RESOLUTION NO. 2009-030

Adopted by the Sacramento City Council

January 13, 2009

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE DELTA SHORES PROJECT (P06-197)

BACKGROUND

A. On December 11, 2008, the City Planning Commission conducted a public hearing, and forwarded to the City Council the Delta Shores project with no recommendation.

B. On January 13, 2009, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200, and received and considered evidence concerning the Delta Shores project.

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

Section 1. The City Council finds that the Environmental Impact Report for Delta Shores (herein EIR) which consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

Section 2. The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

Section 3. The City Council certifies that the EIR has been presented to it, that the City Council has reviewed the EIR and has considered the information contained in the EIR prior to acting on the proposed Project, and that the EIR reflects the City Council's independent judgment and analysis.

Section 4. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support

of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit A of this Resolution.

Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program as set forth in Exhibit B of this Resolution.

Section 6. The City Council directs that, upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Delta Shores project

Exhibit B – Delta Shores Mitigation Monitoring Plan

Adopted by the City of Sacramento City Council on January 13, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: Councilmember McCarty.

Abstain: None.

Absent: None.

Mayor Kevin Johnson

Attest:

Shirley Concolino, City Clerk

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE DELTA SHORES PROJECT

Project # P06-197

Description of the Project.

The City Council (the "Council") of the City of Sacramento (the "City") hereby adopts and makes the following findings relating to a General Plan Amendment, an amendment to the Airport/Meadowview Community Plan, a Rezone, Delta Shores Planned Unit Development Guidelines and Schematic Plan Amendments, a Master Tentative Parcel Map, Tentative Subdivision Maps, a Development Agreement and an Inclusionary Housing Plan for the Delta Shores Project (the "Project"), located in south Sacramento adjacent to the southern boundary of the City limits. The Project Applicant/Owner is M&H Realty Partners VI, L.P., c/o Merlone Geier Management LLC, 3580 Carmel Mountain Road, Suite 260, San Diego, California 92130. These CEQA Findings have been prepared for the certification of a Final Environmental Impact Report (the "FEIR") prepared for the Council's approval of the Project pursuant to Resolution Number _____, dated _____ (the "Resolution"). The foregoing actions are collectively referred to herein as the "Project". These Findings are prepared pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code, Section 21000 *et seq.*). (*See* Public Resources Code, Section 21081)

The Project objective is the development and construction of a 782-acre master planned community. It is envisioned as a compact residential community of approximately 5,222 residences with two retail centers. The approximately 147 acres of retail centers will consist of an approximately 127 acre Regional Village Center with up to 1.3 million square feet of retail and commercial uses, and an approximately 19.9 acre neighborhood serving residential mixed-use retail area with up to 161,600 square feet of retail and incorporated office uses. Delta Shores will also include 384 acres divided into residential lots and approximately 118 acres of parks, trails, open space and wetland restoration areas.

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

- General Plan Amendment *from* Industrial-Employee Intensive, Community/Neighborhood Commercial and Offices, Regional Commercial and Offices, Low Density Residential, Medium Density Residential, and Parks – Recreation - Open Space *to* Regional Commercial and Offices, Community/Neighborhood Commercial and Offices, Residential Mixed Use, Low Density Residential, Medium Density Residential, and Parks – Recreation - Open Space.

- Airport/Meadowview Community Plan Amendment *from* High Tech Industrial, Commercial, Office, Residential 4-8 du/na, Residential 7-15 du/na, Public/Quasi - Public, and Agriculture/Open Space *to* Commercial, Residential 4-8 du/na, Residential 7-15 du/na, Residential 16-29 du/na, Public/Quasi - Public, and Parks.

- Rezone *from* Manufacturing, Research, and Development PUD (MRD-PUD), Shopping Center PUD (SC-PUD), and Single Family PUD (R-1-PUD), Single Family Alternative PUD *to* General Commercial PUD (C-2-PUD), Residential Mixed Use PUD (RMX-PUD), Standard Single Family PUD (R-1-PUD), Single Family Alternative PUD (R-1A-PUD), Multi-Family PUD (R-3-PUD), and Agriculture-Open Space-PID (A-OS-PUD).

- Development Agreement.

- Delta Shores Planned Unit Development Guidelines and Delta Shores Schematic Plan.

- Master Tentative Parcel Map to subdivide 43 parcels totaling 782 acres into 64 master parcels.

- Tentative Subdivision Map to subdivide 98.70 acres into 423 lots.

- Tentative Subdivision Map to subdivide 87.44 acres into 348 lots.

- Inclusionary Housing Plan.

- Bikeway Master Plan Amendment.

- Section 404 Wetlands Permit (U.S. Army Corps of Engineers).

- Water Discharge Requirement Permit and section 401 Certification or Waiver (Regional Water Quality Control Board).

The Project, as proposed for adoption, has undergone modification and revision during the course of public hearings concerning its content. As modified, the Project provides for an intensity of land uses which are within the range of land uses described and analyzed in the Draft EIR, as well as in the FEIR. The FEIR is adequate and sufficient

to analyze the Project's impacts and inform the Council of those significant impacts. This point was recognized in *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 29 Cal.Rptr.2d 182, where an environmental impact report was upheld for a project which had an approved residential density different from the originally proposed project, but within the range of residential densities analyzed in the alternatives analysis of the project's environmental impact report.

Findings Required Under CEQA.

1. Procedural Findings.

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

Based on the initial study conducted for the Delta Shores Project, SCH#2007042070, (hereinafter the "Project"), the City of Sacramento's Environmental Planning Services determined, based on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality act (Public Resources Code Section 21000 *et seq.*)("CEQA"), the CEQA Guidelines (14 California Code of Regulations Section 15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and was circulated for public comments from April 12, 2007 through May 14, 2007.

b. A Notice of Availability ("NOA") and copies of the Draft EIR were distributed to the Office of Planning And Research on September 9, 2008 and to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

c. An official 45-day comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on September 9, 2008 and ended on October 23, 2008.

d. The Notice of Availability ("NOA") of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on September 9, 2008. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento,

Development services Department, 300 Richards Boulevard, Third Floor, Sacramento, California 95811, and from the City's website at: http://www.cityofsacramento.org/dsd/planning/environmental-review/eirs/. The NOA also indicated that the official 45-day public review period for the draft EIR would end on October 23, 2008.

e. A public notice of availability was published in the Daily Recorder on September 9, 2008, which stated that the Draft EIR was available for public review and comment.

f. A public notice of availability was posted in the office of the Sacramento County Clerk on September 9, 2008.

g. Following closure of the public comment period, all comments received on the Draft EIR during the comment period, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR to produce the Final EIR and the errata thereto.

2. <u>Record of Proceedings.</u>

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

a. The City of Sacramento General Plan. (January 1988)

b. The City of Sacramento General Plan Update (2001)

c. Environmental Impact Report for the City of Sacramento General Plan Update, City of Sacramento, March 1987 and all updates (SCH # 2007072024).

d. Findings of Fact and Statement of Overriding Considerations for the adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.

e. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December 2004.

f. Airport/Meadowview Community Plan.

g. All Notices of Preparation and other public notices issued by the City in conjunction with the Project.

h. The City of Sacramento Noise Ordinance (December 2003).

i. The City of Sacramento Zoning Ordinance, Ordinance No. 2550, Fourth Series (Revised January 1, 1997) and all subsequent amendments.

j. The Draft EIR prepared for the Project and all appendices thereto (SCH #2007042070).

k. The Final EIR prepared for the Project and all errata and appendices thereto (SCH #2007042070).

l. The Delta Shores Project's application materials, including application information, PUD Schematic Plan, PUD Guidelines and Tentative Map.

m. All staff reports, memoranda, maps, letters, exhibits, minutes of meetings, referrals, and other planning documents prepared approved, reviewed, or relied upon by any City commissions, boards, officials, consultants, or staff relating to the Project.

n. All testimony, documents, and other evidence presented by landowners and members of the public and their representatives within the Project Area;

o. All testimony and documents submitted to the City by public agencies and members of the public in connection with the Project;

p. Minutes and verbatim transcripts of all workshops, information sessions, public meetings, and public hearings held by the City in connection with the Project;

q. Any documentary or other evidence submitted to the City at such workshops, information sessions, public meetings and public hearings.

r. Matters of common knowledge to the Council, including, but not limited to, the following:

(1) Sacramento Metropolitan Air Quality Management District's *Guide to Air Quality Assessment in Sacramento County*, July 2004.

(2) Other formally adopted City policies and ordinances; and

s. The Mitigation Monitoring Program for the Project.

t. Draft and Final Environmental Impact Statement/Environmental Impact Report for the Interstate-5/Cosumnes River Boulevard Extension, Sacramento County, California (State Clearinghouse # 2007022072)

3. **Definitions**. A number of terms used in these Findings are defined as follows:

"CARB" means the California Air Resources Board.

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

"City" means the City of Sacramento.

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

"County" means the County of Sacramento.

"DEIR" or "Draft EIR" means the Draft EIR for the Project (September 2008).

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

"FEIR" or "Final EIR" means the Final EIR for the Project (December 2008), Errata No. 1, December 10, 2008 and Errata No. 2, December 17, 2008.

"GHG" means greenhouse gases.

"LOS" means level of service.

"NOP" means notice of preparation.

"NOx" means oxides of nitrogen.

"Plan" means the Airport/Meadowview Community Plan.

"PM_{10}" means fine particulate matter (solid particles less than ten microns in diameter).

"Project" means the Delta Shores Project, as well as the necessary land use entitlements, as granted by the Council.

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

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

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

"SMUD" means Sacramento Municipal Utility District.

"VMT" means vehicle miles traveled.

4. Findings.

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

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

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

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

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proposed findings, may nevertheless approve the project if it first

adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Public Resources Code, Section 21081, sub.(b); *see also,* CEQA Guidelines, Sections 15093, 15043, sub.(b).) In the Statement of Overriding Considerations found at the conclusion of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

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

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

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

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

a) **Aesthetics and Visual Resources:** 5.1-1. Development of the proposed project would not have a significantly demonstrable negative aesthetic effect that would substantially degrade the existing visual character or quality of the project site and its surroundings.

b) **Aesthetics and Visual Resources:** 5.1-2. The proposed project would not create significant new sources of light and glare that could adversely affect on-site and adjacent uses.

c) **Aesthetics and Visual Resources:** 5.1-3. The proposed project would not significantly adversely affect a scenic vista or adopted view corridor.

d) **Aesthetics and Visual Resources:** 5.1-4. The proposed project, in combination with other development in the City of Sacramento, would not result in a significant demonstrable negative aesthetic effect.

e) **Aesthetics and Visual Resources:** 5.1-5. The proposed project,

in combination with cumulative development surrounding the project site, could would not create significant new sources of light and glare.

f) Omitted.

g) **Agricultural Resources:** 5.2-3. The proposed project, in conjunction with future development in the city and county, would not significantly affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses).

h) **Air Quality:** 5.3-4. The proposed project would not significantly increase traffic volumes that, in turn, would contribute to CO concentrations near roadways and intersections.

i) **Air Quality:** 5.3-5. Implementation of the proposed project would not result in a substantial increase in the exposure of sensitive receptors to toxic air contaminants.

j) **Air Quality:** 5.3-6. The proposed project would not generate significant objectionable odors or significantly expose on-site sensitive uses to odors from existing odor sources.

k) **Air Quality:** 5.3-10. The proposed project, in conjunction with other future development in the project vicinity, would not significantly contribute to CO levels.

l) **Air Quality:** 5.3-11. The proposed project would not significantly contribute to cumulative increases in TAC's within the air basin.

m) **Biological Resources:** 5.4-10. Development of the proposed project would not result in the significant loss of individual giant garter snakes and their upland habitat.

n) **Biological Resources:** 5.4-13. The proposed project, in combination with other construction in the City and region, would not result in the significant regional loss and/or disturbance of protected nesting avian species, including Swainson's hawks and other protected raptors.

o) **Hydrology and Water Quality:** 5.5-1. Construction and operation of the proposed project would not result in the significant degradation of water quality in local and regional receiving waters.

p) **Hydrology and Water Quality:** 5.5-2. Implementation of the proposed project would not result in a significant increase in the rate and amount of stormwater runoff that could exceed the capacity of the existing stormwater collection infrastructure.

q) **Hydrology and Water Quality:** 5.5-3. Implementation of the proposed project would not expose people or property to significant risk of flooding from failure of a levee.

r) **Hydrology and Water Quality:** 5.5-4. Implementation of the proposed project would not deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level.

s) **Hydrology and Water Quality:** 5.5-5. Implementation of the proposed project, in combination with other development within the City, would not result in a significant increase in the rate and amount of surface and/or stormwater runoff discharged to the City's drainage system that would result in localized flooding.

t) **Hydrology and Water Quality:** 5.5-6. The proposed project, in combination with other development in the City, would not result in a significantly increased discharge of stormwater runoff containing urban pollutants to local waterways that would adversely affect surface water quality in the lower Sacramento River watershed.

u) **Hydrology and Water Quality:** 5.5-7. The proposed project, in addition to development in the City, would not expose people or property to a significant risk of flooding from failure of a levee.

v) **Noise:** 5.6-2. Ground-borne vibration from construction activity would not cause significant structural damage to nearby buildings.

w) **Noise:** 5.6-6. Traffic generated by the proposed project, in conjunction with traffic from planned future development in other surrounding areas of the City and County, would not permanently expose sensitive receptors to significantly increased cumulative noise levels from local roadways.

x) **Noise:** 5.6-7. Traffic generated by the proposed project, in conjunction with traffic from planned future development in other surrounding areas of the City and County, would not permanently expose sensitive receptors to significantly increased cumulative noise levels from Interstate 5.

y) **Public Services:** 5.7-3. The proposed project would result in the construction of new, or expansion of existing fire facilities, but would not result in significant adverse environmental impacts.

z) **Public Services:** 5.7-4. The proposed project, in combination

with other development in the southern portion of the City, would result in the construction of new, or expansion of existing, fire facilities, but would not result in adverse environmental impacts.

aa) **Public Facilities:** 5.7-5. The proposed project could result in the construction of new, or expansion of existing, school facilities, but would not result in adverse environmental impacts.

