural damage to historic buildings. However, while no structural damage occurred, these studies did note that it is possible for fire sprinklers to break at joints at vibration levels below current criteria. Because of the expected low vibration levels, no vibration monitoring should be necessary for the proposed project. Noise mitigation measure 5.4-1 requires pre-drilling of pile holes, which would result in conditions similar to those at the Esquire Plaza Office/IMAX Theater site. Since fire sprinkler failure has been observed in the past, monitoring should begin only if such failures are observed in surrounding office buildings. Implementation of Mitigation Measure 5.4-1 would ensure pre-drilling of pile holes and therefore reduce the impact of the construction-induced vibration impacts that could cause architectural damage to nearby historic structures

and annoyance to nearby sensitive receivers. The impact will be less than significant after mitigation.

- (e) **Impact 5.4-5 The operation of the proposed project could expose new sensitive receptors to excessive interior noise levels. Without mitigation, this is a *significant impact*.**

Mitigation Measure (From MMP). The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.4-5

Windows for the residential floors below the 15th floor, along J Street, would be required to have a minimum STC rating of 33. The project applicant shall submit an acoustical review of interior noise levels prior to being issued building permits. The review should verify that the proposed building façade construction is sufficient to achieve an interior noise level of 45 dB Ldn or less.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.4-5. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Modern residential construction typically provides a 25-30 dB exterior-to-interior noise level reduction. The residential units located on the 5th and 6th floors along J Street are predicted to be exposed to exterior traffic noise levels of 74 dB Ldn. Therefore, an exterior-to-interior noise level reduction of 29 dB would be required to achieve an interior noise level of 45 dB Ldn. In order to ensure an exterior-to-interior noise level reduction of 29 dB, it is anticipated that all windows would be required to have a minimum STC rating of 33 for residential facades exposed to exterior noise levels exceeding 70 dB Ldn. This would include all residential floors below the 15th floor along J Street, as indicated in Table 5.4-8, above. However, because building construction details are not currently available, this requirement would need to be verified when building plans become available. Implementation of Mitigation Measure 5.4-5 would reduce the impact of the operation of the proposed project that could expose new sensitive receptors to excessive interior noise levels. The impact will be less than significant after mitigation.

Public Services and Utilities

- (f) **Impact 5.5-2 Combined sewer system (CSS) impacts from dewatering activities. Without mitigation, this is a *significant impact*.**

Mitigation Measure (From MMP). The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.5-2

- a. Prior to issuance of the building permit construction contract documents shall include provisions for the proper handling and disposal of contaminated dewatering water in accordance with federal, state, and local requirements.
- b. If the City or SRCSD determines that groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city sewer system, the contractor shall implement groundwater treatment systems that treat groundwater to standards established by the Central Valley RWQCB, City, and SRCSD.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.5-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The City has developed specific requirements that must be met by developers and contractors regarding construction dewatering. All new groundwater discharges to the Combined or Separated Sewers must be regulated and monitored by the Department of Utilities (Planning Commission Resolution #92-439). Long-term foundation or basement dewatering discharges to the CSS over the life of a project are not allowed. The CSS does not have adequate capacity to allow for dewatering discharges for foundations or basements, thus all foundations and basements must be designed without the need for dewatering. Currently, the Department of Utilities only recognizes two types of construction groundwater discharges, limited discharges and long-term discharges. Limited discharges are short groundwater discharges of 7-days or less. Limited discharges must be approved through the Department of Utilities by acceptance letter. Long-term discharges are construction-related groundwater discharges of greater duration than 7-days. Long-term discharge must be approved through the Department of Utilities and the City Manager through a Memorandum of Understanding (MOU) process.

Implementation of Mitigation Measure 5.5-2 ensures local, state, and federal requirements are incorporated into the construction contract documents for the proper handling and treatment of contaminated groundwater. This would reduce construction-worker exposure to contaminated water and reduce dewatering impacts on the CSS. The impact will be less than significant after mitigation.

