

- b) *Prior to issuance of occupancy permits, the project applicant would construct a sound wall west of the southbound lane of traffic along I-5 with a minimum height of 15 feet, that is capable of reducing exterior noise levels below 65 dB Ldn outside the closest residential units. The project applicant would also construct a sound wall for residences proposed north of the interchange (in the 8.62-acre parcel adjacent to I-5) along the east side of the northbound lane of I-5 with a minimum height of 15 feet that is capable of reducing exterior noise levels below 65 dB Ldn outside the closest residential units.*

Finding: Future study of noise conditions along the I-5 corridor would ensure that residential interior and exterior noise levels would not exceed allowable maximums. Construction of noise barriers would reduce I-5 noise levels on adjacent proposed residential units to an acceptable level. For these reasons, the impact remains *less than significant*.

C. 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 reduce to a level of less than significance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

Agricultural Resources

Impact 5.2-2: Development of the proposed project could result in incompatible land use with adjacent agricultural operations. Without mitigation, this is a *significant impact*.

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

MM 5.2-2: The project applicant or developer shall provide all future homeowners with a copy of the Right-to-Farm in California included in the California Code of Regulations (CCR), Title 3, Sections 3482.5 and 3482.6 that outline allowable farming and agricultural operations.

Finding: Significant impacts of the Project relating to incompatible land use with adjacent agricultural operations will be lessened by informing homeowners with a Right-to-Farm disclosure of the farmers' protected right to continue farming and agricultural operations. With implementation of the mitigation measure, this impact of the Project will be reduced to a less than significant level.

Impact 5.2-4: The proposed project, in conjunction with future development in the City and County, could result in incompatible land use with adjacent agricultural operations.

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

MM 5.2-2: The project applicant or developer shall provide all future homeowners with a copy of the Right-to-Farm in California included in the California Code of Regulations (CCR), Title 3, Sections 3482.5 and 3482.6 that outline allowable farming and agricultural operations.

Finding: Significant impacts of the Project relating to incompatible land use with adjacent agricultural operations will be lessened by informing homeowners with a Right-to-Farm disclosure of the farmers' protected right to continue farming and agricultural operations. With implementation of the mitigation measure, this impact of the Project will be reduced to a less than significant level.

Air Quality

Impact 5.3-1: Construction of the proposed project would generate emissions of ozone precursors.

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

MM 5.3-1(a): The project shall provide a plan, for approval by the lead agency in consultation with the SMAQMD, demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, would achieve a project wide fleet-average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet average at time of construction. The SMAQMD shall make the final decision on the emission control technologies to be used by the project construction equipment; however, acceptable options for reducing emissions may

include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

MM 5.3-1(b): The project applicant and/or contractor shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used an aggregate of 40 or more hours during any phase of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. 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 activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project applicant and/or contractor shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.

MM5.3-1(c): The project applicant and/or contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly by contractor personnel certified to perform opacity readings, and a monthly summary of the visual survey results shall be submitted to the SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.

MM5.3-1(d): Limit vehicle idling time to five minutes or less.

MM5.3-1(e): In consultation with SMAQMD staff, and prior to the issuance of each grading permit, a construction mitigation fee and appropriate SMAQMD administrative fee shall be calculated and paid to the District based on the number of acres to be graded and the equipment to be used during grading activities. Fees shall be calculated using the Carl Moyer cost effectiveness figure of \$16,000 per ton of NOx, plus the 5% administrative fee, or applicable fee in effect at the time the grading permit is issued.

Finding: Impacts of the Project relating to the generation of ozone precursor emissions during the construction phase of the project would be reduced by requiring the Project applicant and/or contractor to: (i) provide a plan for the reduction of NOx emissions from heavy-duty off-road construction vehicles by 20% on a fleet wide level and a particulate reduction of 45% based on CARB fleet averages at the time of construction; (ii) submit a monthly inventory to SMAQMD 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 phase of construction, and notifying SMAQMD of the construction timeline and contact information for the project manager and on-site foreman; (iii) make weekly surveys to ensure that emissions from all off-road diesel powered equipment do not exceed 40% for more than three minutes in any one hour period, providing such surveys to SMAQMD, and making repairs to any equipment which does not meet that standard with notice to SMAQMD; limit vehicle idling time to five minutes or less; and (iv) paying the SMAQMD construction mitigation fee and SMAQMD administrative fee to fund SMAQMD's air quality mitigation programs. With implementation of the mitigation measures, the construction phase air quality impacts of the Project will thereby be reduced to a *less than significant* level.

Impact 5.3-2: Construction of the proposed project would generate emissions of particulate matter.

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

MM 5.3-2(a): The project applicant shall limit the project's maximum acreage graded per day to no more than 15 acres or the project applicant shall model the project using a PM modeling program, such as the BEEST or AERMOD models, to determine the full PM impact of the project under the proposed grading acreages. Upon completion of the PM modeling, the results and recommended mitigation measures to reduce PM emissions below SMAQMD thresholds shall be submitted to the City for their approval. If more than 15 acres will be graded per day, dispersion modeling following SMAQMD procedures shall be completed, and mitigation measures shall be approved by the City prior to the issuance of grading permits. In either case, the project applicant shall implement Mitigation Measures 5.3-2(b) through (m) below and other mitigation measures, deemed appropriate, as a result of the PM modeling to reduce local particulate matter concentrations below 50ug/m3 per day.

MM 5.3-2(b): All disturbed areas, including storage piles that are not being

actively used for construction purposes, shall be covered or watered with sufficient frequency as to maintain soil moistness.

MM 5.3-2(c): All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant.

MM 5.3-2(d): When materials are transported off-site, they shall be covered, effectively wetted to limit vehicle dust emissions, or maintained with at least 2 feet of freeboard space from the top of the container.

MM 5.3-2(e): All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring.

MM 5.3-2(f): Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, the storage piles shall be effectively stabilized of fugitive dust emissions using sufficient water or a chemical stabilizer or suppressant.

MM 5.3-2(g): On-site vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

MM 5.3-2(h): Wheel washers shall be installed for all trucks and equipment exiting from unpaved areas or wheels shall be washed manually to remove accumulated dirt prior to leaving the site.

MM 5.3-2(i): Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1 percent.

MM 5.3-2(j): Excavation and grading activities shall be suspended when winds exceed 20 mph.