bb) **Public Facilities**: 5.7-6. The proposed project could contribute to the cumulative need for the construction of new or expansion of existing school facilities within the SCUSD service area. The construction or expansion of these facilities would not result in adverse environmental impacts.

cc) **Public Facilities:** 5.7-7. The proposed project would increase the demand for parks at the project site and in the project vicinity, which could result in the need for additional parks and park facilities, but the construction of which would not result in adverse environmental consequences.

dd) **Public Facilities:** 5.7-8. The proposed project, in combination with other development projects in the Airport/Meadowview Planning Area, would increase the demand for parks, which could result in the need for additional parks and park facilities, but the construction of which would not result in adverse environmental impacts.

ee) **Public Facilities:** 5.7-9. The proposed project could result in the construction of new or expansion of existing solid waste facilities, but it would not result in adverse environmental impacts.

ff) **Public Facilities:** 5.7-10. Solid waste generated by the project, in combination with other development in the City, would not exceed landfill capacity.

gg) **Public Utilities:** 5.8-1. The proposed project would increase wastewater flows, but would not exceed treatment capacity at the SRWTP and/or wastewater collection infrastructure.

hh) **Public Utilities:** 5.8-2. The proposed project, in combination with other development in the SRWTP service area, could increase wastewater flows, but would not exceed treatment capacity at the SRWTP and/or wastewater collection infrastructure.

ii) **Public Utilities:** 5.8-3. The proposed project's demand for potable water would not exceed available sources of water supply.

jj) **Public Utilities:** 5.8-4. The proposed project could require the construction of new water supply treatment and/or distribution utilities or the expansion of existing treated water and water distribution systems.

kk) **Public Utilities:** 5.8-5. The proposed project could contribute to cumulative increases in water demand throughout the City.

ll) **Public Utilities:** 5.8-6. The proposed project would contribute to cumulative increases in the need for water supply treatment and/or distribution facilities.

mm) **Public Utilities:** 5.8-7. The proposed project would increase the demand for electricity that could require the construction of new electrical production or transmission facilities.

nn) **Public Utilities**: 5.8-8. The proposed project would increase the demand for natural gas that could require the construction of new gas production or transmission facilities.

oo) **Public Utilities**: 5.8-9. The proposed project, in combination with other development in the City of Sacramento, could exceed the electrical or natural gas supply and transmission capabilities.

pp) **Transportation and Circulation**: 5.9-11. Under Baseline Plus Project conditions, the project would not adversely affect existing bicycle or pedestrian facilities.

qq) **Transportation and Circulation**: 5.9-25. Under Cumulative Plus Project conditions, the project would not adversely affect existing bicycle or pedestrian facilities resulting in a less-than-significant cumulative impact.

B. LESS THAN SIGNIFICANT IMAPCTS FOR WHICH MITIGATION IS RECOMMENDED

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

Agricultural Resources

Impact 5.2-1: Development of the proposed project would not have a significant adverse effect on agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses).

Mitigation Measure (from MMP): The following mitigation measure(s) has been voluntarily adopted by the project applicant to address this impact:

> *MM 5.2-1: The Development Agreement shall include a special condition requiring the preservation of farmland at a 1:1 mitigation ratio by preserving an equal amount of farmland elsewhere in Sacramento County at location(s) approved by the City comprised of Prime Farmland and Farmland of Statewide Importance, prior to the issuance of any grading permit, in order to reduce any impacts arising from the conversion of the current agricultural uses at the project site to urban development. Where mitigation provided pursuant to Mitigation Measure 5.4-3 for the loss of Swainson's hawk foraging habitat also meets the requirements for farmland mitigation, it shall be applied in satisfaction of the foregoing requirement.*

Finding: Impacts of the project on agricultural resources would result in the loss of farmland. By requiring the preservation of an equal amount of farmland in Sacramento County, it will be assured that the impacts will remain less than significant. For these reasons, the impact remains *less than significant.*

Biological Resources

Impact 5.4-10: Development of the proposed project would not result in the loss of individual giant garter snakes and their upland habitat.

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

> *MM 5.4-10: The project applicant shall consult with the USFWS to address potential impacts on giant garter snake (GGS). Due to the minimal area of potential impact, it is likely that the proposed project could be covered under the Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California. For construction activities within the vicinity of Morrison Creek or the ditch north of the project site, the following avoidance measures shall be implemented consistent with the USFWS-Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake Habitat:*

- *Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.*
- *Construction shall be restricted to the active season for GGS (mid-March through early October), or as determined in consultation with the USFWS.*
- *Construction personnel shall receive Service-approved worker environmental awareness training. This training instructs workers to recognize giant garter snakes and their habitat(s).*
- *24-hours prior to construction activities, the project area shall be surveyed for giant garter snakes. Survey of the project area should be repeated if a lapse in construction activity of two weeks or greater has occurred. If a giant garter snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the giant garter snake will not be harmed. Any sightings or incidental take will be reported to the Service immediately.*

Finding: No occupied giant garter snake habitat was found to be present on the project site. Any potential impacts to the giant garter snake would be avoided by the above mitigation measure, by assuring that any potential impacts remain *less than significant* by requiring compliance with the USFWS Standard Avoidance and Minimization Measures.

Noise

Impact 5.6-7: Traffic generated by the proposed project, in conjunction with traffic from planned future development in other surrounding areas of the City and County, could permanently expose sensitive receptors to increased cumulative noise levels from Interstate 5.

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

5.6-7 Implement Mitigation Measure 5.6-4:

The project applicant shall have a certified acoustical professional prepare a site-specific analysis for all residential uses fronting 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 residential 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: 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. Suitable foraging habitat includes fallow land, alfalfa or other low growing crops. Preservation shall occur through the purchase of credits at a CDFG-approved mitigation bank which has the project within its service area, or through the purchase of conservation easements or fee title of lands with suitable foraging habitat within no further than a ten (10) mile radius of the perimeter of the project site, or through any combination of the foregoing. 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?

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 an equal amount of foraging habitat at a CDFG-approved mitigation bank which has the project within its service area or with conservation easements or fee title of lands within no further than a ten (10) mile radius of the perimeter of the project boundary, or a combination thereof.

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 ¼ 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 March1 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 Arborculture (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 Arborculture. 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 he 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 fro 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.*
- *The project applicant shall construct a rear-yard sound wall of adequate height and building specifications, as determined by the acoustical professional, between*

residential uses located adjacent to the Sacramento Job Corps facility that would reduce exterior noise levels to less than 65 dB Ldn and interior noise levels to less than 45 dB Ldn.

- *All prospective buyers shall be informed of the operational activities that occur at the Sacramento Job Corps facility site and the noise levels associated with those activities. All residential contracts shall include a disclosure statement that a purchaser lessee, or transferee signs at the time of sale, purchase contract of sale, transfer or lease of real property.*

Finding: Impacts on sensitive noise receptors at the Project from onsite and offsite stationary and mobile noise sources would be avoided by requiring that commercial and/or office uses install noise attenuation devices and/or placement of stationary noise generating equipment to ensure that noise levels meet or exceed the legal requirement of the Sacramento Municipal Code, as well as requiring that residences near the Sacramento Job Corps facility achieve exterior noise levels of 65 dB Ldn and interior noise levels of 45 dB Ldn. These measures would reduce the noise exposure of sensitive noise receptors to a *less than significant* level.

Public Services

Impact 5.7-1: The proposed Project could result in the construction of new, or expansion of existing, police facilities, which could result in adverse environmental impacts.

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

MM 5.7-1: Prior to the issuance of building permits, the project developer shall enter into a funding agreement with the City of Sacramento Department of Development Services to pay its fair share contribution toward the development of the Sacramento Police Department's new Meadowview Area facility. The fair share contribution for the proposed project has been determined to be $1,182,000.00 per the City. Implementation of this funding agreement shall be monitored by the City's Planning Department.

Finding: Impacts arising from the construction of new, or expansion of existing, police facilities arising from the project's need for police services would be avoided by requiring that the project developer enter into an agreement with the City to pay its fair share contribution toward the City's cost of providing those facilities, which fair share has been determined to be $1,182,000.00. The agreement shall be entered into prior to the issuance of any building permits. These measures would reduce this impact to a

less than significant level.

Impact 5.7-2: The proposed Project, in combination with other development in the City, could result in the construction of new, or expansion of existing police facilities, which could result in adverse environmental impacts.

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

MM 5.7-2: Implement Mitigation Measure 5.7-1.

Finding: Impacts arising from the need for the construction of new, or expansion of existing, police facilities arising from the project's contribution to the cumulative need for police services would be avoided by requiring that the project developer enter into an agreement with the City to pay its fair share contribution toward the City's cost of providing those facilities, which fair share has been determined to be $1,182,000.00. The agreement shall be entered into prior to the issuance of any building permits. These measures would reduce this significant cumulative impact to a *less than significant* level.

Transportation and Circulation

Impact 5.9-1: Implementation of the proposed Project would result in an increase in traffic levels.

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

MM 5.9-1: The project applicant shall be required to develop the Delta Shores Finance Plan for review and approval by the City before project approval. The plan shall identify the financing mechanisms for all feasible transportation improvements defined as mitigation measures including, but not limited to, new roadways, roadway widening, traffic signals and public transit. The project applicant shall coordinate preparation of the finance plan with the City of Sacramento. All mitigation measures with "fair share" contributions would be implemented through the proposed financing mechanism(s) indicated in the finance plan or by some other mechanism as determined by the City of Sacramento. The City shall adopt the Delta Shores Finance Plan at the time the project is considered for approval.

Finding: Impacts arising from the project's contribution to increased traffic volumes on the transportation system in the vicinity of the project area would be avoided by requiring the creation and City approval of the Delta Shores Finance Plan to provide financing mechanisms that will pay for the

construction of all feasible transportation improvements defined as mitigation measures, such as new roadways, roadway widening, traffic signals and public transit. These actions would reduce this impact to a *less than significant* level.

Impact 5.9-2: Implementation of the proposed Project under Near-Term plus Pre-Interchange Scenario would affect the Meadowview Road/Freeport Boulevard Intersection.

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

MM 5.9-2: The project applicant shall construct an exclusive eastbound right turn lane at the intersection of Meadowview Road/Freeport Boulevard. This improvement has to be in place at the time when building permits for 200 dwelling units have been issued.

Finding: Project impacts arising from the reduction in LOS D to LOS E during the PM peak hour at the Meadowview Road/Freeport Boulevard intersection would be avoided by requiring the project applicant to construct an exclusive eastbound right turn lane to improve traffic flow at the intersection, thereby reducing delay and restoring LOS D. This action would reduce the significant impact to a *less than significant* level.

Impact 5.9-3: Implementation of the proposed Project under Near-Term plus Pre-Interchange Scenario could affect existing transit operations.

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

MM 5.9-3: The project applicant shall coordinate with Regional Transit to provide transit facilities to serve the project area. The project applicant, in coordination with Regional Transit, shall also identify the specific locations of sheltered transit stops with bus turnouts. The City of Sacramento Traffic Engineering Division, working in conjunction with Regional Transit, shall approve the location, design, and implementation timing of the sheltered transit stops and bus turnouts prior to the issuance of building permits. Construction of these onsite bus stop facilities shall be phased consistent with the phased development of the project. Once demand for public transit services reached 50 service requests, the project applicant shall work with Regional Transit to begin to provide transit services and shall increase those services in proportion to the development levels and increased ridership levels occurring on the project site. Final design and operation of the transit service will be subject to the approval of the City and other proposed operating agencies (e.g., RT).

Finding: Project impacts on existing transit operations would be avoided by requiring the project applicant to coordinate the provisions of transit facilities in the Project area with Regional Transit so that bus stops and bus turnouts are phased consistent with the phased development of the Project. This would reduce the project's contribution to this impact to a *less than significant* level.

Impact 5.9-5: Under the Near-Term plus Pre-Interchange Scenario, Project construction could increase construction-related traffic on existing roadways.

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

MM 5.9-5: Before issuance of grading permits for the project site, the project applicant shall prepare a detailed Traffic Management Plan that would be subject to review and approval by the City Department of Transportation, Caltrans, and local emergency service providers including the City of Sacramento fire and police departments. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include:

- *The number of truck trips, time, and day of street closures*
- *Time of day of arrival and departure of trucks*
- *Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting*
- *Provision of a truck circulation pattern*
- *Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas)*
- *Maintain sate and efficient access routes for emergency vehicles*
- *Manual traffic control when necessary*
- *Proper advance warning and posted signage concerning street closures*
- *Provisions for pedestrian safety*
- *A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.*

Finding: Impacts from the Project's construction on existing roadways and freeway facilities would be avoided by requiring the project applicant to prepare and submit for approval by the City Department of Transportation, Caltrans and local emergency service providers a construction management plan with minimum specified construction operating requirements as noted in MM 5.9-5 in order to assure that acceptable

roadway and freeway operating conditions are maintained during the Project's construction. This would reduce the Project's impact to a *less than significant* level.

Impact 5.9-6: Implementation of the Project under Baseline plus Project conditions could affect the Meadowview Road/Freeport Boulevard intersection.

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

MM 5.9-6: The project applicant shall construct an exclusive southbound right turn lane at the intersection of Meadowview Road/Freeport Boulevard before completion of development that would generate 80 percent of the PM peak hour project traffic, assuming construction of the I-5/Cosumnes River boulevard interchange and the Cosumnes River Boulevard Extension west to Freeport Boulevard.

Finding: Impacts from the Project's PM peak hour traffic on the Meadowview Road/Freeport Boulevard intersection would be avoided or lessened by requiring the construction of an exclusive southbound right turn lane in order to restore acceptable traffic flow conditions at the intersection. This would reduce the Project's impact to a *less than significant* level.

Impact 5.9-8: Under Baseline plus Project conditions, the Meadowview Road/Manorside Drive intersection may exceed the peak hour traffic signal warrant.

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

MM 5.9-8 The project applicant shall install a traffic signal at the Meadowview Road/Manorside Drive intersection before completion of development that would generate 70 percent of the PM peak hour project traffic, assuming construction of the I-5/Cosumnes River Boulevard interchange and the Cosumnes River Boulevard Extension west to Freeport Boulevard.

