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P08-086
Aerial and Land Use Map
McKinley Village

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RESOLUTION NO. 2014--

Adopted by the Sacramento City Council

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM AND FINDINGS OF FACT FOR THE MCKINLEY VILLAGE PROJECT (P08-086)

BACKGROUND

A. The City of Sacramento determined that an environmental impact report should be prepared for the McKinley Village project pursuant to the California Environmental Quality Act (CEQA), Public Resources Code sections 21000 *et seq*.

B. The Notice of Preparation for the project was circulated for comment by responsible and trustee agencies and the public from May 24, 2013 through July 9, 2013.

C. The Draft EIR for the McKinley Village project was distributed to the public and various public agencies for review and comment beginning on November 12, 2013 through January 10, 2014.

D. Written and oral comments on the Draft EIR were received, and responses to those comments have been prepared and included in the Final EIR. On March 27, 2014, the City Planning and Design Commission conducted a public hearing, and forwarded to the City Council a unanimous recommendation to approve the McKinley Village project with conditions.

E. On April 29, 2014, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17. 812.030 B.1, 2, and 3 (publication, posting, and mail (500 feet)) and the City Council received and considered evidence concerning the McKinley Village project.

F. The EIR has been presented to the City Council, which has reviewed and considered the information in the EIR and the supporting evidence, and the City Council has determined that the EIR reflects the City's independent judgment.

G. The City Council is required, pursuant to Public Resources Code section 21081, subdivision (a), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant

project-related environmental effects. As demonstrated by the Findings of Fact attached as Exhibit A to this Resolution, the project's significant environmental effects can be reduced to a less than significant level through the adoption of feasible mitigation measures.

H. Because the adoption of all feasible mitigation measures has mitigated all significant effects on the environment associated with the project to a less than significant level, the City Council need not, as a legal matter, consider the feasibility of alternatives, as set forth in the EIR. The City Council nevertheless has determined, for reasons set forth in the Findings of Fact attached hereto, that the alternatives as described in the EIR are infeasible in any event.

I. Because the project will not cause any significant unavoidable impacts, the City Council is not required to adopt a statement of overriding considerations pursuant to Public Resources Code section 21081, subdivision (b) and CEQA Guidelines section 15093.

J. The City Council is required by Public Resources Code section 21081.6, subdivision (a), to adopt a Mitigation Monitoring Program to ensure that the mitigation measures adopted by the City Council are actually carried out, and the City has prepared for the project a Mitigation Monitoring Program, attached as Exhibit B to this Resolution.

K. None of the comments made during the public review period, none of the oral or written testimony presented during the public hearing on the project, and none of the other information presented to the City on the project and the EIR have included significant new information requiring recirculation of some or all of the Draft EIR pursuant to CEQA Guidelines section 15088.5.

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 McKinley Village project which EIR consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") has been completed in accordance with the requirements of CEQA, the State CEQA Guidelines, and the Sacramento Local Environmental Procedures.

Section 2. The City Council certifies that the EIR is adequate and complete and was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and that the EIR constitutes an adequate, accurate, objective and complete EIR 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, that the City Council has reviewed the EIR as well as staff reports pertaining to the project and all other pertinent documents relating to the preparation of the EIR, and has considered the information contained in the EIR and all other pertinent information prior to acting on the proposed Project, and that the EIR reflects the City Council's independent judgment and analysis.

Section 4. Pursuant to Public resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, and in support of its approval of the McKinley Village project, the City Council adopts the attached Findings of Fact in support of approval of the Project as set forth in the attached Exhibit A. Exhibit A (and its Table A) is part of this Resolution. A statement of overriding considerations is not required because all potentially significant impacts have been reduced to a less-than-significant level.

Section 5. The City Council, in anticipation of approving the project, hereby adopts and incorporates into the project all of the mitigation measures for the project that are within the responsibility and jurisdiction of the City that are identified in the Findings of Fact and Mitigation Monitoring Program.

Section 6. Pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the McKinley Village 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 the attached Exhibit B. Exhibit B is part of this Resolution.

Section 7. The City Council directs that, upon approval of the McKinley Village project, the City Manager 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 Public Resources Code section 21152, and further directs that the City Manager shall cause the Notice of Determination to be posted in the County Clerk's Office within five days following adoption of this Resolution..

Section 8. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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CEQA FINDINGS OF FACT

OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO

for the

McKINLEY VILLAGE PROJECT

April___, 2014

I. INTRODUCTION

The Environmental Impact Report (EIR) prepared for the McKinley Village Project (Project) addresses the potential environmental effects associated with constructing and operating the Project. These findings have been prepared to comply with requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). These findings refer to the Notice of Preparation (NOP) or Final EIR (FEIR) where the material appears in either of those documents. Otherwise, references are to the Draft EIR (DEIR).

CEQA generally requires that a lead agency must take reasonable efforts to mitigate or avoid significant environmental impacts when approving a project. In order to effectively evaluate any potentially significant environmental impacts of a proposed project, an EIR must be prepared. The EIR is an informational document that serves to inform the agency decision-making body and the public in general of any potentially significant environmental impacts. The preparation of an EIR also serves as a medium for identifying possible methods of minimizing any significant effects and assessing and describing reasonable alternatives to the project.

The EIR for this Project was prepared by the City of Sacramento (City) as the "lead agency" in accordance with CEQA and has been prepared to identify and assess the anticipated effects of the Project. The City, as the lead agency, has the principal responsibility for approval of the Project.

II. TERMINOLOGY OF FINDINGS

CEQA and the CEQA Guidelines require that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of the three allowable conclusions:

1. Changes or alterations which avoid or mitigate the significant environmental effects as identified in the EIR have been required or incorporated into the project;

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency; or

3. Specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the DEIR.

(Pub. Resources Code, § 21081, subd. (a)(1)-(3); CEQA Guidelines, § 15091, subd. (a)(1)-(3).)

For purposes of these findings, the terms listed below are defined as follows:

- "Mitigation measures" shall constitute the "changes or alterations" discussed above.

- "Avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. The term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to a less than significant level.

- "Feasible," pursuant to the CEQA Guidelines, means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

When the City of Sacramento City Council (City Council) finds a measure is not feasible, it will provide evidence for its decision and may adopt substitute mitigation that is feasible and designed to reduce the magnitude of the impact. In other cases, the City Council may decide to modify proposed mitigation. Modifications generally update, clarify, streamline, or revise a measure to comport with current engineering practices, budget conditions, market conditions or existing City policies, practices, and/or goals. Modifications achieve the intent of proposed mitigation without reducing the level of protection.

III. DEFINITIONS AND ACRONYMS

Unless otherwise stated, these findings use the same definitions and acronyms set forth in the EIR.

IV. PROJECT DESCRIPTION

A. PROJECT OVERVIEW

The McKinley Village Project consists of the construction and operation of a 336-unit residential development, a neighborhood recreation center, parks, and associated infrastructure on an approximately 48.75-acre site within the East Sacramento Community Plan Area located in the City of Sacramento, California.

B. PROJECT SITE HISTORY

Development for the project site has been proposed dating back to the late 1980s when a mixed-use project, known as "Centrage," proposed development which included an office building complex of approximately 1 million square feet (sf) with two office towers of 15 stories, residential apartments containing 1,000 units, commercial uses, and a 20-story hotel. The City's 1988 General Plan update changed the land use designations on the site to High Density Residential, Regional Commercial/Office, Parks/Recreation and Open Space to accommodate the Centrage project. An application for the Centrage project was submitted on September 7, 1988, and an EIR was prepared for the project. On March 10, 1992, the EIR for the proposed project was certified; however, the City Council did not approve the project.

In 1995, a 500,000-sf discount shopping mall was proposed, but the project application was withdrawn by the applicant prior to completion of environmental review.

An application for development of a residential project with up to 495 units, including a church site, was filed in 2006 and subsequently withdrawn. An application for development of a residential project with 397 units, retail uses, a church, and a pre-school was filed in 2008. The current proposal retains the same name and project number as the project filed in 2008, but the project differs from the 2008 proposal and the project application has been submitted by a new applicant. The current project has 336 residential units, a neighborhood recreation center which includes limited retail use, and parks, but does not include a church site or pre-school.

The project site was in agricultural use and under cultivation until at least the late 1980s as part of Mize's Farm. Approximately 10% to 15% in the eastern portion of the site was planted with a peach orchard with the remainder of the site regularly plowed and planted with an assortment of vegetables. The orchard was removed from the site in late 2006.

C. THE CURRENT PROJECT

The McKinley Village proposed project includes development of a 336-unit residential neighborhood, including 312 single family units and 24 multifamily units (not including potential "granny flat" units), on an approximately 48.75-acre site (see FEIR, p. 2-41 [Figure 2-3, Conceptual Site Plan]). A variety of residences are proposed on different lot sizes. Second units or "granny flats" would be offered as an option on some of the home plans. The overall density of the proposed project is approximately 11.2 residential units per acre.

The project is proposing a 30-foot-wide landscape/sound buffer/easement adjacent to the northern boundary of the site, adjacent to the freeway, with a sound barrier of approximately 13 to 18.5 feet tall (depending on location and final design) above the proposed building pads, consisting of a soil berm topped with a solid sound barrier (or wall). The sound barrier would be set back approximately 15 feet from the freeway right-of-way (ROW) with landscaping provided on both sides of the barrier. The distance to the rear of the residences located adjacent to the freeway would range from approximately 58 feet from the edge of pavement on the east up to 140 feet from the edge of pavement on the west. In addition, an 8-foot-wide landscape buffer/easement is proposed along the southern portion of the site adjacent to the UPRR ROW. At the edge of the property boundary, a 6-foot-tall tubular steel fence, or fence of a similar design acceptable to UPRR, is proposed that would be designed to meet UPRR requirements. The residences proposed adjacent to the northern, southern, and eastern boundaries of the site are two-stories in height to provide a buffer for noise from the freeway as well as the UPRR tracks. The distance of the private yards of the residences to the nearest railroad track would range from 90 feet on the west side up to 161 feet on the eastern side of the project site. The homeowners association (HOA) for the project would maintain all landscaping within the buffer/easement areas.

Residential Development

The project's design features would be enforced by and through the proposed Planned Unit Development (PUD) Guidelines (see FEIR, Appendix M). Table 2-1 (FEIR, p. 2-5) provides a breakdown of project components by acreage and number of units. The project would include a variety of medium density detached residential building types, as shown on DEIR, page 3-9 (Figure 3-3), as well as attached condominium units, as shown on FEIR, page 2-35 to 2-37 (Figures 3-4). The buildings are all proposed as two-story structures with an average building height of 25 feet with direct access to the garages, with some buildings designed to have living space over garages (granny flats), as shown on the illustrative building elevations in DEIR Figures 2-4 through 2-19 (DEIR, pp. 2-13 to 2-43), and FEIR Figure 3 (FEIR, p. 2-35). Because the City does not consider granny flats to be separate units and are only proposed as an optional feature available with some of the detached residential units they are not included in the land use summary.

Detached residential units would range in size from approximately 1,300 sf with 3 bedrooms and 2.5 baths, to approximately 3,150 sf with 5 bedrooms and 4 baths, with sizes and square footages subject to adjustment due to final design and market considerations. Attached condominium units (Parkside Flats) would be located in four buildings that each contain 6 units located in the central portion of the site. These units would range from approximately 1,500 to 2,400 square feet with 2 to 3 bedrooms and 2 bathrooms. These units (Parkside Flats) include alleys with access to garages from the alleyway. Some of the units detached residential units (Cottage Greens) also include alleys with access to garages from the alleyway.

All garages are designed to be accessible from an alley, are set back from the street, or are accessible from the side of the building. None of the residences include garages that are the main focal point of the home. Approximately 50% of the residences are anticipated to include natural gas fireplaces. No wood burning fireplaces would be allowed. The project includes development of design guidelines and a landscaping plan that will establish parameters for the overall design of the project.

Access and Circulation

The project is proposing a modified grid roadway layout with streets connecting throughout the site, similar to the existing neighborhoods to the south and west. Access to the project site would be provided from A Street and 28th Street to the west and the extension of 40th Street to the east (see FEIR, p. 2-41 [Figure 2-3, Conceptual Site Plan]). The A Street Bridge will be improved to provide vehicular, bicycle, and pedestrian access to the site. Improvements to the bridge will include new paving, striping and upgrading the guardrails. Caltrans may consider other bridge designs, including a cantilever to provide additional pedestrian access on the north side, but any such approaches would require additional design and discussions with Caltrans. The bridge is owned and maintained by Caltrans and is routinely checked to ensure it is structurally sound. An inspection review of the bridge was conducted by Caltrans in March 2011, and the review concluded the bridge is structurally sound (Caltrans 2011).

A Street would continue through the project site as the main road connecting to 40th Street on the north side of the UPRR embankment. A second vehicle access is proposed in the eastern portion of the site through the extension of 40th Street through the Cannery Business Park site connecting to C Street between 40th Street and Tivoli Way. This connection would require an underpass to be constructed under the UPRR embankment. Subject to approval by UPRR and appropriate government agencies, a pedestrian/bicycle underpass amenity is also proposed to be constructed under the UPRR embankment connecting to the northern terminus of Alhambra Boulevard, in the southwestern portion of the site. Dedicated on-street bicycle lanes would be provided along 40th Street between C Street and A Street with no on street parking permitted. Dedicated on-street bicycle lanes, with no parking permitted, would also be provided from 28th Street to the A Street Bridge, with a transition at the approach to the bridge, as determined by the City with approval by Caltrans. The project also provides access to a proposed bikeway connection located in the extreme northeast portion of the project site, as proposed under the City's Bikeway Master Plan. Figure 2-20, Site Connectivity in the FEIR (page 2-43), shows the connection of the project site to the surrounding area.

The 40th Street vehicle underpass would be approximately 107 feet wide, 16 feet high, and 148 feet long, and would accommodate two lanes of traffic along with access for bikes and sidewalks on both sides of the road. The sidewalks would be 6-feet wide to accommodate pedestrians. Energy efficient LED lighting would be provided and would adhere to the City's standards for minimum lighting intensity for pedestrians, bicycles, and safety and would also meet the Crime Prevention through Environmental Design criteria. In addition, the underpass has been designed at UPRR's request to accommodate the addition of three train tracks (one for the Capitol Corridor Joint Powers Authority's potential Third Track project between Sacramento and Roseville, and two possible additional UPRR tracks) and two maintenance roads.

The Alhambra pedestrian and bike underpass amenity that is proposed to be constructed as part of the proposed project would be located under the existing UPRR raised embankment at the northerly end of Alhambra Boulevard, if approved by UPRR and appropriate government agencies. The proposed underpass would provide pedestrian and bicycle access between Alhambra Boulevard and the project site. While public vehicle access would be prohibited, the underpass must provide access to accommodate City maintenance vehicles for maintenance activities. Removable traffic control devices or an alternative design would prohibit vehicles from traveling through the underpass but would allow access for designated City maintenance vehicles. The proposed Alhambra bicycle/pedestrian underpass would be 125.5 feet long, but the exact dimensions of the proposed underpass are in the process of being designed. The project applicant has committed to the following measures and project features relating to tunnel safety for the proposed Alhambra bicycle/pedestrian underpass amenity, provided the tunnel is approved by UPRR and the appropriate government agencies:

- The underpass or tunnel has been redesigned from the original plans to add additional width.
- The project applicant has proposed to landscape the Alhambra side of the tunnel in such a way that will prevent cars from driving through, but allowing access for maintenance and

emergency vehicles and keeping the landscaping directly in front of the tunnel low enough that the tunnel is visible down Alhambra.

- On the project side of the tunnel, the project applicant is limiting the landscaping at A Street so the tunnel is open and visible from the street.
- The homes near the tunnel opening on the project side have been reoriented to bring more "eyes" on the area. The project applicant is also proposing to include irrigated turf in the basin area adjacent to the opening on the project side so it is a more actively used area again to bring more eyes on the tunnel.
- The tunnel will have LED lighting both inside and at both openings.
- The project applicant has proposed to install cameras at both ends of the tunnel.

Streetlights that meet the City's standard for residential neighborhoods (acorn-style lights) would also be provided along all roadways within the project site including the extension of A Street, northwest of the freeway, and the extension of 40th Street.

While the project site is in Federal Emergency Management Agency (FEMA) Zone X and has 100-year flood protection with no flood insurance required, flood gates or other flood control structures acceptable to the City would be installed at both the vehicle and, if approved by UPRR and appropriate government agencies, the bicycle/pedestrian underpass as a secondary flood control device in the event of an American River levee failure (flood gates or other flood control structures currently exist at a number of roadways that penetrate the UPRR embankment including, but not limited to, Folsom Blvd, J Street, H Street, the Capital City Freeway, and 7th Street). See, EIR Section 4.4, Hazards and Public Safety, and Section 4.5, Hydrology, Water Quality and Drainage, address emergency evacuation and flooding.

Site Access Overview

The 40th Street access is compatible with the proposed project design, feasible from an engineering and technical perspective, and is the preferred design compared to alternative vehicular access points considered at Alhambra Boulevard and Lanatt Street. Those two other access points have been determined to be infeasible as described below. In addition, at-grade crossings at any of the above locations were determined to be infeasible due to UPRR policy to oppose new at-grade crossings for operational and safety reasons, and the practices and policies of the California Public Utilities Commission with respect to approval of such crossings. Furthermore, the 40th Street access provides a proximate and direct access, particularly for walking and bicycling, to the nearest school (Theodore Judah), transit route (Bus Line 34), employment center (Cannery Business Park), park (McKinley Park) and other local commercial uses. The bicycle/pedestrian underpass amenity proposed to be constructed at Alhambra Boulevard would also provide a direct route of just over one quarter mile to the existing stop at Alhambra and McKinley Boulevards, if approved by Union Pacific and the appropriate government agencies. (See generally DEIR, p. 4.9-58; see also FEIR, p. 2-31 [Figure 1].)

A new vehicular bridge structure/roadway underpass at Alhambra Boulevard was determined to be infeasible and not preferred compared to 40th Street for a number of reasons. First, because the railroad line must be kept in operation, construction of such a structure would require

building temporary tracks ("shooflys") alongside the existing tracks for a distance dictated by railroad design criteria (e.g., acceptable radii). Because of the proximity of Alhambra Boulevard to the Capital City Freeway, this would require the building of a new bridge over the freeway and likely the relocation of the 28th Street crossing to accommodate the shooflys, assuming that Caltrans and UPRR would approve the building of the bridge, and UPRR would approve the crossing relocation. Second, due to the grade differentials, and depending on final project design, changes to B Street, the alley, and access to existing homes would result. The roadway underpass would eliminate access from Alhambra Boulevard to B Street (and potentially the B/C Street alley) and to parcels on the south side of the UPRR embankment, as well as likely cause significant utility relocation issues. Third, the proximity of Alhambra Boulevard to the A Street Bridge/access to the site poses two issues: (1) their proximity would mean that an underpass at Alhambra would not functionally provide a second access to the site for emergency purposes, and (2) their proximity and the grade differential between the Alhambra underpass roadway and A Street would require either construction of a new A Street Bridge over Alhambra Boulevard on the site or the closure of the A Street access. Fourth, the extension of Alhambra Boulevard onto the site would be in conflict with the City's potential location of a surge tank to serve its combined sewer system. None of the above constraints apply to a bike/pedestrian undercrossing that, unlike a vehicular access, can be constructed by boring under the tracks without the necessity for constructing shooflys. (See FEIR, pp. 3-7 to 3-19 [Master Response 1]; Parsons, Alhambra Underpass at UPRR Estimate for Full Width Roadway (Nov. 25, 2013); Parsons, Alhambra Underpass at UPRR Feasibility Studies for Bicycle/Pedestrian and Vehicular Underpass Alternatives (Mar. 6, 2014); Letter from Patrick Prososki, UPRR Program Manager Commuter Operations, to John Bishop of Parsons, dated Feb. 24, 2014; see also email from Ryan Moore of the City of Sacramento to Sue Brown, dated May 5, 2009; see also email from Patrick G. Prososki, UPRR Program Manager Commuter Operations, to John Bishop of Parsons, dated Dec. 3, 2013; see also email from Michael Bartley, Sacramento Fire Department Assistant Chief Fire Marshal, to the project applicant, dated Nov. 1, 2013; Project Applicant PowerPoint Presentation to Planning and Design Commission Concerning Site Access, Mar. 27, 2014.)

A new bridge structure/roadway underpass at Lanatt Street was also determined to be infeasible and not preferred compared to 40th Street for a number of technical, engineering, and operational reasons. First, Lanatt Street services industrial uses, and large trucks back into commercial/industrial driveways on the street, blocking the street during those movements. This would create traffic and safety issues, including potentially temporarily blocking the street during an emergency, contrary to the purpose of providing a second access. Second, construction of the underpass would pose significant business disruption issues for existing businesses during construction. Third, sight lines for vehicles exiting the project via the underpass would be inadequate and unsafe with respect to the driveway access for an existing industrial operation, making it difficult for such exiting vehicles to see other vehicles, including large trucks, entering and exiting this industrial driveway. Elimination of this industrial driveway would cause significant impairment to the existing industrial use. Finally, existing buildings and multiple property ownerships add to the logistical difficulty of constructing a bridge structure/roadway underpass at this location. (See also FEIR, pp. 3-7 to 3-19 [Master Response 1].)

Recreation and Landscaping

The proposed project includes five parks (three main parks and two pocket parks) that total approximately 2.45 acres, an approximately 1-acre neighborhood recreation center and outdoor pool facilities in the center of the project site (see FEIR, p. 2-41 [Figure 2-3]), and landscaped common areas throughout the project. A community garden is proposed in the northeast corner of the project site near the location of the proposed future bikeway connection. If the connection to the bikeway is constructed a portion of the community garden would be removed, modified and/or rebuilt.

The recreation center would be privately run and maintained by an HOA. The recreation center may include up to 2,000 sf of retail space that could be used for a café, restaurant, shop or other retail use that would be open to the public. DEIR Figures 2-21 and 2-22 (DEIR, pp. 2-51 to 2-53) show the proposed building elevations for the recreation center. The hours of operation of the recreation center and the pool are currently anticipated to be from 5:30 a.m. to 11:00 p.m. The parks would be connected to the adjacent residential uses via the surrounding roadway network that would include separated sidewalks and access for bikes along area roadways. The project includes landscaped public spaces with a current plan to include art in public places and street furniture for residents and visitors. The parks would be constructed by the project applicant and would be maintained by the City's Parks Department and/or the HOA pursuant to a funding and maintenance plan approved by the City. The project meets the City's Quimby Act parkland dedication requirement and the City's Quimby Act Ordinance through dedication, payment of in-lieu fees and the provision of proposed on-site parks and one or more private recreation facilities agreement that provides partial dedication credit for the recreation center, community pool and community garden.

The project's proposed landscaping plan includes over 2,000 trees throughout the site, including street trees along all project roadways and alleys consistent with City requirements and adjacent residential neighborhoods. A mix of evergreen and coniferous trees (e.g., redwood, pine, cedar, and cypress) are proposed for the landscaped buffer areas adjacent to the freeway and UPRR ROW, in consultation with the City arborist. Separated sidewalks are included along most roadways.

The project also includes signage, fencing, and landscaping adjacent to the UPRR ROW to discourage and hinder trespassing. The location and content of the signage will be coordinated with UPRR.

Rezone

The proposed project would include a rezone of the project site from Heavy Industrial (M-2) to Single-Unit or Duplex Dwelling (R-1A PUD), Multi-Unit Dwelling (R-2A PUD) zone, and Residential Mixed Use (RMX) for the recreation center. The R-2A PUD allows a maximum densities of 17 dwelling units per acre. The R-1A PUD allows for maximum densities of 15 dwelling units per net acre. According to the City's Zoning Code, this is considered a low- to medium-density residential zone intended to permit the establishment of single-family,

individually owned, attached or detached residences where lot sizes, height, area, and/or setback requirements vary from standard single-family residences. The R-1A PUD and R-2A PUD zones are intended to accommodate alternative single-family designs which are determined to be compatible with standard single-family areas and which might include single-family attached or detached units, townhouses, cluster housing, condominiums, cooperatives, or other similar projects. A PUD designation constitutes an overlay zone. However, approval of a PUD designation does not establish an underlying zone or enlarge the uses provided by a zoning classification.

Off-Site Improvements

The project includes improvements to facilities off site that are required for the project (see FEIR, p. 2-45 [Figure 2-24, Proposed Off-Site Improvements]). The off-site improvements include improving 1,200 feet of A Street from the intersection with 28th Street, through to the closed 28th Street Landfill, to the project site to meet current City roadway standards. A roadway extending east from the intersection of 28th Street and A Street through the closed Landfill site and over the Capital City Freeway is currently contemplated in the City's 2030 General Plan as part of the Sutter's Landing Parkway Extension, and in the Sutter's Landing Regional Park Master Plan. The project is proposing to improve the A Street Bridge over the Capital City Freeway by including new paving, striping, and upgrading the guardrails. Caltrans may consider other bridge designs, including a cantilever to provide additional pedestrian access on the north side, but any such approaches would require additional design and discussions with Caltrans. As part of the improvements to A Street through the closed Landfill site, geotechnical and environmental sampling will be conducted under the jurisdiction of the City and the Sacramento County Environmental Management Department (SCEMD) in its capacity as the Local Enforcement Agency. To the extent required, the improvements shall be undertaken under the jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB) and SCEMD.

The road enhancements shall be undertaken to achieve compliance with municipal engineering standards and requirements, ensure the integrity of the closed landfill and public safety, and the protection of public health, water and other environmental resources. Such actions to achieve these standards may include excavation, import of engineered fill or soil, compaction, and or installation of an engineered cover meeting the requirements of the LEA and CVRWQCB, as appropriate. The project also includes additional signage and measures, such as barriers, to ensure the security of the closed 28th Landfill and protection of the public.

Potential improvements to the at-grade railroad crossing at 28th Street and B Street includes constructing a sidewalk and a barrier curb at the crossing. Additional improvements include constructing an extension of 40th Street approximately 900 feet connecting to C Street, and construction of an underpass under the UPRR embankment for vehicles, pedestrian and bicycles; proposed construction of a tunnel under the UPRR embankment as an amenity for pedestrians and bicycles connecting to Alhambra Boulevard and B Street subject to approval by UPRR and appropriate government agencies; and modifying Sump 99 (or providing funding to the City for such modifications) to include backup power and telemetry for monitoring the pump system during storm events, to the extent that the City has not already undertaken such modification.

The proposed project also includes construction of a stormwater detention basin adjacent to the southwestern portion of the site on City-owned land. As noted above, the project also includes construction of off-site water and wastewater pipes that would be extended along new roadway extensions.

The project applicant will also make an Irrevocable Offer of Dedication for lands necessary for the City to construct the Combined Sewer Detention Project. If the City determines to approve its Combined Sewer Detention Project in the future, the project would consist of a large diameter pipeline (about 10 feet wide) located underground, beneath the portions of the A Street access drive and detention ponds, on the project site or on property that the project applicant shall acquire in fee or through the purchase of property rights. The Combined Sewer Detention Project is a compatible use that would not affect the capacity of the on-site detention ponds. If the City decides to pursue the project, it would undergo a separate environmental review process.