MM 5.3-2(k): The extent of areas simultaneously subject to excavation and grading shall be limited, wherever possible, to the minimum area feasible.

MM 5.3-2(l): The text of this measure shall be included in all construction plans and specifications.

MM 5.3-2(m): For all future discretionary projects associated with this project, either this measure shall apply, or additional PM analysis shall be

required, which may include BEEST modeling if maximum acreage graded per day exceeds the acreage ranges in Table B1 of the SMAQMD Guide.

Finding: Impacts of the Project relating to the generation of particulate matter during the construction phase of the project would be avoided and reduced by requiring the Project applicant to: (a) limit project grading to a maximum of 15 acres per day or performing a PM Modeling program and implementing mitigation measures approved by the City if more than 15 acres is to be graded, in order to reduce local particulate matter concentrations below 50 ug/m³ per day; (b) cover or water all storage piles that are not being actively used for construction purposes with sufficient frequency as to maintain soil moistness and thereby prevent PM emissions; (c) stabilize all on-site unpaved roads and off-site unpaved access roads with water or a chemical stabilizer or suppressant to prevent PM emissions; (d) when materials are being transported off-site, keep them covered and effectively wetted to limit dust emissions, or maintain them with at least 2 feet of freeboard space from the top of the container to limit dust emissions; (e) limit or expeditiously remove all accumulated project-related mud or dirt from adjacent public streets at least once every 24 hours when construction operations are ongoing to reduce particulate emissions; (f) following the addition of materials to storage piles, or the removal of materials therefrom, the storage piles shall be effectively stabilized to prevent fugitive dust emissions using water or a chemical stabilizer or suppressant; (g) limit on-site vehicle speeds to 15 mph to reduce PM generation; (h) install wheel washers or manually wash the wheels of all trucks and other equipment exiting unpaved areas to remove accumulated dirt prior to leaving the site to reduce PM emissions; (i) install sandbags or other erosion control measures to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1 percent and thereby prevent and reduce PM emissions; (j) suspend excavation and grading activities when winds exceed 20 mph to reduce and avoid PM emissions; (k) limiting the extent of areas simultaneously being excavated and graded to the minimum area feasible to thereby reduce PM emissions; (l) include the text of these mitigation measures on all construction plans and specifications to reduce PM emissions; and (m) apply these mitigation measures to all future discretionary projects at this project or require additional PM analysis if the maximum acreage graded per day exceeds the ranges found in Table B1 of the SMAQMD Guide in order to reduce PM emissions. With implementation of the mitigation measures, the impacts of the Project will thereby be reduced to a *less than significant* level.

Impact 5.3-7: Construction of the proposed project combined with other development in the air basin would increase cumulative levels of ozone precursors.

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

MM 5.3-7: Implement Mitigation Measures 5.3-1 (a) through (e).

Finding: Impacts of the Project relating to an increase in cumulative levels of ozone precursors during construction of the project in combination with other development in the air basin would be avoided by implementation of the foregoing mitigation measures. With implementation of the mitigation measures, the impact of the Project will thereby be reduced to a *less than significant* level.

Impact 5.3-8: Construction of the proposed project combined with any other development in the vicinity of the project site would increase cumulative levels of particulate matter.

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

MM 5.3-8: Implement Mitigation Measures 5.3-2(a) through (m).

Finding: Impacts of the Project relating to increases in the cumulative levels of particulate matter from construction of the project and development of other projects in the vicinity would be avoided by requiring compliance with Mitigation Measures 5.3-2(a) through (m) that will reduce the project's particulate matter emissions for the reasons previously noted above. With implementation of the mitigation measures, the impact of the Project will thereby be reduced to a *less than significant* level.

Biological Resources

Impact 5.4-1: The proposed project would result in the filling or adverse modification of jurisdictional wetlands, non-jurisdictional wetlands, and other "waters of the U.S."

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

MM 5.4-1(a): The project applicant shall, where feasible, preserve the maximum amount of existing wetlands and establish minimum 250-foot

buffers around wetlands with listed species or 50-foot buffers around wetlands without listed species (species presence shall be verified as described in Impact 5.4-3 or assumed). Where wetlands are preserved, a Wetland Avoidance Plan (WAP) shall be prepared by a qualified biologist and submitted to the City for review and approval prior to the issuance of grading permits or any groundbreaking activity. The WAP shall include project designs that shall not cause significant changes to the pre-project hydrology, water quality or water quantity in any wetland that is to be retained on site, and shall include maps and provisions for buffers that will prevent construction equipment, debris and sediment from entering wetland features.

MM 5.4-1(b): Where avoidance of existing wetlands and drainages is not feasible, mitigation measures shall be implemented prior to the approval of grading permits or any groundbreaking activity within 250 feet of wetlands for the project-related loss of any existing wetlands, such that there is no net loss of any wetland acreage or habitat value. The required distance can be reduced to 50 feet where determinate surveys have shown no special status species within wetland features.

MM 5.4-1(c): Prior to the issuance of grading permits by the City for any work within 250 feet of wetlands, the project applicant shall acquire all applicable wetland permits. The required distance can be reduced to 50 feet where determinate surveys have shown no special status species within wetland features. These permits may include, but would not be limited to, a Section 404 Wetlands Fill Permit from the U.S. Army Corp of Engineers, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and/or a Section 1601 Streambed Alteration Agreement from the California Department of Fish and Game.

MM 5.4-1(d): Wetland mitigation shall be developed as a part of the permitting process(es) as described above. Mitigation shall be provided prior to construction related impacts on the existing wetlands. The exact mitigation ratio is variable, based on the type and value of wetlands affected by the project, but agency standards typically require a minimum of 1:1 for preservation and 1:1 for restoration. In addition, unless other mitigation is required by permitting processes that would provide similar or greater mitigation, a wetland mitigation and monitoring plan shall be developed that includes the following:

- Descriptions of the wetland types, and their expected functions and values;*
- Performance standards and monitoring protocol to ensure the success of the mitigation wetlands over a period of five*

- to ten years;
- Engineering plans showing the location, size and configuration of wetlands to be created or restored;
 - An implementation schedule showing that construction of mitigation areas shall commence prior to or concurrently with the initiation of construction; and
 - A description of legal protection measures for the preserved wetlands (i.e., dedication of fee title, conservation easement, and/or an endowment held by an approved conservation organization, government agency or mitigation bank).