Finding: Impacts from the Project's AM and PM peak hour traffic on the Meadowview Road/Manorside Drive intersection would be avoided by requiring the construction of a traffic signal at the intersection when 70 percent of the Project's PM peak hour traffic is generated because the traffic signal would restore operation of this intersection to LOS B during the AM and PM peak hours. This would reduce the Project's impact to a *less than significant* level.

Impact 5.9-10: Under Baseline plus Project conditions, the Project would have a significant impact on existing transit operations.

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

MM 5.9-10: The Project applicant shall coordinate with Regional Transit to provide transit facilities to serve the Project area. This may include, but not be limited to, creating new bus routes or/add rerouting existing bus services through the Project area to connect the Project site with the future light rail station at Morrison Creek or to Meadowview station or to downtown Sacramento. The Project applicant in coordination with Regional Transit, shall also identify the specific locations of sheltered transit stops with bus turnouts. The City of Sacramento Traffic Engineering Division, working in conjunction with Regional Transit, shall approve the location, design, and implementation timing of the sheltered transit stops and bus turnouts prior to the issuance of building permits. Construction of these on-site bus stop facilities shall be phased consistent with the phased development of the Project. Once demand for public transit services reaches 50 service requests, the Project applicant shall coordinate to begin to provide private transit services and shall increase those services in proportion to the development levels and increased ridership levels occurring on the project site. Final design and operation of the transit service would be subject to the approval of the City and other proposed operating agencies (e.g., RT).

Finding: Impacts of the Project on existing public transit operations would be avoided by requiring the construction of on-site bus stop and shelter facilities, as well as requiring the project applicant to provide phased transit service as the Project is built subject to the approval of the City and other proposed operating agencies. This would reduce the Project's impact to a *less than significant* level.

Impact 5.9-12: Under Baseline plus Project conditions, the proposed Project would have a significant impact on existing roadways based on the routing of construction traffic.

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

MM 5.9-12: Implement Mitigation Measure 5.9-5

Finding: Impacts of the Project's construction activities on the transportation network near the Project site would be avoided by requiring the preparation and implementation of a Construction Traffic and Parking Management Plan, subject to the approval of the City traffic engineer, to reduce this impact from the Project's construction. This would reduce the Project's impact to a *less than significant* level.

Impact 5.9-15: Under Cumulative Plus Project conditions, the Meadowview Road/Freeport Boulevard intersection could be impacted by the Project.

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

> *MM 5.9-15: The project applicant shall pay a fair share towards the addition of a second exclusive southbound left turn lane, an exclusive southbound right turn lane, and shall pay a fair share to recover costs for the City's Traffic Operations center monitoring and retiming of modifications to the traffic signal to provide an overlap phase for the southbound right turn/eastbound left turn movements at the intersection of Meadowview Road/Freeport Boulevard.*

Finding: Impacts of the Project's traffic on the Meadowview Road/Freeport Boulevard intersection under Cumulative Plus Project conditions would be avoided by requiring the project applicant to fund a fair share of the cost to construct an additional second exclusive southbound left turn lane, an exclusive southbound right turn lane, and retiming of the traffic signals at the intersection to improve traffic flow and restore the LOS to LOS C. This would reduce the Project's impact to a *less than significant* level.

Impact 5.9-17: Under Cumulative plus Project conditions, the Mack Road/Franklin Boulevard intersection could be impacted by the Project.

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

> *MM 5.9-17: The Project applicant shall pay a fair share to cover costs for the City's Traffic Operations Center monitoring and retiming of the traffic signal to provide an overlap phase for the eastbound right-turn/northbound left-turn movements at the intersection of Mack Road/Franklin Boulevard.*

Finding: Impacts of the Project's traffic on the Mack Road/Franklin Boulevard intersection under Cumulative Plus Project conditions would be avoided by requiring the project applicant to fund a fair share of the cost to monitor and retime the traffic signal because it would result in the intersection operating at LOS D during the PM peak hour and there would be less than a5 second delay during the AM and PM peak hour. This would reduce the Project's impact to a *less than significant* level.

Impact 5.9-18: Under Cumulative plus Project conditions, the Cosumnes River Boulevard/Franklin Boulevard intersection could be impacted by the Project.

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

MM 5.9-18 The project applicant shall pay a fair share towards the addition of a second exclusive northbound left-turn lane at the intersection of Cosumnes River Boulevard/Franklin Boulevard.

Finding: Impacts of the Project's traffic on the Cosumnes River Boulevard/Franklin Boulevard intersection under Cumulative Plus Project conditions would be avoided by requiring the Project applicant to fund a fair share of the cost to construct a second exclusive northbound left-turn lane at the intersection of Cosumnes River boulevard/Franklin Boulevard because while it would not change the LOS, it would result in a less than five second increase in delay during the AM and PM peak hour. This would reduce the Project's cumulative impact to *less than significant.*

Impact 5.9-19: Under Cumulative plus Project conditions, the Cosumnes River Boulevard/Freeport Boulevard intersection could be impacted by the Project.

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

MM 5.9-19: The Project applicant shall pay a fair contribution toward the construction of the Cosumnes River Boulevard/Freeport Boulevard intersection as defined in the Delta Shores Finance Plan.

Finding: Impacts of the Project's traffic on the Cosumnes River Boulevard/Freeport Boulevard intersection under Cumulative Plus Project conditions would be avoided by requiring the Project applicant to fund a fair share of the cost to construct the Cosumnes River Boulevard/Freeport Boulevard intersection and modify the traffic signal to provide overlap phasing for the northbound right-turn/westbound left-turn movements so the intersection would operate at LOS D during the PM peak hour. This would reduce the Project's contribution to this cumulative impact to a *less than significant* level.

Impact 5.9-21: Under Cumulative plus Project conditions, the Meadowview Road/Manorside Drive intersection could be impacted by the Project.

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

MM 5.9-21: Implement Mitigation Measure 5.9-8.

Finding: Impacts of the Project's traffic on the Meadowview Road/Manorside Drive intersection under Cumulative Plus Project conditions would be avoided by requiring the Project applicant to implement Mitigation Measure 5.9-8 because it would result in the intersection operating at LOS B during the AM and PM peak hours, and therefore reduce this cumulative impact to *less than significant.*

Impact 5.9-22: Under Cumulative plus Project conditions, the I-5 SB Off-Ramp at Cosumnes River Boulevard - queues could be impacted by the Project.

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

MM 5.9-22: The project applicant shall pay a fair contribution toward the construction of the interchange as defined in the Delta Shores Finance Plan and the cost of widening the southbound off ramp and I-5 overcrossing additional eastbound lane.

Finding: Impacts of the Project's traffic on the length of vehicle queues at the I-5 and Cosumnes River Boulevard off-ramp would be avoided or lessened because the Project applicant would be required to pay for a share of the cost to widen the southbound off ramp and I-5 overcrossing with an additional eastbound lane, and thereby reduce this cumulative impact to *less than significant.*

Impact 5.9-24: Under Cumulative plus Project conditions, the Project would have a significant impact on existing transit operations.

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

MM 5.9-24: Implement Mitigation Measure 5.9-10.

Findings: Impacts of the Project's traffic on existing transit operations would be avoided by MM 5.9-24 and MM 5.9-10 because they would require the Project applicant to provide on-site bus stop and shelter facilities on the site plan subject to the approval of the City's Department of Transportation-Traffic Engineering Division; and provide for new bus routes and/or rerouting of existing bus services through the project area. Therefore this cumulative impact of the Project would be *less than significant.*

D. 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 City Council elects to approve the Project due to overriding considerations as set forth below in Section H, the statement of overriding considerations.

Air Quality

Impact 5.3-3: Operation of the proposed project would contribute to emissions of ozone precursors.

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

MM 5.3-3 (a): *The project applicant shall implement the emission reduction strategies contained in the Delta Shores Air Quality Management Plan (AQMP). The AQMP shall be endorsed by the SMAQMD prior to the release of the Draft EIR. Documentation confirming implementation of the AQMP shall be provided to the SMAQMD and the City of Sacramento prior to issuance of occupancy permits, as required.*

MM 5.3-3 (b): *Prior to the issuance of building permits for the commercial portion of the project, the project applicant shall either enter into an existing Transportation Management Association (TMA) or create a new TMA to serve the project area. Funding shall be provided by the project applicant through a Community Facilities District (CFD) or other financing mechanism approved by the City.*

Finding: Although the AQMP would be endorsed by the SMAQMD, that plan would not in and of itself reduce project emissions. Implementation of emission reduction strategies could be effective, but not enough to reduce emissions levels to an acceptable level.

For these reasons, the impact remains *significant and unavoidable.*

Impact 5.3-9: Operation of the proposed project combined with other on-going 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 5.3-9: *Implement Mitigation Measure 5.3-3.*

Finding: Impacts of the Project relating to cumulative impacts arising from

increased levels of ozone precursors due to operation of the project in conjunction with other on-going development in the air basin would be reduced by the foregoing mitigation measure, but not to a less than significant level because specific levels of reduction would not reduce the total emissions generated below the SMAQMD threshold of 65 lbs/day. Consequently, even with implementation of the SMAQMD recommended emission reduction measures set forth in Mitigation Measure 5.3-3, the predicted emissions of ozone precursors by the project would remain *significant and unavoidable*. The environmental, economic, social and other benefits of the project override the remaining impacts of the project relating to its increase in the cumulative emissions of ozone precursors from operation of the project.

Noise

Impact 5.6-3: Operation of the proposed Project could permanently expose sensitive receptors to increased traffic noise levels from local roadways.

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

MM 5.6-3: At the time of building permits, the project applicant or developer shall be required to comply with the City's adopted General Plan policies that pertain to acceptable noise levels. This may require construction of a soundwall, if appropriate and feasible given the exposure circumstances of the residence(s) along 24th street, to traffic noise.

Finding: Impacts of the Project relating to increased noise impacts from local roadways on sensitive receptors would be reduced by requiring compliance with the City's adopted General Plan plans and policies that pertain to acceptable noise levels, including the possible construction of a soundwall at residence(s) along 24th Street to minimize traffic noise. However, due to uncertainty over whether it is feasible to construct soundwalls in this area, and uncertainty over whether the draft policies in the 2030 General Plan could change before the 2030 General Plan is adopted, this impact would be *significant and unavoidable*.

Traffic and Circulation

Impact 5.9-7: Implementation of the Project under Baseline plus Project conditions could affect the Meadowview Road/24th Street intersection.

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

MM 5.9-7: No feasible mitigation available.

Finding: Impacts of the Project relating to reductions in the level of service and increased delays at the Meadowview Road/24th Street intersection could be reduced by requiring construction of a second exclusive southbound left-turn lane and retiming of the traffic signal to provide an overlap phase for northbound right-turn/eastbound left-turn movements to minimize traffic impacts. However, those measures would not restore the LOS and it is not feasible to widen this intersection to add an additional lane because it would require the removal of buildings, would not be considered pedestrian friendly, and would not comply with the City's Smart Growth Policies. Consequently, there is no feasible mitigation measure available and this impact would remain *significant and unavoidable*.

Impact 5.9-9: Under Baseline plus Project conditions, the Project would have a significant impact on freeway operations.

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

MM 5.9-9: The project applicant shall be required to pay a fair share development impact fee toward the I-5/Cosumnes River Boulevard interchange construction and the I-5 corridor impact fee that is in effect at the time of issuance of building permits.

Finding: Impacts of the Project relating to increased traffic volumes on the mainline freeway corridor and nearby interchanges would be reduced by requiring payment of the I-5 corridor impact fee that is in effect at the time of issuance of building permits; however, the contribution of this funding for mainline freeway corridor improvements does not ensure that the project's impacts of the mainline freeway system would be fully mitigated, since a program of improvements and the timing of their construction has not yet been determined by the multi-agency committee that is developing the I-5 corridor impact fee. Due to that uncertainty, this impact would be considered *significant and unavoidable.*

Impact 5.9-13: Under Cumulative Plus Project conditions, the segment of Cosumnes River Boulevard from I-5 to Delta Shores Circle could be impacted by the Project.

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

MM 5.9-13: No feasible mitigation available.

Finding: Impacts of the Project relating to increased traffic volumes on Cosumnes River Boulevard between the I-5/Cosumnes River Boulevard Interchange and Delta Shores Circle (west) could be reduced by expanding that segment of Cosumnes River Boulevard to eight lanes. However, the City

finds it infeasible to widen Cosumnes River Boulevard from 6 to 8 lanes because to do so would be inconsistent with the City's goals, policies and objectives. Therefore, this impact would remain *significant and unavoidable.*

Impact 5.9-14: Under Cumulative Plus Project conditions, the segment of Detroit Boulevard south of Meadowview Road could be impacted by the Project.

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

Mitigation Measure: None Available.

Finding: The Council finds that there is no feasible mitigation measure available because widening 24th Street to 4 lanes would require additional right of way, which is not available, as well as have adverse impacts on several residential buildings on both sides of the street and eliminate all parking and bike lanes. These changes would not be consistent with the City's Pedestrian Friendly Standards and Smart Growth Policies. Consequently, there is no feasible mitigation and the impact would remain *significant and unavoidable*.

Impact 5.9-16: Under Cumulative plus Project conditions, the Meadowview Road/24th Street intersection could be impacted by the Project.

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

Mitigation Measure: None available.

Finding: The Council finds that there is no feasible mitigation measure because widening the intersection to add lanes would require additional right of way and be beyond the applicant's control, as well as adversely affect existing buildings. Increasing the number of travel lanes at the intersection, which is near an existing community center, is not considered pedestrian friendly and does not meet the City's Smart Growth Policies. Consequently, there is no feasible mitigation and the impact would remain *significant and unavoidable*.

Impact 5.9-20: Under Cumulative plus Project conditions, the Cosumnes River Boulevard/Delta Shores Circle (West) intersection could be impacted.

