

RESOLUTION NO. 2010-621

Adopted by the Sacramento City Council

October 26, 2010

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR AMENDMENTS TO THE 2030 GENERAL PLAN MOBILITY ELEMENT, EAST SACRAMENTO COMMUNITY PLAN, FRUITRIDGE BROADWAY COMMUNITY PLAN, REPEAL OF THE 65TH STREET/UNIVERSITY TRANSIT VILLAGE PLAN, AND REPEAL OF THE SOUTH 65TH STREET AREA (TRANSIT VILLAGE) PLAN, RELATING TO THE 65TH STREET STATION AREA STUDY (M09-019) SCH#2008052069

BACKGROUND

- A. An Initial Study was prepared for the project that identified potentially significant environmental impacts in the issues of air quality, noise, transportation and circulation. The EIR is focused on those issues, with the remainder of the issues discussed in the Initial Study.
- B. Scenario C-Prime (C') was crafted following the completion of the environmental analysis in response to community and stakeholder feedback. C-Prime is a hybrid combination of all of the circulation elements from Scenario C for facilities north of Highway 50 and all of the circulation elements from Scenario B for facilities south of Highway 50. The scenario identified as the staff-recommended option (Scenario C-Prime) was not specifically identified in the EIR. As discussed above, Scenario C-Prime is a combination of Scenario C elements north of U.S. 50 and Scenario B elements south of U.S. 50. The elements of both Scenarios B and C were analyzed in detail in the EIR. Although Scenario C-Prime was not explicitly analyzed in the EIR, the environmental impacts of Scenario C-Prime are similar to the impacts identified for Scenarios B and C in the EIR and no additional significant impacts would occur nor would additional mitigation measures be required beyond those identified in the EIR.
- C. On July 22, 2010, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation of approval of amendments to the 2030 General Plan Mobility Element, East Sacramento Community Plan, and Fruitridge Broadway Community Plan to implement the 65th Street Station Area Study Scenario C-Prime(M09-019).

- D. On October 26, 2010, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(a)(publication), and received and considered evidence concerning the 65th Street Station Area Study and amendments to the 2030 General Plan Mobility Element, East Sacramento Community Plan, and Fruitridge Broadway Community Plan to implement the 65th Street Station Area Study Scenario C-Prime (M09-019)(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 the 65th Street Station Area Study (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 the City Council, and 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. The City Council finds that the environmental impacts of Scenario C-Prime are similar to the impacts identified for Scenarios B and C in the EIR and no additional significant impacts would occur nor would additional mitigation measures be required beyond those identified in the EIR..
- Section 5. 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 6. 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 7. 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 8. Pursuant to CEQA 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.

Section 9. Exhibits A and B are incorporated into and made part of this Resolution.

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Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the 65th Street Station Area Study

Exhibit B - Mitigation Monitoring Program for the 65th Street Station Area Study

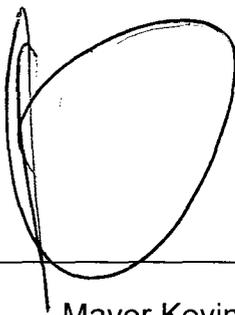
Adopted by the City of Sacramento City Council on October 26, 2010 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

CEQA Findings of Fact and Statement of Overriding Considerations for the 65th Street Station Area Plan

Description of the Project

The 65th Street Station Area Plan project (proposed Project) is one of the final steps required to plan for mixed-use, pedestrian-oriented neighborhoods in the area of the 65th Street/University Light Rail station. This plan incorporates concepts from previous planning efforts that established new land uses and development intensities in the area, but that lacked a complete vision that fully integrated a complete transportation infrastructure plan including streets, sidewalks, and bicycle facilities. The proposed Project supports the land use plans in the area including the transit village concept envisioned by the 2030 General Plan. The proposed Project would replace two adopted plans (the 65th Street/University Transit Village Plan and the South 65th Street (Transit Village) Area Plan). Therefore, the 65th Street Station Area Plan and the 2030 General Plan would provide the guidance for future development within this area.

The project area is generally bounded by the Union Pacific Railroad (UPRR) right-of-way and Folsom Boulevard to the north, Power Inn Road to the east, 14th Avenue to the south, and 59th Street to the west.

The proposed Project analyzed in the EIR is comprised of two transportation network options: (1) Scenario B and (2) Scenario C. Each scenario includes distinct vehicle, bicycle, pedestrian, and transit components. A third project scenario, called C-Prime (C'), was crafted following the completion of environmental analysis and is the preferred scenario. C-Prime is a hybrid combination of all of the circulation elements from Scenario C for facilities north of Highway 50 and all of the circulation elements from Scenario B for facilities south of Highway 50. Combining the scenarios as described to develop C-Prime does not create any significant impacts or require any mitigation measures in addition to those fully analyzed in the EIR. The environmental effects of Scenario C-Prime have been adequately identified and addressed in the EIR. The no-project scenario is referred to as Scenario A in the EIR and is analyzed as the No Project Alternative.

Whereas the currently approved plans (Scenario A) rely on capacity increasing measures (e.g., roadway widening) to improve vehicular mobility in the proposed Project area, Scenario B is designed to maintain current vehicular capacity on existing streets while enhancing the infrastructure for bicycles and pedestrians in an effort to balance the various transportation options available. The major improvements proposed with Scenario B are extensions of San Joaquin Street, Broadway, and 65th Street, in addition to a realignment of 69th Street. The extensions of 65th Street and San Joaquin Street require construction of a tunnel under the UPRR tracks.

Scenario C was designed to maximize access through the transit village area of the proposed Project area for pedestrians and bicyclists by incorporating additional roadway connections and reducing travel lanes on key street segments. The major improvements proposed with Scenario C are extensions of Broadway and 67th Street, the creation of a new 68th Street, and the reduction of lanes on Folsom Boulevard from four lanes to three lanes from 59th Street to 67th Street. The extension of Broadway from 65th Street to Ramona Avenue requires construction of a tunnel under the UPRR tracks.

Scenario C-Prime focuses on maximizing access through the transit village area of the proposed Project area for pedestrians and bicyclists as well as incorporating major roadway improvements such as the extension of 67th Street, the creation of a new 68th Street, and the reduction of lanes on Folsom Boulevard from four lanes to three lanes from 59th Street to 67th Street. In addition, C-Prime would also extend Broadway, San Joaquin Street, and 65th Street, including the construction of a tunnel under the UPRR tracks for the San Joaquin Street extension. As mentioned above, the environmental effects of Scenario C-Prime have been adequately identified and addressed in the EIR and no additional significant impacts would occur and no additional mitigation measures would be required beyond those discussed in the EIR.

Table 1 includes a list of the transportation improvements associated with each scenario, as indicated by the checkmarks.

TABLE 1				
COMPARISON OF SCENARIOS A, B, C AND C'				
(Note: the project elements analyzed in the EIR are highlighted in gray. The elements not highlighted were analyzed in previous environmental documents.)				
	SCENARIO			
	A	B	C	C'
Roadway improvements would occur at the following locations:				
The Folsom Boulevard UPRR undercrossing and approaches would be widened from two lanes to four lanes (two lanes in each direction) thereby providing a continuous four-lane arterial from 59 th Street to Power Inn Road.	✓			
Ramona Avenue would be extended with two travel lanes from its current terminus at Brighton Avenue westward to cross under the light rail tracks and US 50 immediately east of the UPRR tracks to a new intersection at Folsom Boulevard roughly 350-feet east of the UPRR tracks.	✓	✓	✓	✓
4 th Avenue would be extended eastward with two travel lanes from its current terminus at Redding Avenue with an S-curve in the southeast direction toward a grade-separated crossing of the UPRR to a new intersection at Ramona Avenue.	✓			
Ramona Avenue would be extended with two travel lanes southward from the current elbow roughly 850-feet west of the Ramona and Power Inn Road intersection to a new intersection at 14 th Avenue.	✓	✓	✓	✓
69 th Street would be realigned to connect Elvas Avenue directly with Redding Avenue with the addition of a signalized 4-way intersection at Folsom Boulevard.		✓		
San Joaquin Street would be extended eastward from its current terminus west of the UPRR tracks to Ramona Avenue at Cucamonga Avenue with a grade separated crossing of the UPRR tracks. Access control measures would be provided on the westbound leg of the intersection of San Joaquin Street and Redding Avenue to allow pedestrian, bicycle, and emergency vehicle access only.		✓		✓

TABLE 1

COMPARISON OF SCENARIOS A, B, C AND C'

(Note: the project elements analyzed in the EIR are highlighted in gray. The elements not highlighted were analyzed in previous environmental documents.)

	SCENARIO			
	A	B	C	C'
Broadway would be extended with two travel lanes eastward from 65 th Street to a new intersection at Redding Avenue.		✓		✓
Broadway would be extended with two lanes eastward from 65 th Street through a new grade-separated crossing of the UPRR to a new intersection at Ramona Avenue.			✓	
65 th Street would be extended with two travel lanes northward from Elvas Avenue under the UPRR tracks to a new intersection with State University Drive.		✓		
A new two lane "68 th Street" would be constructed parallel to 67 th Street and roughly equidistant between 67 th and 69 th from Elvas Avenue and Q Street and relinquishing Elvas Avenue between 68 th Street and Folsom Boulevard.			✓	✓
67 th Street would be extended from Folsom Boulevard to Elvas Avenue.			✓	✓
Folsom Boulevard would be reduced from four lanes to three lanes from 59 th Street to 67 th Street.			✓	✓
Access to CSUS would be provided as follows:				
Access from the project area into CSUS would continue to be provided at the pedestrian/bicycle tunnel at Elvas Avenue (just west of 65 th Street), the State University Drive East connection to Folsom Boulevard, and the planned Ramona Avenue extension from Folsom Boulevard to South State University Drive at Stadium Drive.	✓	✓	✓	✓
A new two-lane vehicle/bicycle/pedestrian/Sac State Tram tunnel extension of 65th Street north of Elvas Avenue would be provided to directly connect the 65 th Street/University Transit Village to State University Drive on the CSUS campus.		✓		
A new bicycle/pedestrian/tram tunnel extension of 67 th Street north of Elvas Avenue would be provided to directly connect the 65 th Street/University Transit Village to State University Drive on the CSUS campus.			✓	✓
Class II bicycle lanes would be added on:				
65 th Street from 14 th Avenue to Folsom Boulevard	✓	✓	✓	✓
Redding Avenue 14 th Avenue to Folsom Boulevard	✓	✓	✓	✓
Ramona Avenue 14 th Avenue to Folsom Boulevard	✓	✓	✓	✓
59 th Street from Broadway to Folsom Boulevard	✓	✓	✓	✓
58 th Street north of Folsom Boulevard	✓	✓	✓	✓
4 th Avenue between 65 th Street and Ramona Avenue	✓			
San Joaquin Street from 65 th Street to its eastern terminus	✓			
Elvas Avenue west of 65 th Street	✓			
Folsom Boulevard from 59 th Street to Power Inn Road	✓	✓		
Power Inn Road from 14 th Avenue to Folsom Boulevard		✓		
Elvas Avenue Folsom Boulevard to 59th Street		✓	✓	✓
69 th Street/Redding Avenue transition		✓		
4 th Avenue from 65 th Street to Redding Avenue		✓	✓	✓
Broadway from 59 th Street to Redding Avenue		✓		✓
San Joaquin Street from 65 th Street to Power Inn Road		✓		✓
8 th Avenue from 59 th Street to 65 th Street		✓		✓
61st Street from 8 th Avenue to 11 th Avenue		✓		✓
60 th Street from Broadway to 8 th Avenue		✓		✓
11 th Avenue from 59 th Street to 61 st Street		✓		✓
68 th Street connection between Folsom Boulevard and Q Street			✓	✓
Stadium Drive from Folsom Boulevard to State University Drive East	✓	✓	✓	✓
Q Street between 65 th Street and Redding Avenue			✓	✓

TABLE 1

COMPARISON OF SCENARIOS A, B, C AND C'

(Note: the project elements analyzed in the EIR are highlighted in gray. The elements not highlighted were analyzed in previous environmental documents.)

	SCENARIO			
	A	B	C	C'
4 th Avenue between 65 th Street and Redding Avenue			✓	
Broadway from 59 th Street to Ramona Avenue			✓	
San Joaquin Street from 65 th Street to current terminus (just east of Business Drive)			✓	
14 th Avenue from 65 th Street to Power Inn Road		✓	✓	✓
Class I bicycle paths would be:				
Provided along the Regional Transit (RT) Light Rail/UPRR line through the project area.	✓			
Improved along the existing pathway between Kroy Way and 65 th Street.	✓	✓	✓	✓
Provided to extend 4 th Avenue eastward from Redding Avenue to Ramona Avenue with a new grade separated crossing of the UPRR tracks.		✓		
Provided to extend 69 th Street eastward to connect with Folsom Boulevard with a new grade separated crossing of the UPRR tracks.		✓	✓	✓
Provided to connect San Joaquin Street with Ramona Avenue with a new grade separated crossing of the UPRR tracks.			✓	
Sidewalks would be enhanced on:				
Folsom Boulevard	✓	✓	✓	✓
Redding Avenue	✓	✓	✓	✓
Q Street	✓	✓	✓	✓
4 th Avenue	✓	✓	✓	✓
San Joaquin Street east of Redding Avenue	✓	✓	✓	✓
Elvas Avenue	✓	✓	✓	✓
65 th Street	✓	✓	✓	✓
The following intersections would have traffic signals added:				
60 th Street/Folsom Boulevard		✓		
61 st Street/Folsom Boulevard			✓	✓
63 rd Street/Folsom Boulevard	✓			
67 th Street/Folsom Boulevard	✓			
68 th Street/Folsom Boulevard			✓	✓
Folsom Boulevard/Elvas Avenue/Redding Avenue/69 th Street		✓	✓	✓
Stadium Drive/Ramona Avenue Extension/Folsom Boulevard	✓	✓	✓	✓
Ramona Avenue Extension (south)/14 th Avenue	✓	✓	✓	✓
On-street parallel parking (both sides of street) would be added on:				
Elvas Avenue from 61 st Street to Folsom Boulevard		✓	✓	✓
Folsom Boulevard from 65 th Street to Elvas Avenue		✓		
Folsom Boulevard (from 59 th Street to Elvas Avenue/68 th Street)			✓	✓
Q Street from 67 th Street to Redding Avenue		✓	✓	✓
Broadway from 65 th Street to Redding Avenue		✓	✓	✓
San Joaquin Street from Redding Avenue to Business Drive		✓	✓	✓
65 th Street from Q Street to Elvas Avenue		✓	✓	✓
66 th Street from Elvas Avenue to Folsom Boulevard		✓	✓	✓
67 th Street from Folsom Boulevard to Q Street – west side of street only		✓	✓	✓
Redding Avenue (from 4 th Avenue to San Joaquin Street)		✓	✓	✓
Ramona Avenue (from Brighton Avenue to Power Inn Road "elbow")		✓	✓	✓

TABLE 1

COMPARISON OF SCENARIOS A, B, C AND C'

(Note: the project elements analyzed in the EIR are highlighted in gray. The elements not highlighted were analyzed in previous environmental documents.)