Transportation and Circulation

- (g) **Impact 5.6-9 Construction of the project may include the temporary closure of numerous transportation facilities, including portions of City streets, sidewalks, bikeways, on-street parking, off-street parking, and transit facilities. Without mitigation, this is a *significant impact*.**

Mitigation Measure (From MMP). The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.6-9

Prior to the beginning of construction, a construction traffic management plan shall be prepared by the applicant to the satisfaction of the City traffic engineer, Regional Transit, and any other affected agency.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.6-9. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Implementation of Mitigation Measure 5.6-9 would provide for the appropriate review and management of lane closures, street closures, sidewalk closures, and bikeway closures, as well as the staging of construction equipment and trucking routes. This will reduce the impact of the temporary closure of numerous transportation facilities, including portions of City streets, sidewalks, bikeways, on-street parking, off-street parking, and transit facilities during project construction. The impact will be less than significant after mitigation.

- (h) **Impact 5.6-10 Cumulative impacts to study intersections under near term plus project condition. Without mitigation, this is a *significant impact*.**

Mitigation Measures (From MMP). The following mitigation measures have been adopted to address this impact:

Mitigation Measure 5.6-10

a. At the 3rd Street / J Street intersection, modify the traffic signal phase splits during the a.m. peak period by increasing the phase time for the southbound I-5 off-ramp approach (eastbound) to 40 seconds, maintaining the 50 second phase time for the northbound I-5 off-ramp, and decreasing the north and southbound 3rd Street phase time to 10 seconds. This mitigation measure would reduce average vehicle delay by 33 seconds during the a.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

b. At the 3rd Street / L Street intersection, modify the westbound approach to provide one left-turn lane, two through lanes (to the northbound I-5 on-ramp), and one right-turn lane. This mitigation measure would reduce average vehicle delay by 40 seconds during the p.m. peak hour and maintain LOS C operations during the a.m. peak hour. The mitigation measure would reduce the near-term cumulative impact to a less-than-significant level.

c. At the 3rd Street / N Street intersection, modify the traffic signal phase splits during the a.m. peak period by increasing the southbound 3rd Street signal phase time to 34 seconds, decreasing the eastbound N Street approach to 15 seconds, and maintaining the phase time for the eastbound Tower Bridge approach at 21 seconds. This mitigation measure would improve traffic operations to LOS C during the a.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

d. At the 3rd Street / P Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 32 seconds for the westbound P Street approach and decreasing the southbound 3rd Street approach to 18 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

e. At the 5th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the westbound L Street approach and decreasing the northbound and southbound 5th Street approaches to 42 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

f. At the 7th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 22 seconds for the westbound L Street approach and decreasing the northbound and southbound 5th Street approaches to 28 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

g. At the 8th Street / L Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 25 seconds for the westbound L Street approach and decreasing the northbound 8th Street signal phase time to 25 seconds. This mitigation measure would improve traffic operations to LOS B during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

h. At the 9th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the eastbound J Street approach and decreasing the southbound 9th Street signal phase time to 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

i. At the 10th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 28 seconds for the eastbound J Street approach and decreasing the northbound 10th Street signal phase time to 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

j. At the 12th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 22 seconds for the eastbound J Street approach and decreasing the 12th Street signal phase time to 28 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

k. At the 15th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the eastbound J Street approach to 30 seconds, and decreasing the southbound 15th Street signal phase time to 20 seconds. This mitigation measure would reduce average vehicle delay by 61.4 seconds during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

l. At the 15th Street / X Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the phase time for the southbound 15th Street approach to 28 seconds, decreasing the eastbound U.S. 50 off-ramp phase time to 28 seconds, and maintaining 17 seconds for the X Street approach. This mitigation measure would reduce average vehicle delay by 34.4 seconds during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

m. At the 16th Street / H Street intersection, modify the traffic signal phase splits during

the p.m. peak period by increasing the phase time for the northbound 15th Street approach to 26 seconds, decreasing the phase times for the eastbound H Street left-turning movement and through movements to 18 and 24 seconds, respectively, and maintaining 6 seconds for the westbound H Street right-turning movement. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection. 22 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.6-10. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Implementation of Mitigation Measures 5.6-10a – 5.6-10m would reduce the cumulative impacts to study intersections under the near term (Year 2013) plus project condition by improving LOS to C or better and reducing average vehicle delay to less than significant levels, as discussed under each mitigation measure above. The impact will be less than significant after mitigation.