Finding: Impacts of the project relating to the loss of jurisdictional wetlands, non-jurisdictional wetlands, and other waters of the U.S. will be reduced to a *less than significant level* through implementation of the foregoing mitigation measures because it will require preservation of existing wetlands to the maximum extent feasible, compensation for any wetlands filled, creation of buffers around preserved wetlands prior to grading and ground breaking, obtaining permits from applicable agencies such as the Corps of Engineers, Regional Water Quality Control Board and California Department of Fish and Game, and adoption of an approved wetland mitigation and monitoring plan for any wetlands preserved as well as any wetlands filled.

Impact 5.4-2: Implementation of the proposed project could result in the disturbance of vernal pool fairy shrimp, vernal pool tadpole shrimp, midvalley tadpole shrimp and California linderiella and their habitat.

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

MM 5.4-2(a): The project applicant, in consultation with the USFWS, shall either (1) complete surveys for federally listed branchiopods, or (2) assume presence of federally-listed branchiopods in all affected pools where surveys have not been completed. Surveys shall be conducted by qualified biologists in accordance with the most recent USFWS guidelines or protocols to determine the time of year and survey methodology. The survey(s) and subsequent report(s) shall include at a minimum:

- *A complete list of species observed in the vernal pools and seasonal wetlands.*
- *A detailed description of methodology including dates of field visits, the names of survey personnel with resumes and a list of references cited and persons contacted.*
- *Survey results that include at a minimum:*

- A map showing the location(s) of any federally listed branchiopods species identified within the project site.
- A detailed description of any identified federally listed branchiopods or populations including information on the density, distribution and habitat quality relative to typical occurrences of the species in question.
- A discussion of the importance of the population(s) with consideration of both nearby populations and total species distribution.
- An assessment of significance related to project impacts on any federally listed branchiopods populations identified on the project site.

MM 5.4-2(b): If surveys within the project site reveal no occurrences of federally listed branchiopods, no further mitigation would be required. However, if surveys determine that one or more federally listed branchiopod species occur within the project site, or if the project applicant, in consultation with the USFWS, assumes presence of federally-listed branchiopods in any affected pools, the following measures shall be required for those pools with species surveyed or assumed present. The selected measures may be part of the permitting process.

- *For every acre of habitat impacted, at least one wetland creation credit shall be dedicated within a USFWS-approved mitigation bank.*
- *For every acre of habitat impacted, at least two wetland preservation credits shall be dedicated within a USFWS-approved mitigation bank.*
- *The project proponent shall conduct Worker Environmental Awareness Program (WEAP) training for construction crews (primarily crew and foreman) and City inspectors before construction activities begin. The WEAP shall include a brief review of the special status species and other sensitive resources that could occur in the proposed project site (including their life history and habitat requirements and what portions of the proposed project area they may be found in) and their legal status and protection. The program shall also cover all mitigation measures, environmental permits and proposed project plans, such as the SWPPP, BMPs, erosion control and sediment plan, and any other required plans. During WEAP training, construction personnel shall be informed of the importance of avoiding ground-disturbing activities outside of the designated work area. The designated biological monitor shall be*

responsible for ensuring that construction personnel adhere to the guidelines and restrictions. WEAP training sessions shall be conducted as needed for new personnel brought onto the job during the construction period.

- The project proponent shall ensure that activities that are inconsistent with the maintenance of the suitability of the remaining wetland habitat and associated watershed on-site are prohibited.

Finding: Impacts of the project relating to its potential impacts on the loss of federally-listed branchiopods and their habitat at the project site would be reduced to a *less than significant* level because the mitigation measures would provide procedures to avoid impacts to the branchiopods and their habitat and provide compensatory mitigation under the auspices of the USFWS and City for any branchiopods and their habitat lost due to development of the project.

Biological Resources

Impact 5.4-3: Development of the proposed project could result in the loss of foraging habitat for Swainson's hawk and other raptors.

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

MM 5.4-3: Prior to the issuance of grading permits, the project applicant shall preserve an equal amount of suitable raptor foraging habitat, at a 1:1 ratio or greater. Suitable foraging habitat includes alfalfa or other low growing crops. The applicant shall preserve approximately 100 acres of suitable Swainson's hawk habitat closest to within a five mile radius of the project site. An additional approximately 800 acres at the Brannan Farms location shall be actively farmed and maintained with a crop rotation that is known to support high quality foraging habitat (e.g. alfalfa) in perpetuity. The Brannan Island Farms site is currently located within close proximity to several active Swainson's hawk nests according to the CNDDDB. Any habitat identified by the applicant shall be evaluated using the following five criteria in consultation with the CDFG:

- i. Does the mitigation parcel provide suitable foraging habitat?*
- ii. Is the parcel located in close proximity to the impacted foraging habitat?*

- iii. *Is the parcel occupied or adjacent to active Swainson's hawk nests?*
- iv. *Is the parcel adjacent to other protected habitat thereby contributing to a larger habitat preserve?*
- v. *Is the parcel outside of areas identified for urban growth?*

Preservation shall occur through the purchase of conservation easements or fee title of lands with suitable foraging habitat. A mitigation plan shall be established and submitted to the City for approval prior to the issuance of grading permits and, at a minimum, shall include confirmation of title and encumbrances, details on mitigation site location, development, maintenance and monitoring. Any easements shall be in compliance with Government Code Section 65965. Land and easements shall be approved by the City in consultation with CDFG.

Finding: Implementation of this mitigation measure would avoid and reduce the impacts to the Swainson's hawk, white tailed kite, burrowing owls and other raptors from the loss of foraging habitat at the project site to a *less than significant* level because it would preserve a large 800 acre contiguous block of Swainson's hawk and other raptor habitat at the Brannan Island Farms location and preserve an additional 100 acres of suitable foraging habitat within a five mile radius of the project site.

Impact 5.4-4: Implementation of the proposed project could result in the disturbance of nesting habitat for birds protected by the MBTA.