D. PROJECT SITE

The project site is located northeast of downtown Sacramento (see DEIR, p. 2-3 [Figure 2-1, Regional Location]). The project site is situated along the south side of Interstate 80/State Route 51 (Capital City Freeway) north of the Union Pacific Railroad (UPRR) lines, largely east of Alhambra Boulevard, and largely west of Lanatt Street. The American River is located approximately 0.25 mile north and east of the project site (see DEIR, p. 2-5 [Figure 2-2, Project Location]). Existing access to the site is from an unimproved roadway and an existing overpass that spans the Capital City Freeway.

The Assessor's Parcel Number (APN) for the project site is 001-0170-028. Other properties that would be used for ingress and egress include the following APNs: extension of 40th Street 001-0170-025, 001-0170-009, 004-0010-031, 004-0010-002; A Street east of freeway 001-0170- 013, 003-0061-011; proposed Alhambra undercrossing 003-0010-003; and A Street west of freeway 003- 0050-016, 003-0050-014, and 003-0050-012.

The project site is currently vacant with a fallow field dominated by non-native grasses, trees, and shrubs along with four freestanding billboards and overhead utility lines and poles. Two groundwater monitoring wells and six soil gas probes are located along the northern portion of the project site and are used for post-closure monitoring of the 28th Street Landfill located to the north of the Capital City Freeway. Access to the project site is currently limited to an existing road (A Street) that connects to a two-lane roadway overpass/bridge across Capital City Freeway. A roadway crosses City property and connects to the western end of the site.

During preparation of the DEIR, Dudek staff contacted UPRR to obtain information on freight and passenger train travel proximate to the project area. According to UPRR, homeland security concerns prevent UPRR from releasing any specific information pertaining to train schedules or frequency of train travel. UPRR verbally indicated that freight trains run on a 24 hour basis and up to 40 total trains per day pass by the project site. In addition, a Federal Railroad Administration (FRA) website provides information on the estimated daily average of trains that pass through the 28th Street at-grade crossing. Pursuant to the State Office of Railroad Safety, the data provided on the FRA website are considered "rough estimates."

Information from the FRA website accessed in August 2013 indicated an estimated daily average of 22 total trains pass through the 28th Street crossing based on information provided as of January 1, 2011. Information from the FRA website accessed in October 2013 provides updated information from July 10, 2013, which indicates an estimated daily average of 41 total trains pass through the 28th Street crossing. Also according to the FRA website, the average speed of the trains crossing at 28th Street is between 10 and 35 miles per hour.

Because specific information regarding train schedules and frequency are not provided by UPRR or available on the FRA website, actual train counts in the project area were collected by Bollard Acoustical Consultants using noise meters, direct observations, and review of public passenger train schedules. Over a period of 6 days in August 2013, data collected by Bollard Acoustical Consultants (by the methods described above) on trains passing by the site adjacent to the southern boundary (noise monitoring sites 4 and 5 shown on DEIR, p. 4.6-7 [Figure 4.6-1]) indicate there was an average of 15 freight trains and 8 passenger trains per day, for a total of 23 existing daily operations. On the busiest day there were 22 freight trains and 8 passenger trains, for a total of 30 operations. Over the same 6 day period in August 2013, data collected on trains passing by the site adjacent to the eastern boundary (noise monitoring site 6 on DEIR, p. 4.6-7 [Figure 4.6-1]) indicate there was an average of 23 freight trains and 4 passenger trains per day, for a total of 27 existing daily operations. On the busiest day there were 31 freight trains and 4 passenger trains, for a total of 35 operations. The typical speed for all trains observed in August 2013 was between 20 to 25 miles per hour, but at no time were train speeds observed above 25 miles per hour.

This 2013 data on daily rail activity adjacent to the project site compares favorably with similar monitoring conducted by Bollard Acoustical Consultants over a 4-day period in June of 2007, where 30 daily train operations (freight and passenger combined) were registered. Acoustical analyses make use of annual average traffic volumes for the prediction of noise impacts and the development of noise mitigation measures. For this reason, conservative estimates of typical-daily train operations (30 trains per day, rather than the lower average of 23-27 trains per day observed) were used to define existing rail operation noise levels at the project site. Although analysis of the 2007 and 2013 single-event data indicate that daily rail activity adjacent to the project site varies, the data supports the conservative assumption of 30 existing rail operations passing the project site over a typical 24-hour period (8 Amtrak (or passenger) and 22 freight trains). For future conditions, an additional 10 freight and 18 passenger trains were assumed, for a future combined total of 58 daily trains adjacent to the project site.

E. EXISTING LAND USE DESIGNATIONS AND ZONING

The project site is located within the East Sacramento Community Plan Area and is currently designated Planned Development (PD) in the City's 2030 General Plan and zoned Heavy Industrial (M-2) in the City's Zoning Code.

F. ADJACENT USES

The project site is bounded on the south and east by an elevated portion of the UPRR tracks and on the north and west by the Capital City Freeway. The UPRR tracks are located on an elevated berm that ranges in height from between 18 feet to 30 feet above the current site elevation.

Surrounding land uses include the closed City of Sacramento 28th Street Landfill to the north across Capital City Freeway (the closed landfill site has been designated as a regional park – Sutter's Landing Regional Park) and the River Park neighborhood to the east. Land uses to the south and west include the Cannery Business Park and residential neighborhoods in McKinley Park, East Sacramento, and Midtown. Parcels surrounding the project site are zoned Light Industrial (M-1) and Standard Single Family (R-1) to the south, Community/Neighborhood Commercial and Offices (CNCO) and R-1 to the west, R-1 to the east, and Agriculture-Open Space (A-OS) to the north. Surrounding General Plan land use designations are Parks and Recreation, Employment Center low-rise, Traditional Neighborhood – low, and Urban Corridor Low.

G. PROJECT OBJECTIVES

The overarching goal of the proposed project is the orderly and systematic development of an integrated and sustainable residential community that is consistent with the goals and policies of the City of Sacramento 2030 General Plan, Sacramento Area Council of Governments (SACOG) Blueprint Plan, and SACOG Sustainable Communities Strategy (SCS), and is compatible with the aesthetic character of the McKinley Park and East Sacramento neighborhoods. Accordingly, the project applicant has developed the following objectives for the proposed project:

- Create a residential community that incorporates the design qualities and character of the surrounding East Sacramento and McKinley Park neighborhoods.
- Further the implementation of SACOG's Sustainable Communities Strategy.
- Place residential uses near existing jobs and services to reduce vehicle miles traveled.
- Provide a range of single family home and lot types, as well as attached condominium units.
- Make efficient use of an opportunity for infill development, with a density between those of the nearby McKinley Park and Midtown neighborhoods.
- Utilize sustainable design and Low Impact Development (LID).
- Create a pedestrian-friendly development that promotes bicycle use and provides bicycle and pedestrian access to downtown and other surrounding neighborhoods.
- Incorporate parks and open space into the project design in a manner that provides community connectivity and is aesthetically pleasing.
- Provide adequate access points for vehicular traffic.

H. PROJECT CONSTRUCTION

Project Phasing

The project would be constructed in three phases starting with the easternmost portion of the site and continuing to the west, with the phasing plan subject to modification due to market conditions and finalization of construction plans. Mass grading and construction of the backbone infrastructure through the site, including A Street (from 28th Street to the A Street Bridge and from the A Street Bridge eastward through the project site), the extension of 40th Street, and the underpass through the UPRR embankment would all be completed in the first phase. In addition, the first phase also includes construction of the Central Park and the recreation center, as well as the residences and East Park located in the easternmost portion of the site. The second phase would include construction of residences generally east of the Central Park. The remainder of the residences and construction of the pedestrian/bicycle tunnel through the UPRR embankment, if approved by UPRR and appropriate government agencies, and the West Park located in the westernmost portion of the site will occur in the third phase of development, a conceptual Phasing Plan is shown in Figure 2-23 (DEIR, p. 2-59).

Grading and Construction

Construction of the proposed project would require site clearing, grading, utility trenching, and construction of roadways followed by building construction. Subject to market conditions and finalization of construction plans, construction activities would occur over an approximately 4-year period in three phases, starting in spring 2014 and continuing through late fall 2017 (assuming the project is approved). Site preparation, grading, and trenching for utilities would take approximately 6 months, followed by construction of the first phase of the project. Subject to market conditions and finalization of construction plans, construction of the first phase would include backbone roadway infrastructure, which would occur in the first year, followed by construction of the residences and other roadways anticipated to occur over an additional 3-year period. The first phase is anticipated to be completed by 2015, followed by the second phase in 2016, and the third phase in 2017, as shown in Figure 2-23 (DEIR, p. 2-59), Conceptual Phasing Plan.

To construct the 40th Street underpass a temporary track realignment or shoofly will be required to keep the railroad tracks accessible during construction of the underpass. The earthwork material required for the shoofly embankment (19,000 cubic yards) will be generated from the project site and no soil would be imported. The soils will be replaced within the project site when the shoofly is no longer required. The shoofly embankment grading is expected to occur concurrently with project site grading. The shoofly embankment placement will be in place for approximately fourteen months.

Construction equipment and construction worker vehicles generally would be staged on site or at the adjacent Cannery Business Park site. Per City requirements, the project applicant is required to prepare a traffic management plan for construction vehicles and equipment that would be

reviewed and approved by the City's Department of Public Works prior to beginning any construction activities. Daily construction round trips would range from approximately 38 to 66 vehicle trips, including construction employees and deliveries. The majority of this traffic would use the 28th Street and the A Street Bridge access until the 40th Street underpass is complete. Once the underpass is complete, approximately half of the trips would access the site from 40th Street. Most of this traffic would be construction workers arriving between 7:00 a.m. and 8:00 a.m., and leaving the site between 4:00 p.m. and 5:00 p.m. Roads used by construction workers accessing the site from A Street would use 28th Street to A Street. The construction traffic accessing the site from 40th Street could access the site from Elvas Avenue and Highway 50 or from C Street and the Capital City Freeway. The specific roads used for construction of the project would be included in the traffic management plan to be reviewed and approved by the City.

I. REQUIRED DISCRETIONARY ACTIONS

The City of Sacramento is the lead agency for the proposed Project. As required by Section 15124(d)(B) of the CEQA Guidelines, the EIR must contain a list of permits and other approvals required to implement the Project. In addition to these requirements, environmental review and consultation requirements related to federal, state, or other local laws or guidance applicable to individual resources are described in the Regulatory Setting subsections provided in Chapter 4 of the EIR. The EIR for the proposed Project addresses the approvals and entitlements required by the City.

The project is requesting the following approvals from the City:

- **Certification of the EIR and adoption of the Mitigation Monitoring and Reporting Program**. Before the City can approve the proposed project, it must certify that the EIR was completed in compliance with the requirements of CEQA, that the decision-making body has reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the City of Sacramento. Approval of the EIR also requires adoption of a Mitigation Monitoring and Reporting Program (MMRP), which specifies the methods for monitoring mitigation measures required to eliminate or reduce the project's significant effects on the environment. Because this EIR did not identify any significant and unavoidable impacts, the City need not prepare a Statement of Overriding Considerations.

- **Development Agreement**. The project includes a development agreement which would identify specific conditions the project applicant must meet.

- **Rezone.** The project would require a rezone from Heavy Industrial (M-2) to Single- Unit or Duplex Dwelling (R-1A PUD) zone, Multi-Unit Dwelling (R-2A PUD) zone, and Residential Mixed Use (RMX) zone.

- **General Plan Amendment.** The project requires redesignating the site from Planned Development to Traditional Neighborhood Medium Density (8–21 dwelling units per acre (du/ac)).

- **Establishment of the McKinley Village Planned Unit Development (PUD) Guidelines and Schematic Plan.** The project will require approval of a PUD designation. A PUD controls the development of land with specific regulations related to design. The purpose of a PUD is to provide greater flexibility in the design or development standards of integrated developments than is otherwise possible through strict application of zoning regulations. PUDs can include all or a portion of a residential neighborhood, an employment center, or a mixed residential/employment development.

- **Bikeway Master Plan Amendment**. The project would require an amendment to the City's Bikeway Master Plan to incorporate the bikeway network for the McKinley Village project.

- **Subdivision Tentative Map**. The applicant is seeking approvalto subdivide the site for a residential subdivision, park, and recreation center comprised of 384 parcels on 48.75 acres.

- **Master Parcel Map.** The applicant is seeking approval of a master parcel map to subdivide the 48.75-acre site into eleven large lot parcels.

- **Subdivision Modifications**. Subdivision modifications are required to allow nonstandard street sections and alleys that are approved through the PUD process.

- **Site Plan and Design Review**. The project requires site plan and design review of the proposed residential units and recreation center.

- **Driveway Variances**. The project would require a driveway variance to reduce the width of the proposed driveways from 24 feet to 20 feet for all proposed T-court driveways.

The master plan for Sutter's Landing Park will not need to be updated as a result of the use of the A Street extension from the project.

Other Permits

- **Grading Permit Permit.** The City regulates land disturbances, landfill, soil storage, pollution, and erosion and sedimentation resulting from construction activities. Prior to any earth-disturbing activities directed by the project applicant, the project applicant will be required to obtain a permit from the City per the City's grading ordinance (Sacramento City Code, Chapter 15.88). All grading must be done in compliance with the conditions of grading approval.

- **Limited Discharge to the Combined or Separate Sewer System.** Groundwater discharges to the City's combined or separated sewers must be regulated and monitored by the Department of Utilities (DOU) (City Council Resolution No. 92-439). Limited Discharges are short groundwater discharges of 7 days duration or less and must be approved through the DOU by acceptance letter.

Responsible and Permitting Agencies

Responsible and permitting agencies are state and local public agencies, other than the lead agency, that have some authority to carry out or approve a project or that are required to approve a portion of the project for which a lead agency is preparing or has prepared an EIR. A list of responsible and/or permitting agencies is included below. However, this list is not exhaustive and could include other agencies. The DEIR has been designed to provide information to these agencies to assist them in the permitting processes for the proposed project. While CEQA is not binding on federal agencies, and no federal agencies have been identified that would be required to take action on the project, any such agency may use the analysis in this document in order to assist with the preparation of their own analyses required by federal law.

- **Central Valley Regional Water Quality Control Board (CVRWQCB)**. Ensures compliance with the City's National Pollutant Discharge Elimination System (NPDES) Permit for any stormwater discharge associated with construction activity, and with the landfill's waste discharge requirements associated with the destruction and relocation of the six soil gas probes and groundwater monitoring wells located on the project site, and to the destruction and abandonment of any water supply well on the project site, to the extent required. The CVRWQCB may also provide oversight and approval of the A Street road improvements, as required. See also below Sacramento County Environmental Department. Construction activities may involve short-term dewatering and discharge of groundwater to the City's CSS. Discharges may be covered by a municipal permit provided they are (1) either 4 months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 million gallons per day. Construction dewatering, well development water, pump/well testing, pipeline testing, and miscellaneous dewatering/low-threat discharges are among the types of discharges that may be covered by the permit. The general permit also specifies standards for testing, monitoring, and reporting, receiving water limitations, and discharge prohibitions. If the discharge is part of a groundwater cleanup or contains excessive contaminants, CVRWQCB approval is required.

- **California Department of Transportation (Caltrans).** Grants encroachment permits for any work within or adjacent to a state roadway or within a Caltrans ROW.

- **Sacramento Metropolitan Air Quality Management District (SMAQMD)**. Oversees air quality and has the authority to require mitigation fees.

- **California Public Utilities Commission (CPUC)**. Grants approval for a new public crossing at 40th Street and the proposed construction of the Alhambra bicycle/pedestrian tunnel amenity, if also approved by UPRR and other appropriate government agencies. At the existing 28th Street at-grade crossing, CPUC and the City would approve any upgrades to the at-grade crossing.

- **Sacramento County Environmental Management Department (SCEMD).** The SCEMD is certified by CalRecycle as the Local Enforcement Agency (LEA) for Sacramento County. The LEA permits and inspects solid waste facilities and enforces state laws pertaining to the storage, processing, and disposal of solid waste. The LEA along with the CVRWQCB will approve the design and relocation of the six existing soil gas probes, two new soil and gas probes, and two groundwater monitoring wells on the project site with concurrence by CalRecycle. The abandonment and destruction of any water supply well shall be conducted under the jurisdiction of the SCEMD and, to the extent required, the CVRWQCB. The LEA and CVRWQCB may additionally determine that the landfill operator must make landfill design modifications in connection with the improvements to A Street from the A Street Bridge to 28th Street (e.g., related to landfill security, integrity of the landfill, and access to landfill monitoring equipment at the closed 28th Street Landfill), which modifications may be required to be included in the Postclosure Land Use Plan and, potentially related Landfill documents. Further, should solid waste be determined to be located beneath the road alignment that connects the A Street Bridge to 28th Street, the landfill operator may be required to make modifications to the Postclosure Land Use Plan, the Closure/Postclosure Maintenance Plan and the Postclosure Maintenance and Corrective Action Order, respectively.

- **Twin Rivers Unified School District, Sacramento City Unified School District, and the County Committee on School District Organization**. Grants approval of the territory transfer from the Twin Rivers Unified School District to the Sacramento City Unified District. The governing boards of each district may take an action approving the territory transfer, and the County Committee on School District Organization will be the agency with authority to approve the transfer. Appeals may be filed with the State Board of Education which will act as the final arbiter in the event of an appeal. The Sacramento County Committee on School District Organization granted the territory transfer on December 17, 2013 (Resolution CC-13-02).

V. ENVIRONMENTAL REVIEW PROCESS

In accordance with CEQA Guidelines Section 15082, a Notice of Preparation (NOP) was circulated for public and agency review from May 24 through July 9, 2013. The purpose of the NOP was to provide notification that an EIR for the proposed project was being prepared and to solicit guidance on the scope and content of the document. In response to the NOP, the City received a total of 474 letters, which included 316 form letters. Comment letters were received from nine public agencies including Caltrans, Sacramento County, Regional Transit, Sacramento County EMD, and the Sacramento–Yolo Mosquito Abatement District. A majority of the comments related to the increase in traffic associated with the project, storm drainage and flooding issues, potential impacts to protected raptors and loss of foraging habitat, and safety of placing residents in close proximity to the freeway and the UPRR tracks.

Pursuant to CEQA Guidelines Section 15082, the lead agency held a public scoping meeting on June 12, 2013. Responsible agencies and members of the public were invited to attend and provide input on the scope of the EIR. (See also Attachment 10 to Staff Report to Planning and

Design Commission for the Mar. 27, 2014 Planning and Design Commission Hearing [listing community outreach efforts concerning the proposed project from February of 2013 through March of 2014].) Additionally, on October 24, 2013, the project was presented to the Planning and Design Commission for review and comment; no formal action was taken at that time.

In accordance with CEQA Guidelines Section 15105, the DEIR was circulated for public review and comment from November 12, 2013 to January 10, 2014. Approximately 130 comment letters were received on the DEIR. The FEIR was published on March 21, 2014. The FEIR includes written comments on the DEIR received during the public review period and the City's responses to those comments and any revisions to the DEIR made in response to agency or public comments. The DEIR and FEIR together comprise the EIR for the proposed project.

On March 27, 2014, the City Planning and Design Commission held a public hearing in accordance with Government Code Section 65355, received and considered evidence including the EIR, and unanimously voted to recommend approval of the McKinley Village Project and forwarded its recommendation to the City Council for consideration of the proposed project on April 29, 2014.

VI. RECORD OF PROCEEDINGS

For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code section 21167.6, subdivision (e), including but not limited to the following documents, which are incorporated by reference and made part of the record supporting these findings:

- The NOP and all other public notices issued by the City in conjunction with the Project;
- The DEIR for the Project and all documents relied upon or incorporated by reference;
- All comments submitted by agencies or members of the public during the 45-day comment period on the DEIR;
- All comments and correspondence submitted to the City during the public comment period on the DEIR, in addition to all other timely comments on the DEIR;
- The FEIR for the Project, including the Planning Commission staff report, minutes of the Planning Commission public hearing; City Council staff report; minutes of the City Council public hearing; comments received on the DEIR; the City's responses to those comments; technical appendices; and all documents relied upon or incorporated by reference;
- The mitigation monitoring and reporting program (MMRP) for the Project;
- All findings and resolutions adopted by the City in connection with the Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing on April 29, 2014;

- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
- All resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- The City's General Plan and applicable Specific Plans and all updates and related environmental analyses;
- Matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations;
- The City's Zoning Code;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

Pursuant to Guidelines section 15091(e), the administrative record of these proceedings is located at, and may be obtained from, the City's Community Development Department at 300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811. The custodian of these documents and other materials is the City Clerk.

The City Council has relied on all of the documents listed above in reaching its decisions on the proposed project even if not every document was formally presented to the City Council by City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-391; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the City Council as final decisionmakers. For that reason, such documents form part of the underlying factual basis for the City Council's decisions relating to approval of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

VII. FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (CEQA Guidelines, § 15091.) Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [court upholds CEQA findings rejecting alternatives in reliance on applicant's project objectives]; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (*CNPS*) ["an alternative 'may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record'"] (quoting Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act* [Cont.Ed.Bar 2d ed. 2009] (*Kostka*), § 17.39, p. 825); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (*Bay-Delta*) ["[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary project objectives"; "a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal"].) Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors." (*City of Del Mar*, *supra*, 133 Cal.App.3d at p. 417; see also *CNPS*, *supra*, 177 Cal.App.4th at p. 1001 ["an alternative that 'is impractical or undesirable from a policy standpoint' may be rejected as infeasible"] [quoting *Kostka*, *supra*, § 17.29, p. 824]; *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17.)

For purposes of these findings (including the table described below), the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] *or* substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been "avoided" (i.e., reduced to a less than significant level).

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (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, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[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*, *supra*, 52 Cal.3d at p. 576.) The EIR for the McKinley Village Project concluded the Project would not create any significant and unavoidable impacts; thus, no Statement of Overriding Considerations is required.

VIII. LEGAL EFFECT OF FINDINGS

These findings constitute the City's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the FEIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Project.

IX. MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, and is being approved by the City Council by the same Resolution that has adopted these findings. The City will use the MMRP to track compliance with Project mitigation measures. The Mitigation Monitoring and Reporting Program will remain available for public review during the compliance period. The Final Mitigation Monitoring and Reporting Program is attached to and incorporated into the environmental document approval resolution and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact.

X. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The DEIR identified a number of potentially significant environmental effects (or impacts) that the Project will cause or contribute to. All of these significant effects can be substantially lessened by the adoption of feasible mitigation measures. Therefore, a statement of overriding considerations is not required. In other words, the City need not consider whether overriding

economic, social, and other considerations outweigh the significant, unavoidable effects of the Project, because the Project simply will not create any significant unavoidable effects.

Table of Impacts, Mitigation Measures and CEQA Findings

The City Council's findings with respect to the Project's significant effects and mitigation measures are set forth in the table attached to these findings ("Table A"). The findings set forth in the table are hereby incorporated by reference and the Council adopts all of the mitigation measures identified therein. This table does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the table provides a summary description of each impact, describes the applicable mitigation measures identified in the Draft or Final EIR and adopted by the City Council, and states the City Council's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft and Final EIRs, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft and Final EIRs, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft and Final EIRs relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

XI. GROWTH INDUCEMENT

As required by Section 15126.2(d) of the CEQA Guidelines, an EIR must discuss ways in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Also, the EIR must discuss the characteristics of the project that could encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, the stimulation of economic activity within the region, or the establishment of policies or other precedents that directly or indirectly encourage additional growth. Under CEQA, this growth is not to be considered necessarily detrimental, beneficial, or of significant consequence. Induced growth would be considered a significant impact if it can be demonstrated that the potential growth, directly or indirectly, significantly affects the environment.

In general, a project could foster spatial, economic, or population growth in a geographic area if the project removes an impediment to growth (e.g., the establishment of an essential public service, the provision of new access to an area, or a change in zoning or General Plan amendment approval), or economic expansion or growth occurs in an area in response to the project (e.g., changes in revenue base, employment expansion). These circumstances are further described below.

- **Elimination of Obstacles to Growth:** This refers to the extent to which a proposed project removes infrastructure limitations or provides infrastructure capacity, or removes regulatory constraints that could result in growth unforeseen at the time of project approval.

- **Economic Effects:** This refers to the extent to which a proposed project could cause increased activity in the local or regional economy. Economic effects can include such effects as the "multiplier effect." A "multiplier" is an economic term used to describe interrelationships among various sectors of the economy. The multiplier effect provides a quantitative description of the direct employment effect of a project, as well as indirect and induced employment growth. The multiplier effect acknowledges that the on-site employment and population growth of each project is not the complete picture of growth caused by the project.

Limitations on Analysis of Growth Inducement

Under the provisions of SB 375, an EIR prepared for a residential or mixed-use residential project that is consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in a sustainable communities strategy (SCS) "is not required" to discuss growth inducing impacts, or any project specific or cumulative impacts from cars and light-duty truck trips on global warming, or on the regional transportation network (Pub. Res. Code, § 21159.28, subd. (a); Gov. Code, § 65080, subd. (b)(2)(I)).

The Sacramento Area Council of Governments (SACOG) has provided a letter (see DEIR, Appendix N) stating that the proposed project is consistent with the assumptions for this site contained in the Metropolitan Transportation Plan (MTP)/SCS. An analysis of the proposed project's growth inducing impacts is therefore not required. However, for the purposes of full public disclosure the EIR includes an evaluation of potential growth inducement.

Elimination of Obstacles to Growth

The elimination of either physical or regulatory obstacles to growth is considered to be a growth-inducing effect, though not necessarily a significant one. A physical obstacle to growth typically involves the lack of public service infrastructure. The extension of public service infrastructure, including roadways, water mains, and sewer lines, into areas that are not currently provided with these services would be expected to support new development. Similarly, the elimination or change to a regulatory obstacle, including existing growth and development policies, could result in new growth.

Removal of Infrastructure Limitations or Provision of Capacity

The elimination of physical obstacles to growth is considered a growth-inducing effect, though not necessarily a significant one. Physical constraints to growth in the vicinity of the project site include Capital City Freeway to the north and the Union Pacific Railroad (UPRR) embankment to the south of the site.

The proposed project includes sizing of on-site infrastructure to serve development approved under the project. The project site is immediately adjacent to the Capital City Freeway to the north, which would preclude development immediately north of the site; and the UPRR embankment borders the project site to the east, south, and west, which would preclude inducing growth (there is a residential neighborhood and the American River parkway also east of the site). Development of on-site infrastructure to accommodate the project would not be considered growth inducing because there are existing development limitations (or existing development) that essentially surrounds the site. Utility infrastructure is available to the site, but due to the UPRR embankment, utility lines need to be extended and road access constructed to provide access to the site. To the south and east are developed areas currently served by the City of Sacramento (City), so the connection to existing City infrastructure to serve the project site would not induce growth in this area. Due to the location of the project site, the proposed project would not eliminate any constraints that are currently obstacles to growth in this portion of the City that would hasten development of this area.

Economic Effects

The proposed project would affect the local economy by the construction of new residences that would encourage people to live in Sacramento and would help encourage people to stay in the City to take advantage of proximity to local shops, restaurants, and other amenities in nearby downtown and midtown.

Additional local employment can be generated through the multiplier effect. The multiplier effect tends to be greater in regions with larger, diverse economies due to a decrease in the requirement to import goods and services from outside the region. Based on an Economic Study done for the project by EPS, project construction would generate a one-time economic output of $207.3 million in Sacramento County, would support approximately 1,455 job years over the life of the project, and would generate total labor income of $84.6 million (EPS 2013).