- (i) **Impact 5.6-17 Cumulative impacts to study intersection under Long Term (Year 2030) Plus Project condition. Without mitigation, this is a *significant impact*.**

Mitigation Measures (From MMP). The following mitigation measures have been adopted to address this impact:

Mitigation Measure 5.6-17

a. At the 3rd Street / J Street intersection, implement the near-term Mitigation Measure (a) (modification of signal phase splits) and also modify the lanes on the southbound I-5 off-ramp approach (eastbound) to provide one combination left/through lane, one through lane, one combination through/ right lane, and one exclusive right turn lane. This mitigation measure would reduce average vehicle delay during the a.m. peak hour by 32.5 seconds and would improve traffic operations during the p.m. peak hour to LOS C. This mitigation measure would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

b. At the 3rd Street / L Street intersection, implement the near-term

Mitigation Measure (b) (modification of the westbound approach lanes) and also modify the traffic signal phase splits during the p.m. peak period by increasing the southbound 3rd Street approach to 23 seconds, decreasing the westbound L Street signal phase time to 38 seconds, and decreasing the northbound 3rd Street left-turning movement to 9 seconds. This mitigation measure would reduce average vehicle delay by 43.5 seconds during the p.m. peak hour and provide LOS C traffic operations during the a.m. peak hour. This mitigation measure would reduce the near-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

c. At the 3rd Street / N Street intersection, implement the near-term Mitigation Measure (c) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the a.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

d. At the 3rd Street / P Street intersection, implement the near-term Mitigation Measure (d) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

e. At the 5th Street / I Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the signal phase time to 30 seconds for the northbound and southbound 5th Street approaches and decreasing the westbound I Street approach to 70 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

f. At the 5th Street / L Street intersection, implement the near-term Mitigation Measure (e) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

g. At the 7th Street / L Street intersection, implement the near-term Mitigation Measure (f) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic

Operation Center monitoring and retiming of this intersection.

h. At the 8th Street / L Street intersection, implement the near-term Mitigation Measure (g) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS B during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

i. At the 9th Street / J Street intersection, implement the near-term Mitigation Measure (h) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

j. At the 10th Street / J Street intersection, implement the near-term Mitigation Measure (i) (modification of signal phase splits). This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

k. At the 12th Street / J Street intersection, modify the traffic signal phase splits during the p.m. peak period by increasing the eastbound J Street approach to 23 seconds and decreasing the southbound 12th Street and northbound right-turn movement signal phase time to 27 seconds. This mitigation measure would improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level.

l. At the 15th Street / J Street intersection, implement the near-term Mitigation Measure (k) (modification of signal phase splits). This mitigation measure would reduce average delay by 59.2 seconds during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

m. At the 15th Street / X Street intersection, implement the near-term Mitigation Measure (l) (modification of signal phase splits). This mitigation measure would reduce average vehicle delay by 32.8 seconds during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

n. At the 16th Street / H Street intersection, implement the near-term Mitigation Measure (m) (modification of signal phase splits). This mitigation measure would

improve traffic operations to LOS C during the p.m. peak hour and would reduce the long-term cumulative impact to a less-than-significant level. The applicant of the proposed project shall pay a fair share to recover the costs of the City's Traffic Operation Center monitoring and retiming of this intersection.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.6-17. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Implementation of Mitigation Measures 5.6-17a – 5.6-17n would reduce the cumulative impacts to study intersections under the Long Term (Year 2030) Plus Project condition by improving LOS to C or better and reducing average vehicle delay to less than significant levels, as discussed under each mitigation measure above. The impact will be less than significant after mitigation.

Urban Design and Aesthetics

- (j) **Impact 5.7-2 Light and glare on roadways and sidewalks. Without mitigation, this is a *significant impact*.**

Mitigation Measure (From MMP). The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.7-2

- a. Prior to the issuance of building permits, construction drawings shall indicate that the configuration of exterior light fixtures emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses.
- b. Highly reflective mirrored glass walls shall not be used as a primary building material for facades. Instead, Low E glass shall be used in order to reduce the reflective qualities of the building, while maintaining energy efficiency.