	SCENARIO			
	A	B	C	C'
New rights-of-way would be required for:				
Ramona Avenue, extended with two travel lanes from its current terminus at Brighton Avenue westward to cross under the light rail tracks and US 50 immediately east of the UPRR tracks to a new intersection at Folsom Boulevard roughly 350 feet east of the UPRR tracks.		✓	✓	✓
Ramona Avenue, extended with two travel lanes southward from the current elbow roughly 850 feet west of the Ramona and Power Inn Road intersection to a new intersection at 14 th Avenue.		✓	✓	✓
69 th Street, realigned to connect Elvas Avenue directly with Redding Avenue with the addition of a signalized 4-way intersection at Folsom Boulevard.		✓		
San Joaquin Street, ^a extended eastward from its current terminus west of the UPRR tracks to Ramona Avenue at Cucamonga Avenue with a grade separated crossing of the UPRR tracks. Access control measures would be provided on the westbound leg of the intersection of San Joaquin Street and Redding Avenue to allow pedestrian, bicycle, and emergency vehicle access only.		✓		✓
Broadway, extended with two travel lanes eastward from 65 th Street to a new intersection at Redding Avenue.		✓		✓
Broadway, ¹ extended with two lanes eastward from 65 th Street through a new grade-separated crossing of the UPRR to a new intersection at Ramona Avenue.			✓	
65 th Street, ¹ extended with two travel lanes northward from Elvas Avenue under the UPRR tracks to a new intersection with State University Drive.		✓		
67 th Street, extended from Folsom Boulevard to Elvas Avenue.			✓	✓
New two-lane "68 th Street", constructed parallel to 67 th Street and roughly equidistant between 67 th and 69 th from Elvas Avenue and Q Street and relinquishing Elvas Avenue between 68 th Street and Folsom Boulevard.			✓	✓
Note: 1. Extensions through the existing levee; an encroachment permit from the reclamation district would be required. Source: City of Sacramento, Department of Transportation, January 2009.				

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 65th Street Station Area Plan, SCH # 2008052069, (herein after 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 §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

- a. A Notice of Preparation (NOP) 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 May 16, 2008 through June 16, 2008.

b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on October 29, 2009 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 public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on October 29, 2009 and ended on December 14, 2009.

d. A Notice of Availability (NOA) of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on October 29, 2009. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, New City Hall, 915 I Street, Third Floor, Sacramento, California 95814. The letter also indicated that the official 45-day public review period for the Draft EIR would end on December 14, 2009.

e. A public notice was placed in the Daily Recorder on October 29, 2009, which stated that the Draft EIR was available for public review and comment.

f. A public notice was posted in the office of the Sacramento County Clerk on October 29, 2009.

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

2. Record of Proceedings

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

a. The Draft and Final EIR and all documents relied upon or incorporated by reference;

b. The City of Sacramento 2030 General Plan adopted March 3, 2009, and all updates.

c. The Master Environmental Impact Report for the City of Sacramento 2030 General Plan certified on March 3, 2009, and all updates.

d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento 2030 General Plan adopted March 3, 2009, and all updates.

- e. Zoning Ordinance of the City of Sacramento
- f. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004
- g. 65th Street Station Area Plan
- h. 65th Street/University Transit Village Plan
- i. South 65th Street Area (Transit Village) Plan
- i. East Sacramento Community Plan
- k. Fruitridge Broadway Community Plan
- l. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

3. Findings

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environment 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, § 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, §§ 15093, 15043, sub. (b); see also Pub. Resources Code, § 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*”) (1988) 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 proper 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, §§15093, 15043, sub.(b).) In the Statement of Overriding Considerations found at the end of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

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

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 § 21080 of CEQA and section 15091 of the CEQA Guidelines:

A. 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 § 21081(a)(1) of the Public Resources Code and §15091(a)(1) of the CEQA Guidelines, as to each such impact, the City Council, based on the

evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below. In some cases, the impact statement says, "Under Existing plus Project conditions, project Scenarios B and C would..." or "Under Cumulative plus Project conditions, project Scenarios B and C would..." or otherwise specifically call out Scenarios B and C. These impact statements and the impact analyses and mitigation measures that follow would also apply to Scenario C-Prime.

Air Quality

Impact 4.1-1: Construction of the proposed Project would generate emissions of ozone precursors. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.1-1: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- 4.1-1 a) The project contractor shall provide a plan, for approval by 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.
- b) The project 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 developer 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. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.
- c) The project 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. The above shall not supersede other SMAQMD or state rules and regulations.

- d) Limit vehicle idling time to five minutes or less.
- e) The City shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO_x for construction of any project components or group of components with concurrent construction that exceed daily emission threshold of 85 lbs/day. The project developer shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the current SMAQMD Fee (dollars per ton of NO_x emissions generated) at the time of ground disturbance. This fee shall be paid prior to the issuance of grading or other permits or at a date acceptable to the SMAQMD. The City shall keep track of actual equipment use and their NO_x emissions on a monthly basis and reported to the SMAQMD. Based on these monthly NO_x emissions reports, mitigation fees can be adjusted accordingly for payment to the SMAQMD.

Finding: The Sacramento Metropolitan Air Quality Management District (SMAQMD) requires that specific mitigation measures be implemented for all construction projects that exceed thresholds (included above in Mitigation Measure 4.1-1 (a-c)). These measures would apply to Scenarios B, C, or C-Prime. Additionally, Mitigation Measure 4.1-1(d) is necessary as it is required by state law. Implementation of Mitigation Measures 4.1-1(a) through (d) would result in a minimum 20 percent reduction of NO_x construction emissions according to the SMAQMD Guide which assigns a point value that ultimately adds up to a percentage. While the proposed Project's impact would be substantially reduced through implementation of these measures, the impact during construction could remain significant if construction phases overlap. However, the mitigation fee collected under Mitigation Measure 4.1-1(e) would enable SMAQMD to reduce emissions from other NO_x sources to offset the project's construction NO_x emissions if they exceed the current threshold, thus offsetting any project emissions that would exceed the SMAQMD construction NO_x thresholds.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant level*

Impact 4.1-2: Construction and demolition activities associated with the proposed Project would generate emissions of particulate matter. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.1-2: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- 4.1-2 Future project components shall comply with SMAQMD Rule 403, Fugitive Dust, for demolition and construction phases to reduce emissions of fugitive dust. To ensure compliance with Rule 403, approval to commence project construction shall not be given until the contractor submits a construction dust mitigation plan deemed satisfactory by the City and the SMAQMD. This plan shall specify control measures that shall be implemented to ensure that emissions of fugitive dust from being airborne beyond the property line from which the emission originates, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures. The following measures shall be included, at a minimum, to reduce fugitive dust emissions in compliance with Rule 403:
- a) All disturbed areas, including storage piles that are not being actively used for construction purposes, shall be watered with sufficient frequency as to maintain soil moistness.
 - b) 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.
 - c) When materials are transported off-site, they shall be covered, effectively wetted to limit visible dust emissions, or maintained with at least 6 inches of freeboard space from the top of the container.
 - d) 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.
 - e) 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.
 - f) On-site vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - g) 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.
 - h) 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.
 - i) Excavation and grading activities shall be suspended when winds exceed 20 mph.
 - j) The extent of areas simultaneously subject to excavation and grading shall be limited, wherever possible, to the minimum area feasible.

Finding: All construction activities are required to comply with SMAQMD Rule 403 concerning fugitive dust associated with construction activities, regardless of the size or amount of construction. Rule 403 requires the application of water or chemicals for the control of fugitive dust associated with demolition, clearing of land, construction of roadways, and any other construction operation that may potentially generate dust, including the stockpiling of dust-producing materials.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

Transportation and Circulation

Impact 4.3-7: Under Existing plus Project conditions, project Scenarios B and C would result in disruptions to the transportation network in the project area, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.3-7: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

4.3-7 Before issuance of construction permits for any transportation improvements or any development projects in the project area, the City/ developers shall prepare a detailed Traffic Management Plan that would be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento fire and police departments. The plan shall ensure maintenance of acceptable operating conditions on local roadways and transit routes during all construction activities. 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 an access plan to maintain safe vehicular, pedestrian, and bicycle movements (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);
- Safe and efficient access routes for emergency vehicles;
- Efficient and convenient transit routes;
- Manual traffic control when necessary;
- Proper advance warning and posted signage concerning street closures;
- Provisions for pedestrian safety; and
- Provisions for temporary bus stops, if necessary.

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: Mitigation Measure 4.3-7 would require development of a Construction Traffic and Parking Management Plan for any improvement projects within the project area, subject to the approval of the City Traffic Engineer.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

Impact 4.3-11(b) (At-Grade Rail Crossing): Under Cumulative plus Project conditions, the existing transit system would be adversely affected under Scenarios B and C. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.3-10: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- 4.3-11 b) The City shall install additional signing and striping as well as enhancements to maximize the efficiency of existing traffic signal pre-emptions on the approaches to the 59th Street and 65th Street at-grade rail crossings. The City shall work with Regional Transit and the California Public Utility Commission (CPUC) to facilitate the implementation of advanced light rail detection at both locations to reduce the amount of time that gates are required to be closed.

Finding: Under cumulative plus Scenario B, C, or C-Prime conditions queue storage lengths would be exceeded at the 59th Street and 65th Street at-grade rail crossings. Implementation of Mitigation Measure 4.3-11(b) would provide additional signing and striping as well as additional advance detection for the adjacent traffic signals on the approaches to the 59th Street and 65th Street at-grade rail crossings. Mitigation Measure 4.3-11(b) would further lessen impacts at the 65th Street at-grade rail crossing and reduce the impact at the 59th Street at-grade rail crossing.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

Initial Study – Item 5, Water

Impact A: The proposed Project could cause changes in absorption rates, drainage patterns, or the rate and amount of surface/stormwater runoff (e.g. during or after construction; or from material storage areas, vehicle fueling/ maintenance areas,

waste handling, hazardous materials handling & storage, delivery areas, etc.). **Without mitigation, this is a *significant impact*.**

Mitigation Measure MM-1: The following mitigation measure(s) has been adopted to address this impact (for Scenario B and Scenario C-Prime):

MM-1 Prior to issuance of a grading permit for the realignment of 69th Street to connect Elvas Avenue directly with Redding Avenue with the addition of a signalized intersection at Folsom Boulevard (Scenario B), the developer shall demonstrate to the City of Sacramento Department of Utilities that the runoff generated by the roadway improvement would not exceed the capacity of Sump 113. Improvements to ensure that Sump 113 is adequate could include, but would not be limited to, relocation of Sump 113, construction of Sump 113 that is larger than the existing one, improved wetwell hydraulics, added elbow room for maintenance, improved trash handling, backup pumping capacity, and possibly other "reliability" improvements. The City of Sacramento Department of Utilities would be required to approve of any improvements made to Sump 113.

Finding: Improvements to Sump 113 would be necessary to ensure stormwater runoff in the project area is properly handled, preventing areas within the project area from localized flooding. Implementation of Mitigation Measure MM-1 would ensure that appropriate upgrades to Sump 113 occur. This mitigation measure is only required for the realignment of 69th Street to connect Elvas Avenue directly with Redding Avenue with the addition of a signalized intersection at Folsom Boulevard.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant level*.

Impact B: The proposed Project could expose people or property to water related hazards such as flooding. Without mitigation, this is a *significant impact*.

Mitigation Measure MM-2: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

MM-2 a) Prior to issuance of a grading permit for the new railroad undercrossing, the City of Sacramento Department of Transportation shall prepare a construction flood management plan which details a triggered response should the American River reach the warning stage elevation at American River at the H Street Bridge (40 feet) during construction. As part of the

plan, the City shall describe what measures would be taken during construction such that flood protection remains in place. Temporary measures may include, but would not be limited to, construction of a temporary embankment consisting of rock, soil, and plastic sheeting at the undercrossing site. The City of Sacramento Department of Utilities shall approve the construction flood management plan prior to construction.

- b) As part of the improvements to the levee for the new railroad undercrossing, the City of Sacramento Department of Utilities (DOU) shall ensure that the project area would continue to have the minimum flood protection required by City regulations. The DOU shall require the project to include permanent improvements to ensure that flood protection is achieved which shall include, but not necessarily be limited to, the installation of flood gates on the railroad undercrossing.

Finding: Flood control mechanisms would be necessary to ensure that the project area and surrounding areas are protected from a flood event. Implementation of Mitigation Measure MM-2 would ensure that flood protection remains in place.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

Impacts C-E: The proposed Project could discharge into surface waters or other alteration of surface water quality that substantially impact temperature, dissolved oxygen or turbidity, beneficial uses of receiving waters or areas that provide water quality benefits, or cause harm to the biological integrity of the waters, change the flow velocity or volume of stormwater runoff that cause environmental harm or significant increases in erosion of the project site or surrounding areas, or change the currents, or the course or direction of water movements. Without mitigation, this is a *significant impact*.