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

MM 5.4-4(a): Between March 1 and August 1, the project applicant or developer(s) shall have a qualified biologist conduct nest surveys within 30 days prior to any demolition/construction or ground disturbing activities that are within 1/4 mile of potential nest trees. A pre-construction survey shall be submitted to CDFG and the City of Sacramento that includes, at a minimum: (1) a description of the methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted; and (2) a map showing the location(s) of raptor and migratory bird nests observed on the project site. If no active nests of MBTA, CDFG or USFWS covered species are identified then no further mitigation is required.

MM 5.4-4(b): Should active nests of protected bird species be identified in the survey conducted in accordance with Mitigation Measure 5.4-4(a), the applicant, or developer(s), in consultation with the City of Sacramento and CDFG, shall delay construction in the vicinity of active nest sites during the breeding season (March 1 through August 1) while the nest is occupied with adults and/or young. A qualified biologist shall monitor any occupied nest to determine when the nest is no longer used. If the construction cannot be delayed, avoidance shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone shall be determined in consultation with the CDFG, but will be a minimum of 100 feet and no more than ¼ mile. The buffer zone shall be delineated with highly visible temporary construction fencing.

MM 5.4-4(c): No intensive disturbance (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest between March 1 and August 1.

MM 5.4-4(d): If demolition/construction activities are unavoidable within the buffer zone, the project applicant shall consult with CDFG and the City to develop CDFG approved appropriate impact reduction and take avoidance measures, which may include retaining a qualified biologist to monitor the nest site or taking any nestlings to a local wildlife rehabilitation center.

Finding: Impacts of the project relating to its disturbance of nesting habitat for birds protected by the MBTA would be reduced to a *less than significant level* because the proposed mitigation measures would restrict construction activities to times of the year outside of the breeding season to avoid disturbance to nesting birds; if construction cannot be avoided during the breeding season, then a pre-construction nesting survey by a qualified biologist would be required, and if nests are found, then the creation of buffer zones around nest trees to minimize disturbance and the monitoring of those nests by a qualified biologist for disturbance.

Impact 5.4-5: Implementation of the proposed project could result in the disturbance of nesting habitat for Swainson's hawks.

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

MM 5.4-5(a): Prior to any demolition/construction activities that occur

between March 1 and September 15 the applicant or developer(s) shall have a qualified biologist conduct surveys for nesting migratory birds on the project site and within a half mile of demolition/construction activities unless the City and CDFG approve a reduced survey area. Surveys shall be conducted no more than 30 days prior to the start of site disturbance for each phase of the project. If there is a lapse in construction of more than two weeks, new surveys would be required. If no active nests are identified on or within a quarter mile of construction activities, a letter report summarizing the survey results shall be sent to the City of Sacramento and no further mitigation is required.

MM 5.4-5 (b): If active nests are found, measures that will avoid impacts to nesting migratory birds, including measures consistent with the CDFG Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California shall be implemented as follows:

- 1. Nest trees shall not be removed unless there is no feasible way of avoiding their removal.*
- 2. If there is no feasible alternative to removing a nest tree, a Management Authorization (including conditions to offset the loss of the nest tree) shall be obtained from CDFG with the tree removal period (generally between October 1 and February 1) to be specified in the Management Authorization.*
- 3. No intensive disturbance (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within half mile or less, as determined by CDFG, (buffer zone as defined in the CDFG Staff Report) of an active Swainson's hawk nest or 500 feet for other nesting birds, between March 1 and September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained from CDFG for the project. The buffer zone may be reduced in consultation with CDFG.*
- 4. If demolition/construction activities are unavoidable within the buffer zone of an active Swainson's hawk nest site, the project applicant or developer(s) shall consult with the CDFG and the City, and if necessary, obtain an incidental take permit issued pursuant to Fish and Game Code section 2081.*

Finding: Impacts of the Project relating to its disturbance of nesting habitat for Swainson's hawks would be reduced to a less than significant level

because the proposed mitigation measures would require surveys for nesting Swainson's hawks to confirm the presence of active nests during the appropriate nesting season. If construction activities cannot be avoided during the nesting season, then implementation of the mitigation measures would ensure that active nests are protected by instituting appropriate buffer zones and avoiding or minimizing disturbance to any nesting birds.

Impact 5.4-6: Development of the proposed project could result in the loss of active burrowing owl nest burrows.

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

MM 5.4-6(a): Prior to the issuance of grading permits, the project applicant shall retain a qualified biologist to conduct a pre-construction burrowing owl survey, in accordance with most current version of the California Burrowing Owl Consortium Burrowing Owl Survey Protocol and Mitigation Guidelines. Surveys shall be conducted no more than 30 days prior to the start of any demolition or construction activities. If no suitable burrows are found, no further mitigation is required. If suitable burrows are found, but no owls are found, all burrows shall be hand-excavated and collapsed prior to project construction. If nesting owls are found, no disturbance shall be allowed within 160-feet of the active nest burrow between February 1 and August 31. Outside the nesting season, and/or upon confirmation by the qualified biologist, and in consultation with CDFG, that all young have fledged and left an active nest, burrowing owls present in the burrow shall be excluded from the burrow(s) by a qualified biologist through a passive relocation as outlined in the California Burrowing Owl Consortium's April 1993 Burrowing Owl Survey Protocol and Mitigation Guidelines. Once the burrows have been cleared, they must be hand-excavated and collapsed prior to project construction.

MM 5.4-6(b): To offset the loss of foraging and burrow habitat on the project site, and prior to issuance of grading permits, the project proponent shall preserve a minimum of 6.5 acres of foraging habitat (calculated on a 100 m [approx. 300 ft.] foraging radius around the burrow) per pair or unpaired resident bird, in accordance with the most current "California Burrowing Owl Consortium's Burrowing Owl Survey Protocol and Mitigation Guidelines." The protected lands shall be adjacent to burrowing owl habitat and at a location acceptable to the CDFG. Protection of additional habitat acreage per pair or unpaired resident bird may be applicable in some instances. Preservation shall occur through the

purchase of conservation easements or fee title of lands and any easements shall be in compliance with Government Code Section 65965. The project proponent shall provide funding for long-term management and monitoring of the protected lands, by way of an endowment account (based on a Property Analysis Record type analysis) that is approved by CDFG. A mitigation and monitoring plan shall be submitted to CDFG and the City for approval and include details on mitigation site location, development, maintenance and monitoring. The monitoring plan shall include success criteria, remedial measures, and an annual report to the Department. This mitigation could overlap with mitigation provided for Swainson's hawk foraging habitat as deemed appropriate by CDFG.