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.7-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

The proposed project would not be visible from many locations due to the relatively flat topography of the Central City and selective blockage of sight lines by existing low-rise buildings, high-rise buildings, and street trees. Line of sight between the proposed project and I-5 to the west and I-80 to the north would be mostly blocked by intervening high-rise structures. Before solar noon, glare from sunlight reflected from the east-facing windows may be observable on nearby ground-level areas; whereas the

proposed project abuts another building along the eastern edge to the top of the parking podium, to about 75 feet above street level, glare would not be anticipated to reach ground level from the east façade. The proposed project is currently designed with all the windows recessed with balconies and non-glass architectural details, reducing the potential for glare. The tower would be set back from the podium, which may reduce the amount of glare generated by the proposed project. However, because the details of the type of glass material have not been identified, the proposed project could result in a substantial increase in the amount of glare if the surfaces of the towers are highly reflective.

Implementation of Mitigation Measure 5.7-2 would ensure Low E glass shall be used in order to reduce the reflective qualities of the building, and reduce the impact of light and glare on roadways and sidewalks. The impact will be less than significant after mitigation.

- (k) **Impact 5.7-4 Cumulative light and glare on roadways and sidewalks. Without mitigation, this is a *significant impact*.**

Mitigation Measure (From MMP). The following mitigation measure has been adopted to address this impact:

Mitigation Measure 5.7-4

Implement Mitigation Measures 5.7-2 (a) and (b)

Finding

This impact can be reduced to a less-than-significant level through implementation of Mitigation Measure 5.7-2. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the DEIR.

Existing buildings in the Central City area have been designed to minimize light and glare impacts on adjacent properties. Future development in the City of Sacramento CCCP area and the CBD would also be designed to comply with City of Sacramento lighting policies in the Urban Design Plan. Because of the large amount of glass proposed on the facade of the proposed project, the proposed project could result in a substantial new source of glare. Implementation of Mitigation Measures 5.7-2 (a) and (b) would ensure Low E glass shall be used in order to reduce the reflective qualities of the building, and reduce the impact of light and glare on roadways and sidewalks. The impact will be less than significant after mitigation.

B. 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 disclosure of these impacts, the Planning Commission elects to approve the Project due to overriding considerations as set forth below in Section “e”, the statement of overriding considerations.

Cultural and Historic Resources

(a) Impact 5.2-3 Cumulative loss of cultural resources. This is considered a *significant impact*. (Significant and Unavoidable).

Mitigation Measure: No feasible mitigation measures or alterations that could substantially lessen, or avoid the project's significant effects associated with the cumulative loss of cultural resources were identified. Implementation of Mitigation Measures 5.2-1a, 5.2-1b, and 5.2-1c would lessen the magnitude of the impact, but not to less than significance. The effects, therefore, remain significant and unavoidable.

Mitigation Measure 5.2-3

Implement Mitigation Measures 5.2-1a, 5.2-1b, and 5.2-1c.

Finding

Based upon previous surveys and research, Sacramento has been inhabited by prehistoric and historic peoples for thousands of years. Over time, human activity in the area has left remnants of that activity. As urban development increases throughout the City of Sacramento and the region, cumulative development in the City could result in archaeological resources being unearthed and damaged or destroyed. Because all significant cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resources base. The loss of any one designated archaeological site affects all others in a region because these other properties are best understood completely in the context of the cultural system of which they (and the destroyed resource) were a part.

Compliance with Mitigation Measure 5.2-1 would ensure the proper steps are taken for the proper handling and treatment of resources that may still exist on the proposed project site. However, even with existing regulations and compliance with required mitigation, the project's contribution to the potential loss of these resources, combined with the loss of resources over the years by previous development, would not be reduced to a level that would be considered less than significant.

These mitigation measures would reduce the magnitude of potential cumulative impacts to historic resources, but not to less-than-significant levels. This impact remains significant and unavoidable.

Noise and Vibration

(b) Impact 5.4-1 Construction noise at sensitive receptors. This is considered a *significant impact*. (Significant and Unavoidable).

Mitigation Measures (From MMP): Mitigation measures have been adopted to address this impact to the extent feasible; however, the short term construction impact remains significant and unavoidable.

Mitigation Measure 5.4-1

a. Erect a solid 6 to 8 foot plywood construction/noise barrier along the exposed project boundaries. The barrier should not contain any significant gaps at its base or face, except for site access and surveying openings.

b. Construction activities shall comply with the City of Sacramento Noise Ordinance. Demolition and pile driving activities shall be coordinated with adjacent land uses in order to minimize potential disturbance of planned activities.

c. Pile holes will be pre-drilled to the maximum feasible depth. This will reduce the number of blows required to seat the pile, and will concentrate the pile driving activity closer to the ground where noise can be attenuated more effectively by the construction/noise barrier.

d. 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.

e. 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.