Two different types of additional employment are tracked through the multiplier effect. *Indirect* employment includes those additional jobs that are generated through the expenditure patterns of direct employment associated with the project. Indirect jobs tend to be in relatively close proximity to the places of employment and residence. The multiplier effect also calculates *induced* employment. Induced employment follows the economic effect beyond the expenditures of the residents within the project area to include jobs created by the stream of goods and services necessary to support residences within the proposed project. When a manufacturer buys or sells products, the employment associated with those inputs or outputs are considered *induced* employment. For example, when an employee of the project goes out to lunch, the person who serves the employee lunch holds a job that is *indirectly* related to the proposed project. When the server then goes out and spends money in the economy, the jobs generated by this third-tier effect are considered *induced* employment. The multiplier effect also considers the secondary effect of employee expenditures. Thus, it includes the economic effect of the dollars spent by those employees and residents who support the employees of the project.

Increased future employment generated by employee spending ultimately results in physical development of space to accommodate those employees. It is the characteristics of this

physical space and its specific location that will determine the type and magnitude of environmental impacts of this additional economic activity. Although the economic effect can be predicted, the actual environmental implications of this type of economic growth are too speculative to predict or evaluate, since they can be spread throughout the City, Sacramento County, and beyond.

Impacts of Induced Growth

The growth induced directly and indirectly by the proposed project could contribute to the environmental impacts, discussed in Chapter 4 of the EIR, in the City and the County, as well as the greater regional area. Any such environmental effects, however, are too diffuse and speculative to predict or describe with any particularity.

Indirect and induced population growth in the City would further contribute to the loss of open space because it would encourage the conversion of undeveloped land to urban uses for additional housing and infrastructure. However, it is assumed this new growth would occur within areas of the City designated and zoned for development. Again, however, the particular open space that might get converted cannot be predicted with any particularity.

In summary, although the proposed project can be said to induce growth, the consequences of such growth-inducement are too speculative to predict and thus cannot be said to contribute meaningfully to any significant environmental effect. Growth-inducing effects are less than significant**.**

XII. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS

Section 15126.2 (c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental change that would be caused by the proposed project. Generally, a project would result in significant irreversible changes if:

- The primary and secondary impacts would generally commit future generations to similar uses (such as highway improvement that provides access to a previously inaccessible area);
- The project would involve a large commitment of nonrenewable resources (CEQA Guidelines Section 15126.2(c));
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

Implementation of the proposed project would result in the long-term commitment of resources of the project site to urban land use. The development of the proposed project would likely result in or contribute to the following irreversible environmental changes:

- Conversion of undeveloped land. Approximately 48.75 acres of undeveloped land would be converted to urban uses, thus precluding other alternate land uses in the future.

- Irreversible consumption of energy and natural resources associated with the future use of the site.

Development of the proposed project would result in the commitment of the project site to urban development, thereby precluding other uses for the lifespan of the project. Restoration of the site to pre-developed conditions would not be feasible given the degree of disturbance, the urbanization of the area, and the level of capital investment.

Resources that would be permanently and continually consumed by project implementation include water, electricity, natural gas, and fossil fuels. Wood products, asphalt, and concrete would be used in construction along with gas and diesel fuel. With respect to operational activities, compliance with all applicable state and local building codes, as well as mitigation measures, planning policies, and standard conservation features, would ensure that resources are conserved to the maximum extent possible. The project would incorporate a number of sustainable practices that reduce the consumption of energy. Nonetheless, construction activities related to the proposed project would result in irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels, natural gas, and gasoline and diesel for automobiles and construction equipment.

The CEQA Guidelines also require a discussion of the potential for irreversible environmental damage caused by environmental accidents associated with the project. While the project would result in the use, transport, storage, and disposal of minor amounts of hazardous materials during project construction and operation, as described Section 4.4, Hazards and Public Safety, of the EIR all such activities would comply with applicable local, state and federal laws related to the use, storage and transport of hazardous materials, which significantly reduces the likelihood and severity of accidents that could result in irreversible environmental damage. The project itself does not include any uniquely hazardous uses that would require any special handling or storage. Further, the project does not contain any industrial uses that would use or store acutely hazardous materials.

Implementation of the proposed project would result in the long-term commitment of resources to urban development. The most notable significant irreversible impacts include the use of non-renewable and/or slowly renewable natural and energy resources, such as lumber and other forest products and water resources during construction activities. Operations associated with future uses would also consume natural gas and electricity. These irreversible impacts, which are unavoidable consequences of urban growth, are described in detail in the appropriate sections of the EIR.

XIII. MITIGATION MEASURES PROPOSED BY COMMENTERS

Some DEIR commenters suggested additional conditions of approval, mitigation measures or modifications to the measures recommended in the DEIR. In considering specific recommendations from commenters, the City has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The City recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, or perhaps

changed significantly, in order to more effectively, in the commenter's eyes, reduce the severity of environmental effects. The City is also cognizant, however, that the mitigation measures recommended in the EIR represent the professional judgment and long experience of the City's expert staff and environmental consultants. The City therefore believes that these recommendations should not be lightly altered. Thus, in considering commenters' suggested changes or additions to the mitigation measures as set forth in the Draft and Final EIRs, the City, in determining whether to accept such suggestions, either in whole or in part, has considered the following factors, among others: (i) whether the suggestion relates to an environmental impact that can already be mitigated to less than significant levels by proposed mitigation measures in the DEIR or an impact that is less than significant without mitigation; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted; (iv) whether the language might be too inflexible to allow for pragmatic implementation; (v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint; and (vi) whether the proposed language is consistent with the Project objectives.

In consideration of the above factors, Mitigation Measures 4.2-1(b) and 4.9-5 were revised in response to comments. Specifically, Mitigation Measure 4.2-1(b) was revised as follows:

4.2-1(b) Prior to the issuance of grading permits, the project applicant shall provide the City with evidence that the applicant has compensated for the loss of Swainson's hawk foraging habitat. Compensation shall provide suitable foraging habitat and shall be consistent with guidance provided in the 1994 *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* (CDFG 1994). Suitable foraging habitat includes fallow land, alfalfa or other low growing crops, as defined in CDFG 1994 and Estep ~~1989~~ 2007.

Consistent with the 1994 CDFG staff report, habitat shall be provided at the ratio of 1:1 (mitigation: impact). The habitat provided shall be of equal or greater quality than that lost as a result of the proposed project which includes the extension of A Street and 40th Street. A detailed description of the location and boundaries and a copy of the proposed easements to be maintained and managed as Swainson's hawk foraging habitat shall be provided by the project applicant. The project applicant shall coordinate with the City's Environmental Services Department to ensure the land meets the City's requirements as well as current California Department of Fish and Wildlife (CDFW) criteria.

The project applicant shall record one or more conservation easements consistent with the above standards. The conservation easement(s) shall be executed by the project applicant and a conservation operator and shall satisfy the requirements of applicable state law. The conservation easement(s) shall be reviewed by CDFW prior to the recordation. The conservation easements shall prohibit planting or

maintenance of vineyards or orchards, corn, rice, or safflower and other crops inconsistent with the foraging value of the project area.

The project applicant shall comply with and complete the above requirements, including City review and approval of ~~also obtain approval by the City and CDFW for its~~ ~~and prepare~~ a Swainson's hawk habitat management and monitoring plan in consultation with the California Department of Fish and Wildlife ~~for submittal to the City for approval~~ prior to the issuance of grading permits. The plan shall address, at a minimum, the following: crops and/or habitat types that will be planted and managed on the parcel; rotation and harvest schedule if crops are planted; and monitoring that will occur to ensure that the parcel is managed as Swainson's hawk habitat~~. and to report on the extent to which Swainson's hawks are utilizing the parcel as foraging habitat.~~ The plan operator shall prepare and submit a report to the Director, Community Development Department, City of Sacramento regarding habitat and operations of the mitigation site on an annual basis.

(FEIR, pp. 3-153 to 3-155.)

And, Mitigation Measure 4.9-5 was revised to state:

4.9-5 Prior to the beginning of construction, the applicant shall prepare a construction traffic and parking management plan to the satisfaction of City Traffic Engineer and subject to review by all affected agencies including Caltrans.

(FEIR, p. 3-65.)

Other requests for revisions to, or addition of, mitigation measures did not require changes to the DEIR. For example, some commenters requested the EIR include additional mitigation measures to address pedestrian and bicycle impacts based in part on the fact that the bicycle/pedestrian underpass proposed as a project amenity will only be constructed if approved by UPRR and appropriate government agencies. However, the proposed bicycle/pedestrian underpass is a project amenity offered by the project applicant as part of the project; the bicycle/pedestrian underpass is not a mitigation measure. As demonstrated in the EIR, the proposed project will not have a potentially significant impact on pedestrians and bicyclists and adequate pedestrian and bicycle access is provided by the proposed project even without the proposed bicycle/pedestrian underpass. Thus, whether or not the proposed bicycle/pedestrian underpass is ultimately approved by UPRR and appropriate government agencies, no further pedestrian and bicycle improvements are required to ensure project-related impacts to pedestrians and bicyclists are less than significant.

As is often evident from the specific responses given to specific suggestions, City staff and consultants spent time carefully considering and weighing proposed or requested mitigation language. As discussed above, in some instances, the City revised mitigation measures in accordance with comments. In other instances, the City developed alternative language or proposed conditions of approval addressing the same issue that was of concern to a commenter. In

no instance, however, did the City fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions. The City Council finds that the mitigation measures included in the DEIR, as amended by the FEIR in response to comments, reduce all potentially significant project impacts to a less than significant level. Therefore, no further mitigation measures or project conditions, or additional revisions to the measures and conditions included in the EIR, are required pursuant to CEQA. For this reason, and for the additional reasons discussed in responses to comments within the FEIR, the City Council ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft and Final EIRs, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft and Final EIRs relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

XIV. CONSISTENCY WITH SACOG's MTP/SCS and the 2030 GENERAL PLAN MASTER EIR

Under Senate Bill 375, projects that are determined to be consistent with SACOG's SCS are granted certain CEQA streamlining benefits. These include relief from analysis of project impacts of passenger vehicles related to greenhouse gas emissions, impacts on the regional transportation network, and growth inducement. In this context, the "regional transportation network" refers to all roadways contained in the regional SACOG model, which includes all State highway facilities, local arterials and many local collectors. To utilize these SB 375 streamlining benefits, the administrative record must include substantial evidence supporting the lead agency's ultimate finding that a project is consistent with SACOG's MTP/SCS and incorporates required mitigation measures from an applicable environmental document. (Pub. Resources Code, Section 21159.28, subd. (a).) As explained in the Draft and Final EIRs, the proposed project and EIR incorporate all applicable mitigation measures from both the 2030 General Plan Master EIR and the Program EIR prepared for SACOG's MTP/SCS. (DEIR, p. 1-2; see also DEIR, Appendix N [Letter from SACOG concurring that the proposed project is consistent with the Region's MTP/SCS]; FEIR, Appendix P.) Therefore, in accordance with the Public Resources Code Section 21159.28, the City Council finds that it is not necessary for the EIR to discuss or mitigate passenger vehicles related to greenhouse gas emissions, impacts on the regional transportation network, and growth inducement.

However, for the purposes of full disclosure the Draft EIR includes an analysis of both growth inducing impacts and project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming and the regional transportation network. (DEIR, pp. 3-13, 4.1-22, 4.1-54, 4.9-1 – 4.9-2, 6-3 – 6-6.) Therefore, even absent the Public Resources Code Section 21159.28 streamlining benefits, the City Council finds that the EIR is fully consistent CEQA's requirements to analyze growth inducing impacts as well as project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming and the regional transportation network.

XV. FINDINGS REGARDING RECIRCULATION OF THE DEIR

The City Council adopts the following findings with respect to whether to recirculate the DEIR. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the DEIR for public review but prior to certification of the FEIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (*Ibid.*)

The City Council recognizes that the FEIR contains additions, clarifications, modifications, and other changes to the DEIR. As noted above, some comments on the DEIR either expressly or impliedly sought changes to proposed mitigation measures identified in the DEIR as well as additional mitigation measures. As explained in the FEIR (Text Revisions), some of the suggestions were found to be appropriate and feasible and were adopted in the FEIR. Where changes have been made to mitigation measures, these changes do not change the significance of any conclusions presented in the DEIR.

Additionally, the administrative record includes some documentation not directly addressed in the EIR that the City Council has considered in reaching its decision on the proposed project. For example, the City received a report entitled "Alhambra Underpass at UPRR: Feasibility

Studies for Bicycle/Pedestrian and Vehicular Underpass Alternative" prepared by Parsons (Parsons Report) in March of 2014. The EIR concluded that access to the project site as proposed by the applicant is adequate, and any effects regarding access are less than significant. The analysis of alternative access, as set forth in the Parsons report, was conducted as a response to community interest. The report may constitute new information regarding access feasibility, but it does not constitute "significant new information" requiring recirculation of the EIR. The report does not identify any new significant effect, substantial increase in the severity of an environmental effect, or feasible project alternatives that would clearly lessen the environmental effects of the project. (CEQA Guidelines, § 15088.5.) The City Council finds that the Parsons Report merely amplifies conclusions included in the EIR relating to the feasibility of alternative bicycle/pedestrian and vehicular underpass amenities.

CEQA case law emphasizes that "'[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "'CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.' [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.) Here, the changes made to the DEIR in the FEIR are exactly the kind of revisions that the case law recognizes as legitimate and proper.

The City Council finds that none of the revisions to the DEIR made by, or discussion included in, the FEIR involves "significant new information" triggering recirculation because the changes do not result in any new significant environmental effects, substantial increase in the severity of previously identified significant effects, or feasible project alternatives that would clearly lessen the environmental effects of the project. Similarly, no documentation produced by, or submitted to, the City and relied on by the City Council after publication of the FEIR, such as the Parsons Report, identifies any new significant effect, substantial increase in the severity of any environmental effect, or feasible project alternatives that would clearly lessen the environmental effects of the project. All project modifications were either environmentally benign or environmentally neutral and all additional documentation relied on by the City Council merely clarifies or amplifies conclusions in the EIR, and thus represent the kinds of common changes that occur and supplemental information that is received during the environmental review process as it works towards its conclusion. Under such circumstances, the City Council finds that recirculation of the EIR is not required.

XVI. PROJECT ALTERNATIVES

A. BASIS FOR ALTERNATIVES

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where significant environmental impacts will not occur.

As is evident from the text of the EIR and the attached table describing the disposition of the significant effects of the Project, all significant effects of the Project have been avoided (that is, rendered less than significant) by the adoption of feasible mitigation measures. There are no impacts that remain significant and unavoidable.

Under CEQA, project alternatives are developed in order to give agency decisionmakers options for reducing or eliminating the significant environmental effects of proposed projects, while still meeting most if not all of the basic project objectives. "Alternatives and mitigation measures have the same function – diminishing or avoiding adverse environmental effects." (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 403.) Here, the adoption of the mitigation measures set forth in the Project EIR is sufficient to reduce all significant impacts to less than significant levels. Under CEQA then, the City Council has no obligation even to consider the feasibility of the alternatives set forth in the EIR. (*Laurel Hills Homeowners Association v. City Council of City of Los Angeles* (1978) 83 Cal.App.3d 515, 521 ("*Laurel Hills*").) Even so, however, the City Council, in the interest of transparency, sets forth below its reasons for concluding that all such alternatives are infeasible within the meaning of CEQA.

B. ALTERNATIVES CONSIDERED AND DISMISSED FROM FURTHER CONSIDERATION

As noted previously, the purpose of an alternatives analysis is to develop alternatives to the proposed project that substantially lessen at least one of the significant environmental effects identified as a result of the project, while still meeting most, if not all, of the basic project objectives. Here, the Project does not result in any significant and unavoidable impacts, but does result in impacts that, in the absence of mitigation, would be significant. Project alternatives that would reduce the size of development on the site or change the mix of uses that would lessen the severity of impacts identified under the Project are addressed in the EIR and summarized below.

As discussed in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 (*Goleta II*), where a project is consistent with an approved general plan, no off-site alternative need be analyzed in the EIR. The EIR "is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy." (*Goleta II, supra*, 52 Cal.3d at p. 573.) In approving a general plan, the local agency has already identified and analyzed suitable alternative sites for particular types of development and has selected a feasible land use plan. "Informed and enlightened

regional planning does not demand a project EIR dedicated to defining alternative sites without regard to feasibility. Such ad hoc reconsideration of basic planning policy is not only unnecessary, but would be in contravention of the legislative goal of long-term, comprehensive planning." (*Goleta II, supra*, 52 Cal.3d at pp. 572-573.)

The project as proposed is consistent with the project site's Planned Development General Plan land use designation as well as with the City's General Plan goals and policies, including policies promoting infill development (e.g. LU Policy 1.1.1, 1.1.4, 1.1.5, 2.1.5), diverse compact energy efficient residential development (e.g. LU Goal 2.6, LU Policy 2.6.1, 2.6.3, 4.1.10, 4.5.1, and 4.5.2), well-connected neighborhoods (e.g. Goal LU 2.5 and Policies LU 2.5.1 and 2.5.2), and smart growth and sustainable development concepts (e.g. Goal LU 4.5 and Policies LU 4.5.1 through LU 4.5.6). The EIR was therefore not required to analyze an offsite alternative.

Furthermore, no similarly sized parcel of land (~49 acres) is owned, or could feasibly be acquired, by the project applicant within East Sacramento. Therefore, the City Council finds that an offsite alternative capable of achieving the basic project objectives would be infeasible even if CEQA required such an alternative to be considered.

Additionally, a few commenters proposed additional project alternatives in their comments. Some commenters requested alternate access points at Lanatt Street, 30th Street and/or Alhambra Boulevard. CEQA does not require the alternative analysis to evaluate these alternative access points. First, "[t]he pertinent statute and EIR guidelines require that an EIR describe alternatives to the proposed *project*." (*Big Rock Mesas Property Owners Assn. v. Board of Supervisors* (1977) 73 Cal.App.3d 218, 227 (original emphasis).) That requirement is "applicable only to the project as a whole, not to the various facets thereof, such as grading and access roads." (*Ibid*.; see also *A Local & Regional Monitor v. City of Los Angeles* (1993) 16 Cal.App.4th 630, 642, fn. 8 ["the statutes do not require alternatives to various facets of the project"].)

Second, the traffic analysis prepared for the project concludes that both proposed project access points (the new intersection of 40th Street/C Street between Tivoli Way and 40th Street, and the 28th Street /A Street intersection) function at LOS A during the AM and PM peak hours under Existing Plus Project conditions. As mitigated, the proposed project does not result in any potentially significant transportation or circulation impacts. In the absence of a significant effect, CEQA does not require an examination of other access. Specifically, mitigation measures must be consistent with all applicable constitutional requirements. Therefore, "[t]here must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987)." (CEQA Guidelines, § 15126.4, subd. (a)(4)(A).) Furthermore, "[t]he mitigation measure must be 'roughly proportional' to the impacts of the project. *Dolan v. City of Tigard, 512 U.S. 374* (1994). Where the mitigation measure is an ad hoc exaction, it must be 'roughly proportional' to the impacts of the project. (*Ehrlich v. City of Culver City*, (1996) 12 Cal.4th 854." (CEQA Guidelines, § 15126.4, subd. (a)(4)(B).) These statements of constitutional principle, added to the CEQA Guidelines in 1998, essentially provide that, in fashioning mitigation measures, agencies should be careful to ensure that the mitigation actually relates to impacts caused by the project in question. An applicant cannot be forced to provide a generalized public benefit

unrelated to the impacts of its project or to provide measures that would do more than fully mitigate the impacts of the project.

Finally, as discussed in further detail in the FEIR, the alternative access points identified by commenters are infeasible for technical, engineering, and/or economic reasons. (See FEIR, Master Response 1, pp. 3-7 to 3-20.) For example, some of the technical / engineering issues that make the vehicular Alhambra Underpass infeasible include:

(1) UPRR will require that the railroad line be kept in operation during construction of the new railroad bridge structure/roadway underpass at the Alhambra location. To do so, temporary tracks ("shooflys") would have to be constructed alongside/near the existing tracks for a distance and with a design (acceptable radii, etc.) which permit continued rail operations. To construct the shooflys at this location would require building a new bridge over the Capital City Freeway at significant cost, assuming that UPRR and CalTrans would permit the project. Further, given design requirements, the shooflys would extend beyond the 28th Street at-grade crossing, likely requiring construction of a new temporary crossing at 28th Street. (It should be noted that shooflys will be needed in conjunction with the railroad bridge structure at the extension of 40th Street, but that those shooflys will be constructed on temporary embankments on the McKinley Village site. Because of the location, no bridge structure over the freeway will be needed.)

(2) Construction of the underpass would require Alhambra Boulevard to be lowered, which would affect the parcel at the northwest corner of Alhambra and B Streets and require future driveway modifications. In addition, construction easements, including areas for staging, would be needed on existing properties south of the underpass.

(3) Lowering Alhambra Boulevard would also require the relocation of existing utilities.

(4) The proximity of A Street to the Alhambra Boulevard location and the elevation difference between those roadways also create significant issues. If the A Street Bridge and A Street are left in operation, then, given the elevation of the roadway underpass at Alhambra and the elevation of A Street, a new A Street bridge over the Alhambra Boulevard extension into McKinley Village would be needed at substantial cost.

(5) The City's Department of Utilities has identified the City property adjacent to the A Street overcrossing as a potential future location for a surge tank for the City's combined sewer system. An extension of Alhambra Boulevard (and an Alhambra Boulevard underpass of A Street if A Street is left in operation) would utilize the same area.

(6) The City Fire Department has stated that a second access – beyond A Street – is required for the development of the McKinley Village site to ensure adequate emergency access. Because of its close proximity to A Street at the western end of the project site, the use of the extension of Alhambra Boulevard as the second access to the site would be problematic with respect to providing the appropriate emergency access.

(See also Parsons, Alhambra Underpass at UPRR Estimate for Full Width Roadway (Nov. 25, 2013); Parsons, Alhambra Underpass at UPRR Feasibility Studies for Bicycle/Pedestrian and Vehicular Underpass Alternatives (Mar. 6, 2014); Letter from Patrick Prososki, UPRR Program Manager Commuter Operations, to John Bishop of Parsons, dated Feb. 24, 2014; email from Ryan Moore of the City of Sacramento to Sue Brown, dated May 5, 2009; email from Patrick G. Prososki, UPRR Program Manager Commuter Operations, to John Bishop of Parsons, dated Dec. 3, 2013; email from Michael Bartley, Sacramento Fire Department Assistant Chief Fire Marshal, to the project applicant, dated Nov. 1, 2013; Project Applicant PowerPoint Presentation to Planning and Design Commission Concerning Site Access, Mar. 27, 2014.)

For each of the above reasons, CEQA does not require any further analysis of the alternative access points identified by commenters.

Additional alternatives proposed by commenters include, for example, developing the site as a park, open space, vet hospital, high school, or plant nursery, additional existing zoning alternatives, an alternative requiring only one access point, or an alternative with a greater setback from, or alternative non-residential uses along, the Capital City Freeway. CEQA does not require that all possible alternatives be evaluated, only that "a range of feasible alternatives" be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, Section 15126.6, subd. (a).) "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. 'Crystal ball' inquiry is not required." (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines, Section 15126.6, subd. (f)(3).)

Indeed, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028, although there may be "literally thousands of "reasonable alternatives' to the proposed project . . . 'the statutory requirements for consideration of alternatives must be judged against a rule of reason.'" (*Ibid*., quoting *Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 910.) "'Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.'" (*Id.*, at p. 1029.) The requirement has been fulfilled here; the EIR examined a range of project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the project.

Lastly, as discussed previously, the FEIR provides a comprehensive overview of all potential impacts associated with construction and operation of the proposed project and identifies no significant and unavoidable impact. As all potential impacts of the proposed project have been reduced to a less than significant level, none of the project alternatives identified by commenters have the potential to substantially reduce or avoid any significant environmental impacts. The City Council finds the alternatives analysis included in the EIR fully complies with the requirements of CEQA and that the FEIR adequately responds to additional alternatives identified by commenters.

C. ALTERNATIVES CONSIDERED IN THE EIR

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where significant environmental impacts will not occur.

As is evident from the EIR, all significant effects of the project would be mitigated to less than significant levels by the adoption of feasible mitigation measures. There are no impacts that remain as significant and unavoidable and which cannot be substantially lessened. The EIR evaluates the following alternatives to the proposed project:

- **No Project/No Development Alternative.** This alternative assumes that the proposed project would not be built and there would be no new development of the site. This alternative assumes the site would remain undeveloped.

- **No Project/Existing Zoning Alternative.** This alternative assumes that the project site would be developed consistent with the underlying zoning of M-2. Under this alternative, the site would be developed with a railcar and locomotive and maintenance facility, based on preliminary plans prepared by Caltrans evaluating future sites for this type of use.

- **Lower Density Alternative.** This alternative assumes development of a lower density project that includes 226 residential units with an average density of 7 dwelling units/acre (du/ac). This alternative includes a 2-acre park in the center of the site, but it would not include a recreation center or the other two smaller parks. The same circulation and site access would be provided as the proposed project with the exception of no bicycle/pedestrian underpass (an amenity included in the proposed project if approved by UPRR and appropriate government agencies).

- **Mixed Use/Higher Density Alternative.** This alternative assumes development of 550 units with an average density of 18 du/ac. Similar to the proposed project, there would be a 2-acre park in the center of the site composed of a park and a recreational center (approximately 1-acre each). This alternative also provides an additional 1.2 acres in onsite parks. In addition, this alternative includes approximately 20,000 sf of commercial uses (located on approximately 1 acre). The same circulation and site access would be provided as the project, including the bicycle/pedestrian underpass, if approved by UPRR and appropriate government agencies.

Tables comparing some differences between the proposed project and project alternatives are included below followed by a more detailed description of each alternative and an assessment of each alternative's impacts relative to the proposed Project.

Table 1
Trip Generation Comparison – Project Alternatives

Land Use	Description	Trips		
		Daily	*AM Peak Hour*	*PM Peak Hour*
Proposed Project	336 Residential Units	3,513	266	342
Alternative 1: No Project/No Development Alternative	Site remains undeveloped	-	-	-
Alternative 2: No Project/ Existing Zoning Alternative	Train Maintenance Yard -280 employees[2]	857	146	139
Alternative 3: Lower Density Alternative	226 Residential Units (+26 granny flats)	2,423	186	239
Alternative 4: Higher Density/Mixed Use Alternative	550 Residential Units; 20,000 sf commercial (+70 granny flats)	6,366	453	606

Source: Fehr & Peers, 2013.
Note:
[1] Trips calculated using rates published in Trip Generation Manual 9th Edition (ITE, 2012).
[2] Trips include employees and service/delivery trips.

