**Meeting Date**: **9/24/2015**

**Report Type:** Public Hearing

**Report ID:** 2015-00623

City of SACRAMENTO 06

City Council Report
915 I Street, 1st Floor
www.CityofSacramento.org

**Title: Third Party Appeal: Curtis Park Village Fuel Center (P14-036) [Noticed 09/15/2015]**

**Location:** District 5

**Recommendation:** Conduct a public hearing and upon conclusion pass 1) a Resolution Certifying the Addendum to a previously adopted EIR and Mitigation Monitoring Plan; and 2) a Resolution approving the Conditional Use Permit and Site Plan and Design Review to construct and operate a gas station on approximately 0.46 acres in the Shopping Center (SC-PUD) Zone in the Curtis Park Village Planned Unit Development.

**Contact:** Antonio Ablog, Acting Senior Planner, (916) 808-7702; Lindsey Alagozian, Senior Planner, (916) 808-2659, Community Development

**Presenter:** Antonio Ablog, Acting Senior Planner, (916) 808-7702, Community Development

**Department:** Community Development Dept
**Division:** Planning
**Dept ID:** 21001221
**Attachments:**
01-Description/Analysis
02-Background
03-Land Use Map
04-Context Map
05-Planning and Design Commission Record of Decision
06-Project Appeal
07-Environmental Resolution
08-Mitigation Monitoring Program
09-Project Entitlements Resolution
10-Overall Site Plan
11-Site Plan Detail
12-Kiosk Plan
13-Kiosk Elevations
14-Canopy Elevations
15-Site Elevations
16-Landscape Plan

## City Attorney Review

Approved as to Form
Jeffrey Heeren
9/17/2015 10:21:34 AM

## Approvals/Acknowledgements

Department Director or Designee: Ryan Devore - 7/17/2015 3:22:33 PM

## Description/Analysis

**Issue Detail:** The applicant is seeking the approval of a Conditional Use Permit (CUP) and Site Plan and Design Review to construct and operate a new gas station in the Shopping Center (SC-PUD) Zone in the Curtis Park Village Planned Unit Development (PUD). The proposed gas station is located on approximately 0.46 acres of an 11.8 acre commercial site. To date, approximately seven (7.0) acres has been granted design review entitlements for the development of the commercial shopping center (prior approval Design Review 14-110).

On June 11, 2015, the requested entitlements were heard by the Planning and Design Commission. The Planning and Design Commission voted to approve the project entitlements with an additional condition requiring the gas station to be developed and operated as a Safeway gas station (Attachment 9, Condition C11.). On June 19, 2015, a third-party appeal of the Planning and Design Commission's decision was submitted. The appeal asserts: (1) that the proposed project will be detrimental to the welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood; (2) that the project is fundamentally inconsistent with the Curtis Park Village PUD Guidelines; (3) that the project approval's reliance on a California Environmental Quality Act (CEQA) Addendum is legally deficient; (4) that the Addendum itself is legally deficient; and (5) that approval of the project violates CEQA.

**Policy Considerations:**

**General Plan**

The 2035 Sacramento General Plan Update (SGPU) designates the subject site as Traditional Center. The General Plan describes a Traditional Center as an element of sustainable, walkable, traditional neighborhoods that provides essential daily services within walking distance of surrounding residents.

The Traditional Center designation *"provides for residential and non-residential, moderate intensity, single-use development"* or mixed use development that includes retail, service, and office uses (SGPU pg. 2-65). The Floor Area Ratio (FAR) range for development in the Traditional Center is 0.3 to 3.0. The FAR for the shopping center site is 0.36, within the Traditional Center target FAR range.

The project is consistent with the following General Plan policies:

Policy LU 4.1.1 Mixed-Use Neighborhoods states that the City shall require neighborhood design that incorporates a compatible and complementary mix of residential and nonresidential (e.g., retail, parks, schools) uses that address the basic daily needs of residents and employees.

- The proposed gas station will be located in a commercial center within the larger Curtis Park Village PUD. The PUD schematic plan distributes a mix of uses throughout the development including residential uses at various densities; retail and service uses; and recreational uses.

Policy 5.3.1 states that the City shall continue to support development and operation of centers in traditional neighborhoods by providing flexibility in development standards, consistent with public health and safety, in response to constraints inherent in retrofitting older structures and in creating infill development in established neighborhoods.

- In its original adoption of the Curtis Park Village, the City Council found the Shopping Center (SC) Zone and the Curtis Park Village PUD to be consistent with the General Plan and the Traditional Center designation. The proposed gas station consists of a service use that is allowed in the SC zone subject to a conditional use permit and is consistent with the allowed uses in the Traditional Center designation. Furthermore, the construction of a gas station does not preclude the balance of the 11.8 acre Curtis Park Village commercial site from providing neighborhood serving, walkable commercial uses. Staff finds the proposed project to be consistent with this 2035 General Plan Policy.

LU 5.1.5 states, *"Vertical and Horizontal Mixed-Use. The City shall discourage low-intensity and auto-oriented uses around transit stations."* Staff analyzed the proposed project in light of this General Plan policy and finds that the project is consistent with the policy based upon the following:

- The immediate land uses surrounding the existing light rail transit station are a higher-intensity, ridership generating mix of uses. Directly adjacent to the station on the west side of the train tracks is a community college and a stadium. Once the pedestrian bridge is completed, the station will be connected to the existing Curtis Park neighborhood via the new extension of 10th Avenue. The land uses surrounding the foot of the pedestrian bridge and the 10th Avenue street connection to the bridge include an approved multi-family project, the neighborhood/community shopping center, and single-family residential uses. The gas station, while in the general area of the pedestrian bridge, will not be immediately visible from the light rail station platform and will not interfere with access to the bridge. The gas station site is located more than 400-feet south of 10th Avenue.

- The location of the gas station within the larger shopping center does not inhibit the ability of the surrounding community to access the transit station (see context map, Attachment 3). The gas station is not located adjacent to 10th Avenue, the immediate pedestrian/bicycle connection to the pedestrian bridge. Transit riders coming from the existing Curtis Park neighborhood will either walk west down 10th Avenue or south down Crocker Road. Riders coming from the new residences under construction on the south end of Crocker Road will naturally walk or ride bikes on the east side of the street, not next to the gas station. The gas station is not expected to materially change the character of the access to the transit station, thereby supporting consistency with the General Plan policy.

- The gas station represents a very small fraction of space out of the larger shopping center. The station is located on a 0.46 acre site that is centrally located within a larger 11.8 acre commercial center (representing approximately 4% of the area). The shopping center is an approved component of the Curtis Park Village PUD. When the project was approved by City Council in 2010, it was determined that the shopping center was an acceptable land use adjacent to the foot of the pedestrian bridge. Because there is a CUP required for the gas station as a regular component of a neighborhood/commercial shopping center, does not negate the viability of the overall use as a supportive use around the transit station. Similarly, there is a parking garage and surface parking lot as a component of the community college in order to provide a full range of services to college students; however the overall community college use is considered consistent with the types of land uses expected to support the transit station.

- The traffic study has demonstrated that the number of vehicular trips to the site remains under the number of trips studied and contemplated with the adoption of the PUD in 2010.

In summary, staff believes that the proposed project is consistent with the Traditional Center designation and meets the intent of the General Plan policies.

**Curtis Park Village PUD**

- *Appeal assertion: The proposed project is fundamentally inconsistent with the Curtis Park Village Development Guidelines as it contradicts the goal of maximizing opportunities for efficient transit.*

As part of the Curtis Park Village Planned Unit Development, the schematic plan establishes the distribution and intensity of land uses within the community (Attachment 5). Of the total 72 acre project site, the schematic plan designates approximately 16.3 acres for commercial uses, including the 11.8 acre (net) southern commercial area between 10th Avenue and Sutterville Road, intended for a neighborhood shopping area, and the 4.7 acre northern commercial flex zone north of 10th Avenue that could potentially accommodate a wide variety of uses including residential, commercial (including recreational/entertainment uses) office and public/open spaces. The Schematic Plan depicts the 11.8 acre southern commercial area with general, non-specific building footprint locations noting that ultimate building/driveway locations shall be in general compliance with the locations shown on this plan.

The PUD Guidelines states that the southern commercial area *"will strike a balance between serving the more intimate immediate local community with walkable destinations, and welcoming the greater community and larger customer base required to nourish a viable environment for thriving businesses."* Thus the PUD Guidelines anticipated that the commercial center would serve the needs of not only the immediate surrounding neighborhood, but also the larger surrounding community.

In its approval of the Curtis Park PUD, the City Council made the following findings:

1. PUD conformed to the General Plan;

2. PUD Development Guidelines and Schematic Plan met the purposes and criteria stated in the City Zoning Ordinance in that the PUD facilitated mixed uses designated to assure that new development is healthy and of long-lasting benefit to the community and the City; and that

3. PUD Development Guidelines and Schematic Plan would not be injurious to the public welfare, nor to other property in the vicinity of the development and would be in harmony with the general purposes and intent of the Zoning Ordinance in that the PUD ensures that the development be well-designed, and that the uses will not create a negative impact on adjacent uses.

Staff finds that the proposed project is consistent with the Curtis Park Village PUD Guidelines.

**Environmental Considerations:** The Curtis Park Village environmental impact report (EIR) was certified by the City Council in Resolution No. 2010-174, and the California Environmental Quality Act (CEQA) Findings and Mitigation Monitoring Plan were adopted in Resolution No. 2010-572. These actions were taken as part of the approval of the Curtis Park Village project on September 28, 2010.

The fuel island project requests approval of discretionary permits that are required by the Planned Unit Development Guidelines that were approved as part of the Curtis Park Village project and site plan and design review, which is required under the City's Planning and Development Code. These actions are subject to review under the CEQA.

The proposed use is consistent with the general plan and zoning designations for the site, and falls within the types of uses that were considered in the impact analysis in the Draft EIR. CEQA review proceeds under CEQA Guidelines section 15162, including an inquiry as to whether the proposed use would result in new significant effects on the environment that were not considered in the EIR. Staff concluded that none of the conditions set forth in section 15162 would occur, and that the EIR is adequate to evaluate any of the impacts that could occur as a result of project approval. An Addendum to the previously-certified EIR was prepared. An addendum is appropriate in this case because only minor technical changes in the EIR were required and the project would not have new significant effects. CEQA Guidelines section 15164.

The Mitigation Monitoring Plan, adopted in Resolution No. 2010-572, applies to the construction and operation of the fuel island.

Operation of the fuel island requires approval of a permit to operate by the Sacramento Metropolitan Air Quality Management District (SMAQMD). As part of the permit process, SMAQMD required completion of a health risk assessment (HRA) evaluating cancer and health risks due to potential exposure of sensitive receptors to toxic air contaminants (TAC). In the case of a fuel island the TAC involved is benzene. The HRA was prepared consistent with the air district's protocols for such studies. The HRA concluded that with a throughput of 7.45 million gallons per year the fuel island would not have a significant effect, and would not result in health risks above the district's threshold.

The appeal raises the following issues relating to environmental review. The staff response follows each assertion.

- *Appeal Assertion: The appeal asserts that the Air Resources Board has provided guidance to local agencies regarding the proper location of fuel centers.*

The Air Resources Board, California Air Pollution Control Officers Association (CAPCOA) and SMAQMD have each addressed concerns relating to the siting of residential uses in relative proximity to sources of toxic air contaminants. These concerns are related both to stationary sources (such as gas stations) as well as mobile sources (such as freeways). The project site is not located within 500 feet of a major roadway or freeway, but would be located across the street from residential uses.

The agencies have emphasized that they are making only recommendations, and are not directing, or adopting thresholds of significance regarding proximity. CAPCOA is typical:

> These recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues. (CAPCOA 2009, Table 2)

SMAQMD has adopted a threshold of significance for stationary sources: if a project would result in a cancer risk in excess of 10 in a million a significant effect would occur. As discussed in the Addendum, and the HRA, this threshold was not exceeded by the project. The decision regarding approval of the proposed use, as noted by CAPCOA, lies within the sound discretion of the City.

- *Appeal Assertion: The fuel island project would result in significant effects and a supplemental EIR should be prepared.*

The air district required a HRA as part of the permit application. The HRA was completed in a manner consistent with the air district's regulations, and demonstrated that no significant effect would result with a throughput of 7.45 million gallons per year. The air district requires regular reports from gasoline dispensing facilities, and has trained staff that monitor and enforce the throughput conditions. The record demonstrates that no significant effect would occur, and a supplemental EIR is not required.

- *Appeal Assertion: The project would require the routine transport of gasoline, a hazardous substance.*

The Addendum discussed the potential for exposure to hazardous substances. As noted there, the City's 2035 General Plan, and regulations imposed at the County, state, and federal level include provisions that reduce risk from hazards. There are no unusual circumstances associated with the project that would result in a greater risk than is normally experienced by residents throughout the city.

- *Appeal Assertion: The Addendum is deficient because its analysis of traffic does not take into account the proposed operation as part of the Safeway rewards program.*

The traffic analysis attached to the Addendum included consideration of the presence of a rewards discount program. See page 3. Traffic generated by other Safeway operations was identified and considered.

- *Appeal Assertion: The Addendum utilized analyses of consultants employed by the applicant, and does not reflect the independent judgment of the City.*

The traffic analysis and health risk assessment were prepared by qualified professionals. SMAQMD confirmed the HRA was prepared consistent with its directions. The City's Department of Public Works staff reviewed and approved the traffic analysis. Staff in the Community Development Department, Environmental Planning Services, prepared the Addendum and concluded that the analysis and reports complied with CEQA. These procedures are consistent with CEQA, and provide a basis for independent judgment by the City's decision-making body.

- *Appeal Assertion: The City cannot rely on the Master EIR because Public Resources Code section 21157.1 requires preparation of an initial study as a condition of such reliance.*

The Addendum included reference to the Master EIR as a general discussion of cumulative effects, and not as a streamlining mechanism. The preparation of an initial study was not required. See CEQA Guidelines section 15152.

- *Appeal Assertion: The Addendum cannot rely on the HRA because the City has not limited the project to a throughput of 7.45 million gallons per year.*

The proposed fuel island project is a "stationary source" that is subject to the regulatory authority of the SMAQMD. SMAQMD Rule 201 requires approval of an Authority to Construct/Permit to Operate for any gasoline station or gasoline dispensing facility in the County of Sacramento. See

http://airquality.org/permits/. The health risk assessment that was attached to the Addendum was prepared at the direction and according to the protocols established by SMAQMD. The threshold of significance utilized by the City, with regard to stationary sources of toxic air contaminants (such as the fuel island facility), is based on consideration of the SMAQMD thresholds and evidence supporting such thresholds. CEQA Guidelines section 15064.7(c).

The health risk assessment evaluated the health risk of the proposed fuel facility based on throughput of 7.45 million gallons per year. This throughput level will be the level permitted for the project, and is, effectively, a component of the project if approved. The City has appropriately considered the health risk assessment and throughput level as part of its environmental review.
The environmental documents are posted at http://portal.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports.aspx.

**Commission/Committee Action:** On June 11, 2015, the requested entitlements were heard by the Planning and Design Commission. There were approximately 25 members of the public who spoke in opposition to the requested project entitlements. The main concerns of those who spoke were:

- Traffic – The impact of project related traffic on the surrounding neighborhood including Crocker Road and Sutterville Road.

- Impediments to pedestrian and bicycle circulation – The proposed project will be an impediment to bicycle and pedestrian circulation within the Curtis Park PUD.

- Not supportive of transit – The proposed project is within ¼ mile of an existing light rail station and will negatively affect transit ridership.

- Health, safety, and welfare – The project will negatively affect the health of nearby residents.

With a vote of 8 ayes to 3 noes and 1 absent, the Planning and Design Commission voted to approve the Curtis Park Fuel Center CUP and Site Plan and Design Review. With the applicant's agreement, a condition was added to the CUP requiring the gas station to be developed and operated by Safeway. The Planning and Design Commission action was later appealed to the City Council by a third party.

**Rationale for Recommendation:** The Curtis Park Village Fuel Center development has been reviewed objectively, in light of the proposed operations, comments received from public, and the proposed conditions of approval. The Addendum and associated Traffic Analysis and Health Risk Assessment address the traffic and health and safety concerns expressed by the public. Staff has analyzed the project against the Curtis Park Village PUD and the Planning and Development Code and has determined that the proposed gas station is consistent with the intent of the PUD and will not negatively affect the ability of the PUD's commercial center to provide neighborhood serving commercial uses and support multi-modal transit opportunities. Staff continues to support the project request based on the Findings of Fact and subject to the Conditions of Approval as found in the attached project resolution (Attachment 8).

**Financial Considerations:** The applicant is incurring all costs for the proposed fuel center project.

**Local Business Enterprise:** Not applicable.

**Attachment 1**

## Background

### Existing Conditions

The subject site is located at the northwest quadrant of the intersection of Sutterville and Crocker Roads. The gas station is proposed to be located on the west side of Crocker Road, approximately 425 feet north of Sutterville Road in the center of the Curtis Park Village Southern Commercial Area. The site is currently vacant with single-family homes under construction on the east side of Crocker Road.

| Table 1: Project Information |
|---|
| **General Plan designation:** Traditional Center (0.3 - 3.0 FAR) |
| **Existing zoning of site:** Shopping Center (SC-PUD) |
| **PUD:** Curtis Park Village |
| **Property area:** 0.46 Acre Gas Station Site, 11.8 acre Southern Commercial Site |
| **Proposed Floor Area Ratio (FAR):** 0.36 (total commercial center approved and requested with this application) |

### Prior Entitlements

On April 1, 2010, the City Council took the following actions (P04-109):

- Certified the Curtis Park Village Environmental Impact Report (EIR)
- Adopted a Resolution providing policy direction for Curtis Park Village Neighborhood Park and Detention Basin and the Amendment to the 1995 Remedial Action Plan
- Continued the remainder of entitlements to a later date.

On September 28, 2010, the City Council approved the 71.7 acre Curtis Park Village project which included adopting the following entitlements (P04-109):

- Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring Program;
- General Plan Amendment;
- Rezone;
- Inclusionary Housing Plan;
- Curtis Park Village PUD Guidelines and Schematic Plan; and
- Master and Tentative Parcel Maps, including Subdivision Modifications.

On January 31, 2013, the Planning and Design Commission approved a modification

to the Planned Unit Development and the tentative map (P12-026).

On June 25, 2014, City staff approved the Curtis Park Village Commercial Center project with a staff level Site Plan and Design Review (DR14-110). Consistent with the approved PUD, the Curtis Park Village Commercial Center includes approximately 104,000 square feet of various commercial buildings on the lower 6.9 acres of the Southern Commercial Area (Attachment 3). The proposed gas station was not a part of this prior action.

On June 11, 2015 the Curtis Park Fuel Center was heard by the Planning and Design Commission. The Planning and Design Commission voted 8 to 3 with one absent to approve a CUP and Site Plan and Design review to construct and operate a new 16-pump gas station on approximately 0.46 acres within the PUD's Southern Commercial Area.

**Public/Neighborhood Outreach and Comments**

Prior to the July 11, 2015, Planning and Design Commission hearing, early project notifications were sent to the Sierra Curtis Neighborhood Association, Land Park Community Association, and the College Plaza Neighborhood Association and to all property owners within 300 feet of the subject site. Additionally, property owners in the vicinity of the project were invited to a January 28, 2015, community meeting which was attended by City staff, members of the development team, and over 300 members of the public interested in the project. Staff has received comments both in support of and in opposition to the proposed gas station. The key concerns of those who have stated opposition have been traffic, health and safety, land use, and aesthetics.

***Traffic***. Traffic has been a major concern of those who have submitted comments on the project. Those objecting to the gas station have stated their concerns related to:

- The project's impact on traffic in existing neighborhood;
- The project's impact to on-site circulation (on-site queueing);
- Increased vehicle trips due to the gas station, characterizing it as regional draw; and
- Increased vehicle trips due to shoppers taking advantage of a fuel rewards program

In response to concerns related to traffic, a Transportation Analysis of the proposed gas station was completed by DKS Associates and has been included as Attachment C to the Addendum. The Planning and Development Code does not address discount fuel, or rewards programs, however, DKS Associates considered the effects of reduced price gasoline in its analysis. The analysis concluded that the total peak hour and daily traffic volumes would be lower than those utilized for the traffic analysis in the original Curtis Park Village EIR. The Traffic Analysis did identify several items that

would improve on-site circulation. The applicant has incorporated these items in the site plan provided with this report and gas station queues are not expected to impact City streets or sidewalks.

***Health and Safety.*** Health and safety has been another concern voiced by those opposed to the project. Commenters have cited health and safety concerns related to:

- Toxic air contaminants that would be released by the gas station; and
- Residential exposure to hazardous substances amongst the nearby residential uses.

Responding to the health and safety concerns related to the proposed gas station, a HRA was conducted by ENVIRON which concluded that the estimated cancer risk would be within an acceptable range and would be below the CEQA thresholds of significance (Attachment D of the Addendum) and would not result in any additional significant impacts beyond those identified in the Curtis Park Village EIR. Furthermore, the estimated cancer risk would be in the range that the SMAQMD defines as "acceptable risk" with the provision of Toxic Best Available Control Technology (TBACT).

***Land Use.*** Staff has received comments stating that the proposed gas station is inconsistent with the Curtis Park Village PUD Guidelines, the Traditional Center General Plan Designation, and that the gas station is an improper land use for "transit oriented development (TOD)".

- PUD Guidelines – Opponents of the project have argued that the gas station is a land use in conflict with the PUD's goal to maximize opportunities for efficient transit provided by the public transportation and roadway corridors serving the site of the PUD. In addition to this concern, opponents have argued that the proposed gas station will negatively affect bicycle and pedestrian circulation through the PUD.

Goal 4 of the Curtis Park Village PUD Guidelines states a primary goal of the PUD is to *"Maximize opportunities for efficient transit provided by the public transportation and roadway corridors serving the site of the PUD."* To further this goal, the PUD Guidelines;

*a) encourage the use of public transportation through site design that emphasizes convenient transit access and use, and b) promote the development of appropriate linkages to surrounding neighborhoods including pedestrian, bicycle, vehicle and alternative transportation modes.*

The proposed project will not hinder the ability for surrounding residents to access transit opportunities. The proposed gas station will be located on the east side of

Crocker Road adjacent to a private driveway previously anticipated on the 2010 PUD Schematic Plan. The gas station will not require any additional vehicle driveways beyond those already anticipated for general vehicle access to the surrounding commercial center.

Separated sidewalks with street-side planters will be provided at Crocker Road and also at the private, east-west access driveway to the north of the gas station where the provision of separated sidewalks is not precluded by the need to provide adequate vehicle egress from the southern commercial area. All on-street bike lanes will be preserved. Furthermore, the subject site is located approximately 400 feet south of 10th Avenue, which will provide direct access from Curtis Park Village and the Curtis Park neighborhood, west across the bridge (under construction), and to City College and the adjacent Regional Transit station. Due to the separation between the site and 10th Avenue, staff does not expect the proposed gas station to negatively impact pedestrian or bicycle circulation to and from City College and the Regional Transit station.

- Traditional Center General Plan Designation – Another concern is that the Traditional Center designation emphasizes walkable neighborhoods and the proposed gas station will degrade the pedestrian experience and contravene the goal of a walkable neighborhood.

The gas station is sited on 0.46 acres of the 11.8 acre Curtis Park Village southern commercial area, all of which is designated Traditional Center. The proposed gas station consists of a service use that is allowed in the SC zone subject to approval of a CUP. The gas station is considered to be consistent with the allowed uses in the Traditional Center designation. Additionally, the inclusion of a gas station at Curtis Park Village does not preclude the balance of the 11.8 acre commercial area from providing neighborhood-serving, walkable commercial uses.

- TOD - It has been argued that a gas station is not a proper use for a TOD.

The site is within a quarter mile of an existing transit station but is not designated as a TOD. Furthermore, the Transit Overlay (TO), meant to further TOD objectives, has not been applied to the zoning of this site. The subject site is zoned as Shopping Center, Planned Unit Development and does not include the TO overlay. All properties with a TO overlay would include the “TO” in the zoning of the site. The City Council’s adoption of the original PUD Schematic Plan and PUD Guidelines was based on the ability of Curtis Park Village to promote pedestrian friendly development, support alternative modes of transportation, and the establishment of a well-designed mixture of land uses for existing and future residents within the area. Approval of the original entitlements for the master planned, mixed-use community was not based on any TOD characteristics of the project. As previously discussed, the proposed project will not hinder the ability for those wishing to access transit to safely and directly reach their destination.

***Aesthetics/Design.*** Staff has received comments challenging whether the design of the proposed gas station is consistent with the site and building design principles of the PUD Guidelines.

The purpose and intent of the Curtis Park PUD Guidelines state that *"To achieve the goals and objectives of the Curtis Park Village PUD, the Guidelines are formulated in a flexible manner to provide for creative solutions to a variety of design situations."* To that effect, the guidelines include site design principles encouraging site features such as design for lively pedestrian use, spaces designed at a pedestrian scale, and consideration of view corridors. The guidelines also include building design principles encouraging attention to architectural building elements including building materials, types, and forms; proper massing and scale; and building articulation.

These aforementioned site and building design principles are meant to direct the development of the overall commercial center in a manner compatible with the surrounding neighborhood with an emphasis on providing an attractive pedestrian experience. The principles are meant to further the goals of the PUD as a whole and not intended to be a checklist for the strict adherence of each development project.

Staff believes that the southern commercial area development applications to date, including the prior commercial center Site Plan and Design Review approval and the current gas station request, constitute overall commercial development that is consistent with the intent of the PUD Guidelines.

## Land Use/Entitlements

### Land Use

The proposed 0.46 acre gas station project occupies a small portion of the 11.8 southern commercial area of the PUD; 6.9 acres of the commercial area has been approved through a prior design review action. The approved portion of the site includes over 100,000 square feet of commercial uses in retail buildings ranging from 5,600 square feet to approximately 57,000 square feet. With smaller commercial spaces located adjacent to Crocker Drive and larger anchor and major tenant spaces located at the rear of the site, the southern commercial area provides the opportunity for both neighborhood and community serving retail and commercial services.

Where it has been argued that a gas station is an improper land use for the subject site, it is not unusual for a gas station to locate within a shopping center larger than six acres in size. Both the traffic analysis and the HRA conclude that the gas station project will not have any environmental effects beyond those identified in the original project EIR. The traffic analysis also found that the gas station will not impact city streets or sidewalks.

### Zoning

*Shopping Center (SC-PUD):* The Planning and Development Code defines the purpose of the Shopping Center (SC) zone as: *"providing a wide range of goods and services to the community. However, general commercial uses that are incompatible with a retail shopping center are prohibited."* (City Code Section 17.216.500) A gas station is considered a typical use for a community serving shopping center and is determined to be compatible. "Gas Station" is defined by the Planning and Development Code (adopted by City Council in 2013) as follows: *"Gas station" means any building, land area, or other premises used primarily for the retail dispensing or sales of gasoline or alternative fuel for vehicles.* (City Code Section 17.108.080) The proposed gas station meets this definition.

The proposed gas station is allowed with the approval of a Conditional Use Permit, per section 17.216.510 of the Planning and Development Code. City Code Section states: "*A CUP is a zoning instrument used primarily to review the location and conduct of certain land uses that are known to have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties, unless given special attention."* The Planning and Development Code does not provide any additional classification for gas stations. All commercial businesses involved in the retail sale of gasoline or alternative fuels qualify as a gas station and require the approval of a CUP.

*CUP:* The applicant's request is to develop a 16 pump gas station with an associated 740 square foot convenience store in the Shopping Center (SC-PUD) Zone within the Curtis Park Village PUD. The Council's action on the requested CUP shall be based on the following findings:

1. The proposed use and its operating characteristics are consistent with the General Plan;

   In its original adoption of the Curtis Park Village, the City Council found the SC Zone and the Curtis Park Village PUD to be consistent with the General Plan and its Traditional Center designation. Approval of the requested CUP will not preclude the ability to provide neighborhood serving commercial uses across the balance of the 11.8 acres Southern Commercial Area. Additionally, staff finds that the proposed project is consistent with the General Plan policy to provide a compatible and complimentary mix of uses and does not conflict with the General Plan policy discouraging low-intensity and auto-oriented uses around transit stations.

2. The proposed use and its operating characteristics are consistent with the applicable standards, requirements, and regulations of the zoning district in which it is located, and of all other provisions of the code;

   The proposed use is allowed in the SC zone subject to the approval of a conditional use permit. The proposed gas station is consistent with the Curtis Park Village PUD Guidelines and Schematic Plan with respect to land use, site layout, and building design.

3. The proposed use is situated on a parcel that is physically suitable in terms of location, size, topography, and access, and that is adequately served by public services and utilities;

   The proposed gas station can be established on the site without deviating from the Planning and Development Code or the PUD Guidelines. Public services and utilities will be available to development on the site.

4. The proposed use and its operating characteristics are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance.

   The proposed use and its operation characteristics will not be detrimental to public health, safety, convenience, or welfare and will not result in the creation of a nuisance in that:

   a. The estimated cancer risk would be within an acceptable range and would be below the CEQA thresholds of significance;

   b. The total peak hour and daily traffic volumes would be lower than those utilized for traffic analysis in the original Curtis Park Village EIR and all vehicle queuing will occur on-site;

   c. The hours of operation of the facility will be restricted to the hours between 6:00am and 10:00pm;

   d. Lighting is required to be designed so as not to produce hazardous and annoying glare to motorists, adjacent properties, or the general public; and

   e. No illuminated signage will be allowed to face residential properties and any illuminated signage will be dimmed or shut off at close of business.

**Site/Building Plan**

The proposed gas station project consists of eight fuel islands with a total of 16 fuel pumps, a 6,500 square foot canopy, and a 740 square foot convenience store (kiosk). Both the site and architectural design of the proposed facility is subject to the approval of Site Plan and Design Review.

The overall shopping center was approved with three driveways and the gas station project does not involve any additional driveways beyond the existing approvals. With the unidirectional flow of traffic, queuing for the fuel pumps will occur on site and vehicle stacking is not expected to affect any of the adjacent public streets. None of the driveways provide direct, immediate access to the fuel pump queue.

Access to each of the pumps will be unidirectional with vehicle flow moving from south to north only. Vehicles will queue to the south of the fuel islands and exit to the north where a right turn will provide egress from the site. The applicant proposes to install an additional median in the parking lot drive aisle to manage vehicle circulation at the west end of the gas station. Access to the in-ground fuel tanks will be provided just to the east of the median. An on-site parking space will be provided at the west side of the kiosk building.

The fueling islands are proposed to be located in three rows beneath the canopy, providing for six fueling lanes. Two of the rows will provide six pumps and the easternmost row will provide four pumps. An eight foot landscaped area will be provided at the north and east project area boundaries adjacent to the driveway and Crocker Road.

The 740 square foot kiosk building is proposed to be located at the south end of the gas station site. The 16-foot tall building will be finished with brick consistent with the PUD guidelines and materials approved for the surrounding commercial center. The kiosk will house the cashier, a small sales area for convenience items, and a work room/office for the gas station.

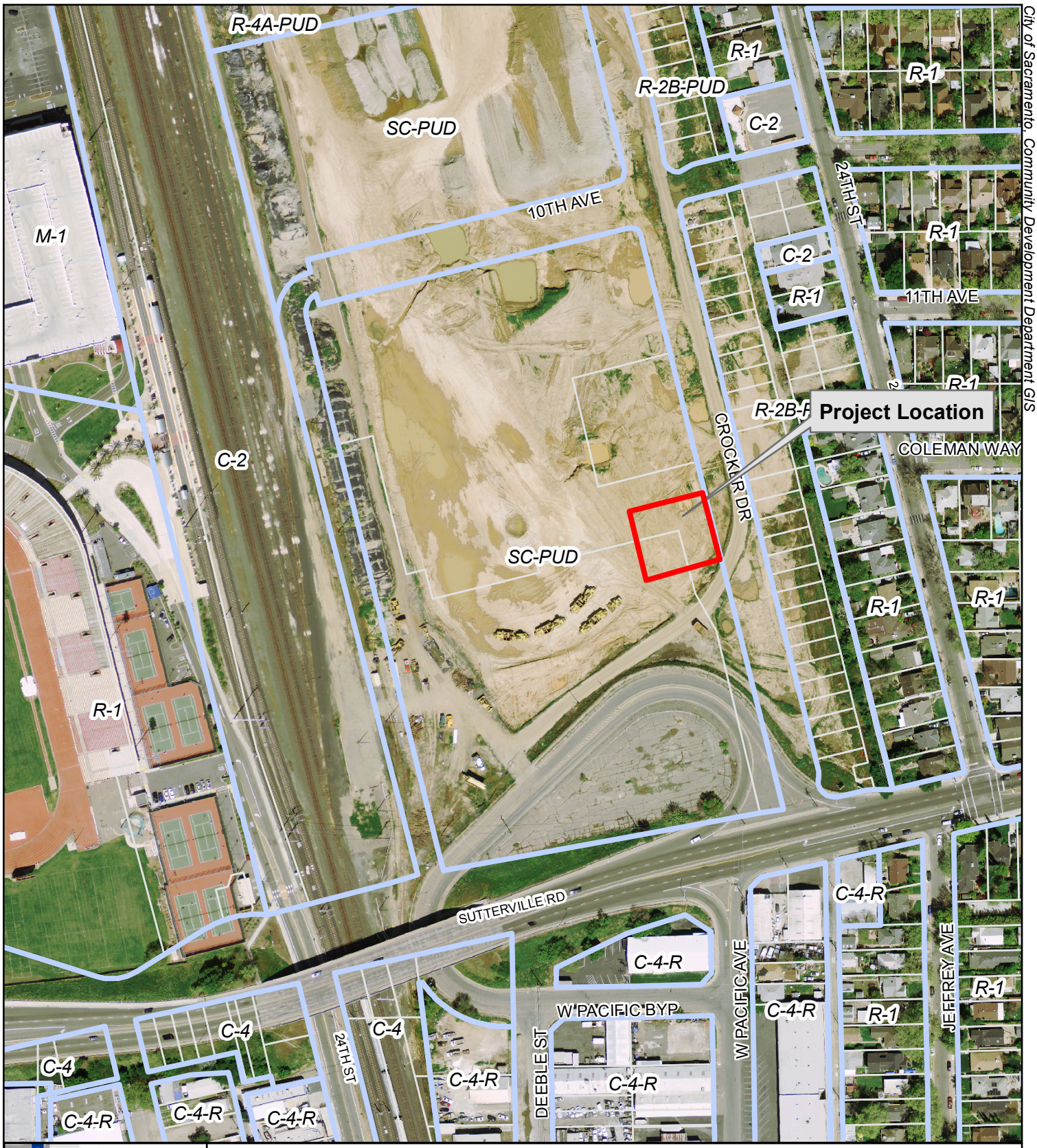
A 20’6” canopy will cover the fueling area. Similar to the kiosk building, the columns for the kiosk will be wrapped in brick. The overhead canopy structure will be finished with a cornice and dentil, detailing to match the kiosk structure and the architecture of the surrounding commercial center. The canopy structure and associated kiosk are consistent with the commercial center in both architectural style, and mass and scale (See Attachment 4, Streetscape Elevations)

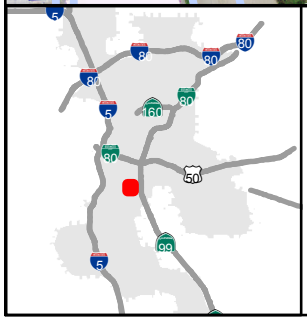
Consistent with the building locations as indicated on the approved PUD schematic plan, the fuel canopy is set back 20 feet from the Crocker Drive property line with the kiosk set back 8’6” from the property line. The buildings to the south were approved with a 2’ setback. The gas station project provides additional setback area in order to provide an enhanced landscape area. Within the landscaped areas, low height shrubs will be required to be maintained at a height of 3’ to provide attractive screening of the facility and to reduce the light and glare from vehicle headlights.

While all signage will be subject to the review and approval of a separate sign permit, the applicant has agreed that a) none of the east facing signage will be illuminated, and b) any illuminated signage will be dimmed or shut off completely after business hours. These requirements are included as conditions of approval.

The subject site is within ¼ mile of a light rail station. Section 17.600.160 of the Planning and Development code requires that such uses *a) shall provide pedestrian amenities such as awnings, canopies, benches, and landscaping; b) shall avoid areas of blank walls that are viewable from the street at the ground level; c) shall provide continuous, direct, convenient transit and pedestrian linkages, including walkways between principal entrances of buildings and adjacent lots; d) locate vehicle parking to*

*the rear or interior side of the building and not in front of the building; and e) the building's primary entrance shall have direct access to public streets and sidewalks.* With the applicant's acceptance of a condition to provide a five foot sidewalk from the kiosk to Crocker Road, the proposed fuel center will comply with these development standards.



0 340 680 Feet

# P14-036
# Vicinity Map
# Curtis Park Village Fuel Center

A. Ablog | 8.28.14

Ped/Bike Bridge
10th Avenue
Fuel Center
McClatchy School Park
CK McClatchy High School
Freeport Bakery
The Coffee Garden
Pacific McGeorge School of Law
Sacramento City College
Hughes Stadium
Curtis Park
Track 7 Brewing
Portola Way 5th Ave Alley
Bidwell Way
Weller Way
Perkins Way
Marshall Way
Portola Way
Spurgin Alley
Donner Way
Curtis Way
Montgomery Way
Coleman Way
Freeport Blvd
College Ave
Brockway Ct
Park Rd
E East Rd
Franklin Blvd
Cutter Way
5th Ave
6th Ave
7th Ave
8th Ave
9th Ave
10th Ave
11th Ave
12th Ave
13th Ave
15th Ave
23rd St
24th St
25th St
27th St
30th St
31st St
32nd St
33rd St
34th St
17th St
18th St
19th St
22nd St
Highland
Sutterville

# CITY OF SACRAMENTO PLANNING AND DESIGN COMMISSION
# RECORD OF DECISION

**915 I Street, Sacramento, CA 95814**

| | |
|---|---|
| Project Name: | Curtis Park Village Fuel Center |
| Project Number: | P14-036 |
| Project Location: | Northwest Corner of Crocker Road and Sutterville Road |
| Assessor's Parcel No.: | 013-0010-037, -038 |
| Applicant: | Phil Harvey, Petrovich Development Company, 825 K Street, Sacramento, CA, 95814 |
| Action Status: | Approved with Amended Conditions — Action Date: June 11, 2015 |

**REQUESTED ENTITLEMENT(S):** **Item A. Addendum** to a previously certified Environmental Impact Report (EIR) for the Curtis Park Village PUD (P04-109); **Item B. Mitigation Monitoring Plan; Item C. Conditional Use Permit** to establish a 16 pump gas station on 0.46 acres in the Shopping Center (SC-PUD) Zone in the Curtis Park Village Planned Unit Development; **Item D. Site Plan and Design Review** for a new gas station.

**ACTIONS TAKEN:** On June 11, 2015 the Planning and Design Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Approved entitlements A through D with amended conditions.

**Action certified by:** Stacia Cosgrove

Stacia Cosgrove, Principal Planner

Sent to Applicant: June 19, 2015 By:

ANTONIO ABLOG, Acting Senior Planner

**NOTICE OF PROTEST RIGHTS**

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the

Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

**EXPIRATION**

**TENTATIVE MAP**: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

**SPECIAL PERMIT**: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

**VARIANCE**: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

**PLAN REVIEW**: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

**NOTE**: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

**APPEALS**

Appeals of the Planning And Design Commission decision of this item to the City Council must be filed at 300 Richards Boulevard, 3rd Floor, within 10 calendar days of this meeting, on or before June 22, 2015. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

## Findings of Fact and Conditions of Approval
## Curtis Park Village Fuel Center (P14-036)
## Northwest Corner of Crocker Road and Sutterville Road, Sacramento, CA

### A&B. Environmental Impact Report Addendum and Mitigation Monitoring Program:

1. The Planning and Design Commission of the City of Sacramento finds as follows:

   a. On April 1, 2010, pursuant to the California Environmental Quality Act (Public Resources Code §21000 *et seq*. ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq*.), and the City of Sacramento environmental guidelines, the City Council certified an environmental impact report (EIR). Having reviewed and considered the information contained in the EIR, THE City Council on September 28, 2010 adopted findings of fact

and findings of overriding consideration, adopted a mitigation monitoring program, and approved the Curtis Park Village project (P04-109) (Project).

b. The Curtis Park Village Fuel Island project (P14-036) (Fuel Island Project) requests approval of a conditional use permit and site plan and design review to install and operate a fuel island in the Curtis Park Village Planned Unit Development.

c. Staff has determined that the Fuel Island Project does not require the preparation of a subsequent EIR. An Addendum to the previously certified Curtis Park Village EIR has been prepared to address the Fuel Island Project.

2. The Planning and Design Commission has reviewed and considered the information contained in the previously certified EIR for the Curtis Park Village Project, the previously adopted findings of fact and findings of overriding consideration, the Addendum, and all oral and documentary evidence received during the hearing on the Fuel Island Project. The Planning and Design Commission has determined that the previously certified EIR and the Addendum constitute an adequate, accurate, objective, and complete review of the proposed Fuel Island Project and finds that no additional environmental review is required based on the reasons set forth below:

a. No substantial changes are proposed by the Fuel Island Project that will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

b. No substantial changes have occurred with respect to the circumstances under which the Fuel Island Project will be undertaken which will require major revisions to the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

c. No new information of substantial importance has been found that shows any of the following:

i. The Fuel Island Project will have one or more significant effects not discussed in the previously certified EIR;

ii. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;

iii. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Fuel Island Project; or

iv. Mitigation measures which are considerably different from those analyzed in the previously certified EIR would substantially reduce one or more significant effects on the environment.

3. Based on its review of the previously certified EIR for the Curtis Park Village Project, the previously adopted findings of fact and findings of overriding consideration, the Addendum, and all oral and documentary evidence received during the hearing on the Fuel Island Project, the Planning and Design Commission finds that the EIR and Addendum reflect the Planning and Design Commission's independent judgment and analysis, certifies the Curtis Park Village EIR and the Addendum for the Fuel Island Project, and readopts the findings of fact and findings of overriding consideration .

4. The mitigation monitoring program for the Curtis Park Village Project is adopted for the Fuel Island Project, and the mitigation measures shall be implemented and monitored as set forth in the program, based on the following findings of fact:

   a. The mitigation monitoring program has been adopted and implemented as part of the Curtis Park Village Project;

   b. The Addendum to the EIR does not include any new mitigation measures, and has not eliminated or modified any of the mitigation measures included in the mitigation monitoring program;

   c. The mitigation monitoring program meets the requirements of CEQA section 21081.6 and CEQA Guidelines section 15091.

5. Upon approval of the Project, the City Manager shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

6. The documents and other materials that constitute the record of proceedings upon which the Planning and Design Commission has based its decision are located in the City of Sacramento Community Development Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811-0218. The custodian of these documents and other materials is the Community Development Department, Environmental Planning Services.

**C.** The **Conditional Use Permit** to establish a 16 pump gas station on 0.46 acres in the Shopping Center (SC-PUD) Zone in the Curtis Park Village Planned Unit Development is approved based on the following findings of fact:

1. The proposed use and its operating characteristics are consistent with the General Plan, in that with the original adoption of the Curtis Park Village, the City Council found the Shopping Center (SC) Zone and the Curtis Park Village PUD to be consistent with the General Plan and its Traditional Center designation. Approval of the requested CUP will not preclude the ability to provide neighborhood serving commercial uses across the balance of the 11.8 acres Southern Commercial Area. Additionally, staff finds that the proposed project is consistent with General Plan policy to provide a compatible and complimentary mix of uses and does not conflict with the General Plan policy discouraging low-intensity and auto-oriented uses around transit stations.

2. The proposed use and its operating characteristics are consistent with the applicable standards, requirements, and regulations of the zoning district in which it is located, and of all other provisions of the code, in that the proposed use is allowed in the Shopping Center Zone subject to the approval of a conditional use permit. The proposed gas station is consistent with the Curtis Park Village PUD Guidelines and Schematic Plan with respect to land use, site layout, and building design.

3. The proposed use is situated on a parcel that is physically suitable in terms of location, size, topography, and access, and that is adequately served by public services and utilities as the proposed gas station can be established on the site without deviating from the Planning and Development Code or the PUD Guidelines. Public services and utilities will be available to development on the site.

4. The proposed use and its operating characteristics are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance, in that:

    a. The estimated cancer risk would be within an acceptable range and would be below the California Environmental Quality Act (CEQA) thresholds of significance;

    b. The total peak hour and daily traffic volumes would be lower than those utilized for traffic analysis in the original Curtis Park Village (EIR) and all vehicle queuing will occur on-site;

    c. The hours of operation of the facility will be restricted to the hours between 6:00am and 10:00pm;

d. Lighting is required to be designed so as not to produce hazardous and annoying glare to motorists, adjacent properties, or the general public; and

e. No illuminated signage will be allowed to face residential properties and any illuminated signage will be dimmed or shut off at close of business.

**D.** The **Site Plan and Design Review** for a new gas station is approved based on the following findings of fact:

1. The design, layout, and physical characteristics of the proposed gas station are consistent with the General Plan and the Curtis Park Village Planned Unit Development.
2. The design, layout, and physical characteristics of the gas station are consistent with the Curtis Park Village PUD Guidelines and with all applicable development standards.
3. All streets and other public access ways and facilities, parking facilities, and utility infrastructure are adequate to serve the proposed gas station and comply with all applicable design guidelines and development standards.
4. The design, layout, and physical characteristics of the proposed gas station are visually and functionally compatible with the surrounding neighborhood.
5. The design, layout, and physical characteristics of the proposed gas station ensure energy consumption is minimized as it allows individuals to reduce vehicle trips by providing a range of commercial services and retail uses in one commercial center.
6. The design, layout, and physical characteristics of the proposed gas station are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance in that the proposed gas station:

   a. Is consistent with the Curtis Park Village Schematic Plan and PUD Guidelines.

   b. Is designed and will be operated so as to not cause vehicle queuing to affect any City streets or sidewalks.

   c. Is finished with materials compatible with adjacent uses and the surrounding neighborhood.

   d. Will provide lighting designed so as not to produce hazardous and annoying glare to motorists, adjacent properties, or the general public.

   e. Will not provide illuminated signage facing residential properties and any illuminated signage will be dimmed or shut off at close of business.

f. Landscaping will be provided around the gas station to diminish the effect of vehicle headlights on adjacent properties.

## Conditions of Approval

**C.** The **Conditional Use Permit** to establish a 16 pump gas station on 0.46 acres in the Shopping Center (SC-PUD) Zone in the Curtis Park Village Planned Unit Development is approved subject to the following conditions:

Planning

C1. The developer shall obtain all necessary building permits prior to construction.

C2. Development of the project site shall be in compliance with the attached site plan and elevation exhibits.

C3. Hours of operation shall be limited to the hours between 6:00 am and 10:00 pm.

C4. Any modification to the project shall be subject to review and approval by Planning Staff prior to the issuance of building permits. Any significant modification to the project may require subsequent entitlements.

C5. The developer shall comply with all applicable requirements included in the Curtis Park Village Mitigation Monitoring Plan (P04-109).

C6. The proposal is required to meet the Sacramento City Code regulations regarding bicycle parking (Section 17.608.030). Bicycle parking shall be located in a secure area located in close proximity to doors and/or windows.

C7. Trash receptacles shall be placed at the kiosk entry and at the fuel islands for use by customers.

C8. Final landscaping plans are subject to review by Planning Staff prior to the issuance of Building Permits. Low height landscaping, including shrubs, shall be maintained at a height of three feet to provide screening for vehicle headlights. Lower tree canopies should be above six feet to increase natural surveillance. Tree canopies should not interfere with or block overhead lighting.

C9. No mechanical auto repair or auto body repair shall take place on the premises.

C10. All signage for the site including, but not limited to, monument signs, entry

signs, business identification and address signs, trash enclosure signs, and directional signage shall be subject to the issuance of sign permits. All signage shall comply with the Curtis Park Village PUD Guidelines.

C11. The gas station shall be developed and operated as a Safeway gas station. Modifications to this condition shall be subject to modification by the Planning and Design Commission

Public Works

C12. Construct standard public improvements as noted in these conditions pursuant to Title 18 of the City Code. Improvements shall be designed to City Standards and assured as set forth in Section 18.04.130 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This shall include the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk adjacent to the subject property (Crocker Drive) per City standards to the satisfaction of the Department of Public Works.

C13. All new and existing driveways shall be designed and constructed to City Standards to the satisfaction of the Department of Public Works.

C14. Reciprocal access easements are required for shared use of the driveways w/ the adjacent parcels, if not already in place.

C15. The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards.

C16. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Department of Public Works.

C17. The applicant shall provide a signage and markings package (signs, pavement striping, legends and arrows) for on-site circulation and fueling lane queuing to the satisfaction of the Department of Public Works.

C18. The applicant shall be responsible to monitor the daily operations of the fueling facilities so that traffic does not queue back to either Crocker Drive or to the signalized shared access easement. In the case there is vehicular queuing onto

any City streets or the operations of the shared access easement as a result of on-site circulation associated with the project site, subject to a request of the City Traffic Engineer, the applicant shall be responsible to incorporate and implement additional measures to improve on-site circulation as to not back up onto City streets and the access easement to the satisfaction of the Department of Public Works (refer to the traffic study recommendations dated April 10th, 2015).

C19. Fuel deliveries to the proposed fuel center shall occur outside of the weekday peak hours (7-9 am and 4-6 pm) or the mid-day weekend peak hours (11 am – 2 pm).

C20. The applicant shall have an attendant on-site during the fueling facility operational hours to direct on-site traffic circulation, assist customers, and place on-site directional cones/ lane dividers and other related traffic control measures, etc.

Police

C21. Exterior lighting shall be white light (e.g. metal halide, LED, fluorescent, or induction) using cut off or full cut off fixtures to limit glare and light trespass (proposed ENTRANCE fixture does not meet these requirements). Exterior lighting shall be maintained and operational and shall meet IESNA standards.

C22. Proposed wall sconce fixtures or other full cut off fixtures shall be used to illuminate the East, South, and West sides of the kiosk.

**Landscaping:**

C23. Canopies should not interfere with or block lighting. This creates shadows and areas of concealment.

C24. The landscaping plan shall allow for proper illumination and visibility regarding lighting and surveillance cameras through the maturity of trees and shrubs.

**Mechanical Security:**

C25. Business shall be equipped with a monitored burglary alarm system with private security response.

C26. UL listed central station silent robbery alarm system shall be employed at the point of sale and near the safe(s). Cellular back-up is recommended.

C27. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry, and shall remain locked at all times except for emergencies and deliveries.

C28. Height markers are required on the interior doorway.

**Security Cameras**

C29. Recorded Video Assessment and Surveillance System (VASS) shall be employed.

C30. Cameras and VASS storage shall be digital high definition or better.

C31. VASS storage shall be kept off-site or in a secured area accessible only to management.

C32. VASS shall support standard MPEG formats.

C33. VASS shall be capable of storing no less than 30 days' worth of activity.

C34. Manager with access to VASS storage shall be able to respond within 30 minutes during business hours.

C35. Manager shall have the ability to transfer recorded data to another medium (e.g. DVD, thumb drive, etc.).

C36. VASS shall provide comprehensive coverage of:

- all points of sale
- fuel pumping and payment areas
- safe
- work room
- North and West doors
- alcohol placement areas
- areas not clearly visible from public streets
- coverage of all four (4) exterior sides of the property
- adjacent public rights of way
- at least one camera shall be positioned to get a front face shot (e.g. height strip camera)

C37. Cameras shall be equipped with low light capability, auto iris and auto focus.

**Additional Conditions:**

C38. Trash receptacles shall be of a design to prevent unauthorized removal of articles from the trash bin.

C39. Windows shall remain uncluttered to allow for natural surveillance.

C40. The name of the store shall be printed on any receipts.

C41. No public pay phones/telephones shall be allowed on the premises.

C42. No coin operated games or video machines shall be allowed on the premises.

C43. The applicant shall post the property No Trespassing and No Loitering. The applicant shall designate a properly permitted and approved private patrol company as agent for trespass.

C44. The applicant is responsible for reasonably controlling the conduct of persons on the site and shall immediately disperse loiterers.

C45. All dumpsters shall be kept locked.

C46. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the applicant shall be removed or painted over within 72 hours of being applied.

C47. The applicant shall be responsible for the daily removal of all litter from the site and adjacent rights of way. **During Construction**

C48. The applicant shall enclose the entire perimeter of the project with a chain link fence with necessary construction gates to be locked after normal construction hours.

C49. The location shall be monitored by security after normal construction hours during all phases of construction.

C50. Adequate security lighting shall be provided to illuminate vulnerable equipment and materials. Lighting shall be white light with full cut off fixtures.

**Advisory Notes**

1. City of Sacramento permits must be obtained for private patrol and alarm and camera systems.

**D.** The **Site Plan and Design Review** for a new gas station is approved subject to the following conditions:

<u>Planning</u>

D1. Development of the project site shall be in compliance with the attached site

plan and elevation exhibits.

D2. Any modification to the project shall be subject to review and approval by Planning Staff prior to the issuance of building permits. Any significant modification to the project may require subsequent entitlements.

D3. Stone veneer at building and canopy base shall be replaced with brick or suitable alternative material subject to approval by Design Review Staff.

D4. A minimum 5' sidewalk shall be provided for access to the fuel kiosk from Crocker Road.

D5. Decorative tubular steel fencing shall be provided between the fuel kiosk and the adjacent building.

D6. Signage shall be subject to review and approval through separate sign permit application. Signs submitted for sign permit review shall ensure that east facing signage shall not be lit and that any lit signage shall be dimmed/and or shut off at close of business.

D7. Lighting

a. Lighting shall be designed so as not to produce hazardous and annoying glare to motorists, adjacent properties, or the general public. All fixtures should be placed in a manner that avoids glare when observed from the street or other public areas.

b. All overhead lighting shall be shielded such that lighting is reflected away from residential areas and public streets.

c. Parking lot lighting shall be equipped with vandal-proof covers.

D8. All on-site crosswalks shall be striped, painted, or constructed with enhanced materials to emphasize areas shared by vehicles, pedestrians, and bicyclists.

D9. All mechanical equipment, including air and water dispensers, shall be screened from view from public streets with decorative materials and/or landscaping. All rooftop mechanical and communications equipment shall be completely screened from view from public streets at grade level by the building parapet, screen wall, and architectural projections which are integral to the building design.

<u>Utilities</u>

D10. Prior to submittal of improvement plans, prepare a project specific drainage

study for review and approval by the DOU. The drainage study shall be developed using the Master Drainage Study for the project area. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map for the proposed project.