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

MM 5.9-20: The Project applicant shall construct two southbound through

lanes and two northbound through lanes on Delta Shores Circle South between Cosumnes River Boulevard and Street D (north). The Project applicant shall pay a fair share towards modifying the planned westbound approach of the Cosumnes River Boulevard/I-5 northbound ramps intersection to provide two through lanes and two exclusive right-turn (mixed flow) lanes. This configuration would allow mixed flow vehicles to use both westbound right-turn lanes to enter the northbound on-ramp. This differs from the planned configuration which only allows high occupancy vehicles (HOV) to turn right from a shared through/right-turn lane. The HOV bypass lane would begin just downstream on the northbound on-ramp.

Findings: Impacts of the Project's traffic on the Cosumnes River Boulevard/Delta Shores Circle (West) intersection under Cumulative Plus Project conditions would be reduced but not completely avoided by MM 5.9-20 because it would result in the intersection operating at LOS D during the AM and PM peak hours; in addition, widening of the intersection to achieve LOS C would be inconsistent with the City's goals and policies to create Pedestrian-Friendly Streets and its Smart Growth Policies. Therefore, the Project's contribution to this cumulative impact would remain considerable and the impact would be *significant and unavoidable*.

Impact 5.9-23: Under Cumulative plus Project conditions, the Project would have a significant impact on freeway operations.

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

MM 5.9-23: Implement Mitigation Measure 5.9-9.

Findings: Impacts of the Project's traffic on the state highway system near the Project would be reduced but not completely avoided or lessened by MM 5.9-9 because the contribution of funding for the I-5/Cosumnes River Boulevard interchange construction costs, and payment of a regional impact fee for the I-5 corridor improvements, will not ensure that the Project's impacts on the mainline freeway system would be fully mitigated. Therefore the impact of the Project would 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 City Council, the City Council makes the following findings with respect to the project's balancing of local short term uses of the environment and the maintenance of long term productivity:

- As the project is implemented, certain impacts would occur on a short-term level. Such short-term impacts are discussed above. Where feasible, measures have been incorporated in the project to mitigate these potential impacts.

- The project would result in the long-term commitment of resources to develop and operate the project including water, natural gas, fossil fuels, and electricity. The long-term implementation of the project would provide economic benefits to the City. The project would be developed adjacent to an existing urban area and within the existing City limits and not contribute to urban sprawl. Notwithstanding the foregoing, some long-term impacts would result.

Although there are short-term and long-term adverse impacts from the project, the short-term and long-term benefits of the project justify implementation.

F. PROJECT ALTERNATIVES

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

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

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

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

Alternatives Considered and Dismissed from Further Consideration

Retail on the East and West Side of Interstate-5 Alternative

The project applicant considered an alternative that would place the two proposed retail developments on either side of I-5 off of Cosumnes River Boulevard. While maintaining some of the density and mix of uses as the proposed project, this alternative could increase the magnitude of impacts, specifically, traffic congestion, water demand, and air emissions. By locating the retail uses on either side of I-5, it would change the urban character and connection of land uses achieved in the proposed project. Furthermore, this alternative would eliminate the mixed-use Village Center from the easterly portion of the project site, which would service the residents in that area. The net result of this alternative would be equal or greater levels of congestion on regional roadways, air pollutant emissions, and other effects caused by this type of development pattern.

It is unlikely that this alternative would generate adequate revenues to support the high cost of infrastructure improvements necessary to make the site developable, as such, this alternative would be infeasible.

Because retail uses on the east and west side of I-5 Alternative would result in equal or greater environmental effects and would be infeasible to implement, it was not further considered or evaluated in the EIR.

Retail Corridor Alternative

The Retail Corridor Alternative would consist of retail development in a long corridor along the newly constructed Cosumnes River Boulevard with the remaining development in residential uses. The proposed development would consist of multiple large retail projects with varying densities of housing located behind the retail corridor stretching along Cosumnes River Boulevard from I-5 to 24th Street.

The Retail Corridor Alternative serves to bifurcate the project site along Cosumnes River Boulevard into two non-synergistic developments. This alternative would fail to meet the stated objectives of the proposed project because it does not provide for two retail centers. Development of the Retail Corridor Alternative would result in a less dense and a decentralized retail project. It is anticipated that the net result of this type of development would not reduce any of the significant environmental effects associated with the proposed project.

Because the Retail Corridor Alternative would not reduce or avoid significant impacts

identified under the proposed project and because it would fail to meet some of the objectives of the proposed project, it is not further considered or evaluated in this EIR.

Off-Site Alternative

Section 15126.6(f)(2)(B) of the CEQA Guidelines states that "[i]f the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR. For example, in some cases there may be no feasible alternative locations for a geothermal plant or mining project which must be in close proximity to natural resources at a given location."

The project site is the largest remaining contiguous vacant piece of land within the City of Sacramento and is the only site within the City large enough to accommodate the proposed project. While the construction of residential, office, retail, or other uses identified in the project site could be accomplished through construction at a combination of other locations in the City, no other single location would be large enough to accommodate the project and meet the objectives of the project. In this case, no feasible off-site location exists that could accommodate the project or achieve the objectives of the project. As such, the evaluation of an Off-Site Alternative is not further considered in this EIR.

Summary of Alternatives Considered

No Project/No Development Alternative

Under CEQA, the No Project/No Development Alternative must consider the effects of forgoing the project. The purpose of analyzing the No Project/No Development Alternative is to allow decision-makers to compare the impacts of the proposed project versus no project. The No Project/No Development Alternative describes the environmental conditions that exist at the time that the environmental analysis commences (CEQA Guidelines, section 15126.6 (e) (2)). Under the No Project/No Development Alternative, the existing structures on the site would remain and the site would not be developed. It would remain primarily in agricultural production.

Facts in Support of Finding of Infeasibility

The No Project/No Development Alternative would not meet any of the project objectives.

No Project/Existing Zoning Alternative

The No Project/Existing Zoning Alternative assumes that the proposed project site would be developed consistent with currently allowable land uses, zoning, and development intensities.

The City of Sacramento General Plan currently designates the majority of the project

site for Industrial-Employee Intensive uses, such as a high-tech business park. Other General Plan land use designations include Community/ Neighborhood Commercial and Office (CNO), Low Density Residential (LDR), Medium Density Residential (MDR), Regional Commercial and Office (RCO), Parks-Recreation-Open Space (P/OS), and Public/Quasi-Public-Miscellaneous (P/QP).

Current zoning districts for the project site include Agricultural (A), Shopping Center-Planned Unit Development (SC-PUD), Single Family Alternative Residential-PUD (R-1A-PUD), Single Family Alternative Review-PUD (R-1A-R-PUD), Multi-Family-PUD (R-2A-PUD), and Manufacturing, Research & Development-PUD (MRD-PUD).

Facts in Support of Finding of Infeasibility

The No Project/Existing Zoning Alternative would result in the same significant impacts as the proposed project and would not meet the project objectives.

Reduced Density/All Residential Alternative

The Reduced Density/All Residential Alternative assumes that the regional commercial uses proposed by the project would not be developed and would be replaced by residential uses. The smaller neighborhood commercial area within the project site would however, still be developed. In addition to the removal of the regional commercial uses, the density of the residential component under this alternative would be reduced by 20 percent, to 4,178 units. Assuming that approximately 42 acres of the regional commercial uses would be developed as medium-density residential and the remaining 83.6 acres would be developed as low-density residential with a 20 percent density reduction from the maximum densities, the 121.9 acres of regional commercial uses would be replaced by approximately 460 medium-density units and 462 low-density units, for a total of 922 residences replacing the 121.9 acres of regional commercial uses proposed under the project. When combined with the overall 20 percent reduction in the number of residential units proposed under the proposed project, this would result in a total of approximately 5,100 residential units that would be developed as part of this alternative. Although there would be a 20 percent reduction in density, the replacement of the regional commercial uses with residential development would result in a net loss of only 122 residential units relative to the proposed project, nearly replacing the residential units lost due to the density reduction. This alternative would develop all of the other uses proposed by the project, including 19.9 acres of residential/mixed-use, two elementary schools, parks, open space, fire station, and other public uses. This alternative assumes the project's footprint would remain the same.

Facts in Support of Finding of Infeasibility

The Reduced Density/All Residential Alternative would not the proposed project objectives of providing housing in close proximity to employment centers, providing regional and neighborhood serving retail, or providing hospitality uses to serve travelers on I-5.

Conclusion.

The Council finds that none of the above Alternatives are feasible because they will not fully meet the Project's objectives as set forth above in these Findings. The No Project - No Build Alternative would result in the project site remaining vacant, but it would not achieve any of the Project objectives. The No Project - Buildout Pursuant to Existing Designations Alternative would result in the same significant impacts as the proposed project and would not meet the project objectives.

G. FINDINGS REGARDING GROWTH-INDUCING AND CUMULATIVE IMPACTS

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

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

1. Land Use.

Description: The project site, as well as lands to the east of it, have been slated for future development for many years under the General Plan.

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

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

2. Traffic and Circulation.

Description. An established transportation network exists in the area surrounding the project site that offers local and regional access to the project site. Development of the project's internal circulation system would remove an obstacle to growth in the project area, although growth to the west would be limited by the Sacramento River and growth to the south would be limited by the SRCSD Bufferlands and City of Elk Grove. Lands north of the project are developed and lands to the east are already slated for future development.

Mitigation Measures: The mitigation measures adopted with respect to the

transportation and circulation impacts identified above are hereby incorporated by reference and specifically found to lessen and avoid the specific, as well as the general, cumulative traffic and circulation impacts of the Project.

Finding: Based on the EIR and the entire Record before the Council, the Council finds that the Project will have not have significant cumulative growth inducing impacts on the transportation and circulation system with implementation of mitigation measures identified above and in the EIR.

3. Utilities

Description. The project site does not contain water service infrastructure, but water service would be provided by connecting to existing water transmission mains in Meadowview Road and 30th Street. These lines would could also extend water service to lands east of the project site and remove that obstacle to growth. The project would connect to existing sewer pipelines which run through the project site and at the northern boundary of the site. Those connections would enable growth within the project site and possible growth at the land immediately east of the site. Electricity and natural gas transmission infrastructure exists on the site and in the vicinity. The project would require local distribution facilities for electricity and gas, but would not be sized to serve other future development in the vicinity of the project.

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

Finding. The Council finds that the utility services being constructed for the Project will not have any new, significant and unavoidable growth inducing impacts not already examined in the EIR.

4. Cumulative Impacts

The cumulative impacts analysis in the EIR assumed buildout of the City's General Plan. There are no recently approved projects in the south area of the City or within the project vicinity, with the exception of the Cosumnes River Boulevard Extension and I-5 Interchange. The cumulative context for air quality is dependent on the specific pollutant being considered. For example, for ozone precursors, the cumulative context would be all development occurring in the Sacramento Valley; but the cumulative effects of PM_{10} and CO would be limited to the general vicinity of the project and be affected by other local projects. Cumulative impacts on biological resources were analyzed assuming buildout of the City's General Plan, as well as SACOG's regional buildout scenario. The hydrology and water quality analysis in the EIR also considered a larger cumulative context including the Sacramento River watershed. The cumulative context for aesthetics evaluated the surrounding area from three separate viewsheds, while the light and glare analysis considered additional development projects that could affect the same sensitive receptors. The noise analysis considered existing and future noise sources and could affect the project and surrounding uses.

H. GLOBAL CLIMATE CHANGE IMPACTS OF THE PROJECT

No accepted analytical methodology currently exists to determine the Project's relative impact on global climate change when measured in a global context. Therefore, the EIR did not identify a threshold of significance as to the Project's cumulative contribution to global climate change, nor did it make a finding of cumulative significance for the project's potential impacts on the global climate change issue. That does not mean that the City has ignored the issue or has failed to include measures that would mitigate greenhouse gas emissions and the project's potential contribution to global climate change. Global climate change is inherently a cumulative issue insofar as the greenhouse gas emissions of an individual project cannot currently be shown to have any material effect on climate when examined in a global setting. Nonetheless, the EIR provided a comprehensive discussion of the measures that will be employed by the Project to reduce its overall contribution to global climate change.

Speculative Nature of Project Impacts on Global Climate Change

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

CEQA does not demand that the City undertake an analysis of greenhouse gas emissions that cannot be conclusively tied to a physical change in the environment, such as the development of a mixed use project like Delta Shores. Since there currently exists no identified threshold of significance with respect to project-level

contributions to greenhouse gas emissions, any finding of significance with respect to a project-level contribution to global climate change, even cumulatively to a larger problem, is highly speculative. In this regard, CEQA Guidelines Section 15145 makes it clear that in the absence of an available methodology to determine whether project-level greenhouse gas emissions are significant, the City simply should evaluate and identify the issue and determine that it is too speculative at this time to make a significance determination. Until such time as a state or regional agency has identified thresholds of significance for individual projects, the City has determined that it will continue to be too speculative for the City to analyze project-level impacts of the Delta Shores Project on this global issue.

The City also recognizes the limitations inherent in quantifying any nexus between the calculated greenhouse gas emissions of individual projects and the predicted environmental changes that could be caused by global temperature increases. Absent such quantification, the City has no authority, pursuant to CEQA or otherwise, to impose mitigation measures on the Project to address speculative impacts on global climate change. (*See,* CEQA Guidelines Section 15126.4(a)(4); *Nollan v. California Coastal Commission* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374.) Further, the City believes that to engage in such speculative analysis falls outside of the limitations established under CEQA which pertain to speculation (*See,* CEQA Guidelines section 15145) and the geographic limitation of impact analysis (*See,* CEQA Guidelines section 15130(b)(3)).

As explained on pages 5.10-1 through 5.10-28 of the DEIR, the City acknowledged and recognized the current debate concerning global warming, and the recognition of the role of greenhouse gas emissions in contributing to potential climate changes around the globe. The City also finds that the mitigation measures incorporated as part of the Project include measures that will reduce greenhouse gas emissions associated with energy use.

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

In addition, under the "rule of reason," an EIR is required to evaluate impacts to the extent that is reasonably feasible (CEQA Guideline §15151; *San Francisco Ecology Center v. City and County of San Francisco* (1975) 48 Cal.App.3d 584, 594). While CEQA does require the City to make a good faith effort to disclose what it reasonably can, CEQA does not demand what is not realistically possible (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286). The City,

therefore, has discretion to design the CEQA document; it does not need to conduct every recommended test or perform all requested research or analysis (CEQA Guideline §15204(a); *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 410).