Table 2
Annual Construction NO_x Emission Comparison – Project Alternatives

Alternative	Unmitigated Emissions (tons/year)	Mitigated Emissions (tons/year)
Proposed Project	31.32	25.18
Alternative 2	10.78	8.93
Alternative 3	24.71	19.87
Alternative 4	44.67	35.93

Source: Dudek 2013

Table 3
Operational ROG and NO_x Emission Comparison – Project Alternatives

	Proposed Project (pounds/day)		Alternative 2 (pounds/day)		Alternative 3 (pounds/day)		Alternative 4 (pounds/day)	
Emission Source	*ROG*	*NO_x*	*ROG*	*NO_x*	*ROG*	*NO_x*	*ROG*	*NO_x*
Area (excluding Consumer products)	10.99	0.36	1.41	Negligible	8.14	0.24	15.53	0.69
Area – Consu	13.30	0	3.82	0	8.93	0	21.79	0

mer Products								
Energy	Unmitigated: 0.32 Mitigated: 0.20	Unmitigated: 2.66 Mitigated :1.96	0.20	1.78	Unmitigated: 0.21 Mitigated: 0.13	Unmitigated: 1.83 Mitigated: 1.12	Unmitigated: 0.53 Mitigated: 0.32	Unmitigated: 4.50 Mitigated: 2.75
Mobile	Unmitigated: 39.82 Mitigated: 37.53	Unmitigated: 37.69 Mitigated : 35.62	12.49	11.96	Unmitigated: 26.71 Mitigated: 25.19	Unmitigated: 25.50 Mitigated: 24.10	Unmitigated: 71.47 Mitigated: 67.37	Unmitigated: 68.38 Mitigated: 64.61
Total	**Unmitigated: 64.43 Mitigated: 62.02**	**Unmitigated: 40.71 Mitigated: 37.61**	**17.92**	**13.74**	**Unmitigated: 43.99 Mitigated: 42.39**	**Unmitigated: 27.57 Mitigated: 25.46**	**Unmitigated: 109.32 Mitigated: 105.01**	**Unmitigated: 73.67 Mitigated: 68.05**

Note: Values represent winter emissions only, as winter emissions are slightly higher than summer emissions.

Table 4
Water Demand Comparison – Project Alternatives

Proposed Use	Demand Factor (AFY)	Acres/ Units	Demand (AFY)	Acres/ Units	Demand (AFY)	Acres/ Units	Demand (AFY)	Acres/ Units	Demand (AFY)
		Proposed Project		*Alternative 2*		*Alternative 3*		*Alternative 4*	
Residential - SF	.448	312	139.75	0	0	226	101.25	550	246.4
Residential - MF	.252	24	6.05	0	0	0	0	0	0
Parks and Recreation	3.89	3.4	13.2	0	0	2	7.78	3.2	12.5
Commercial	2.78	0	0	0	0	0	0	1.0	2.78
Industrial	3.70	0	0	33.5	123.9	0	0	0	0
Public streets	.09	11.7	1.05	3.8	0.34	11.9	1.1	11.4	1.02
Total			160.05		124		110.13		262.7

Source: City of Sacramento 2006; City of Sacramento 2010.
Note: Alternative 1, No Development, would not generate water demand.
The water demand rates for alternatives 3 and 4 have been revised since release of the FEIR to take into account updated information concerning the demand factor for single- and multi- family residential units. The FEIR correctly revised the water demand calculation for the proposed project based on the updated information concerning the demand factor for single- and multi- family residential units; however, the corrections were not carried over to the discussion of water demand for alternatives 3 and 4. As with the proposed project, the correction caused water demand rates for alternatives 3 and 4 to increase. Nevertheless, the water demands generated by the alternatives remain less than significant, same as the proposed project.

Table 5
Wastewater Generation – Project Alternatives

Proposed Use	ESD Equivalent Factor (1 ESD = 400 gpd)[1]	Units	Average Waste-water (gpd)	Units	Average Waste-water (gpd)	Units	Average Waste-water (gpd)	Units	Average Waste-water (gpd)
		Proposed Project		*Alternative 2*		*Alternative 3*		*Alternative 4*	
Single-Family Res.	1.0 ESD	336	134,400	0	0	226	90,400	550	220,000
Rec. Center	6.0 ESD/acre	1.0 acre	2,400	0	0	1.0 acre	2,400	1.0 acre	2,400
Commercial and Industrial	0.2 ESD/1000 sf	0	0	153,500 sf building area[2]	12,280	0	0	20,000 sf	1,600
		Total	136,800		12,280		92,800		224,000

Source: [1]Gulseth, pers. comm. 2013; City of Sacramento 2010.
Note: [2] Process water, while not necessarily entering sanitary sewer, would require filtration before entering storm water system and/or recycled for on-site use.
1.0 acre was assumed for the recreation center which represents a conservative estimate.
Peak factor is 3.3 times average wastewater
Alternative 1, No Development, would not generate wastewater flows.

Table 6
Solid Waste Generation – Project Alternatives

Proposed Use	Generation Rate	Units	Waste (tons/ year)	Units	Waste (tons/ year)	Units	Waste (tons/ year)	Units	Waste (tons/ year)
		Proposed Project		*Alternative 2*		*Alternative 3*		*Alternative 4*	
Single-Family Residential	1.1 tons/ unit/year	336	397	0	0	226	249	550	605
Recreation Center	3.12 lb/100 sf/day	1.0 acre	225	0	0	1.0 acre	225	1.0 acre	225
Commercial, Industrial	10.8 lbs/ Employee/ day			280 emp.	393[1]	0	0	30 emp.	59
Total			595		393		474		889

Source: City of Sacramento 2009b; City of Sacramento 2010; CalRecycle 2013.
Notes: [1] Standard generation rate may underestimate waste generated from servicing of coaches
1.0 acre was assumed for the recreation center which represents a conservative estimate.
For the industrial uses, 260 working days per year are assumed, for retail uses, 365 days per year are assumed.
lb = pound, sf = square feet, 1 ton = 2000 lb
Alternative 1, No Development, would not generate solid waste.

ALTERNATIVE 1: NO PROJECT/NO DEVELOPMENT

Description

The No Project/No Development Alternative considers the effects of forgoing the Project entirely, and leaving the Project site in its current, vacant condition. The No Project/No Development Alternative thus allows decision-makers to compare the impacts of the proposed Project to retaining the existing condition of the site. The No Project/No Development Alternative describes the environmental conditions that exist at the time that the environmental analysis commences (CEQA Guidelines, Section 15126.6 (e)(2)).

Comparative Analysis of Environmental Effects

The No Project/No Development Alternative would produce no changes on the project site, because the site would remain in its current condition, effectively eliminating those project impacts discussed in this DEIR. There would be no air emissions associated with project construction and operation or cumulative contribution to global climate change. There would be no change in the visual environment and there would be no increase in the number of vehicles accessing the site and on area roadways and intersections, or increase in demand for public services or utilities. There would be no operational impacts on the surrounding roadway network, or associated changes in ambient noise levels.

Relationship to Proposed Project Objectives

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

Feasibility of the No Project/No Development Alternative

Although the City is not required by law to consider the feasibility of the No Project/No Development Alternative, the City Council nevertheless does so and rejects the Alternative as undesirable and infeasible. The City believes the proposed Project is consistent with the City's development goals and regulatory planning documents. The City Council therefore sees no need to forestall development on the Project site and instead chooses to approve the Project as proposed. The Project also reflects the applicant's/landowner's judgment regarding how to develop its property in light of the realities of the marketplace. The City Council believes it is appropriate to give some weight to this judgment. (See *Laurel Hills, supra,* 83 Cal.App.3d at p. 521 [a "public agency may approve a developer's choice of a project once its significant adverse effects have been reduced to an acceptable level – that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable"].) Moreover, as the No Project/No Development Alternative would result in no development on the project site, the No Project/No Development Alternative is inconsistent with the City's General Plan, East Sacramento Community Plan, Sacramento City Code, Sacramento Region Blueprint, and the region's Metropolitan Transportation Plan/Sustainable Communities Strategy, all of which identify the project infill site as a site planned for future development. (*San Diego Citizenry Group v. County*

of San Diego (2013) 219 Cal.App.4th 1, 26 ["A reviewing court accords 'great deference' to an agency's determination that a project is consistent with its own general plan, recognizing that 'the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity.'"], quoting *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142.)

ALTERNATIVE 2: NO PROJECT/EXISTING ZONING

Description

CEQA requires the evaluation of the comparative impacts of the "No Project" alternative (CEQA Guidelines, Section 15126.6(e)(1)). The No Project Alternative "shall discuss the existing conditions at the time the [NOP] is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (CEQA Guidelines, Section 15126.6(e)(2)). "The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project" (CEQA Guidelines, Section 15126.6(e)(1)).

The No Project/Existing Zoning Alternative assumes that the 48.75-acre project site would ultimately be developed consistent with currently allowable land uses and zoning. The project site is designated in the City's General Plan for Planned Development and zoned Heavy Industrial M-2. To assess potential development of this site consistent with the underlying zoning it is assumed the site would be developed with a rail maintenance yard that would service passenger train locomotives and passenger cars (coaches).

A rail maintenance yard was selected as the use to be considered under the No Project/Existing Zoning Alternative because the project site was specifically identified by Caltrans Division of Rail as a potential site for its "Sacramento Maintenance Facility – East Alternative." In fact, when the Notice of Preparation was circulated for public review and comment, Councilmember Steve Cohn specifically requested that the EIR analyze the Caltrans rail maintenance facility alternative.

It is assumed the facility would be designed to accommodate up to 150 coaches and 35 locomotives for repair, maintenance, cleaning and service. In addition, passenger trains laying overnight in Sacramento would be brought to the site for cleaning and service and would return to the Sacramento station in the morning. A total of up to 280 employees would work at this facility in two shifts: 7 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p.m. An 18,500 square foot (sf) Administration Building, a 135,000 sf main shop facility, and other smaller buildings would be constructed along with 28 tracks and parking for up to 284 vehicles (see DEIR, p. 5-7 [Figure 5-1]). It is anticipated the site would still require two ingress and egress points; therefore the A Street Bridge and the construction of an underpass under the Union Pacific Railroad (UPRR) tracks is assumed. To facilitate moving trains to the site, ramps would be constructed from the existing UPRR tracks along the elevated berm to the site. This would require substantial earth

moving to construct the ramps. Trains idling at the site would plug into an onsite auxiliary power source to minimize diesel emissions. This alternative would require construction of a detention basin (similar to the proposed project).

Comparative Analysis of Environmental Effects

This alternative would develop the site for industrial use, resulting in potentially significant impacts similar to the proposed project. The footprint of the rail maintenance yard would be slightly smaller than the proposed project, with some areas on the northeastern and western edges of the site remaining undeveloped. The land use, however, would be different (industrial versus residential) resulting in different operational characteristics. Specifically, the overall population density would be less, reducing traffic and traffic-related off-site effects, but industrial activities would take place on the project site, creating potential impacts to adjacent existing land uses associated with equipment being transported in and out of the site and other types of related activities. The potential impacts are compared below.

<u>Impacts Identified as Being the Same or Similar to the Proposed Project</u>

Under this alternative, construction-related (short-term) air emissions would result in a potentially significant impact to air quality (see, *supra*, Table 2). Although the construction phase would be shorter, the highest daily NO_x emissions for this alternative would be similar to the proposed project (Impact 4.1-1) and would exceed the construction impact threshold of 85 pounds per day (see DEIR, Appendix B, and FEIR, Appendix B-1, for daily construction emissions by phase). Mitigation would be required, and would reduce the impact to less than significant. Operationally, the amount of emissions, including greenhouse gas (GHG), would decrease (see, *supra*, Table 3). Although a new source of emissions from the locomotive traffic and maintenance activities would be created, locomotives would rely upon electricity while in the maintenance yard. Emissions from automobiles and area sources (residential units) would decrease. Potential increases in toxic air contaminants related to diesel engines are discussed below. Therefore, while the overall level of air emissions decreases, the nature of those emissions (in this case, diesel particulate matter) raises potential concerns, discussed further below.

Biological impacts would be similar to the proposed project. The development of the land would affect foraging habitat for special-status bird species and VELB. Mitigation would be required, the same as the project. Mitigation would also be required for potential impacts to unknown cultural resources, the same as the project.

Construction noise impacts would be similar to the proposed project. Construction activities would create a source of noise and vibration. On-site noise generation would increase compared to the proposed project, due to the train maintenance activities. Noise associated with this alternative would occur between 7 a.m. and 11 p.m., which may be disruptive to residences to the south and east. The existing elevated railroad berm provides a natural sound barrier; but to what extent it would block all noise is not known. Additional train trips to and from the maintenance yard would create additional noise and vibration. However, due to the location in which the trains would enter the facility, relative to existing residential uses to the south,

southwest and west the barrier provided by the elevated railroad tracks, and the distance to the nearest off-site receptors, these increases in noise, while greater than the proposed project, are not expected to be significant. Off-site automobile noise would be reduced compared to the proposed project. As noted below, on-site noise impacts would be reduced, compared to the proposed project, due to the lack of new residential land uses.

The demand upon utilities (water, wastewater) would be similar to the proposed project. While there would be no residences and the overall developed area would be smaller, water demand would be similar to the proposed project because industrial uses can have a high water demand factor. Water demand would be 124 AFY, compared to 160.05 AFY for the proposed project. Wastewater flow, however, is reduced to 12,280 gpd, compared to 136,800 gpd for the proposed project (as most of the water in the maintenance and cleaning operation would not enter the sewer system). Run-off from operations would, however, likely require some form of on-site treatment (filtration) before entering the stormwater system (or potentially be filtered and recycled on-site). Solid waste generation would be lower compared to the proposed project, generating 393 tons per year, compared to 595 tons for the proposed project (see, *supra*, Table 6), with 62% of that waste diverted and the remaining 38% sent to landfills. The demand upon the electrical infrastructure would be similar. While the residential units, a major source of energy demand, would not be constructed, the maintenance operation, including the cold-ironing of locomotives, would create additional demand. Overall, public utility impacts would be less than significant, as with the proposed project.

Demand for police and fire protection would be similar under this alternative. The need for police service is based on population. The 280 employees, present on the site only part time, represent a lower demand factor than the estimated residents under the proposed project. The overall demand for fire protection would be similar to the proposed project. Medical calls account for the majority of all fire response calls. While medical calls would be reduced, due to the lower number of people, fire and hazardous material calls may increase due to the industrial nature of the use. The response time, based on the proximity to Station 4, would remain the same. This alternative would not generate students or demand for parks, due to the lack of residential units. Overall, public service demands would be less than significant, the same as with the proposed project.

Under this alternative, the number of automobile trips would be reduced to 857 daily trips (including employee trips and service/delivery trips), as shown in Table 1 above. The number of AM and PM peak hour trips is also less than under the proposed project. This would result in a reduced impact to offsite intersections and roadway segments. However, it is anticipated impacts to intersections would be similar (given that some intersections affected under the proposed project are already operating at an unacceptable level of service). The impacts would be less than significant with mitigation, the same as under the proposed project. Bicycle and pedestrian circulation would be more restricted under this alternative (due to the lack of a separate bicycle/pedestrian connection), but the impact is not anticipated to be significant (because the demand for pedestrian/bicycle circulation would be less for an industrial use as compared to the proposed project).

Visually, the site would be converted from vacant/open space to an industrial use. This would primarily affect people traveling on eastbound Capital City Freeway. Per the City's General Plan Policy 2.7.5, landscaping and/or architectural treatments would be required on the freeway-facing side of the project. However, the industrial nature of the project and the lack of interior landscaping may be considered as more aesthetically adverse than the proposed project. With exterior landscaping, the overall visual impact would be less than significant. The effects of project lighting may be greater, as discussed below.

Impacts Identified as Being Less Severe than the Proposed Project

Several on-site impacts related to noise would be reduced under this alternative. As this alternative does not include new residential land uses on the project site, impacts related to exposure of new residences to transportation noise sources (freeway and rail) would be avoided.

Impacts Identified as Being More Severe than the Proposed Project

Project activities could expose existing residential receptors to an increase in toxic air contaminants (TACs). This impact, which was not significant under the proposed project, is potentially significant (pending additional study) and is assumed to require additional mitigation.

While the overall reduction in impermeable surface would reduce stormwater runoff, as compared to the proposed project, the maintenance yard would create a potential source of stormwater pollutants if run-off is not properly addressed (mitigated). Similar to the proposed project, a detention basin would be constructed.

Impacts related to existing hazards and hazardous materials (including the potential for exposure to previously unidentified contamination during construction and operation) would be similar to the proposed project. However, the potential for accidental spills due to routine use of hazardous materials would be greater under this alternative because the potential for more chemical and hazardous materials to be present would be far greater under this alternative. Overall, the impacts related to hazardous materials would be greater under this alternative.

Cumulative noise impacts to off-site receptors are potentially significant under this alternative. While the direct noise effects of operations are not likely to result in a significant noise impact to existing residences, the increase in train traffic, combined with anticipated future freight and Amtrak traffic on the rail mainline (see discussion under Impact 4.6-6) may result in a significant increase in ambient noise levels.

The alternative includes night-time activity that may require additional lighting. Although the overall level of lighting from housing units and street lights may be less, the rail yard may require areas of intense lighting that may cause glare effects either to the adjacent freeway or adjacent land uses. However, the existing UPRR berm would block light from directly affecting uses to the south and east of the site. It is anticipated that mitigation measures (shielding and orientation) would reduce this impact to less than significant.

The presence of industrial activities, with associated air, noise, and hazardous material effects, would also create the potential for land use conflicts/inconsistency.

Relationship to Project Objectives

If the proposed project was not approved and development was to occur consistent with the underlying zoning, the proposed project under the No Project/Existing Zoning Alternative would not meet the project objectives. Under this alternative, industrial uses, rather than residential, would be developed. Although the No Project/Existing Zoning Alternative would develop new industrial uses within an infill area, it would not place residential uses near existing jobs and services to reduce vehicle miles traveled. Moreover, the alternative would not further the implementation of SACOG's Sustainable Communities Strategy. For example, SACOG's Sustainable Communities Strategy sets forth a goal to move all communities within the region closer to a preferred 1.2 jobs per household ratio by 2035. (MTP/SCS, p. 43.) The employment centers near the Project, such as Downtown Sacramento and UC Davis Medical Center, currently substantially exceed a 1.2 jobs per household ratio. (MTP/SCS, pp. 44 [Figure 3.9], 45 [Table 3.12].) Developing the project site with industrial uses would further exacerbate rather than address the deficit of housing within Central City area of Sacramento. Furthermore, the alternative would not be consistent in design with the neighboring residential areas of McKinley Park and East Sacramento, would not create a pedestrian-friendly development, or incorporate parks and open space into the project design.

Feasibility of the No Project/Existing Zoning Alternative

As noted earlier, because the Project as mitigated would not result in any significant and unavoidable environmental impacts, the City Council has no obligation to assess the feasibility of any of the alternatives set forth in the EIR, including the No Project/Existing Zoning Alternative. Furthermore, even if the Project as mitigated would result in one or more significant unavoidable impacts, the City Council would not be required to assess the feasibility of any alternative that was not environmentally superior to the mitigated Project with respect to any such specific significant, unavoidable impacts. As discussed in the EIR and findings of fact, the No Project/Existing Zoning Alternative is environmentally inferior to the Project in many categories. (See DEIR, pp. 5-29 to 5-38 [demonstrating the Existing Zoning alternative has the potential to, for example, increase impacts to pedestrian and bicycle facilities, degrade visual character or quality of the surrounding area, and increase ambient exterior noise levels].) Thus, the City Council finds that the No Project/Existing Zoning Alternative is not environmentally superior the Project as mitigated.

Moreover, the City Council has determined, based on public policy considerations, that the No Project/Existing Zoning Alternative is infeasible and undesirable. Specifically, the City of Sacramento's General Plan, East Sacramento Community Plan, Sacramento Region Blueprint, and the region's Metropolitan Transportation Plan/Sustainable Communities Strategy each identify the project site as an urban site planned for residential development. (2030 General Plan, p. 2-11 [defining McKinley Village as "Neighborhood" and explaining "Neighborhoods" include "diversity of housing types, as well as complementary community supportive uses"]; East Sacramento Community Plan, p. 3-ES-8 (Figure ES-3); Sacramento Region Blueprint, Preferred

Scenario Map [identifying single family residential, attached residential, and retail uses within McKinley Village]; DEIR, App. N, SACOG Letter (Oct. 10, 2013), p. 1 [confirming McKinley Village constitutes a mixed-use residential project consistent with the SCS].) Development of the No Project/Existing Zoning Alternative would foreclose the potential for residential infill development on the project site. As a result, the City Council finds that the No Project/Existing Zoning Alternative is inconsistent with the City of Sacramento's General Plan, East Sacramento Community Plan, Sacramento Region Blueprint, and the region's Metropolitan Transportation Plan/Sustainable Communities Strategy. In consideration of the goals and policies of these plans, and the importance of developing residential uses within the Central City area to assist both the region and State in achieving the goals of the California Global Warming Solutions Act (AB 32), the City Council finds that the No Project/Existing Zoning Alternative is infeasible and undesirable. (*San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 26 ["A reviewing court accords 'great deference' to an agency's determination that a project is consistent with its own general plan, recognizing that 'the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity.'"], quoting *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142.)

ALTERNATIVE 3: LOWER DENSITY

Under the provisions of SB 375, an EIR prepared for a residential or mixed-use residential project that is consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the Sustainable Communities Strategy (SCS) prepared by the Sacramento Area Council of Governments (SACOG) is not required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project as part of its alternatives analysis (Pub. Res. Code, § 21159.28, subd. (b)). SACOG has provided a letter stating that the project is consistent with the assumptions for this site contained in the MTP/SCS (see DEIR, Appendix N). The primary benefit of the Lower Density Alternative is a reduction in traffic, with the corresponding reduction in mobile-source air quality emissions and transportation noise sources (which are already reduced to a less than significant under the proposed project). Therefore, pursuant to SB 375, the EIR for the project is not legally required to consider a reduced density alternative. However, for the purposes of full public disclosure the City has included in the EIR an evaluation of a Lower Density Alternative that addresses the effects of automobile and light duty truck trips generated by the project.

Description

This alternative assumes the project would be developed on the same site and would follow the same site plan and layout as the proposed project and generally include the same uses, with the exception of the recreation center and the two small parks (see DEIR, p. 5-17 [Figure 5-2]). Under this alternative, the number of units would be reduced to 226 units with an average density of 7 dwelling units/acre (du/ac). Granny flats (second units) would be an option for some of the home designs. A total of 26 granny flat units are assumed under this alternative for the purposes of analyzing traffic impacts. The reduction in residential units would require an amendment to the City's General Plan to designate the site for Traditional Neighborhood Low

Density, which permits densities less than 8 du/ac; whereas the project would require the General Plan to be amended to designate the site as Traditional Neighborhood Medium Density, which permits densities between 8 and 21 du/ac. With the exception of this change in the required General Plan amendment, it is generally assumed the same approvals requested for the project would still be requested under this alternative including a rezone and a Planned Unit Development (PUD) overlay to provide flexibility in project design.

Similar to the proposed project there would be a 2-acre park in the center of the site, but it would not include a recreation center. Residential lots would be increased to an average of 6,200 sf. It is assumed there would be a sound wall adjacent to the freeway and vehicle access would be provided via the A Street Bridge and an underpass under the UPRR tracks, the same as the project. However, under this alternative due to the decrease in density the residences adjacent to the UPRR tracks, those residential units would not provide a continuous wall of buildings that would act as a sound barrier, as included under the project. This alternative would include landscaping throughout the site, the same as the proposed project. It is assumed project construction would take approximately 4 years to complete. Site clearing and grading activities would be the same as the project.

Under this alternative there would be a total of approximately 452 new residents (assuming 2.0 residents per unit). It is assumed the types of homes would be similar to the Park Homes and Cottage Greens in the proposed project, but with a larger average square footage to make the reduced density project alternative economically feasible. Some single-story units may also be constructed.

A detention basin would be required in the southwestern portion of the site, similar to the proposed project. However, the basin would be slightly smaller under this alternative.

Comparative Analysis of Environmental Effects

Impacts under the Lower Density Alternative would be similar to those of the proposed project, although overall operational effects would likely be lower due to the decrease in total number of units. This alternative would have 110 fewer residential units, and approximately 220 fewer residents (assuming 2.0 residents per unit), although the footprint of the project (site area) would be the same. As shown in Table 1 above, the number of average daily project vehicle trips would be reduced under this alternative from 3,513 to 2,423.

<u>Impacts Identified as Being the Same or Similar to the Proposed Project</u>

Construction-related (short-term) air quality emissions (Impact 4.1-1) would be less than the proposed project (see, *supra*, Table 2). However, the highest daily NO_x emissions for this alternative during project construction would be similar to the proposed project and would exceed the construction impact threshold of 85 pounds per day (see DEIR, Appendix B, and FEIR, Appendix B-1, for daily construction emissions by phase). The same as the project, payment of a fee to offset the increase in emissions would be required as mitigation, and would reduce the impact to less than significant. Operational air quality emissions, including GHG, would be reduced, due primarily to the reduced vehicle trips. As with the proposed project, operational air quality impacts would be less than significant for this alternative.

As the development footprint of this alternative, compared to the proposed project, would be substantially the same, biological and cultural resources impacts would be the same or similar. Mitigation measures would still be required to reduce potentially significant impacts related to loss of foraging habitat, VELB, and potential undiscovered archaeological resources.

Potentially significant impacts related to hazards and hazardous materials would be similar for the construction phase (as the footprint would be the same). Impacts related to exposure of new receptors to potential hazards would be slightly reduced, due to the smaller population. However, this would still be a potentially significant impact requiring mitigation as per the proposed project.

Hydrological impacts would be similar to the proposed project. This alternative would still require a vehicle underpass under the UPRR tracks (and therefore an opening in the UPRR berm). However, impacts to hydrology, water quality and flooding would be the same as the project, less than significant.

Public services and utilities impacts would be similar to the proposed project, although slightly less, due to the reduced density. Water demand would be 110.13 AFY compared to 160.05 AFY for the proposed project (see, *supra*, Table 4). Wastewater flow would be 92,800 gpd, compared to 136,800 gpd for the proposed project (see, *supra*, Table 5). Solid waste generation would be lower than the proposed project, at 474 tons/year compared to 595 tons/year (see, supra, Table 6), with a diversion rate of 62% (to recycling and composting rather than landfills). Energy demands would be slightly reduced to the lower number of housing units. Overall, public utilities impacts would be less than significant.

The demand for police service would be slightly reduced, due to the lower population, but would still potentially require one additional sworn officer to meet the Sacramento Police Department's staffing goal. The effects of this alternative upon fire protection would be similar, as the response time would be the same as the proposed project. The number of potential students generated under this alternative ranges from 158 to 171, slightly less than the proposed project (see DEIR, p. 4.7-24 [Table 4.7-4] for student generation rates). The demands of this alternative upon park facilities would be reduced, due to the lower number of residential units. However, this alternative would also provide less park acreage, compared to the proposed project. Overall, the public services impacts would be less than significant.

Traffic impacts would be reduced compared to the proposed project, due the lower number of residential units; however, for both the project and the Lower Density Alternative the impact is less than significant with mitigation. See Table 1 above for a comparison of potential vehicle trips. The total number of vehicle trips would be reduced to 2,423 trips compared to the project. The AM and PM peak hour trips would also be reduced compared to the project (AM peak hour traffic would be reduced to 186, while PM peak hour traffic would be reduced to 239, as compared to 266 and 342, respectively, under the proposed project). It is anticipated that the impacts would be similar to the proposed project (less than significant with mitigation) given the presence of intersections that currently operate at an unacceptable level of service in the existing and future condition. Bicycle and pedestrian circulation would be more restricted under this

alternative (due to the lack of a separate bicycle/pedestrian connection), but the impact is not anticipated to be significant.