MM 5.4-6(c): If destruction of occupied burrows is unavoidable, the project applicant shall coordinate with CDFG to identify existing suitable burrows located on the protected lands site to be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1.

Finding: Impacts of the Project relating to the loss of active burrowing owl nest burrows would be reduced to a *less than significant* level by requiring the applicant to conduct surveys for nesting burrowing owls and potential nest burrows to confirm the presence of active nests during the appropriate nesting season. If construction activities cannot be avoided during the nesting season, then implementation of the mitigation measures would ensure that active nests are protected by instituting appropriate buffer zones and avoiding or minimizing disturbance to any nesting burrowing owls, and by providing for the purchase and protection of compensatory lands with suitable burrowing owl nest sites if active nests are lost.

Impact 5.4-7: Development of the proposed project could result in the loss of habitat or potential disturbance of valley elderberry longhorn beetle ("VELB").

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

MM 5.4-7(a) The proposed project shall be designed to avoid ground disturbance within 100 feet of the dripline of elderberry shrubs identified in the ECORP VELB surveys as having stems greater than or equal to one inch in diameter. The 100 foot buffer could be adjusted in consultation with the USFWS. If avoidance is achieved, a letter report confirming avoidance shall be sent to the City of Sacramento and no further mitigation is required.

MM 5.4-7 (b): If disturbance within 100 feet of the dripline of the elderberry shrub with stems greater than or equal to one inch in diameter is unavoidable, then the project applicant shall retain the services of a qualified biologist to develop a formal VELB mitigation plan in accordance with the most current USFWS mitigation guidelines for unavoidable take of VELB habitat pursuant to either Section 7 or Section 10(a) of the Federal Endangered Species Act. Prior to implementation by the applicant the mitigation plan shall be reviewed and approved by the USFWS.

MM 5.4-7 (c): If the VELB is delisted by the USFWS prior to the initiation of any ground disturbing, demolition, or construction activities, the project applicant shall proceed consistent with any requirements that accompany the VELB delisting notice.

Finding: Impacts of the Project relating to its impacts on the VELB due to loss of habitat or potential habitat would be reduced to a *less than significant* level because the proposed mitigation measures would require avoidance of any elderberry bushes with stems equal or greater to one inch in diameter, or if avoidance cannot be achieved, then appropriate mitigation would be required under the most current USFWS mitigation guidelines.

Impact 5.4-8: Development of the proposed project would include removal of trees that could be protected by the City of Sacramento Tree Preservation Ordinance.

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

MM 5.4-8(a): Prior to issuance of grading permits or any groundbreaking activity, whichever comes first, the applicant shall submit all grading and trenching plans to the Urban Forest Services' (UFS) City Arborist for review to ensure protection of Heritage trees located on site. Along with this plan, a supplemental survey of trees that may be impacted by construction shall be conducted and a report shall be submitted. This survey report shall include the dbh of all potentially impacted trees, which shall be verified by the City Arborist. The City Arborist will provide written verification and additional protection measures not available at this time to the City's Development Services Department prior to issuance of the grading permit.

MM 5.4-8(b): Heritage trees identified by the City Arborist both on- and off-site are recommended for preservation to the extent feasible without substantially altering the project site plan. If trees should require removal, the applicant/developer shall obtain authorization through a tree removal

permit from the City Urban Forest Services. The project applicant/developer shall coordinate with the City of Sacramento Urban Forest Services Division to identify any trees able to be preserved. If trees are identified for preservation, the applicant/developer shall coordinate with the Urban Forest Services Division in preparation of a preservation plan for any and all trees identified for preservation. The preservation plan shall include, but not be limited to the following measures 5.4-8(b)(i) thru 5.4-8(b)(xi) to prevent impacts to the trees during construction of the proposed project:

- (i) A 6' high cyclone fence shall be installed around each tree at a distance determined by the City Arborist to protect trees from damage. This fencing will define the construction exclusion zone (CEZ) and no vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the CEZ of protected trees. A laminated sign indicating such shall be attached to fencing surrounding trees onsite. Fencing shall be shown on all construction and preservation plans and shall be installed prior to any construction activities. The appropriate CEZ distances for trees 173, 186, 109, 110, and 112 were previously determined by the City Arborist. Tree 173 shall require a 20.5' CEZ, tree 186 shall require a 17.5' CEZ, tree 109 shall require a 16.0' CEZ, tree 110 shall require a 19.0' CEZ and tree 112 shall require a 23.5' CEZ, if they are to be preserved.
- (ii) Prior to any pruning of heritage trees, the applicant or contractor shall obtain a heritage tree pruning permit from UFS (808-6345). Any required pruning shall be performed by an International Society of Arboriculture (ISA) certified arborist. The contractor shall contact the City arborist for a root inspection(s) for trenching activities within the dripline(s) of trees to be saved.
- (iii) If during excavation for the project, tree roots greater than two inches in diameter are encountered, work shall stop immediately until the City Arborist can perform an on site inspection. All roots shall be cut clean and the tree affected may require supplemental irrigation/fertilization and pruning as a result of the root cutting. The contractor will be responsible for any costs incurred. Depending upon the amount of roots encountered and the time of year wet burlap may be required along the sides of the trench.
- (iv) The contractor shall be held liable for any damage to existing trees, i.e. trunk wounds, broken limbs, pouring of any

- deleterious materials, or concrete washout under the dripline of the trees. Damages will be assessed using the "Guide to Plant Appraisal" eighth edition, published by the International Society of Arboriculture. An appraisal report shall be submitted for review by the City Arborist.*
- (v) *Drainage patterns on the site shall not be modified so that water collects or stands within 8 feet of the trunk of any Heritage tree that is to be preserved.*
 - (vi) *No lawn irrigation system shall be installed within 8 feet of the trunk of any Heritage tree that is to be preserved unless otherwise approved by Urban Forest Services.*
 - (vii) *No planting of landscaping within 6 feet of the trunk of any Heritage tree that is to be preserved unless otherwise approved by Urban Forest Services.*
 - (viii) *No trenching activity within 8 feet of the trunk of any Heritage tree that is to be preserved unless otherwise approved by Urban Forest Services.*
 - (ix) *No grading activity within 8 feet of the trunk of any Heritage tree that is to be preserved unless otherwise approved by Urban Forest Services. In the absence of an approved grading plan, the applicant/developer shall agree to mitigate for the loss of any Heritage tree that the City Arborist determines has been irreparably damaged by grading or other construction activity.*
 - (x) *No impervious surfaces shall be allowed within 8 feet of the trunk of any Heritage tree that is to be preserved unless otherwise approved by Urban Forest Services.*
 - (xi) *City Ordinances 12.56.060 (Protection of trees), 12.060.040 (Protection of Heritage trees during construction activities), and 12.064.050 (Maintenance responsibility –Permits for activities affecting Heritage trees) must be followed at all phases of construction. Tree protection methods noted above shall be identified on all construction plans for the Project.*