D11. Per City Code, the Subdivider may not develop the project in any way that obstructs, impedes, or interferes with the natural flow of existing off-site drainage that crosses the property. Furthermore, all lots shall be graded so that drainage does not cross lot or property lines. The project shall construct the required public and/or private infrastructure to handle runoff to the satisfaction of the DOU. If private infrastructure is constructed to handle runoff, the applicant shall dedicate the required private easements and/or, at the discretion of the DOU, the applicant shall enter into and record an Agreement for Maintenance of Drainage with the City, in a form acceptable to the City Attorney.

D12. An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. The storm drain service taps shall drain on-site shed areas which are in general conformance with the master drainage study and shed map for the area or (development). All on-site systems shall be designed to the standard for private storm drainage systems (per the latest edition of: Frontage and On-Site Improvement Procedures Manual, which may be obtained from the City's Community Development Department at 300 Richards Blvd., 3rd floor).

D13. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.

D14. Per City Code 13.04.070, except for separate irrigation service connections and fire service connections, each lot or parcel shall only have one (1) metered domestic water service. Requests for multiple domestic water service connections to a single commercial lot or parcel, consistent with the DOU "Commercial Tap Policy", may be approved on a case-by-case basis by the DOU. Contact the DOU at (916) 808-1400 for a copy of the tap policy. Excess services shall be abandoned to the satisfaction of the DOU.

D15. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of building permit. The Combined Sewer System fee at time of building permit is estimated to be $3,161.79 plus any increases to the fee due to inflation. The fee will be used for improvements to the CSS.

D16. A grading plan showing existing and proposed elevations is required. Adjacent

off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the DOU.

D17. This project will disturb more than one acre of land or is part of large common development; therefore, the project is required to comply with the State's "Construction General Permit" (Order 2009- 0009 DWQ or most current). To comply with the State Permit, the applicant must file a Notice of Intent (NOI) through the State's Storm Water Multiple Application and Report Tracking System (SMARTS), located online at http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp
A valid WDID number must be obtained and provided to the DOU prior to the issuance of any grading permits.

D18. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

Fire

D19. Provide the required fire hydrants in accordance with CFC 507 and Appendix C, Section C105.

D20. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. CFC 501.4

D21. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd,

SMUD

D22. Dedicate a 12.5-foot public utility easement for overhead/underground facilities and appurtenances adjacent to all streets except those areas adjacent to commercial development and multi-family development areas.

D23. Maintain existing overhead 21kV route.

D24. Setbacks of less than 14-feet may create clearance issues and should require the developer to meet with all utilities prior to acceptance of the tentative map. At a minimum the setback info should be placed on the tentative map for review.

D25. Building foundations must have a minimum clearance of 5-feet to a SMUD trench. Developer to verify with other utilities (gas, telephone, etc.) for their specific clearance requirements.

D26. Future SMUD facilities located on the customer's property may require a dedicated SMUD easement. This will be determined prior to SMUD performing work on the customer's property.

D27. SMUD equipment shall be accessible to a 26,000-pound SMUD service vehicle in all weather conditions. SMUD equipment shall be no further than 15-feet from a drivable surface. The drivable surface shall have a minimum width of 20-feet.

D28. If proper clearances from the building cannot be maintained, the developer will need to work with SMUD to relocate or underground the facilities. This work would be billable to the customer.

Public Works

D29. Construct standard public improvements as noted in these conditions pursuant to Title 18 of the City Code. Improvements shall be designed to City Standards and assured as set forth in Section 18.04.130 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This shall include the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk adjacent to the subject property (Crocker Drive) per City standards to the satisfaction of the Department of Public Works.

D30. All new and existing driveways shall be designed and constructed to City Standards to the satisfaction of the Department of Public Works.

D31. Reciprocal access easements are required for shared use of the driveways w/ the adjacent parcels, if not already in place.

D32. The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards.

D33. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be

limited 3.5' in height at maturity. The area of exclusion shall be determined by the Department of Public Works.

D34. The applicant shall provide a signage and markings package (signs, pavement striping, legends and arrows) for on-site circulation and fueling lane queuing to the satisfaction of the Department of Public Works.

D35. The applicant shall be responsible to monitor the daily operations of the fueling facilities so that traffic does not queue back to either Crocker Drive or to the signalized shared access easement. In the case there is vehicular queuing onto any City streets or the operations of the shared access easement as a result of on-site circulation associated with the project site, subject to a request of the City Traffic Engineer, the applicant shall be responsible to incorporate and implement additional measures to improve on-site circulation as to not back up onto City streets and the access easement to the satisfaction of the Department of Public Works (refer to the traffic study recommendations dated April 10th , 2015).

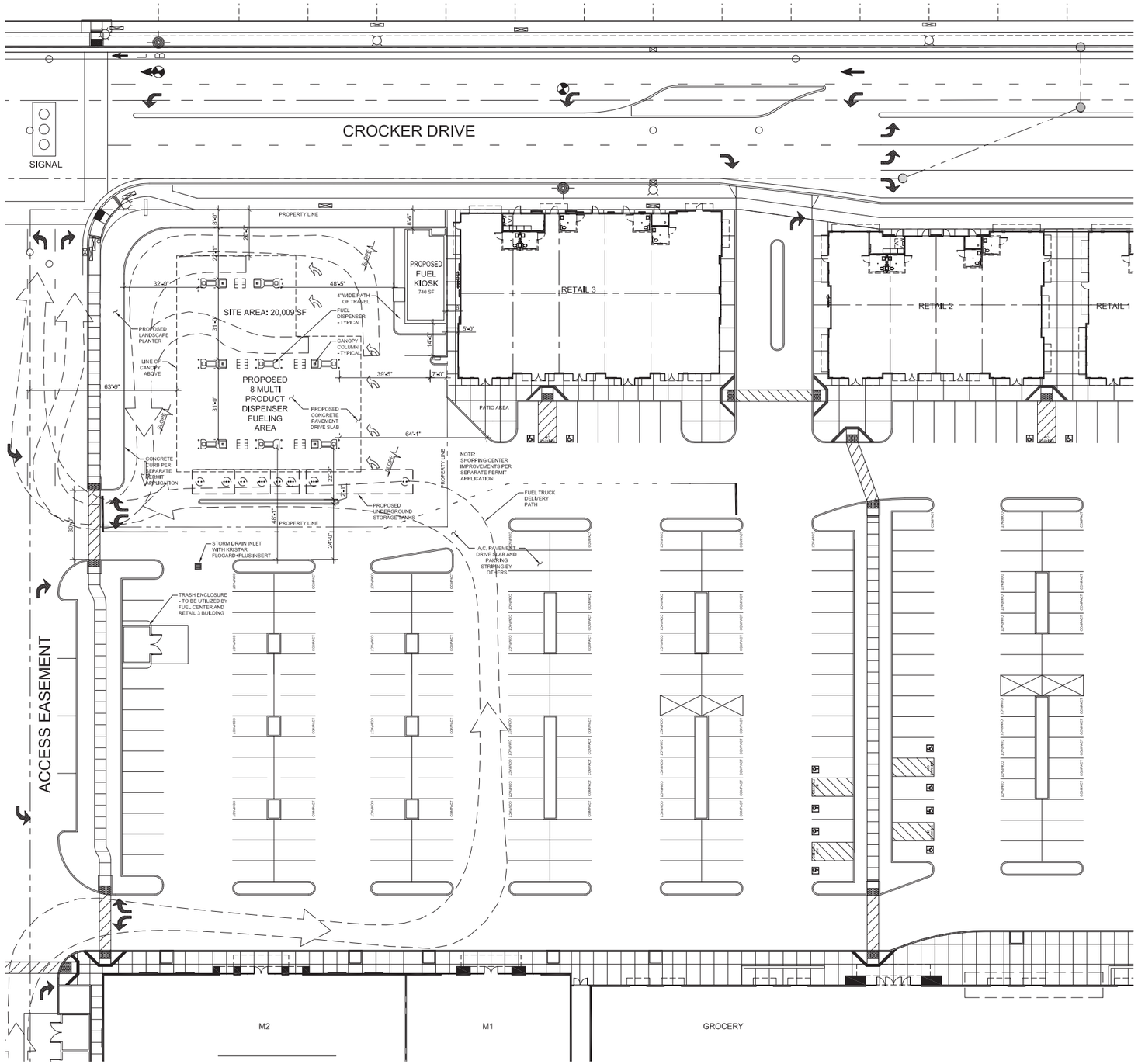
D36. Fuel deliveries to the proposed fuel center shall occur outside of the weekday peak hours (7-9 am and 4-6 pm) or the mid-day weekend peak hours (11 am – 2 pm).

D37. The applicant shall have an attendant on-site during the fueling facility operational hours to direct on-site traffic circulation, assist customers, and place on-site directional cones/ lane dividers and other related traffic control measures, etc.

**Advisory Notes**

1. The on-site storm water treatment control measures required may affect site design and site configuration and should be considered during early planning stages.
2. The proposed project is located in the Flood zone designated as an X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) dated August 16th, 2012. Within the X zone, there are no requirements to elevate or flood proof.

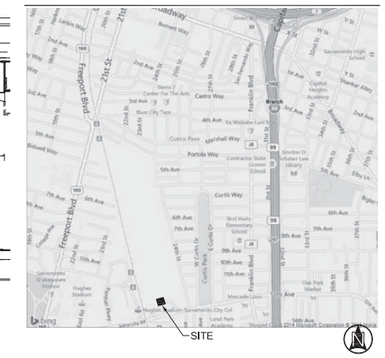
# Exhibit 1a - Site Plan




## INDEX OF DRAWINGS


| SHT. | CONTENT |
|---|---|
| A1.1 | SITE PLAN |
| A1.2 | OVERALL SITE PLAN |
| A2.1 | KIOSK FLOOR AND ROOF PLANS |
| A2.2 | KIOSK ELEVATIONS |
| A2.3 | CANOPY ELEVATIONS |
| A3.1 | STREET ELEVATIONS, TRASH ENCLOSURE, AND LIGHT FIXTURES |
| L1.1 | LANDSCAPE PLAN |
| R1 | RENDERING - KIOSK ELEVATIONS |
| R2 | RENDERING - CANOPY ELEVATIONS |


## VICINITY MAP




## PROJECT DIRECTORY


OWNER:
PDC CONSTRUCTION COMPANY INC.
825 K STREET, SUITE 300
SACRAMENTO, CA 95814
TEL: (916) 442-4600
FAX: (916) 442-6313
DIRECT: (916) 417-9536
CONTACT: PHIL HARVEY OR CHRIS PONCIN
E-MAIL: PHIL@PETROVICHDEVELOPMENT.COM
CHRIS@PETROVICHDEVELOPMENT.COM

PLANS PREPARED BY:
LHB & ASSOCIATES, LTD.
867 PACIFIC STREET, SUITE 120
SAN LUIS OBISPO, CALIFORNIA 93401
TEL: (805) 540-5240
FAX: (805) 540-5241
CONTACT: JR BEARD, RCE 78,916
E-MAIL: JRB@LHBASSOC.COM


## PROJECT SUMMARY

| | |
|---|---|
| DESCRIPTION | |
| ADDRESS | SUTTERVILLE ROAD AND CROCKER ROAD<br>SACRAMENTO, CA 95818 |
| COMMUNITY | CITY OF SACRAMENTO |
| COUNTY | SACRAMENTO |
| JURISDICTION | CITY OF SACRAMENTO |
| ASSESSORS PARCEL NUMBER | 013-0010-035 |
| GROSS LOT SIZE | 7.80 ACRES |
| NET LOT SIZE | 6.92 ACRES |
| FUEL CENTER LOT SIZE | 20,009 SQUARE FEET; 0.46 ACRES |
| LOT COVERAGE | 34.7% |
| PARKING | |
| REQUIRED | 1 |
| PROVIDED | 1 |
| CRITERIA | |
| BUILDING CODES | 2013 CALIFORNIA BUILDING CODE (CBC)<br>2013 CALIFORNIA GREEN BUILDING STANDARDS (CALGREEN) MANDATORY LEVEL<br>2013 CALIFORNIA MECHANICAL CODE (CMC)<br>2013 CALIFORNIA PLUMBING CODE (CPC)<br>2013 CALIFORNIA ELECTRIC CODE (CEC)<br>2013 CALIFORNIA FIRE CODE (CFC)<br>2013 CALIFORNIA ENERGY CODE<br>CALIFORNIA STATE FIRE MARSHAL REQUIREMENTS (SFM)<br>CITY OF SACRAMENTO FIRE DEPARTMENT REQUIREMENTS |
| DISABLED ACCESSIBILITY | FEDERAL FAIR HOUSING AMENDMENTS ACT OF 1988 (FHA)<br>CALIFORNIA DISABLED ACCESS REGULATIONS (1997)<br>AMERICANS WITH DISABILITIES ACT, TITLE III (ADA)<br>AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)<br>SECTION 504 OF THE REHABILITATION ACT OF 1973<br>UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS) |

1 SITE PLAN
1" = 20'-0"
RE:

( GRAPHIC SCALE )
20 0 10 20 40
( IN FEET )

STAMP

REVISIONS

SUBMITAL DATES

| | |
|---|---|
| OWNER: | -- |
| BUILDING DEPT: | -- |
| O.T.B.: | 6 JUNE 2014 |


architecture engineering
LHB & Associates, Ltd.
867 Pacific Street, Suite 120
San Luis Obispo, CA 93401
ph 805.540.5240
fax 805.540.5241
www.LHBassoc.com


PROJECT NO.
11-10-3013

DRAWN BY:
JRB

CHECKED BY:
JRB

CURTIS PARK VILLAGE
FUEL CENTER

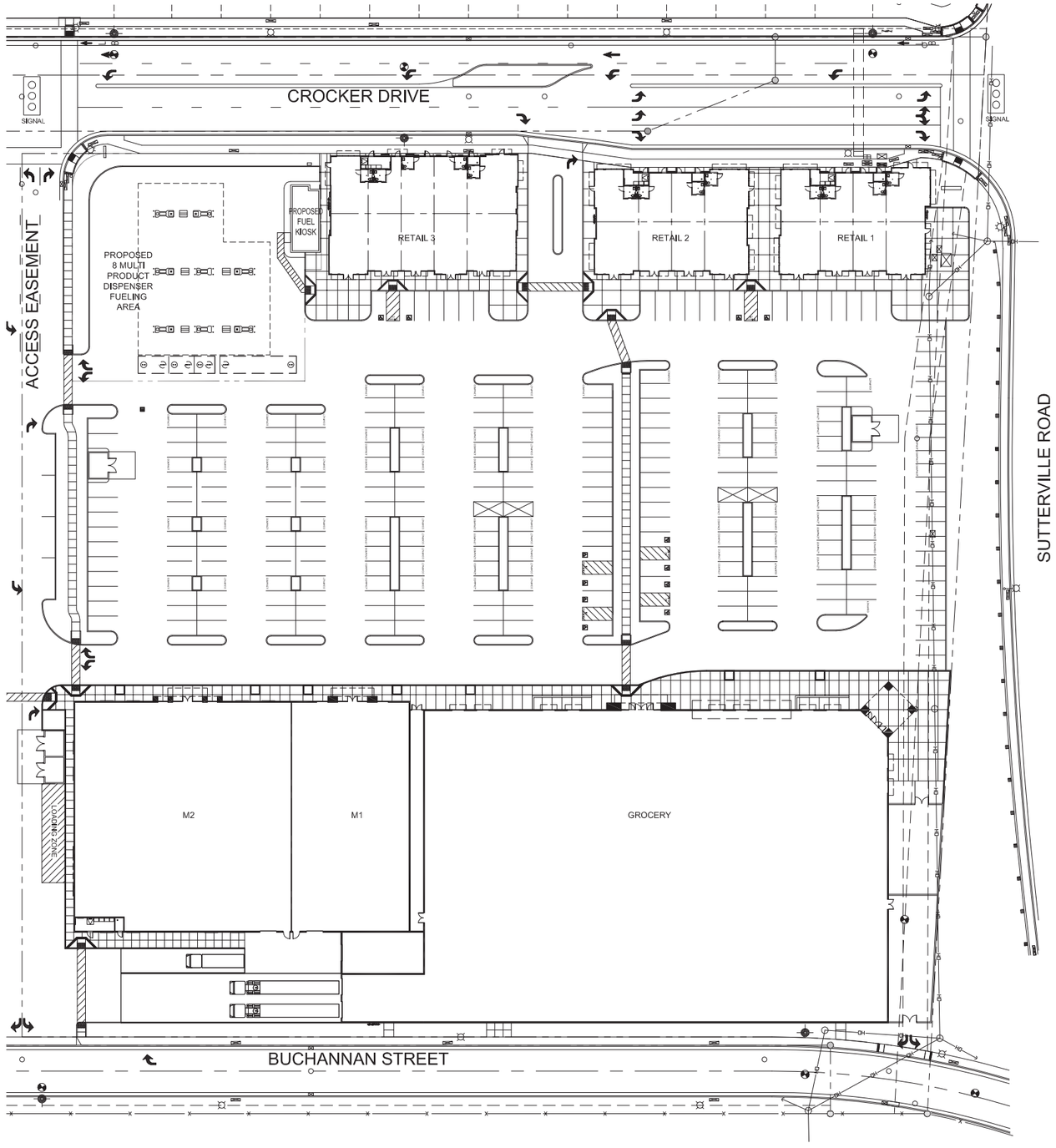
CURTIS PARK VILLAGE DRIVE
SACRAMENTO, CA

SHEET TITLE
SITE PLAN

SHEET NO.
A1.1

4/17/15 01:21 PM

# Exhibit 1b - Commercial Center Site Plan




1 SITE PLAN
1" = 30'-0"
RE:

( GRAPHIC SCALE )
30 0 15 30 60
( IN FEET )

STAMP

REVISIONS

SUBMITAL DATES

OWNER: -

BUILDING DEPT: -

O.T.B.: 6 JUNE 2014

architecture engineering

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PROJECT NO.
11-10-3013

DRAWN BY:
JRB

CHECKED BY:
JRB

CURTIS PARK VILLAGE
FUEL CENTER

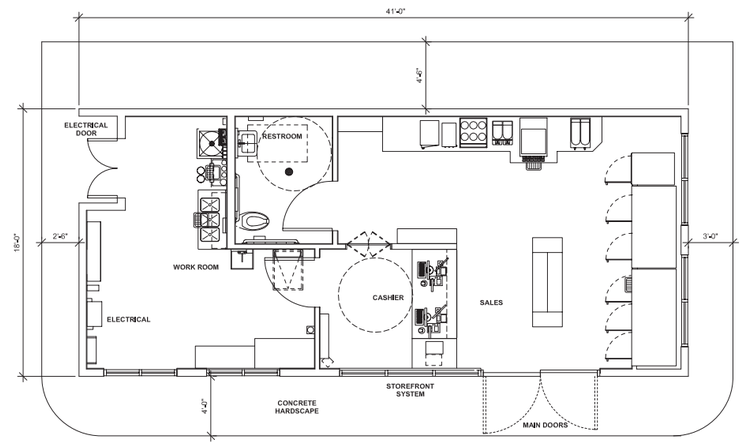
CURTIS PARK VILLAGE DRIVE
SACRAMENTO, CA

SHEET TITLE
OVERALL
SITE PLAN

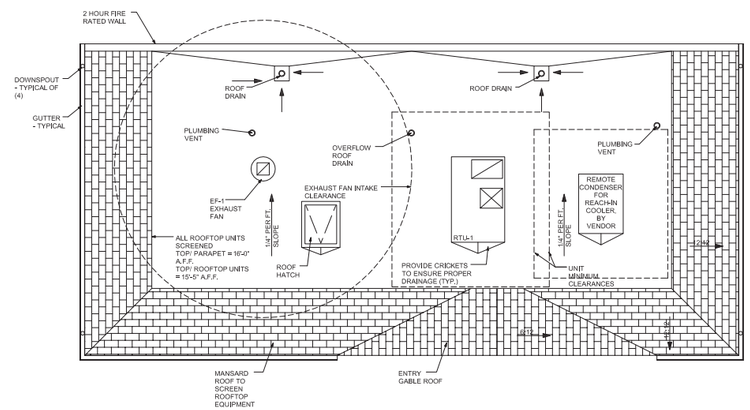
SHEET NO.
A1.2

7/09/14 09:53 AM

# Exhibit 1c - Kiosk Floor Plan




1 FLOOR PLAN
1/4" = 1'-0"
RE:




2 ROOF PLAN
1/4" = 1'-0"
RE:

( GRAPHIC SCALE )
4 0 2 4 8
( IN FEET )

STAMP

REVISIONS

SUBMITAL DATES

| | |
|---|---|
| OWNER: | - |
| BUILDING DEPT: | - |
| O.T.B.: | 6 JUNE 2014 |

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ph 805.540.5240
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www.LHBassoc.com

PROJECT NO.
11-10-3013

DRAWN BY:
JRB

CHECKED BY:
JRB

CURTIS PARK VILLAGE FUEL CENTER

CURTIS PARK VILLAGE DRIVE SACRAMENTO, CA

SHEET TITLE
KIOSK FLOOR AND ROOF PLANS

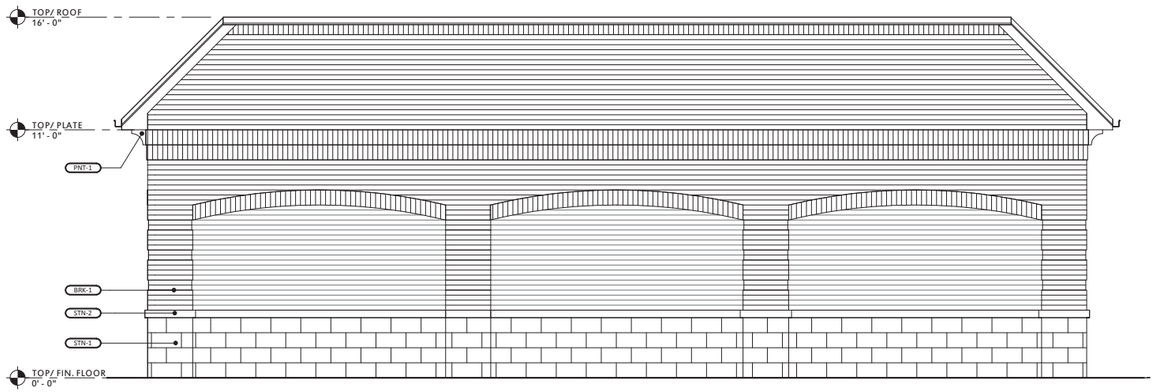
SHEET NO.
A2.1

7/08/14 10:21 PM

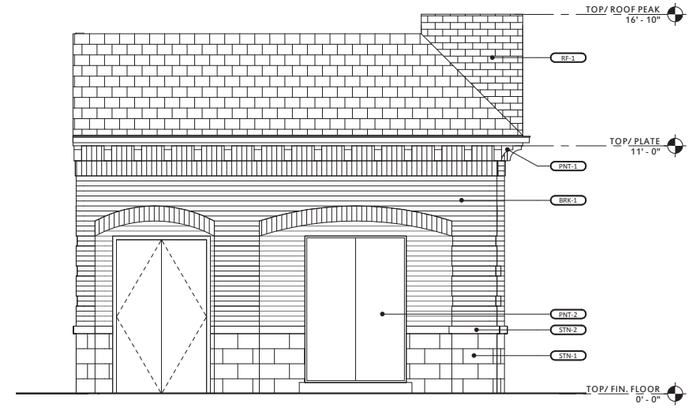
# Exhibit 1d - Kiosk Elevations

1 **KIOSK - NORTH ELEVATION**
3/8" = 1'-0"

2 **KIOSK - WEST ELEVATION**
3/8" = 1'-0"




3 **KIOSK - SOUTH ELEVATION**
3/8" = 1'-0"




4 **KIOSK - EAST ELEVATION**
3/8" = 1'-0"

**MATERIAL KEYNOTES**

| | |
|---|---|
| BRK-1 | MODULAR FACE BRICK IN RUNNING BOND. COLOR: RED, TBD |
| MTL-2 | ALUMINUM WINDOW FRAMES. COLOR: DARK BRONZE ANODIZED |
| PNT-1 | ROOF TRIM & DENTILS TO BE PAINTED. COLOR: WHITE RUSSIAN |
| PNT-2 | DOORS AND FRAMES TO BE PAINTED. COLOR TO MATCH ADJACENT BRICK. |
| RF-1 | FAUX-SLATE ASPHALT SHINGLES OVER ROOF STRUCTURE. COLOR: SLATE |
| STN-1 | ASHLAR LIMESTONE BASE. MANUF: ELDORADO STONE. COLOR: YORK BLEND |
| STN-2 | CHISELED LIMESTONE SILL. MANUF: ELDORADO STONE. COLOR: BUCKSKIN |

DG PArchitecture LLC
1205 West Lill Ave. #3
Chicago, IL 60614
Phone: (773)904-8803

| NO. | DATE | BY | REVISIONS DESCRIPTION |
|---|---|---|---|

**KIOSK ELEVATIONS**

DRAWN BY: SD

REVIEWED: Checker

DATE: 6/27/14

**FUEL CENTER**

STORE NO.: ####

Curtis Park Village Dr.,
Sacramento, CA

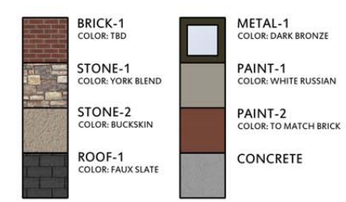
**A2.2**

1 KIOSK - NORTH ELEVATION
3/8" = 1'-0"

2 KIOSK - WEST ELEVATION
3/8" = 1'-0"

3 KIOSK - SOUTH ELEVATION
3/8" = 1'-0"

4 KIOSK - EAST ELEVATION
3/8" = 1'-0"




LEGEND

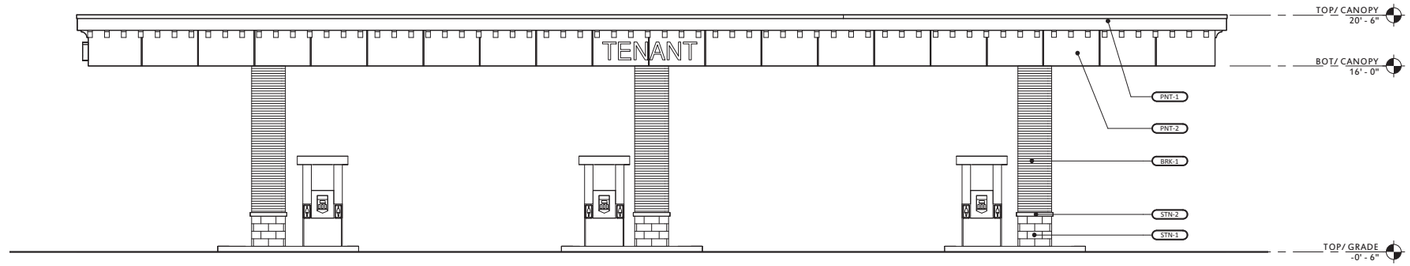
R1

**PROPOSED GAS STATION KIOSK**

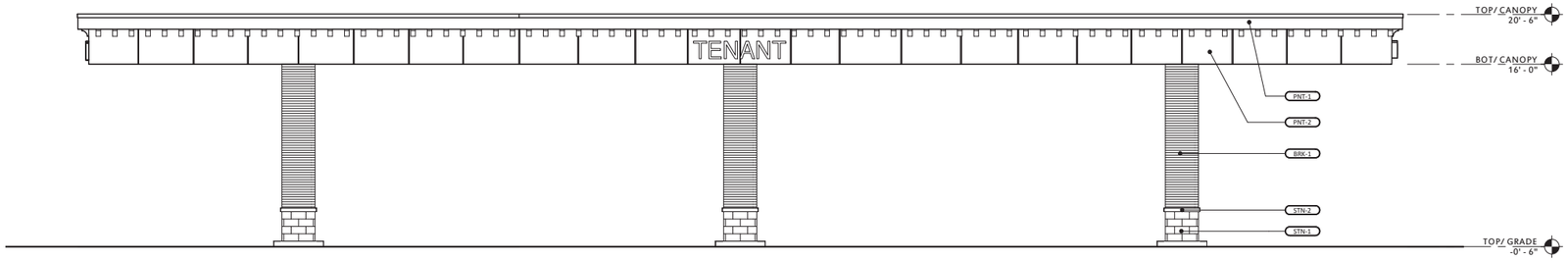
**CURTIS PARK VILLAGE**
**SACRAMENTO, CA**

DG PArchitecture

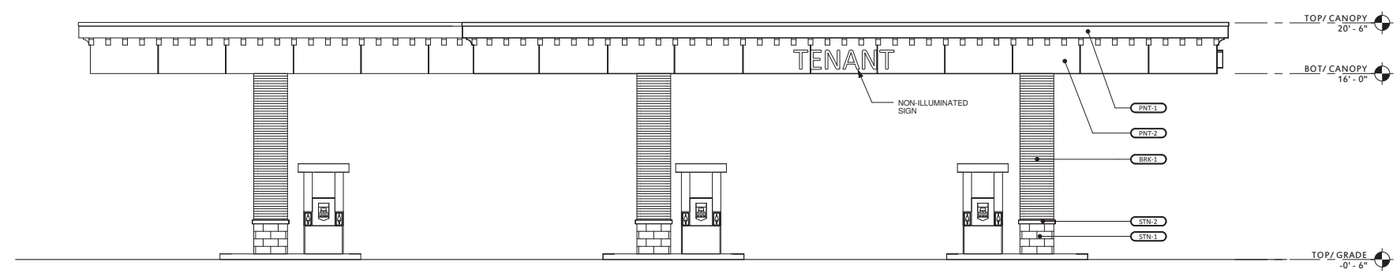
# Exhibit 1e - Canopy Elevations



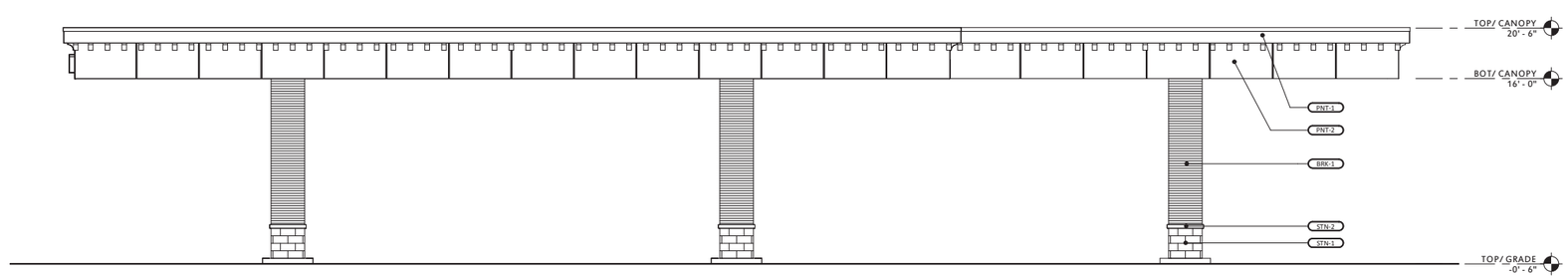

1 CANOPY - WEST ELEVATION
3/16" = 1'-0"




2 CANOPY - NORTH ELEVATION
3/16" = 1'-0"




3 CANOPY - EAST ELEVATION
3/16" = 1'-0"




4 CANOPY - SOUTH ELEVATION
3/16" = 1'-0"

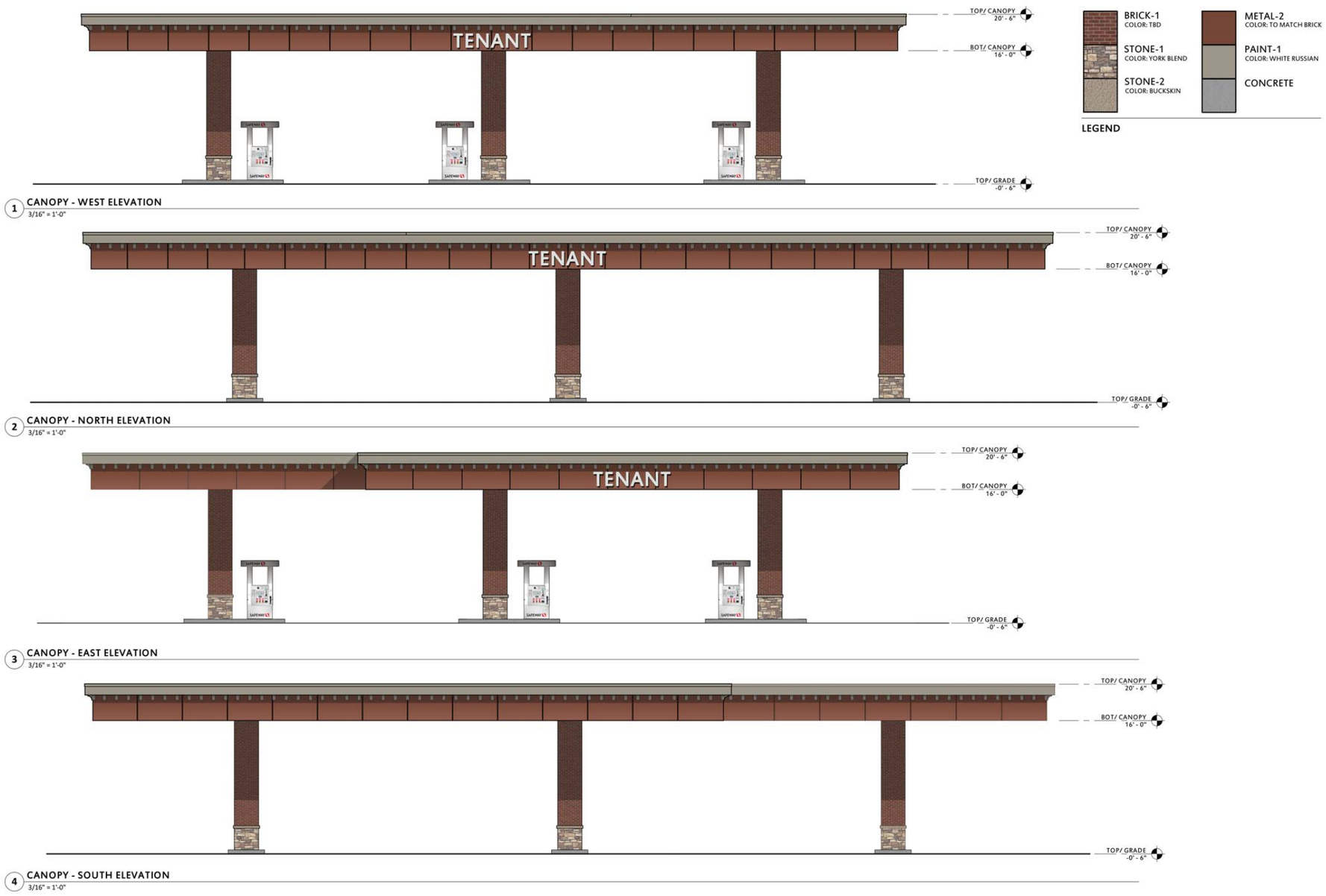
| | |
|---|---|
| BRK-1 | MODULAR FACE BRICK IN RUNNING BOND. COLOR: RED, TBD |
| MTL-2 | ALUMINUM WINDOW FRAMES. COLOR: DARK BRONZE ANODIZED |
| PNT-1 | ROOF TRIM & DENTILS TO BE PAINTED. COLOR: WHITE RUSSIAN |
| PNT-2 | DOORS AND FRAMES TO BE PAINTED. COLOR TO MATCH ADJACENT BRICK. |
| RF-1 | FAUX-SLATE ASPHALT SHINGLES OVER ROOF STRUCTURE. COLOR: SLATE |
| STN-1 | ASHLAR LIMESTONE BASE. MANUF: ELDORADO STONE. COLOR: YORK BLEND |
| STN-2 | CHISELED LIMESTONE SILL. MANUF: ELDORADO STONE. COLOR: BUCKSKIN |

DG PArchitecture LLC
1205 West Lill Ave. #3
Chicago, IL 60614
Phone: (773)904-8807

| NO. | DATE | BY | REVISIONS DESCRIPTION |
|---|---|---|---|

CANOPY ELEVATIONS
FUEL CENTER
STORE NO.:####
Curtis Park Village Dr.,
Sacramento, CA
DRAWN BY: SD
REVIEWED: Checker
DATE: 5/27/14

A2.3




**PROPOSED GAS STATION CANOPY**

**CURTIS PARK VILLAGE**
**SACRAMENTO, CA**

DG PArchitecture

# Exhibit 1f - Site Elevations

1 PRECEDENT IMAGES
RE:

2 CROCKER DRIVE / EAST ELEVATION
RE:

ENTRANCE
COLOR: DARK BRONZE

WALL SCONCE ABOVE DOOR AND WALL WASH
COLOR: DARK BRONZE

3 LIGHT FIXTURES
RE:

STAMP

REVISIONS

SUBMITAL DATES

OWNER: -

BUILDING DEPT: -

O.T.B.: 6 JUNE 2014

architecture engineering
LHB & Associates, Ltd.
867 Pacific Street, Suite 120
San Luis Obispo, CA 93401
ph 805.540.5240
fax 805.540.5241
www.LHBassoc.com

PROJECT NO. 11-10-3013

DRAWN BY: JRB

CHECKED BY: JRB

CURTIS PARK VILLAGE FUEL CENTER

CURTIS PARK VILLAGE DRIVE SACRAMENTO, CA

SHEET TITLE
STREET ELEVATIONS, TRASH ENCLOSURE, AND LIGHT FIXTURES

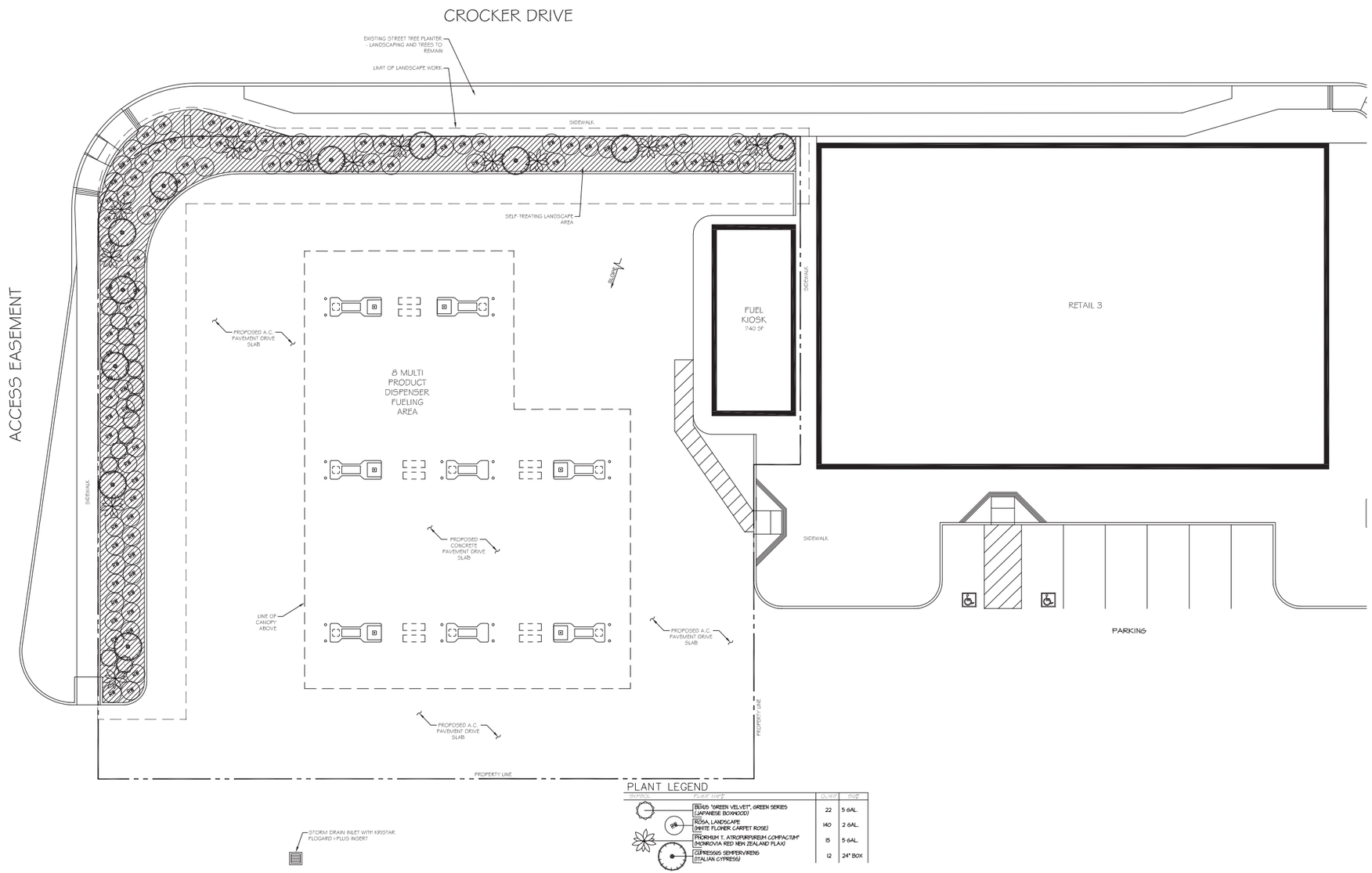
SHEET NO.
A3.1

7/08/14 10:15 PM

# Exhibit 1g - Landscape Plan

INTERVENING AREA: 17,347 SQUARE FEET
LANDSCAPE AREA: 2,488 SQUARE FEET

SHADED AREA: 5,730 SQUARE FEET (FUEL CANOPY)




## PLANT LEGEND

| SYMBOL | PLANT TYPE | QUANT | SIZE |
|---|---|---|---|
| | BUXUS "GREEN VELVET", GREEN SERIES (JAPANESE BOXWOOD) | 22 | 5 GAL. |
| | ROSA LANDSCAPE (WHITE FLOWER CARPET ROSE) | 140 | 2 GAL. |
| | PHORMIUM T. ATROPURPUREUM COMPACTUM" (MONROVIA RED NEW ZEALAND FLAX) | 15 | 5 GAL. |
| | CUPRESSUS SEMPERVIRENS (ITALIAN CYPRESS) | 12 | 24" BOX |

## GROUND COVERS

"STRINGY REDWOOD BARK" MULCH, 3" DEEP LAYER WITH PRE-EMERGENT HERBICIDE

1 LANDSCAPE PLAN
1" = 10'-0"
RE:

( GRAPHIC SCALE )
10 0 5 10 20
( IN FEET )

STAMP

REVISIONS

SUBMITTAL DATES

OWNER: -

BUILDING DEPT: -

O.T.B.J: 6 JUNE 2014

architecture engineering
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fax 805.540.5241
www.LHBassocs.com

PROJECT NO.
11-10-3013

DRAWN BY:
JRB

CHECKED BY:
JRB

CURTIS PARK VILLAGE FUEL CENTER

CURTIS PARK VILLAGE DRIVE SACRAMENTO, CA

SHEET TITLE
LANDSCAPE PLAN

SHEET NO.
L1.1

7/09/14 09:52 AM

SACRAMENTO
Community Development

300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

Help Line: 916-264-5011
CityofSacramento.org/dsd

# Appeal Decision
## City of Sacramento Planning and Design Commission

Date: 6/19/2015

To the Planning Director:

I do hereby make application to appeal the decision of the City Planning and Design Commission on June 11, 2015 (hearing date), for project number P 14-036.

XXX Granted by the City Planning Commission
_____ Denied by the City Planning Commission

Property Location: NW Corner of Sutterville & Crocker Road

Grounds For Appeal: (explain in detail, you may attach additional pages)
Please see attached

Appellant: SCNA, Eric Johnson, Andrea Rosen (please print) Daytime Phone: (916) 524-4311

Address: 2791 24th Street, Sacramento, CA 95818

Appellant's Signature: [signature] for SCNA

Please note that once this application is submitted to the City of Sacramento, your information may be subject to public record. However, please note that the City will not sell your data or information for any purposes.

THIS BOX FOR OFFICE USE ONLY

Filing Fee Received: Applicant ($4,000) ____ Or Third Party ($298) 6-19-15
Received By: PMorgan Date: 6-19-15
Distribute Copies to: Planning Director
Principal Planner ____ Project Planner (original) ____

Submit the Appeal Form to 300 Richards Blvd, 3rd Floor, Community Development Department Public Counter, between 9AM to 4 PM on weekdays.

RECEIVED
JUN 19 2015
BY: PMorgan

**Attachment to Appeal of Sierra Curtis Neighborhood Association ("SCNA"), Eric Johnson and Andrea Rosen ("Appellants")**

As described in much greater detail in prior written (reference list provided below) and oral comments provided to the Planning and Design Commission, along with further explication that may be submitted to the Council, Appellants appeal the actions of the Planning and Design Commission to adopt a CEQA Addendum and issue a conditional use permit ("CUP") for the proposed Curtis Park fuel center, Project P14-036 ("Project") on the following grounds:

1. **Approval of the Project is "detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood."**

   The California Air Resources Board ("CARB"), the state agency with expertise on air emissions and associated human health risks, has provided specific guidance to local agencies on the proper location of a large fuel center such as this (i.e. defined as higher throughput than 3.5 million gallons/year). CARB has very clearly articulated a guidance policy that local agencies should not allow location of large fuel centers within 300 feet of sensitive receptors. Here, the Project has more than two times that throughput (7.46 million gallons) and yet is located merely 85 feet from the nearest sensitive receptor (houses). The Sacramento Metropolitan Air Quality Air District ("SMAQMD") has issued no land use guidance on the siting of fuel centers to date.

2. **The proposed Fuel Center is fundamentally inconsistent with the Curtis Park Village Development Guidelines (P04-109) adopted by the City Council in 2010 and which have the force of law.**

   Please see attached letter of November 15, 2014 for reference. Briefly, the overriding goal of the development guidelines for this infill development was to ensure a high degree of compatibility with the existing neighborhood and to blend in as much as possible. It is not the design of the proposed fuel center that is inconsistent with the Development Guidelines, it is the use itself. A fuel center use is inimical to the specific goals and objectives of the Development Guidelines because it contradicts the goal of maximizing opportunities for efficient transit provided by public transportation. Further the Streetscape and Circulation requirements for Curtis Park Village call for an intimacy of scale and a sense of community that will invite pedestrian use and interaction. A large fuel center, whose very purpose is to attract enough cars to pump 7.45 million gallons of gas each year, located at a critical corner of the Traditional Shopping Center, will thwart that goal. The City has yet to further specify the General Plan definition of a Traditional Center in its infill sites, which vary considerably one from the other. There is no dispute,

however, that a Traditional Center designation emphasizes walkable neighborhoods and that people don't walk to a gas station, they drive. We note that this proposed fuel center is designed to service 16 cars simultaneously.

The fact that a gas station is an allowed use in the Shopping Center – PUD zone is irrelevant. A gas station requires a conditional use permit precisely so the City can judge each of these specific proposed uses on a site-specific basis. Fraternity and sorority houses are an allowed use as are bars, nightclubs, drive-in theaters and kennels. Most notably, heliports, correctional facilities, standalone parking facilities, and surface mining operations are all allowed uses in the SC-PUD zone. It is very likely that the City Council would not find many of these uses compatible with a development the City itself characterized as " its pre-eminent infill development" when it sought over $11 million in Proposition 1C funds from the State on behalf of this developer.

3. **The City's reliance on a CEQA Addendum is legally deficient.**

   a. The Curtis Park Village, as revised by the Project, will result in significant TAC emissions that were not disclosed in the prior EIR thereby necessitating a Supplemental EIR. The CEQA Addendum relies on a health risk assessment for TAC emissions that was anything but objective, followed a questionable methodology intended to justify maximum throughput, and failed to analyze the combined health risk of all sources of TACs associated with the Curtis Park Village project. Substantial evidence in the record establishes the Project, viewed in isolation, will result in significant health impacts resulting from TAC emissions. The combined health risk with other emission sources associated with the Curtis Park Village (i.e. mobile sources) further exacerbates that significant health risk.

   b. The Project requires a Supplemental EIR because the routine transport and use of hazardous materials (such as gasoline) requires wholesale revision to the prior EIR's analysis of hazardous materials. The City may not rely on or incorporate by reference or otherwise rely on the City's 2035 General Plan Master EIR to avoid preparing the required Supplemental EIR.

   c. The CEQA Addendum does not provide substantial evidence that the Project will not result in new, or significantly exacerbated, traffic impacts. The Addendum's traffic study does not account for the significant difference trip generation rates between a loyalty discount fuel center and an ordinary gas station.

4. **The CEQA Addendum itself is legally deficient.**

   a. The CEQA Addendum does not satisfy the City's duty to analyze whether the Curtis Park Village project, as revised by the Project, will result in significant toxic air contaminant ("TAC") impacts than previously disclosed in the prior EIR. Instead, it analyzes the TAC impacts in isolation.

   b. The CEQA Addendum was based on information provided by consultants hired by the applicant, and was not independently reviewed and analyzed by the City. The CEQA Addendum does not represent an objective analysis of the Project's environmental impacts.

   c. The CEQA Addendum fails as an information document with respect to the Project's human health risks from toxic air contaminants because (i) it buries the actual predicted health risk in an attachment, (ii) ignores entirely the California Air Resources Board's land use guidance to not locate large fueling centers (those with throughputs larger than 3.5 million gallons per day) within 300 feet of sensitive receptors, which the applicant is proposing to do here.

   d. The CEQA Addendum purported to rely on the City's 2035 General Plan Master EIR with respect to an analysis of hazardous materials, but the City is prohibited from doing so unless and until it performs an initial study to determine whether the Master EIR is adequate for that purpose. (Pub. Resources Code, § 21157.1.)

5. **The City's approval of the Project would violate CEQA.**

   Even if one assumes that the resulting 9.9 incremental health risk is correct, the City failed to include any enforceable design feature or condition of approval ensuring that the Project does not result in a significant TAC impact by increasing its throughput above the 7.46 million gallons described in the Addendum's attachment. The City failed to make any findings establishing that such a condition was outside the City's authority.

The following SCNA written comments, and attachments, are incorporated by reference into this list of arguments for appeal:

a. Letter of November 15, 2014
b. Letter of February 26, 2015
c. Letter of May 14, 2015 (addressed to Planning and Design Commission)
d. Letter of May 14, 2015 (addressed to Antonio Ablog)

# SIERRA • CURTIS
Neighborhood Association

November 15, 2014

Antonio Ablog
City of Sacramento Planning Division
300 Richards Boulevard
Sacramento, CA 95811

Sent via email (aablog@cityofsacramento.org)

Dear Mr. Ablog:

The Sierra Curtis Neighborhood Association (SCNA) opposes the gas station and minimart proposed by Petrovich Development for Curtis Park Village, as it fails on two basic levels.

First, this project is fundamentally inconsistent with most of the Curtis Park Village Development Guidelines (P04-109), and the use itself is counter to the overall thrust of the Development Guidelines which envision an infill project serving largely the surrounding neighborhoods. A gas station was not one of the uses considered during the environmental review and the PUD zoning process that was completed in 2010. The Curtis Park neighborhood does not contain a gas station currently; instead neighbors use the many gas stations located on the major transportation corridors around our neighborhood including Sutterville, Broadway, Franklin and Freeport. We firmly believe that our neighborhood has more than enough gas stations in close proximity and we don't need another one, especially not in this location.

Second, this application is chock full of material inconsistencies on very important and basic items such as lot dimension. There are so many major omissions from this application, such as the lighting and signage proposed, that it is impossible to analyze. As submitted, it appears city staff would be unable to complete a proper review and make any type of recommendation to the Planning Commission based on the application, due to the rampant inconsistencies and omissions.

***A fuel center is fundamentally inconsistent with PUD guidelines for P04-109 Curtis Park Village***

The overall purpose of this PUD's development guidelines is to ensure that the proposed uses of this infill development blend with and enhance the quality of life and charm of the existing Curtis Park neighborhood. Compatibility with the existing neighborhood has been the watchword for a very long time. The proposed gas station works against this general purpose. Section 1.2 outlines the goals and objectives of this PUD; goal #4 is to "maximize opportunities for efficient transit provided by the public transportation and roadway corridors serving the site of the PUD." One of the objectives for this goal is to encourage the use of public transportation and to develop appropriate linkages to surrounding

neighborhoods including pedestrian, bicycle, vehicle and alternative transportation modes. A gas station in this location frustrates this goal.

The gas station is proposed for the corner of Crocker Drive and the shopping center access road, which was intended to be the "Main Street" for the commercial area (see 2.2 of the PUD Guidelines). This "Main Street" will be the primary pedestrian and bike route to access the bridge to the City College light rail station and builds on the already popular bike lane on Crocker Drive. It will also provide the primary pedestrian and bike access to the stores in the shopping center as well as adjacent housing. We see the construction of a major auto-attracting use on a key corner of this Traditional Shopping Center as inimical to the goals of this infill project. See 2.2 SC-PUD Zone which states: "The character of the commercial area is to be sensitively informed by the adjacent pedestrian and bicycle friendly, urban-forested neighborhoods."

Section 2.2 also notes that the location of the Shopping Center "provides a unique opportunity for the commercial area of CPV to be both economically successful and an active buffer between both the new and existing residential neighborhoods and these large transportation corridors". The placement of a gas station as part of the CPV commercial area would not provide a buffer but would instead draw large amounts of traffic from the adjacent major transportation corridors into the neighborhood.

Section 3.1 Site Design and Building Orientation lists the features that are to be encouraged for the arrangement and siting of buildings. The proposed gas station site design violates virtually every single one of these provisions.

Section 3.2 describes the building design principles and building forms for CPV's buildings. Again, the gas station use conflicts with the key concepts stated in this section: "Key concepts direct the feel of a neighborhood and determine community identity, economic vitality and levels of activity and use. Individual building forms and facades influence cohesiveness, comfort and aesthetic pride and at the same time invite usage, increase a sense of security and generate pedestrian activity." Building a gas station use at the key entry point to the traditional shopping center reduces aesthetics and decreases security for pedestrians and cyclists wishing to access the shopping center.

The mass and scale of this project also violate the CPV PUD guidelines in Section 3.2.

Section 4.1 addresses Streetscape and Circulation which notes "Curtis Park Village will have an intimacy of scale and a sense of community that will invite pedestrian use and interaction." The proposed gas station would work against this type of circulation by introducing a large number of automobiles entering and exiting the main street of the traditional shopping center with the sole purpose of purchasing gas.