Mitigation Measure MM-3: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- MM-3 Prior to issuance of a grading permit, the City of Sacramento Department of Transportation shall prepare a water quality mitigation plan for each project component to be reviewed and approved by the City of Sacramento Department of Utilities. This plan shall provide details regarding construction and operational Best Management Practices (BMPs), in compliance with the City's NPDES permit, which reduce urban contaminants in stormwater runoff.

Finding: The contribution of urban contaminants could affect water quality. The development of a water quality mitigation plan for each component of the project, and implementation of source control measures and on-site treatment controls would limit the introduction of contaminants into local waterways, either during construction or operation of the project.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

Initial Study – Item 8, Biological Resources

Impact A: The proposed Project could result in impacts to endangered, threatened or rare species or their habitats (including, but not limited to plants, fish, insects, animals and birds). Without mitigation, this is a *significant impact*.

Mitigation Measures MM-4 through MM-7 and MM-10: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- MM-4 The City of Sacramento shall ensure that any ground disturbance (outside of existing rights-of-way) associated with installation or construction of any project component shall comply with the following requirements:
- a) Prior to the initiation of any ground-disturbing or vegetation-clearing activities or issuance of a grading permit, the City of Sacramento shall retain a qualified botanist to conduct surveys for special-status plant species and their habitat in the area of disturbance.
 - b) The botanist shall conduct surveys for these special-status plant species at the appropriate time of year when the target species would be in flower and therefore clearly identifiable (i.e., blooming periods). Surveys shall be conducted following the California Department of Fish and Game (CDFG) and California Native Plant Society (CNPS) approved protocol for surveying for special-status plant species.
 - c) If no special-status plants or their habitat are found during focused surveys, the botanist shall document the findings in a letter report to the City of Sacramento, and no further mitigation shall be required.

- d) If special-status plants are found, the following measures shall be implemented:
- If the populations can be avoided, they shall be clearly marked in the field, using pin flags, by a qualified botanist for avoidance during construction activities. After the area has been marked, orange exclusion fencing shall be installed a minimum of one foot away from the pin-flagged locations. The location of the plant population shall also be recorded on construction plans and specs.
 - If special-status plant populations cannot be avoided, consultations with CDFG and/or U.S. Fish and Wildlife Service (USFWS) shall be required depending on the listing status of the species present. These consultations shall determine appropriate mitigation measures for any populations that would be affected by implementation of the proposed Project. Appropriate measures may include the creation of offsite populations through seed collection or transplanting, preservation and enhancement of existing populations, or restoration or creation of suitable habitat in sufficient quantities to compensate for the impact. The results of the consultation with CDFG and/or the USFWS shall be provided to the City.

MM-5 The City of Sacramento shall ensure that any ground disturbance or construction of project improvements comply with the following requirements:

- a) Prior to issuance of grading permits, the City of Sacramento, in consultation with the USFWS, shall either (1) conduct a protocol-level survey for federally-listed vernal pool crustaceans, or (2) assume presence (without conducting surveys) of federally-listed vernal pool crustaceans in all suitable wetland habitat within 250 feet of construction activities. 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 (survey timing for these species is dependent on yearly rainfall patterns and seasonal occurrences, and is determined on a case-by-case basis). The surveys may be done as part of the Clean Water Act 404 permit process. The results of the survey shall be summarized in a "90-day Report" as required in current USFWS protocols, and submitted to the City and the USFWS.

The 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 vernal pool crustacean species identified within the project area.
 - A detailed description of any identified federally-listed vernal pool crustacean 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 vernal pool crustacean populations identified in the project area.
- b) If surveys within the project area reveal no occurrences of federally-listed vernal pool crustaceans, no further mitigation shall be required. However, if surveys determine that one or more federally-listed vernal pool crustacean species occurs within the project area, or if the City of Sacramento, in consultation with the USFWS, assumes presence of federally-listed vernal pool crustaceans in all affected pools, no net loss of habitat shall be achieved through avoidance, preservation, creation and/or purchase of credits. The selected measures may be part of the Clean Water Act 404 permitting process.
- Avoidance

Where feasible all wetland features shall be avoided. A USFWS-approved biologist shall monitor construction activities located within 250 feet of any wetland habitat within the project site to be avoided 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 also shall immediately report any unauthorized impacts to the USFWS and the CDFG.
 - Compensation

The following or equally effective compensation measures shall be implemented as determined in consultation with the USFWS:

 - For every acre of habitat directly or indirectly (habitat within 250 feet of construction activities) affected, at least two vernal pool preservation credits shall be dedicated within a USFWS-approved ecosystem preservation bank.
 - For every acre of habitat directly affected, at least one vernal pool creation credit shall be dedicated within a USFWS-approved habitat mitigation bank (USFWS, Programmatic Formal Endangered Species Act Consultation on Issuance of 404 Permits for Projects With Relatively Small Effects on Listed Vernal Pool Crustaceans

Within the Jurisdiction of the Sacramento Field Office
California, 1996, p.3).

- Water quality in the avoided wetlands shall be protected using erosion control techniques, such as silt fencing or straw waddles during construction in the watershed. This shall be completed in accordance with the State Construction Permit, as outlined in the NPDES General Permit No. CAS000002, Waste Discharge Requirements, Order No. 99-08-DWQ.

MM-6 The City of Sacramento shall ensure that construction of all project improvements comply with the following requirements:

- a) Prior to any building demolition, the City of Sacramento shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites in buildings to be demolished and/or buildings located within 50 feet of construction activities. If no roosting sites or bats are found within the project area, a letter report confirming absence shall be sent to the City of Sacramento and no further mitigation is required.
- 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 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. This boundary shall be added to the construction plans and specs. Depending on the location, and in order to not adversely affect ongoing residential and commercial activities, the boundary shall be marked using stakes and environmental flagging, or another method determined to be appropriate in consultation with CDFG.
- c) Eviction of bats shall 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 BCI recommended exclusion professional.

MM-7 The City of Sacramento shall ensure that all project improvements comply with the following requirements:

- a) For construction activities proposed within 500 feet of a potential nesting tree, undeveloped habitat, or under US 50 during the nesting season

(February 1 through August 31), the City shall retain a qualified biologist to conduct focused preconstruction surveys for protected birds, including, burrowing owl, Swainson's hawk, white tailed kite and purple martin and other birds protected under the Migratory Bird Treaty Act. Surveys shall occur within 30 days before the onset of construction. A pre-construction survey report 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 any bird nests observed on the project area. If no active nests of MBTA, CDFG, or USFWS covered species are identified then no further mitigation is required.

- b) Should active nests of protected bird species be identified during the survey conducted in accordance with Mitigation Measure MM-7(a), the City of Sacramento in consultation with the CDFG, shall delay construction in the vicinity of active nest sites during the breeding season (February 1 through August 31) 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 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 shall be a minimum of 200 feet. The buffer zone shall be delineated by highly visible temporary construction fencing.
- c) If demolition/construction activities are unavoidable within the buffer zone, the City of Sacramento shall retain a qualified biologist to monitor the nest site to determine if construction activities are disturbing the adult or young birds. If abandonment occurs the biologist shall consult with CDFG or USFWS for the appropriate salvage measures. This could include taking any nestlings to a local wildlife rehabilitation center.

MM-10 If discolored soil, storage tanks, or other evidence of potential soil contamination is unearthed during construction-related earthwork, or if noxious odors are encountered during such earthwork, construction activities shall immediately cease at the construction site, and a qualified firm shall be called in by the applicant to collect and analyze soil samples from the construction site. If contaminants are identified in the samples, the applicant shall coordinate with the Sacramento County Hazardous Materials Division, or the appropriate agencies, for direction on appropriate remediation measures and procedures before construction activities are continued.

Findings: Proposed roadway improvements (Scenarios B, C, and C-Prime) include street extensions, sidewalks and bike lanes/trails, intersection realignments, and grade separated under crossings. In particular, street extensions and bicycle and pedestrian trails through vacant land associated with Scenarios B, C, and C-Prime could result in the loss or

temporary disturbance of special-status species, including those within a seasonal wetland located along the area of the proposed Ramona Avenue extension. The Broadway Street extension, 65th Street Extension, and Elvas Avenue/Q Street/ Redding Avenue Extension under Scenarios B, C, and C-Prime, and the pedestrian tunnel under the UPRR tracks under Scenario C and C-Prime would require removal of buildings that could provide habitat for special-status bat species. Implementation of Mitigation Measures MM-4 through MM-6 would ensure that potential impacts to special-status species are minimized. Mitigation Measure MM-4 would require plant surveys prior to any construction activities, and either avoidance measures or the development of additional measures in consultation with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) to offset impacts. Mitigation Measure MM-5 would require either surveys for vernal pool crustaceans, or the assumption of presence in suitable habitat; and avoidance and conservation measures to reduce or offset impacts on these species. Mitigation Measure MM-6 would require preconstruction surveys for special-status bat species in buildings, and exclusion techniques so that the bats would not be present prior to demolition. Trees within the project area may also provide marginal nesting habitat for migratory birds, which are protected under the MBTA. Project construction activities could result in the direct removal of migratory bird nests, the locations of which have not yet been determined. Additionally, construction activities could result in the reduced success of nesting birds, such as Swainson's hawk, white-tailed kite, burrowing owls and purple martins. However, implementation of Mitigation Measure MM-7 would ensure that potential impacts to migratory birds are minimized, through the identification and avoidance of any nests.

The first Biological Resources' standard of significance speaks to the project's potential to create a health hazard, or the project's use, production or disposal of materials that could pose a hazard to plant or animal populations in the affected area. The project area currently provides low quality habitat, due to its developed nature, and the species using the site are acclimated to disturbed habitats; most species using the project area are not sensitive to changes in their environment. Additionally, as described in Initial Study Section 10, Hazards, the proposed Project would have a less-than-significant impact on the accidental explosion, or release of hazardous substances because there are regulations in place that requires these substances to be transported and handled in safe ways. Finally, Section 10, Hazards also discusses the proposed Project's potential to result in a health hazard or potential hazard, or the exposure of people to an existing source of potential health hazards. It is determined that the proposed Project would have a less-than-significant impact with implementation of Mitigation Measure MM-10, which requires specific steps be taken if previously unknown contaminated soils are encountered during construction. Implementation of Mitigation Measure MM-10 would also reduce the proposed Project's potential impact due to the release of hazardous materials on plants and animals to a less-than-significant level, by requiring the proper disposal of any hazardous materials found during construction.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

Impact B: The proposed Project could result in impacts to locally-designated heritage or City street trees. Without mitigation, this is a *significant impact*.

Mitigation Measure MM-8: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

MM-8 The City of Sacramento shall ensure that the proposed Project complies with the following requirements:

- a) The City of Sacramento shall have a tree survey or arborist report prepared for any project proposed in the project area that would affect existing trees to determine whether any heritage and/or city street trees would be affected.
- b) If no heritage and/or city street trees are present, no further mitigation is required.
- c) If heritage and/or city street trees are present, identified trees shall be preserved by installing temporary fencing 5 feet beyond the drip line of protected trees to minimize disturbance to the trees and their root zones in accordance with the Sacramento City Code, Chapter 12.64 Heritage Trees. Fences shall be maintained until all project activities are complete. No grading, trenching, or movement of heavy equipment shall occur within fenced areas.
- d) If removal of the heritage and/or city street trees or construction within 5 feet of the drip line cannot be avoided, a permit under Chapter 12.64.050 of the Sacramento City Code shall be obtained by the City of Sacramento prior to construction or ground disturbance. All requirements of the permit shall be implemented.

Finding: Trees are located throughout the project area along existing commercial and residential development. A tree survey has not been conducted for the proposed Project so the location and number of heritage and/or city street trees has not been determined. Implementation of Mitigation Measure MM-8 would ensure that potential impacts to heritage and/or city street trees are minimized by first requiring a survey to determine the heritage

and/or city street trees in the area, avoidance of trees where feasible, and then requiring compliance with the City's tree ordinance.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

Impact C: The proposed Project could impact wetland habitat (e.g., marsh, riparian and vernal pool). Without mitigation, this is a *significant impact*.

Mitigation Measure MM-9: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- MM-9 a) The City of Sacramento shall retain a qualified biologist to conduct a wetland delineation of the project area if wetland areas are present. This delineation shall be submitted to the U.S. Army Corps of Engineers (Corps), and verification received prior to the issuance of any grading permits.
- b) The City of Sacramento shall, where feasible, preserve the maximum amount of existing wetlands and other waters of the U.S., and establish a minimum 25 to 50 foot buffer around all sides of these features. In addition, the final project design 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. This shall be accomplished by avoiding or repairing any disturbance to the hydrologic conditions in the watersheds that specifically support these wetlands, as verified through wetland protection plans.
- c) Where avoidance of existing wetlands and other waters of the U.S. is not feasible, mitigation measures shall be implemented for the project-related loss of any existing wetlands on-site, such that there is no-net-loss of wetland acreage or habitat value. Wetland mitigation shall be developed as a part of the CWA Section 404 permitting process or the report of waste discharged prepared for the SWRCB. 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 construction of new wetlands. In addition, 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 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 will 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).
- The mitigation and monitoring plan shall be approved by the Corps or SWRCB (as appropriate), prior to construction related impacts on any existing wetland.

Finding: Seasonal wetland and freshwater marsh habitats are located south of US 50 and east of the UPRR tracks, and in roadside drainages throughout the project area. The wetland delineation, required under Mitigation Measure MM-9(a), would determine if the wetlands in the project area are under the Corps jurisdiction. If the wetlands are under the Corps jurisdiction, a CWA section 404 permit and section 401 water quality certification would be required. If the wetlands are not under the Corps jurisdiction, the project applicant would be required to obtain a report of waste discharge from the State Water Resources Control Board (SWRCB). Project construction activities could result in the direct removal or fill of wetlands in the project area. However, implementation of Mitigation Measure MM-9 would ensure that potential impacts to wetlands are reduced to a less-than-significant level through the delineation of wetlands in the project area, avoidance of features where feasible and requiring no-net-loss of wetland functions and values.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

Initial Study – Item 10, Hazards

Impacts C and D: The proposed Project could result in the creation of a health hazard or potential health hazard or could expose people to existing sources of potential health hazards. Without mitigation, this is a *significant impact*.