Finding

Because construction would occur during hours when buildings surrounding the project site are occupied, construction noise could impact these uses. This would be especially true during those periods where pile-driving would occur, since pile-driving could produce peak levels of up to 107 dBA Leq at 50 feet. There are numerous retail and commercial buildings within 200 feet of the proposed project along the south side of J Street, and outdoor activities at Cesar Chavez Plaza Park would be significantly impacted during pile driving activities. Noise levels of 95 dBA Leq would be clearly noticeable at these buildings and for visitors to Cesar Chavez Plaza Park, as well as buildings surrounding the Plaza such as City Hall and the Main Library. Pile-driving noise would most likely be loud enough to cause annoyance to the occupants of these

buildings, especially considering that pile-driving does not produce continuous noise, but sharp, intermittent noise peaks.

The City of Sacramento noise ordinance exempts construction activities from the specified noise ordinance standards during the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday. Generally, if a construction project adheres to the construction times identified in the noise ordinance, construction noise is exempted. Although the City of Sacramento Municipal Code exempts construction activities from the noise standards specified elsewhere in the Municipal Code, pile driving and other construction activities, such as the use of jackhammers and tractors, would expose sensitive receptors in the vicinity to high levels of noise during the day. Therefore, construction noise would be a short-term significant impact on sensitive receptors.

The mitigation measures would reduce the magnitude of potential cumulative impacts to construction noise at sensitive receptors, but not to less-than-significant levels. This impact remains significant and unavoidable for the duration of construction.

Traffic and Circulation

(c) Impact 5.6-2 Freeway Mainline: The project would increase traffic volumes on the freeway mainline. This is a *significant impact*. (Significant and unavoidable)

The proposed project would add traffic to freeway mainline areas but would not cause levels of service to deteriorate beyond that of without project conditions. The project would add about eighteen vehicles to southbound I-5 north of US 50 in the a.m. and p.m. respectively. The freeway mainline would operate at LOS F without the project and would continue to operate at LOS F.

Mitigation Measure: The following mitigation measure has been adopted to address this impact to the extent feasible:

Mitigation Measure 5.6-2

Prior to building occupancy, the applicant shall pay the I-5 corridor impact fee that is in effect at the time of the issuance of building permit.

Finding

The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a “nexus” and “rough proportionality” study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the Project applicant’s contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this “fair share” contribution requirement will mitigate the project’s impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvement projects will be implemented or will fully mitigate the project’s impacts on the mainline freeway system. As such, the City has concluded that the project’s impacts to regional traffic in the project area will remain significant and unavoidable.

(d) Impact 5.6-3 Freeway Interchanges: The project would increase traffic volumes at the freeway interchanges. This is considered a *significant impact*. (Significant and Unavoidable).

The project would increase traffic volumes at freeway interchanges. The changes in freeway system operating conditions with the addition of project-generated traffic exceed the standards of significance for impacts to the freeway system, since traffic is added to freeway interchanges already operating at LOS “F”. Impacts occur at the interchange of I-5 and US 50 during the a.m. and p.m. peak hours. This would be a significant impact.

Mitigation Measure: The following mitigation measure has been adopted to address this impact to the extent feasible:

Mitigation Measure 5.6-3

Implementation of Mitigation Measure 5.6-2 will mitigate the project’s impacts on regional traffic conditions in the project area.

Finding

The City consulted with Caltrans concerning possible mitigation measures to address the project’s impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento’s downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a “nexus” and “rough proportionality” study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the Project applicant’s contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this “fair share” contribution requirement will mitigate the project’s impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvement projects will be implemented or will fully mitigate the project’s impacts on the mainline freeway system. As such, the City has concluded that the project’s impacts to regional traffic in the project area will remain significant and unavoidable.

(e) Impact 5.6-11 Cumulative impacts to freeway mainline under Near Term Plus Project condition Impact. This is considered a *significant impact*. (Significant and Unavoidable).

The proposed project, in combination with other proposed downtown projects, would add traffic to freeway mainline segments but would not cause freeway levels of service to deteriorate beyond LOS E. Other downtown projects would add traffic to I-5 freeway segments that would cause it to operate at LOS F even without the proposed project. This is considered a significant impact.