MM 5.4-8(c): If Heritage trees 173, 186, 109, 110 and 112, or any other heritage trees are unable to be preserved, prior to removal of these trees, the project applicant/developer shall coordinate with City of Sacramento Urban Forest Services Division to obtain the necessary permits for removal of the trees in accordance with the Heritage Tree Ordinance (City Code 12.64). All trees that fall under this category shall have a supplemental survey report prepared, as specified in Mitigation Measure 5.4-8(a). All heritage trees removed shall be mitigated. Mitigation for

removed trees can be carried out onsite through the planting and care of young trees as specified by the City Arborist, or through the payment of in lieu fees to the City of Sacramento Urban Forest Services Division at the currently accepted rate. If in lieu fees are paid, verification of payment shall be provided to the Development Services Department. These fees would be used to provide planting and care of replacement trees. If the applicant can provide onsite mitigation, planting will be subject to the following City of Sacramento Urban Forest Services conditions:

- Preparation of a tree mitigation planting plan prepared for review and approval by Urban Forest Services which shall include the following minimum elements:

- 1) Species, size and locations of all replacement plantings (the plan shall provide adequate planter and canopy space for the trees to grow to maturity).
- 2) Method of irrigation.
- 3) A tree planting detail.
- 4) Planting, irrigation, and maintenance schedules.
- 5) Identification of the maintenance entity and a written agreement with that entity to provide care and irrigation of the trees.

- Inspection of nursery stock (prior to planting) by Urban Forest Services.

- Post-planting inspection by Urban Forest Services.

Finding: Impacts of the Project relating to the removal of trees subject to the City of Sacramento's Tree Preservation Ordinance would be reduced to a *less than significant* level because the proposed mitigation measures would require the replacement planting of young trees for all protected trees removed, as well as detailed planting and tree maintenance programs by an entity approved by the City's Urban Forest Services Division to mitigate for the loss of heritage trees, as described in the EIR.

Impact 5.4-9: Construction of the proposed project could adversely affect special-status bats.

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

MM 5.4-9 (a): Prior to demolition and tree removal activities, the project applicant or developer(s) shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites within the project site. If no roosting sites or bats are found within the project site, a letter confirming absence shall be sent to the City of Sacramento and no further mitigation is required.

MM 5.4-9 (b): If bats are found roosting at the site outside of nursery season (May 1st through October 1st), then they shall be evicted as described under (c) below. If bats are found roosting during the nursery or maternity season, then they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (c). Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. A 250-foot (or as determined in consultation with CDFG) buffer zone shall be established around the roosting site within which no construction shall occur.

MM 5.4-9 (c): Eviction of bats shall, as specified above, be conducted using bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with CDFG, that allow the bats to exit the roosting site but prevent re-entry to the site. This would include, but not be limited to, the installation of one way exclusion devices. The devices shall remain in place for seven days and then the exclusion points and any other potential entrances shall be sealed. This work shall be completed by a Bat Conservation International recommended exclusion professional.

Finding: Impacts of the Project on special-status bats during the Project's construction would be reduced to a *less than significant* level because the mitigation measures would require surveys for bats to confirm the presence of bats during the appropriate maternity season, and if construction activities cannot be avoided during that season, then they would require appropriate buffer zones to protect the bat colonies and minimize the take of bats.

Impact 5.4-11: The proposed project, in combination with buildout of the City's General Plan and regional buildout assumed in the Sacramento Valley, could result in a regional loss of state and/or federally protected wetlands and wetland species.

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

MM 5.4-11: Implement Mitigation Measure 5.4-1.

Finding: Impacts of the Project relating to the cumulative loss of wetland resources

and wetland species would be reduced to a *less than significant* level because the proposed mitigation measure would help reduce the severity of the loss of wetlands at the project level through preservation of wetlands at offsite locations, and would therefore be considered cumulatively less than significant.

Impact 5.4-12: The proposed project, in combination with buildout of the City's General Plan and regional buildout assumed in the Sacramento Valley, could result in a regional loss of Swainson's hawk foraging habitat and other protected raptors.

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

MM 5.4-12: Implement Mitigation Measure 5.4-3.

Finding: Impacts of the Project relating to the cumulative regional loss of foraging habitat for the Swainson's hawk and other raptors by reducing the severity of the loss of foraging habitat at the project level, through preservation of foraging habitat at offsite locations in order to reduce the Project's impacts to a cumulatively *less than significant* level.

Impact 5.4-14: The proposed project, in combination with buildout of the City's General Plan, could result in the regional loss and/or disturbance of burrowing owls and their habitat.

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

MM 5.4-14: Implement Mitigation Measure 5.4-5.

Finding: Impacts of the Project relating to its contribution to the regional cumulative loss of burrowing owls and their habitat would be avoided by the foregoing mitigation measure because it would require the avoidance of active burrows during the nesting season and require the purchase of burrowing and foraging habitat for burrowing owls and allow for the passive removal of burrowing owls after all nestlings have fledged. As a result, it would reduce the Project's impacts to a *less than significant* level.

Impact 5.4-15: The proposed project, in combination with buildout of the City's General Plan and regional buildout assumed in the Sacramento Valley, could result in the regional loss and/or disturbance of VELB and its habitat.

Mitigation Measure (from MMP): The following mitigation measure(s) has been

adopted to address this impact:

MM 5.4-15: Implement Mitigation Measure 5.4-6(a) through (d).

Finding: Impacts of the Project relating to cumulative impacts on the regional loss of VELB and its habitat would be avoided and reduced to a *less than significant* level by requiring the Project applicant/developer to comply with Mitigation Measure 5.4-6 (a) through (d).