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Section 4.2 Bicycle and Pedestrian Circulation correctly notes that the "success of Curtis Park Village as a community will be strongly linked to its success as a pedestrian and bicycle friendly community. Creative design solutions that further enhance the walkability and connectivity of the area are strongly encouraged." This section goes on to require that pedestrians and bicyclists be given the same importance as motor vehicles and buffer them from the street where possible. Placing a large gas station at a very central point of the new neighborhood actively discourages pedestrians and bicyclists in Curtis Park Village and violates the intent of the CPV Development Guidelines.

Furthermore, this project is not consistent with the General Plan definition of a Traditional Center[1]. The Traditional Center designation emphasizes walkable neighborhoods; people don't walk to a gas station. Gas stations are, by definition, designed to attract motor vehicles, which degrade the pedestrian experience and contravene the goal of a walkable neighborhood. The combination of the Safeway loyalty discount program and the lack of nearby Safeway gas stations will result in this station attracting thousands of vehicles into the Village making this use a major regional traffic draw. We note that this gas station can service 16 cars at once and is proposed to operate 24 hours a day, 7 days a week.

***Errors, omissions and contradictions prevent a complete and proper analysis of the application***

1. Subject Site Information
*Page 9 of 17*

These 3 lines were filled in by the applicant:
Total property size in acres (gross/net): Fuel Center lot size .46 Acre (portion) of 6.92 Acre (net)
Square feet if less than one (1) acre: Fuel Center lot size 20,009 sf
Lot dimensions: Approximately 200' x 200'

The stated square feet and the lot dimensions do not match up.
200' x 200' = 40,000 square feet. This contradicts the applicant's claim of 20,009 sq ft.
The City cannot know if it's approving 20,000 or 40,000 square feet.

The applicant needs to correct the mistake and recirculate the application.

[1] Traditional Centers are a critical element of sustainable, walkable traditional neighborhoods that provide essential daily services within walking distance of surrounding residents. Infill development in areas designated Traditional Center can create additional character and spatial definition. Sidewalks integrated with pedestrian amenities can also provide an active pedestrian component and physical connections to adjoining neighborhoods.

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2. Neighborhood Contact
*Page 12 of 17*

"Please describe any contact you have had regarding the project with the following: Neighborhood/property owners adjacent to the subject site, Neighborhood Associations, Business Associations, or Community Groups in the project area:"

"Numerous meetings with surrounding neighbors and neighborhood groups including Sierra Curtis Neighborhood Assoc. ..."

The applicant has not held a meeting with the Sierra Curtis Neighborhood Association to discuss the Fuel Center. There is a great desire in Curtis Park to meet with City officials and the applicant to discuss, for the first time, the inclusion of a gas station in this project. The City should either require the applicant to hold a community meeting or require the applicant to remove the statement on page 12 of 17 that incorrectly states that the applicant met with SCNA to review the Fuel Center as this is untrue.

The applicant needs to correct the mistake and recirculate the application.

3. Site Characteristics
*Page 13 of 17*

Are you proposing any new signs with the project? Yes and No are both checked.

If yes, please describe the number and type. (left blank by the applicant)

Gas stations tend to have large, illuminated signs that show the prices for Regular, Plus, Premium and Diesel. This sign (or signs) is not described in the application or shown anywhere on the plans included in the application. What are the dimensions? How high will it be? Will it be visible from Sutterville Road? Will the sign shine through the windows of the new homes directly across the street?

The missing signage information proposed for this project makes it impossible for City staff to determine if the project comports with the Signage and Graphics Section 6.0 of the PUD Guidelines.

The applicant needs to correct the mistake and recirculate the application.

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4. Non-Residential Projects - Lot Coverage
*Page 15 of 17*

Total Building Coverage Area, existing and proposed* include all covered structures (patios, porches, sheds, detached garages, etc.) (sq ft.): 740
Project Site Lot Area (sq ft): 20,009 sq. ft.
Total lot coverage percentage: 34.7 %

740 square feet is not 34.7% of 20,009 square feet.

What square footage would the City be approving? A total coverage of 34.7% of 20,009 sq. ft. would be a 6,943 sq. ft. building.

The applicant needs to correct the mistake and recirculate the application.

5. Design Guidelines
*Page 16 of 17*

The applicant did not indicate by a yes or no that they have read the applicable Design Guidelines and have completed the Design Guidelines Checklist for the district or area of this project.

The City should assure that the Design Guidelines Checklist has been completed and that it is available for review by the general public.

In summary, we request that the city of Sacramento reject the existing application to build a fuel center in Curtis Park Village. Additionally, since this use was not studied in the original environmental review, SCNA has hired legal counsel to advise us regarding what kind of environmental review the City should require if this project moves forward. We will write separately in the near future on this aspect of this proposed project.

Sincerely,

Eric Johnson
President, Sierra Curtis Neighborhood Association.

Cc: Councilmember Jay Schenirer (jschenirer@cityofsacramento.org)
Councilmember Steve Hansen (shansen@cityofsacramento.org)
Chris Poncin, Petrovich Development (chris@petrovichdevelopment.com)

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SIERRA • CURTIS
Neighborhood Association

February 26, 2015

**SENT VIA EMAIL TO (aablog@cityofsacramento.org)**

Antonio Ablog
City of Sacramento Planning Division
300 Richards Boulevard
Sacramento, CA 95811

RE: Curtis Park Village Fuel Center (P14-036)

Dear Mr. Ablog:

This letter provides additional comments from the Sierra Curtis Neighborhood Association ("SCNA") regarding the gas station and minimart proposed by Petrovich Development for Curtis Park Village (application number P14-036) ("Gas Station"). SCNA previously submitted a letter dated November 15, 2014 that noted many omissions, errors, inconsistencies and inaccuracies that rendered the application seriously flawed. (See Exhibit 1.) To date SCNA has not been notified that the application has either been rejected as incomplete or that necessary corrections and/or additions have been submitted. Accordingly, SCNA renews those same objections as well as its substantive opposition to the Gas Station based on basic land use policy issues.

Our prior letter also stated that SCNA would seek advice regarding the environmental review that the City should require for the Gas Station since City staff previously indicated that no such review would occur. Having now obtained that advice, SCNA's position is that a Supplemental Environmental Impact Report ("SEIR") is required for the City to analyze and disclose the new significant impacts associated with the Gas Station proposal.

Since the Curtis Park Village ("CPV") was previously approved on an Environmental Impact Report ("EIR"), the nature of any CEQA review for subsequent applications to revise the project is governed by Public Resources Code section 21166 and CEQA Guidelines section 15162. CEQA Guidelines section 15162 provides in relevant part:

> (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

> (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; . . .

Here, available information indicates that revising the CPV to include the Gas Station will result in new significant impacts and a substantial increase in the severity of previously identified significant impacts at least in the areas of (i) toxic air contaminants ("TAC"), (ii) residential exposure to hazardous substances, and (iii) transportation.

What is more, the City's assessment of these important environmental and human health issues does not occur in a vacuum. Safeway has proposed virtually identical gas stations for other areas of the state, and the CEQA lead agency review of these other proposals provides useful guidance to the City. For example, in 2013 the city of San Jose approved a Safeway gas station, the "Cottle Safeway fuel center" (file number CP12-053) which also included 16 dispensers ("San Jose Gas Station"). The CEQA review document for the Cottle Safeway was a CEQA Addendum; and the significant differences with the proposed Gas Station at issue here squarely demonstrate that a SEIR is required in this instance, as discussed more fully below. Further, the city of Petaluma is currently working on an EIR for a Safeway gas station located on South McDowell Boulevard (file number PLSR-13-0012) that also includes 16 dispensers ("Petaluma Gas Station"). More specific guidance from these two other gas stations is provided below.

## 1. The Gas Station Will Expose Residents to a Cancer Risk That is Many Times Above the Threshold of Significance.

An SEIR must be prepared to fully analyze and disclose the long-term cancer risks posed to nearby Curtis Park residents from the proposed Gas Station.

Gas stations emit benzene, which is a TAC with both short-term acute health impacts and long-term chronic (i.e., cancer) health impacts. Another major TAC is diesel particulate matter ("DPM"). The CPV EIR, consistent with standard practice, identified 10 increased cancer risks per million as the relevant significant threshold for long-term chronic health impacts from TACs. (DEIR, p. 5.3-8.) The CPV EIR ultimately found the impact less than significant without the need for any mitigation. (DEIR, p. 5.3-17-18.)

The proposed Gas Station, however, will result in cancer risks significantly above the threshold of significance. As a preliminary matter, however, it is noted that the application for the Gas Station does not provide the estimated "throughput," which is the annual amount of gasoline pumped at a gas station and usually expressed in millions of gallons per year. This omission is significant because the most important factors for

calculating human health risk are (i) throughput, and (ii) distance to the nearest sensitive receptors[1]. Estimates are necessary since neither the developer nor Safeway have been forthcoming with this necessary information. Fortunately, comparable information is available. The San Jose Gas Station assumed a throughput of 7 million gallons per year based on Safeway's representation. The city of Petaluma assumed 8.5 million gallons per year based on Safeway's representation. As both of these projects have the same16 dispensers as the proposed Gas Station, it is reasonable to assume a minimum throughput of seven million gallons.

The California Air Resources Board ("CARB") has adopted a very clear policy on siting new gas stations: "Avoid siting new sensitive land uses within 300 feet of a large gasoline dispensing facility (defined as a facility with a throughput of 3.6 million gallons per year or greater)." (CARB Land Use Handbook, p. 32.) Consistent with this land use policy, the San Jose Gas Station was approved at a location that was 335 feet away from the nearest residential receptor. (File number CP 12-053, staff report dated March 13, 2013.) The CEQA Addendum for the San Jose Gas Station found the impact to be less than significant because of this considerable distance, explaining in relevant part:

> Benzene emitted from fuel vapors is the TAC of concern due to its potential to cause cancer. The California Air Resources Board's (CARB's) Land Use and Air Quality Handbook reports that large gasoline dispensing facilities with a throughput of nine million gallons per year can have significant health risks of 25 per million at 50 feet and approximately five in one million at 300 feet. BAAQMD applies age sensitivity factors that account for the greater sensitivity of infants and small children to cancer causing TACs. Application of the age sensitivity factors, and adjustments to a dispensing station with annual throughput of seven million gallons, indicates the screening level cancer risk to be 33 per million at 50 feet to less than seven per million at 300 feet. The proposed fuel station would be over 300 feet from the nearest residences, so lifetime cancer risks would be less than 10 in one million, which would be a less-than-significant impact under CEQA.

(Addendum to the Hitachi Campus and Transit Village Final EIR (SCH#2004072110) for the Cottle Safeway Fuel Station (File No. CP12-053) p. 25.)

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[1] Sensitive receptors include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwellings.

Here, however, the proposed Gas Station would be located merely 85 feet from the nearest residential receptors. Further, approximately 50 residential units – both existing and new households – will be within CARB's 300-foot radius. A preliminary "rough" health risk assessment performed by SMAQMD staff estimated the health risk at the nearest residential receptor to be approximately 3.7 cancers per million gallons of throughput. Seven million gallons of throughput would translate to a health risk of 25.9 increased cancers per million at the nearest residential receptors. This cancer risk, which accounts only for the benzene emitted by the Gas Station itself and excludes other sources of TACs such as diesel-powered tanker and delivery trucks, is itself more than 200% of the accepted significant threshold of 10 increased cancer risks.

What is more, SCNA's air quality expert, Dr. Petra Pless, explains that the SMAQMD's "rough" conclusions described above are based on the SMAQMD's ministerial Title V authority to construct/permit to operate approvals using a health risk assessment methodology that is no longer the state of the art and not sufficiently protective of human health.[2] A more modern methodology for calculating human health risk was adopted by the California Office of Environmental Health Hazard Assessment ("OEHHA") in 2009, and is significantly more refined in its estimates of cancer risk. As Dr. Pless explains, the OEHHA methodology results in a health risk of approximately 70 increased cancer risks per million at the nearest residences, which is 700% of the threshold of significance.[3] The City has a duty under CEQA to employ the OEHHA methodology for analyzing the Gas Station's health risks since it is the most current, generally accepted methodology for estimating human health risk. (*Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm'rs* (2001) 91 Cal.App.4th 1344, 1370.) In fact, while the SMAQMD continues to rely on its outdated methodology for its Title V permitting, its CEQA Guide expressly references the more modern and refined OEHHA methodology when lead agencies perform CEQA review for new TAC emission sources.[4]

Further, the City has a duty under CEQA to analyze the combined health risk from all of the Gas Station's TAC emission sources since they are treated additively in health risk assessments. The SMAQMD's CEQA Guide makes this point with clarity: "The District recognizes that permitted stationary sources of TACs and non-permitted sources of TACs may operate on the same project site. Lead agencies shall evaluate the combined impact of all TAC emissions generated on the project site."[5] These additional sources of TACs include diesel tanker trucks serving the Gas Station, queuing and idling vehicles using the Gas Station, diesel trucks serving the retail component of the CPV, and

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2 See Exhibit 2, letter from Dr. Petra Pless dated February 20, 2015, p. 9-10.

3 *Id.* at p. 11.

4 *Id.* at p. 10.

5 Sacramento Metropolitan Air Quality Management District CEQA Guide December 2009, Revised June 2014, page 5-8.

diesel locomotive engines using the existing railway line. The combined TAC emissions from these other sources will only further increase the significant cancer risk associated with benzene emissions from the proposed Gas Station.

In summary, the proposed Gas Station will result in an increased cancer risk to Curtis Park residents that is several times the applicable threshold of significance. This extremely high cancer risk requires the City to prepare a SEIR that will fully inform both the decision-makers and the public about the extraordinary health risk facing Curtis Park residents from the proposed Gas Station project. What is more, any attempt to conceal or trivialize the project's impact through use of an outdated methodology that understates the human health risk will not be accepted by the public or SCNA.

**2. The Gas Station Will Increase the Risk of Exposure to Hazardous Substances by Curtis Park Residents.**

Reconfirming its inappropriate proposed location within the CPV, the Gas Station will substantially increase the risk of exposing residents to releases of hazardous substances. On this issue, the CPV EIR identified the following relevant thresholds of significance:

- "Substantially increase the risk of exposure of site occupants to inadvertent or accidental releases of hazardous substances to the environment from non-residential uses during project occupancy; and/or
- Substantially increase the risk of exposure of site occupants to inadvertent or accidental releases of hazardous substances transported on adjacent roadways and rail lines within the project area."

(DEIR, p. 5.8-7.)

The CPV EIR found this impact less than significant without the need for any mitigation. (DEIR, p. 5.8-15.) The DEIR's entire discussion of the issue provides:

> The proposed project would include residential, commercial, and open space/park uses. ***These land uses would not involve the routine use, transport, or disposal of hazardous materials. In addition, the truck routes designated for the commercial uses would not utilize the proposed residential roadways***. Therefore, the proposed project would not increase the risk of exposure of site occupants to inadvertent or accidental releases

of hazardous substances from non-residential uses or substances transported on adjacent roadways, resulting in a less than significant impact.

Mitigation Measure(s): None required.

(*Ibid.* (Emphasis added).)

The proposed Gas Station dramatically alters this analysis. Not only would the Gas Station involve *both* the routine use and transport of large quantities of a hazardous substance, but such use and transport would occur in extremely close proximity to residential dwellings. Specifically, the Gas Station would be located literally across the street from homes, and petroleum tanker trucks will be travelling on the same street as these dwellings within merely 15 to 20 feet of their doorsteps. What is more, the transport would occur on Crocker Drive, a residential roadway. Thus, the CPV EIR's analysis of this issue is completely inapplicable to the proposed Gas Station, and will need to be revised in its entirety.

In short, the routine use and transport of large volumes of gasoline in such close proximity to residential dwellings present two new significant impacts that must be disclosed and addressed in the SEIR.

**3. The Gas Station Will Create New Significant Traffic and Safety Impacts Requiring an SEIR.**

The proposed Gas Station will result in new and/or exacerbated significant impacts in the area of transportation and transportation-related safety impacts that should also be analyzed in the required SEIR.

First, it is beyond reasonable dispute that the proposed Gas Station will result in significant additional traffic trips above the project as approved. On this issue, the San Jose CEQA Addendum offers some, albeit incomplete, guidance. First, the traffic study found that the San Jose Gas Station would generate 2,480 daily vehicle trips.[6] Notwithstanding this addition of vehicle trips, the CEQA Addendum ultimately concluded that the impact was less than significant specifically because the proposed project included reducing the amount of retail by 110,000 square feet: "Essentially, the project intends to replace 110,000 s.f. of approved retail development with a 16-pump gas station."[7] Here, however, there is no significant reduction in the total commercial space, and so the vehicle trips associated with the gas station are added to the vehicle trips

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6 San Jose CEQA Addendum, Attachment B, p. 2.

7 *Id.* at p. 1.

resulting from the CPV project as approved. Thus, the proposed Gas Station will result in significant additional vehicle trips. (CEQA Guidelines, § 15162, subd. (a)(1).)

But the necessary revisions to the prior CPV EIR's traffic analysis are not limited to additional vehicle trips. As traffic engineer Larry Wymer further explains, the proposed Gas Station's "trip characteristics are drastically different" from the standard retail uses that were analyzed in the prior EIR.[8] Thus, Mr. Wymer opines, "In addition to gas stations adding new project trips to area roadways, they also by their very nature significantly alter existing (i.e., no project) travel patterns via significant pass-by/diverted trip in which drivers will alter their normal travel patterns to fuel at the new gas station."

As mentioned above, the San Jose CEQA Addendum provides some helpful guidance to the City regarding the additional traffic impacts associated with the proposed Gas Station, and is inconsistent with the traffic assumptions asserted by Petrovich Development. As Mr. Wymer further explains:

> Trip generation, distribution, pass-by, and diverted trip assumptions as included within the Curtis Park Village FAQ section are completely inconsistent with those outlined within the "Cottle Safeway Fuel Station - Addendum to the Hitachi Campus and Transit Village Final EIR - (March 2013)" prepared for the City of San Jose. This inconsistency invalidates the FAQ conclusion, and if the conclusions as outlined for the Cottle Safeway Fuel Station in San Jose are applied to the Curtis Park Village site the result would potentially be significant increases and variations in trip generation and trip distribution/assignment.[9]

Thus, while the San Jose CEQA Addendum is generally helpful in establishing that the Gas Station will result in a significant increase in trip generation above the CPV project as approved, it does so somewhat imprecisely because the San Jose Addendum's trip generation assumption relies on the "service station" designation.[10] This use designation does not adequately describe trip generation associated with a loyalty gas station, which will generate significantly more trips than a typical gasoline station for the same number of dispensers.[11] This is confirmed by the experience of the city of Petaluma, which rejected reliance on the typical "service station" designation and instead performed its own traffic count study of similar loyalty gas stations to determine more

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8 See Exhibit 3, letter from Larry Wymer, T.E., dated February 20, 2015.

9 Exhibit 3, p. 1.

10 San Jose CEQA Addendum, Attachment B, p. 2.

11 Exhibit 3, p. 1.

accurate trip generation.[12] The traffic study included in the future SEIR will need to rely on this more accurate trip generation information.

Second, the Gas Station will result in a new significant impact involving conflict with transit, bicycle and pedestrian facilities. As Mr. Wymer explains, "A revised traffic analysis should consider potential pedestrian/bicycle conflicts with fuel trucks and queuing vehicles entering and exiting the gas station." (Exhibit 3, p. 2.) This conflict is significant. The new pedestrian overcrossing will result in hundreds of pedestrians and bicyclists crossing the CPV site daily on their way to and from the pedestrian bridge. Based on the City's own calculations previously submitted to SACOG, Mr. Wymer computed an average of 700 pedestrian and 345 bicycle trips per day, with many of those pedestrians and bicyclists travelling across the proposed Gas Station's driveways in potential conflict with queuing vehicles and fuel trucks.

Not surprisingly, the City's zoning ordinance prohibits gasoline stations in transit overlay zones. (City Code, §17.340.050, subd. (11).) While the CPV is not, strictly speaking, zoned "transit," it is as a practical matter a transit-oriented development and accepted funds from the California Department of Housing and Community Development's Transit Oriented Development program. In fact, the City has represented that the CPV is "one of the region's preeminent transit oriented developments" for purposes of obtaining these grant funds.[13] To the extent the proposed Gas Station "decrease[s] the performance or safety" of the pedestrian overcrossing and the Sacramento residents who would rely on it, this is a significant impact under CEQA that the SEIR will need to address. (CEQA Guidelines, Appendix G, Section XVI, subd. (f).)

Thus, in addition to TAC emissions and exposure to hazardous substances, the required SEIR will also need to address at least two new significant transportation-related impacts from the proposed Gas Station.

* * *

The discussion set forth above overwhelmingly demonstrates that the proposed Gas Station is completely inappropriate for the CPV site. SCNA hopes that the project applicant will realize this fact and withdraw its application so that neither the City nor the public waste further resources analyzing such a misguided proposal. Assuming, however, that the developer insists on requiring the City to move forward with its review

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12 Pers. Comm. with Olivia Ervin, environmental planner.

13 See Exhibit 4, excerpt from City grant application for the pedestrian overcrossing.

of the application, CEQA requires the City to prepare an SEIR as the CEQA document for that review. SNCA respectfully requests that the City respond by March 12, 2015 confirming that it will prepare and circulate the required SEIR and that no action will be taken on the Gas Station proposal until the SEIR is certified.

Very truly yours,

**SIERRA CURTIS**
**NEIGHBORHOOD ASSOCIATION**

By: Eric A. Johnson, President

Attachments:

1. Letter from SCNA dated November 15, 2014.
2. Letter from Dr. Petra Pless dated February 20, 2015.
3. Letter from Larry Wymer dated February 19, 2015.
4. Excerpt from City grant application for pedestrian overcrossing.

Cc (via email):

City Council
Mayor Kevin Johnson (mayor@cityofsacramento.org)
Mayor Pro Tem Angelique Ashby (aashby@cityofsacramento.org)
Vice Mayor Allen Warren (awarren@cityofsacramento.org)
Councilmember Jeff Harris (jharris@cityofsacramnto.org)
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Vice Chair Alan LoFaso (ALofaso@sbcglobal.net)
Commissioner Jose Bodipo-Memba (Bodipo50@gmail.com)
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Commissioner Cornelious Burke (cburke.realestate@gmail.com)
Commissioner Edmonds Chandler (ed@loftgardens.com)

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Commissioner Douglas Covill (dcovill@cbnorcal.com)
Commissioner Rommel Declines (sacplanning_declines@me.com)
Commissioner Todd Kaufman (todd.s.kaufman@gmail.com)
Commissioner Kim Mack (kimjoanmc@att.net)
Commissioner Matthew Rodgers (matt@mrpe.com)
Commissioner Joseph Yee (jyeepdc@gmail.com)
Commissioner Vincent Darrel Teat Jr. (dteat@nehemiahcorp.org)

# EXHIBIT 1

SIERRA • CURTIS
Neighborhood Association

November 15, 2014

Antonio Ablog
City of Sacramento Planning Division
300 Richards Boulevard
Sacramento, CA 95811

Sent via email (aablog@cityofsacramento.org)

Dear Mr. Ablog:

The Sierra Curtis Neighborhood Association (SCNA) opposes the gas station and minimart proposed by Petrovich Development for Curtis Park Village, as it fails on two basic levels.

First, this project is fundamentally inconsistent with most of the Curtis Park Village Development Guidelines (P04-109), and the use itself is counter to the overall thrust of the Development Guidelines which envision an infill project serving largely the surrounding neighborhoods. A gas station was not one of the uses considered during the environmental review and the PUD zoning process that was completed in 2010. The Curtis Park neighborhood does not contain a gas station currently; instead neighbors use the many gas stations located on the major transportation corridors around our neighborhood including Sutterville, Broadway, Franklin and Freeport. We firmly believe that our neighborhood has more than enough gas stations in close proximity and we don't need another one, especially not in this location.

Second, this application is chock full of material inconsistencies on very important and basic items such as lot dimension. There are so many major omissions from this application, such as the lighting and signage proposed, that it is impossible to analyze. As submitted, it appears city staff would be unable to complete a proper review and make any type of recommendation to the Planning Commission based on the application, due to the rampant inconsistencies and omissions.

***A fuel center is fundamentally inconsistent with PUD guidelines for P04-109 Curtis Park Village***

The overall purpose of this PUD's development guidelines is to ensure that the proposed uses of this infill development blend with and enhance the quality of life and charm of the existing Curtis Park neighborhood. Compatibility with the existing neighborhood has been the watchword for a very long time. The proposed gas station works against this general purpose. Section 1.2 outlines the goals and objectives of this PUD; goal #4 is to "maximize opportunities for efficient transit provided by the public transportation and roadway corridors serving the site of the PUD." One of the objectives for this goal is to encourage the use of public transportation and to develop appropriate linkages to surrounding

neighborhoods including pedestrian, bicycle, vehicle and alternative transportation modes. A gas station in this location frustrates this goal.

The gas station is proposed for the corner of Crocker Drive and the shopping center access road, which was intended to be the "Main Street" for the commercial area (see 2.2 of the PUD Guidelines). This "Main Street" will be the primary pedestrian and bike route to access the bridge to the City College light rail station and builds on the already popular bike lane on Crocker Drive. It will also provide the primary pedestrian and bike access to the stores in the shopping center as well as adjacent housing. We see the construction of a major auto-attracting use on a key corner of this Traditional Shopping Center as inimical to the goals of this infill project. See 2.2 SC-PUD Zone which states: "The character of the commercial area is to be sensitively informed by the adjacent pedestrian and bicycle friendly, urban-forested neighborhoods."

Section 2.2 also notes that the location of the Shopping Center "provides a unique opportunity for the commercial area of CPV to be both economically successful and an active buffer between both the new and existing residential neighborhoods and these large transportation corridors". The placement of a gas station as part of the CPV commercial area would not provide a buffer but would instead draw large amounts of traffic from the adjacent major transportation corridors into the neighborhood.

Section 3.1 Site Design and Building Orientation lists the features that are to be encouraged for the arrangement and siting of buildings. The proposed gas station site design violates virtually every single one of these provisions.

Section 3.2 describes the building design principles and building forms for CPV's buildings. Again, the gas station use conflicts with the key concepts stated in this section: "Key concepts direct the feel of a neighborhood and determine community identity, economic vitality and levels of activity and use. Individual building forms and facades influence cohesiveness, comfort and aesthetic pride and at the same time invite usage, increase a sense of security and generate pedestrian activity." Building a gas station use at the key entry point to the traditional shopping center reduces aesthetics and decreases security for pedestrians and cyclists wishing to access the shopping center.

The mass and scale of this project also violate the CPV PUD guidelines in Section 3.2.

Section 4.1 addresses Streetscape and Circulation which notes "Curtis Park Village will have an intimacy of scale and a sense of community that will invite pedestrian use and interaction." The proposed gas station would work against this type of circulation by introducing a large number of automobiles entering and exiting the main street of the traditional shopping center with the sole purpose of purchasing gas.

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Section 4.2 Bicycle and Pedestrian Circulation correctly notes that the "success of Curtis Park Village as a community will be strongly linked to its success as a pedestrian and bicycle friendly community. Creative design solutions that further enhance the walkability and connectivity of the area are strongly encouraged." This section goes on to require that pedestrians and bicyclists be given the same importance as motor vehicles and buffer them from the street where possible. Placing a large gas station at a very central point of the new neighborhood actively discourages pedestrians and bicyclists in Curtis Park Village and violates the intent of the CPV Development Guidelines.

Furthermore, this project is not consistent with the General Plan definition of a Traditional Center[1]. The Traditional Center designation emphasizes walkable neighborhoods; people don't walk to a gas station. Gas stations are, by definition, designed to attract motor vehicles, which degrade the pedestrian experience and contravene the goal of a walkable neighborhood. The combination of the Safeway loyalty discount program and the lack of nearby Safeway gas stations will result in this station attracting thousands of vehicles into the Village making this use a major regional traffic draw. We note that this gas station can service 16 cars at once and is proposed to operate 24 hours a day, 7 days a week.

***Errors, omissions and contradictions prevent a complete and proper analysis of the application***

1. Subject Site Information
*Page 9 of 17*

These 3 lines were filled in by the applicant:
Total property size in acres (gross/net): Fuel Center lot size .46 Acre (portion) of 6.92 Acre (net)
Square feet if less than one (1) acre: Fuel Center lot size 20,009 sf
Lot dimensions: Approximately 200' x 200'

The stated square feet and the lot dimensions do not match up.
200' x 200' = 40,000 square feet. This contradicts the applicant's claim of 20,009 sq ft.
The City cannot know if it's approving 20,000 or 40,000 square feet.

The applicant needs to correct the mistake and recirculate the application.

[1] Traditional Centers are a critical element of sustainable, walkable traditional neighborhoods that provide essential daily services within walking distance of surrounding residents. Infill development in areas designated Traditional Center can create additional character and spatial definition. Sidewalks integrated with pedestrian amenities can also provide an active pedestrian component and physical connections to adjoining neighborhoods.

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2. Neighborhood Contact
*Page 12 of 17*

"Please describe any contact you have had regarding the project with the following: Neighborhood/property owners adjacent to the subject site, Neighborhood Associations, Business Associations, or Community Groups in the project area:"

"Numerous meetings with surrounding neighbors and neighborhood groups including Sierra Curtis Neighborhood Assoc. ..."

The applicant has not held a meeting with the Sierra Curtis Neighborhood Association to discuss the Fuel Center. There is a great desire in Curtis Park to meet with City officials and the applicant to discuss, for the first time, the inclusion of a gas station in this project. The City should either require the applicant to hold a community meeting or require the applicant to remove the statement on page 12 of 17 that incorrectly states that the applicant met with SCNA to review the Fuel Center as this is untrue.

The applicant needs to correct the mistake and recirculate the application.

3. Site Characteristics
*Page 13 of 17*

Are you proposing any new signs with the project? Yes and No are both checked.

If yes, please describe the number and type. (left blank by the applicant)

Gas stations tend to have large, illuminated signs that show the prices for Regular, Plus, Premium and Diesel. This sign (or signs) is not described in the application or shown anywhere on the plans included in the application. What are the dimensions? How high will it be? Will it be visible from Sutterville Road? Will the sign shine through the windows of the new homes directly across the street?

The missing signage information proposed for this project makes it impossible for City staff to determine if the project comports with the Signage and Graphics Section 6.0 of the PUD Guidelines.

The applicant needs to correct the mistake and recirculate the application.

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4. Non-Residential Projects - Lot Coverage
*Page 15 of 17*

Total Building Coverage Area, existing and proposed* include all covered structures (patios, porches, sheds, detached garages, etc.) (sq ft.): 740
Project Site Lot Area (sq ft): 20,009 sq. ft.
Total lot coverage percentage: 34.7 %

740 square feet is not 34.7% of 20,009 square feet.

What square footage would the City be approving? A total coverage of 34.7% of 20,009 sq. ft. would be a 6,943 sq. ft. building.

The applicant needs to correct the mistake and recirculate the application.

5. Design Guidelines
*Page 16 of 17*

The applicant did not indicate by a yes or no that they have read the applicable Design Guidelines and have completed the Design Guidelines Checklist for the district or area of this project.

The City should assure that the Design Guidelines Checklist has been completed and that it is available for review by the general public.

In summary, we request that the city of Sacramento reject the existing application to build a fuel center in Curtis Park Village. Additionally, since this use was not studied in the original environmental review, SCNA has hired legal counsel to advise us regarding what kind of environmental review the City should require if this project moves forward. We will write separately in the near future on this aspect of this proposed project.

Sincerely,

Eric Johnson
President, Sierra Curtis Neighborhood Association.

Cc: Councilmember Jay Schenirer (jschenirer@cityofsacramento.org)
Councilmember Steve Hansen (shansen@cityofsacramento.org)
Chris Poncin, Petrovich Development (chris@petrovichdevelopment.com)

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# EXHIBIT 2

**Pless Environmental, Inc.**
440 Nova Albion Way, Suite 2
San Rafael, CA 94903
(415) 492-2131 voice
(815) 572-8600 fax

February 20, 2015

*Via Email*

Patrick Soluri
Soluri Meserve
1010 F Street, Suite 100
Sacramento, CA 95814
*patrick@semlawyers.com*

*Re: Curtis Park Village Fuel Station at Curtis Park Village, Sacramento*

Dear Mr. Soluri,

Per your request, I reviewed the Application Package[1] for the Curtis Park Village Fuel Station ("Project"), a proposed fuel dispensing station in the Curtis Park neighborhood in the City of Sacramento ("City"), for potential impacts on air quality impacts and health risks.

## I. Project Description

The fuel dispensing station, proposed by PDC Construction Company, Inc. ("Applicant"), would be located on a 0.46-acre lot at the northwest corner of Crocker Drive and Sutterville Road in the southern portion of Curtis Park Village, a new 72-acre mixed-use development on vacant land that is currently under construction.[2] The aerial photographs below show the entire development and the location of the proposed fuel dispensing station within the development.

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[1] City of Sacramento, Planning Division, Development Project Routing Form, File No. P14-036, September 18, 2014 and attachments (hereafter "Application Package").

[2] *Ibid.*

**Curtis Park Village site (undeveloped area)**
(from: Google Earth)

**Location of Project (red line) within Curtis Park Village**
(from: P14-036 Information Package, *op. cit.*)

The Application Package describes the Project as an extension of services provided by the anchor tenant (Safeway, according to the developer Petrovich Development Company[3]) for the Curtis Park Village Neighborhood Shopping Center, consisting of a 24-hour state-of-the-art self-service fuel station with eight multi-product dispenser stations and a fuel kiosk providing typical services such as automobile fluids, coffee, water, soda, snacks, etc., with typical closing during the late-night/early-morning hours. As shown above, the proposed fuel dispensing station would be located directly adjacent to Crocker Drive to the west. To the east, Crocker Drive borders residential properties that will be developed by Curtis Park Village, east of which are existing residences.

## II. California Environmental Quality Act Review

The Curtis Park Village development was analyzed under the California Environmental Quality Act ("CEQA") in an Environmental Impact Report ("EIR"),[4] which was certified by the Sacramento City Council in April 2010,[5] adopted in September 2010[6], and amended in January 22, 2013.[7] The EIR did not analyze the potential impacts of locating a fuel dispensing station within the proposed development.

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[3] Petrovich Development Company, What Businesses Are Coming to Curtis Park Village? September 8, 2014; http://www.petrovichdevelopment.com/news/businesses-coming-curtis-park-village/.

[4] City of Sacramento, Curtis Park Village Project, Project # P04-109, Environmental Impact Report, SCH #2004082020, February 2010; Final EIR: http://portal.cityofsacramento.org/~/media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/CurtisParkVillageFinalEIR.pdf; Final EIR Appendices: http://portal.cityofsacramento.org/~/media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/CurtisParkVillageFinalEIRAppendices.pdf; Draft EIR: http://portal.cityofsacramento.org/~/media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/CurtisParkVillageDEIR.pdf.

[5] Sacramento City Council, Resolution No. 2010-174, Certifying the Environmental Impact Report for the Curtis Park Village Project (P04-109), Adopted April 1, 2010; http://portal.cityofsacramento.org/~/media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/R2010-174_CertifyEIR.pdf.

[6] Sacramento City Council, Resolution No. 2010-572, Adopting the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring Program for the Curtis Park Village Project (P04-109), September 28, 2010; http://portal.cityofsacramento.org/~/media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/R2010-572_AdoptingtheFindingsofFact.pdf.

[7] City of Sacramento, Addendum (Revised) to an Adopted Environmental Impact Report, Project Name and Number: Curtis Park Village Modification Project, January 22, 2013; http://portal.cityofsacramento.org/~/media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/CPV_Addendum_with_Attachments.pdf.

The operation of fuel dispensing stations results in emissions of criteria air pollutants and toxic air contaminants ("TACs") from vehicle exhaust, refueling, and tanker truck deliveries of fuels. Of particular concern are emissions from gasoline refueling and gasoline deliveries, which result in fugitive emissions from dispensing pumps, vents, and spills. These fugitive emissions, which include a number of TACs, release benzene, a potent carcinogen, into the air. The California Air Resources Board ("CARB") considers benzene one of the highest risk air pollutants it regulates, finding that near-source exposures for large gasoline dispensing facilities can be significant and exceed district health risk thresholds. The agency is particularly concerned with the emergence of very high gasoline throughput at large retail or wholesale outlets which are projected to account for an increasing market share in the next few years."[8] The Project with its eight dispensing stations, represents one of these facilities.

Because some residences within Curtis Park Village would be located only about 100 feet away from active railroad tracks, the EIR conducted a screening health risk assessment which analyzed the health risks of locomotive emissions of diesel particulate matter, a carcinogen.[9] The EIR modeled an incremental cancer risk from exposure to 1460 trains per year of 2.4 in one million, which is lower than the CEQA screening criterion of 296 in one million for roadways and the incremental cancer risk threshold of significance for stationary sources of 10 in one million established by the Sacramento Metropolitan Air Quality Management District ("SMAQMD").

As discussed in the following comments, the proposed fuel dispensing station would likely result in significant health risks, specifically incremental cancer risks exceeding the SMAQMD's CEQA threshold of significance for stationary sources due to its proximity to residential properties, unless annual gasoline throughput is severely restricted (permitting a substantially smaller facility than proposed). These impacts should be properly analyzed and provided for public review in a CEQA document. Proper analysis consists of a site-specific health risk assessment that assesses both TAC emissions from the fuel dispensing station and TAC emissions from other sources including locomotives and delivery trucks, dry cleaners, and other sources on site and nearby to assess health risks for Curtis Park Village residents and beyond.

Further, the EIR found significant and unavoidable impacts on air quality from operational emissions of criteria air pollutants.[10] The Project would contribute additional criteria air pollutants from vehicle exhaust, both running and idling

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[8] CARB, Air Quality and Land Use Handbook: A Community Health Perspective, April 2005 (hereafter "CARB Land Use Handbook"), p. 31; http://www.arb.ca.gov/ch/handbook.pdf.

[9] Draft EIR, pp. 2-4, 5.3-17, and 5.3-18.

[10] Draft EIR, p. 5.3-16.

emissions, and fugitive emissions. The impact of these additional emissions should be analyzed in a CEQA document to determine whether the previously identified impacts would be substantially more severe. This document should also analyze mitigation measures for reducing emissions from the proposed fuel dispensing station as well as additional feasible mitigation measures that may have become available since adoption of the EIR to mitigate the significant and unavoidable impacts previously identified.

## III. Health Risks Associated with the Proposed Fuel Dispensing Station

The Application Package includes no information about the proposed fuel dispensing station beyond its dimensions and layout (showing eight bays) and that it would be available for self-serve fueling 24 hours per day. This information is inadequate to perform a site-specific health risk assessment which would require the proposed annual fuel throughput. Thus, potential health risks can only be evaluated based on recommendations made by agencies for screening such facilities via comparison to other, comparably-sized facilities with similar proximity to residences, and by conducting a screening health risk assessment for a theoretical fuel dispensing station.

*Recommendations by California Air Resources Board for Siting Gasoline Dispensing Facilities*

As part of its Community Health Program, CARB developed the *Air Quality and Land Use Handbook,* which is intended to serve as a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. In this document, CARB identifies health risks from air pollution sources, including gasoline dispensing facilities ("GDFs"), and establishes minimum setback distances to sensitive land uses (*e.g.*, residences).

For gasoline dispensing facilities with a throughput of 3.6 million gallons per year, CARB established risk levels of about 10 in one million at a distance of 50 feet from the fenceline.[11] (A risk level of 10 in one million is commonly established as thresholds of significance, *e.g.*, by the SMAQMD.[12]) Consequently, CARB recommends a minimum 50-foot distance between receptors and typical gasoline dispensing

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[11] CARB Land Use Handbook, p. 31.

[12] *See*, for example, SMAQMD, SMAQMD Thresholds of Significance Table; http://www.airquality.org/ceqa/cequguideupdate/Ch2TableThresholds.pdf; and California Air Pollution Control Officers Association ("CAPCOA"), Health Risk Assessments for Proposed Land Use Projects, CAPCOA Guidance Document, July, 2009, p. 11; http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.

facilities, *i.e.*, facilities with an annual throughput of less than 3.6 million gallons per year.[13] CARB notes that as the throughput at the gasoline dispensing facility increases, the potential risk also increases[14] and expresses concern over the "growing number of extremely large GDFs with sales over 3.6 and as high as 19 million gallons per year."[15] For these facilities, CARB determined an upper end of the risk range of 120 in a million as a hypothetical worst case scenario under rural air dispersion conditions.[16] Based on these findings, CARB recommends: "Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater)."[17] The SMAQMD's CEQA Guidelines expressly reference the CARB's recommendation for siting TAC sources such as gasoline dispensing facilities and recommend that a lead agency refer to the CARB's document for setback distances.[18]

The CEQA analysis for an almost identical facility to the Project, the 24-hour Cottle Safeway Fuel Station at the Hitachi Campus and Transit Village in San José, estimated an annual fuel throughput of seven (7) million gallons from its eight dispensers (16 pumps),[19] qualifying it as a very large gasoline dispensing facility. However, this appears to be a very conservative assumption given that the Safeway fuel dispensing station at Florin Road in Elk Grove with 14 pumps was issued a SMAQMD Permit to Operate that authorized an annual gasoline throughput of up to 13 million gallons.[20] The Project, which is also described as having eight dispensing stations, can therefore be surmised to have similar annual fuel throughputs and, thus, represents one of the very large fuel dispensing facilities CARB is concerned about.

The 7-million gallon per year Cottle Safeway Fuel Station in San José was recently analyzed in the *Addendum to the Hitachi Campus and Transit Village Final EIR*. This addendum identified incremental cancer risks of 33 per million at 50 feet to less

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[13] CARB, Land Use Handbook, Table 1-1.

[14] *Ibid*, p. 31.

[15] *Ibid*, Table 1-2.

[16] *Ibid*, Footnote 5 to Table 1-2.

[17] *Ibid*, Table 1-1.

[18] SMAQMD, Guide to Air Quality Assessment in Sacramento County, December 2009 (hereafter "SMAQMD CEQA Guidelines"), p. 5-9; http://www.airquality.org/ceqa/ceqaguideupdate.shtml.

[19] City of San José, Addendum to the Hitachi Campus and Transit Village Final EIR, SCH #2004072110, Cottle Safeway Fuel Station, File No. CP12-053, March, 2013, p. 11; http://www.sanjoseca.gov/DocumentCenter/View/13016.

[20] SMAQMD, Permit to Operate No. 18661, Issued to: Safeway Stores, Equipment Location: 8377 Elk Grove-Florin Road, Sacramento, CA 95829, Equipment Description: Gasoline Storage and Dispensing Facility. (Exhibit 1.)

than seven (7) per million at 300 feet.[21] Because the proposed fuel station would be located more than 300 feet from the nearest residences, the document concluded that lifetime cancer risks would be less than the 10 in one million significance threshold and would therefore constitute a less-than-significant impact under CEQA.[22] In contrast, the similarly-sized proposed fuel dispensing station at Curtis Park Village would be located less than 100 feet from future residences along Crocker Road to the east and less than 200 feet from existing residences along 24th Street.

In sum, given the location of the proposed facility, about 80 feet across Crocker Drive to the nearest residence, health risks to residents can be assumed to be significant.

*SMAQMD Screening Health Risk Assessment for a Fictitious Gasoline Dispensing Station at Curtis Park Village*

The SMAQMD performed a preliminary screening health risk assessment for a fictitious gasoline dispensing station at the proposed Project site using the agency's current emission factors and health risk assessment guidelines published by the California Air Pollution Control Officers Association ("CAPCOA").[23] The figure below shows the cancer risk isopleths provided by the SMAQMD for this screening health risk assessment (an isopleth is a line drawn on a map through all points having the same value of some measurable quantity, in this case incremental cancer risk).

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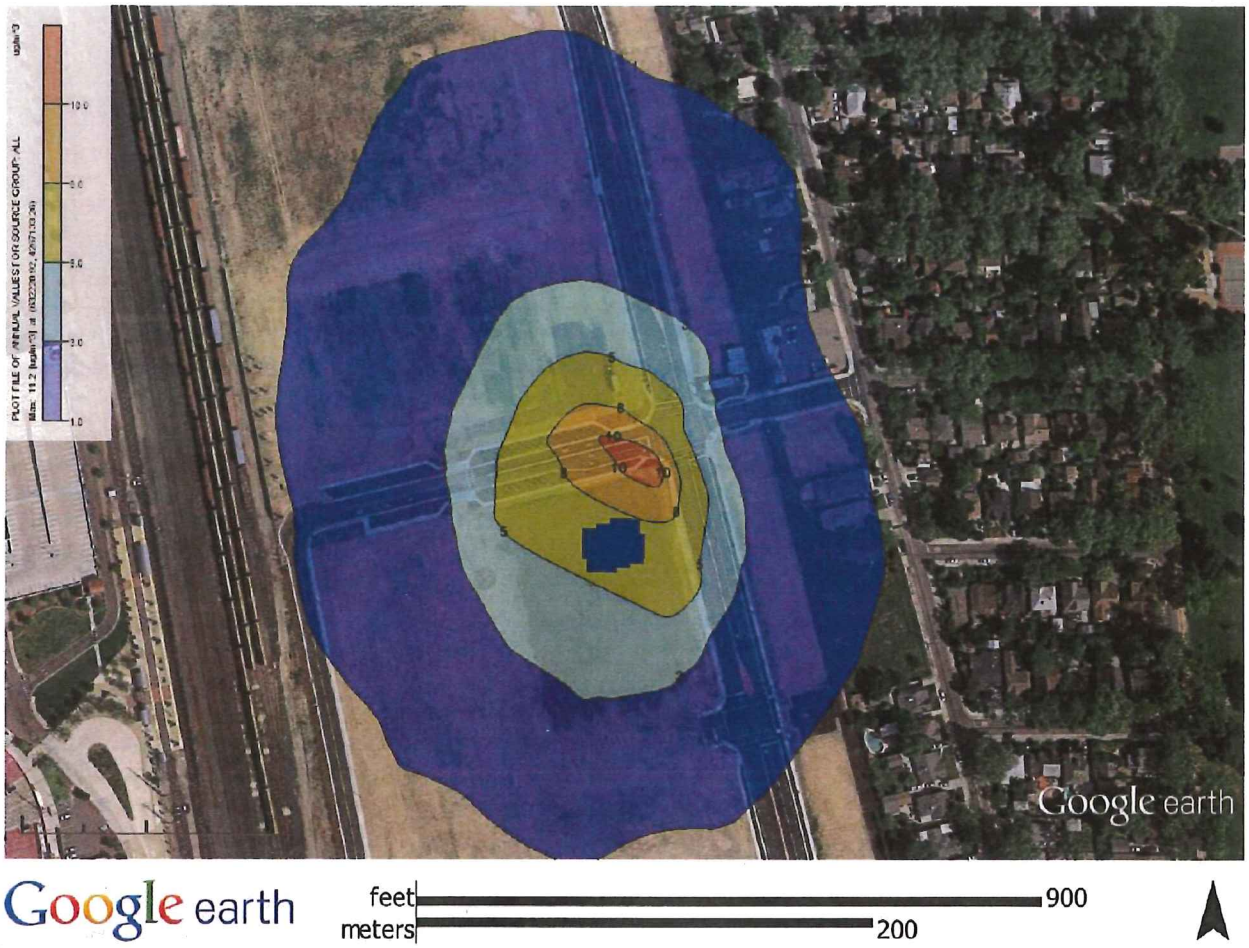
[21] Addendum to Hitachi Campus and Transit Village Final EIR, *op. cit.*, p. 25.

[22] *Ibid.*

[23] Brian Krebs, SMAQMD, Email to Larry Greene, SMAQMD, Re: Potential Safeway Gas Station Adjacent to Curtis Park, September 2, 2014, 9:37 a.m.




Source: Attachment to Jim Jester, SMAQMD, Email to Patrick Soluri, Soluri Meserve, Re: Curtis Park Village GDF, January 21, 2015

The diagram above shows the approximate cancer risks for a hypothetical gasoline dispensing facility with a throughput of 1 million gallons per year on the proposed site, as modeled by the SMAQMD. The dark shape within the yellow zone (between the 5-in-a-million and the 8-in-a-million isopleths) is the assumed location of the facility for SMAQMD's modeling purposes. (I note that the location of the proposed gasoline station is further south than assumed by the SMAQMD (*see* red-lined location in graph above), however this does not materially affect the SMAQMD's findings, as the proximity of current and future residential receptors to the gasoline stations is the same.) The aqua-colored area (between the 3-in-a-million and 5-in-a-million isopleths) extends east into the future residential properties east of Crocker Drive, whereas the purple area (between the 3-in-one-million and 1-in-one-million isopleths) extends east into the existing residential properties along 24th Street. Based on this screening health risk assessment, the SMAQMD estimated the incremental cancer risk for a residential

receptor to be about 3.7-in-one-million per million gallons of gasoline throughput.[24] The SMAQMD noted that this is a "very rough analysis" since they did not have any specific building or gasoline station layout parameters. Further, the SMAQMD noted that this value assumed a standard benzene content in gasoline of 1 percent by weight; the SMAQMD noted that recent data suggest that the actual benzene content is closer to 0.6 percent, which would reduce the calculated cancer risk by about 40 percent.[25] Based on this analysis, the SMAQMD concluded that the Applicant may be able to obtain a permit for up to about 4.5 million gallons gasoline throughput per year[26] (or 2.7 million gallons per year if assuming a benzene content of 1 percent by weight[27]). An annual throughput of 2.7 to 4.5 million gallons gasoline would require a considerably smaller facility than the proposed Project, which, as discussed above would likely be on the order of 7 to greater than 13 million gallons per year.

I note that the SMAQMD's screening health risk assessment only takes into account fugitive TAC emissions from the gasoline dispensing station but not from other sources including vehicle exhaust (particularly diesel engines). In addition, the SMAQMD's screening health risk assessment does not account for cumulative impacts due to the location of other sources of TAC emissions in the vicinity such as freeways, dry cleaners, etc.

*Effects of Revisions to Health Risk Assessment Methodology*

None of the above analyses took into account recent recommendations by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment ("OEHHA") for preparing health risk assessments which include a number of revisions to factors that are incorporated into health risk assessments for determining cancer risks.

OEHHA approved guidance for developing health risk assessments in 2003.[28] In subsequent years, the State's Scientific Review Panel and OEHHA updated several technical support documents including the 2008 *Technical Support Document for the Derivation of Noncancer Reference Exposure Levels* (reflects new methodology to calculate

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[24] Krebs Email to Green, *op. cit.*

[25] *Ibid.*

[26] *Ibid.*

[27] (Cancer risk significance threshold: 10 in one million)/(cancer risk: 3.7 in one million per million gallons gasoline throughput) = 2.7 million gallons gasoline throughput.

[28] OEHHA, Risk Assessment Methodology, Adoption of Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, October 2, 2003; http://oehha.ca.gov/air/hot_spots/HRAguidefinal.html.

RELs for non-cancer health effects);[29] the 2009 *Technical Support Document for Cancer Potency Factors* (addresses the methodology for deriving cancer potency factors and includes age sensitivity factors to adjust cancer potency to account for early-in-life exposure);[30] and the 2012 *Air Toxics Hot Spots Program Risk Assessment Guidelines Technical Support Document for Exposure Assessment and Stochastic Analysis* (revises breathing rates and exposure duration).[31] All three technical support documents and their updates have undergone public and peer review, have been endorsed by the State's Scientific Review Panel on Toxic Air Contaminants, and have been adopted by OEHHA. In June 2014, OEHHA released for review a draft document *Air Toxics Hot Spots Guidance Manual for the Preparation of Risk Assessments*, which combines the critical information from the three Technical Support Documents into a guidance manual for health risk assessments.[32] The SMAQMD's CEQA Guidelines recommends conducting health risk assessments "in accordance with acceptable guidance such as … OEHHA's *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments*."[33]

With these technical support documents, OEHHA revised the guidance for determining cancer risks, which are calculated as follows:

Cancer Risk = Cancer Potency Factor × **Age Sensitivity Factors** × **Time at Home** × **TAC Concentration** × **Daily Breathing Rate** × **Exposure Duration**

All **bolded** components in this calculation are affected by OEHHA's updates to methodology in the Technical Support Documents. The effect of changes to these components on cancer risk is illustrated in the following graph.

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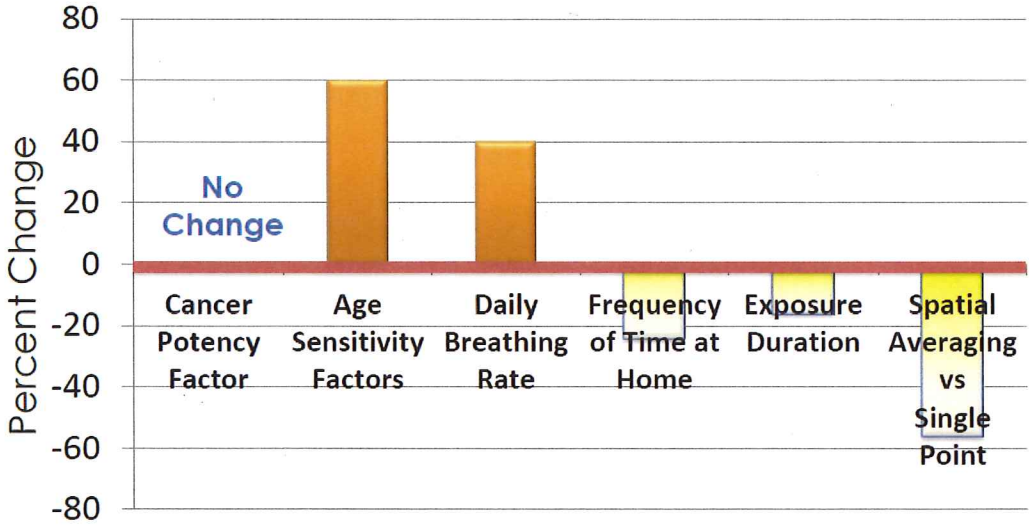
[29] OEHHA, Adoption of the Revised Air Toxics Hot Spots Program Technical Support Document for the Derivation of Noncancer Reference Exposure Levels and RELs for Six Chemicals, September 19, 2008; http://www.oehha.ca.gov/air/hot_spots/rels_dec2008.html.

[30] OEHHA; Adoption of The Revised Air Toxics Hot Spots Program Technical Support Document for Cancer Potency Factors, June 1, 2009, Appendix C updated 2011; http://www.oehha.ca.gov/air/hot_spots/tsd052909.html.

[31] OEHHA, Notice of Adoption of Air Toxics Hot Spots Program Risk Assessment Guidelines: Revised Technical Support Document for Exposure Assessment and Stochastic Analysis, August 27, 2012; http://www.oehha.ca.gov/air/hot_spots/tsd082712.html.