In the absence of some uniform, accepted methodology to evaluate the significance of potential project level contributions to global climate change, it is sufficient for the City to have analyzed the issue and determined that any impact is too speculative for evaluation. *Berkeley Keep Jets Over the Bay Committee v. Board of Ports Commissioners* (2001) 91 Cal.App.4th 1344, 1370. In this regard, the California Supreme Court has specifically confirmed that CEQA does not require evaluation of speculative impacts that are impossible to quantify. *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376. Recent Court of Appeal decisions confirm this approach. *Alliance of Small Emitters/Metals Industry v. South Coast Air Quality Management District* (1997) 60 Cal.App. 4th 55; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App 4th 1173. While these court decisions generally concern the issue of air emissions, toxic or otherwise, they certainly have credible application to the issue of speculation and with respect to project level impacts on global warming.

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

While the City has been able to provide estimates of the quantified emission of greenhouse gas emissions from the Delta Shores Project, there is simply no basis for the City to determine that any such contribution is in fact significant, as it is too speculative at this time to determine the particular impact of the Project on climate change. As explained in the DEIR, the City acknowledges and recognizes the current debate concerning global warming, and the recognition of the role of greenhouse gas emissions in contributing to potential climate changes around the globe. As explained in the DEIR, the City has acknowledged and acted upon those concerns in a variety of ways including the 2001 adoption of Smart Growth Principles into the General Plan, which seeks to change urban development patterns by supporting projects that, through the density and mix of land uses, transportation management, and infrastructure design and construction, discourage urban sprawl, promote infill development, reduce vehicle

emissions and minimize air pollutant emissions. The City has also prepared and approved a Sustainability Master Plan, as well as a resolution establishing a Green Building Plan for new buildings in the City. In all of these ways, the City is taking leadership in the region by addressing the emission of greenhouse gases and the potential global warming effects. As the DEIR noted, the Delta Shores Project includes numerous characteristics consistent with these goals. Moreover, the mitigation measures incorporated as part of the Project include measures that will reduce greenhouse gas emissions associated with energy use.

Global Climate Change Impacts

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

a) Construction Emissions

The Project would emit greenhouse gases during construction of the Project from the operation of construction equipment and from worker and building supply vendor vehicles. Emissions during construction were estimated using the URBEMIS2007 model. The Project construction emissions of CO_2 were shown in Table 5.10-2 of the DEIR. It is important to note that emissions from construction equipment are continuously being improved and that emissions at the time of construction will likely be even less than those estimated. Given the timeframe for buildout of the Project, emissions of nitrous oxide and methane are negligible in comparison and were not estimated. Emissions estimates for each phase were based on construction phasing and square footage data for each land use category.

b) Operational Emissions

The Project would also generate greenhouse gases during its operation, principally from motor vehicle use, electricity and natural gas consumption, and solid waste disposal. Greenhouse gases from each of these sources are further explained, below. Table 5.10-3 in the DEIR summarized the total operational emissions at buildout in CO_2 equivalents.

c) Motor Vehicle Greenhouse Gas Emissions

The largest source of greenhouse gas emissions associated with the Project would be on- and off-site motor vehicle use. CO_2 emissions, the primary greenhouse gas from mobile sources, are directly related to the quantity of fuel consumed. Two important

determinants of transportation-related greenhouse gas emissions are VMT and vehicle fuel efficiency. CO_2 emissions during operation of the Project at full buildout were estimated using URBEMIS2007. As shown in Table 5.10-4 in the DEIR, total Project CO_2 emissions would be 116,266 tons per year, which is 0.024 percent of California's 2004 emissions (i.e., 478.7 million tons).

Combustion of fossil fuels also generates CH_4 and N_2O. Since URBEMIS 2007 does not currently calculate CH_4 and N_2O emissions, emissions factors for each gas were obtained from the California Climate Action Registry (CCAR 2007) and were used with data on the fleet mix, fuel type and VMT for the proposed Project to calculate their emissions, as shown in Table 5.10-4 of the DEIR.

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

d) Electricity and Natural Gas Combustion Greenhouse Gas Emissions

The Project would use electricity for its office, commercial, residential, and other components, which would contribute to greenhouse gas emissions. The Project related emissions were estimated by using Project electricity and natural gas use estimates. The emissions factors for electricity use and natural gas combustion were obtained from the California Climate Action Registry (CCAR 2007). Greenhouse gas emissions from these sources were shown in Table 5.10-5 in the DEIR.

e) Solid Waste Greenhouse Gas Emissions

Solid waste generated by the Project would also contribute to greenhouse gas emissions. Treatment and disposal of municipal, industrial and other solid waste produces significant amounts of CH_4. In addition to CH_4, solid waste disposal sites also produce biogenic CO_2 and non-methane volatile organic compounds, as well as smaller amounts of N_2O, nitrogen oxides (NO_x) and carbon monoxide (CO).

CH_4 and CO_2 emissions from solid waste generated by the Project were estimated based on formulas provided in the State Workbook: Methodologies for Estimating Greenhouse Gas Emissions. Total Project emission of greenhouse gases from landfill material was shown in Table 5.10-6 of the DEIR.

f) Other Greenhouse Gas Emissions

Ozone is a greenhouse gas; however, unlike the other greenhouse gases, ozone in the troposphere is relatively short-lived and therefore is not global in nature. According to

CARB, it is difficult to make an accurate determination of the contribution of ozone precursors (NO_x and ROGs) to global warming (CARB 2004b). Therefore, it is assumed that Project emissions of ozone precursors would not significantly contribute to global climate change. At present, there is a federal ban on CFCs; therefore, it is assumed the Project will not generate emissions of these greenhouse gases. The Project may emit a small amount of HFC emissions from leakage and service of refrigeration and air conditioning equipment and from disposal at the end of the life of the equipment. However, the details regarding refrigerants to be used in the Project and the capacity of these are unknown. Therefore, it is not anticipated the Project would contribute significant emissions of these additional greenhouse gases.

Mitigation Measures That Will Lessen Global Climate Change Impacts

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

In order to reduce congestion and promote the free flow of traffic, thereby improving vehicle exhaust emissions, the EIR required Mitigation Measures 5.9-1 through 5.9-25 described above in these Findings. In order to reduce the air pollutants emitted by the Project and lessen its air quality impacts, the EIR proposed air quality Mitigation Measures 5.3-1 through 5.3-11 noted above that would aide in reducing the Project's contributions to global climate change by reducing its overall emissions of greenhouse gases.

Notwithstanding the speculative nature of environmental impacts resulting from greenhouse gas emissions at the project level, the impacts of the project on climate change are potentially cumulatively considerable. The following mitigation measures being voluntarily implemented by the project applicant and enforced by the MMP and the Development Agreement for the project, will serve to substantially lessen the environmental effects of greenhouse gas emissions resulting from construction and operation of the project:

> *MM 5.10-1: In order to further reduce and substantially lessen the impacts on global climate change resulting from construction and operation of the project, the project applicant has voluntarily agreed to implement the following mitigation measures:*
>
> > *5.10-1(a): Priority parking for hybrid and alternative energy vehicles shall be provided at commercial and retail parking areas, and provide passenger loading, unloading and waiting areas for ridesharing in commercial/retail/office developments.*

5.10-1(b): Pedestrian and bike paths shall be located in a manner to minimize road crossings to promote safety and encourage children to walk or bike to school, consistent with the project's Air Quality Management Plan.

5.10-1(c): Energy efficiency shall be increased fifteen percent (15%) above Title 24 requirements and comply with City's Green Building program.

5.10-1(d): Light-colored roofing materials and paints shall be used on building roofs.

5.10-1(e): Energy star rated appliances shall be installed in all residential development.

5.10-1(f): Encourage participation in the California Energy Commission's New Solar Homes Partnership and encourage solar power in the project's PUD Guidelines.

5.10-1(g): Encourage energy efficient design, such as providing hot water systems with booster heating and locating hot water heaters near hot water taps in the Project's PUD Guidelines.

5.10-1(h): Encourage the use of solar on retail/commercial rooftops and parking lots in the PUD Guidelines. The project applicant will inform all tenants and building owners at the project to make them aware of solar power options since it will not be constructing all buildings at the project.

5.10(i): The project applicant shall comply with the City's Shade Tree Parking Ordinance as well as the PUD Guidelines to avoid heat island and similar environmental impacts, as well as use high reflectance or lighter colored paving in accordance with the AQMP which requires all unshaded parking lot areas, driveways, fire lanes and other paved areas to have a minimum albedo of .3 or greater.

5.10(j): Light emitting diodes (LED) for traffic, street and other outdoor lighting shall be installed at the project site.

5.10-1(k): Outdoor lighting shall be limited, as specified in Table K in the Draft EIR Appendices.

5.10-1(l): The project applicant shall participate and fund a transportation management association (TMA) that shall operate ridesharing and shuttle services programs, and also provide educational materials on energy efficiency, as required by the project's Air Quality Management Plan.

5.10-1(m): The project applicant shall ensure the project site accommodates future Regional Transit bus service.

5.10-1(n): Class I and Class II bike lanes shall be constructed throughout the project site in excess of those required by the City's 2010 Bikeway Master Plan.

5.10-1(o): Onsite bicycle and pedestrian facilities shall be provided, including showers and bicycle parking for nonresidential projects.

5.10-1(p): The project applicant shall comply with Sacramento City Code Section 17.72.030 which establishes separate waste and recycling disposal requirements for all new uses, including the use of separate receptacles, including green waste and food recycling.

5.10-1(q): The project applicant shall comply with Sacramento City Code Section 13.10.400 which requires the separate collection of garden wastes from residential properties.

5.10-1(r): The project applicant shall comply with Sacramento City Code Section 15.76.030 which requires that all shower fixtures be fitted with low-flow features.

5.10-1(s): The project applicant shall comply with Sacramento City Code Section 15.92.080 which establishes maximum water usage for landscaping and limits the use of turf, and requires the use of climate-adapted landscaping.

5.10-1(t): Electrification stations/connections shall be installed in all project loading docks for use by transportation refrigeration units.

5.10-1(u): The project applicant shall comply with Sacramento City Code Section 17.68.040 which requires the planting of shade trees to ensure that 50% of all surface parking areas are shaded within 15 years of development.

5.10-1(v): Enlarged sidewalks shall be installed to encourage pedestrian movement throughout the project site.

5.10-1(w): The project applicant shall comply with Sacramento City Code, Chapter 8.116, which prohibits the idling of diesel powered vehicles for more than five consecutive minutes or five minutes total in one hour.

5.10-1(x): Recycled building materials shall be used where feasible in building designs.

5.10-1(y): During project construction, alternative fuel (such as aqueous diesel fuel) or catalyst equipped diesel construction equipment shall be used.

5.10-1(z): Reuse and recycle construction waste where feasible.

5.10-1(aa): Efficient fluorescent lighting shall be provided for all primary lighting within project buildings. Accent and aesthetic lighting shall not be subject to this condition.

5.10-1(bb): The project shall be designed consistent with the City's Smart Growth Principles and associated strategies and initiatives, including jobs/housing balance, the mixing of land use, and transit oriented development.

5.10-1(cc): The project applicant shall implement additional greenhouse gas reduction strategies through application of future city ordinances to be applied to the project via the MMP and the Development Agreement.

Thus, the potentially cumulatively considerable impacts are substantially lessened by the project's features and the additional voluntary mitigation measures being implemented with the project through the MMP and the Development Agreement.

Global Climate Change Finding

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

Nonetheless, the City finds that the impacts of the project on global climate change are potentially cumulatively considerable, but have been substantially lessened by the above voluntary mitigation measures. The Delta Shores Project was designed from the outset to minimize its greenhouse gas emissions and thereby reduce its contribution to global warming. From a geographic standpoint, the Project is situated within close proximity to the route of the South Area light rail line and stations, and is situated within five (5) miles of the urban core in Downtown Sacramento. It will provide residents of the City with the opportunity to live and shop close to their jobs and close to public transportation lines. The Project is precisely the type of Smart Growth project the City wants to encourage with a combination of residential, retail and commercial uses, including a substantial component of high density residential, retail space and

commercial. Moreover, the Project has much higher densities than those originally envisioned when the Project site was originally entitled.

In addition, the Project has been required to comply with the above-described air quality and transportation and circulation mitigation measures, all of which were designed to reduce the Project's generation of greenhouse gases and other criteria air pollutants, thereby further reducing the Project's contribution to global climate change. In addition, the City finds that federal, state, regional and local governmental entities are continuing to analyze the issue of greenhouse gas emissions on a broader scale and any ultimate measures required could be applied to the project's subsequent approvals. It is currently anticipated that no residential construction within the project will occur until after completion of the I-5/Cosumnes Boulevard interchange in the fall of 2011. By that time, it is anticipated that other broader mechanisms may be in place to address global climate change. The City is currently updating its General Plan and working with the California Attorney General's office to further address the issue of greenhouse gas emissions and climate change through the General Plan process. This will include the development of a Climate Action Plan that will contain a timeline for completion (e.g., 2008-2010), an inventory of emissions, emission reduction targets consistent with AB 32 and City plans, specific reduction strategies that will help to achieve reduction targets, and monitoring and reporting requirements and adaptive management strategies to ensure that reduction targets are updated over time.

The City will also prepare and implement other studies concerning climate change (e.g., green technology, research and development; Green Building Rating Program; update of the City Residential Energy Conservation Ordinance) that, ultimately, will result in the adoption of City-wide ordinances that would serve to further reduce greenhouse gas emissions at the local level. Importantly, notwithstanding the uncertain and evolving nature of appropriate greenhouse gas reduction strategies, the project applicant has agreed to abide by the provisions of future City ordinances that implement greenhouse gas reduction strategies at the project level and this commitment is included in, and enforceable by, the Mitigation Monitoring Plan ("MMP") and the Project's Development Agreement.

Thus, while the Project's contribution to greenhouse gas emissions is found to be potentially cumulatively considerable, the City also finds that the Project's greenhouse has emissions have been substantially reduced, and will likely be further reduced by implementation of future strategies and that, in any event, the economic, social and other benefits of the Project override the cumulative impacts of the Project on global climate change, as more fully set forth in the Statement of Overriding Considerations.