Urban design/visual resources impacts would be same as the proposed project because the site would be developed with urban uses, the same as the project.

Impacts Identified as Being Less Severe than the Proposed Project

There are no potentially significant impacts that would be avoided under this alternative, as compared to the proposed project. As described above, there are impacts that would be lessened, but there are no potentially significant impacts that would be reduced to the point where mitigation would no longer be necessary.

Impacts Identified as Being More Severe than the Proposed Project

Exposure of new residents to noise may increase under this alternative, as the density and design of the residential units would not provide the same barrier for the interior units (as compared to the proposed project). It is assumed that additional mitigation would be needed and would substantially reduce this impact. (Note that off-site noise may be reduced by the reduction in traffic under this alternative). In addition, the Lower Density Alternative provides less regional benefits due to reductions in park acreage and bicycle/pedestrian amenities.

Relationship to Project Objectives

This alternative would fulfill a number of the project objectives, but would reduce the overall density of homes and lot types. As a result, the Lower Density Alternative would consist of larger lots, on average, and, as explained in the Feasibility of the Lower Density Alternative discussion below, would not necessarily further the implementation of SACOG's Sustainable Communities Strategy. By reducing the density, this alternative would not maximize the opportunity for infill development, and potential reduction of VMT by locating new residential development near existing jobs. Moreover, pursuant to the 2030 General Plan the McKinley Village Planned Development site consists of "vacant or underutilize lands that provide[s] opportunities for future growth" and is "identified for future infill, reuse, or redevelopment." (2030 General Plan, p. 2-11.) The City Council believes the density proposed by the alternative is less suitable for a Central City development opportunity area than the Project density. Therefore, the City Council finds the Lower Density Alternative is less consistent with the objectives of the 2030 General Plan than the Project. (*San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 26 ["A reviewing court accords 'great deference' to an agency's determination that a project is consistent with its own general plan, recognizing that 'the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity.'"], quoting *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142.)

As stated earlier, this alternative would increase the average lot size and residential square footage per unit as compared to the proposed project. The alternative would be similar to the

density of the McKinley Park neighborhood, but substantially lower than Midtown. Recreational amenities would be reduced in this alternative, due to the lower number of residential units.

Feasibility of the Lower Density Alternative

The Project qualifies as a residential or mixed-use residential project that is consistent with the land use designation, density, building intensity, and applicable policies specified for the project area in the Metropolitan Transportation Plan/Sustainable Communities Strategy prepared by the Sacramento Area Council of Governments (SACOG). The Lower Density Alternative would have a slight reduction in traffic, with the corresponding reduction in mobile-source air quality emissions and transportation noise sources. While some may view this as a benefit, both the City and SACOG encourage density closer to employment to reduce VMT. Additionally, because the project as mitigated would not result in any significant and unavoidable environmental impacts, the City Council need not address the feasibility of this alternative. (*Laurel Hills, supra,* 83 Cal.App.3d at p. 521.) Even so, the City Council has determined that the Lower Density Alternative is infeasible.

Specifically, the City Council finds the Lower Density Alternative is less consistent with the goals and objectives of SACOG's Sustainable Communities Strategy. For example, SACOG's Sustainable Communities Strategy sets forth a goal to move all communities within the region closer to a preferred 1.2 jobs per household ratio by 2035. (MTP/SCS, p. 43.) The employment centers nearby the Project, such as Downtown Sacramento and UC Davis Medical Center, currently substantially exceed 1.2 jobs per household. (MTP/SCS, pp. 44 [Figure 3.9], 45 [Table 3.12].) Reducing the density of the Project by 110 residential units as compared to the proposed project (over a thirty percent reduction) would result in a project that is less desirable based on the job to household goals set forth in SACOG's Sustainable Communities Strategy.

Moreover, the City of Sacramento's General Plan designates the McKinley Village Project site as Planned Development. No density or intensity requirements are expressly set forth in the General Plan for Planned Development designated parcels. However, the City's General Plan was developed to be "consistent with the Regional Blueprint principles..." (General Plan, Goal LU 10.1.) Therefore, the City Council gives significant weight to the densities considered by the Sacramento Region Blueprint for the project site. The Blueprint contemplates two types of residential development densities on the project site: Low-Density Mixed-Use Center or Corridor and Single-Family Small Lot. As set forth in the Blueprint, the Low-Density Mixed-Use Center or Corridor designation contemplates a net density of approximately 2,024 units per 160 net acres (or 12.65 units per net acre) and the Single-Family Small Lot designation contemplates a net density of approximately 1,220 units per 160 net acres (or 7.63 units per net acre). The project proposes a density of approximately 11.2 residential units per acre, which the City Council finds to be an appropriate balance between the densities envisioned in the Blueprint for a Low-Density Mixed-Use Center or Corridor (~12.65 du/ac) and Single-Family Small Lot (~7.63 du/ac). However, the Lower Density Alternative proposes approximately 7 residential units per acre, which falls below the densities envisioned in the Blueprint for either the Low-Density Mixed-Use Center or Corridor or Single-Family Small Lot designations. Therefore, the City Council finds that the Lower Density Alternative is less consistent with both the City's General Plan and the Blueprint than the Project. (*San Diego Citizenry Group v. County of San Diego*

(2013) 219 Cal.App.4th 1, 26 ["A reviewing court accords 'great deference' to an agency's determination that a project is consistent with its own general plan, recognizing that 'the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity.'"], quoting *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142.)

Moreover, Public Resources Code Section 21159.28, provides that an EIR for residential projects, such as the proposed project, which is consistent with the use designation, density, building intensity, and applicable policies in a Sustainable Communities Strategy that has been accepted by the California Air Resources Board and incorporates mitigation measures required by a prior environmental document, is not "required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project." (Pub. Resources Code, § 21159.28, subd. (b).) Excluding the Lower Density Alternative's car and light-truck trip-related benefits, the Lower Density Alternative only has marginal environmental benefits over the proposed project. Moreover, Public Resources Code Section 21159.26 provides that "a public agency *may not* reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation." (Emphasis added.) Because the project does not result in any significant and unavoidable impacts and each of the project's potentially significant impacts can be reduced to a less-than-significant level by feasible mitigation measures other than a reduction in the proposed number of housing units, CEQA prohibits the lead agency from adopting the Lower Density Alternative.

Finally, to be consistent with SACOG's SCS, a project located within the City's Center and Corridor Community (such as this project) must be proposed at a density that is at least 80% of the density envisioned by the City. (SCS, App. E-3, p. 35.) The Lower Density Alternative proposes a density below 80% of the densities envisioned in the Blueprint for a Low-Density Mixed-Use Center or Corridor (~12.65 du/ac) whereas the Project includes 11.2 du/ac (which exceeds 80% of the Blueprint's Low-Density Mixed-Use Center or Corridor ~12.65 du/ac density). Similarly, because the Lower Density Alternative proposes over 100 fewer residential units than the project, the City Council finds the Lower Density Alternative is less consistent with the SCS goal to add "significant new housing to the central city area [to] provide a better jobs-housing ratio and [to] help in reducing regional VMT." (SCS, App. E-3, p. 54.) Therefore, the City Council finds that the Lower Density Alternative is not consistent with SACOG's Sustainable Communities Strategy. Because the Lower Density alternative is less consistent with the vision set forth in the General Plan, Blueprint, and SACOG's Sustainable Communities Strategy, the City Council concludes the Lower Density Alternative is undesirable and infeasible based on policy considerations.

ALTERNATIVE 4: HIGHER DENSITY/MIXED USE

Description

This alternative assumes the project would follow the same site plan and layout as the proposed project and generally include the same uses as the proposed project. Under this alternative, the

number of units would increase to 550 units with an average density of 18 du/ac, which is permitted under the Traditional Neighborhood Medium Density (8–21 du/ac) land use designation. Granny flats (second units) would be an option for some of the home designs. A total of 70 granny flat units are assumed under this alternative for the purposes of transportation impacts. It is assumed generally the same approvals requested for the project would still be requested under this alternative including a rezone and a Planned Unit Development (PUD) overlay to provide flexibility in project design.

Similar to the proposed project, there would be a 2-acre park in the center of the site, composed of a park and a recreational center (approximately 1 acre each), and two other small onsite parks, totaling 1.2 acres. This alternative would include approximately 20,000 sf of commercial uses (located on approximately 1 acre) (see DEIR, p. 5-23 [Figure 5-3]).

It is assumed there would be a sound wall adjacent to the freeway and vehicle access would be provided via the A Street Bridge and an underpass under the UPRR tracks, the same as the project. Under this alternative, residences adjacent to the UPRR tracks would be designed, similar to the proposed project, to provide a continuous wall that would act as a sound barrier. The proposed bicycle/pedestrian access connecting to Alhambra Boulevard is included as an amenity for this alternative, the same as the proposed project, if approved by UPRR and appropriate government agencies. Landscaping would be provided throughout the site. Project construction would take approximately 4 years to complete. Site clearing and grading activities would be the same as the proposed project.

Under this alternative there would be a total of approximately 1,100 new residents (assuming 2.0 residents per unit). Residential units would include either single family lots averaging 2,400 sf (similar to the Courtyard units in the proposed project) or a mix of multifamily and single family units of various lot types and sizes.

A detention basin would be required in the southwestern portion of the site, similar to the proposed project. However, the basin may be slightly larger under this alternative, due to the increase in density.

Comparative Analysis of Environmental Effects

Impacts under the Higher Density/Mixed-Use Alternative would be similar, and in some cases greater, as compared to those of the proposed project. This alternative would have 214 more residential units, and approximately 428 more residents (assuming 2.0 residents per unit), although the footprint of the project (site area) would be the same. As shown in Table 1 above, the number of average daily project vehicle trips would be increased under this alternative from 3,513 to 6,366. The AM and PM peak hour trips would increase compared to the project (AM peak hour traffic would increase to 453, while PM peak hour traffic would increase to 606, as compared to 266 and 342, respectively, under the proposed project. Increased density may increase the potential for transit use and reduce regional VMT (by placing more residents close to job centers), but may also increase local congestion. The addition of commercial and/or retail uses may also encourage more vehicle trips driving through the project site.

Greater population density would increase the demand on public utilities and services. "Footprint" impacts such as biological and cultural resource impacts would be similar to the proposed project.

Impacts Identified as Being the Same or Similar to the Proposed Project

As the development footprint of this alternative, compared to the proposed project, would be substantially the same, biological and cultural resources impacts would be the same or similar. Mitigation measures would be required to reduce potentially significant impacts related to foraging habitat, VELB, and potential undiscovered archaeological resources.

Potentially significant impacts related to hazards and hazardous materials would be similar for the construction phase (as the footprint would be the same). Impacts related to exposure of new receptors to potential hazards would be slightly increased, due to the greater population. Overall, hazard impacts would be similar to the proposed project and as would mitigation (as described for the project (Measures 4.4-1 and 4.4-2).

Hydrological impacts would be similar to the proposed project. Due to the increased density, the impermeable area may increase slightly. However, this would not substantially change the significance of storm water runoff impacts. Impacts would remain less than significant, the same as the project.

Public services and utilities impacts would be similar to the proposed project, although overall service demand would be higher due to the increased density. Water demand would be 262.7 AFY compared to 160.05 AFY for the proposed project (see, *supra*, Table 4). Wastewater flows would be 224,000 gpd compared to 136,800 gpd for the proposed project (see, *supra*, Table 5). Solid waste generation would be higher, at 889 tons/year, compared to 595 tons/year for the proposed project (see, *supra*, Table 6). Note that due to the number of residential units (greater than 500) a Water Supply Assessment would need to be prepared for this alternative. Energy demand would increase under this alternative, but not to the point that significant new facilities would be required to serve the project site. Overall, public utilities impacts would be less than significant.

Demand for police and fire protection services would be slightly more than the proposed project. Police protection may require 2 additional sworn officers, based on the SPD's unofficial goal of 2.5 sworn officers per 1,000 population. However, this would not result in a significant impact as adequate space is available in the Richards Boulevard Police Facility. Under this alternative, the project site would meet the necessary response times for fire protection, and no new facilities would be required, although calls for medical response may increase due to the greater population. The number of potential students generated under this alternative ranges from 385 to 435, higher than the proposed project (see FEIR, pp. 3-21 to 3-23 discussing student generation rates for the proposed project). The payment of school facilities fees would mitigate this impact. The demand for parks, which is based on population, would increase. While the overall demand for public services might be slightly higher, the ability of the project to finance such services through development fees and property tax revenues would correspondingly increase. Therefore,

while public service demand would be increased, the overall impact is expected to be less than significant, as with the proposed project.

Urban design/visual resources impacts would be same as the proposed project because the site would be developed with urban uses, the same as the project.

Impacts Identified as Being Less Severe than the Proposed Project

Under this alternative, no project-related impacts would be reduced. However, there may be regional benefits to increased density.

Impacts Identified as Being More Severe than the Proposed Project

Traffic impacts would be increased, compared to the proposed project, due the greater number of residential units and the introduction of commercial uses. See Table 1 above for a comparison of potential vehicle trips. It is anticipated that additional mitigation measures may be necessary, due to the increase of traffic at study intersections (in both existing plus project and cumulative plus project conditions).

Air quality impacts would be greater under this alternative. Construction-related air quality emissions (Impact 4.1-1) would be increased, compared to the proposed project (see, *supra*, Table 2). Feasible mitigation is available, and, as with the proposed project, would reduce the impact to less than significant. Operational air quality emissions would be increased, due primarily to the increased vehicle trips. This alternative would exceed the daily threshold for ROG and NO_x from project operations (see, *supra*, Table 3). Mitigation (potentially including emission offsets) would be required to reduce the impact to less than significant.

Relationship to Project Objectives

This alternative would fulfill most of the project objectives. It would further the implementation of SACOG's Sustainable Communities Strategy; place residential uses near existing jobs and services to reduce vehicle miles traveled; make efficient use of an opportunity for infill development; be designed sustainably; provides bicycle access to downtown and other surrounding neighborhoods; includes parks; and provides adequate access for vehicular traffic. However, the increased density would limit the ability to design the project in a manner consistent with the character of the surrounding McKinley Park and East Sacramento neighborhoods. As a result, this alternative may not reflect the character of the surrounding residential neighborhoods, as compared to the proposed project.

Feasibility of Higher Density/Mixed-Use Alternative

Because the proposed Project would not result in any significant and unavoidable environmental impacts, the City Council need not address the feasibility of the Higher Density/Mixed-Use Alternative. Even so, the City Council has determined that the alternative is infeasible.

Specifically, the Higher Density/Mixed-Use Alternative contemplates approximately 220 more units than the Project, nearly 70% more residential units than the project. To achieve the density contemplated by the Higher Density/Mixed-Use Alternative, the Higher Density/Mixed-Use Alternative would require a greater percentage of the units to consist of multi-family or attached single family units. The City Council finds that the build-out of the Higher Density/Mixed-Use Alternative is less consistent with the character of the East Sacramento and McKinley Park neighborhoods, which is one of the project objectives. Moreover, the increased density contemplated by the Higher Density/Mixed-Use Alternative will in turn increase a number of impacts associated with the project including increased operational NO_x and ROG emissions (Impact 4.1-2), PM_{10} concentrations (Impact 4.1-3), CO concentrations (Impact 4.1-4), cumulative net increase in criteria pollutants (Impact 4.1-8), offsite ambient noise (Impact 4.6-3), demand for police services (Impact 4.7-1), demand for fire protection services (Impact 4.7-2), project-specific and cumulative student populations (Impacts 4.7-3 and 4.7-7), demand for potable water (Impact 4.8-1), water supply facility demands (Impact 4.8-2), wastewater facility demands (Impact 4.8-3), project-specific or cumulative need for new water or wastewater treatment facility (Impacts 4.8-4 and 4.8-8), project-specific and cumulative solid waste facility demands (Impacts 4.8-5 and 4.8-10), project-specific or cumulative energy production and/or transmission facility demands (Impacts 4.8-6 and 4.8-11), and project-specific or cumulative traffic intersection impacts (Impacts 4.9-1 and 4.9-6). The City Council finds that each of the increased impacts of the Higher Density/Mixed-Use Alternative will likely remain less than significant after implementation of feasible mitigation measures. Nevertheless, CEQA does not require that a lead agency consider adopting an alternative that increases impacts as compared to a proposed project. (*City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 415-422.) Therefore, the City Council rejects the Higher Density/Mixed-Use Alternative as infeasible because it is both less capable of achieving the full range of project objectives and because it is not environmentally superior to the project.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

An EIR is required to identify the environmentally superior alternative from among the range of reasonable alternatives that are evaluated. Section 15126.6(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be designated and states that if the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. As shown in Table 5-7 (DEIR, p. 5-29), the No Project/No Development Project is the environmentally superior alternative. Therefore, an environmentally superior alternative must be identified from among the other three development alternatives.

After the No Project/No Development Project Alternative, the next most environmentally superior alternative is, Alternative 3, the Lower Density Alternative, which would reduce several of the project's already less-than-significant impacts. However, several of the Lower Density Alternative's improvements over the proposed project's (already less than significant) impacts are the result of a reduction in project-related car and light-truck trips. Public Resources Code Section 21159.28, provides that an EIR for residential project, such as the proposed project, which is consistent with the use designation, density, building intensity, and applicable policies in a Sustainable Communities Strategy that has been accepted by the California Air Resources

Board, the lead agency is not "required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project." (Pub. Resources Code, § 21159.28, subd. (b).) Excluding the Lower Density Alternative's car and light-truck trip-related benefits, the Lower Density Alternative only has marginal environmental benefits over the proposed project. Moreover, Public Resources Code Section 21159.26 provides that "a public agency *may not* reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation." (Emphasis added.) Because the project does not result in any significant and unavoidable impacts and each of the project's potentially significant impacts can be reduced to a less-than-significant level by feasible mitigation measures other than a reduction in the proposed number of housing units, CEQA prohibits the lead agency from adopting the Lower Density Alternative.

As demonstrated in Table 5-7 (DEIR, p. 5-29), the Higher Density/Mixed Use Alternative, like the proposed project, would not result in any significant and unavoidable impacts. However, the Higher Density/Mixed Use Alternative would increase a number of the proposed project's less-than-significant impacts, and would require additional mitigation for air quality and transportation impacts. Thus, the proposed project is environmentally superior to the Higher Density/Mixed Use Alternative.

With respect to the No Project/Existing Zoning Alternative, this alternative would result in seven potentially significant impacts not otherwise caused by the proposed project for which additional mitigation measures would be needed, to the extent feasible, to avoid significant and unavoidable impacts. For purposes of this analysis, it is assumed that the potentially significant impacts can be reduced to less than significant with feasible mitigation measures. The No Project/Existing Zoning Alternative would avoid two potentially significant impacts related to exposure of new residential uses to transportation noise (note that these potential impacts of the proposed project would be reduced to less than significant with mitigation). Overall, the No Project/Existing Zoning Alternative would reduce more of the proposed project's less-than-significant impacts than it would increase. On balance, however, the No Project/Existing Zoning Alternative would have more potentially significant effects than the proposed project or any other project alternatives. Furthermore, the No Project/Existing Zoning Alternative is inconsistent with the land use goals and vision for the project area as set forth in both the Sacramento Area Council of Government's Sacramento Region Blueprint Transportation and Land Use Plan as well as its Sustainable Communities Strategy, which indicates a preference for infill that includes residential or residential commercial mixed-use for the project site. Therefore, the proposed project is environmentally superior to the No Project/Existing Zoning Alternative.

As a result, the proposed project is found to be the next most environmentally superior alternative after both the No Project/No Development Project Alternative and the Lower Density Alternative.

Moreover, as discussed above, the proposed Project would not result in any significant and unavoidable environmental impacts. As such, the City Council's discretionary determination whether or not to adopt or reject a project alternative, including the environmentally superior

alternative, is not a CEQA issue. (See, e.g., *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 350 ["The required [CEQA] findings constitute the principal means chosen by the Legislature to enforce the state's declared policy 'that public agencies should not approve projects as proposed if there are feasible alternatives [] available which would substantially lessen the significant environmental effects of such projects … .'"].) Nevertheless, as discussed herein, the City Council has considered each of the alternatives analyzed in the EIR and rejects each of the alternatives as infeasible.

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
AIR QUALITY AND CLIMATE CHANGE			
4.1-1: The proposed project would result in short-term (construction) emissions of NOX above 85 pounds per day. (S)	4.1-1(a) The following Enhanced Exhaust Control Practices shall be implemented to minimize NOX emissions during all construction activities associated with the proposed project. □ The project shall provide a plan for approval by the lead agency and the Sacramento Metropolitan Air Quality Management District demonstrating that the heavy-duty (50 horsepower [hp] or more) off-road vehicles to be used during construction, including owned, leased, and subcontractor vehicles, shall achieve a project-wide fleet-average 20% NOX reduction and 45% particulate reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The Sacramento Metropolitan Air Quality Management District's Construction Mitigation Calculator shall be used to identify an equipment fleet that achieves this reduction. □ The project representative shall submit to the lead agency and the Air District a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of project construction. The inventory shall include the horsepower rating, engine model year, and projected hours of use 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 representative shall provide the Air District with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The District's Model Equipment List can be used to submit this information.	Less than Significant	Implementation of Mitigation Measures 4.1-1(a) and 4.1-1(b), which have been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
	The project shall ensure that emissions from all off-road diesel-powered equipment used on the project site do not exceed 40% opacity for more than 3 minutes in any 1 hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately. Noncompliant equipment will be documented and a summary provided to the lead agency and Air District monthly. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted 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 Air District and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other Air District, state, or federal rules or regulations. If at the time of construction, the Air District has adopted a regulation applicable to construction emissions, compliance with the regulation may completely or partially replace this mitigation. Consultation with the Air District prior to construction shall be required to make this determination. 4.1-1(b) At the time grading permits are issued, the project applicant shall pay the SMAQMD off-site mitigation program fee, which shall be calculated based on the estimated amount of NOX emissions that exceed 85 pounds per day during each day of project construction after onsite construction mitigation (both the Basic Construction Emission Control Practices and the Enhanced Exhaust Control Practices) is applied. In consultation with the SMAQMD staff, and prior to the issuance of a grading permit, a construction mitigation fee and associated administrative fee shall be calculated and paid to the SMAQMD. Fees shall be calculated using the Carl Moyer cost effectiveness rate as determined at the time grading permits are issued (currently $17,460 per ton of NOx) plus a 5% administrative fee, or the applicable fee amounts in effect at the time of permit/plan issuance. (DEIR, pp. 4.1-40 to 4.1-42.)		
4.1-2: The proposed project could result in long-term	None required (DEIR, p. 4.1-44.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that

Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
(operational) emissions of NOx or ROG above 65 pounds per day. (LS)			are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.1-3: The proposed project could violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in PM10 concentrations equal to or greater than 5% of the state ambient air quality standard (i.e., 50 micrograms/cubic meter for 24 hours) during project construction. (LS)	None required (DEIR, p. 4.1-44.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.1-4: The proposed project could result in CO concentrations that exceed the 1-hour state ambient air quality standard (i.e., 20.0 ppm) or the 8-hour state ambient standard (i.e., 9.0 ppm). (LS)	None required (DEIR, p. 4.1-45.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.1-5: The proposed project could result in the exposure of sensitive receptors to substantial pollutant concentrations. (LS)	None required (DEIR, p. 4.1-46.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.1-6: The proposed	None required (DEIR, p. 4.1-51.)	Less than	Under CEQA, no

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
project could result in increased exposure to TACs from mobile sources, potentially increasing the lifetime cancer risk of future residents. (LS)		significant	mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
Cumulative Impact 4.1-7: The proposed project could impede the City or state efforts to meet AB 32 standards for the reduction of greenhouse gas emissions or conflict with the City's Climate Action Plan. (LS)	None required (DEIR, p. 4.1-55.)	Less than significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.1-8: The proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under an applicable federal or state ambient air quality standard (including the release of emissions that exceed quantitative thresholds for ozone precursors). (LS)	None required (DEIR, p. 4.1-57.)	Less than significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
BIOLOGICAL RESOURCES			
4.2-1: The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; or substantially reduce the number or restrict the range of a special-status species. (PS)	***Birds*** 4.2-1(a) Should construction activities begin during the breeding season (March 1 through September 15), a qualified biologist shall conduct appropriate pre-construction surveys for Swainson's hawk, Cooper's hawk, white-tailed kite, burrowing owl, purple martin, and other raptor and native bird nests within or immediately adjacent to the project site and all off-site improvement areas no more than 30 days before any construction activity commences. The pre-construction surveys shall be conducted between March and September and shall follow accepted survey protocols for these species. The purpose of the surveys will be to determine if active nests of special-status birds are present in the disturbance zone or within 500 feet of the disturbance zone boundary (and within 0.25 mile for Swainson's hawks). If active nests are found, ground-disturbing activities within 300 feet of the nest (and up to 500 feet for most raptors, depending upon specific site conditions) shall be postponed or halted, at the discretion of the qualified biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist. Limits of construction to avoid impacts to an active nest during construction activities shall be established in the field with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas. If active Swainson's hawk nests are located within 0.25 mile of proposed construction activities, construction shall not begin, or shall be discontinued, until the project applicant has consulted with the California Department of Fish and Wildlife (CDFW) to determine the appropriate course of action, consistent with the guidance provided in the 1994 Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (CDFG 1994), to reduce potential impacts on nesting Swainson's and to determine under what circumstances construction activities can occur. Possible measures to reduce potential impacts could include creation of buffers, limits on the timing or location of use of construction equipment, limits on the types of equipment used to reduce noise intensity, etc. Equipment operation and construction activities shall be suspended until CDFW provides direction. If ground-disturbing activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than 7 days elapse between the survey and ground-disturbing activities. The qualified biologist shall serve as a construction monitor during those periods when construction activities are to occur near active nest areas to avoid inadvertent	Less than Significant	With respect to Mitigation Measure 4.2-1(b), the final EIR states that the project applicant identified a property located in the Yolo Bypass just west of the City of West Sacramento (known as the "Notch" property – APN 033-300-021-000) as a proposed mitigation site for Swainson's hawk foraging habitat. The final EIR states the land consists of habitat considered by the CDFW as suitable for Swainson's hawk, is located within a 10-mile radius of the project site, and can be managed in perpetuity as Swainson's hawk foraging habitat. (FEIR, p. 3-152.) While the final EIR identifies the Notch property as a potential foraging habitat mitigation site, the Notch property (or any other property) is only sufficient as mitigation pursuant to Mitigation Measure 4.2-1(b) to the extent all the requirements of the mitigation measure are satisfied including the requirements that (1) the

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
	impacts to these nests. (DEIR, p. 4.2-35.) ***Swainson's Hawk Foraging Habitat*** 4.2-1(b) Prior to the issuance of grading permits, the project applicant shall provide the City with evidence that the applicant has compensated for the loss of Swainson's hawk foraging habitat. Compensation shall provide suitable foraging habitat and shall be consistent with guidance provided in the 1994 *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* (CDFG 1994). Suitable foraging habitat includes fallow land, alfalfa or other low growing crops, as defined in CDFG 1994 and Estep 2007. Consistent with the 1994 CDFG staff report, habitat shall be provided at the ratio of 1:1 (mitigation: impact). The habitat provided shall be of equal or greater quality than that lost as a result of the proposed project which includes the extension of A Street and 40th Street. A detailed description of the location and boundaries and a copy of the proposed easements to be maintained and managed as Swainson's hawk foraging habitat shall be provided by the project applicant. The project applicant shall coordinate with the City's Environmental Services Department to ensure the land meets the City's requirements as well as current California Department of Fish and Wildlife (CDFW) criteria. The project applicant shall record one or more conservation easements consistent with the above standards. The conservation easement(s) shall be executed by the project applicant and a conservation operator and shall satisfy the requirements of applicable state law. The conservation easement(s) shall be reviewed by CDFW prior to the recordation. The conservation easements shall prohibit planting or maintenance of vineyards or orchards, corn, rice, or safflower and other crops inconsistent with the foraging value of the project area. The project applicant shall comply with and complete the above requirements, including City review and approval of a Swainson's hawk habitat management and monitoring plan in consultation with the California Department of Fish and Wildlife prior to the issuance of grading permits. The plan shall address, at a minimum, the following: crops and/or habitat types that will be planted and managed on the parcel; rotation and harvest schedule if crops are planted; and monitoring that will occur to ensure that the parcel is managed as Swainson's hawk habitat. The plan operator shall prepare and submit a report to the Director, Community Development Department, City of Sacramento regarding habitat and operations of		project applicant coordinate with the City's Environmental Services Department to ensure the land meets the City's requirements as well as current California Department of Fish and Wildlife (CDFW) criteria, and (2) the City reviews and approves the Swainson's hawk habitat management and monitoring plan in consultation with the California Department of Fish and Wildlife. With respect to Mitigation Measure 4.2-1(c), the required VELB habitat credits were purchased from a USFWS approved conservation bank (the Sacramento River Ranch Conservation Bank) on January 29, 2014 and the affected elderberry bushes were transplanted to such conservation bank on February 13, 2014 in accordance with mitigation measure 4.2-1(c). In addition to these efforts, the project applicant must comply with all other terms set forth in Mitigation Measure 4.2-1(c).