[32] OEHHA, Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (Guidance Manual), June 20, 2014; http://www.oehha.ca.gov/air/hot_spots/riskguidancedraft2014.html.

[33] SMAQMD CEQA Guidelines, pp. 5-3 and 5-4.




Excerpted from: Latham & Watkins, Webcast: Project Development Trends and Updates: November 2014, Thursday, November 20, 2014; https://www.lw.com/presentations/project-development-trends-and-updates-november-2014-presentation

The effect of the revised methodologies depends on the exposure pathways considered; for inhalation risks, the combined effect for inhalation cancer risk is about 2.7 times higher.[34] Thus, when accounting for OEHHA's updated Technical Support Documents, the estimated incremental cancer risk of a fuel dispensing station with seven (7) million gallons per year throughput would be about 70 per million at the nearest residential receptors.[35] For a fuel dispensing station with a gasoline throughput of 13 million gallons per year, incremental cancer risks increase to about 130 in one million.[36] In other words, the proposed fuel dispensing station would by far exceed the CEQA threshold of significance of 10 in one million for stationary sources, and would, thus, be significant. The maximum annual gasoline throughput at the proposed fuel dispensing station that would not result in a cancer risk in excess of the 10 in one million CEQA significance threshold (based on SMAQMD's screening analysis) is only

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[34] *See,* for example, South Coast Air Quality Management District, Draft Report, Multiple Air Toxics Exposure Study in the South Coast Air Basin, October 2014, pp. ES-4; http://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-draft-report-10-1-14.pdf?sfvrsn=2.

[35] (incremental cancer risk: 3.7 in one million/million gallon gasoline throughput)(7 million gallons gasoline throughput/year)(OEHHA combined factors from Technical Support Documents: 2.7) = 69.9 in one million.

[36] (incremental cancer risk: 3.7 in one million/million gallon gasoline throughput)(13 million gallons gasoline throughput/year)(OEHHA combined factors from Technical Support Documents: 2.7) = 129.9 in one million.

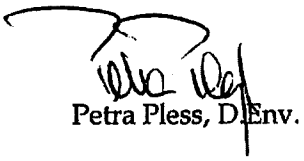
1.0 to 1.7[37] million gallons per year depending on the assumed benzene content in gasoline (1.0 or 0.6 percent, respectively). Clearly, this would be a much smaller gasoline dispensing station than envisioned by the Applicant. Any gasoline station with a greater annual throughput of gasoline would result in significant cancer impacts. Again, this estimate does not account for any sources of TACs other than gasoline dispensing such as vehicle exhaust emissions accessing the station or other on-site or off-site sources such as dry cleaners. An analysis of combined impacts or all TAC emissions is recommended by the SMAQMD.[38]

## IV. Conclusion and Recommendation

Based on the analysis above, the proposed Curtis Park Village Fuel Station will likely result in significant new impacts due to emissions of toxic air contaminants, particularly benzene, which result in incremental cancer risks above the CEQA significance threshold of 10 in one million. The main contributors to the significant health risks are the proposed gasoline station's size/throughput and its proximity to future and existing residential properties. The EIR for the Curtis Park Village Project, which did not analyze a fuel dispensing station, concluded that health risks were less than significant without the need for any mitigation. Thus, I recommend that the City subject the proposal to full CEQA review that includes a site-specific health risk assessment and consider relocating the fuel dispensing station to a portion of the project site that is located farther from the residential properties.

Please feel free to call me at (415) 492-2131 or e-mail at petra@ppless.com if you have any questions about the comments in this letter. I have provided weblinks for most cited sources; however, if you require a copy of any cited document, I will gladly make it available upon request.

Best regards,



Petra Pless, D.Env.

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[37] 1% benzene in gasoline: (10 in one million)/[(3.7 in one million per million gallons gasoline)(2.7)] = 1.00; 0.6% benzene in gasoline: (10 in one million)/[(3.7 in one million per million gallons gasoline)(2.7)(0.6)] = 1.67.

[38] SMAQMD CEQA Guidelines, p. 5-8. ("The District recognizes that permitted stationary sources of TACs and non-permitted sources of TACs may operate on the same project site. Lead agencies shall evaluate the combined impact of all TAC emissions generated on the project site.")

777 12TH STREET, 3RD FLOOR
SACRAMENTO, CA 95814-1908

(916) 874-4800
FAX (916) 874-4899

SACRAMENTO METROPOLITAN

AIR QUALITY
MANAGEMENT DISTRICT

**CANCELLED FILE - April 2008**

# PERMIT TO OPERATE

**ISSUED TO: SAFEWAY STORES**

**EQUIPMENT LOCATION: 8377 ELK-GROVE FLORIN ROAD, SACRAMENTO, CA 95829**

**PERMIT NO.: 18661**

**EQUIPMENT DESCRIPTION: GASOLINE STORAGE AND DISPENSING FACILITY CONSISTING OF:**

| PHASE I EQUIPMENT | | PHASE II EQUIPMENT | |
|---|---|---|---|
| NUMBER & SIZE OF TANKS (GALLONS) | PHASE I TYPE | NUMBER OF NOZZLES | PHASE II TYPE |
| 1-20,000; 1-10,000 | OPW EVR | 14 | HEALY - ORVR |
| 1-10,000 | EXEMPT (DIESEL) | 14 | EXEMPT (DIESEL) |

## SUBJECT TO THE FOLLOWING CONDITIONS:

**GENERAL**

1. THE EQUIPMENT SHALL BE PROPERLY MAINTAINED.

2. THE AIR POLLUTION CONTROL OFFICER AND/OR AUTHORIZED REPRESENTATIVES, UPON THE PRESENTATION OF CREDENTIALS SHALL BE PERMITTED:
   A. TO ENTER UPON THE PREMISES WHERE THE SOURCE IS LOCATED OR IN WHICH ANY RECORDS ARE REQUIRED TO BE KEPT UNDER THE TERMS AND CONDITIONS OF THIS PERMIT TO OPERATE, AND
   B. AT REASONABLE TIMES TO HAVE ACCESS TO AND COPY ANY RECORDS REQUIRED TO BE KEPT UNDER TERMS AND CONDITIONS OF THIS PERMIT TO OPERATE, AND
   C. TO INSPECT ANY EQUIPMENT, OPERATION, OR METHOD REQUIRED IN THIS PERMIT TO OPERATE, AND
   D. TO SAMPLE EMISSIONS FROM THE SOURCE OR REQUIRE SAMPLES TO BE TAKEN.

3. THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26, PART IV, CHAPTER 3 OF THE HEALTH AND SAFETY CODES OF THE STATE OF CALIFORNIA OR THE RULES AND REGULATIONS OF THE AIR QUALITY MANAGEMENT DISTRICT.

4. A LEGIBLE COPY OF THIS PERMIT SHALL BE MAINTAINED ON THE PREMISES WITH THE EQUIPMENT.

LARRY GREENE
AIR POLLUTION CONTROL OFFICER

**DATE ISSUED:** 11-8-2006

777 12TH STREET, 3RD FLOOR
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# SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

5. REACTIVE ORGANIC COMPOUND (ROC) EMISSIONS AND GASOLINE THROUGHPUT FROM THIS FACILITY SHALL NOT EXCEED:

| POLLUTANT | EMISSION FACTOR (A) LB/1000 GAL | GASOLINE THROUGHPUT (ALL GRADES COMBINED) | | MAXIMUM ALLOWABLE EMISSIONS | |
|---|---|---|---|---|---|
| | | GALLONS PER QUARTER | GALLONS PER YEAR | POUNDS PER QUARTER | POUNDS PER YEAR |
| ROC | 1.27 | 5,900,000 | 13,000,000 | 7,493 | 16,510 |

(A) EMISSION FACTOR IS FROM THE CALIFORNIA AIR POLLUTION CONTROL OFFICERS ASSOCIATION (CAPCOA) *GASOLINE SERVICE STATION INDUSTRYWIDE RISK ASSESSMENT GUIDELINES*, DECEMBER 1997, APPENDIX A, SCENARIO 6B, DECEMBER 1997.

**EQUIPMENT OPERATION**

6. THE GASOLINE DISPENSING FACILITY SHALL BE MAINTAINED, AND OPERATED IN ACCORDANCE WITH THE FOLLOWING CALIFORNIA AIR RESOURCES BOARD (CARB) EXECUTIVE ORDERS. SECTION 41954(F) OF THE CALIFORNIA HEALTH AND SAFETY CODE PROHIBITS THE INSTALLATION OF ANY VAPOR CONTROL SYSTEM UNLESS THE SYSTEM HAS BEEN CERTIFIED BY THE STATE BOARD.

| NUMBER | DESCRIPTION |
|---|---|
| G-70-191 | CERTIFICATION OF THE HEALY MODEL 600 ORVR/800 NOZZLE WITH THE HEALY/FRANKLIN VP-1000 VAPOR PUMP PHASE II VAPOR RECOVERY SYSTEM (HEALY ORVR PHASE II VAPOR RECOVERY SYSTEM) |
| VR-102 | OPW PHASE I ENHANCED VAPOR RECOVERY SYSTEM |
| G-70-199AI | RELATING TO CERTIFICATION OF GASOLINE DISPENSING NOZZLES TO THE LIQUID RETENTION STANDARD OF 350 MILLILITERS PER 1,000 GALLONS DISPENSED |

7. THE VAPOR RECOVERY SYSTEM SHALL BE OPERATED IN ACCORDANCE WITH THE APPLICABLE CALIFORNIA AIR RESOURCES BOARD CERTIFICATION, THE MANUFACTURER'S SPECIFICATIONS, AND MAINTAINED TO BE LEAK-FREE, VAPOR TIGHT, AND IN GOOD WORKING ORDER.

8. ALL EQUIPMENT SHALL BE OPERATED AND MAINTAINED WITHOUT ANY OF THE APPLICABLE DEFECTS LISTED IN CALIFORNIA ADMINISTRATIVE CODE TITLE 17, PART III, CHAPTER 1, SUBCHAPTER 8, SECTION 94006.

9. THE OWNER/OPERATOR OF A VAPOR RECOVERY SYSTEM SHALL HAVE AVAILABLE AN OPERATION AND MAINTENANCE MANUAL. THE MANUAL SHALL BE KEPT ON-SITE AND MADE AVAILABLE TO ANY PERSON WHO OPERATES, INSPECTS, MAINTAINS, REPAIRS, OR TESTS THE VAPOR RECOVERY EQUIPMENT AS WELL AS THE AIR POLLUTION CONTROL OFFICER UPON REQUEST. THE MANUAL SHALL, AT MINIMUM, INCLUDE THE FOLLOWING CURRENT INFORMATION:

   A. ALL APPLICABLE CARB EXECUTIVE ORDERS, APPROVAL LETTERS, AND SMAQMD PERMITS,
   B. MANUFACTURER'S MANUAL(S) FOR INSTALLATION, OPERATION, AND MAINTENANCE PROCEDURES AS REQUIRED TO BE PROVIDED BY CARB CERTIFICATION PROCEDURE CP-201 AND ANY ADDITIONAL INSTRUCTION PROVIDED BY THE MANUFACTURER,
   C. SYSTEM AND/OR COMPONENT TESTING REQUIREMENTS, INCLUDING TEST SCHEDULES AND PASSING CRITERIA FOR EACH OF THE STANDARD TESTS LISTED IN SMAQMD RULE 449, SECTION 402, AND
   D. PROTOCOL FOR PERFORMING DAILY MAINTENANCE INSPECTIONS, INCLUDING THE COMPONENTS TO BE INSPECTED AND THE DEFECTS REQUIRING REPAIR.

10. MAINTENANCE INSPECTIONS, EXCEPT AS PROVIDED IN CONDITION NUMBER 11, SHALL BE CONDUCTED FOR EACH DAY THE VAPOR RECOVERY SYSTEM IS OPERATED TO ENSURE THAT VAPOR RECOVERY SYSTEM COMPONENTS THAT ARE VERIFIABLE THROUGH DIRECT MEASUREMENT OR OBSERVATION ARE IN PROPER WORKING ORDER. ANY EQUIPMENT WITH A MAJOR DEFECT LISTED IN CALIFORNIA CODE OF REGULATIONS, TITLE 17, PART III, CHAPTER 1, SUBCHAPTER 8, SECTION 94006, SHALL BE REMOVED FROM SERVICE AND TAGGED TO ENSURE THAT IT IS NOT USED UNTIL IT IS REPAIRED AND BROUGHT INTO COMPLIANCE BEFORE BEING RETURNED TO SERVICE.

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SACRAMENTO, CA 95814-1908

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# SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

11. THE MAINTENANCE INSPECTION REQUIREMENTS IN CONDITION NUMBER 10 SHALL NOT BE REQUIRED ON SATURDAYS, SUNDAYS, AND HOLIDAYS FOR GASOLINE DISPENSING FACILITIES WITH A SIX MONTH AVERAGE MONTHLY GASOLINE THROUGHPUT OF LESS THAN 100,000 GALLONS.

12. THE OWNER OR OPERATOR OF A VAPOR RECOVERY SYSTEM SHALL ENSURE THAT THE REMOVAL FROM SERVICE OF ONE COMPONENT OF A VAPOR RECOVERY SYSTEM WITH MULTIPLE COMPONENTS WILL NOT RESULT IN GASOLINE LIQUID OR VAPORS ENTERING THE ATMOSPHERE. IF THE REMOVAL OF THE DEFECTIVE COMPONENT OF THE VAPOR RECOVERY SYSTEM DOES NOT ENSURE THE INTEGRITY OF THE REST OF THE VAPOR RECOVERY SYSTEM, THEN THE ENTIRE VAPOR RECOVERY SYSTEM SHALL BE SHUTDOWN AND REPAIRED PRIOR TO RETURNING TO SERVICE.

13. DEFECTS DISCOVERED DURING THE MAINTENANCE INSPECTION AND REPAIRED IN ACCORDANCE WITH TITLE 17, DIVISION 3, SUBCHAPTER 7.5, CHAPTER 1, SECTION 93101 OF CALIFORNIA CODE OF REGULATIONS SUCH THAT AFTER REPAIR GASOLINE LIQUID OR VAPORS DO NOT ENTER THE ATMOSPHERE SHALL NOT CONSTITUTE A VIOLATION OF RULE 449.

**TESTING**

14. THE FOLLOWING PERFORMANCE AND REVERIFICATION TESTS SHALL BE CONDUCTED AND PASSED ACCORDING TO THE SCHEDULE LISTED IN CONDITION 15.
    A. STATIC PRESSURE (LEAK DECAY) TEST, ACCORDING TO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT MANUAL OF PROCEDURES, SOURCE TEST PROCEDURE ST-30 OR CARB TEST PROCEDURE TP-201.
    B. DYNAMIC BACK-PRESSURE TEST ACCORDING TO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT MANUAL OF PROCEDURES, SOURCE TEST PROCEDURE ST-27 OR CARB TEST PROCEDURE TP-201.4.
    C. STATIC TORQUE OF ROTATABLE PHASE I ADAPTERS ACCORDING TO CARB TEST PROCEDURE TP-201.1B.
    D. LEAK RATE OF DROP TUBE OVERFILL PREVENTION DEVICE ACCORDING TO CARB TEST PROCEDURE TP-202.1B.
    E. AIR-TO-LIQUID RATIO TEST IN ACCORDANCE WITH CARB PROCEDURE TP-201.5
    F. ANY OTHER TESTS REQUIRED BY AN APPLICABLE CARB EXECUTIVE ORDER.

15. THE PERFORMANCE AND REVERIFICATION TESTS SPECIFIED IN CONDITION NO. 14 SHALL BE CONDUCTED AND PASSED ACCORDING TO THE FOLLOWING FREQUENCY:

| TEST NAME | AVERAGE MONTHLY GASOLINE THROUGHPUT (SIX MONTH AVERAGE) (A) | TESTING FREQUENCY |
|---|---|---|
| 1. STATIC PRESSURE TEST<br>2. DYNAMIC BACK-PRESSURE TEST<br>3. STATIC TORQUE OF ROTATABLE PHASE I ADAPTERS<br>4. LEAK RATE OF DROP TUBE OVERFILL PREVENTION DEVICE<br>5. A/L TEST | LESS THAN 100,000 GALLONS | ONCE EVERY 12 MONTHS |
| | GREATER THAN OR EQUAL TO 100,000 GALLONS | ONCE EVERY 6 MONTHS (B) |

(A) THE SIX MONTH PERIOD SHALL BEGIN ON THE FIRST OF THE MONTH IMMEDIATELY FOLLOWING THE MOST RECENT SUCCESSFUL TEST.
(B) GASOLINE DISPENSING FACILITIES WITH A SIX MONTH AVERAGE MONTHLY GASOLINE THROUGHPUT OF 100,000 GALLONS OR GREATER SHALL CONDUCT AND PASS ALL REVERIFICATION TESTS WITHIN 30 DAYS OF THE END OF THE SIX-MONTH PERIOD.

**NOTIFICATION AND REPORTING**

16. AT LEAST 7 DAYS PRIOR TO THE PERFORMANCE OR REVERIFICATION TESTING, THE OWNER OR OPERATOR SHALL NOTIFY THE AIR POLLUTION CONTROL OFFICER OF THE EXACT DATE AND TIME OF THE TEST. IF THE VAPOR RECOVERY SYSTEM FAILS ANY OF THE APPLICABLE TESTS AND THE NECESSARY REPAIRS ARE PERFORMED THAT SAME DAY, THE OWNER OR OPERATOR MAY RETEST THE VAPOR RECOVERY SYSTEM ON THE SAME DAY WITHOUT RE-NOTIFICATION, PROVIDED THAT THE REASONS FOR THE TEST FAILURE AND ANY REPAIRS PERFORMED ARE PROPERLY DOCUMENTED IN THE TEST REPORTS AND REPAIR RECORDS.



**REVOCABLE AND NON-TRANSFERABLE**

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# SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

17. RESULTS OF THE REVERIFICATION TESTS SHALL BE DELIVERED TO THE AIR POLLUTION CONTROL OFFICER WITHIN THIRTY DAYS OF COMPLETION OF THE TEST. THE TEST RESULTS SHALL CONTAIN THE FOLLOWING INFORMATION:
    A. NAME, LOCATION, ADDRESS, AND TELEPHONE NUMBER OF THE FACILITY TESTED, AND SMAQMD PERMIT NUMBER
    B. NAME, ADDRESS AND PHONE NUMBER OF THE PERSON OR COMPANY PERFORMING THE TEST
    C. DATE OF THE TEST
    D. TEST DATA
    E. NUMBER OF NOZZLES TESTED
    F. STATEMENT OF PASS OR FAIL

**RECORD KEEPING**

18. THE FOLLOWING RECORD SHALL BE CONTINUOUSLY MAINTAINED ON SITE FOR THE MOST RECENT THREE YEAR PERIOD AND SHALL BE MADE AVAILABLE TO THE AIR POLLUTION CONTROL OFFICER UPON REQUEST. MONTHLY AND QUARTERLY RECORDS SHALL BE MADE AVAILABLE FOR INSPECTION WITHIN 30 DAYS OF THE END OF THE PREVIOUS MONTH OR QUARTER RESPECTIVELY.

| FREQUENCY | INFORMATION TO BE RECORDED |
|---|---|
| AT ALL TIMES | A. MAINTENANCE RECORDS FOR THE VAPOR RECOVERY SYSTEM.<br>B. REPAIR RECORDS FOR THE VAPOR RECOVERY SYSTEM.<br>C. DAILY MAINTENANCE INSPECTION REPORTS.<br>D. RECORDS OF REPAIRS PERFORMED AS A RESULT OF DEFECTS DISCOVERED DURING DAILY MAINTENANCE INSPECTIONS.<br>E. PERFORMANCE TEST RESULTS.<br>F. REVERIFICATION OF PERFORMANCE TEST RESULTS.<br>G. SIX-MONTH AVERAGE MONTHLY GASOLINE THROUGHPUT. THE SIX-MONTH PERIOD SHALL BEGIN ON THE FIRST OF THE MONTH IMMEDIATELY FOLLOWING THE MOST RECENT SUCCESSFUL REVERIFICATIOIN TESTS. |
| DAILY | DAILY MAINTENANCE INSPECTION REPORTS INCLUDING AT LEAST THE FOLLOWING:<br>A. DATE AND TIME OF INSPECTION.<br>B. LIST OF DEFECTS FROM THE CALIFORNIA CODE OF REGULATIONS, TITLE 17, PART III, CHAPTER 1, SUBCHAPTER 8, SECTION 94006 THAT ARE APPLICABLE TO THE VAPOR RECOVERY EQUIPMENT AND HAVE A VERIFICATION PROCEDURE OF "DIRECT OBSERVATION" OR "DIRECT MEASUREMENT".<br>C. NOTATION BY PERSON PERFORMING INSPECTION WHETHER EACH DEFECT IS PRESENT.<br>D. DESCRIPTION OF ANY DEFECTS DISCOVERED.<br>E. ACTION TAKEN UPON DISCOVERY OF A DEFECT.<br>F. NAME AND SIGNATURE OF PERSON PERFORMING INSPECTION. |
| MONTHLY | TOTAL GASOLINE THROUGHPUT (GALLONS PER MONTH) |
| QUARTERLY | TOTAL GASOLINE THROUGHPUT (GALLONS PER QUARTER) |

YOUR APPLICATION FOR THIS AIR QUALITY PERMIT TO OPERATE WAS EVALUATED FOR COMPLIANCE WITH SACRAMENTO AIR QUALITY MANAGEMENT DISTRICT (AQMD), STATE AND FEDERAL AIR QUALITY RULES. THE FOLLOWING LISTED RULES ARE THOSE THAT ARE MOST APPLICABLE TO THE OPERATION OF YOUR EQUIPMENT. OTHER RULES MAY ALSO BE APPLICABLE.

| AQMD RULE NO. | RULE TITLE |
|---|---|
| 201 | GENERAL PERMIT REQUIREMENTS |
| 202 | NEW SOURCE REVIEW |
| 448 | GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS |
| 449 | TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS |

IN ADDITION, THE CONDITIONS ON THIS PERMIT TO OPERATE MAY REFLECT SOME, BUT NOT ALL, REQUIREMENTS OF THESE RULES. THERE MAY BE OTHER CONDITIONS THAT ARE APPLICABLE TO THE OPERATION OF YOUR EQUIPMENT. FUTURE CHANGES IN PROHIBITORY RULES MAY ESTABLISH MORE STRINGENT REQUIREMENTS WHICH MAY SUPERSEDE THE CONDITIONS LISTED HERE.
FOR FURTHER INFORMATION PLEASE CONSULT YOUR AQMD RULE BOOK OR CONTACT THE AQMD FOR ASSISTANCE

PERMIT NO **18661**

# Permit to Operate Sign-Off Sheet

## COMPANY INFORMATION

MAILING INFORMATION: SAFEWAY STORES
5918 STONERIDGE MALL RD.
PLEASANTON, CA 94588

## FACILITY INFORMATION

| | | INSPECTION ZONE | THOMAS GUIDE PAGE | THOMAS GUIDE CELL | UTM COORDINATES X-COORD | UTM COORDINATES Y-COORD |
|---|---|---|---|---|---|---|
| LOCATION: | 8377 ELK GROVE-FLORIN RD<br>ELK GROVE, CA 95624 | 11 | 338 | G7 | 0 | 0 |

TYPE OF BUSINESS (2-DIGIT SIC CODE): RETAIL - GASOLINE SERVICE STATION

## PERMIT INFORMATION

**GENERAL PERMIT INFORMATION**

TYPE OF PERMIT ACTION: AC
REFERENCE PO: 17155
CURRENT STATUS: PO-IN-PROGRESS
GENERAL EQUIPMENT DESCRIPTI GDF
SPECIFIC EQUIPMENT DESCRIPT GDFR

**REFERENCE PERMIT INFORMATION**

REF. PO 17155
CODE: 98
COMMENTS:

PERMIT-SPECIFIC UTM COORDINATES

| X-COORD | Y-COORD |
|---|---|
| 0 | 0 |

**KEY DATE ENTRIES:**

| | | | |
|---|---|---|---|
| APP. RECEIVED: | 7/1/2005 | | |
| APP. COMPLETE: | | | |
| PUBLIC NOTICED: | | | |
| AC ISSUED: | 8/3/2005 | BY: | IB |
| PO ISSUED DATE: | 11/9/2006 | BY: | IB |

**NET EMISSIONS CHANGE**

| | |
|---|---|
| ROC | 0 |
| NOx | 0 |
| SOx | 0 |
| PM10 | 0 |
| CO | 0 |

Note: Emissions in lb/quarter

**POTENTIAL TO EMIT INFORMATION (lb/qtr and t/yr)**

| | QTR 1 | QTR 2 | QTR 3 | QTR 4 | YEAR |
|---|---|---|---|---|---|
| ROC | 7493 | 7493 | 7493 | 7493 | 8.26 |
| NOx | | | | | |
| SOx | | | | | |
| PM10 | | | | | |
| CO | | | | | |

DATE VERIFIED 9/2/2005 BY: ib

**BILLING INFORMATION**

BILLING SCHEDULE 6 FEE RATE: 14 Nozzles RENEWAL DATE: February, 5 2007

## ADDITIONAL GDF DATA

**TANK(S) DESCRIPTION**

| | CAPACITY (GALLONS) | TANK TYPE (ABOVE/UNDER GROUND) |
|---|---|---|
| Tank1: | 20000 | UNDERGROUND |
| Tank2: | 10000 | UNDERGROUND |
| Tank3: | 0 | UNDERGROUND |
| Tank4: | 0 | UNDERGROUND |

**DESCRIPTION OF VAPOR RECOVERY SYSTEM**

Phase I: PHIL-TITE
Phase I EVR: ☑
Phase II:
Phase II EVR: ☐
Phase II ORVR: ☑ Date Installed: 6 /30/2005
Aboveground E.O. #:

**CARB TEST SITE INFORMATION**

CRAB Test Site ☐ CARB Approval Letter Expiration
Equipment Being Tested:
GDF TYPE: RETAIL

Supervisor Approval [signature] Date 11-22-05

777 12th Street, 3rd Floor
Sacramento, CA 95814-1908

**Sacramento Metropolitan**
**A Quality Management District**

(916) 874-4800
FAX (916) 874-4899

# FORM GS100
# APPLICATION FOR AUTHORITY TO CONSTRUCT AND/OR PERMIT TO OPERATE

A SEPARATE APPLICATION AND FORM(S) SPECIFIC TO THE PROCESS OR EQUIPMENT MUST BE COMPLETED FOR **EACH** PROCESS OR PIECE OF EQUIPMENT

A. Both pages of this application must be completed; an original signature (not a facsimile or copy) is required.
B. The appropriate permit fee must be submitted with the application (refer to the SMAQMD Rules or fee schedule).

PERMIT TO: Service Station Systems
680 Quinn Ave
San Jose, CA 95112

1. Name of business or organization ~~that is to receive the permit:~~ Safeway

Business type: ☐ Sole Proprietorship ☐ Limited Liability Company ☐ Partnership ☒ Corporation ☐ Wholly-owned Subsidiary ☐ Government ☐ Other_____

2. Employer Identification Number (E.I.N.): __-_____

3. Mailing address: 5918 Stoneridge Mall Rd, Pleasanton 94588 925-467-2707
NUMBER STREET CITY ZIP CODE PHONE NO.

4. Location Address (where the equipment will be operated, if different than above)
8377 Elk Grove/Florin Rd, Elk Grove, CA 95829 916-681-8666
NUMBER STREET CITY ZIP CODE PHONE NO.

5. Name of Facility that will Operate the Equipment (if different than above):

DBA: Same As Above

6. Description of equipment/process to be permitted: Removal of existing Wayne VAC Stage II System. Install New Healy ORVR Approved Stage II Vapor Recovery System. All work performed at the Dispensers.

☒ Constructing/installing new equipment
Estimated startup date for new equipment: Aug, 2005

☐ Initial permit for existing equipment
Date Operation First Commenced: _____

☐ Modification of existing permitted equipment or permit conditions
Estimated completion date for modification: _____ Previous Permit No.: _____

☐ Change of Ownership
Change of ownership date: _____ Previous Permit No.: _____

**DO NOT WRITE BELOW (SMAQMD USE ONLY)**

| DATE STAMP | PERMIT NUMBER | A/C FEE | A/C RECEIPT |
|---|---|---|---|
| SACRAMENTO METROPOLITAN JUL - 1 2005 | 18661 | $745.00 | 46885 |
| | PREVIOUS P/O | P/O FEE | P/O RECEIPT |
| | 17155 | | |

777 12th Street, 3rd Floor
Sacramento, CA 95814-1908

Sacramento Metropolitan
Air Quality Management District

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# APPLICATION FOR AUTHORITY TO CONSTRUCT AND/OR PERMIT TO OPERATE

A SEPARATE APPLICATION AND FORM(S) SPECIFIC TO THE PROCESS OR EQUIPMENT MUST BE COMPLETED FOR EACH PROCESS OR PIECE OF EQUIPMENT

A. Both pages of this application must be completed; an original signature (not a facsimile or copy) is required.
B. The appropriate permit fee must be submitted with the application (refer to the SMAQMD Rules or fee schedule).

7. All information submitted to obtain an Authority to Construct/Permit to Operate is considered public information as defined by section 6254.7 of the California Government Code unless specifically marked as trade secret by the applicant. Each document containing trade secrets must be separated from all non-privileged documents. Each document which is claimed to contain trade secrets must indicate each section or paragraph that contains trade secret information and must have attached a declaration stating with specificity the reason this document contains trade secret information. All emission data is subject to disclosure regardless of any claim of trade secret.

Acknowledgement [LB] (Please initial)

Trade secret documents are included with this application: ☐ Y ☐ N

8. Pursuant to Section 42301.6(f) of the Health and Safety Code, I hereby certify that emission sources in this permit application:

*(Initial appropriate box)* [X] **ARE, OR**

[ ] **ARE NOT**

within 1,000 feet of the outer boundary of a school

Pursuant to section 42301.9(a) of the Health and Safety Code, "School" means any public or private school used for purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

9. Required information, analyses, plans and/or specifications needed to complete this application are being collected under authority granted by California Health & Safety Code (CH&SC) section 42303. In addition, CH&SC section 42303.5 states that *No person shall knowingly make any false statements in any application for a permit, or in any information, plans, or specifications submitted in conjunction with the application or at the request of the Air Pollution Control Officer.* Violations of the CH&SC may result in criminal or civil penalties, as specified in CH&SC sections 42400 through 42402.3. By signing below, I certify that all information is true and accurate and complete, to the best of my knowledge and ability.

Signature of responsible officer, partner, or proprietor of firm Linda Boutin

Printed Name: Debbie Linda Boutin Title: Service Station Systems Compliance Coordinator Date: 6/29/05

Phone number: 408-213-5111 Fax number: 408-938-8888 E-mail address: lindab@servicestationsystems.com

10. Contact person for information submitted with this application (if different from above): SAME

Name: _____ Title: _____

Phone number: _____ Fax number: _____ E-mail address: _____

# Petra Pless, D.Env.

440 Nova Albion Way, #2
San Rafael, CA 94903
(415) 492-2131 phone
(815) 572-8600 fax
petra.pless@gmail.com


Dr. Pless is a court-recognized expert with over 20 years of experience in environmental consulting conducting and managing interdisciplinary environmental research projects and preparing and reviewing environmental permits and other documents for U.S. and European stakeholder groups. Her broad-based experience includes air quality and air pollution control; water quality, water supply, and water pollution control; biological resources; public health and safety; noise studies; California Environmental Quality Act ("CEQA"), Clean Air Act ("CAA"), and National Environmental Policy Act ("NEPA") review; industrial ecology and risk assessment; and use of a wide range of environmental software.

## EDUCATION

Doctorate in Environmental Science and Engineering (D.Env.), University of California Los Angeles, 2001

Master of Science (equivalent) in Biology (focus on Limnology), Technical University of Munich, Germany, 1991

## PROFESSIONAL HISTORY

Pless Environmental, Inc., Principal, 2008–present

Environmental Consultant, Sole Proprietor, 2006–2008

Leson & Associates (previously Leson Environmental Consulting), Kensington, CA, Environmental Scientist/Project Manager, 1997–2005

University of California Los Angeles, Graduate Research Assistant/Teaching Assistant, 1994–1996

ECON Research and Development, Environmental Scientist, Ingelheim, Germany, 1992–1993

Biocontrol, Environmental Projects Manager, Ingelheim, Germany, 1991–1992

## REPRESENTATIVE EXPERIENCE

### Air Quality and Pollution Control

Projects include CEQA/NEPA review; CAA attainment and non-attainment new source review; prevention of significant deterioration ("PSD") and Title V permitting; control technology analyses (BACT, LAER, RACT, BARCT, BART, MACT); technology evaluations and cost-effectiveness analyses; criteria and toxic pollutant and greenhouse gas emission inventories; emission offsets; ambient and source monitoring; analysis of emissions estimates and ambient air pollutant concentration modeling. Some typical projects include:

- Provided expert support for intervention in California Energy Commission ("CEC") proceedings for numerous power plants including natural gas-fired, integrated gasification combined-cycle, geothermal (flash and binary) solar (thermal and photovoltaic) facilities with respect to air quality including emission reduction credits, hazards and hazardous materials, public health, noise, and biological resources.
- Critically reviewed and prepared technical comments on the air quality, biology, noise, water quality, and public health and safety sections of CEQA/NEPA documents for numerous commercial, residential, and industrial projects (*e.g.*, power plants, airports, residential developments, retail developments, university expansions, hospitals, refineries, slaughterhouses, asphalt plants, food processing facilities, slaughterhouses, feedlots, printing facilities, mines, quarries, landfills, and recycling facilities) and provided litigation support in a number of cases filed under CEQA.
- Critically reviewed and prepared technical comments on the air quality and public health sections of the Los Angeles Airport Master Plan (Draft, Supplement, and Final Environmental Impact Statement/Environmental Impact Report) for the City of El Segundo. Provided technical comments on the Draft and Final General Conformity Determination for the preferred alternative submitted to the Federal Aviation Administration.
- Prepared comments on proposed PSD and Title V permit best available control technology ("BACT") analysis for greenhouse gas emissions from a proposed direct reduced iron facility in Louisiana.
- Prepared technical comments on U.S. Environmental Protection Agency ("EPA")'s *Inhalation of Fugitive Dust: A Screening Assessment of the Risks Posed by Coal Combustion Waste Landfills* prepared for EPA's proposed coal combustion waste landfill rule.
- Prepared technical comments on the potential air quality impacts of the California Air Resources Board's *Proposed Actions to Further Reduce Particulate Matter at High Priority California Railyards.*
- For several California refineries, evaluated compliance of fired sources with Bay Area Air Quality Management District Rule 9-10. This required evaluation and review of hundreds of source tests to determine if refinery-wide emission caps and compliance monitoring provisions were being met.
- Critically reviewed and prepared technical comments on draft Title V permits for several refineries and other industrial facilities in California.
- Evaluated the public health impacts of locating big-box retail developments in densely populated areas in California and Hawaii. Monitored and evaluated impacts of diesel exhaust emissions and noise on surrounding residential communities.
- In conjunction with the permitting of several residential and commercial developments, conducted studies to determine baseline concentrations of diesel exhaust particulate matter using an aethalometer.
- For an Indiana steel mill, evaluated technology to control NOx and CO emissions from fired sources, including electric arc furnaces and reheat furnaces, to establish BACT. This required a comprehensive review of U.S. and European operating experience. The lowest emission levels were being achieved by steel mills using selective catalytic reduction ("SCR") and selective non-catalytic reduction ("SNCR") in Sweden and The Netherlands.

- For a California petroleum coke calciner, evaluated technology to control NOx, CO, VOCs, and PM10 emissions from the kiln and pyroscrubbers to establish BACT and LAER. This required a review of state and federal clearinghouses, working with regulatory agencies and pollution control vendors, and obtaining and reviewing permits and emissions data from other similar facilities. The best-controlled facilities were located in the South Coast Air Quality Management District.
- For a Kentucky coal-fired power plant, identified the lowest NOx levels that had been permitted and demonstrated in practice to establish BACT. Reviewed operating experience of European, Japanese, and U.S. facilities and evaluated continuous emission monitoring data. The lowest NOx levels had been permitted and achieved in Denmark and in the U.S. in Texas and New York.
- In support of efforts to lower the CO BACT level for power plant emissions, evaluated the contribution of CO emissions to tropospheric ozone formation and co-authored report on same.
- Critically reviewed and prepared technical comments on applications for certification ("AFCs") for numerous natural-gas fired, solar, biomass, and geothermal power plants in California permitted by the California Energy Commission. The comments addressed construction and operational emissions inventories and dispersion modeling, BACT determinations for combustion turbine generators, fluidized bed combustors, diesel emergency generators, etc.
- Critically reviewed and prepared technical comments on draft PSD permits for several natural gas-fired power plants in California, Indiana, and Oregon. The comments addressed emission inventories, greenhouse gas emissions, BACT, case-by-case MACT, compliance monitoring, cost-effectiveness analyses, and enforceability of permit limits.
- For a California refinery, evaluated technology to control NOx and CO emissions from CO Boilers to establish RACT/BARCT to comply with BAAQMD Rule 9-10. This required a review of BACT/RACT/LAER clearinghouses, working with regulatory agencies across the U.S., and reviewing federal and state regulations and State Implementation Plans ("SIPs"). The lowest levels were required in a South Coast Air Quality Management District rule and in the Texas SIP.
- In support of several federal lawsuits filed under the federal Clean Air Act, prepared cost-effectiveness analyses for SCR and oxidation catalysts for simple cycle gas turbines and evaluated opacity data.
- Provided litigation support for a CEQA lawsuit addressing the adequacy of pollution control equipment at a biomass cogeneration plant.
- Prepared comments and provided litigation support on several proposed regulations including the Mojave Desert Air Quality Management District Rule 1406 (fugitive dust emission reduction credits for road paving); South Coast Air Quality Management District Rule 1316, San Joaquin Valley Air Pollution Control District Rule 2201, Antelope Valley Air Quality Management District Regulation XIII, and Mojave Desert Air Quality Management District Regulation XIII (implementation of December 2002 amendments to the federal Clean Air Act).
- Critically reviewed draft permits for several ethanol plants in California, Indiana, Ohio, and Illinois and prepared technical comments.

- Reviewed state-wide average emissions, state-of-the-art control devices, and emissions standards for construction equipment and developed recommendations for mitigation measures for numerous large construction projects.
- Researched sustainable building concepts and alternative energy and determined their feasibility for residential and commercial developments, *e.g.*, regional shopping malls and hospitals.
- Provided comprehensive environmental and regulatory services for an industrial laundry chain. Facilitated permit process with the South Coast Air Quality Management District. Developed test protocol for VOC emissions, conducted field tests, and used mass balance methods to estimate emissions. Reduced disposal costs for solvent-containing waste streams by identifying alternative disposal options. Performed health risk screening for air toxics emissions. Provided permitting support. Renegotiated sewer surcharges with wastewater treatment plant. Identified new customers for shop-towel recycling services.
- Designed computer model to predict performance of biological air pollution control (biofilters) as part of a collaborative technology assessment project, co-funded by several major chemical manufacturers.
- Experience using a wide range of environmental software, including air dispersion models, air emission modeling software, database programs, and geographic information systems.

## Water Quality and Pollution Control

Experience in water quality and pollution control, including surface water and ground water quality and supply studies, evaluating water and wastewater treatment technologies, and identifying, evaluating and implementing pollution controls. Some typical projects include:

- Evaluated impacts of on-shore oil drilling activities on large-scale coastal erosion in Nigeria.
- For a 500-MW combined-cycle power plant, prepared a study to evaluate the impact of proposed groundwater pumping on local water quality and supply, including a nearby stream, springs, and a spring-fed waterfall. The study was docketed with the California Energy Commission.
- For a 500-MW combined-cycle power plant, identified and evaluated methods to reduce water use and water quality impacts. These included the use of zero-liquid-discharge systems and alternative cooling technologies, including dry and parallel wet-dry cooling. Prepared cost analyses and evaluated impact of options on water resources. This work led to a settlement in which parallel wet dry cooling and a crystallizer were selected, replacing 100 percent groundwater pumping and wastewater disposal to evaporation ponds.
- For a homeowner's association, reviewed a California Coastal Commission staff report on the replacement of 12,000 linear feet of wooden bulkhead with PVC sheet pile armor. Researched and evaluated impact of proposed project on lagoon water quality, including sediment resuspension, potential leaching of additives and sealants, and long-term stability. Summarized results in technical report.

## Applied Ecology, Industrial Ecology and Risk Assessment

Experience in applied ecology, industrial ecology and risk assessment, including human and ecological risk assessments, life cycle assessment, evaluation and licensing of new chemicals, and fate and transport studies of contaminants. Experienced in botanical, phytoplankton, and intertidal species identification and water chemistry analyses. Some typical projects include:

- Conducted technical, ecological, and economic assessments of product lines from agricultural fiber crops for European equipment manufacturer; co-authored proprietary client reports.
- Developed life cycle assessment methodology for industrial products, including agricultural fiber crops and mineral fibers; analyzed technical feasibility and markets for thermal insulation materials from natural plant fibers and conducted comparative life cycle assessments.
- For the California Coastal Conservancy, San Francisco Estuary Institute, Invasive Spartina Project, evaluated the potential use of a new aquatic pesticide for eradication of non-native, invasive cordgrass (*Spartina spp.*) species in the San Francisco Estuary with respect to water quality, biological resources, and human health and safety. Assisted staff in preparing an amendment to the Final EIR.
- Evaluated likelihood that organochlorine pesticide concentrations detected at a U.S. naval air station are residuals from past applications of these pesticides consistent with manufacturers' recommendations. Retained as expert witness in federal court case.
- Prepared human health risk assessments of air pollutant emissions from several industrial and commercial establishments, including power plants, refineries, and commercial laundries.
- Managed and conducted laboratory studies to license pesticides. This work included the evaluation of the adequacy and identification of deficiencies in existing physical/chemical and health effects data sets, initiating and supervising studies to fill data gaps, conducting environmental fate and transport studies, and QA/QC compliance at subcontractor laboratories. Prepared licensing applications and coordinated the registration process with German environmental protection agencies. This work led to regulatory approval of several pesticide applications in less than six months.
- Designed and implemented database on physical/chemical properties, environmental fate, and health impacts of pesticides for a major multi-national pesticide manufacturer.
- Designed and managed experimental toxicological study on potential interference of delta-9-tetrahydrocannabinol in food products with U.S. employee drug testing; co-authored peer-reviewed publication.
- Critically reviewed and prepared technical comments on applications for certification for several natural-gas fired, solar, and geothermal power plants and transmission lines in California permitted by the California Energy Commission. The comments addressed avian collisions and electrocution, construction and operational noise impacts on wildlife, risks from brine ponds, and impacts on endangered species.
- For a 180-MW geothermal power plant, evaluated the impacts of plant construction and operation on the fragile desert ecosystem in the Salton Sea area. This work included baseline noise monitoring and assessing the impact of noise, brine handling and disposal, and air emissions on local biota, public health, and welfare.

- Designed research protocols for a coastal ecological inventory in Southern California; developed sampling methodologies, coordinated field sampling, determined species abundance and distribution in intertidal zone, and conducted statistical data analyses.
- Designed and conducted limnological study on effects of physical/chemical parameters on phytoplankton succession; performed water chemistry analyses and identified phytoplankton species; co-authored two journal articles on results.

## PRO BONO ACTIVITIES

Founding member of "SecondAid," a non-profit organization providing tsunami relief for the recovery of small family businesses in Sri Lanka. (www.secondaid.org.)

## PUBLICATIONS & RECOMMENDATIONS

Available upon request.

# EXHIBIT 3

**Larry Wymer**
**& Associates**
**Traffic Engineering**

**Phone: (916) 768-6158**
**E-Mail: Larry@LarryWymerTE.com**
**Website: LarryWymerTE.com**

February 19, 2015

Patrick Soluri
Soluri Meserve
1010 F St Ste 100
Sacramento, CA 95814

**RE:** ***Opinions on Curtis Park Village Safeway Gas Station***

Mr. Soluri,

This letter summarizes the professional opinions of Larry Wymer, licensed California Traffic Engineer, on traffic and safety issues associated with the proposed Curtis Park Village Safeway Gas Station.

I have been analyzing applicable documents and analysis associated with the Curtis Park Village project and the proposed Safeway gas station, which includes the following documents and analysis: (1) the original and revised versions of Dowling Associates, Inc. transportation and circulation analysis; (2) The City of Sacramento Community Development's P14-036 Project Information Package for the Curtis Park Village Fuel Center; (3) Curtis Park Village FAQs (and responses) as contained on the project's tumbler page http://cpvfaq.tumblr.com/; (4) Miscellaneous email correspondence between citizen Dana Mahaffey and Tom Buford, Senior Planner, City of Sacramento Environmental Planning Services; and (5) "Cottle Safeway Fuel Station - Addendum to the Hitachi Campus and Transit Village Final EIR - (March 2013) ".

**Project Background – Pre Safeway Gas Station Traffic Analysis**

On September 15, 2009, Dowling Associates, Inc. submitted a letter report titled "Curtis Park Village – Trip Generation Comparison" which included the following Introductory and Conclusion statements which provide a partial foundation for the traffic analysis performed to date.

> ***Introductory Statement***
> *"Dowling Associates prepared a revised transportation and circulation analysis for the Curtis Park Village project in summer 2008. The analysis was incorporated in the Transportation and Circulation Section of the Curtis Park Village Draft EIR (DEIR). In November 2008, the applicant submitted a revised application with similar roadway network but different land use mix that forms the basis of the Proposed Project in the DEIR. Consequently, a comparison of the amount of project generated trips generated by these two land use mixes was performed. The results were presented in the Trip Generation Comparison of Different Land Uses memorandum dated December 8, 2008 and included in the Appendix of the DEIR.*
>
> *"After the circulation of the DEIR and during the Response to Comments period, the applicant proposed a slight land use modification of the Proposed Project. The purpose of this memorandum is to present a trip generation comparison of the Current Proposed Project and the one analyzed in the DEIR and determine if*

*any new significant impacts would result from the Current Proposed Project. A summary of the following land use assumptions are present in Table 1.*

- *Project Proposed in the DEIR*
- *Project Analyzed in the Transportation and Circulation Section of the DEIR*
- *Current Proposed Project"*

***Concluding Statement***

*"The Current Proposed Project would not cause any new significant impacts nor significantly worsen significant impacts that were identified in the DEIR. The Current Proposed Project would generate fewer daily, PM and Saturday peak hour trips than the Project Analyzed in the DEIR. The Current Proposed Project would generate 44 more trips (6 percent) during the AM peak hour than the Project Analyzed in the DEIR. The increased number of AM peak hour trips is primarily attributed to the Athletic Club use in Area 3 of the project site.*

*"The standard for determining significance in the DEIR was LOS C traffic operations. The current level of service standard under the new General Plan is LOS D. It should also be noted that the trip generation under the Current Proposed Project scenario would be reduced if a dinner theater, instead of an athletic club, is developed on the site."*

**Project Background –Safeway Gas Station Traffic Analysis**

To date, a revised traffic analysis has not been performed for the revised Curtis Park Village site plan which replaces general retail development with a Safeway Gas Station. The only available documents, analysis, etc. are those included within materials (2), (3), and (4) listed within the second paragraph of this opinion letter.

**CEQA Appendix G - Environmental Checklist – Section XVI. Transportation/Traffic**

XVI. TRANSPORTATION/TRAFFIC – Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

**OPINION 1 - In addition to gas stations adding new project trips to area roadways, they also by their very nature significantly alter existing (i.e. no project) travel patterns via significant pass-by/diverted trip in which drivers will alter their normal travel patterns to fuel at the new gas station. These trip characteristics are drastically different than those associated with typical retail development which the gas station would be replacing.**

**Vehicle trips to and from "Safeway" gas stations have unique trip generation characteristics and travel patterns from typical gas stations due to their customer loyalty program discounts. The fact that there are numerous Safeway stores in the vicinity of the project which do not have a gas station means that the proposed Curtis Park Village site will experience a unique and expanded customer base which will experience very unique trip distribution/assignment patterns from those associated with neighboring retail developments. And as a Safeway shopper myself who fuels my vehicles at only a Safeway gas station (or Costco gas station) when feasible, I can personally attest as an observant traffic engineer to the significant**

**differences in trip generation experienced by a Safeway gas station I am fueling at from that being generated by adjacent and nearby gas stations.**

**Trip generation, distribution, pass-by, and diverted trip assumptions as included within the Curtis Park Village FAQ section are completely inconsistent with those outlined within the "Cottle Safeway Fuel Station - Addendum to the Hitachi Campus and Transit Village Final EIR - (March 2013)" prepared for the City of San Jose. This inconsistency invalidates the FAQ conclusion, and if the conclusions as outlined for the Cottle Safeway Fuel Station in San Jose are applied to the Curtis Park Village site the result would potentially be significant increases and variations in trip generation and trip distribution/assignment.**

**Based on my personal knowledge of these differences from typical gas stations, and the inconsistencies with those outlined within the Cottle Safeway Fuel Station in San Jose, I believe a traffic analysis should be performed which considers trip generation characteristics for Sacramento area Safeway gas stations vs. market area size, and how that would correspond to the proposed Curtis Park Village gas station vs. the local market size relative to the area Safeway stores and distances from other Sacramento area Safeway gas stations.**

**Additionally, definite and potential variations in trip generation and trip distribution/assignment have not been fully accounted for within any traffic analysis performed to date, particularly at the intersection of Sutterville Road/ Crocker Drive which might experience enough changes in increased left and right turning vehicles to/from Crocker Drive to create deficient levels of service or exceed queuing storage capacities.**

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

**SEE OPINION 1**

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

**NOT APPLICABLE**

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**NO OPINION**

e) Result in inadequate emergency access?

**NO OPINION**

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

**OPINION 2 – The proposed Sacramento City College Pedestrian and Bicycle Bridge Crossing will add significant pedestrian and bicycle traffic along the westside sidewalks of Crocker Street, and some pedestrian and bicycle traffic along the southside sidewalks of the roadway designated as the "Access**

**Easement" located along the northern frontage of the proposed Safeway Gas Station. A revised traffic analysis should consider potential pedestrian/bicycle conflicts with fuel trucks and queuing vehicles entering and exiting the gas station.**

**Per the City of Sacramento's "Bicycle and Pedestrian Funding Guidelines, 2012" (as contained within the City's August 22, 2011 application for SACOG's 2011 Bike and Pedestrian Funding Program for the City College Pedestrian and Bicycle Overcrossing) the overcrossing would generate (and add to Curtis Park Village roadways) 126,000 bicyclists per year. If spread out evenly over a year this would result in an average of 345 bicycles per day, of which approximately 35 could be assumed as being present during the AM peak hour as well as during the PM peak hour (assuming a 10% daily-to-peak hour ratio). Of course bicycle volumes in reality could be expected to be significantly higher on days the college is in session and when events are occurring at Hughes Stadium. Information provided by the City of Sacramento's Traffic Engineering Department indicates that within the City of Sacramento (and within and surrounding the Curtis Park Village project) that bicycle volumes can be assumed as being approximately half of existing and expected pedestrian volumes. Thus the overcrossing would generate (and add to Curtis Park Village roadways) approximately 250,000 pedestrians per year. If spread out evenly over a year this would result in an average of approximately 700 pedestrians per day, of which approximately 70 could be assumed as being present during the AM peak hour as well as during the PM peak hour. Again, pedestrian volumes in reality could be expected to be significantly higher on days the college is in session and when events are occurring at Hughes Stadium.**

**Concluding Opinion**

It is my professional opinion that potentially significant traffic and safety issues resulting from the proposed Curtis Park Village Safeway Gas Station were not previously analyzed in the 2010 Curtis Park Village EIR. A Supplemental EIR is necessary to adequately address these potentially significant impacts as required by CEQA.

Please don't hesitate to contact me if you should have any questions.

Larry C. Wymer
California Traffic Engineer 1955

# EXHIBIT 4

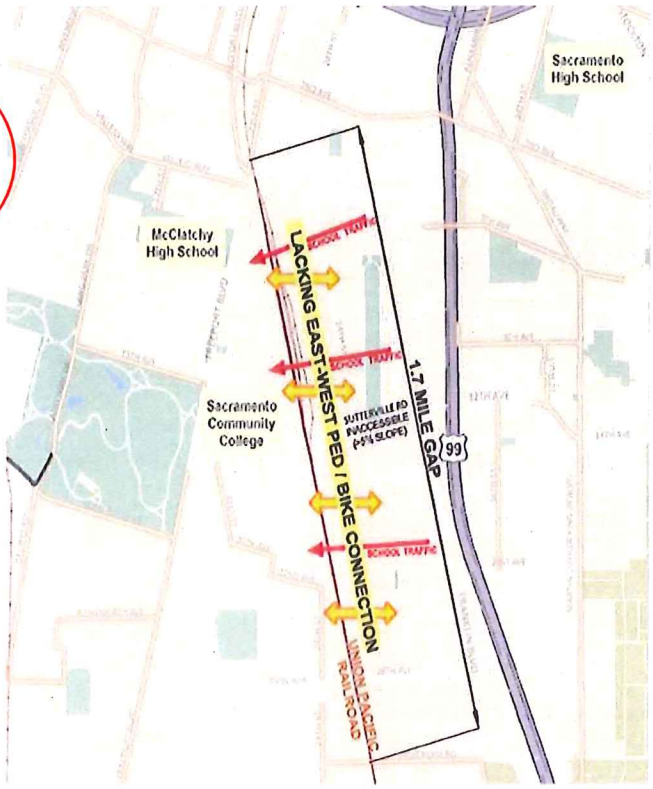
on-street bicycle facilities. The 1.7 mile section between the at-grade crossings at Freeport Boulevard and 26th Avenue is the heart of the area with respect to alternate modes travel. The only crossing for any mode in this section is the Sutterville Road overcrossing, which is a high speed arterial lacking bike lanes and accessible pedestrian facilities. The City of Sacramento seeks to fill this deficiency with the construction of the City College POC.

The new structure would provide a convenient and safe pedestrian and bicycle link between Curtis Park and Land Park. As envisioned, the bridge would land at Sacramento Regional Transit's (RT) City College Light Rail Station on Sacramento City College Campus on the west, and at the site of the Curtis Park Village development project on the east.