Mitigation Measures MM-10 and MM-11: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- MM-10 If discolored soil, storage tanks, or other evidence of potential soil contamination is unearthed during construction-related earthwork, or if noxious odors are encountered during such earthwork, construction activities shall immediately cease at the construction site, and a qualified firm shall be called in by the applicant to collect and analyze soil samples from the construction site. If contaminants are identified in the samples, the applicant shall coordinate with the Sacramento County Hazardous Materials Division, or the appropriate agencies, for direction on appropriate remediation measures and procedures before construction activities are continued.
- MM-11 If construction occurs on the site of the former 14th Avenue Landfill, the developer shall:
- a) Demonstrate to the satisfaction of the California Regional Water Quality Control Board (CRWQCB) that the existing landfill cover will not allow wastes to be leached into groundwater.
 - b) If it can be demonstrated that the wastes are inert, no cover is needed.
 - c) If the wastes cannot be demonstrated to be inert, the developer shall demonstrate to the CRWQCB that precipitation will not percolate through wastes and cause a groundwater quality problem. Soil moisture sensors, excavation, or coring following rainfall could be used to determine the effectiveness of the existing pavement to prevent percolation.
 - d) The developer shall prepare a drainage map and submit it to the CRWQCB showing that all surface drainage is directed to runoff locations offsite. The map must also show that most of the rainfall leaves the site as runoff.
 - e) Any excess excavated soils must be disposed of at a California Integrated Waste Management Board-approved landfill.
 - f) If landfill waste is encountered during construction, construction work shall stop and the CIWMB Health and Safety Section shall be contacted for the proper course of action.
 - g) If groundwater is encountered during construction, construction work shall stop and the Central Valley Water Quality Control Board shall be contacted for the proper course of action.

Finding: The proposed Project would involve excavation, which could expose workers or the public to soil that may have been contaminated by hazardous substance releases or leaking underground fuel tanks (LUFT). The deepest excavation expected to occur as a result of the proposed transportation improvements (Scenario B and C) would be the railroad under crossings from Elvas Avenue to Sacramento State (Scenarios B, C, or C-Prime), from the Broadway extension to Ramona Avenue (Scenario C), and San Joaquin Street to Ramona Avenue (Scenarios B and C-Prime). None of these improvements would extend through an area where there is a known LUFT.* Construction of the Ramona Avenue extension from the Ramona Avenue elbow to 14th Avenue (Scenarios B, C, and C-Prime) would extend through the former 14th Avenue Landfill site. The exposure of the waste in the former landfill to moisture would cause the production of potentially harmful gases such as methane, carbon dioxide, nitrogen, and hydrogen sulfide. Excavation of soils contaminated by the landfill waste could also pose a health risk to the public. If any unidentified sources of contamination are encountered during demolition, grading, or excavation or if construction through the former 14th Avenue Landfill occurs, Mitigation Measures MM-10 and MM-11 would be implemented to protect people from potential health hazards.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

Initial Study – Item 15, Cultural Resources

Impact A and B: The proposed Project could disturb paleontological or archeological resources. Without mitigation, this is a *significant impact*.

Mitigation Measure MM-12: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- MM-12 a) In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 100 feet of the resource shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the

* City of Sacramento, South 65th Street Area Plan Draft Environmental Impact Report, July 2004, Appendix C, p. 5.5-10, Exhibit 5.5-2

nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.

- b) If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.

In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.

- c) If a human bone or bone of unknown origin is found during construction, all work shall stop within 100 feet the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.

Finding: Although the project area is not known to contain paleontological and archeological resources, earthwork associated with the proposed transportation improvements (Scenarios B, C, or C-Prime), including street extensions, pathways, intersection realignments, and grade separated under crossings could uncover previously unknown resources. However, implementation of Mitigation Measure MM-12 would ensure that archeological and paleontological archeological resources discovered during project construction would be protected.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

Impact C: The proposed Project could affect historic resources. Without mitigation, this is a *significant impact*.

Mitigation Measure MM-13: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

MM-13 For any roadway widenings or extensions under the 65th Street Station Area Plan that could affect one or more potentially historic buildings, the City shall first have a CRHR eligibility evaluation prepared by a qualified historian. The evaluation shall occur through the preparation of DPR 523 forms for each building, and through standard CEQA evaluation.

For buildings determined to be eligible for listing: (1) reuse of these buildings should be considered over demolition; and (2) if demolition cannot be avoided, then the buildings shall be recorded to Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) standards before their removal. HABS/HAER recordation typically includes the following:

- the development of site-specific history and appropriate contextual information regarding the particular resource (in addition to archival research and comparative studies, this task may involve limited oral history collection);
- accurate mapping of the resources, scaled to indicate size and proportion of the structures;
- photo documentation of the designated resources, both in still and video formats; and

- recordation by measured architectural drawings, in the case of specifically designed structures of high architectural merit; “as-built” plans of existing structures/foundation ruins will involve field measurements, office scaled plan layout, and plot out of final plan.
- Copies of the HABS/HAER documentation shall be filed with the State Office of Historic Preservation (OHP), Sacramento Archive and Museum Collection Center (SAMCC), and the Sacramento Room at the Central Branch of the Sacramento County Library.

Finding: Although several buildings in the project area would be demolished as a result of the proposed Project, only two potentially historic buildings would be demolished. One commercial building at 3009 65th Street, which would be adjacent to the proposed Broadway extension, would be demolished as a result of the Broadway extension (Scenarios B, C, or C-Prime). A commercial building at 6655 Elvas Avenue constructed circa 1952[†] would be demolished with the extension of a pedestrian/tram tunnel from 67th Street to the Sacramento State campus under Scenarios C and C-Prime. Although these buildings are not listed as historic in the CRHR, they are older than 45 years old and could potentially qualify. Buildings that are currently 45 years of age or older or buildings that would be 45 years of age or older at project buildout would need to be evaluated prior to demolition. If these buildings are eligible for listing in the California Register of Historic Resources (CRHR), any damage or destruction to the buildings associated with project construction activities would represent a significant impact. Although demolition of these buildings would constitute a substantial change in the significance of a historical resource, implementation of Mitigation Measure MM-13 would ensure that potentially eligible historic resources are documented and/or preserved.

With implementation of the mitigation measure(s), this impact is reduced to a *less than significant* level.

B. Significant or Potentially Significant Impacts for which Mitigation is Outside the City’s Responsibility and/or Jurisdiction.

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, would require mitigation measures that are within the responsibility and jurisdiction of another public agency and not the City. Although implementation of mitigation measures outside of the City’s jurisdiction would reduce the impacts to a less-than-significant level, the City cannot guarantee that the measures would be implemented. As such, the impacts would remain significant and unavoidable. The basis

† City of Sacramento, 65th Street/University Transit Village Plan Draft EIR, December 2001, p. 6.6-7, Table 6.6-1.

for the finding for each identified impact is set forth below. In some cases, the impact statement says, “Under Existing plus Project conditions, project Scenarios B and C would...” or “Under Cumulative plus Project conditions, project Scenarios B and C would...” or otherwise specifically call out Scenarios B and C. These impact statements and the impact analyses and mitigation measures that follow would also apply to Scenario C-Prime.

Impact 4.3-3: Under Existing plus Project conditions, the existing freeway system would be adversely affected under project Scenarios B and C. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.3-3: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- 4.3-3 All future development within the project area shall be required to participate in the 65th Street Station Area Finance plan or whatever financing mechanism is in place to fund, on a fair-share basis, the cost of widening the westbound US 50 off-ramp at 65th Street.

Finding: The proposed Project Draft EIR identified the widening of the westbound US 50 off-ramp as a measure to relieve traffic and increase ramp storage area. An increase in storage area would reduce the queuing impact to a less-than-significant level; however because the freeway operations in this area are constrained by heavy mainline volumes this measure would not reduce the significance of freeway mainline impacts to a less-than-significant level. In addition, the City could not guarantee the widening of the off-ramp because it is a Caltrans facility and the City lacks jurisdiction to implement such a measure. However, implementation of Mitigation Measure 4.3-3 would improve the traffic operation in the westbound off ramp but would not reduce the significance of freeway mainline impact to a less-than-significant level.

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

Impact 4.3-10: Under Cumulative plus Project conditions, project Scenarios B and C would adversely affect the existing freeway system. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.3-10: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- 4.3-10 Implement Mitigation Measure 4.3-3.

Finding: The proposed Project identified the widening of the westbound US 50 off-ramp as a measure to relieve traffic and increase ramp storage area. While the increase in storage area would reduce the queuing impact to a less-than-significant level; however because the freeway operations in this area are constrained by heavy mainline volumes this measure would not reduce the significance of freeway mainline impacts to a less-than-significant level. In addition, the City could not guarantee the widening of the off-ramp because it is a Caltrans facility and the City lacks jurisdiction to implement such a measure. However, implementation of Mitigation Measure 4.3-10 would improve the traffic operation in the westbound off ramp but would not reduce the significance of freeway mainline impact to a less-than-significant level.

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

C. Significant or Potentially Significant Impacts for which Mitigation Measures Found To Be Infeasible.

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

Noise

Impact 4.2-4: Future traffic in the project vicinity, including traffic from planned future development, could permanently expose sensitive receptors to increased cumulative traffic noise levels on local roadways. Without mitigation, this is a *significant impact*.

Mitigation Measure: Reduction in traffic volumes or construction of a sound barrier, such as a wall (for Scenario B, C, or C-Prime).

Finding: The increase in exterior noise levels along Folsom Boulevard at 63rd Street and all similarly exposed residences along this roadway would require that their exterior noise levels be reduced; this could be accomplished by either a reduction of traffic volumes or construction of a sound barrier, such as a wall. Because Folsom Boulevard includes both residence and business frontages, it would not be feasible to construct a sound wall along this stretch of roadway. The reduction of traffic volumes would also not be feasible, as shown in Scenario C and C-Prime which includes reducing the number of traffic lanes from four to three lanes. Under Scenarios C and C-Prime there would continue to be a significant noise increase along this roadway.

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

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. In some cases, the impact statement says, "Under Existing plus Project conditions, project Scenarios B and C would..." or "Under Cumulative plus Project conditions, project Scenarios B and C would..." or otherwise specifically call out Scenarios B and C. These impact statements and the impact analyses and mitigation measures that follow would also apply to Scenario C-Prime. Notwithstanding disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Section G, the statement of overriding considerations.

Transportation and Circulation

Impact 4.3-1: Under Existing plus Project conditions, project Scenarios B and C would result in roadway segments within the project area operating at unacceptable LOS conditions. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.3-1: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- 4.3-1 a) At the time of issuance of building permits, all future development within the project area shall be required to participate in the 65th Street Station

Area Finance plan or whatever financing mechanism is in place to fund, on a fair-share basis, the cost of the City of Sacramento Traffic Operations Center to implement ITS improvements on all major streets including Elvas Avenue, Folsom Boulevard, and 65th Street.

- b) All future development within the project area shall be required to participate in the 65th Street Station Area Finance plan or whatever financing mechanism is in place to fund, on a fair-share basis, the cost of designated pedestrian and bicycle improvements in the study area.

Finding: To mitigate impacts to the roadways described in Impact 4.3-1, all of the impacted roadway segments would have to be widened to provide a continuous four-lane or six-lane section with a center median. These improvements are considered infeasible, because they would be inconsistent with the vision, goals, and policies of the City of Sacramento 2030 General Plan and they would require increasing the number of travel lanes planned for each street and sufficient right of way does not exist to enable these improvements. However, the implementation of Intelligent Transportation System (ITS) improvements (such as advanced signal systems, transit signal priority, traveler information, and parking information systems) as well as pedestrian and bicycle facilities would improve the efficiency of the existing transportation system and reduce future impacts. Mitigation Measures 4.3-1(a) and (b) would require all future development within the plan area to participate in whatever financing mechanism is in place at the time of issuance of building permits to fund, on a fair-share basis, the cost of the City of Sacramento Traffic Operations Center to implement ITS improvements as well as pedestrian and bicycle facilities. However, these measures would not reduce the significance of the roadway impacts to a less-than-significant level.

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

Impact 4.3-2: Under Existing plus Project conditions, project Scenarios B and C would result in intersections within the study area that would operate at an unacceptable LOS. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.3-2: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- 4.3-2 a) Implement Mitigation Measure 4.3-1(a).
- b) Implement Mitigation Measure 4.3-1(b).

Finding: To mitigate the impact at the intersections discussed in Impact 4.3-2, the major roadways (Folsom Boulevard, 65th Street, 59th Street, and Broadway) would have to be widened to provide additional through travel lanes. These improvements are considered infeasible because they would be inconsistent with the vision, goals, and policies of the City of Sacramento 2030 General Plan, and sufficient right of way does not exist to enable these

improvements. However, the implementation of ITS improvements as well as pedestrian and bicycle facilities would improve the efficiency of the existing transportation system and reduce future impacts. Mitigation Measures 4.3-2(a) and 4.3-2(b) would require all future development within the plan area to participate in whatever financing mechanism is in place at the time of issuance of building permits to fund, on a fair-share basis, the cost of the City of Sacramento Traffic Operations Center to implement ITS improvements as well as pedestrian and bicycle facilities. However, these measures would not reduce the significance of the roadway impacts to a less-than-significant level.

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

Impact 4.3-6: Under Existing plus Project conditions, the existing transit system would be adversely affected under Scenarios B and C. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.3-6: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- 4.3-6 a) The City of Sacramento, in coordination with Regional Transit shall implement transit signal priority along Folsom Boulevard and/or 65th Street; and/or
- b) The City of Sacramento shall create flex lanes along Folsom Boulevard that use peak hour parking restrictions and appropriate signing and enforcement (i.e., rapid towing) measures to convert on-street parking to peak hour vehicle use.