Consequently, while the significance of the Project's impacts on global climate change cannot be determined and are potentially cumulatively considerable, those impacts have been substantially lessened and the environmental, economic, social and other benefits of the Project override any residual impacts of the Project on global climate change.

I. STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

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

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

- Impact 5.3-3: Operation of the Project would contribute to emissions of ozone precursors.

- Impact 5.3-9: Operation of the proposed project combined with other on-going development in the air basin would increase cumulative levels of ozone precursors.

- Impact 5.6-3: Operation of the proposed project could permanently expose sensitive receptors to increased traffic noise levels from local roadways.

- Impact 5.9-7: Implementation of the project under Baseline plus Project conditions could affect the Meadowview Road/Freeport Boulevard intersection.

- Impact 5.9-9: Under Baseline Plus Project conditions, the project would have a significant impact on freeway operations.

- Impact 5.9-13: Under Cumulative plus Project conditions the segment of Cosumnes River Boulevard from I-5 to Delta Shores Circle could be impacted by the project.

- Impact 5.9-14: Under Cumulative plus Project conditions the segment of Delta Shores Boulevard south of Meadowview Road could be impacted by the project.

- Impact 5.9-16: Under Cumulative plus Project conditions the Meadowview Road/Franklin Boulevard intersection could be impacted by the project.

- Impact 5.9-20: Under Cumulative plus Project conditions the Cosumnes River Boulevard/Delta Shores Circle (West) intersection could be impacted.

- Impact 5.9-23: Under Cumulative plus Project conditions, the project would have a significant cumulative impact on freeway operations.

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

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

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

Specific Findings.

1. Project Benefits Outweigh Unavoidable Impacts. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of the economic, fiscal, social, public safety, environmental, land-use and other considerations set forth herein because the benefits of the Project outweigh any significant and unavoidable or irreversible adverse environmental impacts of the Project, as well as outweighing any residual impacts over which a controversy exists concerning the impacts' significance following mitigation.

2. Rejected Mitigation Measures. Any of the mitigation measures which were suggested in the EIR but not incorporated into the Project due to their infeasibility are infeasible in part because such measures would impose limitations and restrictions on the Project so as to prohibit the attainment of economic, social and other benefits of the Project which this Council finds outweigh the unmitigated impacts of the Project.

3. Balance of Competing Goals. The Council finds that it is imperative to balance competing goals in approving the Project and certifying the environmental documentation for the Project. Not every policy or environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. Accordingly, in some instances the City Council has chosen to accept certain

environmental impacts because to eliminate them would unduly compromise some other important economic, social, environmental or other goals, such as encouraging people to use public transit, to walk and to bicycle. The Council finds and determines that the design of the Project and the supporting environmental documentation provide for a positive balance of the competing goals and that the economic, fiscal, social, environmental, land use, and other benefits to be provided by the Project outweigh any environmental and related potential detriment from the Project.

Overriding Considerations.

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

1. Economic Considerations.

Substantial evidence is included in the Record demonstrating the economic benefits which the City would derive from implementation of the Project. The Project will provide the City with a high quality commercial, retail and residential development on vacant property located in the south area of the City and adjacent to the intersection of Interstate 5 and the Cosumnes River Boulevard extension. The regional commercial uses in the Project will meet current commercial needs in that area of the City. In addition, the Project will provide the City with high quality residential development to meet current and future needs for that type of land use in the City. The Project also will provide employment opportunities within the City by allowing the development of underutilized property.

2. Environmental and Land Use Considerations.

a. Substantial evidence is included in the record that the implementation of the Project will have beneficial as well as potential adverse impacts relating to environmental and land use considerations.

b. The proximity of the Project to the South Area light rail line and light rail station will implement the goals of the General Plan and the City's goal of encouraging higher density developments around light rail lines in order to promote the use of public transit. The Project's location along the light rail line with a combination of uses consisting of retail, commercial and residential, situates the Project at one of the most desirable locations in the greater Sacramento region for locating such mixed uses.

c. The Council finds that the Project, through its PUD Guidelines, will incorporate strong architectural and design features that are compatible with adjacent land uses, while providing a unique identity for the Project as a whole.

d. The design of the Project will reduce any global warming impacts by promoting pedestrian uses, providing retail and residential uses adjacent to employment opportunities, by requiring the planting of numerous trees along the Project's roadways and parking areas, and by encouraging the use of public transit modes in order to reduce vehicle miles traveled and motor vehicle emissions of criteria air pollutants and greenhouse gases.

e. Based upon these land use and environmental considerations, the Council has determined that any environmental detriment caused by the Project has been minimized to the extent feasible. Where not feasible, the environmental detriment is outweighed and counterbalanced by the significant economic, fiscal, environmental and land use benefits to be generated for the City.

3. Other Related Overriding Considerations.

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

Conclusion

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

J. FINDING REGARDING RECIRCULATION

The City Council finds that no new information which might demonstrate that the Project would have a new potentially significant environmental impact was presented in the Final EIR or during the public comment period or during any hearing on the Project. Information provided in the Final EIR concerning the need for two offsite improvements consisting of the construction of a stormwater drainage pipeline to connect the Project's detention basin to the City's Sump 89 and construction of a sewer force main in the Cosumnes River Boulevard Extension's right of way from the Project to the SRCSD

Central Interceptor at Franklin Boulevard does not show any significant new environmental impacts that could not be mitigated to a less than significant level by compliance with the mitigation measures already contained in the EIR and MMP pertaining to air quality, noise, cultural resources, biological resources, hazards, transportation and circulation.

In addition, certain revisions were made by the Final EIR to the mitigation measures proposed in the DEIR, but those changes did not identify any new impacts or identify any substantial increase in the severity of an environmental impact that would not be reduced to a less-than-significant level through mitigation, nor would the revised mitigation measures result in new significant environmental impacts. (CEQA Guidelines, Sections 15088.5(a)(1) and 15088.5(a)(2). Instead, the revised mitigation measures clarify and strengthen the effectiveness of the mitigation measures to help further reduce or avoid an impact. Further, with the revisions, the revised mitigation measures did not include a new feasible way to mitigate or avoid an impact (including a feasible project alternative) that the City has declined to implement (CEQA Guidelines section 15088.5(a)(3). Because no new unmitigated impacts have been identified or created by the revised mitigation, the EIR is not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project (CEQA Guidelines section 15088.5(a)(4)). Therefore, the City Council finds that the revisions to the EIR's mitigation measures represent improvements to the analysis and mitigation of impacts and do not warrant recirculation of the EIR.

Exhibit B

MITIGATION MONITORING PLAN

INTRODUCTION

CEQA requires review of any project that could have significant adverse effects on the environment. CEQA also requires reporting on and monitoring of mitigation measures adopted as part of the environmental review process (Public Resources Code section 21081.6). This MMP is designed to aid the City of Sacramento in its implementation and monitoring of measures adopted from the Delta Shores Draft EIR.

The mitigation measures are taken from the Delta Shores Draft EIR (including the Initial Study, see Appendix A of the Draft EIR). Mitigation measures in this MMP are assigned the same number they had in the Draft EIR and Initial Study. The MMP is presented in table format and it describes the actions that must take place to implement each mitigation measure, the timing of those actions, the entities responsible for implementing and monitoring the actions, and verification of compliance.

MMP COMPONENTS

The components of the MMP table are summarized below.

Mitigation Measure: All mitigation measures identified in the Delta Shores Draft EIR (including the Initial Study) are presented, and numbered as they appear in the Draft EIR. Any change to the text of a mitigation measure presented in Chapter 2, Changes to the Draft EIR, of this Final EIR is included in this MMP.

Action: Identifies the action that must be completed in order for the mitigation measure to be considered implemented. For every mitigation measure, one or more action is described.

Implementing Party: Identifies the entity that will be responsible for implementing the action.

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

Monitoring Party: Identifies the entity that will be responsible for monitoring implementation of the required action. The City of Sacramento is responsible for ensuring that most mitigation measures are successfully implemented. Within the City, a number of departments and divisions will have responsibility for monitoring some aspect of the overall project. Occasionally, monitoring parties outside the City are identified; these parties are referred to as "Responsible Agencies" by CEQA.

Verification of Compliance: Identifies verification of compliance for each identified mitigation measure.

DELTA SHORES PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure		Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
5.2 Agricultural Resources						
5.2-1	The Development Agreement shall include a special condition requiring the preservation of farmland at a 1:1 mitigation ratio by preserving an equal amount of farmland elsewhere in Sacramento County at location(s) approved by the City comprised of Prime Farmland and Farmland of Statewide Importance, prior to the issuance of any grading permit, in order to reduce any impacts arising from the conversion of the current agricultural uses at the project site to urban development. Where mitigation provided pursuant to Mitigation Measure 5.4-3 for the loss of Swainson's hawk foraging habitat also meets the requirements for farmland mitigation, it shall be applied in satisfaction of the foregoing requirement.	Verify that this condition is included in the DA.	Project Applicant	Prior to project approval.	Development Services	
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.	Verify that homeowners received a copy of the Right-to-Farm Act included in the CCR.	Project Applicant[1]	Prior to issuance of occupancy permits.	Development Services	
5.2-4	Implement Mitigation Measure 5.2-2.	See MM 5.2-2	See MM 5.2-2	See MM 5.2-2	See MM 5.2-2	
5.3 Air Quality						
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% NO_x 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	Verify that construction bid documents include required measures to minimize ozone precursor emissions.	Project Applicant and/or contractor	Prior to issuance of grading permits or building permits.	Development Services	

[1] In the event the Project Applicant sells, assigns or transfers its interests in the Property or in any portion of the Property pursuant to the terms and conditions of the Development Agreement between the Project Applicant and City, the purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of Project Applicant, as such duties and obligations pertain to the portion of the Property sold, assigned or transferred.

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					
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.	Verify that an off-road construction equipment inventory is submitted to the SMAQMD.	Project Applicant and/or contractor	Prior to construction activities Monthly reports ongoing during construction.	Development Services	
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.	Verify that visual surveys of all in-operation equipment are completed weekly by certified personnel and that a monthly summary report is submitted to the SMAQMD.	Project Applicant and/or contractor	Weekly surveys and monthly reports ongoing during construction.	Development Services	
d) Limit vehicle idling time to five minutes or less.	Verify that all construction equipment does not idle for longer than 5 minutes.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	

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MITIGATION MONITORING PLAN

Mitigation Measure		Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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 NO_x plus the 5% administrative fee, or applicable fee in effect at the time the grading permit is issued.	Verify that the construction mitigation fee and appropriate SMAQMD administrative fee has been calculated and paid.	Project Applicant and/or contractor	Prior to issuance of grading permits.	Development Services	
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 50 µg/m3 per day.	Verify that the measures to reduce PM emissions are implemented as set forth in MM 5.3-2(a).	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	
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;	Verify that all disturbed area, including storage piles are covered or watered.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	
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;	Verify that unpaved access roads are stabilized.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	
d)	When materials are transported off-site, they shall be covered, effectively wetted to limit visible dust emissions, or maintained with at least 2 feet of freeboard space from the top of the container;	Verify that materials transported off-site are covered.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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;	Verify that project-generated mud or dirt is removed from adjacent public streets in a timely fashion.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	
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;	Verify that storage piles are effectively stabilized.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	
g) On-site vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph);	Verify that on-site vehicle speeds on unpaved roads are limited to 15 mph.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	
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;	Verify that well washers have been installed.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	
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;	Verify that sandbags or other erosion control measures have been installed.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	
j) Excavation and grading activities shall be suspended when winds exceed 20 mph;	Verify that excavation and grading activities are suspended during windy days.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	
k) The extent of areas simultaneously subject to excavation and grading shall be limited, wherever possible, to the minimum area feasible.	Verify that excavation and grading are limited to the minimum area feasible.	Project Applicant and/or contractor	Daily, ongoing during construction.	Development Services	

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MITIGATION MONITORING PLAN

Mitigation Measure		Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
l)	The text of this measure shall be included in all construction plans and specifications.	Verify that the text of this measure has been included in all construction plans and specifications.	Project Applicant and/or contractor	Prior to issuance of grading permits.	Development Services	
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 B.1 of the SMAQMD Guide.	Verify that the measures to reduce PM emissions are implemented as set forth in MM 5.3-2(m).	Project Applicant and/or contractor	Ongoing during operation.	Development Services	
5.3-3 (a)	The project applicant shall implement the emission reduction strategies contained in the Delta Shores Air Quality Management Plan (AQMP). The AQMP shall be endorsed by the SMAQMD prior to the release of the Draft EIR. Documentation confirming implementation of the AQMP shall be provided to the SMAQMD and the City of Sacramento prior to issuance of occupancy permits, as required.	Verify that emission reduction strategies contained in the Delta Shores AQMP are implemented.	Project Applicant and/or contractor	Prior to issuing occupancy permits.	Development Services	
(b)	Prior to the issuance of building permits for the commercial portion of the project, the project applicant shall either enter into an existing Transportation Management Association (TMA), or create a new TMA to serve the project area. Funding shall be provided by the project applicant through a Community Facilities District (CFD) or other financing mechanism approved by the City.	Verify that the applicant has either entered into a TMA or created one to serve the project site.	Project Applicant	Prior to issuance of building permits	Development Services	
5.3-7	Implement Mitigation Measures 5.3-1 (a) through (e).	See MM 5.3-1 (a) through (e).	See MM 5.3-1 (a) through (e).	See MM 5.3-1 (a) through (e).	See MM 5.3-1 (a) through (e).	
5.3-8	Implement Mitigation Measures 5.3-2(a) through (m).	See MM 5.3-2(a) through (m).	See MM 5.3-2(a) through (m).	See MM 5.3-2(a) through (m).	See MM 5.3-2(a) through (m).	
5.3-9	Implement Mitigation Measure 5.3-3.	See MM 5.3-3.	See MM 5.3-3.	See MM 5.3-3.	See MM 5.3-3.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
5.4 Biological Resources					
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.	Verify that the maximum amount of existing wetlands has been preserved and that a WAP has been prepared; ensure that minimum buffers around wetlands have been established.	Project Applicant	Prior to issuance of grading permits.	Development Services	
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 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.	Verify that no net loss of wetland acreage or habitat value occurs.	Project Applicant	Prior to issuance of grading permits.	Development Services	
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.	Verify that all applicable wetland permits have been acquired.	Project Applicant	Prior to issuance of grading permits.	Development Services/USACE/ CVRWQCB/CDFG	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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 the 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).	Verify that mitigation is provided prior to construction related impacts on the existing wetlands. Develop a wetland mitigation and monitoring plan.	Project Applicant	Prior to issuance of grading permits.	Development Services/USACE/ CVRWQCB/CDFG	
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.	Verify that a qualified biologist conducts surveys for federally listed branchiopods or that the applicant assumes the presence of federally listed branchiopods were surveys have not been completed. If surveys are	Project Applicant	Prior to issuance of grading permits.	Development Services/Public Works/USFWS	

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
• 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.	conducted, verify that the survey results are submitted to USFWS and the City of Sacramento.				
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.	If federally listed branchiopods are present, verify that the measures to protect the species are implemented as set forth in MM 5.4-2(b).	Project Applicant	Prior to issuance of grading permits.	Development Services/Public Works/USFWS	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
• If habitat is avoided (preserved) on site, a USFWS-approved biologist (monitor) shall inspect any construction-related activities at the proposed project site to ensure that no unnecessary take of listed species or destruction of their habitat occurs. The biologist shall have the authority to stop all activities that the biologist deems may result in such a take or destruction until appropriate corrective measures have been completed. The biologist shall also immediately report any unauthorized impacts to the City, the USFWS and the CDFG. • Adequate fencing shall be placed and maintained around any avoided (preserved) wetland habitat to prevent impacts from vehicles. • The project proponent shall conduct Worker Environmental Awareness Program (WEAP) training for construction crews (primarily crew and construction 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 remaining wetland habitat and associated watershed on-site are prohibited.					