## The Proposed Project

The City of Sacramento wishes to apply for Community Design funding to construct a new pedestrian and bicycle overcrossing of the UPRR right-of-way between the Sacramento City College Campus and the Curtis Park Village Development. The City College POC project represents exactly the kind of public investment which can foster the type of visionary private development concept that is envisioned for Curtis Park Village. The project will provide a viable and pleasant alternative to automotive travel for recreational users as well as commuters. Among the many benefits of this project, the new bridge will:

- ✓ Allow the approved 72 acre mixed use Curtis Park Village development to realize its potential as one of the region's preeminent Transit Oriented Developments
- ✓ Support the public investment of state bond funds for Transit Oriented Development and Brownfield clean up in Curtis Park Village.
- ✓ Provide safe and pleasant access for pedestrians and cyclists across the UPRR tracks
- ✓ Provide convenient access to light rail for current and future residents of Curtis Park
- ✓ Provide neighborhood connectivity
- ✓ Fill a gap in the regional bikeway network
- ✓ Provide safe and convenient access for the disabled community
- ✓ Provide a distinctive architectural enhancement for the area
- ✓ Compliment a planned $10,000,000 retrofit of Hughes Stadium on the City College Campus
- ✓ Provide a more direct and safe route for pedestrian traffic to/from C.K. McClatchy High School and other schools in the area.




LIGHT RAIL PEDESTRIAN/ BICYCLE CROSSING PROJECT
SAC CITY COLLEGE to CURTIS PARK
CITY OF SACRAMENTO

PETROVICH DEVELOPMENT COMPANY

July 29, 2011

Mr. Gregory Chew
Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814
Subject: **Sacramento City College Light Rail Station/Curtis Park Village Pedestrian Bridge**

Dear Mr. Chew,

As the property owner and developer of Curtis Park Village, Petrovich Development Company is delighted to provide an endorsement for the City of Sacramento's planned project to construct an alternate modes overcrossing of the Union Pacific railroad tracks between Sacramento's Curtis Park and Land Park neighborhoods at the Sacramento City College Light Rail Station. We feel the bridge project will be an outstanding amenity benefiting Sacramento City College, local neighborhoods, and Light Rail users, as well as the future residents, patrons, and retailers in Curtis Park Village.

As you are aware, the Curtis Park Village project is a high density, mixed-use, infill development project which has embraced the doctrine of the "Blueprint" developed by SACOG. Our view is that the new bridge is in lockstep with the goals of the Blueprint and a key component to support the transit connectivity of the Curtis Park Village project to Sacramento Regional Transit and we look forward to its implementation.

In working with City staff through the conceptual development and final design of their project, we have been extremely pleased with their efforts to create a project which will meld both functionally and architecturally with our vision for Curtis Park Village. The bridge design is tasteful, elegant, and caters to pedestrians, cyclists as well as the disabled community providing them direct access to light rail transit and the many amenities we are planning at Curtis Park Village. The care taken by the design team to address aesthetic treatment, nighttime security, and to minimize opportunities for vandalism have also been excellent.

As the City goes through the SACOG application process for construction funding, we at Petrovich Development Company are hopeful that SACOG will see the obvious benefits of this important project. It is our considered opinion that the project is emblematic of the type of smart growth improvement that our region should be advocating as we look for opportunities to implement SACOG's Blueprint.

Sincerely,

Philip J. Harvey, Senior Vice President of Development

825 K Street • Sacramento, CA 95814 • Phone (916) 442-4600
Fax (916) 442-6313

SIERRA • CURTIS
Neighborhood Association

May 14, 2015

**SENT VIA EMAIL (see service list)**

City of Sacramento Planning and Design Commission
300 Richards Blvd., Third Floor
Sacramento, CA 95811

**RE: Curtis Park Village Fuel Center (P14-036)**

Honorable Chair and members of the Commission:

This letter provides comments from the Sierra Curtis Neighborhood Association ("SCNA") regarding the CEQA Addendum ("Addendum") for the fuel center and minimart proposed by Petrovich Development for Curtis Park Village (application number P14-036) ("Fuel Center"). The Addendum fails to comply with CEQA with respect to its analysis of toxic air contaminants ("TACs").

Under CEQA, the City has a duty to consider whether the revision of the Curtis Park Village ("CPV") to include the Fuel Center will result in new significant effects that were not disclosed in the prior EIR. (CEQA Guidelines, § 15162.) Thus, the proper scope of the City's review of TAC impacts is not just the Fuel Center emissions in isolation but rather whether the addition of Fuel Center TAC emissions will result in a new significant TAC emission impact for the CPV project. The Addendum is legally defective because it does not analyze the combined TAC emissions from the CPV project as mandated by CEQA and the SMAQMD CEQA Guide.

The prior CPV EIR, consistent with standard practice, identified 10 increased cancer risks per million as the relevant significant threshold for long-term chronic health impacts from TACs. (DEIR, p. 5.3-8.) The CPV EIR ultimately found the impact less than significant without the need for any mitigation. (DEIR, p. 5.3-17-18.) Notably, the EIR did not prepare a site-specific health risk assessment ("HRA") that analyzed the combined health risk of all TAC emissions from the CPV project. In fact, the only analysis in this regard was a screening-level analysis that identified a 2.4 in one million cancer risk associated with TAC emissions from the existing rail line. (DEIR, p. 5.3-17.)

The proposed Fuel Center would add a new source of TAC emissions that, viewed in isolation, results in an increased cancer risk of 9.9[1] at the nearest sensitive receptor.

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[1] This resulting health risk was derived by the project applicant's consultant, ENVIRON, by using spatial averaging, a methodology that ENVIRON did not use with in its first report that

This is literally 0.1 below the threshold of significance for TAC emissions. However, there is no question that the CPV *as already approved* (including 269,000 square feet of commercial) includes other TAC emission sources, which must aggregate to less than 10 increased cancer risks in order to approve the Fuel Center with a CEQA Addendum. The SMAQMD's CEQA Guide explains the need to combine TAC emissions in a CEQA document:

> The District recognizes that permitted stationary sources of TACs and non-permitted sources of TACs may operate on the same project site. Lead agencies ***shall*** evaluate the ***combined impact of all TAC emissions generated on the project site***.[2] (Emphasis added).

SMAQMD's mandate to analyze the combined impact is entirely consistent with comments by SCNA's expert, Dr. Petra Pless, dated May 4, 2015, which provide in part:

> Fourth, the HRA incorrectly treats the GDF as if it were a standalone project when, in fact, it is part of a much larger project, i.e., the entire Curtis Park Village project. A valid health risk analysis for purposes of CEQA review must assess health risks from the entire development, i.e., TAC emissions during the construction as well as the operational phase of the project. Of particular concern are DPM emissions from construction equipment, haul trucks, delivery trucks, and TAC emissions from dry cleaners. In addition, some residences within Curtis Park Village would be located only about 100 feet away from active railroad tracks; The EIR estimated the health risks due to locomotive DPM emissions at 2.4 in one million.

As Dr. Pless explains, neither ENVIRON's HRA nor the City's Addendum considers the combined TAC emissions from the Fuel Center together with other TAC emission sources at the CPV site. Not only do the HRA and Addendum ignore these other emission sources, but they create a nonsensical scenario wherein these other emission sources must necessarily result in literally no increased cancer risks. Otherwise, the City's reliance on a CEQA Addendum is improper since the threshold of significance will be triggered. Thus, The City's flawed approach thwarts informed decision-making and public participation.

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had to be corrected due to flawed assumptions that resulted in underreporting the health risk by nearly 50% (reporting 7 increased cancer risks rather than the correct value of 13).

[2] Sacramento Metropolitan Air Quality Management District CEQA Guide December 2009, Revised June 2014, page 5-8 (See Exhibit 1).

The Addendum further thwarts informed decision-making by ignoring a critical land use policy recommendation on the specific issue of where to site high-volume gas stations by the California Air Resources Board ("CARB"), which provides:

> Avoid siting new sensitive land uses within 300 feet of a large gasoline dispensing facility (defined as a facility with a throughput of 3.6 million gallons per year or greater).

(See Exhibit 1, CARB Land Use Handbook, p. 32.)

It is puzzling that the City's Addendum and staff report would ignore such a specific and a clear land use siting recommendation from CARB, which is the state agency with expertise on air emissions. Although it is perhaps not so puzzling when one considers how the proposed Fuel Center measures up to this recommendation: not only is the nearest sensitive receptor less than 1/3 the recommended distance, but the throughput (7.45 million gallons) is twice the minimum throughput triggering the recommended 300-foot distance. The CEQA Addendum's failure to address CARB's siting recommendation further thwarts informed decision-making and public participation.

As a final matter, it is noted that the Fuel Center's proposed conditions of approval do not include a throughput limitation of 7.45 million gallons that purportedly results in a less than significant impact. While the City may "recognize[] and respect[]" the AQMD's Clean Air Act Title V permitting authority, this does not allow the City to abdicate its duty to avoid environmental impacts to the extent feasible. The City's Addendum and staff report fail entirely to demonstrate that the City's discretionary land use authority does not include imposing a throughput condition to support the City's finding that the impact is less than significant.

Very truly yours,

**SIERRA CURTIS**
**NEIGHBORHOOD ASSOCIATION**

By: Eric A. Johnson, President

Attachments:
1. SMAQMD CEQA Guide, Chapter 5 TAC emissions
2. Excerpt from CARB Land Use Handbook

Service list (via email):

Planning and Design Commission
Chair David Nybo (dnybo@wateridge.net)
Vice Chair Alan LoFaso (ALofaso@sbcglobal.net)
Commissioner Jose Bodipo-Memba (Bodipo50@gmail.com)
Commissioner Kiyomi Burchill (burchillcitypc@gmail.com)
Commissioner Cornelious Burke (cburke.realestate@gmail.com)
Commissioner Edmonds Chandler (ed@loftgardens.com)
Commissioner Douglas Covill (dcovill@cbnorcal.com)
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Commissioner Joseph Yee (jyeepdc@gmail.com)
Commissioner Vincent Darrel Teat Jr. (dteat@nehemiahcorp.org)

cc: Paul Philley, SMAQMD (pphilley@airquality.org)
Rachel DuBose, SMAQMD (rdubose@airquality.org)

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# Exhibit 1

# 5. TAC EMISSIONS

## 5.1 INTRODUCTION

Under the Clean Air Act, toxic air contaminants (TACs) are airborne pollutants that may be expected to result in an increase in mortality or serious illness or which may pose a present or potential hazard to human health. TACs are also referred to as toxic air pollutants or hazardous air pollutants.

A wide range of sources, from industrial plants to households emits TACs. Because it is not practical to eliminate all TACs these compounds are regulated through risk management programs. These programs are designed to eliminate, avoid, or minimize the risk of adverse health effects from exposures to TACs.

A chemical becomes a regulated TAC after it is identified by ARB's California Air Toxics Program or the U.S. Environmental Protection Agency's (EPA) National Air Toxics Assessments, assessed for its potential for human exposure, and evaluated for its health effects on humans. ARB has listed approximately 200 toxic substances, including those identified by EPA, which are identified on the California Air Toxics Program's TAC List.

### 5.1.1 HEALTH EFFECTS

TACs can cause long-term health effects such as cancer, birth defects, neurological damage, or genetic damage; or short-term acute affects such as eye watering, respiratory irritation (a cough), running nose, throat pain, and headaches. Regulating TACs is important not only because of the severity of their health effects, but also because the health effects can occur with exposure to even small amounts of TACs. TACs are not classified as criteria air pollutants (CAPs) and no ambient air quality standards have been established for them. The effects of various TACs are very diverse and their health impacts tend to be local rather than regional; consequently uniform standards for these pollutants have not been established.

TACs can be separated into carcinogens and non-carcinogens based on the nature of the physiological degradation associated with exposure to the pollutant. For regulatory purposes, carcinogens are assumed to have no safe threshold below which health impacts would not occur and cancer risk is expressed as excess cancer cases per one million exposed individuals. Non-carcinogens differ in that there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels are determined on a pollutant-by-pollutant basis. Acute and chronic exposure to non-carcinogens is expressed in using a Hazard Index (HI), which is the ratio of expected exposure levels to acceptable health-acceptable exposure levels.

EPA's web page, About Air Toxics, provides more detailed information about the health effects of TACs. The specific health effects of each particular TAC as

identified by the Office of Environmental Health Hazard Assessment (OEHHA) and ARB are listed in the Consolidated Table of OEHHA / ARB Approved Risk Assessment Health Values.

### 5.1.2 Concepts in Health Risk

The dose to which receptors are exposed to a TAC is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance(s). Dose is positively correlated with the concentration of a toxic substance, which generally disperses with distance from the emission source under normal meteorological conditions. Dose is also positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for an exposed individual. Thus, the risks estimated for a receptor are higher if a fixed exposure occurs over a longer period. The breathing rate of an exposed individual is also an important factor. For instance, children have higher intake rates on a per kilogram body weight basis and thus receive a higher dose of airborne pollutants.

### 5.1.3 Trends in Background TAC Levels

The California Almanac of Emissions and Air Quality (Almanac), which is published annually by ARB, presents the trends of various TAC emissions in California. Currently, the estimated risk from particulate matter emissions from diesel exhaust (diesel PM) is higher than the risk from all other TACs combined, and this TAC poses the most significant risk to California's population. In fact, ARB estimates that 79% of the known statewide cancer risk from the top 10 outdoor air toxics is attributable to diesel PM.

In September 2000, ARB adopted the Diesel Risk Reduction Plan (DRR Plan), which recommends many control measures to reduce the risks associated with diesel PM and achieve a goal of 75% PM reduction by 2010 and 85% by 2020. The key elements of the Plan are to clean up existing engines through engine retrofit emission control devices, to adopt stringent standards for new diesel engines, to lower the sulfur content of diesel fuel, and implement advanced technology emission control devices on diesel engines. In fact, many of the Air Toxic Control Measures that have been promulgated by ARB specifically address diesel PM emissions from a range of sources, including portable engines, cargo handling equipment used at ports, transport refrigeration units, and idling by commercial vehicles and school buses. Without implementing the DRR Plan, according to ARB's 2009 Almanac, diesel PM concentrations in 2010 and 2020 are estimated to drop by only about 17% and 33%, respectively, from the estimated year 2000 level.

It is important to note these TAC reductions in the context of well-planned mixed-use urban areas. In response to nonattainment conditions with respect to criteria air pollutants (CAP), specifically ozone, land uses within California are being developed with an increased emphasis on planning principles that reduce vehicle miles traveled (VMT) along with energy and water consumption (e.g., smart

growth, transit-oriented design). With the passage of Assembly Bill 32 and the associated greenhouse gas (GHG) emissions reduction goal of achieving 1990 levels by 2020, the implementation of such principles will play an increasingly important role with regards to land use planning as California will need to more efficiently (e.g., less VMT per household) accommodate population and job growth. Though this type of planning proves to effectively reduce regional CAP emissions and GHGs, inherent to the design, receptors are placed in closer proximity to localized sources of pollution (e.g., freeways, rail). Thus, the future TAC reductions discussed above will play an important role in addressing this matter; however, lead agencies need to assess the potential for higher density development patterns to result in increased TAC exposure levels.

## 5.2 ANALYSIS EXPECTATIONS

The District recommends that CEQA documents analyze potential impacts resulting from exposure of sensitive receptors to high doses of TACs and associated health risk. These analyses shall include the following:

- A discussion of type of construction activities that would occur and the TAC emission sources associated with those activities. This may include the number and types of equipment anticipated to be used during construction. Detailed guidance about construction-generated TACs is provided in section 5.3.1, Construction Activity.
- A significance determination about construction-generated TAC emissions, without mitigation;
- A discussion of feasible mitigation necessary to reduce construction-generated TACs and whether the reduction is sufficient to reduce impacts to a less-than-significant level.
- A discussion of whether the project would locate any permitted sources of TACs or non-permitted sources of TACs (e.g., a high traffic volume roadway) in close proximity to existing or future planned receptors;
- A discussion of whether the project would locate new receptors in close proximity to an existing or future planned source of TAC emissions;
- A significance determination about exposure to TACs from project operations without mitigation; and
- A discussion of feasible mitigation necessary to reduce TAC exposure resulting from project construction and operations and whether the reduction would be sufficient to reduce the impact to a less-than-significant level.
- A quantitative health risk assessment (HRA) that discloses health risk levels at affected receptors if qualitative methodologies for analyzing TAC impacts are not sufficient. The HRA shall be conducted in consultation with the District and

in accordance with acceptable guidance such as the California Air Pollution Control Officers Association's *Health Risk Assessments for Proposed Land Use Projects* or OEHHA's *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments*.

Lead Agencies shall make a concerted effort to obtain detailed project-specific information in order to accurately disclose all potential TAC-related impacts. However, the District recognizes that the level of detail in which this information is available may vary at the time the impact analysis is performed. More detailed guidance for analyzing TAC impacts is provided below.

## 5.3 METHODOLOGIES

Methodologies for assessing impacts resulting from diesel PM and airborne asbestos emissions generated by short-term construction activity are discussed below, followed by methodologies for assessing operational TAC emissions for projects that would site TAC emission sources in close proximity to receptors and for projects that would locate receptors near existing permitted and non-permitted TAC emission sources.

### 5.3.1 CONSTRUCTION ACTIVITY

Construction activity can result in emissions of particulate matter from diesel exhaust (diesel PM), airborne asbestos resulting from the demolition of asbestos-containing materials, and, in some areas of Sacramento County, earth disturbance activity can result in the release of naturally occurring asbestos (NOA) to the air. These TACs are addressed separately below.

#### DIESEL PM EXHAUST

The use of off-road heavy-duty diesel equipment for site grading and excavation, paving, and other construction activities results in the generation of diesel PM emissions, which was identified as a TAC by ARB in 1998. According to the Consolidated Table of OEHHA / ARB Approved Risk Assessment Health Values, the potential cancer risk from the inhalation of diesel PM, as discussed below, outweighs the potential noncancer health impacts.

The District has not established a quantitative threshold of significance for construction-related TAC emissions. Therefore, the District recommends that lead agencies address this issue on a case-by-case basis, taking into consideration the specific construction-related characteristics of each project and its proximity to off-site receptors. The impact discussion shall disclose the following about the construction activity associated with each project:

- Types of off-site receptors and their proximity to construction activity,
- Duration of construction period,

- Quantity and types of diesel-powered equipment,
- Number of hours equipment would be operated each day,
- Location of equipment staging area,
- Predominant wind direction, and
- Amount of on-site diesel-generated PM exhaust if mass emission levels from construction activity are estimated.

The District recognizes that detailed information about a project's construction activities may not be known at the time of writing the impact analysis. In this case, the District recommends the use of conservative estimates for the parameters including the number and type of construction equipment used, the hours of operation, and the distance from equipment to the nearest off-site receptors.

### Demolition of Asbestos-Containing Materials

Demolition of existing buildings and structures would be subject to District Rule 902 (Asbestos). District Rule 902 is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of asbestos-containing waste material generated or handled during these activities. The rule addresses the national emissions standards for asbestos along with some additional requirements. The rule requires lead agencies and their contractors to notify the District of any regulated renovation or demolition activity. This notification includes a description of structures and methods utilized to determine whether asbestos-containing materials are potentially present. All asbestos-containing material found on the site must be removed prior to demolition or renovation activity in accordance with District Rule 902, including specific requirements for surveying, notification, removal, and disposal of material containing asbestos. Therefore, projects that comply with Rule 902 would ensure that asbestos-containing materials would be disposed of appropriately and safely. By complying with District Rule 902, thereby minimizing the release of airborne asbestos emissions, demolition activity would not result in a significant impact to air quality.

Because District Rule 902 is in place, no further analysis about the demolition of asbestos-containing materials is needed in a CEQA document. However, the District does recommend that CEQA documents acknowledge and discuss District Rule 902 to support the public's understanding of this issue.

### Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) was identified as a TAC in 1986 by ARB. NOA is located in many parts of California and is commonly associated with ultramafic rocks, according the California Department of Geology's special publication titled Guidelines for Geologic Investigations of Naturally Occurring Asbestos in California.

Asbestos is the common name for a group of naturally occurring fibrous silicate minerals that can separate into thin but strong and durable fibers. Ultramafic rocks form in high-temperature environments well below the surface of the earth. By the time they are exposed at the surface by geologic uplift and erosion, ultramafic rocks may be partially to completely altered into a type of metamorphic rock called serpentinite. Sometimes the metamorphic conditions are right for the formation of chrysotile asbestos or tremolite-actinolite asbestos in the bodies of these rocks or along their boundaries, according to a report published in 2000 by the California Geological Survey (formerly the California Division of Mines and Geology) titled *A General Location Guide for Ultramafic Rocks in California—Areas More Likely to Contain Naturally Occurring Asbestos*.

For individuals living in areas of NOA, there are many potential pathways for airborne exposure. Exposures to soil dust containing asbestos can occur under a variety of scenarios, including children playing in the dirt; dust raised from unpaved roads and driveways covered with crushed serpentine; grading and earth disturbance associated with construction activity; quarrying; gardening; and other human activities. For homes built on asbestos outcroppings, asbestos can be tracked into the home and can also enter as fibers suspended in the air. Once such fibers are indoors, they can be entrained into the air by normal household activities, such as vacuuming (as many respirable fibers will simply pass through vacuum cleaner bags).

People exposed to low levels of asbestos may be at elevated risk (e.g., above background rates) of lung cancer and mesothelioma. The risk is proportional to the cumulative inhaled dose (quantity of fibers), and also increases with the time since first exposure. Although there are a number of factors that influence the disease-causing potency of any given asbestos (such as fiber length and width, fiber type, and fiber chemistry), all forms are carcinogens.

At the request of SMAQMD, the California Geological Survey (formerly the California Division of Mines and Geology) prepared a report called the Relative Likelihood for the Presence of Naturally Occurring Asbestos in Eastern Sacramento County, California. The map in this report displays "areas moderately likely to contain NOA." Although geologic conditions are more likely for asbestos formation in particular areas identified by the map, the presence thereof is not certain.

Using the detailed map at the end of this report, a lead agency shall discuss whether a proposed project would be located in "areas moderately likely to contain NOA." If a project would not involve earth-disturbing construction activity in one of these areas or would not locate receptors in one of these areas then it can be assumed that the project would not have the potential to expose people to airborne asbestos particles. If a project would be located in an area moderately likely to contain NOA, then the impact shall be considered potentially significant.

## 5.3.2 Siting NEW TAC Sources

### Siting Permitted TAC Sources

The siting of new stationary sources of TACs is subject to the rules under District Regulation 2, Permits. Each new stationary source is evaluated to determine whether it has the potential to emit TACs. The District assesses the impact from TACs based on its guidance document, *Supplemental Risk Assessment Guidelines for New and Modified Sources*, as well guidance documents from OEHHA, ARB and the California Air Pollution Control Officers Association. The District requires emission controls, similar to Best Available Control Technology (BACT), called Toxic Best Available Control Technology (T-BACT) for certain sources.

In addition to T-BACT requirements, permits for equipment that may emit TACs may also contain conditions required by the National Emission Standards for Hazardous Air Pollutants (NESHAPs) and Air Toxic Control Measures (ATCMs) promulgated by the EPA and ARB, respectively. In short, a new stationary source of TACs would not receive the authority to construct or permit to operate if it would result in:

- An incremental increase in cancer risk greater than 10 in one million at any off-site receptor; and/or
- An off-site ground-level concentration of non-carcinogenic TACs generated from the project that would result in a Hazard Index greater than 1 (unless approved by OEHHA).

These permitting requirements are identical to the District's thresholds of significance for TACs generated by stationary sources or land uses that included non-permitted sources (e.g., truck distribution yards). Therefore, lead agencies can determine that a new stationary source of TACs that attains the authority to construct and permit to operate from the District would not exceed the District's applicable TAC thresholds of significance.

### Siting Land Uses that Include Non-Permitted TAC Sources

Some land use development projects, such as a truck distribution center or a commercial venue, could result in a high volume of TAC-generating activity in a relatively small or defined area. For instance, a discount superstore may receive approximately 5 deliveries each day from semi-tractor trailers at its loading dock. The potential impact of TAC emissions from a project of this type and size could be assessed qualitatively based on the level of truck activity, the proximity to nearby off-site receptors, and the predominant wind direction. However, a truck distribution center that has multiple loading docks, generates a high number of trips by diesel trucks, and/or includes diesel-powered "yard trucks" that only operate on the site would likely require a full HRA to determine whether associated emissions would exceed the District's thresholds of significance for TACs at an off-site receptor. These types of HRAs should be performed according

to the guidance provided in the California Air Pollution Control Officers Association's *Health Risk Assessments for Proposed Land Use Projects*.

The District recognizes that permitted stationary sources of TACs and non-permitted sources of TACs may operate on the same project site. Lead agencies shall evaluate the combined impact of all TAC emissions generated on the project site.

### 5.3.3 Siting New Sensitive Receptors

When a project would include the development of new sensitive receptors, including residential dwellings and schools, lead agencies should analyze all sources of TACs that could potentially affect the proposed development location. This analysis shall address all permitted and non-permitted sources within a half mile (2,640 feet) of the proposed project site. The siting of sensitive receptors near permitted TAC sources, land uses that include non-permitted TAC sources, and major roadways is discussed separately below.

#### Siting Receptors Near Existing Permitted Sources

The District recommends that lead agencies survey all permitted TAC sources located within at least a half mile (2,640 feet) of the proposed project site. Permitted TAC sources can be identified using ARB's Community Health Air Pollution Information System (CHAPIS) and supplemented using the EPA's Toxics Release Inventory Explorer search tools.

When using CHAPIS searches can be conducted by county and/or ZIP code. In order to conduct a thorough search, lead agencies shall search all ZIP codes that are within a half mile (2,640 feet) of the project site. CHAPIS will then display a map of the area with some additional data fields. Select "all toxic compounds" in the Select pollutant data field, enter the ZIP code of the project site in the ZIP Code field, and choose a distance in the Circle radius field. The District suggests choosing "2 miles" in the Circle radius field, then clicking on the Go to ZIP button to execute the search and produce a map of the project area. After identifying the project site on the map, the circle radius tool can then be used to show a half mile radius around the project site. Individual facilities on the CHAPIS map can be identified be selecting the information icon from the tool bar above the map and clicking on each facility. A new window will display the name of the company that operates the facility, which can be clicked to show a Facility Details window that displays detailed information about that facility's air pollutant emissions and associated risk levels.

Important information is contained in the Facility Prioritization table in the Facility Details window. The Facility Prioritization table indicates whether the facility's TAC emissions are above or below the District's prioritization threshold and, therefore, whether a quantitative HRA was required for the facility. If the District's prioritization threshold was not exceeded by the facility and, therefore, an HRA was not required, then the lead agency shall determine that the facility

does not result in a substantial health risk to nearby areas. For some TAC sources such as dry cleaners using perchloroethylene and gasoline dispensing facilities, which typically do not have an HRA conducted when they were developed, a lead agency may want refer to the recommended setback distanced discussed in the Air Quality and Land Use Handbook: A Community Health Perspective (Land Use Handbook), published by ARB.

If the District's prioritization threshold is exceeded by the facility (and an HRA was required) then the lead agency should request the results of the HRA from the District (Public Information Request). The results of the HRA should be examined to determine whether the facility's TAC emissions result in risk levels at the proposed project site that exceed the District's thresholds of significance for TACs. This step is important because some HRA's only estimate the levels of risk at existing discrete off-site receptors and/or a fence line receptors, while others evaluate the levels of health risk at all off-site locations surrounding the facility. The District requires an HRA to reflect the maximum potential health risk from a facility, which could be an existing or future discrete site, or the fence line depending on the specific project and its surroundings.

The EPA's Toxics Release Inventory Explorer search tool can also be used to supplement the survey using ARB's Community Health Air Pollution Information System (CHAPIS). Note that EPA's search tool provides information about releases of toxic chemicals discharged to the environment in a variety of forms, including emissions to the air (i.e., TACs), discharges to bodies of water, disposal to the land at the facility, and/or disposal in underground injection wells. In the air quality analysis of a CEQA document, lead agencies only need to address air pollutant emissions.

### Siting Receptors Near Land Uses That Include Non-Permitted Sources

Lead agencies shall also examine which non-permitted TAC sources are located near a proposed project site. Non-permitted sources of TACs include land uses such as truck distribution centers and rail yards. Land uses that contain permitted sources, such as a land fill or chemical plant, may also contain non-permitted TAC sources, particularly if they host a high volume of diesel truck activity. The lead agency shall determine whether the new receptors would be exposed to levels of health risk from the non-permitted TAC sources operating on the nearby land use would exceed the District's thresholds of significance for TACs. This determination can be supported by a site-specific HRA that models all TAC emissions generated on the neighboring land use.

A qualitative analysis can be performed if the level of TAC emissions generated on the neighboring land use is relatively low (e.g., a few truck visits to a retail loading dock each week) and would not occur in immediate proximity to the proposed receptor location. When performing a qualitative analysis lead agencies shall consider the following parameters associated with the development of sensitive receptors near land uses that include non-permitted sources of TACs.

- Risk factors of the TACs generated by the land use;
- Intensity of TAC-generating activity (e.g., number of diesel trucks);
- Predominant wind direction relative to the TAC source and affected receptors; and
- Rate at which the TACs generated by the source drop off over distance, if available.

These parameters are discussed in detail for many types of TAC-generating land uses in the Land Use Handbook. The Land Use Handbook provides guidance on land use compatibility with sources of TACs and recommended set back distances for a variety of land use types that include activity by non-permitted TAC sources (e.g., diesel truck activity). The District recognizes that the Land Use Handbook is not a law or adopted policy but offers advisory recommendations for the siting of sensitive receptors near uses associated with TACs.

### Siting Receptors Near Major Roadways

The prominent TAC associated with high volumes of traffic on major roadways is diesel PM. For projects that would site receptors in close proximity to major roadways, lead agencies shall use the District's Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways (Protocol). The Protocol was developed to provide further guidance on ARB's Land Use Handbook to assist local land use jurisdictions in assessing the potential cancer risk of siting sensitive land uses adjacent to major roadways.

The Protocol focuses on assessing cancer risk from diesel PM and provides a disclosure mechanism for those risks, while showing the relationship between potential cancer risk from diesel PM exposure and distance from the major roadway. The Protocol is applicable to any projects that would locate sensitive receptors within 500 feet of a high traffic volume roadway which is defined as a freeway, urban roadway with greater than 100,000 vehicles per day, or rural roadway with 50,000 vehicles per day. In order to determine whether a highway segment is considered a major roadway, lead agencies can refer to the District's Roadway Protocol webpage for a list. Detailed traffic volume information for highways can be obtained from the California Department of Transportation's Average Annual Daily Trips (AADT) Data for State Highways, Interstates, and U.S. Highways. Information about the traffic volume on non-highway road segments may be available from the local city or county. Local communities often collect traffic volumes when developing their General Plans or Environmental Impact Reports for land use development projects.

The District emphasizes, however, that the Protocol is not intended to provide an acceptable cancer risk level or a regulatory threshold to be used to determine whether a proposed land use development project would be considered

acceptable. Local land use jurisdictions retain all authority to decide whether the land use project is appropriate after considering all relevant factors.

## 5.4 MITIGATION

Mitigation strategies for reducing diesel PM exhaust emitted by off-road construction equipment, on-road engines, and measures for controlling NOA during construction are discussed separately below. Measures that reduce health risk exposure from TACs generated by major roadways are discussed in detail in the District's Protocol.

### 5.4.1 DIESEL PM EXHAUST FROM CONSTRUCTION EQUIPMENT

Implementation of the District's Basic Construction Emission Control Practices would result in the reduction of diesel PM exhaust emissions in addition to CAP emissions, particularly the measures to minimize engine idling time and maintain construction equipment in proper working condition and according to manufacturer's specifications. This is also true for the Enhanced Exhaust Control Practices for off-road construction equipment, which reduce particulate exhaust emissions by 45% and regulate the opacity of exhaust from all off-road diesel powered equipment. The District's basic and enhanced mitigation measures are discussed in further detail in Section 3.4 of Chapter 3, Construction-Generated Criteria Air Pollutant and Precursor Emissions.

In addition, the District provides the following non-comprehensive list of measures to reduce exposure of sensitive receptors to diesel PM exhaust emissions associated with construction activity.

- Install diesel particulate filters or implement other ARB-verified diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the District's Enhanced Exhaust Control Practices;
- Use equipment during times when receptors are not present (e.g., when school is not in session or during non-school hours; or when office buildings are unoccupied);
- Establish staging areas for the construction equipment that are as distant as possible from off-site receptors;
- Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible;
- Use haul trucks with on-road engines instead of off-road engines even for on-site hauling;

- Equip nearby buildings with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter the buildings; and/or
- Temporarily relocate receptors during construction activity.

Lead agencies shall consider the applicability and feasibility of each measure on a project-by-project basis. The District also encourages lead agencies to develop additional measures.

### 5.4.2 Diesel PM Exhaust from On-Road Equipment

In some instances diesel PM can be controlled at the source by implementing emission control technologies. ARB's Diesel Certification Program maintains a list of ARB-verified diesel emission control strategies for reducing diesel PM from on-road and off-road engines (e.g., diesel particulate filters). Lead agencies may implement mitigation that requires the use of these strategies. For example, it may be feasible to require developers of a housing development proposed near a truck distribution center to fund the purchase and installation of diesel particulate filters on the trucks or other diesel engines that operate a the distribution center. A lead agency may also require that ARB-verified diesel emission control strategies be implemented by the operator of a proposed truck yard that would be located near existing or future planned receptors.

### 5.4.3 Control Measures for Naturally Occurring Asbestos

The District recommends the following mitigation measure for projects that would be located in "areas moderately likely to contain NOA" identified by the California Geological Survey's report, titled *Relative Likelihood for the Presence of Naturally Occurring Asbestos in Eastern Sacramento County, California*.

- A site investigation shall be performed to determine whether and where NOA is present in the soil and rock on the project site and/or areas that would be disturbed by the project. The site investigation shall include the collection of soil and rock samples by a California Registered geologist. If the site investigation determines that NOA is not present on the project site then the project applicant shall submit a Geologic Exemption as allowed under Title 17, Section 93105, Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining (Asbestos ATCM). If the site investigation determines that NOA is present on the project site, then the project applicant shall submit an Asbestos Dust Control Plan including but not limited to control measures required by the Asbestos ATCM for approval by the District. The project applicant shall submit the plan to the District for review and approval before beginning any ground disturbance activity. District approval of the plan must be received before ground disturbance occurs in any "areas moderately likely to contain NOA," as determined by the map in California Geological Survey's report titled *Relative Likelihood for the Presence of Naturally Occurring Asbestos in Eastern Sacramento County,*

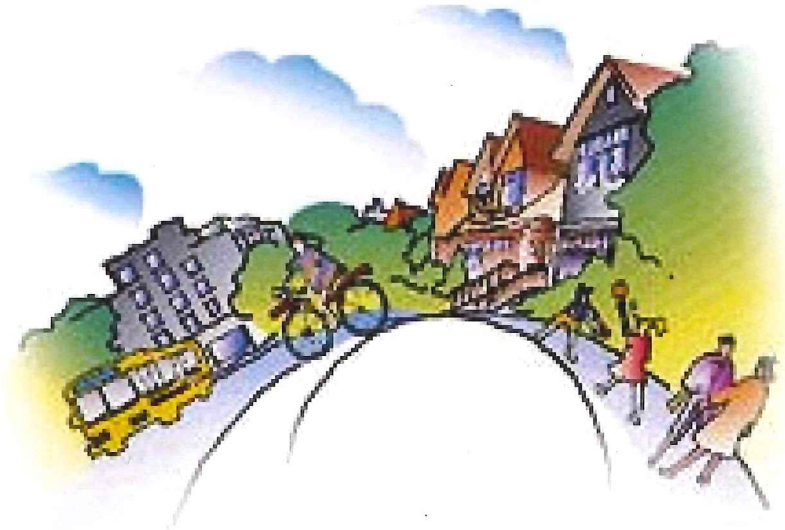
*California*. Upon approval of the Asbestos Dust Control Plan by the District, the applicant shall ensure that construction contractors implement the terms of the plan throughout the construction period. This measure shall be fully funded by the project applicant.

Implementation of the above mitigation measure would reduce impacts associated with generation of fugitive dust that potentially contains NOA. If the site investigation determines that NOA is present on the project site, then implementation of a District-approved dust control plan would reduce impacts related to construction in serpentinite soils. Implementation of these measures would reduce the potentially significant impact associated with exposure to NOA during construction to a less-than-significant level.

If NOA is located on the surface of the project site then mitigation may be necessary to reduce the risk of generating airborne asbestos from some operational activities such as recreational activities on baseball diamonds and dirt running tracks or residents overturning soil for gardening purposes. In order to reduce exposure to airborne asbestos emissions in these types of situations, lead agencies shall consider mitigation that requires all surface soil containing NOA to be replaced with clean soil or capping these surfaces with another material (e.g., cinder or rubber).

# Exhibit 2

# AIR QUALITY AND LAND USE HANDBOOK: A COMMUNITY HEALTH PERSPECTIVE



**April 2005**

California Environmental Protection Agency
California Air Resources Board

Recommendation

- Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines provide 500 feet. For operations with 3 or more machines, consult with the local air district.

- Do not site new sensitive land uses in the same building with perc dry cleaning operations.

References


- *Proposed Amended Rule 1421 – Control of Perchloroethylene Emissions from Dry Cleaning Systems,* Final Staff Report. South Coast AQMD. (October 2002)
- *Air Toxic Control Measure for Emissions of Perchloroethylene from Dry Cleaning Operations.* ARB (1994) (http://www.arb.ca.gov/toxics/atcm/percatcm.htm)
- *"An Assessment of Tetrachloroethylene in Human Breast Milk"*, Judith Schreiber, New York State Department of Health – Bureau of Toxic Substance Assessment, Journal of Exposure Analysis and Environmental Epidemiology, Vol.2, Suppl.2, pp. 15-26, 1992.
- Draft *Air Toxics "Hot Spots" Program Perchloroethylene Dry Cleaner Industry-wide Risk Assessment Guidelines.* (CAPCOA (November 2002)
- *Final Environmental Assessment for Proposed Amended Rule 1421 – Control of Perchloroethylene Emissions from Dry Cleaning Systems.* South Coast AQMD. (October 18, 2002)


**Gasoline Dispensing Facilities**

Refueling at gasoline dispensing facilities releases benzene into the air. Benzene is a potent carcinogen and is one of the highest risk air pollutants regulated by ARB. Motor vehicles and motor vehicle-related activity account for over 90 percent of benzene emissions in California. While gasoline-dispensing facilities account for a small part of total benzene emissions, near source exposures for large facilities can be significant.

Since 1990, benzene in the air has been reduced by over 75 percent statewide, primarily due to the implementation of emissions controls on motor vehicle vapor recovery equipment at gas stations, and a reduction in benzene levels in gasoline. However, benzene levels are still significant. In urban areas, average benzene exposure is equivalent to about 50 in one million.

Gasoline dispensing facilities tend to be located in areas close to residential and shopping areas. Benzene emissions from the largest gas stations may result in near source health risk beyond the regional background and district health risk thresholds. The emergence of very high gasoline throughput at large retail or

wholesale outlets makes this a concern as these types of outlets are projected to account for an increasing market share in the next few years.

Key Health Findings

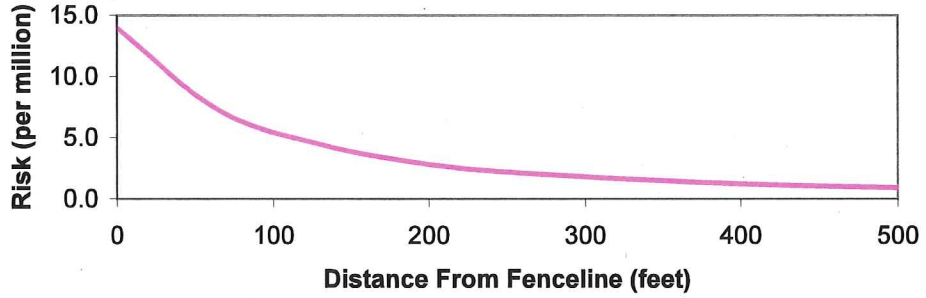
Benzene is a human carcinogen identified by ARB as a toxic air contaminant. Benzene also can cause non-cancer health effects above a certain level of exposure. Brief inhalation exposure to high concentrations can cause central nervous system depression. Acute effects include central nervous system symptoms of nausea, tremors, drowsiness, dizziness, headache, intoxication, and unconsciousness. It is unlikely that the public would be exposed to levels of benzene from gasoline dispensing facilities high enough to cause these non-cancer health effects.

Distance Related Findings

A well-maintained vapor recovery system can decrease emissions of benzene by more than 90% compared with an uncontrolled facility. Almost all facilities have emission control systems. Air quality modeling of the health risks from gasoline dispensing facilities indicate that the impact from the facilities decreases rapidly as the distance from the facility increases.

Statistics reported in the ARB's staff reports on Enhanced Vapor Recovery released in 2000 and 2002, indicated that almost 96 percent of the gasoline dispensing facilities had a throughput less than 2.4 million gallons per year. The remaining four percent, or approximately 450 facilities, had throughputs exceeding 2.4 million gallons per year. For these stations, the average gasoline throughput was 3.6 million gallons per year.

**Figure 1-6**
**Gasoline Dispensing Facility Health Risk**
**for 3,600,000 gal/yr throughput**




As shown in Figure 1-6, the risk levels for a gasoline dispensing facility with a throughput of 3.6 million gallons per year is about 10 in one million at a distance of 50 feet from the fenceline. However, as the throughput increases, the potential risk increases.

As mentioned above, air pollution levels in the immediate vicinity of large gasoline dispensing facilities may be higher than the surrounding area (although tailpipe emissions from motor vehicles dominates the health impacts). Very large gasoline dispensing facilities located at large wholesale and discount centers may dispense nine million gallons of gasoline per year or more. At nine million gallons, the potential risk could be around 25 in one million at 50 feet, dropping to about five in one million at 300 feet. Some facilities have throughputs as high as 19 million gallons.

Recommendation

- Avoid siting new sensitive land uses within 300 feet of a large gasoline dispensing facility (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.

References


- *Gasoline Service Station Industry-wide Risk Assessment Guidelines.* California Air Pollution Control Officers Association (December 1997 and revised November 1, 2001)
- *Staff Report on Enhanced Vapor Recovery.* ARB (February 4, 2000)
- *The California Almanac of Emissions and Air Quality.* ARB (2004)
- *Staff Report on Enhanced Vapor Recovery Technology Review.* ARB (October 2002)


## Other Facility Types that Emit Air Pollutants of Concern

In addition to source specific recommendations, Table 1-3 includes a list of other industrial sources that could pose a significant health risk to nearby sensitive individuals depending on a number of factors. These factors include the amount of pollutant emitted and its toxicity, the distance to nearby individuals, and the type of emission controls in place. Since these types of facilities are subject to air permits from local air districts, facility specific information should be obtained where there are questions about siting a sensitive land use close to an industrial facility.

## Potential Sources of Odor and Dust Complaints

Odors and dust from commercial activities are the most common sources of air pollution complaints and concerns from the public. Land use planning and permitting processes should consider the potential impacts of odor and dust on surrounding land uses, and provide for adequate separation between odor and dust sources. As with other types of air pollution, a number of factors need to be considered when determining an adequate distance or mitigation to avoid odor or

SIERRA • CURTIS
Neighborhood Association

May 14, 2015

**SENT VIA EMAIL (aablog@cityofsacramento.org)**

Antonio Ablog
City of Sacramento Planning Division
300 Richards Boulevard
Sacramento, CA 95811

RE: Curtis Park Village Fuel Center (P14-036)

Dear Mr. Ablog:

This letter provides additional comments from the Sierra Curtis Neighborhood Association ("SCNA") regarding the CEQA Addendum ("Addendum") for the fuel center and minimart proposed by Petrovich Development for Curtis Park Village ("CPV") (application number P14-036) ("Fuel Center"). The Addendum is seriously flawed in several respects and fails to support a determination that a Supplemental Environmental Impact Report ("SEIR") is unnecessary for the City's approval of the Fuel Center.

## 1. Failure to Adequately Address Changes in Project Per the CEQA Guidelines

The Addendum correctly explains that the lead agency must consider whether "[s]ubstantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects." (Addendum, p. 3.) The Addendum thereafter, in a section appropriately entitled, "Substantial Changes in the Project Standard" on pages 4 and 5, purports to address that legal test with respect to the Fuel Station proposal. Incredibly, however, the analysis on those pages includes only the CPV EIR's discussion of hazardous materials and completely ignores whether the proposed change to the CPV project, namely the addition of the Fuel Station, will result in significant additional TAC emission impacts. Indeed, the section closes by concluding, "The proposal, therefore, does not constitute a substantial change in the project."

While the Addendum subsequently purports to address "Air Quality (Toxic Air Contaminants)" on pages 9 and 10 of the Addendum, there is no explanation of the relationship between this issue and the legal test set forth in CEQA Guidelines section 15162, subdivision (a)(1). This confused and disjointed treatment completely fails to

demonstrate whether the City actually considered whether the addition of the Fuel Center resulted in new significant TAC emissions that were not disclosed in the prior CPV EIR.

**2. The Addendum Does Not Reflect the City's Independent Judgment**

The CEQA Guidelines state, "The lead agency or responsible agency shall prepare an addendum. . . ." (CEQA Guidelines, § 15164.) To avoid any appearance of bias or impropriety, the vast majority of CEQA lead agencies contract directly with consultants who prepare various CEQA documents and technical reports. While lead agencies are allowed to rely on reports prepared by project applicants, this imposes an additional duty on the lead agency to "independently review and analyze" such material. (Pub. Resources Code, § 21082.1, subd. (c).) Further:

> Before using a draft prepared by another person, the Lead Agency shall subject the draft to the agency's own review and analysis. . . . The Lead Agency is responsible for the adequacy and objectivity of the draft EIR.

(CEQA Guidelines, § 15084, subd. (e).)

Here, the City deviated sharply from common CEQA practice and instead relied on a health risk assessment by ENVIRON, a consultant hired not by the City but by the project applicant. Unfortunately confirming exactly why this practice is disfavored, ENVIRON's report includes a mistake that incorrectly reduced the Fuel Center's TAC emissions by nearly 50%. This mistake was subsequently identified by both SCNA's expert, Dr. Petra Pless, and the SMAQMD. Both Dr. Pless and SMAQMD correctly ran the model and found that the Fuel Center as proposed would not result in 7 increased cancer risks per million as reported by ENVIRON, but 13 increased cancer risks.

After being advised of its mistake, ENVIRON performed a second analysis. In this second analysis, however, it "optimized" the Fuel Station's throughput so as to bring the resulting health risk to just under the threshold of significance – literally 9.9 increased cancer risks. ENVIRON accomplished this not just by reducing the Fuel Center's throughput, but rather also by modifying its methodology – specifically it relied on "spatial averaging" – that had the result of reducing the resulting health risk for the same volume of throughput. In other words, ENVIRON intentionally modified its methodology in order to maximize the Fuel Center's throughput and still remain just below the threshold of significance.

In no instance can ENVIRON's HRA be considered an objective analysis of a proposed project. Instead, it is a document having the purpose and intent of justifying the maximum throughput and still avoiding preparing an SEIR. None of this was explained

in the Addendum. In fact, the Addendum never even reports the actual resulting health impact of 9.9 increased cancer risks. Accordingly, the Addendum utterly fails to provide the "objectivity" and "independent judgment" by a lead agency that CEQA requires.

As described in a separate letter, the Addendum is also defective because it fails to analyze whether the addition of the Fuel Center TAC emissions results in a new significant TAC impact *for the CPV project.*

Contrary to ENVIRON's biased and highly questionable analysis, the Fuel Center as proposed will result in significant TAC emissions, both individually as well as properly combined with other TAC emission sources within the CPV.

**3. The Addendum Fails to Address the Project's Significant Impacts Concerning Hazardous Materials**

Our prior letter explained that the changing the CPV project to include the Fuel Center renders the prior CPV EIR's chapter 5.8 completely inapplicable, and in turn requires "major revisions to the previous EIR" due to this new significant impact from use and transport of hazardous materials. The CEQA Addendum implicitly acknowledges that the prior CPV EIR no longer adequately describes the changed project, but nevertheless concludes that a SEIR is not required because these issues are addressed programmatically in the "Master EIR for the 2035 General Plan."

This transparent attempt to avoid preparing the required SEIR is legally deficient. While reliance on the 2035 General Plan Master EIR may satisfy the City's duty if it were preparing a different type of CEQA document, perhaps a CEQA Guidelines section 15183 consistency analysis for example. (See, e.g., CEQA Guidelines, § 15183, subd. (c) (impact is not peculiar to parcel if "can be substantially mitigated by the imposition of uniformly applied development policies or standards").) However, the City is simply not performing a Guidelines section 15183 consistency document here, but rather determining whether a SEIR is required under Guidelines section 15162. What is more, the City cannot rely on the Master EIR, as it purports to do here, unless and until it performs an initial study to determine whether the Master EIR is adequate for that purpose. (Pub. Resources Code, § 21157.1.) Section 21157.1 provides in relevant part:

> The preparation and certification of a master environmental impact report, if prepared and certified consistent with this division, may allow for the limited review of subsequent projects that were described in the master environmental impact report as being within the scope of the report, in accordance with the following requirements:
>
> . . .

> (b) ***The lead agency shall prepare an initial study on any proposed subsequent project. This initial study shall analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report*** and whether the subsequent project was described in the master environmental impact report as being within the scope of the report.
>
> (c) ***If the lead agency, based on the initial study, determines*** that a proposed subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158, that was not identified in the master environmental impact report and that no new or additional mitigation measures or alternatives may be required, the lead agency shall make a written finding based upon the information contained in the initial study that the subsequent project is within the scope of the project covered by the master environmental impact report. . .

(Emphasis added.)

Here, the City did not prepare an initial study for the Fuel Center, and so it has no basis to rely on the 2035 General Plan Master EIR. Of course, SCNA by no means acknowledges that it is appropriate for the City to do so in the context of the City's consideration of whether the CPV EIR must be materially revised to address the proposed Fuel Station. Having implicitly recognized that the CPV EIR is inadequate with respect to hazardous materials, the City must prepare a SEIR.

* * *

The discussion set forth above identifies numerous fatal flaws with reliance on a CEQA Addendum for the proposed Fuel Center. If the developer insists on requiring the City to move forward with its review of this misguided project, a SEIR is required.

Very truly yours,

**SIERRA CURTIS**
**NEIGHBORHOOD ASSOCIATION**

By: Eric A. Johnson, President

**RESOLUTION NO. 2015-**

Adopted by the Sacramento City Council

**CERTIFYING THE ADDENDUM TO THE ENVIRONMENTAL IMPACT REOPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE CURTIS PARK VILLAGE FUEL ISLAND PROJECT (P14-036)**

## BACKGROUND

**A.** On June 11, 2015 the City Planning and Design Commission conducted a public hearing on and approved the Curtis Park Village Fuel Center Project.

**B.** On June 19, 2015, the Decision of the City Planning and Design commission was appealed by a third party.

**C.** On September 10, 2015 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.812.030(B), and received and considered evidence concerning the Curtis Park Village Fuel Center Project.

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

Section 1. The City Council finds as follows:

a. On April 1, 2010, pursuant to the California Environmental Quality Act (Public Resources Code §21000 *et seq*. ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq*.), and the City of Sacramento environmental guidelines, the City Council certified an environmental impact report (EIR) for the Curtis Park Village project. Having reviewed and considered the information contained in the EIR, the City Council on September 28, 2010 adopted findings of fact and findings of overriding consideration, adopted a mitigation monitoring program, and approved the Curtis Park Village project (P04-109) (Project).

b. The Curtis Park Village Fuel Island project (P14-036) (Fuel Island Project) requests approval of a conditional use permit and site plan and design

review to install and operate a fuel island in the Curtis Park Village Planned Unit Development.

c. Staff has determined that the Fuel Island Project does not require the preparation of a subsequent EIR. An Addendum to the previously certified Curtis Park Village EIR has been prepared to address the Fuel Island Project.

2. The City Council has reviewed and considered the information contained in the previously certified EIR for the Curtis Park Village Project, the previously adopted findings of fact and findings of overriding consideration, the addendum, and all oral and documentary evidence received during the hearing on the Fuel Island Project. The City Council has determined that the previously certified EIR and the addendum constitute an adequate, accurate, objective, and complete review of the proposed Fuel Island Project and finds that no additional environmental review is required based on the reasons set forth below:

a. No substantial changes are proposed by the Fuel Island Project that will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

b. No substantial changes have occurred with respect to the circumstances under which the Fuel Island Project will be undertaken which will require major revisions to the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

c. No new information of substantial importance has been found that shows any of the following:

i. The Fuel Island Project will have one or more significant effects not discussed in the previously certified EIR;

ii. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;

iii. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Fuel Island Project; or

iv. Mitigation measures which are considerably different from those analyzed in the previously certified EIR would substantially reduce one or more significant effects on the environment.

3. Based on its review of the previously certified EIR for the Curtis Park Village Project, the previously adopted findings of fact and findings of overriding

consideration, the addendum, and all oral and documentary evidence received during the hearing on the Fuel Island Project, the City Council finds that the EIR and Addendum reflect the City Council's independent judgment and analysis, certifies the Curtis Park Village EIR and the Addendum for the Fuel Island Project, and readopts the findings of fact and findings of overriding consideration .

4. The mitigation monitoring program for the Curtis Park Village Project is adopted for the Fuel Island Project, and the mitigation measures shall be implemented and monitored as set forth in the program, based on the following findings of fact:

a. The mitigation monitoring program has been adopted and implemented as part of the Curtis Park Village Project;

b. The addendum to the EIR does not include any new mitigation measures, and has not eliminated or modified any of the mitigation measures included in the mitigation monitoring program;

c. The mitigation monitoring program meets the requirements of CEQA section 21081.6 and CEQA Guidelines section 15091.

5. Upon approval of the Project, the City Manager shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

6. 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, including the previously-certified EIR, 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.

Table of Contents:

Exhibit A: Mitigation Monitoring Program

# RESOLUTION NO. 2010-572

Adopted by the Sacramento City Council

September 28, 2010

## ADOPTING THE FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING PROGRAM FOR THE CURTIS PARK VILLAGE PROJECT (P04-109)

**BACKGROUND**

A. On February 25, 2010, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Curtis Park Village Project

B. On April 1, 2010 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010 (C)(2)(a, b, and c) (publication, posting, and mail (500 feet)) and received and considered evidence concerning the Curtis Park Village Project. The City Council certified the environmental impact report (EIR) for the project, entitled *Curtis Park Village Project* (State Clearinghouse Number 2004-082020). The EIR addressed the potential environmental impacts associated with construction and operation of the Curtis Park Village project and proposed update to the previously-approved Remedial Action Plan (RAP) (1995) for the remediation of the contamination on the project site.