Finding: To fully mitigate the impact described above, segments of Folsom Boulevard would have to be widened. This improvement would be infeasible because it would be inconsistent with the vision, goals, and policies of the City of Sacramento 2030 General Plan, and sufficient right of way does not exist to enable roadway widening. The following mitigation measures would reduce the level of impact without requiring significant right-of-way increases. Although implementation of Mitigation Measures 4.3-6(a) or (b) would reduce transit impacts, it would not reduce those impacts to a less-than-significant level.

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

Impact 4.3-8: Under Cumulative plus Project conditions, project Scenarios B and C would result in roadway segments within the project area operating at unacceptable LOS conditions. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.3-8: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- 4.3-8 a) Implement Mitigation Measure 4.3-1(a).
- b) Implement Mitigation Measure 4.3-1(b).

Finding: To mitigate impacts to the roadways described in Impact 4.3-8, the segments of 59th Street, East 14th Avenue, Folsom Boulevard, and Howe Avenue would have to be widened to provide additional through travel lanes. These improvements are considered infeasible because they would be inconsistent with the vision, goals, and policies of the City of Sacramento 2030 General Plan, and sufficient right of way does not exist to enable these improvements. However, the implementation of ITS improvements (such as advanced signal systems, transit signal priority, traveler information, and parking information systems) as well as pedestrian and bicycle facilities would improve the efficiency of the existing transportation system and reduce future impacts. Mitigation Measures 4.3-8(a) and (b) would require all future development within the project area to pay a fair share contribution to the City of Sacramento Traffic Operations Center to implement ITS improvements on all major streets including Elvas Avenue, Folsom Boulevard, and 65th Street. However, these measures would not reduce the significance of the roadway impacts to a less-than-significant level.

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

Impact 4.3-9: Under Cumulative plus Project conditions, project Scenarios B and C would result in intersections within the study area that would operate at an unacceptable LOS. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.3-9: The following mitigation measure(s) has been adopted to address this impact (for Scenario B, C, or C-Prime):

- 4.3-9 a) The 65th Street Station Area Plan Finance Plan shall provide funding to install a traffic signal at the intersection of Q Street and 67th Street, when warranted or with the development of the parcels adjacent to this intersection.
- b) Implement Mitigation Measure 4.3-1(a).
- c) Implement Mitigation Measure 4.3-1(b).

Finding: Intersection improvements available at the Q Street/67th Street intersection as discussed in Impact 4.3-9 may involve installation of new traffic control devices, modification of existing traffic control devices, or installation of turn lanes. Implementation of Mitigation

Measure 4.3-9 (a) would result in acceptable LOS conditions. To mitigate the impact at the remaining intersections, the major roadways (Folsom Boulevard, 65th Street, and 59th Street) would have to be widened to provide additional through travel lanes. This would include widening the proposed 65th Street tunnel to CSU Sacramento, a component of Scenario B, from 2 to 4 lanes. These improvements are considered infeasible because they would be inconsistent with the vision, goals, and policies of the City of Sacramento 2030 General Plan, and sufficient right of way does not exist to enable these improvements. However, the implementation of Intelligent Transportation System (ITS) improvements as well as pedestrian and bicycle facilities would improve the efficiency of the existing transportation system and reduce future impacts. Mitigation Measures 4.3-9(b) and (c) would require all future development within the plan area to participate in whatever financing mechanism is in place at the time of issuance of building permits to fund, on a fair-share basis, the cost of the City of Sacramento Traffic Operations Center to implement ITS improvements as well as pedestrian and bicycle facilities. However, this measure would not reduce the significance of the roadway impacts to a less-than-significant level.

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

Impact 4.3-11(a) (Bus Operations): Under Cumulative plus Project conditions, the existing transit system would be adversely affected under Scenarios B and C. Without mitigation, this is a *significant impact*.

Mitigation Measure 4.3-11(a): The following mitigation measure has been adopted to address this impact (for Scenario B, C, or C-Prime):

4.3-11 (a) Implement Mitigation Measure 4.3-6(a) and (b).

Finding: To fully mitigate the Impact 4.3-11(a) under cumulative plus Scenario B, C, or C-Prime conditions, the roadways and intersections identified above would have to be widened. This improvement is considered infeasible as it would require increasing the number of travel lanes planned for several of the major roadways in the project area, which would be inconsistent with the vision, goals, and policies of the City of Sacramento 2030 General Plan, including the goals and objectives to create pedestrian-friendly streets and Smart Growth policies. There are a series of mitigation measures that could reduce the level of impact without requiring significant right-of-way increases. Although implementation of Mitigation Measure 4.3-11(a) would reduce transit impacts, it would not reduce those impacts to a less-than-significant level.

For these reasons, the impact remains *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:

Construction of the Project would result in temporary impacts that would only occur during construction. These temporary effects include increases in noise levels, increases in air emissions, exposure to vibration, and traffic lane closures. These impacts would only occur during construction and would not result in permanent impacts.

As discussed below in Section G, Statement of Overriding Considerations, the Project would result in the implementation of a safe, comprehensive, and integrated transportation network in the project area, combining vehicular, transit, bicycle, and pedestrian movement within and through the project area. This comprehensive network would support the City's desire for Transit-Oriented Development and would support the area's planned land uses. Removing barriers and increasing linkages between neighborhoods would promote a multimodal system through the provision of an integrated circulation system that can be safely and easily travelled by drivers, transit riders, bicyclists, and pedestrians. The Project would promote the goal of providing complete streets throughout Sacramento by augmenting existing streets auto centric roadways with sidewalks, bike lanes, and on street parking to buffer street traffic from pedestrian traffic. The Project would advance transportation demand management by providing a circulation system that integrates and encourages the land uses previously planned for the area, which will bring jobs and housing closer together thereby reducing the need to travel outside of the area.

Although Project construction would cause temporary disruptions in the traffic flow in the area, and temporary increases in noise, vibration and air emissions, the long-term productivity of the area would be enhanced.

F. Project Alternatives.

The City Council has considered the Project alternatives presented and analyzed in the final EIR and presented during the comment period and public hearing process. Some of these 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 these alternatives are infeasible. Each alternative and the facts supporting the finding of infeasibility of each alternative are set forth below.

Alternatives Considered and Dismissed from Further Consideration

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.

The project area is located near two light rail stations and Sacramento State, and contains several separate and distinct residential neighborhoods and a commercial/retail corridor. Several major roadways traverse the project area including US 50, Folsom Boulevard, and 65th Street. Circulation within the project area is severely constrained by the UPRR tracks, light rail tracks, and a levee. The project area is also the only area where the 65th Street/University Transit Village Plan and South 65th Street Area Plan can be implemented. No other location could 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 the Draft EIR.

Summary of Alternatives Considered

Two alternatives were considered for the proposed Project:

Scenario A – No Project Alternative. This alternative assumes that vehicle, pedestrian, bicycle, and transit circulation elements would be developed in accordance with previously adopted transportation plans for the area, specifically the 65th Street/University Transit Village Plan and the South 65th Street Area Plan.

Scenario D – Fewer Improvements Alternative. This alternative assumes that Scenario C improvements would be implemented north of US 50 and Scenario A improvements (already approved) would be implemented south of US 50.

Scenario A – No Project Alternative

Under CEQA, the No Project Alternative must consider the effects of forgoing the project. The purpose of analyzing a No Project Alternative is to allow decision-makers to compare the impacts of the proposed project versus no project. The No Project Alternative describes the environmental conditions that would result from the continuation of the existing plan, policy or operation into the future (CEQA Guidelines, § 15126.6 (e) (3 (A))). In this case, the plans currently in place and that would be implemented under Scenario A – No Project would be the 65th Street/University Transit Village Plan and the South 65th Street Area Plan.

Scenario A specifically seeks to increase roadway capacity in the project area by increasing roadway widths, adding vehicular traffic lanes, turn pockets, and roadway extensions through the implementation of previously adopted transportation plans for the area. These adopted plans include the 65th Street/University Transit Village Plan and the South 65th Street Area Plan.

None of the mitigation measures described in the Draft EIR would be required because Scenario A has already been approved in the 65th Street/University Transit Village Plan and the South 65th Street Area Plan. Any mitigation measures required as part of those EIRs would already be required and no further mitigation is necessary.

The significant and unavoidable impacts associated with the proposed project (Scenarios B, C, and C-Prime) would not occur under this alternative. Cumulative traffic noise levels at existing residential uses are already above the normally acceptable limits for residential uses along Redding Avenue, 65th Street, Elvas Avenue, and Folsom Boulevard. Cumulative traffic noise impacts to sensitive receptors adjacent to Folsom Boulevard near 63rd Street would not occur because future noise increment increases resulting from Scenario A would be below the City's threshold. Cumulative traffic noise levels for Scenario A were previously analyzed in the 65th Street/ University Transit Village Plan EIR and the South 65th Street Area Plan EIR.

Development of the improvements associated with Scenario A would not result in the significant and unavoidable transportation impacts associated with the proposed project. These impacts include unacceptable LOS conditions on project roadway segments, unacceptable LOS conditions at project roadway intersections, impacts to US 50 ramps, and adverse impacts to transit routes especially along Folsom Boulevard.

Any significant and unavoidable impacts that may occur as a result of implementation of Scenario A – No Project Alternative have already been analyzed in the 65th Street/University Transit Village Plan EIR and/or the South 65th Street Area Plan EIR.

Facts in Support of Finding of Infeasibility

Under Scenario A – No Project Alternative none of the project objectives would be met. The No Project Alternative would not implement a comprehensive circulation plan for the area that unites the goals and policies in the 65th Street/University Transit Village Plan and the South 65th Street Area Plan. This alternative would not create a balanced access and circulation plan for vehicle, pedestrian, bicycle, and transit users because the alternative focuses

primarily on vehicular improvements. Alternative A does not include an overall circulation plan that integrates and connects the various neighborhoods and destinations throughout and adjacent to the project area. Therefore, this alternative would not meet the project objectives.

Scenario D – Fewer Improvements Alternative

Scenario D would implement a portion of Scenario A and a portion of Scenario C. Transportation improvements proposed in Scenario C would be implemented north of US 50, while transportation improvements already approved under Scenario A would be implemented south of US 50.

All of the air quality and noise mitigation measures required for Scenario C (see sections 4.1 and 4.2 of the Draft EIR) under the proposed project would be required under the Fewer Improvements Alternative. Some of the same transportation mitigation measures that are required for the proposed project would also be required for the Fewer Improvements Alternative, particularly to offset impacts that would occur north of US 50 (Scenario C portion of the alternative). Construction impacts would still occur, thereby necessitating preparation of a Traffic Management Plan, as required under proposed Mitigation Measure 4.3-7. Construction traffic (short-term) impacts are not analyzed in either the South 65th Street Area Plan EIR or the 65th Street/TVP EIR. Roadway segments and intersections' LOS north of US 50 would be impacted, requiring implementation of proposed Mitigation Measure 4.3-1 (participate in the 65th Street Station Area Finance plan).

Implementation of the Fewer Improvements Alternative would also affect the existing transit system because the travel times, particularly along Folsom Boulevard, would be adversely affected. A slowing of travel times along this important segment could increase the buses' times to reach the 59th Street and 65th Street/University light rail stations. Therefore, proposed Mitigation Measure 4.3-6 (Scenario C) would still be required.

Transportation mitigation measures identified in the South 65th Street Area Plan EIR that affect areas south of US 50 would still be required. However, mitigation measures in the previous studies that affect areas north of US 50 would not be required because proposed Scenario C improvements would be implemented north of US 50 instead and mitigation measures in the 65th Street Station Area Plan EIR would be required instead. Those mitigation measures from the South 65th Street Area Plan EIR that would no longer be implemented (due to their location north of US 50) include Mitigation Measure 5.1-1(b) (65th Street/Folsom Boulevard intersection), 5.1-1(c) (65th Street/U.S. 50 Westbound Ramps intersection), 5.1-1(i) (67th Street/Folsom Boulevard intersection), and 5.1-2 (only Eastbound Ramps).

All of the significant and unavoidable impacts identified in this EIR that would occur under the proposed project would also occur under the Fewer Improvements Alternative.

Facts in Support of Finding of Infeasibility

While the Fewer Improvements Alternative would generally support the goals and vision of the 65th Street Station Area Plan, this Alternative does not provide a cohesive approach to planning for the area. The Fewer Improvements Alternative includes elements that are a mixture of two different plans (Scenario A and Scenario C) but do not create a cohesive

circulation network in the project area. This Alternative creates a circulation framework north of US 50 that supports transit-oriented development by creating smaller, walkable blocks. However, the circulation system in the remainder of the project area, south of US 50, does not provide access and circulation for vehicle, pedestrian, bicycle, and transit users both within and to those passing through the project area. In addition, fewer pedestrian and bicycle improvements would be implemented south of US 50. This Alternative does not implement a Smart Growth-oriented circulation plan that accommodates future growth in the area east of the UPRR tracks and south of Folsom Boulevard because roadway extensions across the UPRR tracks would not be provided.

G. Statement of Overriding Considerations:

Pursuant to CEQA Guidelines § 15092, the City Council finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in sections 4.1 through 4.3 of the Draft EIR. The City Council further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project including region-wide or statewide environmental benefits against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City Council makes this statement of overriding considerations in accordance with § 15093 of the CEQA Guidelines in support of approval of the Project.

Statement of Overriding Considerations:

Pursuant to CEQA Guidelines § 15092, the City Council finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as described in Section A-D. The City Council further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City Council makes this statement of overriding considerations in accordance with § 15093 of the CEQA Guidelines in support of approval of the Project.

The following are specific reasons to support approval of the Project based on the final EIR and adopted City policy:

The Project supports the Smart Growth principles adopted by the City Council (Resolution 2001-805) and the SACOG Smart Growth policies as incorporated in the MTP 2035. The Project supports development of a network of walkable streets with easy access to transit

that encourages a mix of land uses and expand the range of housing options available in the area. Wider sidewalks, on-street parking and enhanced bike lanes will enhance the practicality of walking and biking in the area and support the transformation of the California State University, Sacramento campus into a destination campus that is functionally integrated with the Sacramento community.