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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. Suitable foraging habitat includes fallow land, alfalfa or other low growing crops. Preservation shall occur through the purchase of credits at a CDFG-approved mitigation bank which has the project within its service area, or through the purchase of conservation easements or fee title of lands with suitable foraging habitat within no further than a ten (10) mile radius of the perimeter of the project site, or through any combination of the foregoing. 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? 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.	Verify that suitable raptor foraging habitat has been preserved.	Project Applicant	Prior to issuance of grading permits.	Development Services/Public Works/CDFG	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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 ¼ 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.	Verify that a qualified biologist conducts pre-construction nest surveys and that the survey results are submitted to CDFG and the City of Sacramento.	Project Applicant and/or contractor	Prior to issuance of grading, or building permits and every calendar year that construction activities occur.	Development Services/Public Works/CDFG/ USFWS	
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.	Verify that if active nests of protected bird species are identified that construction activities are delayed or non-disturbance buffer zone enforced.	Project Applicant and/or contractor	Ongoing during construction.	Development Services/Public Works/CDFG/ USFWS	
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.	Verify that no use of heavy equipment occurs within established buffer zones.	Project Applicant and/or contractor	Ongoing during construction.	Development Services	

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.	Verify that a qualified biologist is on-site during the site disturbing activities to monitor any active nest sites in the buffer zone.	Project Applicant and/or contractor	Ongoing during construction.	Development Services/CDFG/US FWS	
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[2] 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 any 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.	Verify that a qualified biologist conducts pre-construction nest surveys and that the survey results are submitted to CDFG and the City of Sacramento.	Project Applicant and/or contractor	Ongoing during construction.	Development Services/CDFG	
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.	Verify that if active nests of protected bird species are identified that the measures set forth in MM 5.4-2(b) are implemented.	Project Applicant and/or contractor	Ongoing during construction.	Development Services/Public Works/CDFG	

[2] Swainson's Hawk Technical Advisory Committee. *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*, May 31, 2000.

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
3. No intensive disturbances (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 migratory 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.					
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.	Verify that a qualified biologist has conducted a pre-construction survey for burrowing owls. If present, verify appropriate measures have been incorporated in construction contracts to protect owls.	Project Applicant and/or contractor	Prior to issuing demolition, grading, or building permits every calendar year that such activities occur.	Development Services/ CDFG	

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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 (April 1993) 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.	Verify that replacement habitat has been acquired and permanently protected in accordance with procedures outlined in MM 5.4-6(b).	Project Applicant	Prior to issuance of grading permits.	Development Services/Public Works/CDFG	
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.	Verify that suitable burrows are provided in accordance with procedures outlined in MM 5.4-6(c).	Project Applicant and/or contractor	Prior to issuance of grading permits.	Development Services/Public Works/CDFG	
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	Verify that project design avoids disturbance within 100 feet of elderberry shrub dripline and that avoidance is	Project Applicant and/or contractor	Prior to issuing demolition or grading permits.	Development Services/Public Works/USFWS	

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mitigation is required.	documented in a				
	report submitted to the City of Sacramento.				
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.	Verify that a qualified biologist develops a formal VELB mitigation plan and that appropriate mitigation guidelines are implemented.	Project Applicant and/or contractor	Prior to issuing demolition or grading permits.	Development Services/Public Works/USFWS	
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.	Verify the implementation of any requirements consistent with the VELB delisting notice.	Project Applicant and/or contractor	Prior to issuance of grading permits.	Development Services/Public Works/USFWS	
5.4-8 a) Prior to issuance of any 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.	Verify that all grading and trenching plans have been submitted to the City Arborist. Submit a supplemental survey of trees that may be impacted by construction.	Project Applicant and/or contractor	Prior to issuance of grading permits.	Development Services/Urban Forests Division	

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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 adequate 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 on-site. 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 able 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.	Verify that a tree removal permit from the City Urban Forest Services is obtained if heritage trees are to be removed. Verify the tree preservation plan for trees to be preserved, that includes the measures identified in 5.4-8(b)(i) through 5.4-8(b)(xi) or equally effective measures.	Project Applicant and/or contractor	Prior to issuance of grading permits.	Development Services/Urban Forests Division	

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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.					

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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), 12.64.040 (Protection of Heritage trees during construction activities), and 12.64.050 (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.					
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 on site 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 on-site 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 trees to grow to maturity). 2. Method of irrigation.	Verify that a tree removal permit is obtained if heritage trees are to be removed. Prepare a tree mitigation plan as outlined in MM 5.4-8(c).	Project Applicant and/or contractor	Prior to issuance of grading permits.	Development Services/Urban Forests Division	

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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.					
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 report confirming absence shall be sent to the City of Sacramento and no further mitigation is required.	Verify that a qualified biologist conducts a bat survey and that a letter report confirming absence is submitted to the City of Sacramento.	Project Applicant and/or contractor	Prior to issuing demolition or grading permits.	Development Services/Public Works	
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.	Verify that proper procedures are followed as outlined in MM 5.4-9(b).	Project Applicant and/or contractor	Prior to issuing demolition or grading permits.	Development Services/Public Works/CDFG	
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	Verify that proper procedures are followed as outlined in MM 5.4-9(c).	Project Applicant and/or contractor	Prior to issuing demolition or grading permits.	Development Services/Public Works/CDFG	

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
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.					
5.4-10 The project applicant shall consult with the USFWS to address potential impacts on giant garter snake (GGS). Due to the minimal area of potential impact, it is likely that the proposed project could be covered under the Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California. For construction activities within the vicinity of Morrison Creek or the ditch north of the project site, the following avoidance measures shall be implemented consistent with the USFWS-Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake Habitat: ▪ Confine movement of heavy equipment to existing roadways to minimize habitat disturbance. ▪ Construction shall be restricted to the active season for GGS (mid-March through early October), or as determined in consultation with the USFWS. ▪ Construction personnel shall receive Service-approved worker environmental awareness training. This training instructs workers to recognize giant garter snakes and their habitat(s). ▪ 24-hours prior to construction activities, the project area shall be surveyed for giant garter snakes. Survey of the project area should be repeated if a lapse in construction activity of two weeks or greater has occurred. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Report any sightings and any incidental take to the Service immediately.	Verify the project applicant has consulted with the USFWS and follows the requirements set forth in this MM, if required.	Project Applicant	Prior to issuance of grading permits for the offsite infrastructure.	Development Services/Public Works/CDFG	
5.4-11 Implement Mitigation Measure 5.4-1.	See MM 5.4-1	See MM 5.4-1	See MM 5.4-1	See MM 5.4-1	

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Mitigation Measure		Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
5.4-12	Implement Mitigation Measure 5.4-3.	See MM 5.4-3	See MM 5.4-3	See MM 5.4-3	See MM 5.4-3	
5.4-14	Implement Mitigation Measure 5.4-5.	See MM 5.4-5	See MM 5.4-5	See MM 5.4-5	See MM 5.4-5	
5.4-15	Implement Mitigation Measure 5.4-6(a) through (d).	See MM 5.4-6(a) through (d)	See MM 5.4-6(a) through (d)	See MM 5.4-6(a) through (d)	See MM 5.4-6(a) through (d)	
5.4-16	Implement Mitigation Measure 5.4-8.	See MM 5.4-8	See MM 5.4-8	See MM 5.4-8	See MM 5.4-8	
		5.6 Noise				
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 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 upper-most 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.	Verify noise reduction and attenuation measures are implemented as set forth in MM 5.6-1(a).	Project Applicant and/or contractor	Prior to issuance of grading or building permits; implement measures during ground disturbing and construction activities.	Development Services/Building Division	
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.	Verify noise reduction and attenuation measures are implemented as set forth in MM 5.6-1(b).	Project Applicant and/or contractor	Prior to issuance of grading or building permits; implement measures during ground disturbing and	Development Services/Building Division	

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				construction activities.		
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 shall 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.	Verify noise reduction and attenuation measures are implemented as set forth in MM 5.6-1(c).	Project Applicant and/or contractor	Prior to issuance of grading or building permits; implement measures during ground disturbing and construction activities.	Development Services/Building Division	
d)	High noise activities, such as jackhammers, drills, impact wrenches and other generators of sporadic high 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.	Verify noise reduction and attenuation measures are implemented as set forth in MM 5.6-1(d).	Project Applicant and/or contractor.	Prior to issuance of grading or building permits; implement measures during ground disturbing and construction activities.	Development Services/Building Division	
5.6-3	At the time of building permits, the project applicant or developer shall be required to comply with the City's adopted General Plan policies that pertain to acceptable noise levels. This may require construction of a soundwall, if appropriate and feasible given the exposure circumstances of the residence(s) along 24th Street, to minimize traffic noise.	Verify compliance with the City's General Plan policies.	Project Applicant and/or contractor	Prior to issuance of building permits.	Development Services/Building Division	
5.6-4	The project applicant shall have a certified acoustical professional prepare a site-specific analysis for all residential uses fronting 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:					

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a) Prior to final design review, all low-density and medium-density residences west of I-5 and medium-density residential 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.	Verify preparation of a site-specific acoustical analysis has been prepared that addresses MM 5.6-4(a) and has been submitted to the city for review and approval.	Project Applicant and/or contractor	Prior to issuance of building permits.	Development Services/Building Division	
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.	Verify construction of sound wall that addresses MM 5.6-4(b).	Project Applicant and/or contractor	Prior to issuance of occupancy permits.	Development Services/Building Division	
5.6-5 a) Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specification 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.	Verify that engineering and acoustical specification for project Mechanical HVAC equipment is submitted to the Planning Director.	Project Applicant and/or contractor	Prior to issuance of building permits.	Development Services/Building Division	
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 adjacent 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	Verify that the project design does not place garbage containers or loading docks in areas that would disturb residential or other noise-sensitive uses.	Project Applicant and/or contractor	Prior to issuance of building permits.	Development Services/Building Division	

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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.					
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.	Verify all stationary equipment is adequately shielded.	Project Applicant	Prior to issuance of building permits.	Development Services/Building Division	
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 L_{dn} and an interior noise level of less than 45 dB L_{dn}. 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 dBA CNEL in any habitable room of new dwellings. • The project applicant shall construct a rear-yard sound wall of adequate height and building specifications, as determined by the acoustical professional, between residential uses located adjacent to the Sacramento Job Corps facility that would reduce exterior noise levels to less than 65 dB Ldn and interior noise levels to less than 45 dB L_{dn}.	Verify preparation of a site-specific acoustical analysis has been prepared that addresses MM 5.6-5(d) and has been submitted to the city for review and approval.	Project Applicant and/or contractor	Prior to issuance of building permits.	Development Services/Building Division	

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	• All prospective buyers shall be informed of the operational activities that occur at the Sacramento Job Corps facility site and the noise levels associated with those activities. All residential contracts shall include a disclosure statement that a purchaser, lessee, or transferee signs at the time of sale, purchase, contract of sale, transfer, or lease of real property.					
5.6-7	Implement Mitigation Measure 5.6-4.	See MM 5.6-4	See MM 5.6-4	See MM 5.6-4	See MM 5.6-4	
	5.7 Public Services					
5.7-1	Prior to the issuance of building permits, the project developer shall enter into a funding agreement with the City of Sacramento Department of Development Services to pay its fair share contribution toward the development of the Sacramento Police Department's new Meadowview Area facility. The fair share contribution for the proposed project has been determined to be $1,182,000.00, per the City. Implementation of this funding agreement shall be monitored by the City's Planning Department.	Verify that funding amount outlined in MM 5.7-1 has been paid.	Project Applicant.	Prior to issuance of building permits.	Development Services	
5.7-2	Implement Mitigation Measure 5.7-1.	See MM 5.7-1	See MM 5.7-1	See MM 5.7-1	See MM 5.7-1	
	5.9 Transportation and Circulation					
5.9-1	The project applicant shall be required to develop the Delta Shores Finance Plan for review and approval by the City before project approval. The plan shall identify the financing mechanisms for all feasible transportation improvements defined as mitigation measures including, but not limited to, new roadways, roadway widening, traffic signals and public transit. The project applicant shall coordinate preparation of the finance plan with the City of Sacramento. All mitigation measures with "fair share" contributions would be implemented through the proposed financing mechanisms(s) indicated in the finance plan or by some other mechanism as determined by the City of Sacramento. The City shall adopt the Delta Shores Finance Plan at the time the project is considered for approval.	Verify that a Finance Plan has been developed and that the plan was reviewed and approved by the City of Sacramento.	Project Applicant	Concurrent with project approval.	Development Services and Department of Transportation	
5.9-2	The project applicant shall construct an exclusive eastbound right turn lane at the intersection of Meadowview Road/Freeport Boulevard. This improvement has to be in place at the time when building permits for 200	Verify that this improvement has been completed.	Project Applicant	Prior to issuance of building permits for 200	Development Services and Department of	