C. Pursuant to California Environmental Quality Act Guidelines Section 15096, the Department of Toxic Substances Control (DTSC) could use the environmental impact report for the Curtis Park Village project in its capacity as Responsible Agency to review the potential environmental impacts of the proposed update to the 1995 RAP.

D. Subsequent to the certification of the EIR, DTSC began the process associated with an Explanation of Significant Differences (ESD) concerning the 1995 RAP. DTSC conducted a public meeting on September 15, 2010 to discuss the proposed changes to the 1995 RAP.

The ESD would supplement the 1995 RAP administrative record with the proposed changes to the 1995 RAP to assure that any negative impacts to the environment are minimized. The DTSC would file a Notice of Determination (NOD) in compliance with CEQA for the ESD when approved.

If the ESD is approved by the DTSC, the update to the RAP, as analyzed in the Curtis Park Village environmental impact, report would not be necessary.

E. These Findings of Fact and the Mitigation Monitoring Plan do not address any impacts or mitigation associated with the update to the 1995 RAP.

F. On September 28, 2010 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010 (C)(2)(a, b, and c) (publication, posting, and mail (500 feet)) and received and considered evidence concerning the Curtis Park Village Project.

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

Section 1. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit A of this Resolution.

Section 2. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program as set forth in Exhibit B of this Resolution.

Section 3. The City Council directs that, upon approval of the Project, the City's Community Development Department shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

Section 4. 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.

**Table of Contents:**

Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Curtis Park Village Project.
Exhibit B – Mitigation Monitoring Plan

Adopted by the City of Sacramento City Council on September 28, 2010 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.

Mayor Kevin Johnson

Attest:

Shirley Concolino

Shirley Concolino, City Clerk

**Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Curtis Park Village Project**

## Description of the Project

The proposed project would covert the existing 72-acre project site into a mixed-use, urban infill development. Curtis Park Village, as proposed, would be one of Sacramento City's largest infill projects. The intent of the project is to create a neighborhood consisting of single-family home sites, multi-family and senior multi-family residential complexes, a neighborhood park area, and neighborhood-serving retail and commercial development areas. The proposed project includes approximately 260,000 square feet of commercial retail, 189 single-family home sites, an 90-unit senior multi-family housing complex, a 117-unit multi-family residential housing complex, a 131 -unit multi-family residential housing complex, and an 8.7-acre (6.8 net acres) park.

The proposed project site is currently contaminated with hazardous wastes from the railyard era and remediation of the site is continuing to occur, pursuant to a Remedial Action Plan (RAP) approved by the DTSC in 1995. Senate Bill 120 (1998), adopted for the Curtis Park Village project site, states that DTSC cannot make a determination that the remediation of the site is complete until the City has completed its land use planning process and the remediation necessary to allow the approved land use plan is complete. The DTSC determination that the remediation is complete includes such actions as issuing a certification, a no further action letter, or a closure letter.

## Findings Required Under CEQA

### 1. Procedural Findings

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

Based on the initial study conducted for Curtis Park Village Project, SCH # 2004082020 (herein after the Project), the City of Sacramento's Community Development Department determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency August 4, 2004 and was circulated for public comments from August 4, 2004 through September 3, 2004. A revised Notice of Preparation was filed on May 12, 2008 for a 30-day comment period, due to changes to the project description; a second revised NOP was released on November 12, 2008 for a 30-day comment period due to additional project description changes.

b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on April 1, 2009, to those public agencies that have

jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

c. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on April 1, 2009 and ended on May 15, 2009.

d. A Notice of Availability (NOA) of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on April 1, 2009. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, New City Hall, 915 I Street, Third Floor, Sacramento, California 95814. The letter also indicated that the official 45-day public review period for the Draft EIR would end on May 15, 2009.

e. A public notice was placed in the Daily Recorder on April 1, 2009 which stated that the Draft EIR was available for public review and comment.

f. A public notice was posted in the office of the Sacramento County Clerk on April 1, 2009.

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

h. On April 1, 2010, the City Council certified the environmental impact report for the Project, entitled, *Curtis Park Village Project* (State Clearinghouse Number 2004-082020). The Findings of Fact, Statement of Considerations, and Mitigation Monitoring Plan were not adopted at that time because entitlements for the project were not approved.

**2. Record of Proceedings**

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

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

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

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

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

e. Zoning Ordinance of the City of Sacramento;

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

g. Land Park Community Plan;

h. Curtis Park Village PUD Guidelines and PUD Schematic Plan;

i. Applications materials, including application information;

j. The Mitigation Monitoring Program for the Project; and

k. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

**3. Findings**

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

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

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; *see also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I")* (1988) 47 Cal.3d 376, 400-403.)

In these Findings, the City first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation

measures, an effect is significant and unavoidable does the City address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Public Resources Code, Section 21081, sub. (b); *see also,* CEQA Guidelines, Sections 15093, 15043, sub.(b).) In the Statement of Overriding Considerations found at the end of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

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

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

## A. Significant or Potentially Significant Impacts Mitigated to a Less Than Significant Level.

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

Transportation and Circulation

5.2-1 Impacts to study intersections under baseline plus project conditions. The proposed Project and all access scenarios would increase traffic volumes at the following study intersections such that the levels of service are lower than required by the City's 2030 General Plan: Freeport Blvd/2nd Avenue; Sutterville Road/Road A; Sutterville/SR 99 Southbound Ramps; Road A/Area 3. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.2-1(a) At the Freeport Boulevard / 2nd Avenue intersection, provide protected left-turn phasing for the northbound and southbound approaches.*

*5.2-1(b) At the Sutterville Road / Road A intersection, provide overlap signal phasing to allow the southbound Road A right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement, and prohibit U-turns for the eastbound left turning movement; add a southbound left-right lane to provide one left-turn lane, one left-right lane, and one right turn lane, and provide a dedicated right turn lane for the westbound Sutterville Road approach to the intersection.*

*5.2-1(c) Modify the southbound approach to the Sutterville Road / SR99 SB Ramps intersection to provide a left-turn lane, a combination left-through-lane, and two right-turn lanes. This change would bring the right-turning movements under signal control. This mitigation measure is required at five percent of development based on trip generation. The design of the mitigation is subject to the approval of the City Transportation Department and Caltrans.*

*5.2-1(d) At the Road A / Area 3 intersection, provide separate right-turn and left-turn lanes on the eastbound approach.*

Finding: The project is required to provide roadway and signal timing improvements that would reduce the impacts by improving the circulation in the area.

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

5.2-7 Impacts to on-site traffic circulation and safety under baseline plus project conditions. The site plan submitted by the project applicant shows horizontal roadway curves at some locations that do not meet the City's centerline radius standards. In addition, the site plan shows angled parking stalls that require automobiles to back into pedestrian crosswalks. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.2-7(a) The design plans for the project shall be consistent with City standards. Any deviations are subject to the approval of the City Department of Transportation, Traffic Engineering Division. The horizontal curvatures shall be realigned or design elements such as "knuckles" shall be installed in compliance with City standards.*

*5.2-7(b) The site design shall be modified to reduce the potential for vehicles leaving parking stalls to back across pedestrian crosswalks. This change may require the elimination of some angle parking spaces.*

Finding: The project site design, including potential circulation is required to conform to City standards. In addition, the site designs will be modified to reduce the potential of vehicles backing across pedestrian crosswalks. According to the traffic report, after implementation of the site design, the project impact to on-site traffic and safety under baseline plus project conditions would be less than significant.

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

5.2-9 Traffic impacts during construction. Construction activities, including the import of clean fill material, would result in disruptions to the circulation system in and around the project area, including temporary street and sidewalk closures. Heavy equipment would need to access the project site. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.2-9(a) Before issuance of grading permits for the project site, the project applicant shall prepare a detailed Traffic Management Plan that will be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento fire and police departments. The plan shall ensure maintenance of acceptable operating conditions on local roadways and transit routes. At a minimum, the plan shall include:*

- *The number of truck trips, time, and day of street closures;*
- *Time of day of arrival and departure of trucks;*
- *Limitations on the size and type of trucks and provision of a staging area with a limitation on the number of trucks that can be waiting;*
- *Provision of a truck circulation pattern;*
- *Provision of a driveway access plan to maintain safe vehicular, pedestrian, and bicycle movements (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);*
- *Safe and efficient access routes for emergency vehicles;*
- *Efficient and convenient transit routes;*
- *Manual traffic control when necessary;*
- *Proper advance warning and posted signage concerning street closures;*
- *Provisions for pedestrian safety; and*
- *Provisions for temporary bus stops, if necessary.*

*A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.*

Finding: The project applicant is required to submit a Traffic Management Plan that would ensure acceptable operating conditions on local roadways and transit routes. The Traffic Management Plan would be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento Fire and Police Departments to ensure the traffic related impacts during construction would be less-than-significant.

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

5.2-10 Cumulative traffic impacts to study intersections. The project would cause traffic operations at eight on- and off-site intersections to drop from acceptable levels of service to non-acceptable levels or would increase the delay at intersections operating at LOS C, without the project, by five seconds or more. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.2-10(a) 24th Street / 2nd Avenue – The project applicant shall pay a fair share contribution to install a traffic signal at this intersection.*

*5.2-10(b) 24th Street / Portola Way – The project applicant shall pay a fair share contribution to install a traffic signal at this intersection.*

*5.2-10(c) Sutterville Road / Freeport Boulevard (north) – the applicant shall pay a fair share contribution to provide protected-permitted left turn phasing and install proper signage for southbound Freeport Boulevard.*

*5.2-10(d) Sutterville Road / City College Drive – The applicant shall pay a fair share contribution to provide overlap signal phasing to allow the northbound right turn traffic on City College Drive to proceed on a green arrow simultaneously with the westbound left turning movement, and prohibit U-turns for the westbound Sutterville Road approach to the intersection.*

*5.2-10(e) Sutterville Road / Road A – apply Mitigation Measure 5.2-1(b) which would provide overlap signal phasing to allow the southbound Road A Right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement, and prohibit U-turns for the eastbound left turning movement; provide one left-turn lane, one left-right lane, and one right-turn lane on the southbound approach; provide a dedicated right turn lane for the westbound Sutterville Road approach to the intersection; provide an actuated exclusive pedestrian phase to serve pedestrians crossing Sutterville Road; and optimize signal timing.*

*5.2-10(g) Sutterville Road / Franklin Boulevard –The project applicant shall pay a fair share contribution to add an eastbound right-turn lane that would mitigate the Saturday peak hour impact of the Proposed Project and Access Scenario 2 and Access Scenario 3 to a less than significant level. For a.m. and p.m. peak hour impacts, the cycle length would increase to 110 seconds.*

*5.2-10(h) Sutterville Road / SR 99 Northbound Ramps – The project applicant shall pay a fair share contribution to modify signal timing to provide split phase for all approaches and re-stripe the eastbound lanes to provide one left-turn, one left-through, and one through lane. Construct two receiving lanes on the on-ramp for the turning movement from eastbound 12th Avenue to the northbound SR 99 ramp.*

*5.2-10(i) Road A / Area 1 – The project applicant shall pay a fair share contribution to modify the signal phasing to provide overlaps for the eastbound right-turn movement; provide protected-permitted phasing for the northbound left-turn movement; prohibit U-turn movement at this intersection; and increase the cycle length to 95 seconds.*

Finding: The project applicant is required pay fair share contributions to intersection improvements at the affected intersections According to the traffic report, after implementation of the intersection improvements, the affected intersections would operate at acceptable levels.

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

Air Quality

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.3-2 Impacts related to exhaust emissions and fugitive particulate matter emissions from project-associated construction activities. The California Air Resources Board identified particulate matter from diesel-fueled engines as a toxic air contaminant. Because health risks associated with particulate matter are a function of concentration and duration of exposure, it was determined that emissions from diesel-powered construction equipment would not affect any specific receptor for any length of time.

However, controlled emissions from diesel-powered vehicles and equipment and dust generated during site grading would exceed 80 pounds per day and, thereby, result in local exceedances of the particular matter air quality standards. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.3-2(a) The project applicant shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, 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 SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.*

*5.3-2(b) Prior to the approval of any grading permit, the project proponent shall submit a dust-control plan, approved by the SMAQMD, to the City of Sacramento Community Development Department. The dust-control plan shall stipulate grading schedules associated with the project phase, as well as the dust-control measures to be implemented. Grading of proposed project phases shall be scheduled so that the total area of disturbance would not exceed 15 acres on any given day. The dust control plan shall be incorporated into all construction contracts issued as part of the proposed project development. The dust-control plan shall, at a minimum, incorporate the following measures:*

- *Apply water, chemical stabilizer/suppressant, or vegetative cover to disturbed areas, including storage piles that are not being actively*

*used for construction purposes, as well as any portions of the construction site that remain inactive for longer than 3 months;*

- *Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times;*
- *Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114;*
- *Limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring; and*
- *Limit onsite vehicle speeds on unpaved surfaces to 15 mph, or less.*

Finding: The SMAQMD's Guide to Air Quality Assessment recommends measures to reduce the amount of particulate matter generated during grading. The project applicant is required to ensure that all off-road diesel powered equipment does not exceed 40 percent opacity for more than three minutes. In addition the applicant shall submit a dust-control plan to the City of Sacramento Community Development Department. Measures within the dust-control plan would reduce fugitive particulate matter emissions to a less than significant level.

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

5.3-3 Impacts related to a temporary increase in Nitrogen oxides ($NO_X$) emissions. NOx are ozone precursors and could contribute to the creation of smog. Construction-generated emissions of NOx are short-term and temporary, lasting only as long as construction occurs. However, it was determined that the vehicles and equipment associated with construction of the project would result in NOx emissions above the standard. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.3-3(a) Prior to issuance of a grading permit, the applicant shall submit a SMAQMD-approved plan, which demonstrates that the heavy-duty (>50 horsepower) off-road vehicles to be used during construction of the project (including owned, leased, and subcontracted vehicles) will achieve a project-wide average of 20 percent $NO_X$ reduction and 45 percent particulate matter reduction, based on the most recent CARB fleet average at the time of construction. In addition, the applicant shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment (>50 horsepower) that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and project hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project. Inventory shall not be required for any 30-day period in which construction activities do not*

*occur. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the applicant shall provide SMAQMD with the anticipated construction timeline, including the start date and the name and phone number of the project manager and on-site foreman.*

*5.3-3(b) Prior to issuance of a grading permit, the applicant shall provide a construction mitigation fee to the SMAQMD sufficient to offset project emissions of $NO_X$ above 85 pounds per day. The amount of the fee shall be based on updated construction scheduling and equipment lists, and shall be calculated using the SMAQMD method of estimating excess emissions. The current price of $NO_X$ construction offsets calculated by SMAQMD is $16,000 per ton.*

Finding: The project applicant is required to submit a plan and inventory which demonstrates that the heavy duty off-road vehicles used during construction will achieve project-wide emission reduction, based on the most recent CARB fleet average. In addition, the applicant is required to pay a construction mitigation fee to the SMAQMD sufficient to offset project emissions of $NO_X$ above 85 pounds per day. A reduction of construction vehicle emissions and payment of mitigation fees would reduce the impact related to a temporary increase in $NO_X$ emissions to a less than significant level.

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

<u>Noise</u>

5.4-2 Construction noise impacts to surrounding existing uses. Although construction activities are exempted from the noise standards in the City Code, construction of the project could expose nearby noise-sensitive receptors to high levels of noise during the day. Without mitigation, this is a *significant impact.*

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

*5.4-2 Construction activities shall be limited to the hours set forth below, unless an exception is granted by the Community Development Department:*

- *Monday through Saturday*
  *7:00 a.m. to 6:00 p.m.*
- *Sunday*
  *9:00 a.m. to 6:00 p.m.*

*These restricted hours shall be included on all grading and construction plans submitted for the review and approval of the Community Development Department prior to issuance of grading and construction permits.*

Finding: Construction activities are exempt from noise standards and would be limited to the hours set by the mitigation. Construction related noise would not occur during prohibited hours and a less than significant impact would occur.

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

5.4-7 Railroad noise levels at exterior noise spaces of proposed project residences. The residential development that lies approximately 100 feet from the Union Pacific Railroad tracks could be exposed to exterior noise that exceeds the City's standards. Without mitigation, this is a *significant impact.*

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

*5.4-7 Prior to the issuance of building permits, a noise barrier shall be shown on the plans along the western boundary of the project site, from the northern boundary of the CPV site to the southern end of any parcel with residences for the review and approval of the City Engineer. A barrier 10 feet in height (relative to nearest outdoor activity elevations) would intercept line of sight to railroad pass-bys, thereby reducing future UPRR noise levels to 70 dB Ldn or less at the nearest outdoor activity areas proposed adjacent to the tracks.*

*Barriers can take the form of earthen berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provide they have a surface density of approximately four pounds per square foot.*

Finding: The project includes construction of a noise barrier 10 feet in height along the western boundary to the southern end of any parcel with residences. According to the Noise Report, construction of the noise barrier would reduce railroad noise levels at exterior noise levels to a less than significant level.

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

5.4-8 Railroad noise levels at interior spaces of proposed residences on the project site. The residential development that lies approximately 100 feet from the Union Pacific Railroad tracks could be exposed to interior noise that exceeds the City's standards. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.4-8(a) Prior to the issuance of building permits, all residential lots and residential buildings located within the 70 dB Ldn contour shall include noise insulation features such as the following:*

- *Sound-rated windows and doors with STC rating of 35; and*
- *Stucco exterior siding.*

*5.4-8(b) Prior to sale of any residential lots, statements shall be included in the title for all properties within the 65 dB Ldn contour that informs the buyer of elevated noise levels during train passages, and that train passages routinely occur during nighttime hours.*

Finding: All residential lots within the 70 dB Ldn contour shall include insulation features. In addition, the buyer of a residence within the 65 dB Ldn contour shall be informed of elevated noise levels during train passages. The Noise Report determined that with insulation and notification the impact related to railroad noise levels at interior spaces of proposed residences would be less than significant level.

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

5.4-9 Noise-producing commercial uses proposed within the project site. If unshielded nighttime truck circulation or unloading occurs within the commercial areas of the project site, the noise generated by these activities could result in noise above City standards. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.4-9(a) Unshielded (i.e. unloading activities which are visible from any residential window) nighttime truck unloading shall be prohibited within 200 feet of any residential unit.*

*5.4-9(b) Prior to issuance of a building permit, the site plans shall indicate that a parapet wall shall be constructed along the edge of the roofs of the commercial buildings of sufficient height to intercept line of sight from rooftop mechanical equipment at the nearest residences to reduce noise levels at those nearby residences.*

Finding: Unshielded nighttime truck unloading shall be prohibited within 200 feet of any residential unit. In addition, a parapet wall would be constructed along the edge of the roofs of commercial buildings to intercept the line of sight from rooftop mechanical equipment at the nearest residences. The Noise Report determined that with restricted nighttime unloading and parapet walls, the noise producing commercial uses within the project site would be less than significant level.

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

5.4-10 Park generated noise at residential uses proposed within the project site. There would be residences constructed on the project site that would be located approximately 200

feet from the center a soccer field. The resulting noise could exceed the City's standards. Without mitigation, this is a *significant impact.*

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

*5.4-10 Park activities shall be restricted to daytime hours, with exceptions allowed on a case-by-case basis subject to the approval of the Director of the Parks and Recreation.*

Finding: Park activities would be restricted to daytime hours. Therefore, park-generated noise would not impact residential uses during evening hours and a less than significant impact would occur.

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

Biological Resources

5.5-2 Impacts to burrowing owl. If the project site remains undisturbed for some time after the completion of the remediation activities and prior to initiation of grading for the project, burrowing owls could potentially forage or nest on the Curtis Park Village site. Without mitigation, this is a *significant impact.*

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

*5.5-2 Prior to any ground disturbance associated with grading or construction, the applicant shall initiate a burrowing owl consultation with the California Department of Fish and Game (CDFG) and shall implement the following mitigation measures or equivalents, based on the results of the consultation.*

*The developer shall arrange for burrowing owl surveys to be performed consistent with the CDFG's 1995 Staff Report on Burrowing Owl and the California Burrowing Owl Consortium's (CBOC) Survey Protocol (1997) not less than 30 days prior to ground disturbance for each phase of project grading. If burrowing owls are not detected, further mitigation is not necessary. However, if burrowing owls are detected the following steps shall be taken:*

*If site disturbance commences during the nesting season (between February 1 and August 31) and burrowing owls are detected, a fenced buffer shall be erected on the project site by the developer not less than 250 feet between the nest burrow(s) and construction activities. The 250-foot buffer shall be observed and the fence left intact until a qualified raptor biologist determines that the young are foraging independently, the nest has failed, or the owls are not using any burrows within the buffer.*

*If ground disturbance associated with grading or construction commences*

*outside of the nesting season, and burrowing owl(s) are present on-site or within 160 feet of site disturbance, passive relocation consistent with the CDFG Staff Report (1995) and the CBOC Survey Protocol (1997) shall be performed. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to off-site burrows. The pre-construction surveys shall be repeated if more than 30 days elapse between the last survey and the start of construction activities.*

Finding: Prior to any ground disturbance for the Curtis Park Village project, the applicant shall initiate a burrowing owl consultation with the CDFG. With Implementation of burrowing owl surveys and appropriate mitigation as recommended in consultation with CDFG, the impact to burrowing owls would be less than significant.

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

5.5-3 Impacts to nesting Swainson's hawks. : Due to the previous industrial activities on the project site and the current remediation activities, the site is not considered as foraging habitat for Swainson's hawks. If the project site remains undisturbed for some time after the completion of the remediation activities and prior to initiation of grading for the project, Swainson's hawk could potentially nest on the Curtis Park Village site. Without mitigation, this is a *significant impact.*

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

*5.5-3 If site disturbance associated with grading or construction activities is proposed by the developer during breeding season (February to August), a pre-construction survey for Swainson's hawk nests shall be conducted within 30 days prior to site disturbance/construction activities by a qualified biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFG and the Community Development Department. If active nests are not found during the pre-construction survey, further mitigation is not required. If active nests are found, pursuant to consultation with CDFG, a fenced buffer shall be erected by the developer on the project site not less than one-quarter mile (approximately 1,300 feet) around the active nest. Site disturbance associated with grading or construction activities that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January).*

Finding: Prior to site disturbance, during the Swainson's hawk breeding season, a pre-construction survey shall be conducted within 30 days prior to site disturbance/construction activities. With implementation of appropriate mitigation as recommend by CDFG, the impact to Swainson's Hawk would be less than significant.

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

5.5-4 Impacts to raptors and migratory birds. Suitable habitat for raptors, such as while-tailed kites, as well as migratory ground, tree, or shrub nesting avian species is present within, and adjacent to, the project site. Disruption of this habitat would be a significant impact. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.5-4(a) Prior to any grading or construction activities during the nesting season (February 1 to August 15), a preconstruction survey shall be conducted by a qualified wildlife biologist within 15 days of the start of project-related activities. If nests of migratory birds are detected on site, or within 75 feet (for migratory passerine birds) or 250 feet (for birds of prey) of the site, the developer shall consult with the CDFG to determine the size of a suitable buffer in which new site grading or construction disturbance is not permitted until August 15, or the qualified biologist determines that the young are foraging independently, or the nest has been abandoned.*

*5.5.4(b) Prior to any grading or construction activities from March 15 to May 15 within 100 feet of the overcrossing of the railroad tracks on Sutterville Road, adjacent to the project site, a preconstruction survey shall be conducted by a qualified biologist within 15 days of the start of project-related activities. If active nests are present in the overcrossing, no construction shall be conducted within 100 feet of the edge of the purple martin colony (as demarcated by the active nest hole closest to the construction activity) at the beginning of the purple martin breeding season from March 15 to May 15. The buffer area shall be avoided to prevent disturbance to the nest(s) until it is no longer active. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the purple martins. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest(s) is no longer active.*

Finding: Prior to and grading or construction activities during the nesting season, a pre-construction survey would be conducted within 15 days prior to site disturbance/construction activities. With implementation of appropriate mitigation as recommend by CDFG, the impact to migratory birds would be less than significant.

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

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

Mitigation measures to mitigate, avoid, or substantially lessen the following significant and

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

5.2-10 Cumulative traffic impacts to study intersections. The project would cause traffic operations at the intersection of Sutterville Road and Curtis Drive West to drop from acceptable levels of service (LOS C for evening and LOS A on Saturdays) to non-acceptable levels (LOS F and D, respectively). Without mitigation, this is a *significant impact.*

Finding: Adding a southbound right turn lane to the intersection would mitigate the impact but was not considered to be feasible because of the need for demolishing several existing buildings to provide additional right-of-way.

The cumulative impact for the Proposed Project and all access scenarios would remain *significant and unavoidable.*

**C. Significant and Unavoidable Impacts.**

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact. Notwithstanding disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Section F, the statement of overriding considerations.

Traffic

5.2-2 Impacts to study roadway segments under baseline plus project conditions. The traffic generated by the project would result in significant traffic impacts at the Sutterville overcrossing roadway segment and on Sutterville Road between East Curtis Drive and West Curtis Drive. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measure has been identified to reduce this impact to the extent feasible:

*5.2-2 The project developer shall work with the Regional Transit District to provide bus service or provide private shuttle service from 6:00 to 9:00 a.m. and from 4:00 to 7:00 p.m. between the commercial areas of the project site and the City College light rail station. As an alternative, the project developer shall coordinate with the City to reserve the required right of way needed to construct a pedestrian and bicycle bridge to provide access to the City College Station.*

Finding: The bus service and private shuttle mitigation measure, or the pedestrian and bicycle bridge mitigation measure, is proposed to help reduce the impact on roadway segments, but would not reduce the impact to a less than significant level. To reduce the impact to less than significant would require widening Sutterville Road. Widening of Sutterville Road would impact existing development on both sides of Sutterville Road and would be against the City of Sacramento Smart Growth policy. The Sutterville Road widening mitigation is not considered to be feasible.

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

5.2-3 Impacts to freeway ramps under baseline plus project conditions. Traffic generated by the project would result in traffic queues at the traffic signal at the 12th Avenue off-ramp to exceed the right turn storage capacity of the ramp. Without mitigation, this is a *significant impact.*

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

*5.2-3 Implementation of Mitigation Measure 5.2-1(c) would reduce the traffic queue at the southbound 12th Avenue off-ramp for baseline conditions for the Proposed Project and all access scenarios.*

Finding: Implementation of Mitigation Measure 5.2-3 would reduce the traffic queue at the southbound 12th Avenue off-ramp for baseline conditions for the Proposed Project and all access scenarios. However, the reduction would not be sufficient to fully mitigate the project impacts and no other feasible mitigation measure was identified.

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

5.2-11 Cumulative impacts to study roadway segments. The project would add traffic to roadway segments in 2027 that would result in significant cumulative conditions. The effected road segments are on Sutterville railroad overcrossing, Sutterville Road, 14th Street, Freeport Boulevard, and Road A. Without mitigation, this is a *significant impact.*

Finding: No mitigation was identified to reduce the significant impact for cumulative conditions on roadway segments to less than significant. To reduce the impact to less than significant for the Proposed Project and all access scenarios, Sutterville Road, 24th Street and Freeport Boulevard would need to be widened. No roadway widening is considered to be feasible.

While widening the on-site roadway of Road A would reduce the impact to less than significant for the Proposed Project and Access Scenarios 2 and 3, secondary impacts might arise as a result of the widening. A widened roadway would attract incremental traffic and contribute to higher speeds. Additional traffic, higher speeds, and the added roadway width would make the roadway less friendly to pedestrians and bicycles. Because Road A is located in a

commercial area where high pedestrian traffic is anticipated, a safe pedestrian-friendly street is desirable.

Mitigation Measure 5.2-2, which requires the developer to work with Regional Transit to provide or a bicycle or pedestrian connection between the commercial areas of the project site and the City College light rail station, would reduce the impact on roadway segments. However, the reduction would not be sufficient to fully mitigate the project impacts and no other feasible mitigation measure was identified.

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

5.2-12 Cumulative impacts to freeway ramps. In 2027, the project would add traffic to 12th Avenue off-ramp and State Highway 99 that would result in significant cumulative conditions in 2027. The southbound 12th Avenue off-ramp would operate below standard during the p.m. and Saturday peak hours without the project. In addition, the traffic queue for the right turn movement at the northbound 12th Avenue off ramp would exceed the storage capacity of the ramp. The project would add traffic to the ramps and thereby exacerbate the conditions. Without mitigation, this is a *significant impact*.

Finding: No feasible mitigation measure was identified that would reduce the 2027 cumulative impacts on the freeway ramps. Widening the freeway would reduce the impacts, but is not considered feasible.

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

Air Quality

5.3-5 Impacts related to long-term increases of criteria air pollutants. The project would result in the development of commercial and office uses that would generate emissions of ozonea-precursor pollutants (i.e., reactive organic compounds and nitrous oxides). These polluntants are anticipated to exceed the thresholds. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact to the extent feasible:

*5.3-5(a) Prior to the issuance of any grading permit, the project applicant shall coordinate with the SMAQMD and the City of Sacramento Development Services Department to develop a project Air Quality Mitigation Plan (AQMP). In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15 percent in the project's anticipated operational emissions. SMAQMD-recommended measures and corresponding emissions-reduction benefits are identified in SMAQMD's Guidance for Land Use Emission Reductions, which can be found in Appendix E of the SMAQMD document. The AQMP shall be reviewed and endorsed by SMAQMD staff prior to project implementation. Available measures to be included in the AQMP include, but are not limited to, the following:*

- *Prohibit the installation of wood-burning fireplaces and stoves;*
- *Provide onsite bicycle storage and showers for employees that bike to work sufficient to meet peak season maximum demand;*
- *Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles;*
- *Provide transit enhancing infrastructure that includes: transit shelters, benches, etc.; street lighting; route signs and displays; and/or bus turnouts/bulbs;*
- *Incorporate onsite transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service;*
- *Incorporate landscaping and sun screens to reduce energy use. Deciduous trees should be utilized for building shading to increase solar heating during the winter months. Install sun-shading devices (e.g., screens) or recessed windows on newly proposed buildings;*
- *Install efficient lighting and lighting control systems;*
- *Install energy-efficient heating and cooling systems, appliances and equipment;*
- *Install light colored "cool" roofs and pavements (i.e., high reflectance, high emittance roof surfaces, or exceptionally high reflectance and low emittance surfaces) and strategically placed shade trees to the extent practical;*
- *Limit hours of operation of outdoor lighting to the extent practical; and*
- *Provide shade (within 5 years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30 percent of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.; or, place a minimum of 50 percent of parking spaces underground or covered by structured parking; or, use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the parking lot area.*

*5.3-5(b) Documentation confirming implementation of the Air Quality Mitigation Plan shall be provided to the SMAQMD and City prior to issuance of occupancy permits.*

Finding: The proposed project would have a minimum of 15 percent reduction of ROG and $NO_X$ emissions due to the implementation of the mitigation measure requiring an Air Quality Management Plan (AQMP) for the project, which requires a project to achieve a minimum overall reduction in operational emissions of 15 percent. However, the mitigation measure would not reduce the project's emissions of ROG and $NO_X$ to levels below the thresholds of significance for ozone precursors.

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

5.3-8 Cumulative contribution to regional air quality conditions. Because the Sacramento Valley Air Basin is considered to be in non-attainment for ozone precursor pollutants

and PM10 and the project's long-term generation of these pollutants would exceed the thresholds, the cumulative impacts would be considered significant. Without mitigation, this is a *significant impact.*

Mitigation Measure (from MMP): The following mitigation measurehas been adopted to address this impact to the extent feasible:

*5.3-8 Implement Mitigation Measures 5.3-2(a) and (b) and 5.3-4(a) and (b).*

Finding: Implementation of Mitigation Measure 5.4-2(a) and (b) and Mitigation Measure 5.3-5(a) and (b) would reduce short-term and long-term increases in emissions attributable to the proposed project by a minimum of 15 percent. However, as noted in Impact 5.3-5, long-term operational increases in emissions would still be anticipated to exceed SMAQMD's significance threshold.

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

**D. Findings Related to the Relationship Between Local Short-term Uses of the Environment and Maintenance and Enhancement of Long-term Productivity.**

Based on the EIR and the entire record before the City Council, the City Council makes the following findings with respect to the project's balancing of local short term uses of the environment and the maintenance of long term productivity:

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

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

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

**E. Project's Contribution of Greenhouse Gas Emissions**

The City of Sacramento has adopted a proactive and comprehensive approach to climate change issues, including adoption of the 2030 General Plan to encourage a pattern of urban development that avoids dispersed residential and employment centers that by their design encourage motor vehicle trips, one of the largest contributors to greenhouse gas emissions. Likewise, the 2030 General Plan calls for strengthening the City's efforts to promote building standards to reduce the carbon footprint of buildings, another of the major contributors. The Curtis Park Village project is consistent with this approach and implements the City's plan to reduce greenhouse gas emissions.

The 2030 General Plan and the Master Environmental Impact Report

The City Council approved the 2030 General Plan on March 3, 2009. As part of its action, the City Council certified the Master Environmental Impact Report (Master EIR) that evaluated the environmental effects of development that is reasonably anticipated under the 2030 General Plan. The Master EIR includes extensive discussion of the potential effects of greenhouse gas emissions. The Master EIR discussions regarding climate change are incorporated here by reference. See, for example:

Draft EIR: 6.1 Air Quality (Page 6.1-1)
Final EIR: City Climate Change master Response (Page 4-1)
Errata No. 2: Climate Change (Page 12)

The impact of greenhouse gas emissions from human activities, specifically with regard to global climate change, has been acknowledged by the City of Sacramento and others as an inherently cumulative effect. Global climate change occurs, by definition, on a global basis. Greenhouse gases remain in the atmosphere for extended periods, and combine with GHG emissions from other areas of the globe, thus creating an inherently cumulative impact.

The 2030 General Plan and Master EIR recognized these unique aspects of the problem. The Master EIR acknowledges that the greenhouse gas emissions resulting from development that would be consistent with the 2030 General Plan would be cumulatively considerable, and significant and unavoidable. See Errata 2, February 23, 2009.

In addition, at City Council direction staff reviewed the various policies and implementation programs in the 2030 General Plan that could mitigate greenhouse gas emissions, and determined that a number of these policies could be revised. A list of such policies, and the changes that were made to respond to the continuing discussion of climate change, were included as part of the Mitigation Monitoring Plan that implemented mitigation identified in the Master EIR.

The effects of the 2030 General Plan promote denser urban development within the current City territorial limits to accommodate population growth, which will reduce growth pressures and sprawl in outlying areas. While total greenhouse gas emissions within the General Plan policy area may increase over time due to growth in population in the region, this increase is less than what would have occurred if the 2030 General Plan were not adopted and development of more land in outlying areas had been permitted under the 1988 General Plan. Adoption of the 2030 General Plan put these key strategies in place immediately and has begun to shape development as well as the activities of day-to-day living and move the City and the region toward a more sustainable future.

Because the actual effectiveness of all the feasible policies and programs included in the 2030 General Plan that avoid, minimize, or reduce greenhouse gas could not be quantified, the impact was identified in the Master EIR as a significant and unavoidable cumulative impact.

General Plan Consistency of the Curtis Park Village Project

The 2030 General Plan identifies a mix of Traditional Neighborhood Low Density (TNLD),

Traditional Neighborhood Medium Density (TNMD) and Traditional Center (TC) on the Curtis Park Village site. These designations include detached and attached single-family homes, multifamily dwellings, commercial or mixed use development and compatible public and quasi-public uses. The Land Use and Urban Form Diagram in the 2030 General Plan designates TNLD for the northern portion of the site, TNMD for the central portion and TC in the southern portion. Each of the three designations permit residential and commercial development. The development program analyzed in the Master EIR for the Curtis Park Village site included a mix of 549 attached and detached dwelling units and 200,000 square feet of commercial development.

The proposed Curtis Park Village project development program and mix of uses is generally consistent with the development program anticipated by the 2030 General Plan and the Master EIR. The Curtis Park Village project proposes a mix of TNLD, TNMD, Traditional Neighborhood High Density, and TC development. The proposal locates lower density single family homes to the north, higher density attached homes and apartments in the central area and commercial uses to the south. The proposed 527 dwelling units fall within the range anticipated by the General Plan (549). The 259,000 square feet of commercial space appears to be about 30% greater than was studied in the Master EIR. However, the commercial floor area ratio (FAR) of 0.37 is well within the range of 0.3-2.0 FAR permitted in TC. As a result, the land uses and their associated density and intensity are consistent with the 2030 General Plan.

In addition to determining consistency with the Land Use and Urban Form Diagram, goals and policies of the General Plan's ten elements are relevant.

*Land Use and Urban Design Element:*

LU 5 Traditional Center Urban Form Guidelines (2030 General Plan, page 2-68)

While the guidelines are not goals or policies, and are not mandatory or binding on the applicant, they do express the City's desired urban form vision. For Traditional Centers, the guidelines call for:

1. small, rectangular blocks;
2. small, narrow lots providing a fine-grained development pattern;
3. building heights ranging from one to four stories;
4. lot coverage not exceeding 80 percent;
5. buildings sited at or near the sidewalk and typically abutting one another with limited side yard setbacks;
6. building entrances set at the sidewalk;
7. rear alleys and secondary streets providing service access to reduce the need for driveways and curb cuts on the primary street;
8. parking provided on-street as well as in...lots at the side or rear of structures;
9. transparent building frontages with pedestrian-scaled articulation and detailing;
10. moderately wide side sidewalks;
11. public streetscapes serving as the center's primary open space, complemented by outdoor seating, plazas, courtyards, and sidewalk dining areas.

These guidelines provide the staff and applicant with guidance regarding project design, and

support the City's identified goal of encouraging development by providing specific and enforceable standards for development.

LU 5 Traditional Centers Goals and Policies

Policy LU 5.3.1 Development Standards. The City shall continue to support development and operation of centers in traditional neighborhoods by providing flexibility in development standards, consistent with public health and safety, in response to constraints inherent in retrofitting older structures and in creating infill development in established neighborhoods.

*Mobility Element:*

The following goals and policies are relevant to the design of the Curtis Park Village project. They primarily relate to the design of public and private streets and the desired relationships among buildings, streets and parking facilities.

Policy M 1.3.1 Grid Network. The City shall require all new residential, commercial, or mixed-use development that proposes or is required to construct or extend streets to develop a transportation network that provides for a well-connected, walkable community, preferably as a grid or modified grid.

Policy M 1.3.2 Private Complete Streets. The City shall require large private developments (e.g., office parks, apartment complexes, retail centers) to provide internal complete streets that connect to the existing roadway system.

Policy M 2.1.3 Streetscape Design. The City shall require that pedestrian-oriented streets be designed to provide a pleasant environment for walking including shade trees; plantings; well-designed benches, trash receptacles, news racks, and other furniture; pedestrian-scaled lighting fixtures; wayfinding signage; integrated transit shelters; public art; and other amenities.

Policy M 2.1.4 Cohesive Network. The City shall develop a cohesive pedestrian network of public sidewalks and street crossings that makes walking a convenient and safe way to travel.

Policy M 2.1.5 Continuous Network. The City shall provide a continuous pedestrian network in existing and new neighborhoods that facilitates convenient pedestrian travel free of major impediments and obstacles.

Policy M 2.1.6 Building Design. The City shall ensure that new buildings are designed to engage the street and encourage walking through design features such as placing the building with entrances facing the street and providing connections to sidewalks.

Policy M 2.1.7 Parking Facility Design. The City shall ensure that new automobile parking facilities are designed to facilitate safe and convenient pedestrian access, including clearly defined corridors and walkways connecting parking areas with buildings.

Policy M 2.1.8 Housing and Destination Connections. The City shall require new

subdivisions and large-scale developments to include safe pedestrian walkways that provide direct links between streets and major destinations such as transit stops and stations, schools, parks, and shopping centers.

Policy M 3.1.12 Direct Access to Stations. The City shall ensure that projects located in the Central City and within ½ mile walking distance of existing and planned light rail stations provide direct pedestrian and bicycle access to the station area, to the extent feasible.

Goal M 4.3 Neighborhood Traffic. Enhance the quality of life within existing neighborhoods through the use of neighborhood traffic management techniques, while recognizing the City's desire to provide a grid system that creates a high level of connectivity.

Policy M 4.3.1 Neighborhood Traffic Management. The City shall continue wherever possible to design streets and approve development applications in such as manner as to reduce high traffic flows and parking problems within residential neighborhoods.

M 5.1.8 Connections between New Development and Bikeways. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways.

Buildings constructed as part of the project would be required to comply with current California building codes that enforce energy efficiency.

The City of Sacramento has adopted an approach that seeks to implement community development principles that encourage pedestrian-friendly, multi-use development that reduces vehicle miles travelled. The various goals and policies applicable to the project through the 2030 General Plan provides just such a framework, and are effective tools to mitigate climate change through reduction of greenhouse gas emissions. These goals and policies have accurately been described in the Master EIR as mitigation for such effects.

The City has acknowledged that the sum of greenhouse gas emissions that could be generated by development under the 2030 General Plan would be cumulatively considerable, and has identified the goals and policies under the 2030 General Plan as the primary vehicle to mitigating such impacts. This programmatic approach achieves reductions in the two main emitting categories: motor vehicle emissions and energy used in buildings. By adopting measures that are applicable community-wide, the City has implemented a reduction strategy that is fair and can be implemented with confidence that emission reductions will actually occur.

The City has identified greenhouse gas reductions goals as stated in AB 32 and other State guidance as relevant to the impact analysis. This is consistent with guidance provided by the Sacramento Metropolitan Air Quality Management District (SMAQMD). In its CEQA Guide, December 2009, the District suggests that local agencies properly consider adopting a threshold that considers whether an individual project's GHG emissions would substantially hinder the State's ability to attain the goals identified in AB 32. (CEQA Guide, page 6-11)

**Conclusion**

The Master EIR concluded that greenhouse gas emissions that could be emitted by development that is consistent with the 2030 General Plan would be cumulatively considerable and unavoidable (Errata No. 2, Page 12). The Master EIR includes a full analysis of greenhouse gas emissions and climate change, and adequately addresses these issues.

The project is consistent with the City's goals and policies as set forth in the 2030 General Plan and Master EIR relating to reduction of greenhouse gas emissions. The project would not impede the City's efforts to comply with AB32 requirements. The project would not have any significant additional environmental effects relating to greenhouse gas emissions or climate change.

**F. Project Alternatives.**

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

All alternatives to the project assume that the site is fully remediated to DTSC standards. The site is currently undergoing remediation under the auspices of DTSC.

## Alternatives Considered and Dismissed from Further Consideration

### Off-Site Alternative

Section 15126.6(f)(2)(B) of the CEQA Guidelines states, "If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reason in the EIR." A feasible alternative location for the proposed project that would result in substantially reduced impacts does not exist.
The CEQA Guidelines (Section 15126.6[b]) requires that only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR. The Off-Site Alternative would involve the construction of the proposed project on an alternative location. The Off-Site Alternative would have the same type and intensity of uses as the proposed project. However, the Applicant does not own an alternative location in which to construct the proposed project. Furthermore, although other vacant properties are located in the City of Sacramento, infill parcels of substantial size like the project site are limited. It should also be noted that, by definition, CEQA states that an alternative should avoid or substantially lessen one or more of the environmental effects of the project. Alternative locations within the City would generally contain similar characteristics as the project site, and the development of greenfield sites located outside the City would likely result in greater impacts than the proposed project. Therefore, development of the project on an alternative location would be expected to result in at least the same level of impacts as the proposed project. As a result, an environmentally feasible off-site location that would meet the requirements of CEQA, as well as meet the basic objectives of the proposed project, does not exist.

### Village Green Alternative

The Village Green Alternative was proposed during community consultation.

The stated purpose of the Alternative is to create a more human scale environment with activities centered on a village green as a means of reducing the emphasis on the automobile and the visual impacts of parking lots. Overall, the Village Green Alternative would result in the construction of 126,000 square feet of commercial space and 602 residential units. By comparison, the proposed project includes approximately 260,000 square feet of commercial uses and 470 residential units.

As shown in Table 5.2-10 in the Transportation and Circulation chapter of this Draft EIR, the mix of commercial uses included in the proposed project would result in traffic throughout the day, whereas residential traffic typically is concentrated at the peak morning and evening commute hours. Therefore, the substantial number of additional residential units included in the Village Green Alternative would result in greater impacts to traffic. In addition, due to the increased population associated with the additional residential units, this Alternative would increase the demand for police and fire protection services, as well as park and school facilities, beyond what is anticipated for the proposed project.

With respect to the other alternatives included in this DEIR, the Village Green Alternative uses are substantially similar to Reduced Commercial Alternative A, though Reduced Commercial Alternative A would have slightly more commercial space and fewer residential

units. In addition, Reduced Commercial Alternative B would contain less commercial space than the Village Green Alternative, and has fewer residential units. The Multi-Family Alternative assesses a similar number of residential units, 545 versus 602 for the Village Green Alternative, while including a larger commercial area. In addition, the Village Green Alternative would require additional park space based on an increase in the number of units. The alternatives included in the analysis below include a range of commercial square footages with the lowest total being lower than the Village Green Alternative. None of the alternatives would include as many residential units as the Village Green Alternative. Therefore, the Village Green Alternative would not reduce impacts to a greater extent than the alternatives included in the analysis, and may increase impacts as a result of the high number of residential units included in the Alternative. Furthermore, the Village Green Alternative is not anticipated to reduce any environmental impacts that would result from implementation of the proposed project. Therefore, because the Village Green Alternative would increase some environmental impacts and would not reduce any impacts, the Alternative is dismissed from further consideration.

**Existing Zoning Alternative**

Under the Existing Zoning Alternative, the project site would be built out pursuant to the existing zoning designation for the site. The site is currently zoned Heavy Industrial (M-2), which allows for the "manufacture or treatment of goods from raw materials." The Existing Zoning Alternative is not a feasible alternative for the project because the existing M-2 zoning for the project site is not consistent with the General Plan land use designations (Traditional Neighborhood Low Density, Traditional Neighborhood High Density, and Traditional Center) for the site and buildout of the project site with industrial uses would not meet any of the proposed project's objectives.

**Summary of Alternatives Considered**

**No Project/No Build Alternative**

Section 15126.6 (e)(1) of the State CEQA Guidelines requires that a "no project alternative" be evaluated in comparison to the proposed project. The No Project/No Build Alterative is defined in this section as the continuation of the existing condition of the project site. The No Project/No Build Alternative would allow the project site to continue in the existing undeveloped vacant state and would meet only one of the project objectives.

The remediation of the site to DTSC standards will be completed with or without the development of the Curtis Park Village project. It should be noted that although remediation of the site would continue until complete, DTSC cannot not issue a No Further Action letter certifying the site as clean until the City has approved a land use plan, pursuant to SB 120.

*Facts in Support of Finding of Infeasibility*

DTSC can not issue a No Further Action letter certifying the site as clean until the City has approved a land use plan. In addition the No Project/No Build Alternative would not meet any of the project objectives.

**Reduced Commercial Alternative A**

The Reduced Commercial Alternative A would include a reduction in the commercial land use area from approximately 260,000 square feet to 100,000 square feet. The other 160,000 square feet would instead be developed as an additional 74 single-family residential lots for a total of 252 single-family residential units on the project site, as opposed to 178 single-family units under the proposed project. In addition, the Alternative would include 310 multi-family residential units, which would be 18 more than included in the proposed project.

*Facts in Support of Finding of Infeasibility*

The Reduced Commercial Alternative A would develop additional residential units that would generate additional demand for public services and utilities, as well as impact the jobs/housing balance. In addition, the Reduced Commercial Alternative A would not meet Objective 4, as the project would have limited neighborhood serving commercial and retail uses, and entertainment opportunities.

**Reduced Commercial Alternative B**

The Reduced Commercial Alternative B would include a reduction of square footage in the commercial land use area from the proposed plan of 260,000 square feet to 100,000 square feet. In addition, the Reduced Commercial Alternative B would result in the development of 112 more single-family residential units and 18 more multi-family residential units than the proposed project. The reduction in square footage in the commercial land-use area from the

*Facts in Support of Finding of Infeasibility*

The Multi-Family Alternative would develop additional residential units that would generate additional demand for public services and utilities, as well as impact the jobs/housing balance. The Multi-Family Alternative would not meet Objective 4, as the project would include limited neighborhood serving commercial and retail uses, and entertainment opportunities.

**F. Statement of Overriding Considerations:**

Pursuant to CEQA Guidelines Section 15092, the City Council finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible, as shown in Sections 5.0 through 5.6. The City Council further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City Council makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

The project would provide a range of residential uses and retail services that would serve the Curtis Park Village neighborhood. The project would construct approximately 259,000 square feet of retail uses, including a two-story building with 38,000 square feet per floor for athletic club and recreation/entertainment uses. The project would generate sales tax revenue for the City, which can be used to support City services and programs.

The project site is a former industrial railroad site and a superfund site. The project site is currently undergoing remediation by DTSC as an action separate from the Curtis Park Village project.

The project provides a range of residential uses, including single-family, multi-family, and senior housing, near the Sacramento light rail stations.

The City Council has considered these benefits and considerations and has considered the potentially significant unavoidable environmental effects of the project. The City Council has determined that the economic, legal, social, technological and other benefits of the Project outweigh the identified impacts. The City Council has determined that the project benefits set forth above override the significant and unavoidable environmental costs associated with the project.

The City Council adopts the mitigation measures in the final Mitigation Monitoring and Reporting Program, incorporated, by reference into these Findings, and finds that any residual or remaining effects on the environment resulting from the project, identified as significant and unavoidable in the Findings of Fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations. The City Council makes this statement of overriding considerations in accordance with Section 15093 of the CEQA Guidelines in supporting approval of the project.