The Project area is a prime area for transit village development. The two transit village plans would be, with approval of the Project, incorporated into the City of Sacramento 2030 General Plan and continue to support the envisioned transit oriented land uses in the Project area. The Project includes the 65th Street/University light rail station and the F65 and University Village catalyst projects.

The 2030 General Plan envisions the Project area as a pedestrian-friendly, transit-oriented area where people rely less on the automobile and have viable options for using alternative transportation modes such as walking, bicycling or transit. The Project area contains one of the major bus transfer facilities for Sacramento Regional Transit. The Project would provide a circulation system that provides greater connectivity and overcomes man-made barriers while also calming through traffic to enhance the experience for non-motorized travelers. The circulation framework is the best means for creating connections throughout the study area and defining identifiable and unique neighborhoods.

The 2030 General Plan designates the 65th Street Station area as a "Transformation - Urban" area for the city, where new growth should be targeted to take full advantage of existing infrastructure, transportation and land uses. The Project envisions significant modifications to the existing circulation system, providing meaningful alternatives to use of the private automobile. The Project will support higher density mixed-use infill projects with the goal of achieving quality of life consistent with Sacramento's best neighborhoods.

The 2030 General Plan provides circulation improvements throughout the city based on several broad overarching goals including: a comprehensive transportation system; a multimodal system; barrier removal; transportation demand management; emerging technologies and services; an integrated pedestrian system; a safe, comprehensive, and integrated transit system; a balanced roadway system; complete streets; integrated bicycle systems; and managed parking without violating any of the remaining goals. The Project is intended to meet all of these goals by addressing the circulation issues that could reasonably develop as this area of the city transforms from a predominantly industrial environment into a vibrant transit oriented area.

Specifically, the Project will accomplish several objectives and specifically accomplish the following goals:

- promote a comprehensive transportation system by managing the use of transportation right-of-ways by all modes through the provision of additional public right of way for the addition or enhancement of sidewalks and the provision of bicycle facilities throughout the study area;

- promote a multimodal system through the provision of an integrated circulation system that can be safely and easily travelled by drivers, transit riders, bicyclists, and pedestrians;
- address the issue of barrier removal by connecting existing communities that are physically separated by levees or difficult to navigate by foot with additional roadway connections and pedestrian tunnels;
- advance transportation demand management by providing a circulation system that integrates and encourages the land uses previously planned for the area, which will bring jobs and housing closer together thereby reducing the need to travel outside of the area;
- include the use of emerging technologies and services such as intelligent transportation systems (ITS) to mitigate localized traffic impacts;
- include an integrated pedestrian system that addresses the existing lack of sidewalks as well as widening functional but minimal sidewalks to a width that is more comfortable and encouraging to pedestrian circulation;
- promote a safe, comprehensive, and integrated transit system by increasing the number of and amenities to the linkages to the 65th Street/University light rail station and adjoining bus transfer facility;
- promote a balanced roadway system that enhances the existing auto oriented street network with lacking or suboptimal facilities for pedestrians and bicyclists;
- promote the goal of providing complete streets throughout Sacramento by augmenting existing streets' auto centric roadways with sidewalks, bike lanes, and on street parking to buffer street traffic from pedestrian traffic;
- promote integrated bicycle systems by providing signed and striped Class II bike lanes on many of the streets in the area as well as bike/pedestrian tunnels through the secondary levee to provide safe connections from California State University, Sacramento to the light rail station area as well from Granite Regional Park to the 65th Street area; and
- promote the goal of managed parking by providing on street parking throughout the study area to encourage reasonable turnover and convenient access for short term patrons and visitors.

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.1 Air Quality					
<p>4.1-1 Construction of the proposed project would generate emissions of ozone precursors.</p>	<p>Scenarios B, C, or C-Prime</p> <p>4.1-1 a) The project contractor shall provide a plan, for approval by 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.</p> <p>b) The project 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 developer and/or Project contractor shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone</p>	<p>Provide a plan demonstrating that the heavy-duty off-road vehicles to be used in construction would achieve a project wide fleet-average 20% NO_x reduction and 45% particulate reduction compared to the most recent CARB fleet average.</p> <p>Submit a comprehensive inventory of all off-road construction equipment on a monthly basis that shall be used an aggregate of 40 or more hours during any phase of the construction project.</p>	<p>Project contractor</p> <p>Project contractor</p>	<p>Prior to construction</p> <p>Prior to and monthly during construction</p>	<p>City of Sacramento Community Development Department, SMAQMD</p> <p>City of Sacramento Community Development Department, SMAQMD</p>

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>number of the project manager and on-site foreman. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.</p> <p>c) The project 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 Project 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. The above shall not supersede other SMAQMD or state rules and regulations.</p>	<p>Ensure that 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. Conduct a weekly visual survey of equipment and a monthly summary provided to SMAQMD.</p>	<p>Project contractor</p>	<p>During construction</p>	<p>City of Sacramento Community Development Department, SMAQMD</p>

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>d) Limit vehicle idling time to five minutes or less.</p> <p>e) The City shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO_x for construction of any project components or group of components with concurrent construction that exceed daily emission threshold of 85 lbs/day. The project developer shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the current SMAQMD Fee of \$16,000/ton of NO_x emissions generated. This fee shall be paid prior to the issuance of grading or other permits or at a date acceptable to the SMAQMD. The City shall keep track of actual equipment use and their NO_x emissions on a monthly basis and reported to the SMAQMD. Based on these monthly NO_x emissions reports, mitigation fees can be adjusted accordingly for payment to the SMAQMD.</p>	<p>Limit vehicle idling time.</p> <p>Pay into SMAQMD's construction mitigation fund to offset construction-generated emissions of NO_x.</p>	<p>Project contractor</p> <p>Project contractor</p>	<p>During construction</p> <p>Prior to issuance of first grading permit</p>	<p>City of Sacramento Community Development Department, SMAQMD</p> <p>City of Sacramento Community Development Department, SMAQMD</p>

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p>4.1-2 Construction and demolition activities associated with the proposed Project would generate emissions of particulate matter.</p>	<p><u>Scenarios B, C, or C-Prime</u> 4.1-2 Future project components shall comply with SMAQMD Rule 403, Fugitive Dust, for demolition and construction phases to reduce emissions of fugitive dust. To ensure compliance with Rule 403, approval to commence project construction shall not be</p>	<p>Comply with SMAQMD Rule 403, Fugitive Dust.</p>	<p>Project contractor</p>	<p>Prior to and during construction</p>	<p>City of Sacramento Community Development Department, SMAQMD</p>
	<p>given until the Project contractor submits a construction dust mitigation plan deemed satisfactory by the City and the SMAQMD. This plan shall specify control measures that shall be implemented to ensure that emissions of fugitive dust from being airborne beyond the property line from which the emission originates, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures. The following measures shall be included, at a minimum, to reduce fugitive dust emissions in compliance with Rule 403:</p> <p>a)All disturbed areas, including storage piles that are not being actively used for construction purposes, shall be watered with sufficient frequency as to maintain soil moistness.</p> <p>b)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.</p>	<p>All disturbed areas shall be watered with sufficient frequency as to maintain soil moistness.</p> <p>All unpaved roads shall be effectively stabilized of dust emissions.</p>	<p>Project contractor</p> <p>Project contractor</p>	<p>During construction</p> <p>During construction</p>	<p>City of Sacramento Community Development Department, SMAQMD</p> <p>City of Sacramento Community Development Department, SMAQMD</p>

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>c) When materials are transported off-site, they shall be covered, effectively wetted to limit visible dust emissions, or maintained with at least 6 inches of freeboard space from the top of the container.</p> <p>d) 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.</p>	<p>Transported materials shall be covered and effectively wetted.</p> <p>Limit or remove the accumulation of project-generated mud or dirt from adjacent public streets.</p>	<p>Project contractor</p> <p>Project contractor</p>	<p>During construction</p> <p>During construction</p>	<p>City of Sacramento Community Development Department, SMAQMD</p> <p>City of Sacramento Community Development Department, SMAQMD</p>
	<p>e) 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.</p> <p>f) On-site vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</p> <p>g) 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.</p> <p>h) 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.</p>	<p>Storage piles shall be effectively stabilized of fugitive dust emissions.</p> <p>Limit speed on unpaved roads to 15 mph.</p> <p>Install wheel washers to remove accumulated dirt from trucks and equipment.</p> <p>Install sandbags or other erosion control measures to prevent silt runoff.</p>	<p>Project contractor</p> <p>Project contractor</p> <p>Project contractor</p> <p>Project contractor</p>	<p>During construction</p> <p>During construction</p> <p>During construction</p> <p>During construction</p>	<p>City of Sacramento Community Development Department, SMAQMD</p>

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	i) Excavation and grading activities shall be suspended when winds exceed 20 mph. j) The extent of areas simultaneously subject to excavation and grading shall be limited, wherever possible, to the minimum area feasible.	Suspend excavation and grading when winds exceed 20 mph. Limit areas simultaneously subject to excavation and grading.	Project contractor Project contractor	During construction During construction	City of Sacramento Community Development Department, SMAQMD City of Sacramento Community Development Department, SMAQMD
4.3 Transportation and Circulation					
4.3-1 Under Existing plus Project conditions, project Scenarios B and C would result in roadway segments within the project area operating at unacceptable LOS conditions.	<u>Scenarios B, C, or C-Prime</u> 4.3-1 a) At the time of issuance of building permits, all future development within the project area shall be required to participate in the 65th Street Station Area Finance plan or whatever financing mechanism is in place to fund, on a fair-share basis, the cost of the City of Sacramento Traffic Operations Center to implement ITS improvements on all major streets including Elvas Avenue, Folsom Boulevard, and 65 th Street. b) All future development within the project area shall be required to participate in the 65th Street Station Area Finance plan or whatever financing mechanism is in place to fund, on a fair-share basis, the cost of designated pedestrian and bicycle improvements in the study area.	Require all future development within the project area to participate in the 65 th Street Station Area Finance plan. Require all future development within the project area to participate in the 65th Street Station Area Finance plan.	City of Sacramento Department of Transportation City of Sacramento Community Development Department	At the time of issuance of building permits. At the time of issuance of building permits.	City of Sacramento Community Development Department City of Sacramento Community Development Department

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.3-2 Under Existing plus Project conditions, project Scenarios B and C would result in intersections within the study area that would operate at an unacceptable LOS.	<u>Scenarios B, C, or C-Prime</u> 4.3-2 a) Implement Mitigation Measure 4.3-1(a). b) Implement Mitigation Measure 4.3-1(b).	See Mitigation Measure 4.3-1(a) and (b).			
4.3-3 Under Existing plus Project conditions, the existing freeway system would be adversely affected under project Scenarios B and C.	<u>Scenarios B, C, or C-Prime</u> 4.3-3 All future development within the project area shall be required to participate in the 65 th Street Station Area Finance plan or whatever financing mechanism is in place to fund, on a fair-share basis, the cost of widening the westbound US 50 off-ramp at 65 th Street.	Require all future development within the project area to participate in the 65th Street Station Area Finance plan.	City of Sacramento Community Development Department	At the time of issuance of building permits.	City of Sacramento Community Development Department
4.3-6 Under Existing plus Project conditions, the existing transit system would be adversely affected under Scenarios B and C.	<u>Scenarios B, C, or C-Prime</u> 4.3-6 a) The City of Sacramento, in coordination with Regional Transit shall implement transit signal priority along Folsom Boulevard and/or 65th Street; and/or b) The City of Sacramento shall create flex lanes along Folsom Boulevard that use peak hour parking restrictions and appropriate signing and enforcement (i.e., rapid towing) measures to convert on-street parking to peak hour vehicle use.	Implement transit signal priority. OR Create flex lanes that use peak hour parking restrictions.	City of Sacramento Department of Transportation City of Sacramento Department of Transportation	Prior to the extension of 65th Street north into the CSUS campus. Prior to the extension of 65th Street north into the CSUS campus.	City of Sacramento Department of Transportation City of Sacramento Department of Transportation

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p>4.3-7 Under Existing plus Project conditions, project Scenarios B and C would result in disruptions to the transportation network in the project area, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures.</p>	<p><u>Scenarios B, C, or C-Prime</u></p> <p>4.3-7 Before issuance of construction permits for any transportation improvements or any development projects in the project area, the City/ developers shall prepare a detailed Traffic Management Plan that would be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento fire and police departments. The plan shall ensure maintenance of acceptable operating conditions on local roadways and transit routes during all construction activities. At a minimum, the plan shall include:</p> <ul style="list-style-type: none"> • 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 an access plan to maintain safe vehicular, pedestrian, and bicycle movements (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas); 	<p>Prepare a detailed Traffic Management Plan.</p>	<p>City of Sacramento Department of Transportation</p>	<p>Before issuance of construction permits for any transportation improvements or any development projects in the project area.</p>	<p>City of Sacramento Department of Transportation, Regional Transit, City of Sacramento Police Department, City of Sacramento Fire Department.</p>

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"> • Safe and efficient access routes for emergency vehicles; • Efficient and convenient transit routes; • Manual traffic control when necessary; • Proper advance warning and posted signage concerning street closures; • Provisions for pedestrian safety; and • Provisions for temporary bus stops, if necessary. <p>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.</p>				