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dwelling units have been issued.			dwelling units.	Transportation	
5.9-3 The project applicant shall coordinate with Regional Transit to provide transit facilities to serve the project area. The project applicant, in coordination with Regional Transit, shall also identify the specific locations of sheltered transit stops with bus turnouts. The City of Sacramento Development Engineering Division, working in conjunction with Regional Transit, shall approve the location, design, and implementation timing of the sheltered transit stops and bus turnouts prior to the issuance of building permits. Construction of these on-site bus stop facilities shall be phased consistent with the phased development of the project. Once demand for public transit services reaches 50 service requests, the project applicant shall work with Regional Transit to begin to provide transit services and shall increase those services in proportion to the development levels and increased rider ship levels occurring on the project site. Final design and operation of the transit service will be subject to the approval of the City and other proposed operating agencies (e.g., RT).	Verify that coordination has occurred with Regional Transit.	Project Applicant	Prior to issuance of building permits.	Development Services and Department of Transportation	
5.9-5 Before issuance of grading permits for the project site, the project applicant shall prepare a detailed Traffic Management Plan that would be subject to review and approval by the City Department of Transportation, Caltrans, and local emergency service providers including the City of Sacramento fire and police departments. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include: • The number of truck trips, time, and day of street closures • Time of day of arrival and departure of trucks • Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting • Provision of a truck circulation pattern • Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas) • Maintain safe and efficient access routes for emergency vehicles	Verify that a Traffic Management Plan has been prepared and reviewed and approved by the city.	Project Applicant	Prior to issuance of grading permits.	Development Services and Department of Transportation	

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Mitigation Measure		Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
	• Manual traffic control when necessary					
	• Proper advance warning and posted signage concerning street closures • Provisions for pedestrian safety • A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.					
5.9-6	The project applicant shall construct an exclusive southbound right turn lane at the intersection of Meadowview Road/Freeport Boulevard before completion of development that would generate 80 percent of the PM peak hour project traffic, assuming construction of the I-5/Cosumnes River Boulevard interchange and the Cosumnes River Boulevard Extension west to Freeport Boulevard.	Verify that this improvement has been completed.	Project Applicant	Prior to the completion of development that would generate 80 percent of the PM peak hour project traffic.	Development Services and Department of Transportation	
5.9-8	The project applicant shall install a traffic signal at the Meadowview Road/Manorside Drive intersection before completion of development that would generate 70 percent of the PM peak hour project traffic, assuming construction of the I-5/Cosumnes River Boulevard interchange and the Cosumnes River Boulevard Extension west to Freeport Boulevard.	Verify that this improvement has been completed.	Project Applicant	Prior to the completion of development that would generate 70 percent of the PM peak hour project traffic.	Development Services and Department of Transportation	
5.9-9	The project applicant shall be required to pay a fair share development impact fee towards the I-5/Cosumnes River Boulevard interchange project, as well as the I-5 corridor impact fee that is in effect at the time of issuance of building permits.	Verify that the applicant has paid their fair share fees.	Project Applicant	Prior to issuance of building permits.	Development Services and Department of Transportation	
5.9-10	The project applicant shall coordinate with Regional Transit to provide transit facilities to serve the project area. This may include but not be limited to, creating new bus routes or/ add rerouting existing bus services through the project area to connect the project site with the future light rail station at Morrison Creek or to Meadowview station or to	Verify that coordination has occurred with Regional Transit.	Project Applicant	Prior to project occupancy.	Development Services and Department of Transportation	

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	downtown Sacramento. The project applicant, in coordination with Regional Transit, shall also identify the specific locations of sheltered transit stops with bus turnouts. The City of Sacramento Development Engineering Division, working in conjunction with Regional Transit, shall approve the location, design, and implementation timing of the sheltered transit stops and bus turnouts prior to the issuance of building permits. Construction of these on-site bus stop facilities shall be phased consistent with the phased development of the project. Once demand for public transit services reaches 50 service requests, the project applicant shall coordinate to begin to provide transit services and shall increase those services in proportion to the development levels and increased rider ship levels occurring on the project site. Final design and operation of the transit service would be subject to the approval of the City and other proposed operating agencies (e.g., RT).					
5.9-12	Implement Mitigation Measure 5.9-5.	See MM 5.9-5	See MM 5.9-5	See MM 5.9-5	See MM 5.9-5	
5.9-15	The project applicant shall pay a fair share towards the addition of a second exclusive southbound left turn lane, an exclusive southbound right turn lane, and shall pay a fair share to recover costs for the City's Traffic Operations Center monitoring and retiming of modifications to the traffic signal to provide an overlap phase for the southbound right turn/eastbound left turn movements at the intersection of Meadowview Road/Freeport Boulevard.	Verify that the applicant has paid their fair share towards this improvement and towards the City's recovery costs.	Project Applicant	Prior to project occupancy.	Development Services and Department of Transportation	
5.9-17	The project applicant shall pay a fair share to recover costs for the City's Traffic Operations Center monitoring and retiming of the traffic signal to provide an overlap phase for the eastbound right-turn/northbound left-turn movements at the intersection of Mack Road/Franklin Boulevard.	Verify that the applicant has paid their fair share towards the City's recovery costs.	Project Applicant	Prior to project occupancy.	Development Services and Department of Transportation	
5.9-18	The project applicant shall pay a fair share towards the addition of a second exclusive northbound left-turn lane at the intersection of Cosumnes River Boulevard/Franklin Boulevard.	Verify that the applicant has paid their fair share towards this improvement.	Project Applicant	Prior to project occupancy.	Development Services and Department of Transportation	

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5.9-19	The project applicant shall pay a fair contribution toward the construction of the Cosumnes River Boulevard/Freeport Boulevard intersection as defined in the Delta Shores Finance Plan.	Verify that the applicant has paid their fair share towards this improvement.	Project Applicant	Prior to project occupancy.	Development Services and Department of Transportation	
5.9-20	The project applicant shall construct two southbound through lanes and two northbound through lanes on Delta Shores Circle South between Cosumnes River Boulevard and Street D (north). The project applicant shall pay a fair share towards modifying the planned westbound approach of the Cosumnes River Boulevard/I-5 northbound ramps intersection to provide two through lanes and two exclusive right-turn (mixed flow) lanes. This configuration would allow mixed flow vehicles to use both westbound right-turn lanes to enter the northbound on-ramp. This differs from the planned configuration which only allows high occupancy vehicles (HOV) to turn right from a shared through/right-turn lane. The HOV bypass lane would begin just downstream on the northbound on-ramp.	Verify that the applicant has constructed the two SB lanes and has paid their fair share towards this improvement.	Project Applicant	Prior to project occupancy.	Development Services and Department of Transportation	
5.9-21	Implement the Mitigation Measure 5.9-8.	See MM 5.9-8.	See MM 5.9-8.	See MM 5.9-8.	See MM 5.9-8.	
5.9-22	**Consumnes River Boulevard Interchange.** The project applicant shall pay a fair contribution toward the construction of the interchange as defined in the Delta Shores Finance Plan and the cost of widening the southbound off ramp and I-5 overcrossing additional eastbound lane.	Verify that the applicant has paid their fair share towards this improvement.	Project Applicant	Prior to project occupancy.	Development Services and Department of Transportation	
5.9-23	Implement Mitigation Measure 5.9-9.	See MM 5.9-9	See MM 5.9-9	See MM 5.9-9	See MM 5.9-9	
5.9-24	Implement Mitigation Measure 5.9-10.	See MM 5.9-10	See MM 5.9-10	See MM 5.9-10	See MM 5.9-10	
5.10 Global Climate Change						
5.10-1	In order to further reduce and substantially lessen the impacts on global climate change resulting from construction and operation of the project, the project applicant has voluntarily agreed to implement the following mitigation measures:	Verify all feasible measures are implemented as part of the project.	Project Applicant	Prior to project occupancy and prior to issuance of building permits (in some instances)	Development Services	

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a) Priority parking for hybrid and alternative energy vehicles shall be provided at commercial and retail parking areas, and provide passenger loading, unloading and waiting areas for ridesharing in commercial/ retail/office developments.					
b) Pedestrian and bike paths shall be located in a manner to minimize road crossings to promote safety and encourage children to walk or bike to school, consistent with the project's Air Quality Management Plan.					
c) Energy efficiency shall be increased fifteen percent (15%) above Title 24 requirements and comply with the City's Green Building program.					
d) Light-colored roofing materials and paints shall be used on building roofs.					
e) Energy star rated appliances shall be installed in all residential development.					
f) Encourage participation in the California Energy Commission's New Solar Homes Partnership and encourage solar power in the project's PUD Guidelines.					
g) Encourage energy efficient design, such as providing hot water systems with booster heating and locating hot water heaters near hot water taps in the project's PUD Guidelines.					
h) Encourage the use of solar on retail/commercial rooftops and parking lots in the PUD Guidelines. The project applicant shall inform all tenants and building owners of solar power options since the project applicant will not be constructing all buildings at the project site.					
i) The project applicant shall comply with the City's Shade Tree Parking Ordinance as well as the PUD Guidelines to avoid heat island and similar environmental impacts, as well as use high reflectance or lighter colored paving in accordance with the AQMP which requires all unshaded parking lot areas, driveways fire lanes and other paved areas to have a minimum albedo of .3 or greater.					
j) Light emitting diodes (LED) for traffic, street and other outdoor lighting shall be installed at the project site.					

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k) Outdoor lighting shall be limited, as specified in Table K in the Draft EIR Appendices.					
l) The project applicant shall participate and fund a transportation management association (TMA) that shall operate ridesharing and shuttle services programs, and also provide educational materials on energy efficiency, as required by the project's Air Quality Management Plan.					
m) The project applicant shall ensure the project site accommodates future Regional Transit bus service.					
n) Class I and Class II bike lanes shall be constructed throughout the project site in excess of those required by the City's 2010 Bikeway Master Plan.					
o) Onsite bicycle and pedestrian facilities shall be provided, including showers and bicycle parking for non-residential projects.					
p) The project applicant shall comply with Sacramento City Code Section 17.72.030 which establishes separate waste and recycling disposal requirements for all new uses, including the use of separate receptacles, including green waste and food recycling.					
q) The project applicant shall comply with Sacramento City Code Section 13.10.400 which requires the separate collection of garden wastes from residential properties.					
r) The project applicant shall comply with Sacramento City Code Section 15.76.030 which requires that all shower fixtures be fitted with low-flow features.					
s) The project applicant shall comply with Sacramento City Code Section 15.92.080 which establishes maximum water usage for landscaping and limits the use of turf, and requires the use of climate-adapted landscaping.					
t) Electrification stations/connections shall be installed in all project loading docks for use by transportation refrigeration units.					

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u) The project applicant shall comply with Sacramento City Code Section 17.68.040 which requires the planting of shade trees to ensure that 50% of all surface parking areas are shaded within 15 years of development.					
v) Enlarged sidewalks shall be installed to encourage pedestrian movement throughout the project site.					
w) The project applicant shall comply with Sacramento City Code, Chapter 8.116, which prohibits the idling of diesel powered vehicles for more than five consecutive minutes or five minutes total in one hour.					
x) Recycled building materials shall be used, where feasible, in building designs.					
y) During project construction, alternative fuel (such as aqueous diesel fuel) or catalyst equipped diesel construction equipment shall be used.					
z) Reuse and recycle construction waste where feasible.					
aa) Efficient fluorescent lighting shall be provided for all primary lighting within project buildings. Accent and aesthetic lighting shall not be subject to this condition.					
bb) The project shall be designed consistent with the City's Smart Growth Principles and associated strategies and initiatives, including jobs/housing balance, the mixing of land use, and transit oriented development.					
cc) The project applicant shall Implement additional greenhouse gas reduction strategies through application of future city ordinances to be applied to the project via the MMP and the Development Agreement.					
Initial Study - 9. Hazards					
9-1 Prior to issuance of grading permits at the subject property, a Phase II ESA for the subject property shall be prepared by the permit 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	Verify that a Phase II ESA was prepared for the project site.	Project Applicant	Prior to approval of the Final Tentative Map.	Development Services	

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	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, school 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 ~~of~~ 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.	Verify that a qualified professional prepared a work plan, if necessary, and that all identified hazards are managed properly.	Project Applicant and/or contractor	Prior to issuance of grading or building permits.	Development Services and SCEMD	
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	Verify that measures addressing unidentified hazards are implemented as set forth in MM 9-3.	Project Applicant and/or contractor	During all earth disturbing activities.	Development Services and SCEMD	

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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.					
Initial Study - 14. Cultural Resources					
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.	Hire a Project Archaeologist to perform test trenching in the area of the former Russian Embarcadero.	Project Applicant and/or contractor	Prior to issuance of grading permit and during ground disturbance activities.	Development Services	
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	Hire a Project Archaeologist to perform test trenching in the area of the former	Project Applicant and/or contractor	Prior to issuance of grading permit and during ground disturbance	Development Services	

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	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.	Russian Embarcadero.		activities.		
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.	Hire a Project Archaeologist to monitor all ground disturbing activities in the vicinity of the former Russian Embarcadero and the dairy complex.	Project Applicant and/or contractor	Prior to issuance of grading permit and during ground disturbance activities.	Development Services	
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.	If prehistoric or historic subsurface archaeological features or deposits are discovered, halt construction within 100 feet of discovery, and notify the Development Services Department immediately.	Project Applicant and/or contractor	Prior to issuance of grading permit and during ground disturbance activities.	Development Services	
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	If human remains are discovered, halt construction within 100 feet of discovery, and notify Sacramento County coroner and Development Services Department immediately.	Project Applicant and/or contractor	Ongoing during construction.	Development Services	

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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.					