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	the mitigation site on an annual basis. (FEIR, pp. 2-15 to 2-16.) ***VELB*** 4.2-1(c) The project applicant shall implement avoidance, minimization, and compensation measures for VELB consistent with the Biological Opinion (June 2008) and Memorandum of Understanding (May 2008) with USFWS. These measures include the following: Worker Environmental Awareness Program (WEAP) Training shall be conducted for all construction personnel by a USFWS-approved biologist prior to start of construction. WEAP shall include information on responsibilities regarding VELB, the life-history of the species, protections afforded under the FESA and potential penalties, and the protection measures identified in the Biological Opinion. A USFWS-approved biological monitor(s) shall inspect construction-related activities at the proposed site to ensure that no unauthorized take of federally listed VELB or destruction of their habitat occurs. The name(s) and resume(s) of the monitor(s) shall be submitted to USFWS 30 days prior to the start of construction. The monitor shall have the authority through communication with the resident engineer to stop all construction activities in the immediate area if a VELB is encountered during construction until appropriate corrective measures have been completed or until the VELB is determined to be unharmed. VELB encountered during construction activities shall be allowed to move away from the area on their own volition. The monitor shall notify USFWS immediately if any listed species are found on site. Project construction within 100 feet of elderberry shrubs shall be prohibited during the beetle emergence and mating period (March 15 through June 15) to eliminate any indirect effects on the beetle or its eggs. Measures consistent with the current Construction Site Best Management Practices (BMPs) shall be implemented to minimize effects to the VELB during construction. BMPs shall be implemented to prevent sedimentation from entering environmentally sensitive areas (ESAs) and to reduce erosion, dust, noise and other deleterious aspects of construction-related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials shall be		Implementation of Mitigation Measures 4.2-1(a) through 4.2-1(c), which have been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)

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	retained on the construction site and prevented from flowing into the ESAs. Roadways and areas disturbed by project activities within 100 feet of elderberry shrubs shall be watered at least twice a day to minimize dust emissions. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity shall be limited to the minimum necessary. Routes and boundaries shall be clearly demarcated. Movement of heavy equipment to and from the project site shall be restricted to established roadways to minimize habitat disturbance. Project-related vehicles shall observe a 20-miles-per-hour speed limit within construction areas, except on City and county roads and on state and federal highways. All heavy equipment, vehicles, and supplies shall be stored at the designated staging area at the end of each work period. During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies shall be restricted to the designated construction staging areas and exclusive of the ESAs. The project applicant (or construction contractor) shall ensure contamination of habitat does not occur during such operations. All workers shall be informed of the importance of preventing spills and appropriate measures to take should a spill occur. No application of herbicides, insecticides, and/or other chemical agents shall occur within 100-feet of the elderberry plants or where they might drift or wash into the area of the elderberry plants. The project applicant shall require documentation from the contractor that aggregate, fill, or borrow material provided for the project was obtained in compliance with the Act. Prior to the commencement of construction activities, high visibility fencing shall be erected around the VELB habitat to identify them and protect designated ESAs from encroachment of personnel and equipment. These areas shall be avoided by all construction personnel. The fencing shall be inspected before each work day maintained by the project applicant until completion of the project. The fencing may be removed only when the construction of the project is complete. □ Fencing shall be established at a minimum setback of 20 feet from the dripline of		

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	each elderberry shrub that is between 20 and 100 feet of the proposed project construction activity. These shrubs shall not be removed or transplanted. There shall be no physical alterations of any type within the area enclosed by the fencing. Signs shall be posted every 50 feet along the edge of the ESA, with the following information: “This area is habitat of a federally threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.” The signs shall be clearly readable from a distance of 20 feet, and must be maintained for the duration of the construction. A post construction walk-through shall be conducted to assess whether any damage occurred to vegetation within the buffer areas. Damage may include accidental cutting of vegetation or visible physical damage to roots, stems, and leaves. If damage is observed, vegetation within the buffer areas shall be restored with appropriate native plant species. Erosion control measures and exotic weed abatement measures shall be implemented. If unanticipated damage is done to elderberry shrubs, USFWS shall be notified and appropriate compensation shall be implemented. After construction activities are complete, any temporary fill or construction debris shall be removed and disturbed areas restored to their pre-project conditions. An area subject to “temporary” disturbance includes an area that is disturbed during the project, but that, after project completion, shall not be subject to further disturbance and has the potential to be re-vegetated. Prior to the commencement of construction activities, the project proponent shall compensate for the temporary and permanent loss of habitat of the VELB as follows: □ Shrubs that cannot be preserved in place shall be transplanted to an area that will have minimal human use and where associated native riparian species are located or an alternative USFWS-approved mitigation site. □ Elderberry shrubs shall be transplanted when the plant is dormant (November 1 through February 14) to increase the success of the transplanting, if feasible. A qualified biologist shall be available to monitor transplanting activity.		

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	If transplantation is not feasible during the dormant period (i.e., because of timing constraints), the number of elderberry seedlings and associated native plants shall be increased to an appropriate amount, based on consultation with USFWS. Each elderberry stem measuring 1 inch or greater in diameter at ground level that is adversely affected (i.e., transplanted or destroyed) shall be replaced with elderberry seedlings and seedlings of associated species, in accordance with the Conservation Guidelines. Elderberry seedlings or cutting shall be replaced at ratios ranging from 1:1 to 6:1 (see below). Associated native plants shall be planted at 1:1 or 2:1 ratios (see below). Stock of seedlings and/or cutting should be obtained from local sources. Table 4.2-5 Approved Elderberry Mitigation Ratios		

Stem Size	Exit Holes	Stem Count	Ratio	Assoc. Native Ratio	Plantings No. of Seedlings	Plantings No. of Assoc. Natives
≥1" and <3"	No	13	1:1	1:1	13	13
≥3" and <5"	No	1	2:1	1:1	2	2
≥ 5"	No	1	3:1	1:1	3	3
≥1" and <3"	Yes	25	2:1	2:1	50	100
≥3" and <5"	Yes	14	4:1	2:1	56	112
≥ 5"	Yes	12	6:1	2:1	72	144

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
	66	**196**	**374**
	Sources: Biological Opinion (USFWS 2008b) and Memorandum of Understanding (USFWS 2008a). □ Prior to ground-breaking activities at the project site, the project applicant shall purchase the required beetle habitat credits at a USFWS-approved conservation bank. Each credit purchased shall provide for the planting of five elderberry seedlings and five associated native plant seedlings. The project applicant proposed to purchase credits from Wildlands Inc., River Ranch Conservation Bank or another approved mitigation bank. (DEIR, pp. 4.2-37 to 4.2-40.)		
4.2-2: The proposed project could interfere with the movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors. (LS)	None required (DEIR, p 4.2-41.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.2-3: The proposed project could cause a fish or wildlife population to drop below self-sustaining levels or threaten to eliminate a plant or animal community. (LS)	None required (DEIR, 4.2-42.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
Cumulative Impact 4.2-4: The proposed project could contribute to a cumulative loss of habitat for common and special-status	4.2-4 Implement Mitigation Measure 4.2-1(b). (DEIR, p. 4.2-43.)	Less than Significant	Implementation of Mitigation Measure 4.2-4, which has been required or incorporated into the project, will reduce this potential cumulative impact to a less than

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wildlife species. (PCS)			cumulatively considerable level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)
CULTURAL RESOURCES			
4.3-1: Project construction could disturb, damage or destroy unidentified subsurface archaeological or historical resources as defined in CEQA Guidelines Section 15064.5. (PS)	4.3-1(a) If any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during any construction activities, the Contractor shall implement measures deemed necessary and feasible to avoid or minimize significant effects to the cultural resources including the following: □ Suspend work within 100 feet of the find; and, □ Immediately notify the City's Community Development Director and coordinate any necessary investigation of the site with a qualified archaeologist as needed to assess the resources (i.e., whether it is a "historical resource" or a "unique archaeological resource"); and, □ Provide management recommendations should potential impacts to the resources be found to be significant; o Possible management recommendations for historical or unique archaeological resources could include resource avoidance or data recovery excavations, where avoidance is infeasible in light of project design or layout, or is unnecessary to avoid significant effects.	Less than Significant	Implementation of Mitigation Measures 4.3-1(a) through 4.3-1(c), which have been required or incorporated into the project, will reduce this potential impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effect as identified in the final EIR.

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	In addition, the Contractor in consultation with the Preservation Director, State Historic Preservation Officer, and if applicable, Tribal representatives, may include preparation of reports for resources identified as potentially eligible for listing in the California Register of Historical Resources. 4.3-1(b) If a Native American site is discovered, the evaluation process required by Mitigation Measure 4.3-1(a) shall include consultation with the appropriate Native American representatives. If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment shall be conducted by a qualified archaeologist, who is certified by the Society of Professional Archaeologists (SOPA) and/or meets the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and by 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 representative is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archaeological sites are involved, all identified treatment (e.g., conduct additional archaeological surveys and provide measures to preserve the integrity or minimize damage or destruction of significant resources) is to be carried out by qualified historical archaeologists, who shall meet either Register of Professional Archaeologists (RPA) or 36 CFR 61 requirements. 4.3-1(c) If a human bone or bone of unknown origin is found during earth-moving activities, all work shall stop within 100 feet of the find, and the County Coroner shall be contacted immediately, pursuant to Section 5097.98 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code. 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. (DEIR, pp. 4.3-15 to 4.3-16.)		(CEQA Guidelines, § 15091, subd. (a)(1).)
4.3-2: Project construction could	None required (DEIR, p. 4.3-17.)	Less than Significant	Under CEQA, no mitigation measures are

Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (LS)			required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.3-3: Construction of off-site infrastructure could damage or destroy previously undiscovered prehistoric or historic-period archaeological resources or human remains. (PS)	4.3-3 Implement Mitigation Measures 4.3-1(a) through 4.3-1(c). (DEIR, p. 4.3-17.)	Less than Significant	Implementation of Mitigation Measure 4.3-3, which has been required or incorporated into the project, will reduce this potential impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)
4.3-4: Modifications to the A Street Bridge could disturb, damage, or destroy unidentified historical resources as defined in CEQA Guidelines Section 15064.5. (LS)	None required (DEIR, p. 4.3-18.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
Cumulative Impact 4.3-5: The proposed	4.3-5 Implement Mitigation Measures 4.3-1 (a) through (c). (DEIR, p. 4.3-20.)	Less than Significant	Implementation of Mitigation Measure 4.3-5,

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project could contribute to cumulative losses of historic and prehistoric resources in the greater Sacramento region. (PCS)			which has been required or incorporated into the project, will reduce this potential cumulative impact to a less than cumulatively considerable level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)
HAZARDS AND PUBLIC SAFETY			
4.4-1: The proposed project could expose people (e.g., residents, pedestrians, construction workers) to existing contaminated soil during construction activities. (LS)	4.4-1(a) In the event that grading or construction of the proposed project reveals evidence of soil contamination, underground storage tanks (USTs), or other environmental concerns, a Construction Management Plan shall be prepared. The plan shall be prepared by a qualified environmental professional registered in California. The plan shall identify specific measures to take to protect worker and public health and safety and specify measures to identify, manage, and remediate wastes. The plan shall include the following: □ Accident prevention measures o Summary of known site history and site concentrations. o Appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including, without limitation, hazardous substance management, handling, storage, disposal, and	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) A so-called "mitigation measure" has been included in the Project plans, however, in order to reduce even further the potential less than significant impacts associated with exposure of people to existing

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
	emergency response. These work practices include the following: an on-site hazardous material spill kit shall be provided for small spills; totally enclosed containment shall be provided for all trash; and all construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, shall be removed to an appropriate waste facility permitted or otherwise authorized to treat, store, or dispose of such materials. o Instructions for marking/protecting the groundwater wellheads and gas probes so that they are protected from destruction during construction activities. □ Contamination evaluation and management procedures: o Identification of air monitoring procedures and parameters and/or physical observations (soil staining, odors, or buried material) to be used to identify potential contamination. o Procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potential contamination is encountered. o Procedures for limiting access to the contaminated area to properly trained personnel. o Procedures for notification and reporting, including internal management and local agencies (fire department, SCEMD, etc.), as needed. o A worker health and safety plan for excavation of contaminated soil. o Procedures for characterizing and managing excavated soils in accordance with CCR Title 14 and Title 22. o Procedures for certification of completion of remediation. (DEIR, pp. 4.4-36 to 4.4-37.)		contaminated soil.
4.4-2: The proposed project could expose	***Asbestos/Construction Activities*** 4.4-2(a) Implement Mitigation Measure 4.4-1(a).	Less than Significant	Implementation of Mitigation Measures 4.4-

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
people (e.g., residents, construction workers) to asbestos-containing materials or other hazardous materials or situations. (PS)	***Former Landfill*** 4.4-2(b) New residents shall be notified in writing of the proximity to the former 28th Street Landfill, the existence of landfill gas, the presence of a landfill gas collection system on the former 28th Street Landfill property, monthly landfill gas monitoring within and around the project site, details for how to obtain the landfill gas monitoring reports, and the potential for odors and other nuisances originated from activities on the former Landfill. (DEIR, p. 4.4-42.)		2(a) and 4.4-2(b), which have been required or incorporated into the project, will reduce this potential impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)
4.4-3: The proposed project could expose people (e.g., construction workers) to existing contaminated groundwater during dewatering activities. (LS)	None required (DEIR, p. 4.4-44.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.4-4: The proposed project could substantially increase the risk of exposure of site occupants to inadvertent or accidental releases of hazardous	None required (DEIR, p. 4.4-46.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
substances transported on adjacent roadways or rail lines near the site. (LS)			
4.4-5: The proposed project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (LS)	None required (DEIR, p. 4.4-47.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
Cumulative Impact 4.4-6: The proposed project could contribute to cumulative increases in the potential exposure of people to sites where soil and/or groundwater contamination could be present from past or current uses. (LS)	None required (DEIR, p. 4.4-48.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
HYDROLOGY, WATER QUALITY AND DRAINAGE			
4.5-1: Construction activities associated with the project could generate increases in sediment and/or other contaminants which could violate water quality objectives and/or waste discharge	None required (DEIR, p. 4.5-37.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
requirements set by the State Water Resources Control Board. (LS)			
4.5-2: The design of the project, including increases in impervious surface area and residential uses on site could result in substantial long-term effects on water quality. (LS)	None required (DEIR, p. 4.5-40.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.5-3: Use of the combined sewer system could increase the likelihood of overflows during peak wet weather flows. (LS)	None required (DEIR, p. 4.5-41.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.5-4: Residential development could increase the exposure of people and/or property to the risk of loss, injury, damage, or death in the event of a levee breach along the American River or failure of Folsom Dam. (LS)	None required (DEIR, p. 4.5-45.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.5-5: Plans to create vehicular and bicycle/pedestrian underpasses through the Union Pacific	None required (DEIR, p. 4.5-47.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, §

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
Railroad embankment could expose areas of East Sacramento to additional flood hazards. (LS)			15126.4, subd. (a)(3).)
4.5-6: Stormwater runoff within the proposed development could exceed the capacity of on-site and/or off-site drainage facilities, including detention basins, storm drains, and/or pump stations, resulting in excessive ponding, nuisance flooding, or degradation of water quality on or off site. (LS)	None required (DEIR, p. 4.5-48.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.5-7: The proposed project could substantially deplete groundwater supplies or interfere with groundwater recharge. (LS)	None required (DEIR, p. 4.5-48.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
Cumulative Impact 4.5-8: The proposed project, in addition to other projects in the watershed, could result in the generation of polluted runoff that could	None required (DEIR, p. 4.5-49.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
violate water quality standards or waste discharge requirements for receiving waters. (LS)			
Cumulative Impact 4.5-9: The proposed project, in addition to other projects in the watershed, could result in increased numbers of residents and structures exposed to a regional 100-year flood event. (LS)	None required (DEIR, p. 4.5-50.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
NOISE AND VIBRATION			
4.6-1: Short-term project construction could exceed the City's Noise Ordinance. (LS)	None required (DEIR, p. 4.6-39.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.6-2: Project construction could expose existing or planned residential areas to vibration greater than 0.5 inches per second. (LS)	None required (DEIR, p. 4.6-39.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.6-3: The proposed project could permanently increase ambient exterior noise levels in the project vicinity (off	None required (DEIR, p. 4.6-40.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
site) that exceed city standards. (LS)			
4.6.4: Noise from the adjacent UPRR tracks could result in interior noise levels at the project that exceed the City's 45 dBA Ldn standard. (PS)	4.6-4(a) All windows visible to trains shall have a minimum Sound Transmission Class (STC) Rating of 35. All other windows (bedroom or otherwise) from which the trains would NOT be visible shall have a STC rating of at least 30. 4.6-4(b) Exterior doors facing the railroad tracks shall be solid core with a minimum rated STC value of 35. 4.6-4(c) Exterior wall construction for the walls facing the railroad tracks shall consist of 2- x 6-inch studs with insulation completely filling the stud cavity, stucco exterior, and two layers of 5/8-inch thick gypsum board on the interior surfaces. 4.6-4(d) Mechanical ventilation shall be provided to allow occupants to close doors and windows as desired to achieve acoustical isolation as desired. 4.6-4 (e) Roof materials shall be concrete tile or heavy-duty shingles such as the CertainTeed Presidential Series (or acoustic equivalent). 4.6-4(f) Disclosure statements shall be provided to all prospective residences, as well as recorded against the land, notifying of the presence of the UPRR tracks and the accompanying elevated noise environment associated with existing and projected increased future rail activity. (DEIR, p. 4.6-51.)	Less than Significant	Implementation of Mitigation Measures 4.6-4(a) through 4.6-4(f), which have been required or incorporated into the project, will reduce this potential impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)
4.6.5: Noise from the adjacent Capital City Freeway could result in interior noise levels at the project that exceed the City's 45 dBA Ldn standard. (PS)	4.6-5(a) All windows visible to Capital City Freeway (not just bedroom windows) shall have a minimum Sound Transmission Class (STC) Rating of 35. All other windows shall have a minimum STC Rating of 30. 4.6-5(b) Exterior wall construction shall consist of insulation in the stud cavity, stucco exterior, and 5/8-inch thick gypsum board on the interior surfaces. 4.6-5(c) All exterior doors and windows shall be fully weather-stripped. 4.6-5(d) Mechanical ventilation shall be provided to allow occupants to close doors and windows as desired to achieve acoustical isolation as desired.	Less than Significant	Implementation of Mitigation Measures 4.6-5(a) through 4.6-5(e), which have been required or incorporated into the project, will reduce this potential impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted.

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
	4.6-5(e) Disclosure statements shall be provided to all prospective residences, as well as recorded with the deed, notifying of the presence of the highway and the accompanying elevated noise environment associated with existing and projected increased traffic on Capital City Freeway. (DEIR, p. 4.6-59.)		The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)
4.6-6: The proposed project could expose on-site residential areas to vibration greater than 0.5 inch per second due to adjacent highway traffic and rail operations. (LS)	4.6-6 Disclosure statements shall be provided to prospective homebuyers for homes located adjacent to the UPRR right-of-way, informing them of the presence of the UPRR tracks and that vibration may be periodically perceptible during train pass bys. (DEIR, p. 4.6-60.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) A so-called "mitigation measure" has been included in the Project plans, however, in order to reduce even further the potential less than significant impacts associated with exposure of people to existing contaminated soil.
Cumulative Impact 4.6-7: Increase in cumulative noise generated by future passenger and freight train operations could expose project residents closest to the UPRR tracks to increased noise and	None required (DEIR, p. 4.6-61.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)

Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
exceed City standards. (LS)			
Cumulative Impact 4.6-8: Increase in cumulative traffic noise at the exterior of residences proposed adjacent to Capital City Freeway could expose project residents to increased noise and exceed city standards. (LS)	None required (DEIR, p. 4.6-62.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.6-9: Cumulative exposure of project residents to traffic and train noise could expose project residents to increased noise that exceeds City standards. (LS)	None required (DEIR, p. 4.6-63.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
PUBLIC SERVICES AND RECREATION			
4.7-1: The proposed project could increase demand for police services requiring the need to construct new facilities, or expand existing facilities. (LS)	None required (DEIR, p. 4.7-26.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.7-2: The proposed project could increase demand for fire protection services	None required (DEIR, p. 4.7-27.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant.

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
requiring the need to construct new facilities, or expand existing facilities. (LS)			(CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.7-3: The proposed project could generate an increase in students that would exceed the design capacity of existing or planned schools that would serve the site. (LS)	None required (DEIR, p. 4.7-29.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.7-4: The proposed project could cause or accelerate the physical deterioration of existing parks or recreational facilities or create a need for construction or expansion of recreational facilities beyond what was anticipated in the General and/or Community Plans. (LS)	None required (DEIR, p. 4.7-30.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
Cumulative Impact 4.7-5: The proposed project would contribute to a cumulative increase in demand for police services and facilities that could result in the need for new or physically altered	None required (DEIR, p. 4.7-31.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)

Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
facilities. (LS)			
Cumulative Impact 4.7-6: The proposed project would contribute to a cumulative increase in demand for fire protection services and facilities that could result in the need for new or physically altered facilities. (LS)	None required (DEIR, p. 4.7-32.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.7-7: The proposed project would contribute to a cumulative increase in students that could exceed the design capacity of existing or planned schools that would serve the site. (LS)	None required (DEIR, p. 4.7-32.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.7-8: The proposed project would contribute to a cumulative increase in demand for parks and recreation facilities. (LS)	None required (DEIR, p. 4.7-33.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
PUBLIC UTILITIES			
4.8-1: The proposed project could result in an increased demand for potable water in	None required (DEIR, p. 4.8-29.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant.

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excess of existing supplies. (LS)			(CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.8-2: The proposed project could result in inadequate capacity in the City's water supply facilities to meet demand requiring the construction of new water supply facilities. (LS)	None required (DEIR, p. 4.8-29.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.8-3: The proposed project could exceed existing wastewater capacity to serve the project's demand in addition to existing commitments. (LS)	None required (DEIR, p. 4.8-30.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.8-4: The proposed project could require or result in either the construction of new water or wastewater treatment facilities or storm water drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental impacts. (LS)	None required (DEIR, p. 4.8-32.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.8-5: The proposed project could require the expansion or construction of new	None required (DEIR, p. 4.8-34.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant.

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solid waste facilities which could cause significant environmental effects. (LS)			(CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.8-6: Operation of the proposed project could require or result in the construction of new energy production and/or transmission facilities or expansion of existing facilities. (LS)	None required (DEIR, p. 4.8-34.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
Cumulative Impact 4.8-7: The proposed project could contribute to a cumulative increase in demand for water supply in excess of existing supplies. (LS)	None required (DEIR, p. 4.8-35.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.8-8: The proposed project could contribute to a cumulative increase in the demand for water and wastewater treatment, which could result in inadequate capacity and require the construction of new facilities. (LS)	None required (DEIR, p. 4.8-36.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.8-9: The proposed	None required (DEIR, p. 4.8-37.)	Less than Significant	Under CEQA, no mitigation measures are

Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
project could contribute to a cumulative increase in storm water runoff which could result in either the construction of new storm water drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental impacts. (LS)			required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.8-10: The proposed project could contribute to a cumulative increase in solid waste, which could result in either the construction of new solid waste facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. (LS)	None required (DEIR, p. 4.8-37.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.8-11: The proposed project could contribute to a cumulative increase	None required (DEIR, p. 4.8-38.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable.

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
in energy demand, which could result in the need for construction of new energy production and/or transmission facilities or expansion of existing facilities. (LS)			(CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
TRANSPORTATION AND CIRCULATION			
4.9-1: The proposed project could cause potentially significant impacts to study intersections. (S)	4.9-1 The project applicant shall pay the City of Sacramento Traffic Operations Center to monitor and re-time the H Street/Alhambra Boulevard traffic signal to optimize traffic flow through the intersection. (DEIR, p. 4.9-61.)	Less than Significant	Implementation of Mitigation Measure 4.9-1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)
4.9-2: Project buildout could cause potentially significant impacts to transit. (LS)	None required (DEIR, p. 4.9-61.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
4.9-3: Project buildout could cause potentially significant impacts to pedestrian facilities. (LS)	None required (DEIR, p. 4.9-61.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.9-4: Project buildout could cause potentially significant impacts to bicycle facilities. (LS)	None required (DEIR, p. 4.9-61.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.9-5: Project buildout could cause potentially significant impacts due to construction-related activities. (S)	4.9-5 Prior to the beginning of construction, the applicant shall prepare a construction traffic and parking management plan to the satisfaction of City Traffic Engineer and subject to review by all affected agencies including Caltrans. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include: Description of trucks including: number and size of trucks per day, expected arrival/departure times, truck circulation patterns. Description of staging area including: location, maximum number of trucks simultaneously permitted in staging area, use of traffic control personnel, specific signage. Description of street closures and/or bicycle and pedestrian facility closures including: duration, advance warning and posted signage, safe and efficient access routes for emergency vehicles, and use of manual traffic control. Description of driveway access plan including: provisions for safe vehicular, pedestrian, and bicycle travel, minimum distance from any open trench, special signage, and private vehicle accesses. (DEIR, pp. 62; FEIR, p. 2-27.)	Less than Significant	Implementation of Mitigation Measure 4.9-5, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)
Cumulative Impact 4.9-6: The proposed project could cause	4.9-6(a) The project applicant shall contribute its fair share to the City of Sacramento Traffic Operations Center to monitor and re-time the H Street/Alhambra Boulevard, H Street/30th Street, and H Street 29th Street traffic	Less than Significant	Implementation of Mitigation Measures 4.9-6(a) through 4.9-6(c),

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
potentially significant impacts to study intersections under cumulative plus project conditions. (S)	signals to optimize flow through the corridor, and to implement the following improvements: o Restripe the westbound approach to the H Street/Alhambra Boulevard intersection to have one shared through/right lane and one shared through/left lane. o Remove on-street parking on the north side of H Street between 30th Street and Alhambra Boulevard to accommodate two westbound travel lanes. o Prohibit on-street parking during peak periods (7-9 AM and 4-6 PM) on the south side of H Street to allow for two eastbound lanes between 30th Street and Alhambra Boulevard while maintaining the same lane configurations on the eastbound approach to the H Street/Alhambra Boulevard intersection. 4.9-6(b) The project applicant shall contribute its fair share to the City of Sacramento Traffic Operations Center to monitor and re-time the E Street/Alhambra Boulevard traffic signal to optimize flow, and to implement the following improvements: o Remove the bulb-out on the southbound approach to the E Street/Alhambra Boulevard intersection and prohibit on-street parking on the west side of Alhambra Boulevard during peak periods (7-9 AM and 4-6 PM) to allow for the installation of a dedicated southbound right-turn lane. o Restripe the northbound approach to the E Street/Alhambra Boulevard intersection to include a northbound dedicated right-turn lane. 4.9-6(c) The project applicant shall contribute its fair share toward the installation of a traffic signal at the McKinley Boulevard/33rd Street intersection. (DEIR, p. 4.9-90 to 4.9-91.)		which have been required or incorporated into the project, will reduce this cumulative impact to a less than cumulatively considerable level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)
Cumulative Impact 4.9-7: Project buildout could cause potentially significant impacts to transit.	None required (DEIR, p. 4.9-91.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable.