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p>4.3-8 Under Cumulative plus Project conditions, project Scenarios B and C would result in roadway segments within the project area operating at unacceptable LOS conditions.</p>	<p><u>Scenarios B, C, or C-Prime</u> 4.3-8 a) Implement Mitigation Measure 4.3-1(a). b) Implement Mitigation Measure 4.3-1(b).</p>	<p>See Mitigation Measure 4.3-1(a) and (b).</p>			
<p>4.3-9 Under Cumulative plus Project conditions, project Scenarios B and C would result in intersections within the study area that would operate at an unacceptable LOS.</p>	<p><u>Scenarios B, C, or C-Prime</u> 4.3-9 a) The 65th Street Station Area Plan Finance Plan shall provide funding to install a traffic signal at the intersection of Q Street and 67th Street, when warranted or with the development of the parcels adjacent to this intersection. b) Implement Mitigation Measure 4.3-1(a). c) Implement Mitigation Measure 4.3-1(b).</p>	<p>Provide funding to install a traffic signal at the intersection of Q Street and 67th Street.</p>	<p>City of Sacramento Department of Transportation</p>	<p>When adjacent parcels are developed.</p>	<p>City of Sacramento Community Development Department</p>
<p>4.3-10 Under Cumulative plus Project conditions, project Scenarios B and C would adversely affect the existing freeway system.</p>	<p><u>Scenarios B, C, or C-Prime</u> 4.3-10 Implement Mitigation Measure 4.3-3.</p>	<p>See Mitigation Measure 4.3-3.</p>			

EXHIBIT B

65th STREET STATION AREA PLAN MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<p>4.3-11 Under Cumulative plus Project conditions, the existing transit system would be adversely affected under Scenarios B and C.</p>	<p><u>Scenarios B, C, or C-Prime</u> 4.3-11 a) Implement Mitigation Measure 4.3-6 (a) and (b). b) The City shall install additional signing and striping as well as enhancements to maximize the efficiency of existing traffic signal pre-emptions on the approaches to the 59th Street and 65th Street at-grade rail crossings. The City shall work with Regional Transit and the California Public Utility Commission (CPUC) to facilitate the implementation of advanced light rail detection at both locations to reduce the amount of time that gates are required to be closed.</p>	<p>See Mitigation Measure 4.3-6(a) and (b).</p>			
		<p>Install additional signing and striping to maximize the efficiency of existing traffic signal pre-emptions on the approaches to the 59th Street and 65th Street at-grade rail crossings.</p>	<p>City of Sacramento Department of Transportation</p>	<p>Prior to implementation of any proposed transportation improvements in the project area.</p>	<p>City of Sacramento Department of Transportation.</p>

Initial Study						
Item 5: Water						
<p>Would the proposal result in or expose people to potential impacts involving changes in absorption rates, drainage patterns, or the rate and amount of surface/stormwater runoff (e.g. during or after construction; or from material storage areas, vehicle fueling/ maintenance areas, waste handling, hazardous materials handling & storage, delivery areas, etc.)?</p>	<p>Scenario B</p>	<p>MM-1 Prior to issuance of a grading permit for the realignment of 69th Street to connect Elvas Avenue directly with Redding Avenue with the addition of a signalized intersection at Folsom Boulevard (Scenario B), the developer shall demonstrate to the City of Sacramento Department of Utilities that the runoff generated by the roadway improvement would not exceed the capacity of Sump 113. Improvements to ensure that Sump 113 is adequate could include, but would not be limited to, relocation of Sump 113, construction of Sump 113 that is larger than the existing one, improved wetwell hydraulics, added elbow room for maintenance, improved trash handling, backup pumping capacity, and possibly other "reliability" improvements. The City of Sacramento Department of Utilities would be required to approve of any improvements made to Sump 113.</p>	<p>Demonstrate that Sump 113 has adequate capacity to handle additional runoff generated by the roadway improvements.</p>	<p>Project contractor</p>	<p>Prior to issuance of a grading permit for the realignment of 69th Street to connect Elvas Avenue with Redding Avenue.</p>	<p>City of Sacramento Department of Utilities.</p>

Scenarios B, C, or C-Prime					
	<p>MM-2 a) Prior to issuance of a grading permit for the new railroad undercrossing, the City of Sacramento Department of Transportation shall prepare a construction flood management plan which details a triggered response should the American River reach the warning stage elevation at American River at the H Street Bridge (40 feet) during construction. As part of the plan, the City shall describe what measures would be taken during construction such that flood protection remains in place. Temporary measures may include, but would not be limited to, construction of a temporary embankment consisting of rock, soil, and plastic sheeting at the undercrossing site. The City of Sacramento Department of Utilities shall approve the construction flood management plan prior to construction.</p>	<p>Prepare a construction flood management plan.</p>	<p>City of Sacramento Department of Transportation</p>	<p>Prior to issuance of a grading permit for the new railroad undercrossing.</p>	<p>City of Sacramento Department of Utilities.</p>
	<p>b) As part of the improvements to the levee for the new railroad undercrossing, the City of Sacramento Department of Utilities (DOU) shall ensure that the project area would continue to have the minimum flood protection required by City regulations. The DOU shall require the project to include permanent improvements to ensure that flood protection is achieved which shall include, but not necessarily be limited to, the installation of flood gates on the railroad undercrossing.</p>	<p>Ensure that the project area would continue to have the minimum flood protection required by City regulations.</p>	<p>City of Sacramento Department of Utilities</p>	<p>Prior to the development of any new railroad undercrossing.</p>	<p>City of Sacramento Department of Utilities.</p>

<p>Would the proposal result in or expose people to potential impacts involving discharge into surface waters or other alteration of surface water quality that substantially impact temperature, dissolved oxygen or turbidity, beneficial uses of receiving waters or areas that provide water quality benefits, or cause harm to the biological integrity of the waters?</p> <p>Would the proposal result in or expose people to potential impacts involving changes in flow velocity or volume of stormwater runoff that cause environmental harm or significant increases in erosion of the project site or surrounding areas?</p>	<p>Scenarios B, C, or C-Prime</p> <p>MM-3 Prior to issuance of a grading permit, the City of Sacramento Department of Transportation shall prepare a water quality mitigation plan for each project component to be reviewed and approved by the City of Sacramento Department of Utilities. This plan shall provide details regarding construction and operational Best Management Practices (BMPs), in compliance with the City's NPDES permit, which reduce urban contaminants in stormwater runoff.</p>	<p>Prepare a water quality mitigation plan for each project component.</p>	<p>City of Sacramento Department of Transportation</p>	<p>Prior to issuance of a grading permit.</p>	<p>City of Sacramento Department of Utilities</p>
<p>Would the proposal result in or expose people to potential impacts involving changes in currents, or the course or direction of water movements?</p>					

<p>Would the proposal result in or expose people to potential impacts involving change in the quantity of ground waters, either through direct additions or withdrawal, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?</p>					
<p>Would the proposal result in or expose people to potential impacts involving altered direction or rate of flow of groundwater?</p>					
<p>Would the proposal result in or expose people to potential impacts involving groundwater quality?</p>					
<p>Initial Study Item 8: Biological Resources</p>					
<p>Would the proposal result in impacts to endangered, threatened or rare species or their habitats (including, but not limited to plants, fish, insects, animals and birds)?</p>	<p>Scenarios B, C, or C-Prime MM-4 The City of Sacramento shall ensure that any ground disturbance (outside of existing rights-of-way) associated with installation or construction of any project component shall comply with the following requirements:</p>				
	<p>a) Prior to the initiation of any ground-disturbing or vegetation-clearing activities or issuance of a grading permit, the City of Sacramento shall retain a qualified botanist to conduct surveys for special-status plant species and their habitat in the area of disturbance.</p>	<p>Retain a qualified botanist to conduct surveys for special-status plant species and their habitat in the area of disturbance.</p>	<p>City of Sacramento Department of Transportation</p>	<p>Prior to the initiation of any ground-disturbing or vegetation-clearing activities or issuance of a grading permit</p>	<p>City of Sacramento Community Development Department</p>

	<p>b) The botanist shall conduct surveys for these special-status plant species at the appropriate time of year when the target species would be in flower and therefore clearly identifiable (i.e., blooming periods). Surveys shall be conducted following the California Department of Fish and Game (CDFG) and California Native Plant Society (CNPS) approved protocol for surveying for special-status plant species.</p> <p>c) If no special-status plants or their habitat are found during focused surveys, the botanist shall document the findings in a letter report to the City of Sacramento, and no further mitigation shall be required.</p> <p>d) If special-status plants are found, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • If the populations can be avoided, they shall be clearly marked in the field, using pin flags, by a qualified botanist for avoidance during construction activities. After the area has been marked, orange exclusion fencing shall be installed a minimum of one foot away from the pin-flagged locations. The location of the plant population shall also be recorded on construction plans and specs. 	<p>Conduct surveys for these special-status plant species.</p> <p>If no special-status plants or their habitat are found during surveys, botanist shall document findings in a letter report to the City of Sacramento.</p> <p>Populations shall be clearly marked in the field.</p>	<p>City of Sacramento Department of Transportation</p> <p>City of Sacramento Department of Transportation</p> <p>City of Sacramento Department of Transportation</p>	<p>Prior to the initiation of any ground-disturbing or vegetation-clearing activities or issuance of a grading permit</p> <p>Prior to the initiation of any ground-disturbing or vegetation-clearing activities or issuance of a grading permit</p> <p>Prior to the initiation of any ground-disturbing or vegetation-clearing activities or issuance of a grading permit</p>	<p>City of Sacramento Community Development Department</p> <p>City of Sacramento Community Development Department</p> <p>City of Sacramento Community Development Department</p>
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	<ul style="list-style-type: none"> If special-status plant populations cannot be avoided, consultations with CDFG and/or U.S. Fish and Wildlife Service (USFWS) shall be required depending on the listing status of the species present. These consultations shall determine appropriate mitigation measures for any populations that would be affected by implementation of the proposed project. Appropriate measures may include the creation of offsite populations through seed collection or transplanting, preservation and enhancement of existing populations, or restoration or creation of suitable habitat in sufficient quantities to compensate for the impact. The results of the consultation with CDFG and/or the USFWS shall be provided to the City. 	<p>Consult with CDFG and/or U.S. Fish and Wildlife Service if special-status plant populations cannot be avoided.</p>	<p>City of Sacramento Department of Transportation</p>	<p>Prior to the initiation of any ground-disturbing or vegetation-clearing activities or issuance of a grading permit</p>	<p>City of Sacramento Community Development Department</p>
	<p>Scenarios B, C, or C-Prime</p> <p>MM-5 The City of Sacramento shall ensure that any ground disturbance or construction of project improvements comply with the following requirements:</p>				

	<p>a) Prior to issuance of grading permits, the City of Sacramento, in consultation with the USFWS, shall either (1) conduct a protocol-level survey for federally-listed vernal pool crustaceans, or (2) assume presence (without conducting surveys) of federally-listed vernal pool crustaceans in all suitable wetland habitat within 250 feet of construction activities. 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 (survey timing for these species is dependent on yearly rainfall patterns and seasonal occurrences, and is determined on a case-by-case basis). The surveys may be done as part of the Clean Water Act 404 permit process. The results of the survey shall be summarized in a "90-day Report" as required in current USFWS protocols, and submitted to the City and the USFWS.</p> <p>The report(s) shall include at a minimum:</p> <ul style="list-style-type: none"> • 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: 	<p>Conduct a protocol-level survey for federally-listed vernal pool crustaceans, or assume presence of federally-listed vernal pool crustaceans in all suitable wetland habitat within 250 feet of construction activities.</p>	<p>City of Sacramento Department of Transportation</p>	<p>Prior to issuance of grading permits.</p>	<p>City of Sacramento Community Development Department, USFWS</p>
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	<ul style="list-style-type: none"> - A map showing the location(s) of any federally listed vernal pool crustacean species identified within the project area. - A detailed description of any identified federally-listed vernal pool crustacean 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 vernal pool crustacean populations identified in the project area. <p>b) If surveys within the project area reveal no occurrences of federally-listed vernal pool crustaceans, no further mitigation shall be required. However, if surveys determine that one or more federally-listed vernal pool crustacean species occurs within the project area, or if the City of Sacramento, in consultation with the USFWS, assumes presence of federally-listed vernal pool crustaceans in all affected pools, no net loss of habitat shall be achieved through avoidance, preservation, creation and/or purchase of credits. The selected measures may be part of the Clean Water Act 404 permitting process.</p>	<p>Achieve no net loss of habitat through avoidance, preservation, creation and/or purchase of credits if surveys determine that federally-listed vernal pool crustacean species occurs within project area, or if the City of Sacramento/ USFWS, assumes presence of federally-listed vernal pool crustaceans.</p>	<p>City of Sacramento Department of Transportation, USFWS</p>	<p>Prior to issuance of grading permits.</p>	<p>City of Sacramento Community Development Department, USFWS</p>
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	<ul style="list-style-type: none"> • Avoidance Where feasible all wetland features shall be avoided. A USFWS-approved biologist shall monitor construction activities located within 250 feet of any wetland habitat within the project site to be avoided 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 also shall immediately report any unauthorized impacts to the USFWS and the CDFG. • Compensation The following or equally effective compensation measures shall be implemented as determined in consultation with the USFWS: <ul style="list-style-type: none"> - For every acre of habitat directly or indirectly (habitat within 250 feet of construction activities) affected, at least two vernal pool preservation credits shall be dedicated within a USFWS-approved ecosystem preservation bank. - For every acre of habitat directly affected, at least one vernal pool creation credit shall be dedicated within a USFWS-approved habitat mitigation bank. 				
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	<ul style="list-style-type: none"> Water quality in the avoided wetlands shall be protected using erosion control techniques, such as silt fencing or straw wattles during construction in the watershed. This shall be completed in accordance with the State Construction Permit, as outlined in the NPDES General Permit No. CAS000002, Waste Discharge Requirements, Order No. 99-08-DWQ. 	<p>Protect wetland areas by using silt fencing or straw wattles during any construction activities.</p>	<p>Project contractor</p>	<p>Ongoing during construction</p>	<p>City of Sacramento Community Development Department</p>
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	<p>Scenarios B, C, or C-Prime</p> <p>MM-6 The City of Sacramento shall ensure that construction of all project improvements comply with the following requirements:</p> <p>a) Prior to any building demolition, the City of Sacramento shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites in buildings to be demolished and/or buildings located within 50 feet of construction activities. If no roosting sites or bats are found within the project area, a letter report confirming absence shall be sent to the City of Sacramento and no further mitigation is required.</p> <p>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 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</p>	<p>Retain a qualified biologist to conduct a focused survey for bats and potential roosting sites.</p> <p>Evict bats if found roosting at the site outside of nursery season. Monitor if found during the nursery season.</p>	<p>City of Sacramento Department of Transportation</p> <p>City of Sacramento Department of Transportation</p>	<p>Prior to any building demolition</p> <p>Prior to any building demolition</p>	<p>City of Sacramento Community Development Department</p> <p>City of Sacramento Community Development Department</p>
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	<p>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. This boundary shall be added to the construction plans and specs. Depending on the location, and in order to not adversely affect ongoing residential and commercial activities, the boundary shall be marked using stakes and environmental flagging, or another method determined to be appropriate in consultation with CDFG.</p> <p>c) Eviction of bats shall 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 BCI recommended exclusion professional.</p>	<p>Eviction of bats shall be conducted using bat exclusion techniques, developed by Bat Conservation International and in consultation with CDFG.</p>	<p>City of Sacramento Department of Transportation</p>	<p>Prior to any building demolition</p>	<p>City of Sacramento Community Development Department, CDFG</p>
	<p>Scenarios B, C, or C-Prime MM-7 The City of Sacramento shall ensure that all project improvements comply with the following requirements:</p>				