Impact 5.4-16: The proposed project, in combination with buildout of the City's General Plan, could result in the regional loss and/or disturbance of protected bats and their habitat.

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

MM 5.4-16: Implement Mitigation Measure 5.4-8.

Finding: Impacts of the Project relating to contributing to the regional loss and/or disturbance of protected bats and their habitat at the Project site would be reduced to a *less than significant* level by requiring the Project applicant/developer to comply with Mitigation Measure MM 5.4-8 above because they would restrict construction activities to times of the year outside of the nursery season to avoid disturbance to roosting sites. Although eviction of a maternal roost cannot occur during the nursery season, eviction of non-maternal roosts can occur following the bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with CDFG.

Cultural Resources (from Initial Study)

Impact-Cultural Resources: Earth-disturbing construction activities such as site clearing, grading or trenching could uncover previously undiscovered paleontological resources or human remains.

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

14-1 Should paleontological resources be encountered during project-related earth-disturbing construction activities, all ground-disturbing activity within 100 feet of the discovery shall be halted, and the City of Sacramento Development Services Department shall be notified. The project applicant

shall retain a paleontological professional to evaluate the find. Mitigation shall be conducted as follows:

- 1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high;*
- 2. Assess effects on identified sites;*
- 3. Consult with the institution/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;*
- 4. Obtain comments from the researchers; and*
- 5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible.*

14-2 The project applicant shall hire a qualified archaeologist to perform test trenching in the area of the former Russian Embarcadero to determine if there are subsurface features or deposits associated with this era that remain. If cultural resources are uncovered during test trenching data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation shall be implemented in order to ensure that resources are not significantly impacted.

14-3 The project proponent shall hire a qualified archaeologist to monitor all ground disturbing activities in the vicinity of the former Russian Embarcadero and the dairy complex. If cultural resources are uncovered during construction Mitigation Measure 14-1 shall be implemented.

14-4 In the event that any prehistoric or historic subsurface archaeological features or deposits, including locally darkened soil ("midden") that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Sacramento Development Services Department shall be notified. The Development Services Department shall consult with a qualified archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a

qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation.

- 14-5 *If human remains are discovered at any project construction sites during any phase of construction, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the City of Sacramento Development Services Department and the County coroner shall be notified immediately. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project proponent shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The County Coroner shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City of Sacramento Development Services Department, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.*

Finding: Mitigation measures 14-1 through 14-5, inclusive, would require a site survey prior to construction, and monitoring of the site during construction, by a qualified archaeologist. The mitigation measures also require cessation of work in the event remains are discovered. These measures would reduce the impact to Cultural Resources to a less than significant level.

Hazards (from Initial Study)

Impact – Hazards: The Phase I ESA found several recognized environmental conditions (REC) that could affect near-and subsurface soils beneath the project site, and which could be released during project construction. These could result in a release of hazardous material into the environment and expose people to hazardous materials.

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

- 9-1 *Prior to the issuance of grading permits at the subject property, a Phase II ESA shall be prepared by the project applicant, as recommended in the Phase I Environmental Site Assessment, Delta Shores, Sacramento, California, prepared by Toxichem Management Systems, Inc., February 21, 2007. The Phase II ESA shall provide additional information regarding the recognized environmental conditions (RECs) present at the subject property, determine whether the RECs pose a threat during project construction and/or operation, and recommend additional steps that should be taken to identify and control hazards that could pose a risk to construction workers and future occupants, including residents, children, visitors and workers. Such actions shall include, but would not be limited to, soil and groundwater testing and data evaluation, remediation, or physical and/or institutional controls to effectively manage contaminants to levels that would not pose a human health or environmental risk.*
- 9-2 *If the results of the Phase II ESA indicate the need for remediation or risk management, a work plan that describes how hazards will be managed shall be prepared by a qualified professional and submitted to the City in conjunction with any applications for a grading permit. The need for a site-specific risk assessment, use of target screening levels, and development (if required) of risk-based cleanup levels shall be addressed in the work plan. The City shall not issue grading permits until all identified hazards are managed in accordance with the work plan approved by the City and the Sacramento County Environmental Management Department (SCEMD). The work plan shall address how hazards to construction workers, future occupants, and visitors will be minimized. The work plan shall identify the specific environmental controls that must be in place to manage air emissions from soil or groundwater remediation, stormwater runoff controls from remediation sites, a health and safety plan, and on- and off-site movement, transport, and/or disposal of soil and groundwater in accordance with state and local laws and regulations. In addition, the City shall ensure grading/construction contracts specifically include any notifications or restrictions that pertain to the potential for encountering contaminants in soil or groundwater. The need for reporting releases to, or further consultation and/or approvals from the Department of Toxic Substances Control and/or Regional Water Quality Control Board, shall be determined by the City in accordance with established regulations.*
- 9-3 *In the event that previously unidentified soil or groundwater contamination, USTs, or other features or materials that could present a threat to human health or the environment are discovered during excavation and grading or construction activities, all construction within the project site shall cease immediately, and the applicant shall retain a qualified professional to*

evaluate the type and extent of the hazardous materials contamination and make appropriate recommendations, including, if necessary, the preparation of a site remediation plan. Pursuant to Section 25401.05 (a)(1) of the California Health and Safety Code, the plan shall include: a proposal in compliance with applicable law, regulations, and standards for conducting a site investigation and remedial action, a schedule for the completion of the site investigation and remedial action, and a proposal for any other remedial actions proposed to respond to the release or threatened release of hazardous materials at the property. Work within the project site shall not proceed until all identified hazards are managed to the satisfaction of the City and the SCEMD.

Finding: Mitigation measures 9-1 through 9-3, inclusive, would require the preparation of a Phase II ESA to identify additional information regarding the recognized RECs present at the project site, determine their severity, and recommend additional mitigation, if necessary. The adopted mitigation measures also require cessation of work in the event previously unidentified hazards are discovered during excavation, grading, or construction. These measures would reduce the exposure of sensitive receptors to hazardous materials to a less than significant level.

Noise

Impact 5.6-1: Construction of the Proposed Project could temporarily expose existing sensitive receptors to increased noise levels.