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
(LS)			(CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.9-8: Project buildout could cause potentially significant impacts to pedestrian facilities. (LS)	None required (DEIR, p. 4.9-91.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.9-9: Project buildout could cause potentially significant impacts to bicycle facilities. (LS)	None required (DEIR, p. 4.9-92.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.9-10: Project buildout could cause potentially significant impacts due to construction-related activities. (S)	4.9-10 Implement Mitigation Measure 4.9-5. (DEIR, p. 4.9-92.)	Less than Significant	Implementation of Mitigation Measure 4.9-10, which has been required or incorporated into the project, will reduce this cumulative impact to a less than cumulatively considerable level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance After Mitigation	Findings of Fact
			identified in the final EIR. (CEQA Guidelines, § 15091, subd. (a)(1).)
URBAN DESIGN AND VISUAL RESOURCES			
4.10-1: The proposed project could degrade the existing visual character or quality of the site and its surroundings. (LS)	None required (DEIR, p. 4.10-20.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
4.10-2: The proposed project could create a new source of light or glare which could adversely affect day or nighttime views in the area. (LS)	None required (DEIR, p. 4.10-22.)	Less than Significant	Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, § 15126.4, subd. (a)(3).)
Cumulative Impact 4.10-3: The proposed project could contribute to long-term impacts to the visual character of the region in combination with existing and future development in the City of Sacramento. (LS)	None required (DEIR, p. 4.10-23.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)
Cumulative Impact 4.10-4: The proposed project could contribute to a cumulative increase in light and glare. (LS)	None required (DEIR, p. 4.10-24.)	Less than Significant	Under CEQA, no mitigation measures are required for cumulative impacts that are less than cumulatively considerable. (CEQA Guidelines, §§ 15064, subd. (h), 15126.4, subd. (a)(3), 15130.)

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City of SACRAMENTO
Community Development

McKinley Village Project (P08-086)

SCH #2008082049

MITIGATION MONITORING PLAN

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require monitoring or reporting on of mitigation measures adopted as part of the environmental review process.

The following is the Mitigation Monitoring Plan (MMP) for the McKinley Village project. The intent of the MMP is to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted from the McKinley Village Draft EIR.

MITIGATION MEASURES

The mitigation measures are taken from the McKinley Village Project Draft EIR ((and any text revisions included in the Final EIR) and are assigned the same number as in the Draft EIR. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMP COMPONENTS

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

Impact: This column summarizes the impact stated in the Draft EIR.

Mitigation Measure: All mitigation measures that were identified in the McKinley Village project Draft EIR are presented, and numbered accordingly.

Action: For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Implementing Party: This identifies the entity that will undertake the required action.

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

Monitoring Party: The City of Sacramento is primarily responsible for ensuring that mitigation measures are successfully implemented. Within the city, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project. Other agencies, such as the Sacramento Metropolitan Air Quality Management District (SMAQMD), may also be responsible for monitoring the implementation of mitigation measures. As a result, more than one monitoring party may be identified.

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
4.1 Air Quality and Climate Change					
4.1-1: The proposed project would result in short-term (construction) emissions of NO_X above 85 pounds per day.	**4.1-1** (a) The following Enhanced Exhaust Control Practices shall be implemented to minimize NO_X emissions during all construction activities associated with the proposed project.				
	• The project shall provide a plan for approval by the lead agency and the Sacramento Metropolitan Air Quality Management District (SMAQMD) demonstrating that the heavy-duty (50 horsepower [hp] or more) off-road vehicles to be used during construction, including owned, leased, and subcontractor vehicles, shall achieve a project-wide fleet-average 20% NO_X reduction and 45% particulate reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The Sacramento Metropolitan Air Quality Management District's Construction Mitigation Calculator shall be used to identify an equipment fleet that achieves this reduction.	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.	Project contractor	Prior to construction	Community Development Department/ SMAQMD
	• The project representative shall submit to the lead agency and the Air District a comprehensive inventory of all off-road construction equipment, equal to or greater	Submit a comprehensive inventory of all off-road construction equipment on	Project contractor	Prior to and monthly during construction	SMAQMD/ Community Development

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of project construction. The inventory shall include the horsepower rating, engine model year, and projected hours of use 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 representative shall provide the Air District with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The District's Model Equipment List can be used to submit this information.	a monthly basis that shall be used an aggregate of 40 or more hours during any phase of the construction project.			Department
	• The project shall ensure that emissions from all off-road diesel-powered equipment used on the project site do not exceed 40% opacity for more than 3 minutes in any 1 hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately. Noncompliant equipment will be documented and a summary provided to the lead agency and Air District monthly. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted 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	Ensure that all off-road diesel powered equipment used on the project site does 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.	Project contractor	During construction	SMAQMD

Table 1 McKinley Village EIR Mitigation Monitoring Plan

Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The Air District and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other Air District, state, or federal rules or regulations.				
	• If at the time of construction, the Air District has adopted a regulation applicable to construction emissions, compliance with the regulation may completely or partially replace this mitigation. Consultation with the Air District prior to construction shall be required to make this determination.	Consultation with SMAQMD prior to and during construction shall be performed.	Project contractor	Prior to construction	SMAQMD
	(b) At the time grading permits are issued, the project applicant shall pay the SMAQMD off-site mitigation program fee, which shall be calculated based on the estimated amount of NO_X emissions that exceed 85 pounds per day during each day of project construction after onsite construction mitigation (both the Basic Construction Emission Control Practices and the Enhanced Exhaust Control Practices) is applied. In consultation with the SMAQMD staff, and prior to the issuance of a grading permit, a construction mitigation fee and associated administrative fee shall be calculated and paid to the SMAQMD. Fees shall be calculated using the Carl Moyer cost effectiveness rate as determined at the time grading permits are issued (currently $17,460 per ton of NOx) plus a 5% administrative fee, or the applicable fee amounts in effect at the time of permit/plan issuance.	Air District mitigation fees shall be calculated and paid accordingly.	Project applicant	Prior to issuance of grading permit	Community Development Department

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
4.2 Biological Resources					
4.2-1: The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; or substantially reduce the number or restrict the range of a special-status species.	**4.2-1: Birds** (a) Should construction activities begin during the breeding season (March 1 through September 15), a qualified biologist shall conduct appropriate pre-construction surveys for Swainson's hawk, Cooper's hawk, white-tailed kite, burrowing owl, purple martin, and other raptor and native bird nests within or immediately adjacent to the project site and all off-site improvement areas no more than 30 days before any construction activity commences. The pre-construction surveys shall be conducted between March and September and shall follow accepted survey protocols for these species. The purpose of the surveys will be to determine if active nests of special-status birds are present in the disturbance zone or within 500 feet of the disturbance zone boundary (and within 0.25 mile for Swainson's hawks). If active nests are found, ground-disturbing activities within 300 feet of the nest (and up to 500 feet for most raptors, depending upon specific site conditions) shall be postponed or halted, at the discretion of the qualified biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist. Limits of construction to avoid impacts to an active nest during construction activities shall be established in the field with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas. If active Swainson's hawk nests are located within 0.25 mile of proposed construction activities, construction shall not begin, or shall be	Retain a qualified Biologist to perform surveys and monitoring for special status bird species and their habitat in the area of disturbance.	Project applicant/ Biologist	Prior to issuance of grading permit and during construction	Community Development Department

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	discontinued, until the project applicant has consulted with the California Department of Fish and Wildlife (CDFW) to determine the appropriate course of action, consistent with the guidance provided in the 1994 Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (CDFG 1994), to reduce potential impacts on nesting Swainson's and to determine under what circumstances construction activities can occur. Possible measures to reduce potential impacts could include creation of buffers, limits on the timing or location of use of construction equipment, limits on the types of equipment used to reduce noise intensity, etc. Equipment operation and construction activities shall be suspended until CDFW provides direction. If ground-disturbing activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than 7 days elapse between the survey and ground-disturbing activities. The qualified biologist shall serve as a construction monitor during those periods when construction activities are to occur near active nest areas to avoid inadvertent impacts to these nests.				

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	Swainson's Hawk Foraging Habitat (b) Prior to the issuance of grading permits, the project applicant shall provide the City with evidence that the applicant has compensated for the loss of Swainson's hawk foraging habitat. Compensation shall provide suitable foraging habitat and shall be consistent with guidance provided in the 1994 *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* (CDFG 1994). Suitable foraging habitat includes fallow land, alfalfa or other low growing crops, as defined in CDFG 1994 and Estep 2007. Consistent with the 1994 CDFG staff report, habitat shall be provided at the ratio of 1:1 (mitigation: impact). The habitat provided shall be of equal or greater quality than that lost as a result of the proposed project which includes the extension of A Street and 40th Street. A detailed description of the location and boundaries and a copy of the proposed easements to be maintained and managed as Swainson's hawk foraging habitat shall be provided by the project applicant. The project applicant shall coordinate with the City's Environmental Planning Services to ensure the land meets the City's requirements as well as current California Department of Fish and Wildlife (CDFW) criteria.	Provide written documentation that foraging habitat has been provided at the ratio of 1:1	Project applicant	Prior to issuance of grading permit	Community Development Department/ CDFW
	The project applicant shall record one or more conservation easements consistent with the above standards. The conservation easement(s) shall be executed by the	Recordation of Conservation Easement	Project applicant/ conservation operator	Prior to the issuance of grading permits	Community Development Department/ CDFW

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	project applicant and a conservation operator and shall satisfy the requirements of applicable state law. The conservation easement(s) shall be reviewed by CDFW prior to the recordation. The conservation easements shall prohibit planting or maintenance of vineyards or orchards, corn, rice, or safflower and other crops inconsistent with the foraging value of the project area.				
	The project applicant shall comply with and complete the above requirements, including City review and approval of a Swainson's hawk habitat management and monitoring plan in consultation with the California Department of Fish and Wildlife prior to the issuance of grading permits. The plan shall address, at a minimum, the following: crops and/or habitat types that will be planted and managed on the parcel; rotation and harvest schedule if crops are planted; and monitoring that will occur to ensure that the parcel is managed as Swainson's hawk habitat. The plan operator shall prepare and submit a report to the Director, Community Development Department, City of Sacramento regarding habitat and operations of the mitigation site on an annual basis.	Prepare a Swainson's Hawk Habitat Management and Monitoring Plan	Project applicant	Prior to the issuance of grading permits	Community Development Department/ CDFW
	(c) **VELB**: The project applicant shall implement avoidance, minimization, and compensation measures for VELB consistent with the Biological Opinion (June 2008) and Memorandum of Understanding (May 2008) with USFWS. These measures include the following:	Cease operation at the site if VELB is encountered and immediately notify USFWS. The project applicant shall retain a	Project applicant	During construction	Community Development Department/ USFWS

Table 1 McKinley Village EIR Mitigation Monitoring Plan

Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	Worker Environmental Awareness Program (WEAP) Training shall be conducted for all construction personnel by a USFWS-approved biologist prior to start of construction. WEAP shall include information on responsibilities regarding VELB, the life-history of the species, protections afforded under the FESA and potential penalties, and the protection measures identified in the Biological Opinion.	USFWS-approved biological monitor to ensure no unauthorized take of the species during construction.			
	A USFWS-approved biological monitor(s) shall inspect construction-related activities at the proposed site to ensure that no unauthorized take of federally listed VELB or destruction of their habitat occurs. The name(s) and resume(s) of the monitor(s) shall be submitted to USFWS 30 days prior to the start of construction. The monitor shall have the authority through communication with the resident engineer to stop all construction activities in the immediate area if a VELB is encountered during construction until appropriate corrective measures have been completed or until the VELB is determined to be unharmed. VELB encountered during construction activities shall be allowed to move away from the area on their own volition. The monitor shall notify USFWS immediately if any listed species are found on site. Project construction within 100 feet of elderberry shrubs shall be prohibited during the beetle emergence and mating period (March 15 through June 15) to eliminate any indirect effects on the beetle or its eggs.	Provide name/resume of biological monitor to USFWS 30 days prior to construction	Project applicant	30 days prior to construction	Community Development Department/ USFWS

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	Measures consistent with the current Construction Site Best Management Practices (BMPs) shall be implemented to minimize effects to the VELB during construction. BMPs shall be implemented to prevent sedimentation from entering environmentally sensitive areas (ESAs) and to reduce erosion, dust, noise and other deleterious aspects of construction-related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials shall be retained on the construction site and prevented from flowing into the ESAs. Roadways and areas disturbed by project activities within 100 feet of elderberry shrubs shall be watered at least twice a day to minimize dust emissions. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity shall be limited to the minimum necessary. Routes and boundaries shall be clearly demarcated. Movement of heavy equipment to and from the project site shall be restricted to established roadways to minimize habitat disturbance. Project-related vehicles shall observe a 20-miles-per-hour speed limit within construction areas, except on City and county roads and on state and federal highways. All heavy equipment, vehicles, and supplies shall be stored at the designated staging area at the				

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	end of each work period. During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies shall be restricted to the designated construction staging areas and exclusive of the ESAs. The project applicant (or construction contractor) shall ensure contamination of habitat does not occur during such operations. All workers shall be informed of the importance of preventing spills and appropriate measures to take should a spill occur. No application of herbicides, insecticides, and/or other chemical agents shall occur within 100-feet of the elderberry plants or where they might drift or wash into the area of the elderberry plants. The project applicant shall require documentation from the contractor that aggregate, fill, or borrow material provided for the project was obtained in compliance with the Act. Prior to the commencement of construction activities, high visibility fencing shall be erected around the VELB habitat to identify them and protect designated ESAs from encroachment of personnel and equipment. These areas shall be avoided by all construction personnel. The fencing shall be inspected before each work day maintained by the project applicant until completion of the project. The fencing may be removed only when the construction of the project is complete. • Fencing shall be established at a minimum setback of 20 feet from the drip line of each elderberry shrub that is between 20 and 100				

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	feet of the proposed project construction activity. These shrubs shall not be removed or transplanted. There shall be no physical alterations of any type within the area enclosed by the fencing. • Signs shall be posted every 50 feet along the edge of the ESA, with the following information: "This area is habitat of a federally threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs shall be clearly readable from a distance of 20 feet, and must be maintained for the duration of the construction. • A post construction walk-through shall be conducted to assess whether any damage occurred to vegetation within the buffer areas. Damage may include accidental cutting of vegetation or visible physical damage to roots, stems, and leaves. If damage is observed, vegetation within the buffer areas shall be restored with appropriate native plant species. Erosion control measures and exotic weed abatement measures shall be implemented. If unanticipated damage is done to elderberry shrubs, USFWS shall be notified and appropriate compensation shall be implemented. • After construction activities are complete, any temporary fill or construction debris shall be removed and disturbed areas restored to their pre-project conditions. An area subject to "temporary" disturbance includes an area				

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	that is disturbed during the project, but that, after project completion, shall not be subject to further disturbance and has the potential to be re-vegetated. • Prior to the commencement of construction activities, the project proponent shall compensate for the temporary and permanent loss of habitat of the VELB as follows: ○ Shrubs that cannot be preserved in place shall be transplanted to an area that will have minimal human use and where associated native riparian species are located or an alternative USFWS-approved mitigation site. ○ Elderberry shrubs shall be transplanted when the plant is dormant (November 1 through February 14) to increase the success of the transplanting, if feasible. A qualified biologist shall be available to monitor transplanting activity. ○ If transplantation is not feasible during the dormant period (i.e., because of timing constraints), the number of elderberry seedlings and associated native plants shall be increased to an appropriate amount, based on consultation with USFWS. ○ Each elderberry stem measuring 1 inch or greater in diameter at ground level that is adversely affected (i.e., transplanted or destroyed) shall be replaced with elderberry seedlings	Provide proof credits purchased from a USFWS approved conservation bank	Project applicant	Prior to issuance of grading permit	Community Development Department/ USFWS

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	**Mitigation Measure(s)**	**Action(s)**	**Implementing Party**	**Timing**	**Monitoring and Enforcement**
	and seedlings of associated species, in accordance with the Conservation Guidelines. Elderberry seedlings or cutting shall be replaced at ratios ranging from 1:1 to 6:1 (see Table 4.2-4 in the DEIR). ○ Associated native plants shall be planted at 1:1 or 2:1 ratios (see Table 4.2-5 in the DEIR). Stock of seedlings and/or cutting should be obtained from local sources. ○ Prior to ground-breaking activities at the project site, the project applicant shall purchase the required beetle habitat credits at a USFWS-approved conservation bank. Each credit purchased shall provide for the planting of five elderberry seedlings and five associated native plant seedlings. The project applicant proposed to purchase credits from Wildlands Inc., River Ranch Conservation Bank or another approved mitigation bank.				
4.2-4: The proposed project could contribute to a cumulative loss of habitat for common and special-status wildlife species.	**4.2-4** Implement Mitigation Measure 4.2-1(b).				
4.3 Cultural Resources					
4.3-1: Project construction could disturb, damage or	**4.3-1** (a) If any cultural resources, such as structural	Cease operation within	Project	During	Community

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
destroy unidentified subsurface archaeological or historical resources as defined in CEQA Guidelines Section 15064.5.	features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during any construction activities, the Contractor shall implement measures deemed necessary and feasible to avoid or minimize significant effects to the cultural resources including the following: o Suspend work within 100 feet of the find; and, o Immediately notify the City's Community Development Director and coordinate any necessary investigation of the site with a qualified archaeologist as needed to assess the resources (i.e., whether it is a "historical resource" or a "unique archaeological resource"); and, o Provide management recommendations should potential impacts to the resources be found to be significant; o Possible management recommendations for historical or unique archaeological resources could include resource avoidance or data recovery excavations, where avoidance is infeasible in light of project design or layout, or is unnecessary to avoid significant effects. o In addition, the Contractor in consultation with the Preservation Director, State Historic Preservation Officer, and if applicable, Tribal representatives, may include	100 feet of discovery and immediately notify Community Development Department. The project applicant shall retain a qualified archeologist	applicant	construction	Development Department

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	preparation of reports for resources identified as potentially eligible for listing in the California Register of Historical Resources.				
	(b) If a Native American site is discovered, the evaluation process required by Mitigation Measure 4.3-1(a) shall include consultation with the appropriate Native American representatives. If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment shall be conducted by a qualified archaeologist, who is certified by the Society of Professional Archaeologists (SOPA) and/or meets the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and by 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 representative is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archaeological sites are involved, all identified treatment (e.g., conduct additional archaeological surveys and provide measures to preserve the integrity or minimize damage or destruction of significant resources) is to be carried out by qualified historical archaeologists, who shall meet either Register of Professional Archaeologists (RPA) or 36 CFR 61 requirements.	Ground-disturbing activity within 100 feet of the resources shall be halted and a qualified archeologist shall be retained, per Mitigation Measure 4.3-1.	Community Development Department and Project Applicant	During construction	Community Development Department
	(c) If a human bone or bone of unknown origin is found during earth-moving activities, all work	Ground-disturbing activity within 100 feet of the	Community Development	During Construction	Community Development

Table 1 McKinley Village EIR Mitigation Monitoring Plan

Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	shall stop within 100 feet of the find, and the County Coroner shall be contacted immediately, pursuant to Section 5097.98 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code. 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.	remains shall be halted and Community Development Department and the County coroner shall be notified immediately.	Department and Project Applicant		Department/ Native American Heritage Commission
4.3-3: Construction of off-site infrastructure could damage or destroy previously undiscovered prehistoric or historic-period archaeological resources or human remains.	**4.3-**3 Implement Mitigation Measures 4.3-1(a) through 4.3-1(c).	Ground-disturbing activity within 100 feet of the remains shall be halted and Community Development Department and the County coroner shall be notified immediately.	Community Development Department and Project Applicant	During Construction	Community Development Department
4.3-5: The proposed project could contribute to cumulative losses of historic and prehistoric resources in the greater Sacramento region.	**4.3-**5 Implement Mitigation Measures 4.3-1 (a) through (c).	Ground-disturbing activity within 100 feet of the remains shall be halted and Community Development Department and the County coroner shall be notified immediately.	Community Development Department and Project Applicant	During Construction	Community Development Department

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
4.4 Hazards and Public Safety					
4.4-1: The proposed project could expose people (e.g., residents, pedestrians, construction workers) to existing contaminated soil during construction activities.	**4.4-1** (a) In the event that grading or construction of the proposed project reveals evidence of soil contamination, underground storage tanks (USTs), or other environmental concerns, a Construction Management Plan shall be prepared. The plan shall be prepared by a qualified environmental professional registered in California. The plan shall identify specific measures to take to protect worker and public health and safety and specify measures to identify, manage, and remediate wastes. The plan shall include the following: • Accident prevention measures: • Summary of known site history and site concentrations. • Appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including, without limitation, hazardous substance management, handling, storage, disposal, and emergency response. These work practices include the following: an on-site hazardous material spill kit shall be provided for small spills; totally enclosed containment shall be provided for all trash; and all construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, shall be removed to an appropriate waste facility permitted or otherwise authorized to treat, store, or dispose of such materials. • Instructions for marking/protecting the groundwater wellheads and gas probes so that	Prepare a construction management plan if any evidence of soil contamination is identified during grading or construction	Project applicant	During grading and construction	Community Development Department

Table 1 McKinley Village EIR Mitigation Monitoring Plan

Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	they are protected from destruction during construction activities. • Contamination evaluation and management procedures: • Identification of air monitoring procedures and parameters and/or physical observations (soil staining, odors, or buried material) to be used to identify potential contamination. • Procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potential contamination is encountered. • Procedures for limiting access to the contaminated area to properly trained personnel. • Procedures for notification and reporting, including internal management and local agencies (fire department, SCEMD, etc.), as needed. • A worker health and safety plan for excavation of contaminated soil. • Procedures for characterizing and managing excavated soils in accordance with CCR Title 14 and Title 22. • Procedures for certification of completion of remediation.				
4.4-2: The proposed project could expose people (e.g., residents, construction workers) to asbestos-containing materials or other hazardous materials or situations.	**4.4-2 Asbestos/ Construction Activities** (a) Implement Mitigation Measure 4.4-1(a).	Prepare a construction management plan if any evidence of asbestos is identified during grading or construction	Project applicant	During grading and construction	Community Development Department
	Closed Landfill (b) New residents shall be notified in writing of the	Provide notification to all new residents regarding the proximity to the closed	Project applicant	Part of the information provided in the	Community Development Department

Table 1 McKinley Village EIR Mitigation Monitoring Plan

Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	proximity to the closed 28th Street Landfill, the existence of landfill gas, the presence of a landfill gas collection system on the former 28th Street closed Landfill property, monthly landfill gas monitoring within and around the project site, details for how to obtain the landfill gas monitoring reports, and the potential for odors and other nuisances originated from activities on the closed Landfill.	landfill and presence of the landfill gas collection system		sales packet and recorded with the property deed	
4.6 Noise and Vibration					
4.6.4: Noise from the adjacent UPRR tracks could result in interior noise levels at the project that exceed the City's 45 dBA Ldn standard.	**4.6-4** (a) All windows visible to trains shall have a minimum Sound Transmission Class (STC) Rating of 35. All other windows (bedroom or otherwise) from which the trains would NOT be visible shall have a STC rating of at least 30.	Windows adjacent to the UPRR tracks or visible to the tracks shall have a rating of 35; all other windows shall be rated 30.	Project applicant	During project construction	Community Development Department
	(b) Exterior doors facing the railroad tracks shall be solid core with a minimum rated STC value of 35.	Exterior doors facing the UPRR tracks shall be rated 35.			
	(c) Exterior wall construction for the walls facing the railroad tracks shall consist of 2- x 6-inch studs with insulation completely filling the stud cavity, stucco exterior, and two layers of 5/8-inch thick gypsum board on the interior surfaces.	Exterior walls of residences facing the UPRR tracks shall consist of 2x6 studs with insulation filling the cavity.			
	(d) Mechanical ventilation shall be provided to allow occupants to close doors and windows as desired to achieve acoustical isolation as desired.	Ventilation shall be provided in all buildings			

Table 1 McKinley Village EIR Mitigation Monitoring Plan

Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	(e) Roof materials shall be concrete tile or heavy-duty shingles such as the CertainTeed Presidential Series (or acoustic equivalent).	Roofing materials shall be concrete or heavy-duty shingles			
	(f) Disclosure statements shall be provided to all prospective residences, as well as recorded against the land, notifying of the presence of the UPRR tracks and the accompanying elevated noise environment associated with existing and projected increased future rail activity.	Notification shall be provided to all prospective residents regarding proximity to the UPRR tracks			
4.6.5: Noise from the adjacent Capital City Freeway could result in interior noise levels at the project that exceed the City's 45 dBA L_{dn} standard.	**4.6-5** (a) All windows visible to Capital City Freeway (not just bedroom windows) shall have a minimum Sound Transmission Class (STC) Rating of 35. All other windows shall have a minimum STC Rating of 30.	Windows adjacent to the freeway or visible to the freeway shall have a rating of 35; all other windows shall be rated 30.	Project applicant	During project construction	Community Development Department
	(b) Exterior wall construction shall consist of insulation in the stud cavity, stucco exterior, and 5/8-inch thick gypsum board on the interior surfaces.	Exterior walls of residences facing the freeway shall consist of insulation filling the cavity.			
	(c) All exterior doors and windows shall be fully weather-stripped.	All exterior doors and windows will be weather-stripped			
	(d) Mechanical ventilation shall be provided to allow occupants to close doors and windows as desired to achieve acoustical isolation as desired.				
	(e) Disclosure statements shall be provided to all prospective residences, as well as recorded with the deed, notifying of the presence of the highway and the accompanying elevated noise	Notification shall be provided to all prospective residents regarding proximity to the freeway	Project applicant	Part of the information provided in the sales packet	Community Development Department