**MITIGATION MONITORING PLAN**
**Curtis Park Village**

| Impact Number | Impact | | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign-off |
|---|---|---|---|---|---|---|
| | | | **5.2 Transportation and Circulation** | | | |
| 5.2-1 | Impacts to study intersections under baseline plus project conditions. | 5.2-1(a) | *At the Freeport Boulevard / 2nd Avenue intersection, provide protected left-turn phasing for the northbound and southbound approaches.* | Department of Transportation | Implement improvements prior to the first building permit | |
| | | 5.2-1(b) | *At the Sutterville Road / Road A intersection, provide overlap signal phasing to allow the southbound Road A right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement, and prohibit U-turns for the eastbound left turning movement; add a southbound left-right lane to provide one left-turn lane, one left-right lane, and one right turn lane, and provide a dedicated right turn lane for the westbound Sutterville Road approach to the intersection.* | Department of Transportation | Show improvements on improvement plans and construct prior to the first building permit | |
| | | 5.2-1(c) | *Modify the southbound approach to the Sutterville Road / SR99 SB Ramps intersection to provide a left-turn lane, a combination left-through lane, and two right-turn lanes. This change would bring the right-turning movements under signal control. This mitigation measure is required at five percent of development based on trip generation. The design of the mitigation is subject to the approval of the City Transportation Department and* | Department of Transportation | Improvements shall be constructed at five percent of development based on trip generation | |

MITIGATION MONITORING PLAN
Curtis Park Village

| Impact Number | Impact | | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign-off |
|---|---|---|---|---|---|---|
| | | | *Caltrans* | | | |
| | | *5.2-1(d)* | *At the Road A / Area 3 intersection, provide separate right-turn and left-turn lanes on the eastbound approach.* | Department of Transportation | Show improvements on improvements plans and construct prior to the first building permit in Area 3 | |
| 5.2-2 | Impacts to study roadway segments under baseline plus project conditions. | *5.2-2* | *The project developer shall work with the Regional Transit District to provide bus service or provide private shuttle service from 6:00 to 9:00 a.m. and from 4:00 to 7:00 p.m. between the commercial areas of the project site and the City College light rail station. As an alternative, the project developer shall coordinate with the City to reserve the required right of way needed to construct a pedestrian and bicycle bridge to provide access to the City College Station.* | Regional Transit District and/or City Department of Transportation | Prior to occupancy | |
| 5.2-3 | Impacts to freeway ramp under baseline plus project conditions. | *5.2-3* | *Implement Mitigation Measure 5.2-1(c).* | See 5.2-1(c) | See 5.2-1(c) | |
| 5.2-7 | Impacts to on-site traffic circulation and safety under baseline plus project conditions. | *5.2-7(a)* | *The design plans for the project shall be consistent with City standards. Any deviations are subject to the approval of the City Department of Transportation, Traffic Engineering Division. The horizontal curvatures shall be realigned or design elements such as "knuckles" shall* | Department of Transportation | Prior to approval of improvement plans | |

MITIGATION MONITORING PLAN
Curtis Park Village

| Impact Number | Impact | | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign-off |
|---|---|---|---|---|---|---|
| | | | *be installed in compliance with City standards.* | | | |
| | | *5.2-7(b)* | *The site design shall be modified to reduce the potential for vehicles leaving parking stalls to back across pedestrian crosswalks. This change may require the elimination of some angle parking spaces.* | Department of Transportation | Prior to approval of improvement plans | |
| 5.2-9 | Impacts during construction. | *5.2-9(a)* | *Before issuance of grading permits for the project site, the project applicant shall prepare a detailed Traffic Management Plan that will be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento fire and police departments. The plan shall ensure maintenance of acceptable operating conditions on local roadways and transit routes. At a minimum, the plan shall include:*<br>• *The number of truck trips, time, and day of street closures;*<br>• *Time of day of arrival and departure of trucks;*<br>• *Limitations on the size and type of trucks and provision of a staging area with a limitation on the number of trucks that can be waiting;*<br>• *Provision of a truck circulation* | Department of Transportation<br>Regional Transit<br>City of Sacramento Fire and Police Departments | Prior to issuance of grading permits | |

**MITIGATION MONITORING PLAN**
**Curtis Park Village**

| Impact Number | Impact | | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign-off |
|---|---|---|---|---|---|---|
| | | | *pattern;*<br>• *Provision of a driveway access plan to maintain safe vehicular, pedestrian, and bicycle movements (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);*<br>• *Safe and efficient access routes for emergency vehicles;*<br>• *Efficient and convenient transit routes;*<br>• *Manual traffic control when necessary;*<br>• *Proper advance warning and posted signage concerning street closures;*<br>• *Provisions for pedestrian safety; and*<br>• *Provisions for temporary bus stops, if necessary.*<br><br>*A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.* | City of Sacramento Fire and Police Departments | At least 14 days prior to commencement of construction that would partially or fully obstruct roadways | |
| 5.2-10 | Cumulative impacts to study intersections. | 5.2-10(a)<br><br>5.2-10(b) | *24th Street / 2nd Avenue – The project applicant shall pay a fair share contribution to install a traffic signal at this intersection.*<br><br>*24th Street / Portola Way – The project applicant shall pay a fair share* | Department of Transportation<br><br>Department of Transportation | Prior to issuance of building permits<br><br>Prior to issuance of building permits | |

**MITIGATION MONITORING PLAN**
**Curtis Park Village**

| Impact Number | Impact | | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign-off |
|---|---|---|---|---|---|---|
| | | | *contribution to install a traffic signal at this intersection.* | | | |
| | | *5.2-10(c)* | *Sutterville Road / Freeport Boulevard (north) – the applicant shall pay a fair share contribution to provide protected permitted left turn phasing and install proper signage for southbound Freeport Boulevard.* | Department of Transportation | Prior to issuance of building permits | |
| | | *5.2-10(d)* | *Sutterville Road / City College Drive – The applicant shall pay a fair share contribution to provide overlap signal phasing to allow the northbound right turn traffic on City College Drive to proceed on a green arrow simultaneously with the westbound left turning movement, and prohibit U-turns for the westbound Sutterville Road approach to the intersection.* | Department of Transportation | Prior to issuance of building permits | |
| | | *5.2-10(e)* | *Sutterville Road / Road A – apply Mitigation Measure 5.2-1(b) which would provide overlap signal phasing to allow the southbound Road A Right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement; and prohibit U-turns for the eastbound left turning movement; provide one left-turn lane, one left-right lane, and one right-turn lane on the southbound approach; provide a dedicated right turn lane for the* | | | |

**MITIGATION MONITORING PLAN**
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| Impact Number | Impact | | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign-off |
|---|---|---|---|---|---|---|
| | | | *westbound Sutterville Road approach to the intersection; provide an actuated exclusive pedestrian phase to serve pedestrians crossing Sutterville Road; and optimize signal timing..* | | | |
| | | ~~5.2-10(f)~~ | ~~*Not applicable. No feasible mitigation.*~~ | | | |
| | | 5.2-10(g) | *Sutterville Road / Franklin Boulevard – The project applicant shall pay a fair share contribution to add an eastbound right-turn lane that would mitigate the Saturday peak hour. For a.m. and p.m. peak hour impacts, the cycle length would increase to 110 seconds..* | Department of Transportation | Prior to issuance of building permits | |
| | | 5.2-10(h) | *Sutterville Road / SR 99 Northbound Ramps – The project applicant shall pay a fair share contribution to modify signal timing to provide split phase for all approaches and re-stripe the eastbound lanes to provide one left-turn, one left-through, and one through lane. Construct two receiving lanes on the on-ramp for the turning movement from eastbound 12th Avenue to the northbound SR 99 ramp.* | Department of Transportation | Prior to issuance of building permits | |
| | | 5.2-10(i) | *Road A / Area 1 – The project applicant shall pay a fair share contribution to modify the signal phasing to provide overlaps for the eastbound right-turn movement; provide protected-permitted* | Department of Transportation | Prior to issuance of building permits | |

## MITIGATION MONITORING PLAN
Curtis Park Village

| Impact Number | Impact | Mitigation Measure | | Monitoring Agency | Implementation Schedule | Sign-off |
|---|---|---|---|---|---|---|
| | | | *phasing for the northbound left-turn movement; prohibit U-turn movement at this intersection; and increase the cycle length to 95 seconds.* | | | |
| | | **5.3 Air Quality** | | | | |
| 5.3-2 | Impacts related to exhaust emissions and fugitive particulate matter emissions from project-associated construction activities | 5.3-2(a) | *The project applicant shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, 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 SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.* | Community Development Department<br><br>SMAQMD | Prior to and during construction | |

**MITIGATION MONITORING PLAN**
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| Impact Number | Impact | | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign-off |
|---|---|---|---|---|---|---|
| | | 5.3-2(b) | *Prior to the approval of any grading permit, the project proponent shall submit a dust-control plan, approved by the SMAQMD, to the City of Sacramento Community Development Department. The dust-control plan shall stipulate grading schedules associated with the project phase, as well as the dust-control measures to be implemented. Grading of proposed project phases shall be scheduled so that the total area of disturbance would not exceed 15 acres on any given day. The dust control plan shall be incorporated into all construction contracts issued as part of the proposed project development. The dust-control plan shall, at a minimum, incorporate the following measures:*<br><br>• *Apply water, chemical stabilizer/suppressant, or vegetative cover to disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive for longer than 3 months;*<br>• *Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times;* | | Prior to approval of grading permit | |

**MITIGATION MONITORING PLAN**
**Curtis Park Village**

| Impact Number | Impact | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign-off |
|---|---|---|---|---|---|
| | | • *Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114;*<br>• *Limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring; and*<br>• *Limit onsite vehicle speeds on unpaved surfaces to 15 mph, or less.* | | | |
| 5.3-3 | Impacts related to a temporary increase in $NO_x$ emissions. | 5.3-3(a) *Prior to issuance of a grading permit, the applicant shall submit a SMAQMD-approved plan, which demonstrates that the heavy-duty (>50 horsepower) off-road vehicles to be used during construction of the project (including owned, leased, and subcontracted vehicles) will achieve a project-wide average of 20 percent $NO_x$ reduction and 45 percent particulate matter reduction, based on the most recent CARB fleet average at the time of construction. In addition, the applicant shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment (>50 horsepower) that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory* | SMAQMD | Prior to issuance of grading permit | |

**MITIGATION MONITORING PLAN**
**Curtis Park Village**

| Impact Number | Impact | | Mitigation Measure | Monitoring Agency | Implementation Schedule | Sign-off |
|---|---|---|---|---|---|---|
| | | | *shall include the horsepower rating, engine production year, and project hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project. Inventory shall not be required for any 30-day period in which construction activities do not occur. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the applicant shall provide SMAQMD with the anticipated construction timeline, including the start date and the name and phone number of the project manager and on-site foreman.* | | | |
| | | *5.3-3(b)* | *Prior to issuance of a grading permit, the applicant shall provide a construction mitigation fee to the SMAQMD sufficient to offset project emissions of $NO_X$ above 85 pounds per day. The amount of the fee shall be based on updated construction scheduling and equipment lists, and shall be calculated using the SMAQMD method of estimating excess emissions. The current price of $NO_X$ construction offsets calculated by SMAQMD is $16,000 per ton.* | SMAQMD<br><br>Community Development Department | Prior to issuance of grading permit | |
| 5.3-5 | Impacts related to long-term increases of criteria air pollutants. | *5.3-5(a)* | *Prior to the issuance of any grading permit, the project applicant shall coordinate with the SMAQMD and the City of Sacramento Community Development Department to develop a project Air Quality Mitigation* | SMAQMD<br><br>Community Development Department | Prior to issuance of grading permit | |

MITIGATION MONITORING PLAN
Curtis Park Village

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| | | | *Plan (AQMP). In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15 percent in the project's anticipated operational emissions. SMAQMD-recommended measures and corresponding emissions-reduction benefits are identified in SMAQMD's Guidance for Land Use Emission Reductions, which can be found in Appendix E of the SMAQMD document. The AQMP shall be reviewed and endorsed by SMAQMD staff prior to project implementation. Available measures to be included in the AQMP include, but are not limited to, the following:*<br><br>• *Prohibit the installation of wood-burning fireplaces and stoves;*<br>• *Provide onsite bicycle storage and showers for employees that bike to work sufficient to meet peak season maximum demand;*<br>• *Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles;*<br>• *Provide transit enhancing infrastructure that includes: transit shelters, benches, etc.; street lighting; route signs and displays; and/or bus turnouts/bulbs;*<br>• *Incorporate onsite transit facility* | | | |

**MITIGATION MONITORING PLAN**
**Curtis Park Village**

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| | | *improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service;*<br>• *Incorporate landscaping and sun screens to reduce energy use. Deciduous trees should be utilized for building shading to increase solar heating during the winter months. Install sun-shading devices (e.g., screens) or recessed windows on newly proposed buildings;*<br>• *Install efficient lighting and lighting control systems;*<br>• *Install energy-efficient heating and cooling systems, appliances and equipment;*<br>• *Install light colored "cool" roofs and pavements (i.e., high reflectance, high emittance roof surfaces, or exceptionally high reflectance and low-emittance surfaces) and strategically placed shade trees to the extent practical;*<br>• *Limit hours of operation of outdoor lighting to the extent practical; and*<br>• *Provide shade (within 5 years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30 percent of the site's non-roof impervious surfaces,* | SMAQMD<br><br>Community | Prior to issuance of occupancy permit | |

**MITIGATION MONITORING PLAN**
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| | | *including parking lots, walkways, plazas, etc.; or, place a minimum of 50 percent of parking spaces underground or covered by structured parking; or, use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the parking lot area.* | Development Department | | |
| | | 5.3-5(b) *Documentation confirming implementation of the Air Quality Mitigation Plan shall be provided to the SMAQMD and City prior to issuance of occupancy permits.* | | | |
| 5.3-8 | Cumulative contribution to regional air quality conditions. | 5.3-8 *Implement Mitigation Measures. 5.3-2(a) and (b) and 5.3-4(a) and (b).* | See 5.3-2 (a) and (b) | See 5.3-2(a) and (b) | |
| | | **5.4 Noise and Vibration** | | | |
| 5.4-2 | Construction noise impacts to surrounding existing uses. | 5.4-2 *Construction activities shall be limited to the hours set forth below, unless an exception is granted by the Community Development Department:*<br>• *Monday through Saturday 7:00 a.m. to 6:00 p.m.*<br>• *Sunday 9:00 a.m. to 6:00 p.m.*<br>*These restricted hours shall be included on all grading and construction plans submitted for the review and approval of the Community Development Department* | Community Development Department | Prior to issuance of grading and building permits | |

**MITIGATION MONITORING PLAN**
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| | | | *prior to issuance of grading and construction permits.* | | | |
| 5.4-7 | Railroad noise levels at exterior noise spaces of proposed project residences. | 5.4-7 | *Prior to the issuance of building permits, a noise barrier shall be shown on the plans along the western boundary of the project site, from the northern boundary of the CPV site to the southern end of any parcel with residences for the review and approval of the City Engineer. A barrier 10 feet in height (relative to nearest outdoor activity elevations) would intercept line of sight to railroad pass-bys, thereby reducing future UPRR noise levels to 70 dB Ldn or less at the nearest outdoor activity areas proposed adjacent to the tracks.*<br><br>*Barriers can take the form of earthen berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provide they have a surface density of approximately four pounds per square foot.* | City Engineer | Prior to the issuance of building permits | |
| 5.4-8 | Railroad noise levels at interior spaces of proposed residences on the project site. | 5.4-8(a) | *Prior to the issuance of building permits, all residential lots and residential buildings located within the 70 dB Ldn contour shall include noise insulation features such as the following:*<br><br>• *Sound-rated windows and doors with STC rating of 35; and* | Community Development Department | Prior to issuance of building permits | |

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| | | | • *Stucco exterior siding.* | | | |
| | | *5.4-8(b)* | *Prior to sale of any residential lots, statements shall be included in the title for all properties within the 65 dB Ldn contour that informs the buyer of elevated noise levels during train passages, and that train passages routinely occur during nighttime hours.* | Community Development Department | Prior to sale of residential lots | |
| 5.4-9 | Noise-producing commercial uses proposed within the project site. | *5.4-9(a)* | *Unshielded (i.e. unloading activities which are visible from any residential window), nighttime truck unloading shall be prohibited within 200 feet of any residential unit.* | Community Development Department | Prior to issuance of building permit and during project operations | |
| | | *5.4-9(b)* | *Prior to issuance of a building permit, the site plans shall indicate that a parapet wall shall be constructed along the edge of the roofs of the commercial buildings of sufficient height to intercept line of sight from rooftop mechanical equipment at the nearest residences to reduce noise levels at those nearby residences.* | Community Development Department | Prior to issuance of building permit | |
| 5.4-10 | Park generated noise at residential uses proposed within the project site. | *5.4-10* | *Park activities shall be restricted to daytime hours, with exceptions allowed on a case-by-case basis subject to the approval of the Director of the Parks and Recreation.* | Parks and Recreation Department | During project operations | |
| | | | **5.5 Biological Resources** | | | |
| 5.5-2 | Impacts to burrowing owl. | *5.5-2* | *Prior to any ground disturbance associated with grading or construction, the applicant* | CDFG | Prior to any ground disturbance | |

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| | | | *shall initiate a burrowing owl consultation with the California Department of Fish and Game (CDFG) and shall implement the following mitigation measures or equivalents, based on the results of the consultation.*<br><br>*The developer shall arrange for burrowing owl surveys to be performed consistent with the CDFG's 1995 Staff Report on Burrowing Owl and the California Burrowing Owl Consortium's (CBOC) Survey Protocol (1997) not less than 30 days prior to ground disturbance for each phase of project grading. If burrowing owls are not detected, further mitigation is not necessary. However, if burrowing owls are detected the following steps shall be taken:*<br><br>*If site disturbance commences during the nesting season (between February 1 and August 31) and burrowing owls are detected, a fenced buffer shall be erected on the project site by the developer not less than 250 feet between the nest burrow(s) and construction activities. The 250-foot buffer shall be observed and the fence left intact until a qualified raptor biologist determines that the young are foraging independently, the nest has failed, or the owls are not using any burrows within the buffer.* | | associated with grading or construction | |

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| | | | *If ground disturbance associated with grading or construction commences outside of the nesting season, and burrowing owl(s) are present on-site or within 160 feet of site disturbance, passive relocation consistent with the CDFG Staff Report (1995) and the CBOC Survey Protocol (1997), shall be performed. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to off-site burrows. The pre-construction surveys shall be repeated if more than 30 days elapse between the last survey and the start of construction activities.* | | | |
| 5.5-3 | Impacts to Swainson's hawk nesting and foraging habitat | 5.5-3 | *If site disturbance associated with grading or construction activities is proposed by the developer during breeding season (February to August), a pre-construction survey for Swainson's hawk nests shall be conducted within 30 days prior to site disturbance/construction activities by a qualified biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFG and the Community Development Department. If active nests are not found during the pre-construction survey, further mitigation is not required. If active nests are found, pursuant to consultation with CDFG, a fenced buffer shall be erected by the developer on the project site not less* | CDFG<br><br>Community Development Department | Pre-construction survey prior to site disturbance or construction | |

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| | | | *than one-quarter mile (approximately 1,300 feet) around the active nest. Site disturbance associated with grading or construction activities that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January).* | | | |
| 5.5-4 | Impacts to raptors and migratory birds. | *5.5-4(a)* | *Prior to any grading or construction activities during the nesting season (February 1 to August 15), a preconstruction survey shall be conducted by a qualified wildlife biologist within 15 days of the start of project-related activities. If nests of migratory birds are detected on site, or within 75 feet (for migratory passerine birds) or 250 feet (for birds of prey) of the site, the developer shall consult with the CDFG to determine the size of a suitable buffer in which new site grading or construction disturbance is not permitted until August 15, or the qualified biologist determines that the young are foraging independently, or the nest has been abandoned.* | Community Development Department<br><br>CDFG | Pre-construction survey prior to grading or construction activities | |
| | | *5.5.4(b)* | *Prior to any grading or construction activities from March 15 to May 15 within 100 feet of the overcrossing of the railroad* | | | |

MITIGATION MONITORING PLAN
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| | | | *tracks on Sutterville Road, adjacent to the project site, a preconstruction survey shall be conducted by a qualified biologist within 15 days of the start of project-related activities. If active nests are present in the overcrossing, no construction shall be conducted within 100 feet of the edge of the purple martin colony (as demarcated by the active nest hole closest to the construction activity) at the beginning of the purple martin breeding season from March 15 to May 15. The buffer area shall be avoided to prevent disturbance to the nest(s) until it is no longer active. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the purple martins. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest(s) is no longer active.* | | | |

3/20/2015 VIA EMAIL

Teresa Haenggi, Associate Planner
Community Development Department
300 Richards Blvd.
Sacramento, CA 95811

**RE: Ice Blocks (P14-062)**

Dear Ms. Haenggi:

WALKSacramento has reviewed the routing for the Ice Blocks project. Our comments refer to drawings dated 11-05-2014.

The Ice Blocks project proposes a mix of residential and commercial uses in seven buildings on three block faces of R Street between 16th Street and 18th Street. Block 1 includes four buildings with adjoining walls and connecting common-area hallways with office space on two levels comprising a single structure. Block 2 includes a single-story restaurant, one 4-story residential building and one 6-story residential building. Block 3 includes one 2-story mixed-use building and two single-story retail buildings with mezzanines. All seven buildings provide good access from the street and it appears there will be sufficient "eyes on the street" provided by windows in existing and new window wells.

Development projects that lead to more walking and active travel are critical to our community's future. Human beings need moderate exercise, such as walking, for about 30 minutes a day in order to prevent the development of chronic disease and overweight. About a third of the population in the Sacramento region is active at this minimal level, often due to limitations placed by a built environment not suited to walking and other types of physically active travel.

The Ice Blocks project, which includes a mix of uses that are close to services, retail and office, is less than three blocks from a light rail station and on a bus stop, can be expected to have tenants and residents that walk more than average on a daily basis. More trips by walking can reduce driving and decrease vehicle emissions and the prevalence of asthma, cardiovascular disease, and other air pollution-related conditions.

All multi-level buildings in the Ice Blocks project have either interior or exterior stairwells. The 4-story and the 6-story buildings each have an elevator in addition to stairwells. Stair use, as opposed to elevator use, can help building occupants meet their daily physical activity needs. To maximize use, the stairwells should be at convenient locations and they should be useable for both ingress and egress.

The drawings do not specify whether certain of the stairwells provide ingress in addition to egress. Specifically, the Block 1 building has one stairwell with doors onto the R Street dock and one stairwell with doors onto the alley dock patio, and the 4-story and 6-story Block 2 buildings have external stairs at each end of the buildings and it's unclear whether ingress to any or all of the stairs in the Block 1 and Block 2 buildings is provided. **To encourage and facilitate daily stair use by building occupants, WALKSacramento recommends that all stairs in all buildings provide the opportunity to enter at ground level and access all levels of the buildings.**

None of the site plans for the project indicate the presence of a crosswalk between the northeast corner of Block 2 and the southeast corner of Block 3. As more pedestrians use R Street and as the dilapidated properties between 17th Street and 18th Street are developed, the need for a marked crosswalk and curb ramps will increase immensely. Although the crosswalk and two curb ramps were omitted in the design of the R Street Market Plaza streetscape currently under construction, we believe they should be added prior to occupancy of the Ice Blocks project. **WALKSacramento recommends the design of the Ice Blocks project not preclude or interfere with future construction of curb ramps and a crosswalk at the east end of Blocks 2 and 3.**

WALKSacramento is working to support increased physical activity such as walking and bicycling in local neighborhoods as well as helping to create community environments that support walking and bicycling. The benefits include improved physical fitness, less motor vehicle traffic congestion, better air quality, and a stronger sense of cohesion and safety in local neighborhoods.

Thank you for your consideration of these comments and recommendations. If you have questions or need additional information, please contact me at (916) 446-9255 or cholm@walksacramento.org.

Sincerely,

Chris Holm
Project Coordinator

Attachment: Development Checklist for Biking and Walking

# *DEVELOPMENT CHECKLIST for BIKING and WALKING*

*Prepared by WALKSacramento and SABA (Sacramento Area Bicycle Advocates)*
*September 2012*

This checklist is provided to give an indication of design, engineering, and policy elements that we consider when reviewing development projects.

**POLICIES**

- ❑ Walking and biking is a priority
- ❑ Adopted a policy to develop a full multi-modal and ADA accessible transportation system

## *Project Review and Comment*

**POLICY CONSIDERATIONS**

- ❑ Pedestrian Master Plan
- ❑ Bicycle Master Plan
- ❑ Regional Blueprint
- ❑ Regional Blueprint Consistent General Plans
- ❑ Adopted Climate Action Plans
- ❑ Subdivision ordinances to support pedestrian and bicycle access and safety
- ❑ Zoning ordinance to support pedestrian and bicycle access and safety

**ENGINEERING**

- ❑ SIDEWALKS & BIKELANES ON BOTH SIDES OF MAJOR ROADWAYS
  - o Pedestrian Level of Service "C" or better on arterials
  - o Bicycle Level of Service "C" or better on arterials
- ❑ SAFE CROSSINGS FOR PEDESTRIANS
  - o every 300-600 feet on major arterials
  - o well lit, marked crosswalks
  - o audible signals & count-down signals
  - o median refuge islands
- ❑ SPEED MANAGEMENT
  - o Speed limits based on safety of pedestrians and bicyclists
  - o Implement "road diets" where there is excess lane capacity
- ❑ STREET DESIGN STANDARDS
  - o Maximize pedestrian and bicyclist safety
  - o Sidewalks buffered by trees and landscaping on major arterials
  - o Vertical curbs
  - o 5' minimum sidewalk widths, 8' in front of schools
  - o 6' minimum bike lanes on busy streets

- INTERSECTIONS
  - Median refuge islands for pedestrians
  - Signal timing to enable safe passage
  - Signal detection for bicyclists
  - Crossings on all 4 legs of intersections

- ELIMINATE BARRIERS
  - Freeway, railroad, river and creek crossings
  - Obstructions in sidewalks and bike lanes

**NEW DEVELOPMENT – REQUIRE**

- Walking & bicycling circulation plans for all new development
- Direct and convenient connections to activity centers, including schools, stores, parks, transit
- Mixed uses and other transit supporting uses within ¼ mile of light rail stations or bus stops with frequent service
- Minimum width streets
- Maximum block length of 400'
- 4-lane maximum for arterials; Recommend 2 lanes wherever possible

**NEW DEVELOPMENT – DISCOURAGE**

- Cul-de-sacs (unless it includes bike/ped connections)
- Gated and/or walled communities
- Meandering sidewalks
- Inappropriate uses near transit (gas stations, drive-thru restaurants, mini storage and other auto dependent uses)

**BUILDINGS – REQUIRE**

- Direct access for pedestrians from the street
- Attractive and convenient stairways
- Bicycle parking – long & short term
- Shower & clothing lockers

**OLDER NEIGHBORHOODS**

- Improve street crossings
- Reduce speeds
- Provide new connections
- Create short cuts for walkers and bicyclists by purchase of properties or other means
- Provide sidewalks on both sides of major streets

# *Policy Review and Comment*

**ENFORCEMENT & MAINTENANCE**

- Enforce speed limits
- Enforce crosswalk rules – conduct crosswalk sting operations
- Enforce restrictions against parking on sidewalks
- Enforce bicycle rules including riding with traffic, lights at night, stopping at red lights
- Implement CVC 267 setting speed limits based on pedestrian and bicyclist safety
- Sweep streets and fix hazards
- Repair and replace broken sidewalks

**EDUCATION**

- Train staff on pedestrian and bicycle facility design.
- Train development community about pedestrian and bicycle planning and safety issues
- Bicycle skills training

**FUNDING**

- Include pedestrian and bicycle facilities in capital improvement programs
- Include pedestrian and bicycle facilities as a part of roadway widening and improvement projects
- Support Measure A pedestrian and bicycle facility allocation
- Set priorities based on safety and latent demand
- SACOG Community Design grants & Bike/Ped grants
- California Bicycle transportation Account
- Safe Routes to School

*www.walksacramento.org*
Teri Duarte, Executive Director
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*www.sacbike.org*

Sacramento Area Bicycle Advocates
909 12th Street, Suite 116
Sacramento, CA 95814
(916) 444-6600

# RESOLUTION NO.

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING CURTIS PARK VILLAGE FUEL CENTER (P14-036) (APN: 013-0010-037, 038)**

**BACKGROUND**

**A.** On June 11, 2015 the City Planning and Design Commission conducted a public hearing on and approved the Curtis Park Village Fuel Center Project.

**B.** On June 19, 2015, the Decision of the City Planning and Design commission was appealed by a third party.

**C.** On September 10, 2015 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.812.030(B), and received and considered evidence concerning the Curtis Park Village Fuel Center Project.

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

Section 1. Based on the verbal and documentary evidence received at the hearing on the Curtis Park Village Fuel Center Project, the City Council denies the appeal and approves the project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the Project entitlements based on the following findings of fact:

**A. & B Environmental Determination**: The **CEQA Addendum to a previously certified EIR** and the **Mitigation Monitoring Plan** for the Project have been adopted by Resolution No. _____.

**C**. The **Conditional Use Permit** to establish a 16 pump gas station on 0.46 acres in the Shopping Center (SC-PUD) Zone in the Curtis Park Village Planned Unit Development based on the following findings of fact.

1. The proposed use and its operating characteristics are consistent with the General Plan, in that with the original adoption of the Curtis Park Village, the City Council found the Shopping Center (SC) Zone and the Curtis Park Village PUD to be consistent with the General Plan and its Traditional Center designation. Approval of the requested CUP will not preclude the ability to provide neighborhood serving

commercial uses across the balance of the 11.8 acres Southern Commercial Area. Additionally, staff finds that the proposed project is consistent with General Plan policy to provide a compatible and complimentary mix of uses and does not conflict with the General Plan policy discouraging low-intensity and auto-oriented uses around transit stations.

2. The proposed use and its operating characteristics are consistent with the applicable standards, requirements, and regulations of the zoning district in which it is located, and of all other provisions of the code, in that the proposed use is allowed in the Shopping Center Zone subject to the approval of a conditional use permit. The proposed gas station is consistent with the Curtis Park Village PUD Guidelines and Schematic Plan with respect to land use, site layout, and building design.

3. The proposed use is situated on a parcel that is physically suitable in terms of location, size, topography, and access, and that is adequately served by public services and utilities as the proposed gas station can be established on the site without deviating from the Planning and Development Code or the PUD Guidelines. Public services and utilities will be available to development on the site.

4. The proposed use and its operating characteristics are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance, in that:

    a. The estimated cancer risk would be within an acceptable range and would be below the California Environmental Quality Act (CEQA) thresholds of significance;

    b. The total peak hour and daily traffic volumes would be lower than those utilized for traffic analysis in the original Curtis Park Village (EIR) and all vehicle queuing will occur on-site;

    c. The hours of operation of the facility will be restricted to the hours between 6:00am and 10:00pm;

    d. Lighting is required to be designed so as not to produce hazardous and annoying glare to motorists, adjacent properties, or the general public; and

    e. No illuminated signage will be allowed to face residential properties and any illuminated signage will be dimmed or shut off at close of business.

**C.** The **Site Plan and Design Review** for a new gas station is approved based on the following findings of fact:

1. The design, layout, and physical characteristics of the proposed gas station are consistent with the General Plan and the Curtis Park Village Planned Unit Development.
2. The design, layout, and physical characteristics of the gas station are consistent with the Curtis Park Village PUD Guidelines and with all applicable development standards.
3. All streets and other public access ways and facilities, parking facilities, and utility infrastructure are adequate to serve the proposed gas station and comply with all applicable design guidelines and development standards.
4. The design, layout, and physical characteristics of the proposed gas station are visually and functionally compatible with the surrounding neighborhood.
5. The design, layout, and physical characteristics of the proposed gas station ensure energy consumption is minimized as it allows individuals to reduce vehicle trips by providing a range of commercial services and retail uses in one commercial center.
6. The design, layout, and physical characteristics of the proposed gas station are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance in that the proposed gas station:
   a. Is consistent with the Curtis Park Village Schematic Plan and PUD Guidelines;
   b. Is designed and will be operated so as to not cause vehicle queuing to affect any City streets or sidewalks;
   c. Is finished with materials compatible with adjacent uses and the surrounding neighborhood;
   d. Will provide lighting designed so as not to produce hazardous and annoying glare to motorists, adjacent properties, or the general public;
   e. Will not provide illuminated signage facing residential properties and any illuminated signage will be dimmed or shut off at close of business; and
   f. Landscaping will be provided around the gas station to diminish the effect of vehicle headlights on adjacent properties.

**<u>Conditions of Approval</u>**

**C.** The **Conditional Use Permit** to establish a 16 pump gas station on 0.46 acres in the Shopping Center (SC-PUD) Zone in the Curtis Park Village Planned Unit Development is approved subject to the following conditions:

<u>Planning</u>

C1. The developer shall obtain all necessary building permits prior to construction.

C2. Development of the project site shall be in compliance with the attached site plan and elevation exhibits.

C3. Hours of operation shall be limited to the hours between 6:00 am and 10:00 pm.

C4. Any modification to the project shall be subject to review and approval by Planning Staff prior to the issuance of building permits. Any significant modification to the project may require subsequent entitlements.

C5. The developer shall comply with all applicable requirements included in the Curtis Park Village Mitigation Monitoring Plan (P04-109).

C6. The proposal is required to meet the Sacramento City Code regulations regarding bicycle parking (Section 17.608.030). Bicycle parking shall be located in a secure area located in close proximity to doors and/or windows.

C7. Trash receptacles shall be placed at the kiosk entry and at the fuel islands for use by customers.

C8. Final landscaping plans are subject to review by Planning Staff prior to the issuance of Building Permits. Low height landscaping, including shrubs, shall be maintained at a height of three feet to provide screening for vehicle headlights. Lower tree canopies should be above six feet to increase natural surveillance. Tree canopies should not interfere with or block overhead lighting.

C9. No mechanical auto repair or auto body repair shall take place on the premises.

C10. All signage for the site including, but not limited to, monument signs, entry signs, business identification and address signs, trash enclosure signs, and directional signage shall be subject to the issuance of sign permits. All signage shall comply with the Curtis Park Village PUD Guidelines.

C11. The gas station shall be developed and operated as a Safeway gas station. Modifications to this condition shall be subject to modification by the Planning and Design Commission

<u>Public Works</u>

C12. Construct standard public improvements as noted in these conditions pursuant to Title 18 of the City Code. Improvements shall be designed to City Standards and assured as set forth in Section 18.04.130 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This shall include the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk

adjacent to the subject property (Crocker Drive) per City standards to the satisfaction of the Department of Public Works.

C13. All new and existing driveways shall be designed and constructed to City Standards to the satisfaction of the Department of Public Works.

C14. Reciprocal access easements are required for shared use of the driveways w/ the adjacent parcels, if not already in place.

C15. The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards.

C16. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Department of Public Works.

C17. The applicant shall provide a signage and markings package (signs, pavement striping, legends and arrows) for on-site circulation and fueling lane queuing to the satisfaction of the Department of Public Works.

C18. The applicant shall be responsible to monitor the daily operations of the fueling facilities so that traffic does not queue back to either Crocker Drive or to the signalized shared access easement. In the case there is vehicular queuing onto any City streets or the operations of the shared access easement as a result of on-site circulation associated with the project site, subject to a request of the City Traffic Engineer, the applicant shall be responsible to incorporate and implement additional measures to improve on-site circulation as to not back up onto City streets and the access easement to the satisfaction of the Department of Public Works (refer to the traffic study recommendations dated April 10th, 2015).

C19. Fuel deliveries to the proposed fuel center shall occur outside of the weekday peak hours (7-9 am and 4-6 pm) or the mid-day weekend peak hours (11 am – 2 pm).

C20. The applicant shall have an attendant on-site during the fueling facility operational hours to direct on-site traffic circulation, assist customers, and place on-site directional cones/ lane dividers and other related traffic control measures, etc.

<u>Police</u>

C21. Exterior lighting shall be white light (e.g. metal halide, LED, fluorescent, or

induction) using cut off or full cut off fixtures to limit glare and light trespass (proposed ENTRANCE fixture does not meet these requirements). Exterior lighting shall be maintained and operational and shall meet IESNA standards.

C22. Proposed wall sconce fixtures or other full cut off fixtures shall be used to illuminate the East, South, and West sides of the kiosk.

**Landscaping:**

C23. Canopies should not interfere with or block lighting. This creates shadows and areas of concealment.

C24. The landscaping plan shall allow for proper illumination and visibility regarding lighting and surveillance cameras through the maturity of trees and shrubs.

**Mechanical Security:**

C25. Business shall be equipped with a monitored burglary alarm system with private security response.

C26. UL listed central station silent robbery alarm system shall be employed at the point of sale and near the safe(s). Cellular back-up is recommended.

C27. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry, and shall remain locked at all times except for emergencies and deliveries.

C28. Height markers are required on the interior doorway.

**Security Cameras**

C29. Recorded Video Assessment and Surveillance System (VASS) shall be employed.

C30. Cameras and VASS storage shall be digital high definition or better.

C31. VASS storage shall be kept off-site or in a secured area accessible only to management.

C32. VASS shall support standard MPEG formats.

C33. VASS shall be capable of storing no less than 30 days' worth of activity.

C34. Manager with access to VASS storage shall be able to respond within 30 minutes during business hours.

C35. Manager shall have the ability to transfer recorded data to another medium (e.g. DVD, thumb drive, etc.).

C36. VASS shall provide comprehensive coverage of:

- all points of sale
- fuel pumping and payment areas
- safe
- work room
- North and West doors
- alcohol placement areas
- areas not clearly visible from public streets
- coverage of all four (4) exterior sides of the property
- adjacent public rights of way
- at least one camera shall be positioned to get a front face shot (e.g. height strip camera)

C37. Cameras shall be equipped with low light capability, auto iris and auto focus.

**Additional Conditions:**

C38. Trash receptacles shall be of a design to prevent unauthorized removal of articles from the trash bin.

C39. Windows shall remain uncluttered to allow for natural surveillance.

C40. The name of the store shall be printed on any receipts.

C41. No public pay phones/telephones shall be allowed on the premises.

C42. No coin operated games or video machines shall be allowed on the premises.

C43. The applicant shall post the property No Trespassing and No Loitering. The applicant shall designate a properly permitted and approved private patrol company as agent for trespass.

C44. The applicant is responsible for reasonably controlling the conduct of persons on the site and shall immediately disperse loiterers.

C45. All dumpsters shall be kept locked.

C46. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the applicant shall be removed or painted over within 72 hours of being applied.

C47. The applicant shall be responsible for the daily removal of all litter from the site and adjacent rights of way.

**During Construction**

C48. The applicant shall enclose the entire perimeter of the project with a chain link fence with necessary construction gates to be locked after normal construction hours.

C49. The location shall be monitored by security after normal construction hours during all phases of construction.

C50. Adequate security lighting shall be provided to illuminate vulnerable equipment and materials. Lighting shall be white light with full cut off fixtures.

**Advisory Notes**

1. City of Sacramento permits must be obtained for private patrol and alarm and camera systems.

**D.** The **Site Plan and Design Review** for a new gas station is approved subject to the following conditions:

Planning

D1. Development of the project site shall be in compliance with the attached site plan and elevation exhibits.

D2. Any modification to the project shall be subject to review and approval by Planning Staff prior to the issuance of building permits. Any significant modification to the project may require subsequent entitlements.

D3. Stone veneer at building and canopy base shall be replaced with brick or suitable alternative material subject to approval by Design Review Staff.

D4. A minimum 5' sidewalk shall be provided for access to the fuel kiosk from Crocker Road.

D5. Decorative tubular steel fencing shall be provided between the fuel kiosk and the adjacent building.

D6. Signage shall be subject to review and approval through separate sign permit application. Signs submitted for sign permit review shall ensure that east facing signage shall not be lit and that any lit signage shall be dimmed/and or shut off at close of business.

D7. Lighting

a. Lighting shall be designed so as not to produce hazardous and annoying glare to motorists, adjacent properties, or the general public. All fixtures should be placed in a manner that avoids glare when observed from the

street or other public areas.

b. All overhead lighting shall be shielded such that lighting is reflected away from residential areas and public streets.

c. Parking lot lighting shall be equipped with vandal-proof covers.

D8. All on-site crosswalks shall be striped, painted, or constructed with enhanced materials to emphasize areas shared by vehicles, pedestrians, and bicyclists.

D9. All mechanical equipment, including air and water dispensers, shall be screened from view from public streets with decorative materials and/or landscaping. All rooftop mechanical and communications equipment shall be completely screened from view from public streets at grade level by the building parapet, screen wall, and architectural projections which are integral to the building design.

Utilities

D10. Prior to submittal of improvement plans, prepare a project specific drainage study for review and approval by the DOU. The drainage study shall be developed using the Master Drainage Study for the project area. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map for the proposed project.

D11. Per City Code, the Subdivider may not develop the project in any way that obstructs, impedes, or interferes with the natural flow of existing off-site drainage that crosses the property. Furthermore, all lots shall be graded so that drainage does not cross lot or property lines. The project shall construct the required public and/or private infrastructure to handle runoff to the satisfaction of the DOU. If private infrastructure is constructed to handle runoff, the applicant shall dedicate the required private easements and/or, at the discretion of the DOU, the applicant shall enter into and record an Agreement for Maintenance of Drainage with the City, in a form acceptable to the City Attorney.

D12. An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. The storm drain service taps shall drain on-site shed areas which are in general conformance with the master drainage study and shed map for the area or (development). All on-site systems shall be designed to the standard for private storm drainage systems (per the latest edition of: Frontage and On-Site Improvement Procedures Manual, which may be obtained from the City's Community Development Department at 300 Richards Blvd., 3rd floor).

D13. All water connections shall comply with the City of Sacramento's Cross Connection

Control Policy.

D14. Per City Code 13.04.070, except for separate irrigation service connections and fire service connections, each lot or parcel shall only have one (1) metered domestic water service. Requests for multiple domestic water service connections to a single commercial lot or parcel, consistent with the DOU "Commercial Tap Policy", may be approved on a case-by-case basis by the DOU. Contact the DOU at (916) 808-1400 for a copy of the tap policy. Excess services shall be abandoned to the satisfaction of the DOU.

D15. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of building permit. The Combined Sewer System fee at time of building permit is estimated to be $3,161.79 plus any increases to the fee due to inflation. The fee will be used for improvements to the CSS.

D16. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the DOU.

D17. This project will disturb more than one acre of land or is part of large common development; therefore, the project is required to comply with the State's "Construction General Permit" (Order 2009- 0009 DWQ or most current). To comply with the State Permit, the applicant must file a Notice of Intent (NOI) through the State's Storm Water Multiple Application and Report Tracking System (SMARTS), located online at http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp A valid WDID number must be obtained and provided to the DOU prior to the issuance of any grading permits.

D18. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

Fire

D19. Provide the required fire hydrants in accordance with CFC 507 and Appendix C, Section C105.

D20. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of

construction. CFC 501.4

D21. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd,

SMUD

D22. Dedicate a 12.5-foot public utility easement for overhead/underground facilities and appurtenances adjacent to all streets except those areas adjacent to commercial development and multi-family development areas.

D23. Maintain existing overhead 21kV route.

D24. Setbacks of less than 14-feet may create clearance issues and should require the developer to meet with all utilities prior to acceptance of the tentative map. At a minimum the setback info should be placed on the tentative map for review.

D25. Building foundations must have a minimum clearance of 5-feet to a SMUD trench. Developer to verify with other utilities (gas, telephone, etc.) for their specific clearance requirements.

D26. Future SMUD facilities located on the customer's property may require a dedicated SMUD easement. This will be determined prior to SMUD performing work on the customer's property.

D27. SMUD equipment shall be accessible to a 26,000-pound SMUD service vehicle in all weather conditions. SMUD equipment shall be no further than 15-feet from a drivable surface. The drivable surface shall have a minimum width of 20-feet.

D28. If proper clearances from the building cannot be maintained, the developer will need to work with SMUD to relocate or underground the facilities. This work would be billable to the customer.

Public Works

D29. Construct standard public improvements as noted in these conditions pursuant to Title 18 of the City Code. Improvements shall be designed to City Standards and assured as set forth in Section 18.04.130 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This shall include the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk adjacent to the subject property (Crocker Drive) per City standards to the satisfaction of the Department of Public Works.

D30. All new and existing driveways shall be designed and constructed to City Standards to the satisfaction of the Department of Public Works.

D31. Reciprocal access easements are required for shared use of the driveways w/ the adjacent parcels, if not already in place.

D32. The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards.

D33. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Department of Public Works.

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D36. Fuel deliveries to the proposed fuel center shall occur outside of the weekday peak hours (7-9 am and 4-6 pm) or the mid-day weekend peak hours (11 am – 2 pm).

D37. The applicant shall have an attendant on-site during the fueling facility operational hours to direct on-site traffic circulation, assist customers, and place on-site directional cones/ lane dividers and other related traffic control measures, etc.

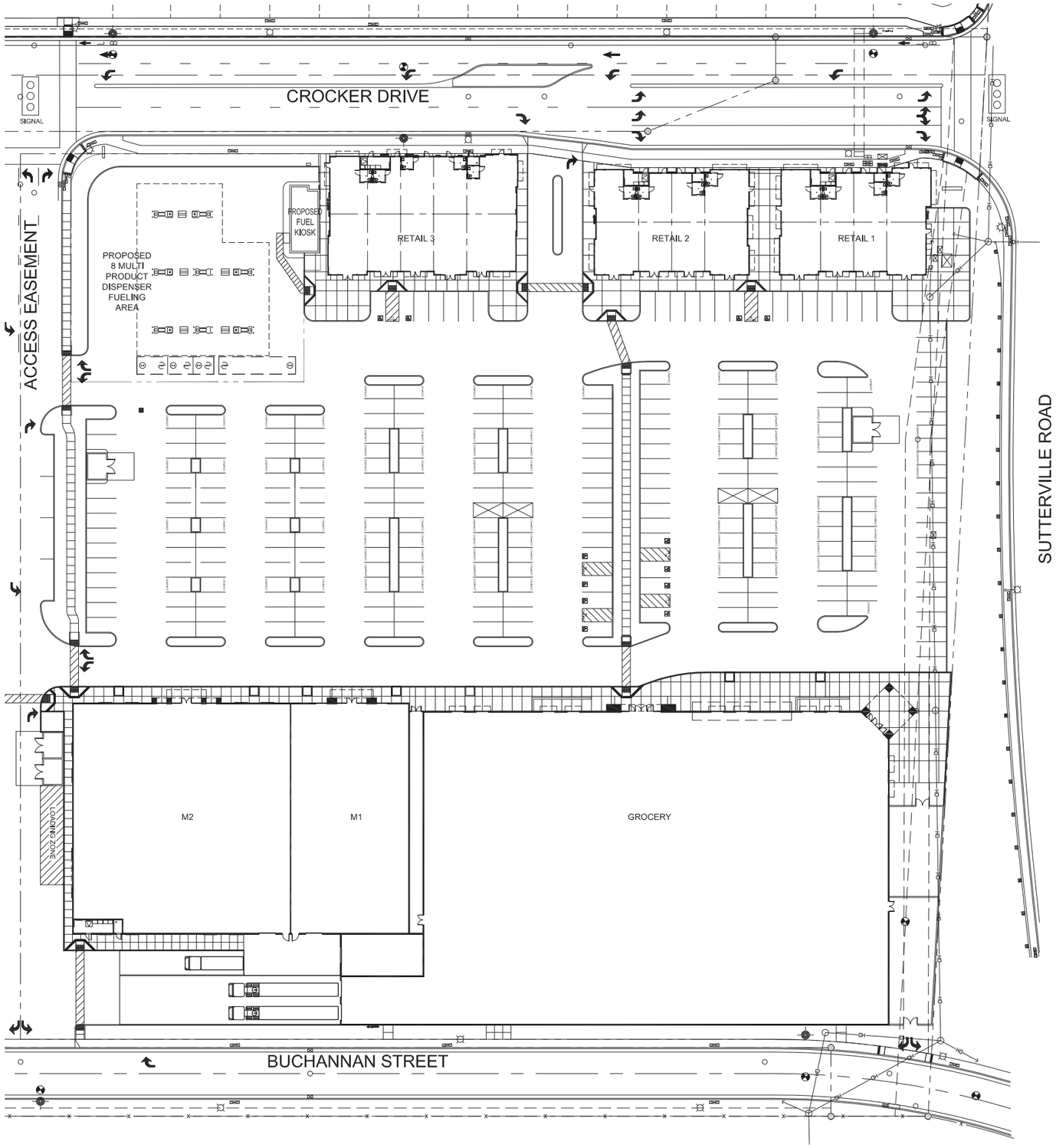
**Advisory Notes**

1. The on-site storm water treatment control measures required may affect site design and site configuration and should be considered during early planning stages.

2. The proposed project is located in the Flood zone designated as an X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) dated August 16th, 2012. Within the X zone, there are no requirements to elevate or flood proof.

Table of Contents:

Exhibit A – Overall Site Plan
Exhibit B – Site Plan Detail
Exhibit C – Kiosk Plan
Exhibit D – Kiosk Elevations
Exhibit E – Canopy Elevations
Exhibit F – Site Elevations
Exhibit G – Landscape Plan




1 SITE PLAN
1" = 30'-0"
REF

( GRAPHIC SCALE )
30 0 15 30 60
( IN FEET )

STAMP

REVISIONS

SUBMITAL DATES

OWNER: -

BUILDING DEPT: -

O.T.B.: 6 JUNE 2014

architecture engineering
LHB & Associates, Ltd.
867 Pacific Street, Suite 120
San Luis Obispo, CA 93401
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fax 805.540.5241
www.LHBassoc.com

PROJECT NO. 11-10-3013

DRAWN BY: JRB

CHECKED BY: JRB

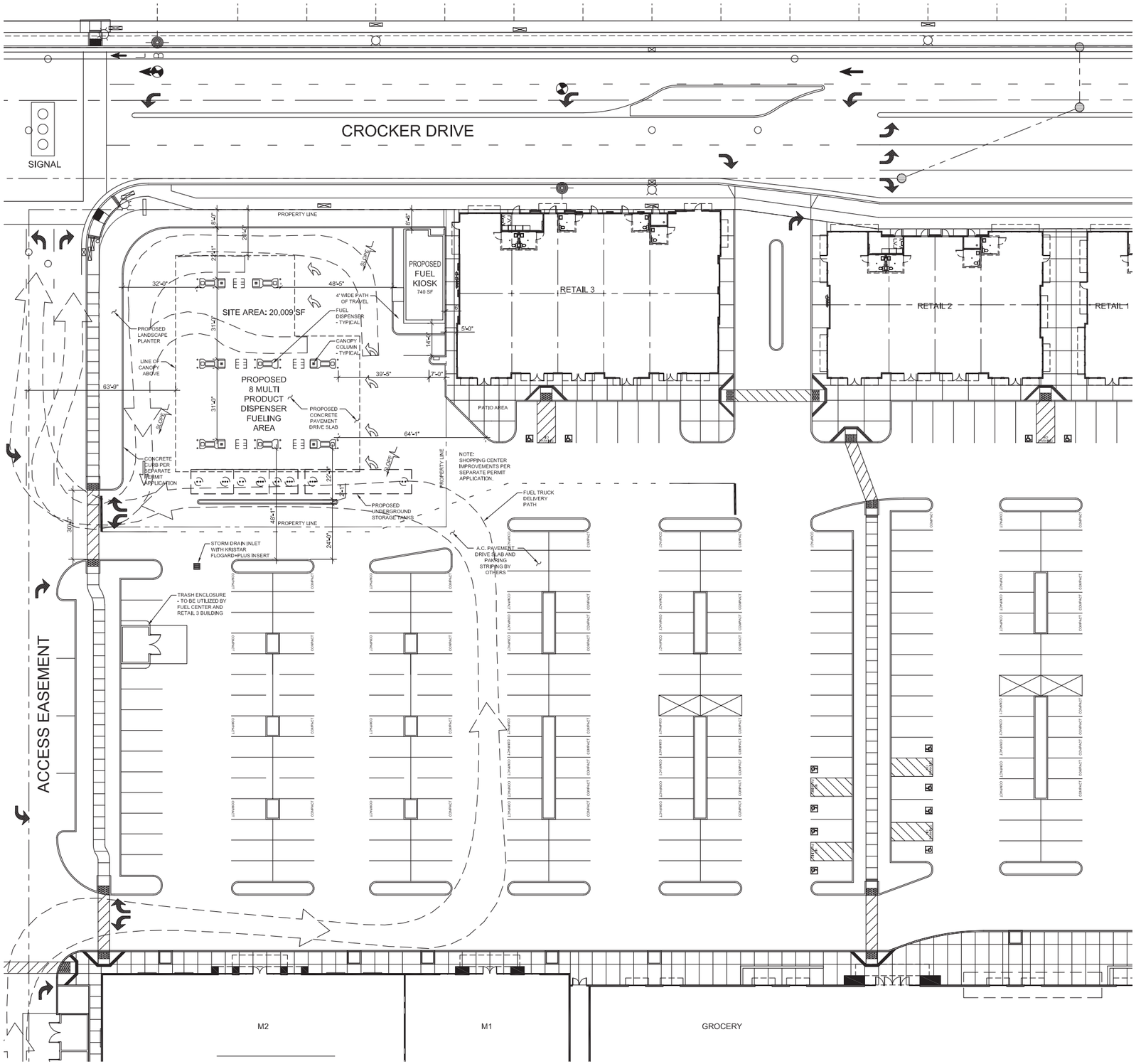
CURTIS PARK VILLAGE FUEL CENTER

CURTIS PARK VILLAGE DRIVE SACRAMENTO, CA

SHEET TITLE
OVERALL SITE PLAN

SHEET NO.
A1.2

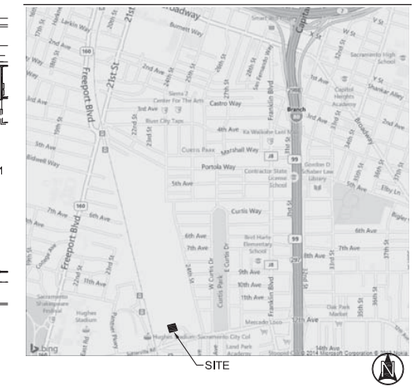
7/09/14 09:53 AM




## INDEX OF DRAWINGS


| SHT. | CONTENT |
|---|---|
| A1.1 | SITE PLAN |
| A1.2 | OVERALL SITE PLAN |
| A2.1 | KIOSK FLOOR AND ROOF PLANS |
| A2.2 | KIOSK ELEVATIONS |
| A2.3 | CANOPY ELEVATIONS |
| A3.1 | STREET ELEVATIONS, TRASH ENCLOSURE, AND LIGHT FIXTURES |
| L1.1 | LANDSCAPE PLAN |
| R1 | RENDERING - KIOSK ELEVATIONS |
| R2 | RENDERING - CANOPY ELEVATIONS |


## VICINITY MAP




## PROJECT DIRECTORY


**OWNER:**

PDC CONSTRUCTION COMPANY INC.
825 K STREET, SUITE 300
SACRAMENTO, CA 95814
TEL: (916) 442-4600
FAX: (916) 442-6313
DIRECT: (916) 417-9636
CONTACT: PHIL HARVEY OR CHRIS PONCIN
E-MAIL: PHIL@PETROVICHDEVELOPMENT.COM
CHRIS@PETROVICHDEVELOPMENT.COM

**PLANS PREPARED BY:**

LHB & ASSOCIATES, LTD.
867 PACIFIC STREET, SUITE 120
SAN LUIS OBISPO, CALIFORNIA 93401
TEL: (805) 540-5240
FAX: (805) 540-6241
CONTACT: JR BEARD, RCE 78,916
E-MAIL: JRB@LHBASSOC.COM


## PROJECT SUMMARY

| | |
|---|---|
| DESCRIPTION | |
| ADDRESS | SUTTERVILLE ROAD AND CROCKER ROAD<br>SACRAMENTO, CA 95818 |
| COMMUNITY | CITY OF SACRAMENTO |
| COUNTY | SACRAMENTO |
| JURISDICTION | CITY OF SACRAMENTO |
| ASSESSORS PARCEL NUMBER | 013-0010-035 |
| GROSS LOT SIZE | 7.80 ACRES |
| NET LOT SIZE | 6.92 ACRES |
| FUEL CENTER LOT SIZE | 20,009 SQUARE FEET; 0.46 ACRES |
| LOT COVERAGE | 34.7% |
| PARKING | |
| REQUIRED | 1 |
| PROVIDED | 1 |
| CRITERIA | |
| BUILDING CODES | 2013 CALIFORNIA BUILDING CODE (CBC)<br>2013 CALIFORNIA GREEN BUILDING STANDARDS (CALGREEN) MANDATORY LEVEL<br>2013 CALIFORNIA MECHANICAL CODE (CMC)<br>2013 CALIFORNIA PLUMBING CODE (CPC)<br>2013 CALIFORNIA ELECTRIC CODE (CEC)<br>2013 CALIFORNIAFIRE CODE (CFC)<br>2013 CALIFORNIA ENERGY CODE<br>CALIFORNIA STATE FIRE MARSHAL REQUIREMENTS (SFM)<br>CITY OF SACRAMENTO FIRE DEPARTMENT REQUIREMENTS |
| DISABLED ACCESSIBILITY | FEDERAL FAIR HOUSING AMENDMENTS ACT OF 1988 (FHA)<br>CALIFORNIA DISABLED ACCESS REGULATIONS (1997)<br>AMERICANS WITH DISABILITIES ACT, TITLE III (ADA)<br>AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)<br>SECTION 504 OF THE REHABILITATION ACT OF 1973<br>UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS) |

1 SITE PLAN
1" = 20'-0"
RE:

( GRAPHIC SCALE )
20 0 10 20 40
( IN FEET )

STAMP

REVISIONS

SUBMITAL DATES

| | |
|---|---|
| OWNER: | -- |
| BUILDING DEPT: | -- |
| O.T.B.: | 6 JUNE 2014 |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PROJECT NO. 11-10-3013
DRAWN BY: JRB
CHECKED BY: JRB

# CURTIS PARK VILLAGE FUEL CENTER

CURTIS PARK VILLAGE DRIVE
SACRAMENTO, CA

SHEET TITLE
SITE PLAN

SHEET NO.
A1.1

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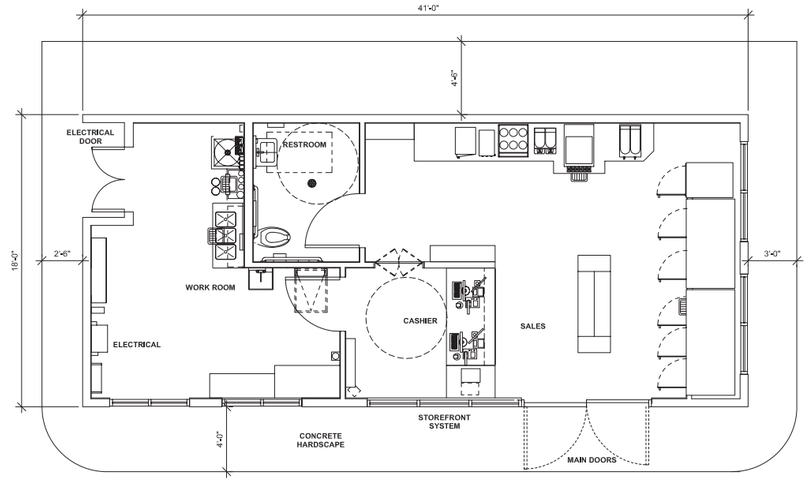