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

MM 5.6-1: The project contractor(s) shall ensure that the following measures are implemented during all phases of project construction:

(a) Whenever construction occurs on parcels adjacent to existing off-site residential neighborhoods or schools or when it occurs during later project stages on parcels near residential and other noise-sensitive uses built on-site during earlier project stages, temporary barriers shall be constructed around the construction sites to shield the ground floor and lower stories of the noise-sensitive uses. These barriers shall be of ¾ inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90. The barrier shall not contain any gaps at its base or face, except for the site access and surveying openings. The barrier height shall be designed

to break the line-of-sight and provide at least a 5 dBA insertion loss between the noise producing equipment and the uppermost story of the adjacent noise-sensitive uses. If, for practical reasons, which are subject to the review and approval of the city, a barrier cannot be built to provide noise relief to the upper stories of nearby noise-sensitive uses, then it must be built to the tallest feasible height.

(b) Construction activities shall comply with the City of Sacramento Noise Ordinance which limits such activity to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, the hours of 9:00 a.m. to 6:00 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines.

(c) Construction equipment staging areas shall be located as far as possible from residential areas while still serving the needs of construction contractor(s). Prior to the approval of all construction related permits, including grading permits, improvement plans, and building permits, a plan must be submitted for approval to the City showing the proposed location of all staging areas. This plan may be included with grading permit, improvement plan, and building permit submittals (i.e., it may be included in improvement plans) and can be reviewed and approved concurrently with permits,

(d) High noise activities, such as jackhammers, drills, impact wrenches and other generators of sporadic noise peaks, shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, unless it can be proved to the satisfaction of the City that the allowance of Saturday work on certain onsite parcels (i.e., those as far from noise-sensitive uses as possible) would not adversely affect nearby noise-sensitive receptors. Prior to any such work outside of the specified hours, the applicant shall obtain written approval from the City.

Finding: Impacts of the Project's construction related noise on existing sensitive receptors from increased construction noise levels would be reduced to a *less than significant* level by shielding construction activities and staging construction equipment away from residential and school uses, limiting construction hours to daytime hours, and requiring use of exhaust and intake silencers on construction equipment. These measures would reduce the noise exposure of sensitive noise receptors on and off the project site to the maximum extent feasible and ensure that excessive disturbance to nearby receptors would not occur.

Impact 5.6-4: Operation of the proposed Project could permanently expose sensitive receptors to increased traffic noise levels from Interstate 5.

Mitigation Measure (from MMP): The following mitigation measure(s) has been

adopted to address this impact:

MM 5.6-4: The project applicant shall have a certified acoustical professional prepare a site-specific analysis for all residential units fronting on both sides of I-5 that details how exterior noise levels would achieve exterior noise levels less than 65 dB Ldn and interior noise levels less than 45 dB Ldn. The results of the analysis shall be submitted to the City of Sacramento for review and approval and appropriate recommended noise reduction measures/design features shall be incorporated into project design. Noise reduction measures/design features may include, but are not limited to the following:

(a) Prior to final design review, all low-density and medium-density residences west of I-5 and medium-density residences east of I-5 (in the 8.62 acre parcel adjacent to I-5) would be designed and constructed to Title 24 standards which specify that interior noise levels attributable to exterior sources shall not exceed 45 dBA Ldn in any habitable room of new dwellings.

(b) Prior to issuance of occupancy permits, the project applicant would construct a sound wall west of the southbound lane of traffic along I-5 with a minimum height of 15 feet, that is capable of reducing exterior noise levels below 65 dB Ldn outside the closest residential units. The project applicant would also construct a sound wall for residences proposed north of the interchange (in the 8.62 acre parcel adjacent to I-5) along the east side of the northbound lane of I-5 with a minimum height of 15 feet that is capable of reducing exterior noise levels below 65 dB Ldn outside the closest residential units.

Finding: Impacts of the Project relating to traffic noise impacts from Interstate 5 on the project's residential units nearest the freeway would be avoided by requiring the construction of 15-foot high soundwalls, requiring a site-specific analysis of noise impacts by a qualified acoustical professional, and requiring the incorporation of the recommended noise reduction measures in project design to reduce noise. These measures would reduce the noise exposure of sensitive noise receptors on and off the project site to a *less than significant* level.

Impact 5.6-5: Operation of the proposed Project could permanently expose sensitive receptors on the project site to increased noise produced by both on-site and off-site stationary and mobile sources.

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

MM 5.6-5(a): Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specifications for project mechanical HVAC equipment to the Planning Director (or their designee) demonstrating that the equipment design (types, location, enclosure, specifications) would control noise from the equipment to at least 10 dBA below existing ambient noise levels at nearby residential and other noise sensitive land uses.

MM 5.6-5(b): Garbage storage containers and retail/commercial building loading docks shall be placed to allow adequate separation to shield adjacent residential or other noise-sensitive uses. If the placement of garbage storage containers or loading docks away from noise-sensitive uses is not feasible, these noise-generating areas shall be enclosed or acoustically shielded to reduce noise-related impacts to these noise-sensitive uses. The location of garbage storage containers and loading docks shall be shown on building plans reviewed by the City. If these noise-generating structures will be located near sensitive uses, a plan shall be submitted to the City for review and approval, demonstrating adequate acoustical shielding to reduce noise-related impacts to an appropriate level.

MM 5.6-5(c) Noise generating stationary equipment associated with proposed commercial and/or office uses, including portable generators, compressors, and compactors shall be enclosed or acoustically shielded to reduce noise-related impacts to noise-sensitive residential uses. Such shielding shall be detailed in all plans submitted to the City for approval which include these equipment types.

MM 5.6-5(d) Prior to tentative map approval, the project applicant shall have a certified acoustical professional prepare a site-specific analysis for residential uses adjacent to the Sacramento Job Corps facility that details how exterior noise levels would achieve exterior noise levels less than 65 dB Ldn and an interior noise level of less than 45 dB Ldn. The results of the analysis shall be submitted to the City of Sacramento for review and approval and appropriate recommended noise reduction measures/design features shall be incorporated into project design and be printed on all construction documents. Noise reduction measures/design features shall include, but are not limited to the following:

- *All residences immediately west of the Sacramento Job Corps facility shall be designed and constructed to Title 24 standards which specify that interior noise levels attributable to exterior sources shall not exceed 45 dB CNEL in any habitable room of new dwellings.*