Table 1 McKinley Village EIR Mitigation Monitoring Plan

Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	environment associated with existing and projected increased traffic on Capital City Freeway.				
4.6-6: The proposed project could expose on-site residential areas to vibration greater than 0.5 inch per second due to adjacent highway traffic and rail operations.	**4.6-6** Disclosure statements shall be provided to prospective homebuyers for homes located adjacent to the UPRR right-of-way, informing them of the presence of the UPRR tracks and that vibration may be periodically perceptible during train pass bys.	Notification shall be provided to all prospective residents regarding proximity to	Project applicant	Part of the information provided in the sales packet and recorded with the property deed	Community Development Department
4.9 Transportation and Circulation					
4.9-1: The proposed project could cause potentially significant impacts to study intersections.	**4.9-1** The project applicant shall pay the City of Sacramento Traffic Operations Center to monitor and re-time the H Street/Alhambra Boulevard traffic signal to optimize traffic flow through the intersection.	Payment to the City to monitor and re-time the H Street/Alhambra Boulevard traffic signal and adjust signal timing for optimal traffic operations	Project applicant and Sacramento Traffic Operations Center	Submittal of Improvement Plans	Department of Public Works
4.9-5: Project buildout could cause potentially significant impacts due to construction-related activities.	**4.9-5:** Prior to the beginning of construction, the applicant shall prepare a construction traffic and parking management plan to the satisfaction of City Traffic Engineer and subject to review by all affected agencies. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include: • Description of trucks including: number and size of trucks per day, expected arrival/departure times, truck circulation patterns. • Description of staging area including: location, maximum number of trucks simultaneously permitted in staging area, use of traffic control	Prepare a detailed Construction Traffic and Parking Management Plan	Project applicant	Prior to Construction	Department of Public Works

Table 1 McKinley Village EIR Mitigation Monitoring Plan

Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	personnel, specific signage. • Description of street closures and/or bicycle and pedestrian facility closures including: duration, advance warning and posted signage, safe and efficient access routes for emergency vehicles, and use of manual traffic control. • Description of driveway access plan including: provisions for safe vehicular, pedestrian, and bicycle travel, minimum distance from any open trench, special signage, and private vehicle accesses.				
4.9-6: The proposed project could cause potentially significant impacts to study intersections under cumulative plus project conditions.	**4.9-6:** (a) The project applicant shall contribute its fair share to the City of Sacramento Traffic Operations Center to monitor and re-time the H Street/Alhambra Boulevard, H Street/30th Street, and H Street 29th Street traffic signals to optimize flow through the corridor, and contribute its fair share to the City of Sacramento to implement the following improvements:	Contribution of funds to the City to monitor and re-time the H Street/Alhambra Blvd, H Street/30th Street, H Street/29th Street traffic signals	Project applicant	Submittal of Improvement Plans	Department of Public Works
	• Restripe the westbound approach to the H Street/Alhambra Boulevard intersection to have one shared through/right lane and one shared through/left lane.	Payment of funds to the City to restripe westbound approach to the H Street/Alhambra Blvd intersection	Project applicant	Submittal of Improvement Plans	Department of Public Works
	• Remove on-street parking on the north side of H Street between 30th Street and Alhambra Boulevard to accommodate two westbound travel lanes.	Payment of funds to the City to remove on-street parking on the north side of H Street between 30th Street and Alhambra Boulevard	Project applicant	Submittal of Improvement Plans	Department of Public Works
		Payment of funds for City	Project	Submittal of	Department of

Table 1 McKinley Village EIR Mitigation Monitoring Plan

Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
	• Prohibit on-street parking during peak periods (7-9 AM and 4-6 PM) on the south side of H Street to allow for two eastbound lanes between 30th Street and Alhambra Boulevard while maintaining the same lane configurations on the eastbound approach to the H Street/Alhambra Boulevard intersection.	staff to prohibit on-street parking during AM and PM peak hours	applicant	Improvement Plans	Public Works
	(b) The project applicant shall contribute its fair share to the City of Sacramento Traffic Operations Center to monitor and re-time the E Street/Alhambra Boulevard traffic signal to optimize flow, and contribute its fair share to the City of Sacramento to implement the following improvements:	Contribution of funds to the City to monitor and re-time the E Street/Alhambra Blvd traffic signal	Project applicant	Submittal of Improvement Plans	Department of Public Works
	• Remove the bulb-out on the southbound approach to the E Street/Alhambra Boulevard intersection and prohibit on-street parking on the west side of Alhambra Boulevard during peak periods (7-9 AM and 4-6 PM) to allow for the installation of a dedicated southbound right-turn lane.	Payment of funds to City staff to remove the bulb-out on the southbound approach to the E Street/Alhambra Blvd intersection and to prohibit parking on the west side of Alhambra Blvd during AM and PM peak hours	Project applicant	Submittal of Improvement Plans	Department of Public Works
	• Restripe the northbound approach to the E Street/Alhambra Boulevard intersection to include a northbound dedicated right-turn lane.	Payment of funds to City staff to restripe northbound approach to the E Street/Alhambra Blvd intersection	Project applicant	Submittal of Improvement Plans	Department of Public Works
	(c) The project applicant shall contribute its fair share toward the installation of a traffic signal at the McKinley Boulevard/33rd Street intersection.	Contribution of funds to the City towards the installation of a traffic signal at McKinley	Project applicant	Submittal of Improvement Plans	Department of Public Works

Table 1 McKinley Village EIR Mitigation Monitoring Plan					
Impact	Mitigation Measure(s)	Action(s)	Implementing Party	Timing	Monitoring and Enforcement
4.9-10: Project build out could cause potentially significant impacts due to construction-related activities.	**4.9-10** Implement Mitigation Measure 4.9-5.	Blvd/33rd Street intersection			

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City of SACRAMENTO
Community Development

300 Richards Boulevard
3RD FLOOR
SACRAMENTO, CA
95811

McKINLEY VILLAGE FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2008082049

ERRATA: April 14, 2014

The McKinley Village Final Environmental Impact Report (Final EIR) has been released for public review. The City has provided copies of responses to written comments on the Draft EIR to persons and agencies submitting such comments.

The following changes are being made to the Final EIR as circulated. The discussion below identifies the changes and the affected sections of the Final EIR. Additions are shown in underline, and deletions in ~~strikethrough~~.

4.2 Biological Resources

Swainson's Hawk Foraging Habitat

The Draft EIR identified significant effects for loss of Swainson's hawk foraging habitat. See Impact 4.2-1, Draft EIR page 4.2-31. Mitigation Measure 4.2-1(b) identified mitigation for the loss of foraging habitat via providing replacement habitat at a 1:1 ratio. The mitigation measure includes performance measures to ensure that adequate mitigation is provided.

The text of the Draft EIR, and Responses to Comments 11-5 and 11-6, indicated that replacement habitat would be located within 10 miles of the project site. Mitigation Measure 4.2-1(b) does not include such a restriction, nor does guidance provided by CDFW require such a restriction. In Response to Comment 11-5, the Final EIR indicated that the applicant was proposing to utilize land in the Yolo Bypass to satisfy the mitigation measure. The applicant has indicated that it is evaluating several sites as candidates for mitigation and is not limiting the search to just this site. The Draft EIR does not discuss this particular site, or any other, as potential mitigation.

Mitigation Measure 4.2-1(b) identifies the process that would be followed in confirming proposed mitigation in the event the project is approved. No approval for any specific mitigation site has been made, and the City has not reviewed any specific site to determine whether it satisfies the requirements of the mitigation measure.

The Draft EIR text and Responses to Comments 11-5 and 11-6 require clarification, and are corrected as follows.

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Draft EIR, page 4.2-34

Mitigation Measure 4.2-1(b) would provide compensation for the loss of foraging habitat for the Swainson's hawk to ensure adequate foraging land is preserved ~~within 10 miles of the project site~~ at a location that will provide foraging habitat value to Swainson's hawks consistent with CDFW guidance. CDFW guidance provides that mitigation lands should be provided if an active nest is located within a 10-mile radius of the project site. It is anticipated that the value of this habitat would be ~~significantly~~ equal to or higher than what currently occurs on the project site.

Implementation of this mitigation measure would reduce impacts to the Swainson's hawk and other raptors from the loss of foraging habitat.

Draft EIR, page 4.2-43

Mitigation Measure 4.2-1(b) would mitigate the loss of Swainson's hawk foraging habitat by ensuring that land is preserved at a 1:1 ratio ~~within 10 miles of the project site.~~ and consistent with CDFW guidance. This would allow foraging raptors to still have access to foraging land for survival. This mitigation would reduce the cumulative impact to a less-than-significant impact. Habitat preserved under this measure would also mitigate potential impacts to white-tailed kite and burrowing owl.

Response to Comment 11-5

The comment states that the alleged understatement of the value of foraging habitat on the project site undermines the significance finding and mitigation.

Please see Response to Comment 11-3 with respect to the value of the project site as foraging habitat for Swainson's hawks. Regarding mitigation, as noted in Response to Comment 11-4, because of the disturbed, fragmented, and heavily managed nature of the project site, it is unlikely used as a primary source of prey items by the Swainson's Hawks nesting near the project site. Page 4.2-34 of the Draft EIR notes that the City requires that the "loss of Swainson's hawk foraging habitat be mitigated through acquisition and/or preservation of similar or better habitat." Furthermore, as stated in the Draft EIR, Mitigation Measure 4.2-1(b), would provide compensation for the loss of foraging habitat for the Swainson's hawk to ensure adequate foraging land is preserved consistent with CDFW guidance ~~within 10 miles of the project site. The land.~~ A potential property proposed as a mitigation site for Swainson's hawk foraging habitat that would be lost through implementation of the proposed project is the "Notch" property, located in the Yolo Bypass just west of the City of West Sacramento (APN 033-300-021-000). This land comprises more than 100 acres, of which the applicant will provide 51.5 acres of mitigation: 50 acres to mitigate for the loss of potential foraging habitat associated with on the project site and 1.5 acres to mitigate for the loss of foraging habitat due to the extension of A Street and construction of off-site detention basins. Per CDFW guidance, mitigation lands shall be habitat that is ~~This land consists of habitat~~ considered ~~by the CDFW as~~ suitable as foraging habitat for Swainson's hawk. The mitigation land eventually identified and approved will be ~~located within a 10-mile radius of the project site (per CDFW guidance), and will be~~ managed as Swainson's hawk foraging habitat in perpetuity. Consequently, the selected mitigation land, ~~which will require approval by, CDFW~~ is expected to be ~~substantially~~ equal to or higher in value than what the project site currently provides and,

therefore, would adequately reduce the impact associated with the loss of the project site as foraging habitat to less than significant. The City would evaluate any proposed mitigation, including the above site, to determine whether the proposed mitigation complies with Mitigation Measure 4.2-1(b). With respect to the commenter's statement regarding the project's potential to adversely affect the function of the American River Parkway as a wildlife movement corridor, the project site is located well south and west of the American River Parkway, with the Capital City Freeway and an established neighborhood (River Park) serving to substantially fragment the project site from the Parkway, such that the project site is not considered as a component, geographically or ecologically, of the Parkway. Therefore, the loss of the project site would not adversely affect wildlife movement along the Parkway.

Response to Comment 11-6

~~The current~~ Potential mitigation lands are proposed in the Yolo Bypass (see Response to Comment 11-5) where Swainson's hawks are far more abundant than in the vicinity of the project site. ~~For this reason,~~ CDFW guidance includes reference to management standards for Swainson's hawk habitat as set forth in the 1994 *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* ~~has concluded that providing Swainson's hawk foraging habitat in perpetuity within 10 miles of the project site is adequate mitigation to compensate for the loss of on-site foraging habitat~~. (FEIR, p. 3-153.) Mitigation Measure 4.2-1(b) would mitigate the loss of Swainson's hawk foraging habitat by ensuring that land is preserved at a 1:1 ratio consistent with CDFW guidance.

4.7 Public Services

Since release of the Draft EIR the Sacramento City Unified School district has accepted the territory transfer of the project site into the SCUSD. Therefore, the discussion in the Draft EIR pertaining to the Twin Rivers Unified School district is removed. The revised student generation estimate is provided below in Table 4.7-4. As shown in the table, the number of students has declined slightly with the reduction in single-family units and the addition of 24 multifamily units.

Page 4.7-24, Table 4.7-4.

Table 4.7-4
Student Generation Estimates

Unit Type	SCUSD Generation Rates		Number of Units		Increase of Student Enrollment Generated by the Proposed Project
	Single-Family	*Multi-Family*	*Single-Family*	*Multi-Family*	
Elementary School (K-6)	.44	.19	312	24	~~144~~ 142
Middle School (7-8)	.12	.03	312	24	~~39~~ 38
High School (9-12)	.23	.04	312	24	~~75~~ 73
Total	**.79**	**.26**	**312**	**24**	**~~258~~ 253**

Source: SCUSD 201~~2~~4.

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4.8, Public Utilities

The following corrections are made to Tables 4.8-8, 4.8-9, and 4.8-10 on pages 4.8-26 and 4.8-27.

Page 4.8-26, Tables 4.8-8 and 4.8-9:

Table 4.8-8
Proposed Project Water Demand

Proposed Use	Demand Factor (AFY)	Acres/Units ~~of Proposed Development~~	Total Demand (AFY)
Residential – SF	~~3.05~~ .448	~~30.1~~ 312	~~91.8~~ 139.75
Residential – MF	.252	24	6.05
Parks and Recreation and landscaped common areas	3.89	~~3.4~~ 6.2	~~13.2~~ 24.12
Public streets	.09	~~11.7~~ 12	1.0~~5~~8
		Total	**~~106.05~~ 171**

Source: City of Sacramento 20~~06~~14.

Table 4.8-9
Proposed Project Wastewater Generation

Proposed Use	Units	ESD Equivalent Factor (1 ESD = 400 gpd)[1]	Average Wastewater (gpd)	Peak Flow (gpd) (Peaking Factor = 3.3)[1]
Single-Family Residential	~~328~~ 336	1.0 ESD	~~131,200~~ 134,400	~~432,960~~ 443,520
Recreation Center	1.0 acre	6.0 ESD/acre	2,400	7,920
		Total	**~~133,600~~ 136,800 gpd**	**~~440,880~~ 451,440**

Source: [1]Gulseth, pers. comm. 2013.

Page 4.8-27, Table 4.8-10:

Table 4.8-10
Proposed Project Solid Waste Generation

Proposed Use	Unit of Measurement	Generation Rate	Waste Generated (Approx.)	Waste Sent to Landfills (Approx.)
Single-Family Residential[1]	~~328~~ 336 units	1.1 tons/unit/year	~~361~~ 397 tons/yr	~~137~~ 151 tons/yr
Recreation Center[2]	1 acre (43,560 sf)	3.12 lb/100 sf/day	225 tons/yr	85 tons/yr
		Total	**~~586~~ 595 tons/yr**	**~~222~~ 236 tons/yr**

Sources:
[1]City of Sacramento 2009b.
[2]CalRecycle 2013.
Notes:
1.0 acre was assumed for the recreation center, which represents a conservative estimate.
lb = pound
sf = square feet

Page 4.8-28, 1st paragraph:

> Table 4.8-9, the development of the proposed project would result in a total water demand of ~~106.05~~ 171 AFY (0.~~095~~15 mgd). The City of Sacramento is the water service provider in the project area. Water to serve the project site would be supplied through surface water from the Sacramento and American rivers. As discussed earlier in the Environmental Setting section, the City's water supply entitlements currently exceed demand during the multiple-dry years through 2035. Development within the City and the associated increase in water demand was previously assumed in the City's MEIR, which concluded that the City has sufficient water supplies to meet the demand associated with buildout of the 2030 General Plan. Development within the City was also included in the analysis of water supply and demand included in the City's 2010 UWMP. Thus, the water demand associated with the proposed project, ~~106.05~~ 171 AFY as shown in Table 4.8-8 is slightly less than .~~03~~ .05 % of the City's current available water supply of 346,800 AFY.

Page 4.8-29, 2nd paragraph:

> The proposed project's estimated water demand of ~~106.05~~ 171 AFY (0.~~095~~15 mgd) would require treatment prior to delivery to the project site. As discussed in the Environmental Setting section, the SRWTP and the FWTP have a combined reliable capacity of 295 mgd.

Section 4.9, Transportation and Circulation

Page 4.9-90, Mitigation Measure 4.6-6:

> (a) The project applicant shall contribute its fair share to the City of Sacramento Traffic Operations Center to monitor and re-time the H Street/Alhambra Boulevard, H Street/30th Street, and H Street 29th Street traffic signals to optimize flow through the corridor, and contribute its fair share to the City of Sacramento to implement the following improvements:

(b) The project applicant shall contribute its fair share to the City of Sacramento Traffic Operations Center to monitor and re-time the E Street/Alhambra Boulevard traffic signal to optimize flow, and contribute its fair share to the City of Sacramento to implement the following improvements:

Chapter 5, Project Alternatives

The following revisions to Tables 5-1, 5-3, 5-4, and 5-5 in Chapter 6 reflect the new unit count and demand factors.

Page 5-19, first paragraph:

> This alternative would have 102 fewer residential units, and approximately 204 fewer residents (assuming 2.0 residents per unit), although the footprint of the project (site area) would be the same. As shown in Table 5-1, the number of average daily project vehicle trips would be reduced under this alternative from ~~3,507~~ 3,513 to 2,423.

Page 5-19, last paragraph:

> Public services and utilities impacts would be similar to the proposed project, although slightly less, due to the reduced density. Water demand would be ~~104.91~~ 110.13 AFY compared to ~~106.05~~ 171 for the proposed project (see Table 5-4). Wastewater flow would be 92,800 gpd, compared to 133,600 for the proposed project (see Table 5-5). Solid waste generation would be lower than the proposed project, at 474 tons/year compared to 586 tons/year (see Table 5-6), with a diversion rate of 62% (to recycling and composting rather than landfills). Energy demands would be slightly reduced to the lower number of housing units. Overall, public utilities impacts would be less than significant.

Page 5-22, 4th paragraph:

> As shown in Table 5-1, the number of average daily project vehicle trips would be increased under this alternative from ~~3,507~~ 3,513 to 6,366.

Page 5-25, 4th paragraph:

> Public services and utilities impacts would be similar to the proposed project, although overall service demand would be higher due to the increased density. ~~Water demand would be 112.65 AFY compared to 106.5 AFY for the proposed project (see Table 5-4).~~

Page 5-26, 4th paragraph. The following sentence is added:

> Under Alternative 4, the increase in water demand would be 262.7 AFY compared to 171 AFY for the proposed project (see Table 5-4). This would result in an increased demand for water compared to the proposed project.

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Table 5-1
Trip Generation Comparison – Project Alternatives

Land Use	Description	Trips		
		Daily	*AM Peak Hour*	*PM Peak Hour*
Proposed Project	328 336 Residential Units	~~3,507~~ 3,513	266	~~341~~ 342
Alternative 1: No Project/No Development Alternative	Site remains undeveloped	-	-	-
Alternative 2: No Project/ Existing Zoning Alternative	Train Maintenance Yard -280 employees[2]	857	146	139
Alternative 3: Lower Density Alternative	226 Residential Units (+26 granny flats)	2,423	186	239
Alternative 4: Higher Density/Mixed Use Alternative	550 Residential Units; 20,000 sf commercial (+70 granny flats)	6,366	453	606

Source: Fehr & Peers, 2013.
Note:
[1] Trips calculated using rates published in Trip Generation Manual 9th Edition (ITE, 2012).
[2] Trips include employees and service/delivery trips.

Table 5-3
Operational ROG and NO_x Emission Comparison – Project Alternatives

	Proposed Project (pounds/day)		Alternative 2 (pounds/day)		Alternative 3 (pounds/day)		Alternative 4 (pounds/day)	
Emission Source	*ROG*	*NO_x*	*ROG*	*NO_x*	*ROG*	*NO_x*	*ROG*	*NO_x*
Area (excluding Consumer products)	10.99	0.36	1.41	Negligible	8.14	0.24	15.53	0.69
Area – Consumer Products	~~13.03~~ 13.30	0	3.82	0	8.93	0	21.79	0
Energy	Unmitigated: 0.~~31~~32 Mitigated: 0.~~23~~20	Unmitigated: 2.66 Mitigated: 1.96	0.20	1.78	Unmitigated: 0.21 Mitigated: 0.13	Unmitigated: 1.83 Mitigated: 1.12	Unmitigated: 0.53 Mitigated: 0.32	Unmitigated: 4.50 Mitigated: 2.75
Mobile	Unmitigated: 39.4~~6~~82 Mitigated: 37.~~21~~53	Unmitigated: 37.69 Mitigated: 35.62	12.49	11.96	Unmitigated: 26.71 Mitigated: 25.19	Unmitigated: 25.50 Mitigated: 24.10	Unmitigated: 71.47 Mitigated: 67.37	Unmitigated: 68.38 Mitigated: 64.61
Total	**Unmitigated: ~~63.79~~ 64.43 Mitigated: ~~61.42~~ 62.02**	**Unmitigated: 40.71 Mitigated: 37.61**	**17.92**	**13.74**	**Unmitigated: 43.99 Mitigated: 42.39**	**Unmitigated: 27.57 Mitigated: 25.46**	**Unmitigated: 109.32 Mitigated: 105.01**	**Unmitigated: 73.67 Mitigated: 68.05**

Note: Values represent winter emissions only, as winter emissions are slightly higher than summer emissions.

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Table 5-4
Water Demand Comparison – Project Alternatives

Proposed Use	Demand Factor (AFY)	Acres/ Units	Demand (AFY)	Acres/Units	Demand (AFY)	Acres/Units	Demand (AFY)	Acres/Units	Demand (AFY)
		Proposed Project		*Alternative 2*		*Alternative 3*		*Alternative 4*	
Residential - SF	~~3.05~~ .448	~~30.1~~ 312	~~91.8~~ 139.75	0	0	~~32.3~~ 226	~~98.5~~ 101.25	~~30.6~~ 550	~~93.3~~ 246.4
Residential - MF	.252	24	6.05	0	0	0	0	0	0
Parks and Recreation	3.89	~~3.4~~ 6.2	~~13.2~~ 24.12	0	0	2	7.78	3.2	12.5
Commercial	2.78	0	0	0	0	0	0	1.0	2.78
Industrial	3.70	0	0	33.5	123.9	0	0	0	0
Public streets	.09	~~11.7~~ 12	1.0~~5~~8	3.8	0.34	11.9	1.1	11.4	1.02
Total			**~~106.05~~ 171**		**124**		**~~107.4~~ 110.13**		**~~109.6~~ 262.7**

Source: City of Sacramento 2006; City of Sacramento 2010.
Note: Alternative 1, No Development, would not generate water demand

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Community Development

Table 5-5
Wastewater Generation – Project Alternatives

Proposed Use	ESD Equivalent Factor (1 ESD = 400 gpd)[1]	Units	Average Waste-water (gpd)	Units	Average Waste-water (gpd)	Units	Average Waste-water (gpd)	Units	Average Waste-water (gpd)
		Proposed Project		*Alternative 2*		*Alternative 3*		*Alternative 4*	
Single-Family Res.	1.0 ESD	~~328~~ 336	~~131,200~~ 134,400	0	0	226	90,400	550	220,000
Rec. Center	6.0 ESD/acre	1.0 acre	2,400	0	0	1.0 acre	2,400	1.0 acre	2,400
Commercial and Industrial	0.2 ESD/1000 sf	0	0	153,500 sf building area[2]	12,280	0	0	20,000 sf	1,600
		Total	**~~133,600~~ 136,800**		**12,280**		**92,800**		**224,000**

Source: [1]Gulseth, pers. comm. 2013; City of Sacramento 2010.
Note: [2] Process water, while not necessarily entering sanitary sewer, would require filtration before entering storm water system and/or recycled for on-site use.
1.0 acre was assumed for the recreation center which represents a conservative estimate.
Peak factor is 3.3 times average wastewater
Alternative1,No Development, would not generate waste water flows.

Table 5-6
Solid Waste Generation – Project Alternatives

Proposed Use	Generation Rate	Units	Waste (tons/ year)	Units	Waste (tons/ year)	Units	Waste (tons/ year)	Units	Waste (tons/ year)
		Proposed Project		*Alternative 2*		*Alternative 3*		*Alternative 4*	
Single-Family Residential	1.1 tons/ unit/year	~~328~~ 336	~~361~~ 397	0	0	226	249	550	605
Recreation Center	3.12 lb/100 sf/day	1.0 acre	225	0	0	1.0 acre	225	1.0 acre	225
Commercial Industrial	10.8 lbs/ Employee/ day			280 emp.	393[1]	0	0	30 emp.	59
Total			**~~586~~ 595**		**393**		**474**		**889**

Source: City of Sacramento 2009b; City of Sacramento 2010; CalRecycle 2013.
Notes: [1] Standard generation rate may underestimate waste generated from servicing of coaches
1.0 acre was assumed for the recreation center which represents a conservative estimate.
For the industrial uses, 260 working days per year are assumed, for retail uses, 365 days per year are assumed.
lb = pound, sf = square feet, 1 ton = 2000 lb
Alternative 1, No Development, would not generate solid waste.

Response to Comment 31-151

The project proposes a density of approximately 11.2 residential units per acre, which City staff finds to be an appropriate balance between the densities envisioned in the Blueprint for a Low-Density Mixed-Use Center or Corridor (~12.65 du/ac) and Single-Family Small Lot (~7.63 du/ac). The Lower Density Alternative proposes approximately 7~~.5~~ residential units per acre, which falls below the densities envisioned in the Blueprint for either the Low-Density Mixed-Use Center or Corridor or Single-Family Small Lot designations.

Master Response 2

Page 3-21, 3rd paragraph:

Since the publication of the Draft EIR, the number of housing units in the proposed project has been revised to 336; 312 single-family and 24 multifamily units. Using SCUSD student generation rates, this yields ~~265~~ 253 students. Of these, ~~148~~ 142 would be elementary school students, ~~40~~ 38 middle school students, and ~~77~~ 73 high school students. The slight ~~increase~~ decrease in projected students does not change the results of the analysis in the Draft EIR. As discussed below, the number of potential new students would not exceed the capacity of the affected schools.

Page 3-22, 3rd paragraph:

The actual enrollment effect to Theodore Judah is likely to be much less than the sudden

introduction of ~~148~~ 142 students in addition to the current 581 students. Not all of the elementary school students living within the project area would be expected to attend Theodore Judah. As an "open enrollment" district, students have the option to attend schools other than the school in their attendance area, in addition to the choice of private schools. To illustrate the potential effect of open enrollment, 65.8% of the eligible students within the Theodore Judah attendance area attended the school in 2012/2013. In the 2013/2014 school year that percentage rose to 71% (385 out of 542 potential students). Applying the higher percentage to the revised student generation figures yields ~~105~~ 101 elementary school students (~~10~~ 6 more than the Draft EIR estimate).

Final EIR and Recirculation

The changes made to the Draft EIR text, Master Response 2 and Responses to Comments 11-5, 11-6, 31-151as set forth above do not constitute significant new information, but clarify and correct text that may be misleading to the reader. These changes do not show that a new significant effect would occur, or that an increase in severity of impact would occur. None of the conditions identified in CEQA Guidelines section 15088.5 are present, and recirculation of the EIR is not required.