	<p>a) For construction activities proposed within 500 feet of a potential nesting tree, undeveloped habitat, or under US 50 during the nesting season (February 1 through August 31), the City shall retain a qualified biologist to conduct focused preconstruction surveys for protected birds, including, burrowing owl, Swainson's hawk, white tailed kite and purple martin and other birds protected under the Migratory Bird Treaty Act. Surveys shall occur within 30 days before the onset of construction. A pre-construction survey report 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 any bird nests observed on the project area. If no active nests of MBTA, CDFG, or USFWS covered species are identified then no further mitigation is required.</p> <p>b) Should active nests of protected bird species be identified during the survey conducted in accordance with Mitigation Measure MM-7(a), the City of Sacramento in consultation with the CDFG, shall delay construction in the vicinity of active nest sites during the breeding season (February 1 through August 31) while the nest is occupied with adults and/or young. A qualified biologist shall monitor any occupied nest to determine when the nest</p>	<p>Retain a qualified biologist to conduct focused preconstruction surveys for protected birds 30 days prior to any construction activities.</p> <p>Delay construction in the vicinity of active nest sites during the breeding season, if necessary. Or, establish a buffer zone around any active nest sites.</p>	<p>City of Sacramento Department of Transportation</p> <p>City of Sacramento Department of Transportation</p>	<p>Prior to construction.</p> <p>Prior to construction.</p>	<p>City of Sacramento Community Development Department</p> <p>City of Sacramento Community Development Department</p>
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	<p>is no longer used. If 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 shall be a minimum of 200 feet. The buffer zone shall be delineated by highly visible temporary construction fencing.</p> <p>c) If demolition/construction activities are unavoidable within the buffer zone, the City of Sacramento shall retain a qualified biologist to monitor the nest site to determine if construction activities are disturbing the adult or young birds. If abandonment occurs the biologist shall consult with CDFG or USFWS for the appropriate salvage measures. This could include taking any nestlings to a local wildlife rehabilitation center.</p>	<p>Retain a qualified biologist to monitor the nest site to determine if construction activities are disturbing the adult or young birds, if necessary.</p>	<p>City of Sacramento Department of Transportation</p>	<p>During construction.</p>	<p>City of Sacramento Community Development Department, CDFG/USFWS</p>
<p>Would the proposal result in impacts to locally designated species (e.g., heritage or City street trees)?</p>	<p>Scenarios B, C, or C-Prime</p> <p>MM-8 The City of Sacramento shall ensure that the proposed project complies with the following requirements:</p> <p>a) The City of Sacramento shall have a tree survey or arborist report prepared for any project proposed in the project area that would affect existing trees to determine whether any heritage and/or city street trees would be affected.</p> <p>b) If no heritage and/or City street trees are present, no further mitigation is required.</p>	<p>Prepare tree survey or arborist report if any trees are proposed to be removed.</p> <p>No action is required.</p>	<p>City of Sacramento Community Development Department</p> <p>City of Sacramento Community Development Department</p>	<p>Prior to construction.</p> <p>After a tree survey or arborist report is prepared.</p>	<p>City of Sacramento Community Development Department</p> <p>City of Sacramento Community Development Department</p>

	<p>c) If heritage and/or city street trees are present, identified trees shall be preserved by installing temporary fencing 5 feet beyond the drip line of protected trees to minimize disturbance to the trees and their root zones in accordance with the Sacramento City Code, Chapter 12.64 Heritage Trees. Fences shall be maintained until all project activities are complete. No grading, trenching, or movement of heavy equipment shall occur within fenced areas.</p> <p>d) If removal of the heritage and/or city street trees or construction within 5 feet of the drip line cannot be avoided, a permit under Chapter 12.64.050 of the Sacramento City Code shall be obtained by the City of Sacramento prior to construction or ground disturbance. All requirements of the permit shall be implemented.</p>	<p>Preserve trees by installing temporary fencing.</p> <p>Obtain a permit under Chapter 12.64.050 of the Sacramento City Code.</p>	<p>Project contractor</p> <p>Project contractor</p>	<p>During construction.</p> <p>Prior to construction or ground disturbance.</p>	<p>City of Sacramento Community Development Department</p> <p>City of Sacramento Community Development Department</p>
<p>Would the proposal result in impacts to wetland habitat (e.g., marsh, riparian and vernal pool)?</p>	<p>Scenarios B, C, or C-Prime</p> <p>MM-9 a) The City of Sacramento shall retain a qualified biologist to conduct a wetland delineation of the project area if wetland areas are present. This delineation shall be submitted to the U.S. Army Corps of Engineers (Corps), and verification received prior to the issuance of any grading permits.</p>	<p>Retain a qualified biologist to conduct a wetland delineation of the project area if wetland areas are present.</p>	<p>City of Sacramento Community Development Department</p>	<p>Prior to obtaining a grading permit</p>	<p>City of Sacramento Community Development Department, U.S. Army Corps of Engineers</p>

	<p>b) The City of Sacramento shall, where feasible, preserve the maximum amount of existing wetlands and other waters of the U.S., and establish a minimum 25 to 50 foot buffer around all sides of these features. In addition, the final project design 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. This shall be accomplished by avoiding or repairing any disturbance to the hydrologic conditions in the watersheds that specifically support these wetlands, as verified through wetland protection plans.</p> <p>c) Where avoidance of existing wetlands and other waters of the U.S. is not feasible, mitigation measures shall be implemented for the project-related loss of any existing wetlands on-site, such that there is no-net-loss of wetland acreage or habitat value. Wetland mitigation shall be developed as a part of the CWA Section 404 permitting process or the report of waste discharged prepared for the SWRCB. 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 construction of new wetlands. In addition, a wetland mitigation and monitoring plan shall be developed that includes the following:</p> <ul style="list-style-type: none"> • Descriptions of the wetland types, and their expected functions and values; 	<p>Preserve the maximum amount of existing wetlands and other waters of the U.S. and establish a minimum 25 to 50 foot buffer around all sides of these features.</p> <p>Develop wetland mitigation as a part of the CWA Section 404 permitting process or the report of waste discharged prepared for the SWRCB.</p>	<p>City of Sacramento Community Development Department</p> <p>City of Sacramento Community Development Department</p>	<p>Prior to obtaining a grading permit and during construction</p> <p>Prior to obtaining a grading permit</p>	<p>City of Sacramento Community Development Department, U.S. Army Corps of Engineers</p> <p>City of Sacramento Community Development Department, U.S. Army Corps of Engineers</p>
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	<ul style="list-style-type: none"> • Performance standards and monitoring protocol to ensure the success of the mitigation wetlands over a period of five 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 will 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). • The mitigation and monitoring plan shall be approved by the Corps or SWRCB (as appropriate), prior to construction related impacts on any existing wetland. 				
Initial Study Item 10: Hazards					
<p>Would the proposal involve the creation of any health hazard or potential health hazard?</p> <p>Would the proposal involve exposure of people to existing sources of potential health hazards?</p>	<p>Scenarios B, C, or C-Prime</p> <p>MM-10 If discolored soil, storage tanks, or other evidence of potential soil contamination is unearthed during construction-related earthwork, or if noxious odors are encountered during such earthwork, construction activities shall immediately cease at the construction site, and a qualified firm shall be called in by the applicant to collect and analyze soil samples from the construction site. If contaminants are identified in the samples, the applicant shall coordinate with the Sacramento County Hazardous Materials Division, or the appropriate agencies, for direction on appropriate remediation measures and procedures before construction activities are continued.</p>	<p>A qualified firm shall be called in if discolored soil, storage tanks, or other evidence of potential soil contamination is unearthed, or if noxious odors are encountered during such earthwork.</p>	<p>Project contractor</p>	<p>During construction</p>	<p>City of Sacramento Community Development Department, Sacramento County Hazardous Materials Division</p>

<u>Scenarios B, C, or C-Prime</u>					
MM-11	If construction occurs on the site of the former 14 th Avenue Landfill, the developer shall:				
	a) Demonstrate to the satisfaction of the California Regional Water Quality Control Board (CRWQCB) that the existing landfill cover will not allow wastes to be leached into groundwater.	Demonstrate that the existing landfill cover will not allow wastes to be leached into groundwater.	Project contractor	Prior to obtaining a grading permit.	City of Sacramento Community Development Department, CRWQCB
	b) If it can be demonstrated that the wastes are inert, no cover is needed.	Demonstrate that the existing landfill cover will not allow wastes to be leached into groundwater.	Project contractor	Prior to obtaining a grading permit.	City of Sacramento Community Development Department, CRWQCB
	c) If the wastes cannot be demonstrated to be inert, the developer shall demonstrate to the CRWQCB that precipitation will not percolate through wastes and cause a groundwater quality problem. Soil moisture sensors, excavation, or coring following rainfall could be used to determine the effectiveness of the existing pavement to prevent percolation.	Demonstrate that precipitation will not percolate through wastes and cause a groundwater quality problem.	Project contractor	Prior to obtaining a grading permit, during construction.	City of Sacramento Community Development Department, CRWQCB
	d) The developer shall prepare a drainage map and submit it to the CRWQCB showing that all surface drainage is directed to runoff locations offsite. The map must also show that most of the rainfall leaves the site as runoff.	Prepare a drainage map that demonstrates that surface drainage is directed offsite and does not pond.	Project contractor	Prior to obtaining a grading permit.	City of Sacramento Community Development Department, CRWQCB
e) Any excess excavated soils must be disposed of at a California Integrated Waste Management Board-approved landfill.	Dispose of excess excavated soils at a California Integrated Waste Management Board-approved landfill.	Project contractor	During construction.	City of Sacramento Community Development Department	

	f) If landfill waste is encountered during construction, construction work shall stop and the CIWMB Health and Safety Section shall be contacted for the proper course of action.	Contact the CIWMB Health and Safety Section if landfill waste is encountered.	Project contractor	During construction.	City of Sacramento Community Development Department, CIWMB Health and Safety Section
	g) If groundwater is encountered during construction, construction work shall stop and the Central Valley Water Quality Control Board shall be contacted for the proper course of action.	Contact the Central Valley Water Quality Control Board if groundwater is encountered.	Project contractor	During construction.	City of Sacramento Community Development Department, CVWQCB
Initial Study Item 15: Cultural Resources					
<p>Would the proposal disturb paleontological resources?</p> <p>Would the proposal disturb archaeological resources</p>	<p><u>Scenarios B, C, or C-Prime</u></p> <p>MM-12 a) In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 100 feet of the resource shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p>	Consult with a qualified archeologist in the event that any prehistoric subsurface archeological features are discovered.	Project contractor	During construction.	City of Sacramento Community Development Department

	<p>b) If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified</p>	<p>Consult the appropriate Native American representatives if a Native American site is discovered.</p>	<p>Project contractor</p>	<p>During construction.</p>	<p>City of Sacramento Community Development Department</p>
	<p>archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p> <p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</p>				

	<p>c) If a human bone or bone of unknown origin is found during construction, all work shall stop within 100 feet the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the Project contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</p>	<p>Contact County Coroner if a human bone or bone of unknown origin is found.</p>	<p>Project contractor</p>	<p>During construction</p>	<p>City of Sacramento Community Development Department</p>
<p>Would the proposal affect historical resources?</p>	<p>Scenarios B, C, or C-Prime</p> <p>MM-13 For any roadway widenings or extensions under the 65th Street Station Area Plan that could affect one or more potentially historic buildings, the City shall first have a CRHR eligibility evaluation prepared by a qualified historian. The evaluation shall occur through the preparation of DPR 523 forms for each building, and through standard CEQA evaluation.</p> <p>For buildings determined to be eligible for listing: (1) reuse of these buildings should be considered over demolition; and (2) if demolition cannot be avoided, then the buildings shall be recorded to Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) standards before their removal. HABS/HAER recordation typically includes the following:</p>	<p>If any potentially historic buildings are slated to be removed, hire a qualified historian to prepare a CRHR evaluation..</p>	<p>City of Sacramento</p>	<p>Prior to obtaining a building demolition permit.</p>	<p>City of Sacramento Community Development Department</p>

	<ul style="list-style-type: none"> • the development of site-specific history and appropriate contextual information regarding the particular resource (in addition to archival research and comparative studies, this task may involve limited oral history collection); • accurate mapping of the resources, scaled to indicate size and proportion of the structures; • photo documentation of the designated resources, both in still and video formats; and • recordation by measured architectural drawings, in the case of specifically designed structures of high architectural merit; "as-built" plans of existing structures/foundation ruins will involve field measurements, office scaled plan layout, and plot out of final plan. 				
	<ul style="list-style-type: none"> • Copies of the HABS/HAER documentation shall be filed with the State Office of Historic Preservation (OHP), Sacramento Archive and Museum Collection Center (SAMCC), and the Sacramento Room at the Central Branch of the Sacramento County Library. 				