Mitigation Measure: The following mitigation measure has been adopted to address this impact to the extent feasible:

Mitigation Measure 5.6-11

Implementation of Mitigation Measure 5.6-2 will mitigate the project’s impacts on regional traffic conditions in the project area.

Finding

The City consulted with Caltrans concerning possible mitigation measures to address the project’s impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento’s downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional

impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a “nexus” and “rough proportionality” study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the Project applicant’s contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this “fair share” contribution requirement will mitigate the project’s impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway projects will be implemented or will fully mitigate the project’s impacts on the mainline freeway system. As such, the City has concluded that the project’s impacts to regional traffic in the project area will remain significant and unavoidable.

(f) Impact 5.6-12 Cumulative impacts to freeway merge/diverge/ weave areas under Near Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).

The proposed project, in combination with other proposed downtown projects, would add traffic to freeway ramps and weaving areas, but would not cause levels of service to deteriorate beyond LOS E on these facilities. The Project would add traffic to I-5 and US 50 freeway ramps that would operate at LOS F without the projects. Because these facilities currently operate at LOS F, this is considered a significant impact.

Mitigation Measure: The following mitigation measure has been adopted to address this impact to the extent feasible:

Mitigation Measure 5.6-12

Implementation of Mitigation Measure 5.6-2 will mitigate the project’s impacts on regional traffic conditions in the project area.

Finding

The City consulted with Caltrans concerning possible mitigation measures to address the project’s impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento’s downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this

regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a “nexus” and “rough proportionality” study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the Project applicant’s contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this “fair share” contribution requirement will mitigate the project’s impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvements will be implemented or will fully mitigate the project’s impacts on the mainline freeway system. As such, the City has concluded that the project’s impacts to regional traffic in the project area will remain significant and unavoidable.

(g) Impact 5.6-13 Cumulative impacts to freeway ramp queues under Near Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).

The proposed project, in combination with other downtown projects, would add traffic to the northbound I-5 off ramp to J Street, which currently experiences queues during the a.m. peak hour that extend onto the freeway mainline. In addition, the proposed project, in combination with the other downtown projects would cause queues for the southbound I-5 off ramp to J Street to extend onto the freeway mainline during the a.m. peak hour. This is considered a significant impact.

Mitigation Measure: The following mitigation measure has been adopted address this impact to the extent feasible:

Mitigation Measure 5.6-13

Changes or alterations have been required in, or incorporated into the project that substantially lessen, but do not avoid the project’s significant effects associated with impacts to freeway ramp queues under cumulative Near Term Project Plus Conditions. Additionally, implementation of Mitigation Measures 5.6-1 (a) and 5.6-2 will mitigate the project’s impacts on regional traffic conditions in the project area.

Finding

Mitigation measure 5.6-1(a) would reduce the queue for the southbound I-5 off-ramp at J Street to 6,125 feet during the a.m. peak hour, but this would not be enough to eliminate the near-term cumulative impact. This mitigation measure would not affect the northbound I-5 off-ramp queue at J Street. Implementation of Mitigation Measure 5.6-2 will mitigate the project’s impacts on regional traffic conditions in the area. However, the contribution of these funds does not ensure that the DNA project will be implemented or will fully mitigate the project’s impacts on the mainline freeway system. As such, the City

has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

(h) Impact 5.6-18 Cumulative impacts to freeway mainline under Long Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).

The proposed project, in combination with other downtown projects, would add traffic to freeway mainline segments but would not cause freeway levels of service to deteriorate beyond LOS E. The proposed project in combination with the other downtown projects would add traffic to I-5 freeway segments that would operate at LOS F even without the projects. This is considered a significant impact.

Mitigation Measure: The following mitigation measure has been adopted to address this impact to the extent feasible:

Mitigation Measure 5.6-18

Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

Finding

The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvements will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

(i) Impact 5.6-19 Cumulative impacts to freeway merge/ diverge/ weave areas under Long Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).

The proposed project, in combination with other proposed downtown projects, would add traffic to freeway ramps and weaving areas, but would not cause levels of service to deteriorate beyond LOS E on these facilities. The Project would add traffic to I-5 and US 50 freeway ramps that would operate at LOS F without the projects. Because these facilities currently operate at LOS F, this is considered a significant impact.

Mitigation Measure: The following mitigation measure has been adopted to address this impact to the extent feasible:

Mitigation Measure 5.6-19

Implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area.

Finding

The City consulted with Caltrans concerning possible mitigation measures to address the project's impacts to the identified freeway facilities. The discussion focused on (1) identifying any approved or adopted capitol improvement projects that would improve transportation access to and from Sacramento's downtown, and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing project impacts to the highways from the project and various other pending developments in the area.

The City is participating in a multi-agency committee that is developing a regional impact fee for the I-5 corridor. The DNA light rail extension to the airport project may be included as one of the I-5 corridor improvements that would be funded under this regional impact fee. The project will be required to pay the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the Project applicant's contribution will be owed on a proportionate basis at the time of issuance of the building permits for the Project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the freeway improvements will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

(j) Impact 5.6-20 Cumulative impacts to freeway ramp queues under Long Term Plus Project condition. This is considered a *significant impact*. (Significant and Unavoidable).

The proposed project, in combination with other downtown projects, would add traffic to the northbound I-5 off ramp to J Street during both the a.m. and p.m. peak hours, when the queue would exceed the ramp's storage capacity without the proposed projects. Similarly, the proposed Downtown projects would add traffic to the southbound I-5 off ramp to J Street during the a.m. peak hour, when the queue would exceed the ramp's storage capacity without the proposed projects. This is considered a significant impact.

Mitigation Measure: The following mitigation measure has been adopted to address this impact to the extent feasible:

Mitigation Measure 5.6-20

Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid the project's significant effects associated with impacts to freeway ramp queues under cumulative Long Term Project Plus Conditions. Additionally, implementation of Mitigation Measures 5.6-2 and 5.6-17 will mitigate the project's impacts on regional traffic conditions in the project area.

Finding

Mitigation Measure 5.6-17 (a) (for the 3rd Street/J Street intersection) would reduce the queue for the northbound I-5 off ramp queue at J Street during the p.m. peak hour to 1,725 lane feet and would reduce the long-term cumulative impact during this time period to a less-than-significant level. This mitigation measure would not significantly affect this northbound I-5 off ramp queue at J Street during the a.m. peak hour. The mitigation measure would reduce the queue for the southbound I-5 off ramp at J Street to 6,100 feet during the a.m. peak hour, but this would not be enough reduction to eliminate the long-range cumulative impact. Additionally, implementation of Mitigation Measure 5.6-2 will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the DNA project will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable.

E. 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 Planning Commission, the Planning Commission 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:

- i. As the project is implemented, 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, and traffic increases due to

the project, although measures have been and will be incorporated in the project to mitigate these potential impacts.

- ii. The long term implementation of the project would serve to balance the need for jobs and housing and reduction of blight in the project area and surrounding areas with maintenance of long-term economic development at the City's Central Business District, and reutilization of infill areas. Notwithstanding the foregoing, some long term impacts would result. These impacts include adverse impacts on air quality, cultural resources, and increased traffic congestion. However, implementation of the project would provide many long-term benefits, including, without limitation, greater economic productivity, increased downtown residential uses, more efficient use of land, the reduction of blight, revitalization of the City's Central Business District in line with City policies for Smart Growth, reuse of an infill site and reduction of pressure for the development of outlying areas.
- iii. Although there are short term adverse impacts from the project, the short and long term benefits of the project justify its immediate implementation.

F. Project Alternatives

The Planning Commission has considered the Project alternatives presented and analyzed in the final EIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. The Planning Commission finds, based on specific economic, legal, social, technological, or other considerations, that these alternatives are infeasible. Each alternative and the facts supporting the finding of infeasibility of each alternative are set forth below.

The selection of alternatives takes into account the project objectives provided in Chapter 2 (Project Description). The project objectives include:

- Create a high-quality development that enhances and defines the Downtown skyline and aids in the revitalization of Downtown by creating a project that is socially and economically vital, helping to re-establish Downtown as a destination.
- Provide high-end restaurant and retail that benefits residents and visitors in the Central Business District (CBD) and contributes to the vitality of the community.
- Create a mixed-use development that provides a combination of residential and retail uses to serve a range of users.
- Promote development of high-density urban housing in the CBD.
- Create a development that is financially feasible without negatively affecting existing City resources, including the City's Capitol View Corridor.