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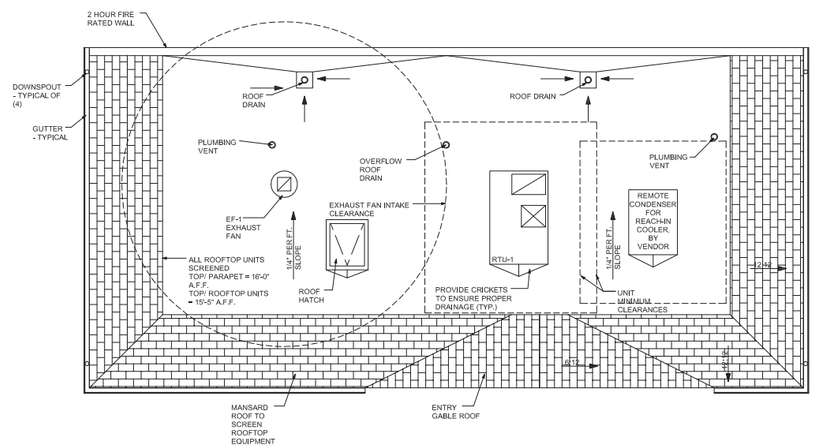


2 ROOF PLAN
1/4" = 1'-0"
RE:

( GRAPHIC SCALE )
4 0 2 4 8
( IN FEET )

STAMP

REVISIONS

SUBMITAL DATES

OWNER: -

BUILDING DEPT: -

O.T.B.: 6 JUNE 2014


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PROJECT NO. 11-10-3013

DRAWN BY: JRB

CHECKED BY: JRB

CURTIS PARK VILLAGE FUEL CENTER

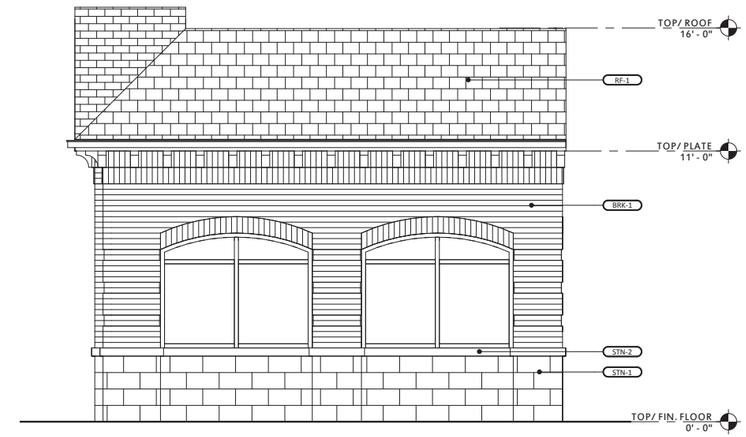
CURTIS PARK VILLAGE DRIVE SACRAMENTO, CA

SHEET TITLE
KIOSK FLOOR AND ROOF PLANS

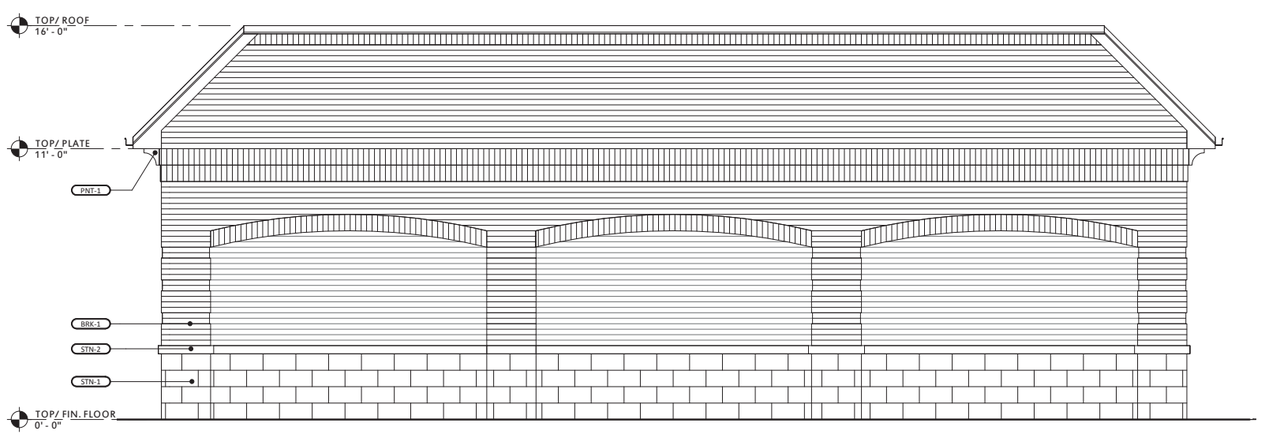
SHEET NO.
A2.1

7/08/14 10:21 PM

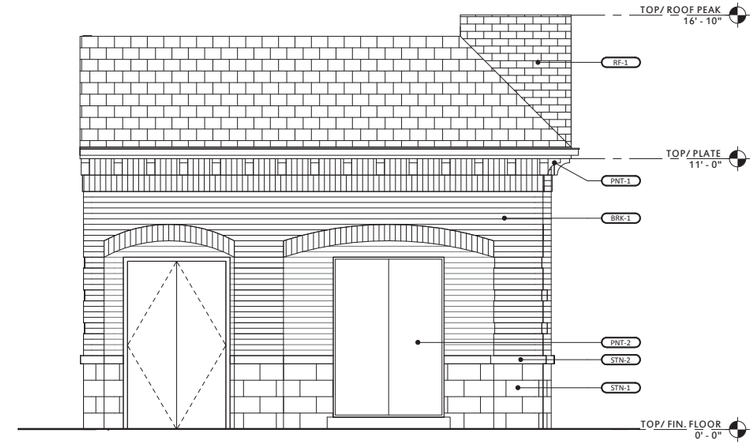
**1** KIOSK - NORTH ELEVATION
3/8" = 1'-0"




**2** KIOSK - WEST ELEVATION
3/8" = 1'-0"




**3** KIOSK - SOUTH ELEVATION
3/8" = 1'-0"




**4** KIOSK - EAST ELEVATION
3/8" = 1'-0"

## MATERIAL KEYNOTES

| | |
|---|---|
| BRK-1 | MODULAR FACE BRICK IN RUNNING BOND. COLOR: RED, TBD |
| MTL-2 | ALUMINUM WINDOW FRAMES. COLOR: DARK BRONZE ANODIZED |
| PNT-1 | ROOF TRIM & DENTILS TO BE PAINTED. COLOR: WHITE RUSSIAN |
| PNT-2 | DOORS AND FRAMES TO BE PAINTED. COLOR TO MATCH ADJACENT BRICK. |
| RF-1 | FAUX-SLATE ASPHALT SHINGLES OVER ROOF STRUCTURE. COLOR: SLATE |
| STN-1 | ASHLAR LIMESTONE BASE. MANUF: ELDORADO STONE. COLOR: YORK BLEND |
| STN-2 | CHISELED LIMESTONE SILL. MANUF: ELDORADO STONE. COLOR: BUCKSKIN |

DG PArchitecture LLC
1205 West Lill Ave, #3
Chicago, IL 60614
Phone: (773)904-8801

| NO. | DATE | BY | DESCRIPTION |
|---|---|---|---|

REVISIONS

KIOSK ELEVATIONS

DRAWN BY: SD
REVIEWED: Checker
DATE: 6/27/14

**FUEL CENTER**
STORE NO.:####
Curtis Park Village Dr.,
Sacramento, CA

**A2.2**

1 KIOSK - NORTH ELEVATION
3/8" = 1'-0"

2 KIOSK - WEST ELEVATION
3/8" = 1'-0"

3 KIOSK - SOUTH ELEVATION
3/8" = 1'-0"

4 KIOSK - EAST ELEVATION
3/8" = 1'-0"

BRICK-1
COLOR: TBD

STONE-1
COLOR: YORK BLEND

STONE-2
COLOR: BUCKSKIN

ROOF-1
COLOR: FAUX SLATE

METAL-1
COLOR: DARK BRONZE

PAINT-1
COLOR: WHITE RUSSIAN

PAINT-2
COLOR: TO MATCH BRICK

CONCRETE

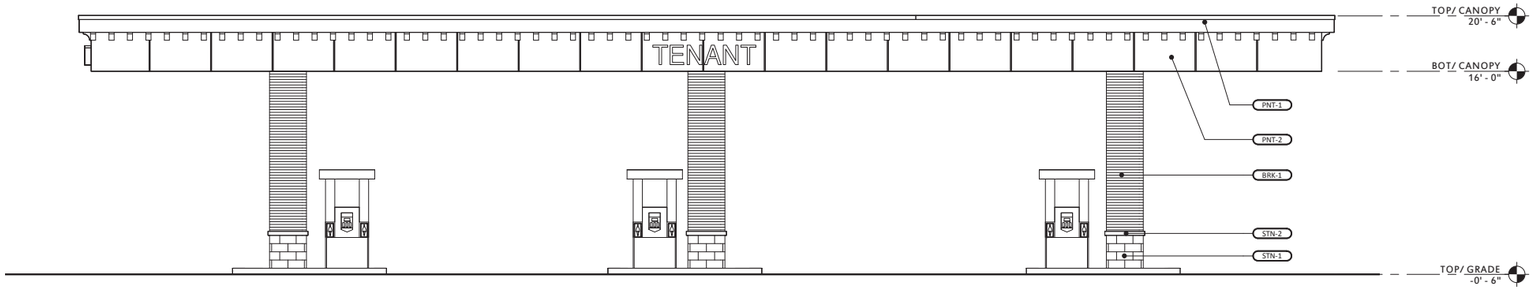
LEGEND

R1

# PROPOSED GAS STATION KIOSK

**CURTIS PARK VILLAGE**
**SACRAMENTO, CA**

DG PArchitecture




1 **CANOPY - WEST ELEVATION**
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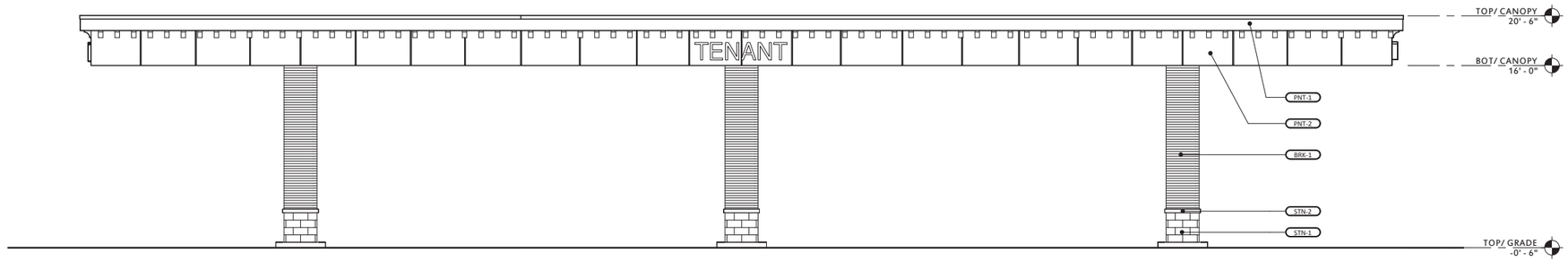
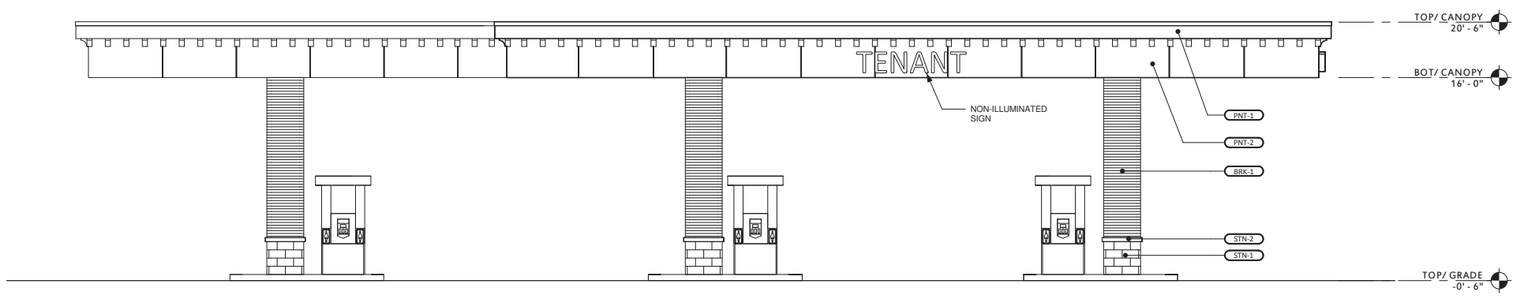
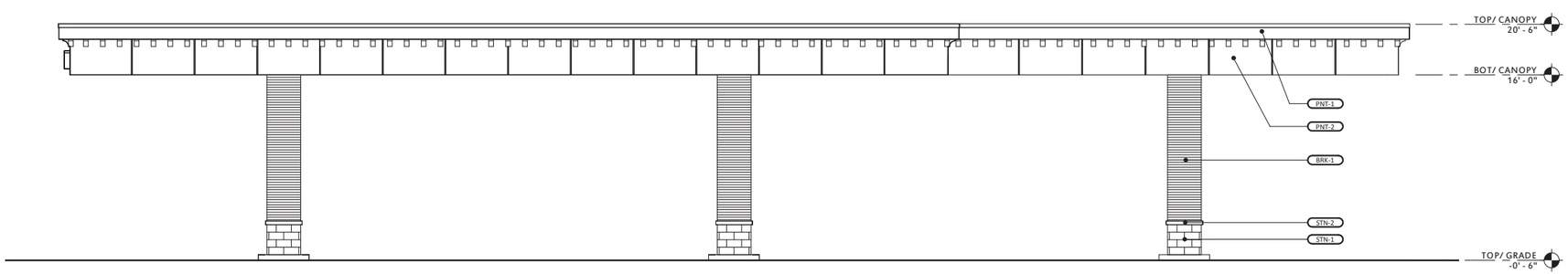



2 **CANOPY - NORTH ELEVATION**
3/16" = 1'-0"




3 **CANOPY - EAST ELEVATION**
3/16" = 1'-0"




4 **CANOPY - SOUTH ELEVATION**
3/16" = 1'-0"

## MATERIAL KEYNOTES

| | |
|---|---|
| BRK-1 | MODULAR FACE BRICK IN RUNNING BOND. COLOR: RED, TBD |
| MTL-2 | ALUMINUM WINDOW FRAMES. COLOR: DARK BRONZE ANODIZED |
| PNT-1 | ROOF TRIM & DENTILS TO BE PAINTED. COLOR: WHITE RUSSIAN |
| PNT-2 | DOORS AND FRAMES TO BE PAINTED. COLOR TO MATCH ADJACENT BRICK. |
| RF-1 | FAUX-SLATE ASPHALT SHINGLES OVER ROOF STRUCTURE. COLOR: SLATE |
| STN-1 | ASHLAR LIMESTONE BASE. MANUF: ELDORADO STONE. COLOR: YORK BLEND |
| STN-2 | CHISELED LIMESTONE SILL. MANUF: ELDORADO STONE. COLOR: BUCKSKIN |

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Chicago, IL 60614
Phone: (773) 904-8801

| NO. | DATE | BY | DESCRIPTION |
|---|---|---|---|
| | | | REVISIONS |

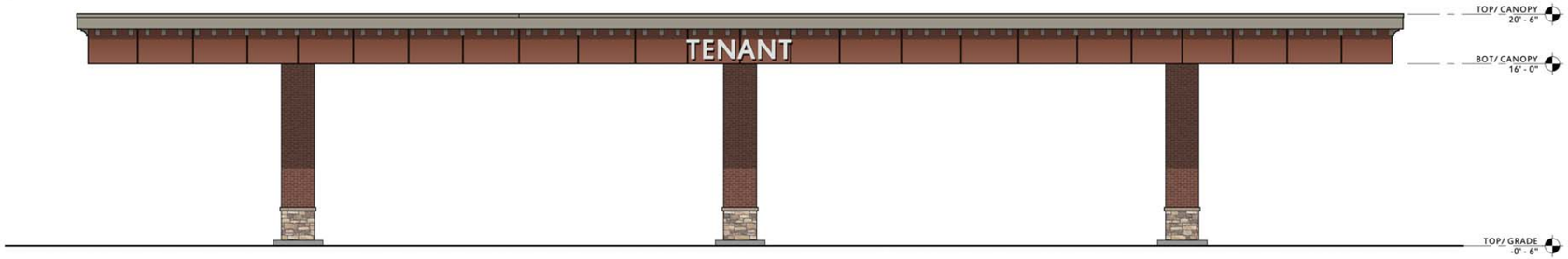
**CANOPY ELEVATIONS**

**FUEL CENTER**
STORE NO.:####
Curtis Park Village Dr.,
Sacramento, CA

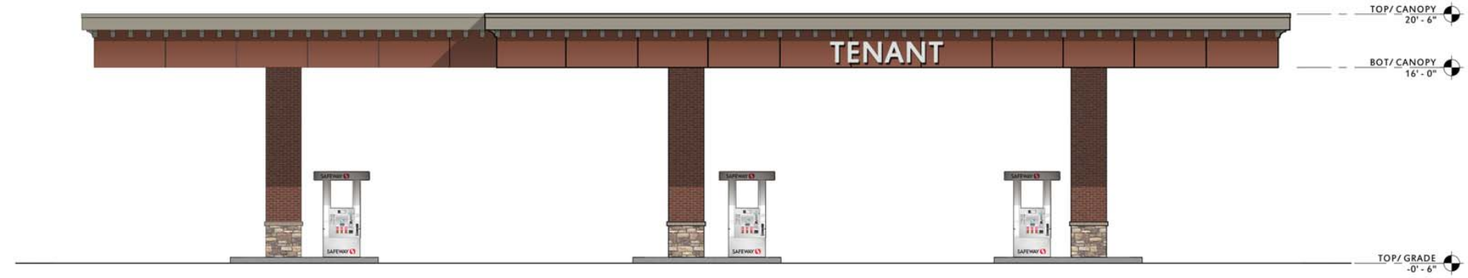
DRAWN BY: SD
REVIEWED: Checker
DATE: 5/27/14

**A2.3**

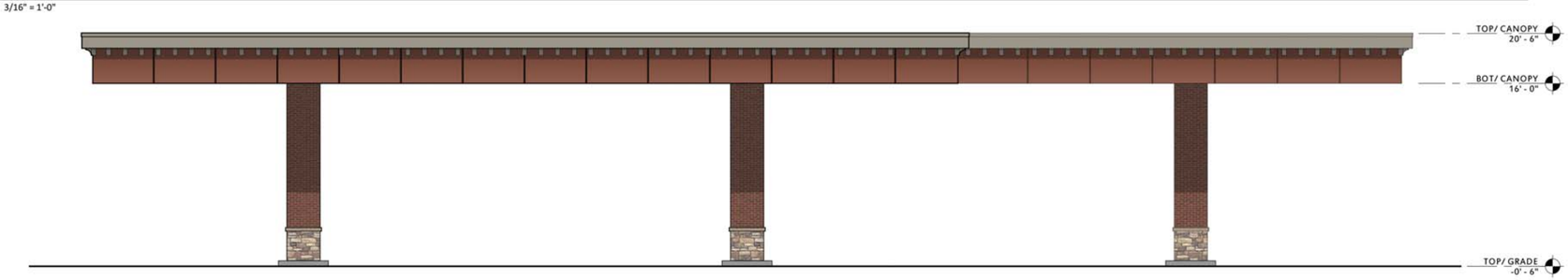
1 CANOPY - WEST ELEVATION
3/16" = 1'-0"




2 CANOPY - NORTH ELEVATION
3/16" = 1'-0"




3 CANOPY - EAST ELEVATION
3/16" = 1'-0"




4 CANOPY - SOUTH ELEVATION
3/16" = 1'-0"

LEGEND

# PROPOSED GAS STATION CANOPY

**CURTIS PARK VILLAGE**
**SACRAMENTO, CA**

DG PA rchitecture

1 PRECEDENT IMAGES
RE:

2 CROCKER DRIVE / EAST ELEVATION
RE:

ENTRANCE
COLOR: DARK BRONZE

WALL SCONCE ABOVE DOOR AND WALL WASH
COLOR: DARK BRONZE

3 LIGHT FIXTURES
RE:

STAMP

REVISIONS

SUBMITAL DATES

OWNER: -

BUILDING DEPT: -

O.T.B.: 6 JUNE 2014

architecture
engineering
LHB & Associates, Ltd.
867 Pacific Street, Suite 120
San Luis Obispo, CA 93401
ph 805.540.5240
fax 805.540.5241
www.LHBassoc.com

PROJECT NO. 11-10-3013

DRAWN BY: JRB

CHECKED BY: JRB

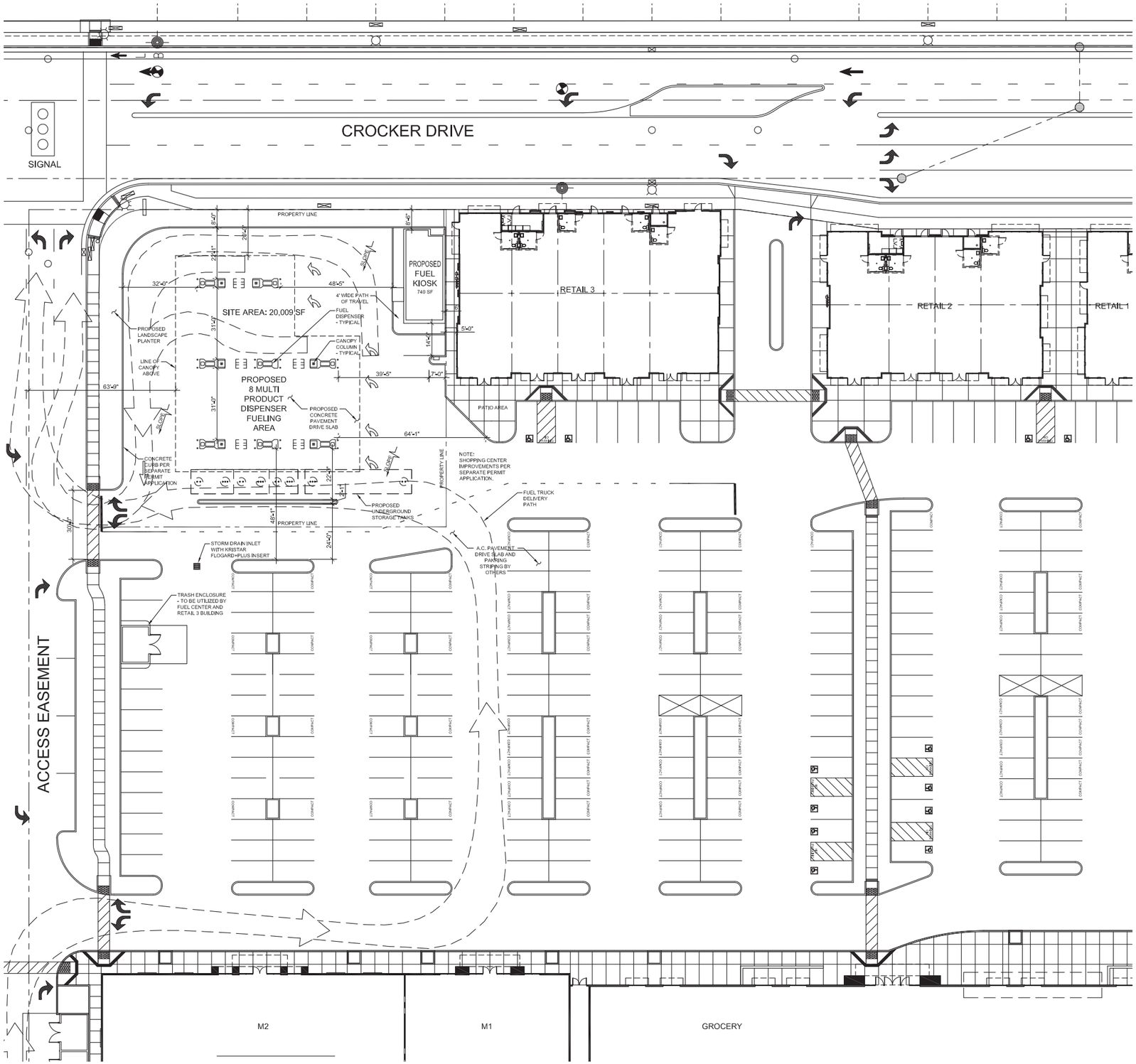
CURTIS PARK VILLAGE FUEL CENTER

CURTIS PARK VILLAGE DRIVE SACRAMENTO, CA

SHEET TITLE
STREET ELEVATIONS, TRASH ENCLOSURE, AND LIGHT FIXTURES

SHEET NO.
A3.1

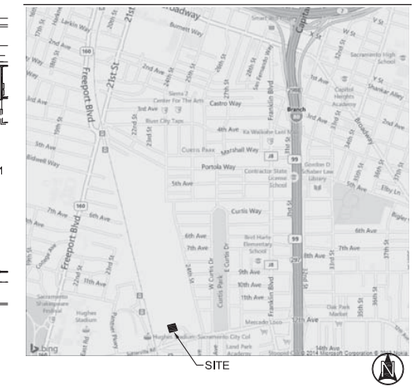
7/08/14 10:15 PM




## INDEX OF DRAWINGS


| SHT. | CONTENT |
|---|---|
| A1.1 | SITE PLAN |
| A1.2 | OVERALL SITE PLAN |
| A2.1 | KIOSK FLOOR AND ROOF PLANS |
| A2.2 | KIOSK ELEVATIONS |
| A2.3 | CANOPY ELEVATIONS |
| A3.1 | STREET ELEVATIONS, TRASH ENCLOSURE, AND LIGHT FIXTURES |
| L1.1 | LANDSCAPE PLAN |
| R1 | RENDERING - KIOSK ELEVATIONS |
| R2 | RENDERING - CANOPY ELEVATIONS |


## VICINITY MAP




## PROJECT DIRECTORY


**OWNER:**

PDC CONSTRUCTION COMPANY INC.
825 K STREET, SUITE 300
SACRAMENTO, CA 95814
TEL: (916) 442-4600
FAX: (916) 442-6313
DIRECT: (916) 417-9636
CONTACT: PHIL HARVEY OR CHRIS PONCIN
E-MAIL: PHIL@PETROVICHDEVELOPMENT.COM
CHRIS@PETROVICHDEVELOPMENT.COM

**PLANS PREPARED BY:**

LHB & ASSOCIATES, LTD.
867 PACIFIC STREET, SUITE 120
SAN LUIS OBISPO, CALIFORNIA 93401
TEL: (805) 540-5240
FAX: (805) 540-6241
CONTACT: JR BEARD, RCE 78,916
E-MAIL: JRB@LHBASSOC.COM


## PROJECT SUMMARY

| | |
|---|---|
| DESCRIPTION | |
| ADDRESS | SUTTERVILLE ROAD AND CROCKER ROAD<br>SACRAMENTO, CA 95818 |
| COMMUNITY | CITY OF SACRAMENTO |
| COUNTY | SACRAMENTO |
| JURISDICTION | CITY OF SACRAMENTO |
| ASSESSORS PARCEL NUMBER | 013-0010-035 |
| GROSS LOT SIZE | 7.80 ACRES |
| NET LOT SIZE | 6.92 ACRES |
| FUEL CENTER LOT SIZE | 20,009 SQUARE FEET; 0.46 ACRES |
| LOT COVERAGE | 34.7% |
| PARKING | |
| REQUIRED | 1 |
| PROVIDED | 1 |
| CRITERIA | |
| BUILDING CODES | 2013 CALIFORNIA BUILDING CODE (CBC)<br>2013 CALIFORNIA GREEN BUILDING STANDARDS (CALGREEN) MANDATORY LEVEL<br>2013 CALIFORNIA MECHANICAL CODE (CMC)<br>2013 CALIFORNIA PLUMBING CODE (CPC)<br>2013 CALIFORNIA ELECTRIC CODE (CEC)<br>2013 CALIFORNIAFIRE CODE (CFC)<br>2013 CALIFORNIA ENERGY CODE<br>CALIFORNIA STATE FIRE MARSHAL REQUIREMENTS (SFM)<br>CITY OF SACRAMENTO FIRE DEPARTMENT REQUIREMENTS |
| DISABLED ACCESSIBILITY | FEDERAL FAIR HOUSING AMENDMENTS ACT OF 1988 (FHA)<br>CALIFORNIA DISABLED ACCESS REGULATIONS (1997)<br>AMERICANS WITH DISABILITIES ACT, TITLE III (ADA)<br>AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)<br>SECTION 504 OF THE REHABILITATION ACT OF 1973<br>UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS) |

1 SITE PLAN
1" = 20'-0"
RE:

( GRAPHIC SCALE )
20 0 10 20 40
( IN FEET )

STAMP

REVISIONS

SUBMITAL DATES

| | |
|---|---|
| OWNER: | -- |
| BUILDING DEPT: | -- |
| O.T.B.: | 6 JUNE 2014 |


architecture engineering
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867 Pacific Street, Suite 120
San Luis Obispo, CA 93401
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fax 805.540.5241
www.LHBassoc.com


PROJECT NO. 11-10-3013
DRAWN BY: JRB
CHECKED BY: JRB

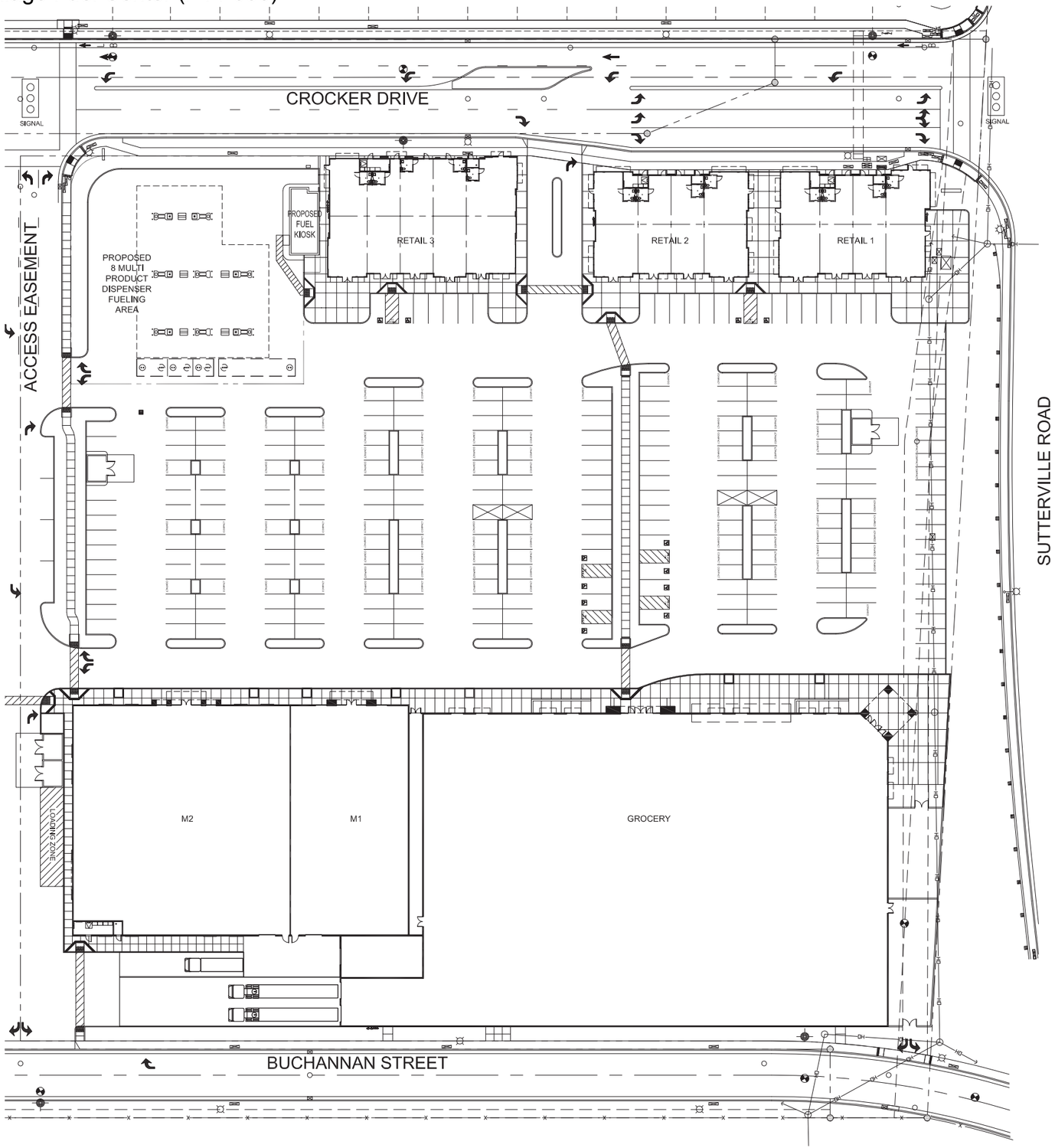
# CURTIS PARK VILLAGE FUEL CENTER

CURTIS PARK VILLAGE DRIVE
SACRAMENTO, CA

SHEET TITLE
SITE PLAN

SHEET NO.
A1.1

4/17/15 01:21 PM




1 SITE PLAN
1" = 30'-0"
REF

( GRAPHIC SCALE )
30 0 15 30 60
( IN FEET )

STAMP

REVISIONS

SUBMITAL DATES

OWNER: -

BUILDING DEPT: -

O.T.B.: 6 JUNE 2014

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San Luis Obispo, CA 93401
ph 805.540.5240
fax 805.540.5241
www.LHBassoc.com

PROJECT NO. 11-10-3013

DRAWN BY: JRB

CHECKED BY: JRB

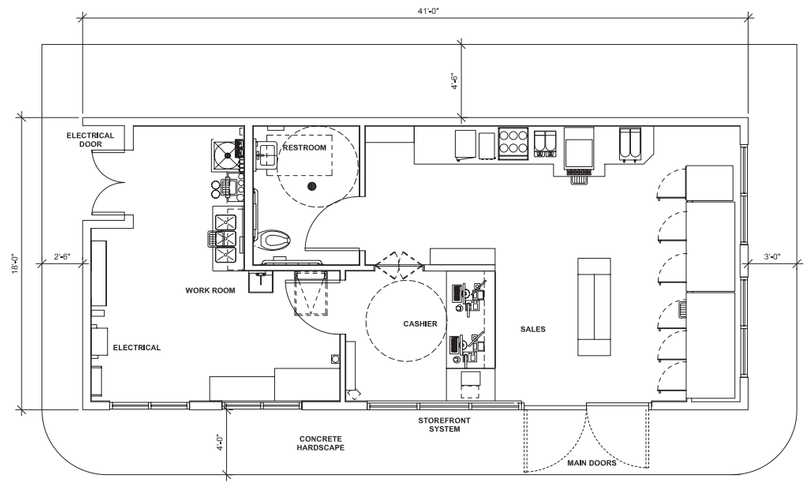
CURTIS PARK VILLAGE FUEL CENTER

CURTIS PARK VILLAGE DRIVE SACRAMENTO, CA

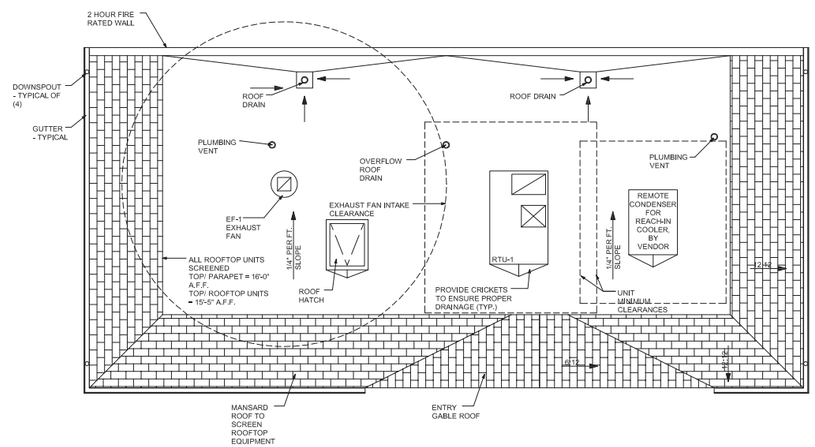
SHEET TITLE
OVERALL SITE PLAN

SHEET NO.
A1.2

7/09/14 09:53 AM




1 FLOOR PLAN
1/4" = 1'-0"
RE:




2 ROOF PLAN
1/4" = 1'-0"
RE:

( GRAPHIC SCALE )
4 0 2 4 8
( IN FEET )

STAMP

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SUBMITAL DATES

OWNER: -

BUILDING DEPT: -

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PROJECT NO. 11-10-3013

DRAWN BY: JRB

CHECKED BY: JRB

CURTIS PARK VILLAGE FUEL CENTER

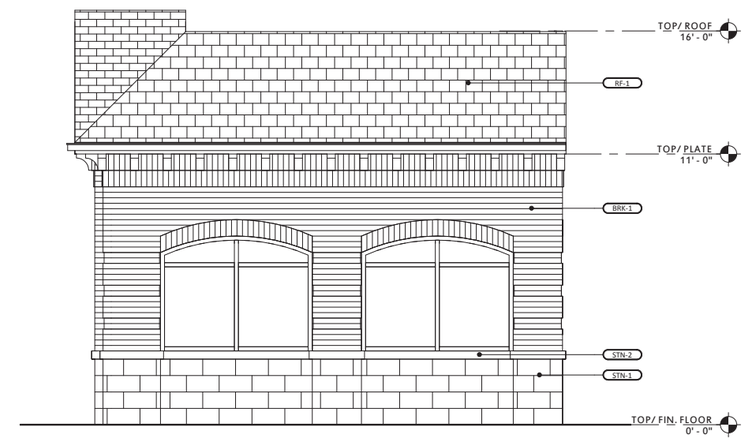
CURTIS PARK VILLAGE DRIVE SACRAMENTO, CA

SHEET TITLE
KIOSK FLOOR AND ROOF PLANS

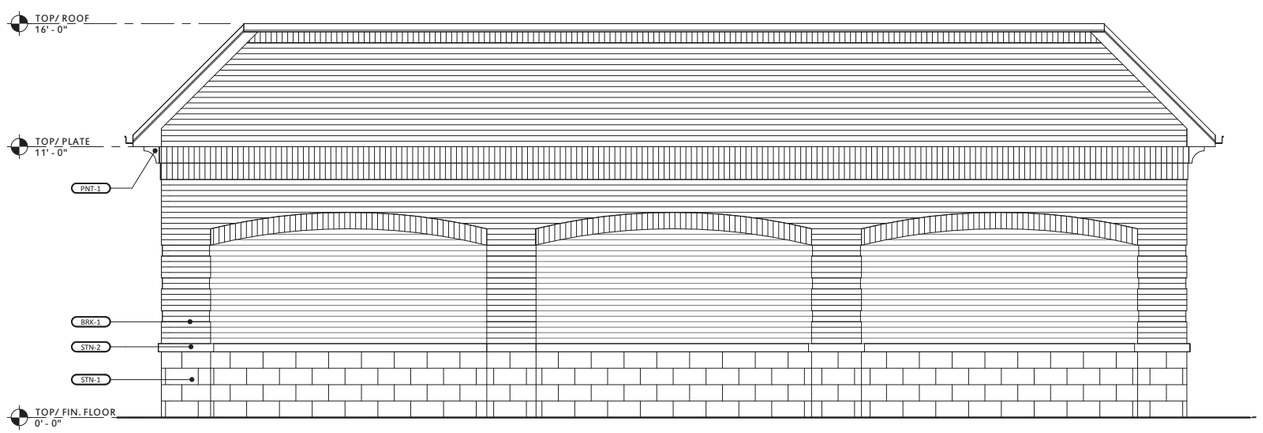
SHEET NO.
A2.1

7/08/14 10:21 PM

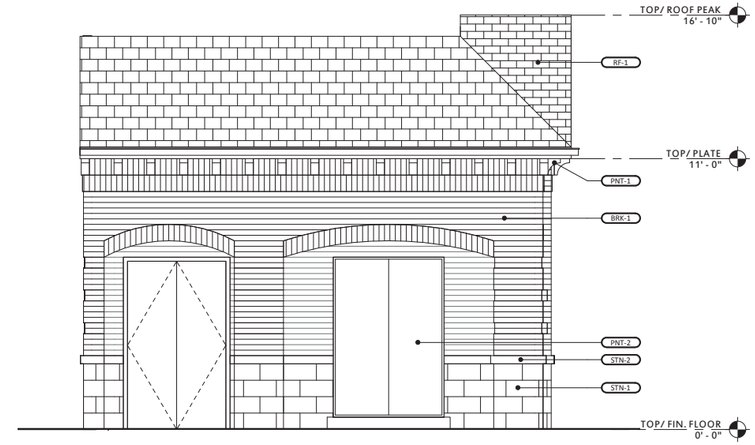
1 **KIOSK - NORTH ELEVATION**
3/8" = 1'-0"




2 **KIOSK - WEST ELEVATION**
3/8" = 1'-0"




3 **KIOSK - SOUTH ELEVATION**
3/8" = 1'-0"




4 **KIOSK - EAST ELEVATION**
3/8" = 1'-0"

**MATERIAL KEYNOTES**

| | |
|---|---|
| BRK-1 | MODULAR FACE BRICK IN RUNNING BOND. COLOR: RED, TBD |
| MTL-2 | ALUMINUM WINDOW FRAMES. COLOR: DARK BRONZE ANODIZED |
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Chicago, IL 60614
Phone: (773)904-8801

| NO. | DATE | BY | REVISIONS DESCRIPTION |
|---|---|---|---|

**KIOSK ELEVATIONS**

**FUEL CENTER**
STORE NO.:####
Curtis Park Village Dr.,
Sacramento, CA

DRAWN BY: SD
REVIEWED: Checker
DATE: 6/27/14

**A2.2**

1 KIOSK - NORTH ELEVATION
3/8" = 1'-0"

2 KIOSK - WEST ELEVATION
3/8" = 1'-0"

3 KIOSK - SOUTH ELEVATION
3/8" = 1'-0"

4 KIOSK - EAST ELEVATION
3/8" = 1'-0"

BRICK-1
COLOR: TBD

STONE-1
COLOR: YORK BLEND

STONE-2
COLOR: BUCKSKIN

ROOF-1
COLOR: FAUX SLATE

METAL-1
COLOR: DARK BRONZE

PAINT-1
COLOR: WHITE RUSSIAN

PAINT-2
COLOR: TO MATCH BRICK

CONCRETE

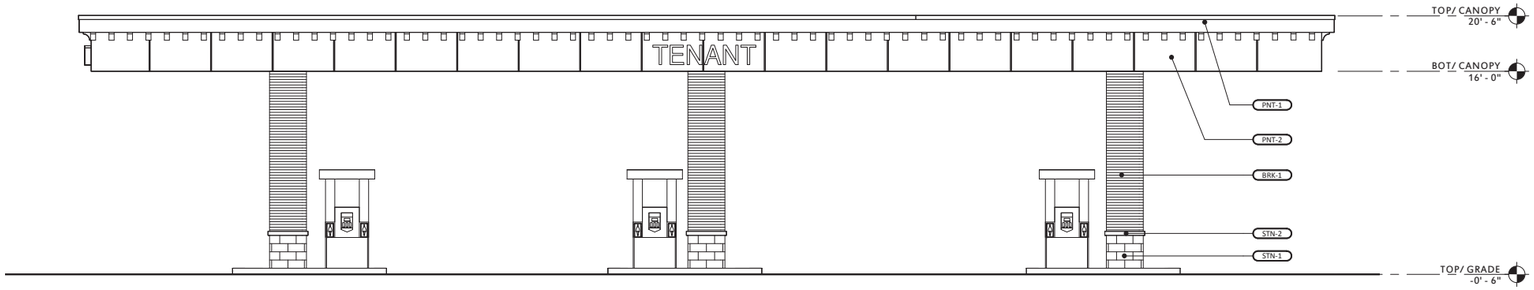
LEGEND

R1

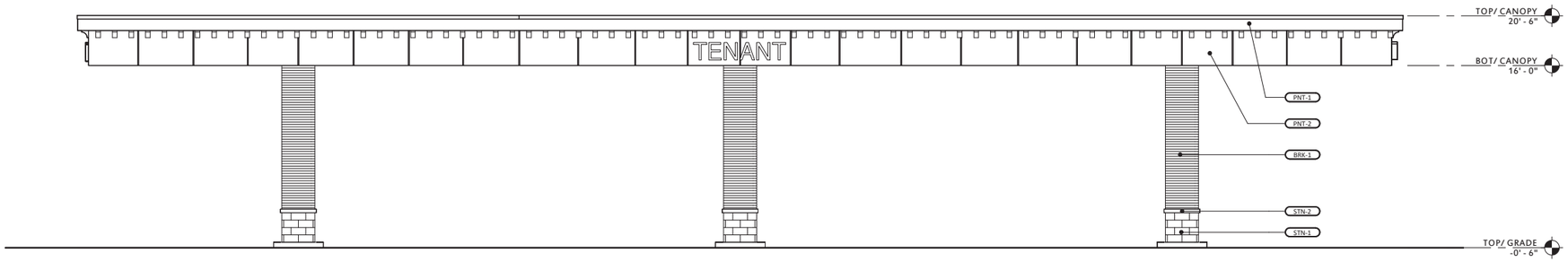
# PROPOSED GAS STATION KIOSK

**CURTIS PARK VILLAGE**
**SACRAMENTO, CA**

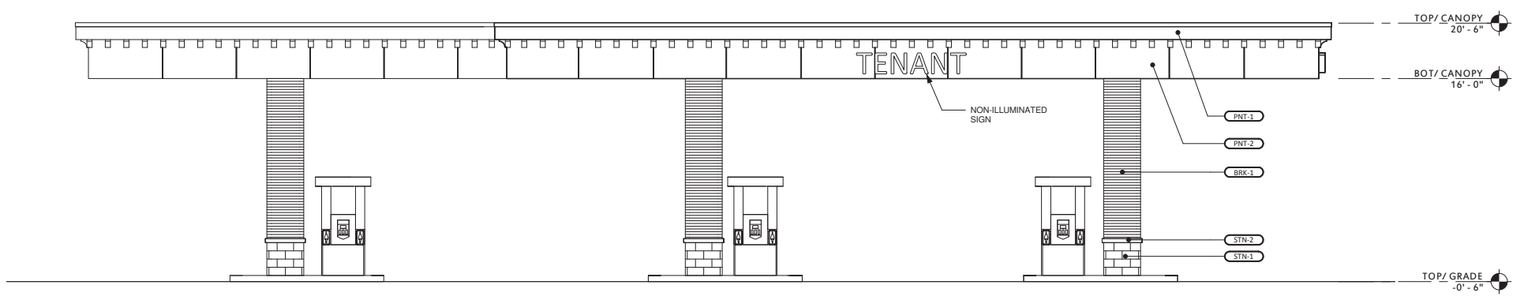
DG PArchitecture



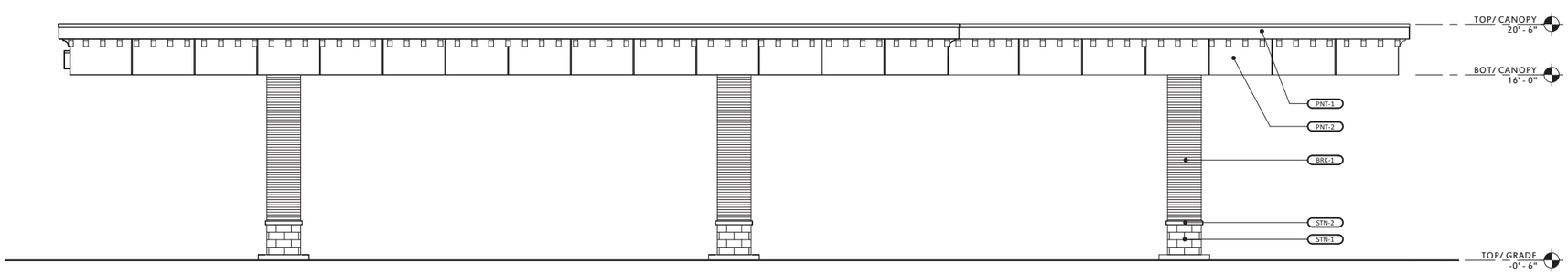

1 **CANOPY - WEST ELEVATION**
3/16" = 1'-0"




2 **CANOPY - NORTH ELEVATION**
3/16" = 1'-0"




3 **CANOPY - EAST ELEVATION**
3/16" = 1'-0"

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3/16" = 1'-0"

## MATERIAL KEYNOTES

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| NO. | DATE | BY | REVISIONS DESCRIPTION |
|---|---|---|---|

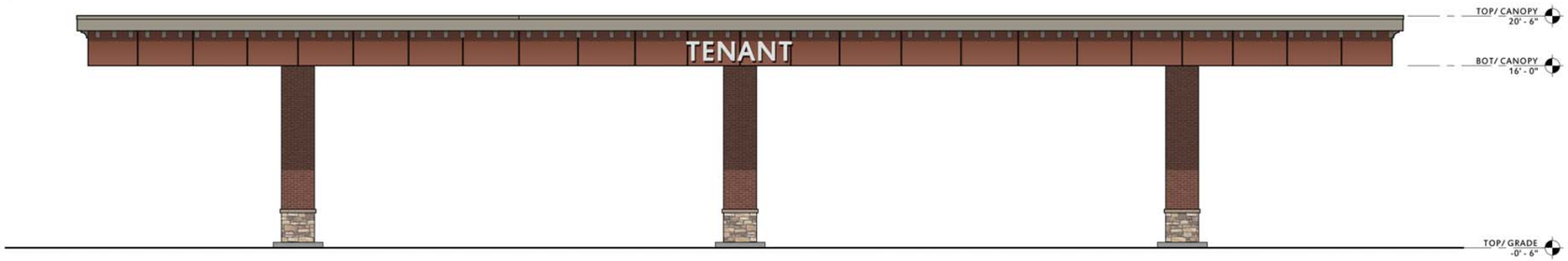
**CANOPY ELEVATIONS**

**FUEL CENTER**
STORE NO.:####
Curtis Park Village Dr.,
Sacramento, CA

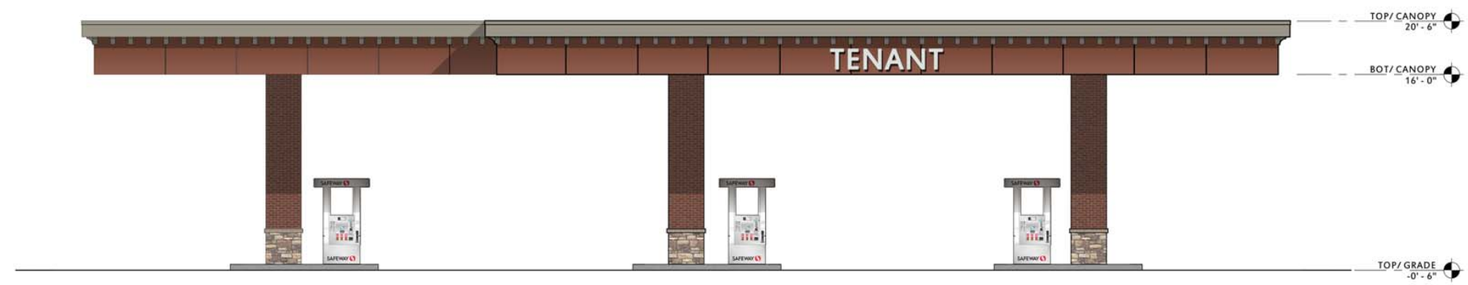
DRAWN BY: SD
REVIEWED: Checker
DATE: 5/27/14

**A2.3**

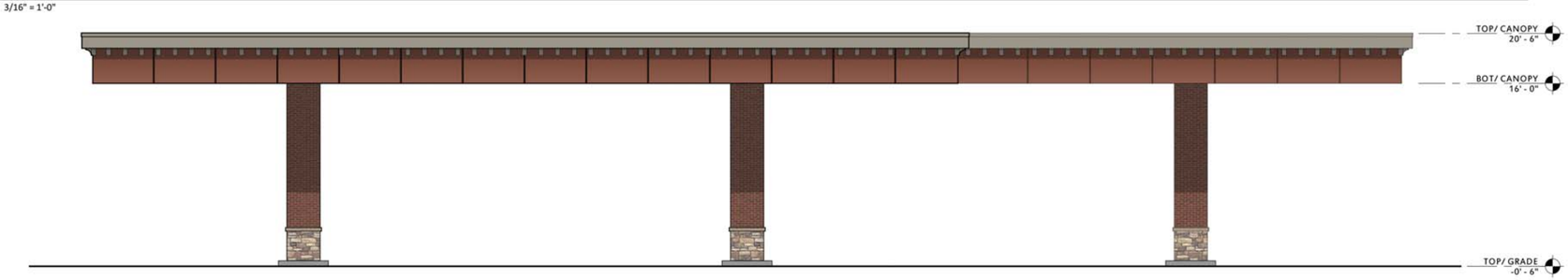
1 CANOPY - WEST ELEVATION
3/16" = 1'-0"




2 CANOPY - NORTH ELEVATION
3/16" = 1'-0"




3 CANOPY - EAST ELEVATION
3/16" = 1'-0"




4 CANOPY - SOUTH ELEVATION
3/16" = 1'-0"

LEGEND

# PROPOSED GAS STATION CANOPY

**CURTIS PARK VILLAGE**
**SACRAMENTO, CA**

DG PA architecture

1 PRECEDENT IMAGES
RE:

2 CROCKER DRIVE / EAST ELEVATION
RE:

ENTRANCE
COLOR: DARK BRONZE

WALL SCONCE ABOVE DOOR AND WALL WASH
COLOR: DARK BRONZE

3 LIGHT FIXTURES
RE:

STAMP

REVISIONS

SUBMITAL DATES

OWNER: -

BUILDING DEPT: -

O.T.B.: 6 JUNE 2014

architecture
engineering
LHB & Associates, Ltd.
867 Pacific Street, Suite 120
San Luis Obispo, CA 93401
ph 805.540.5240
fax 805.540.5241
www.LHBassoc.com

PROJECT NO. 11-10-3013

DRAWN BY: JRB

CHECKED BY: JRB

CURTIS PARK VILLAGE FUEL CENTER

CURTIS PARK VILLAGE DRIVE SACRAMENTO, CA

SHEET TITLE
STREET ELEVATIONS, TRASH ENCLOSURE, AND LIGHT FIXTURES

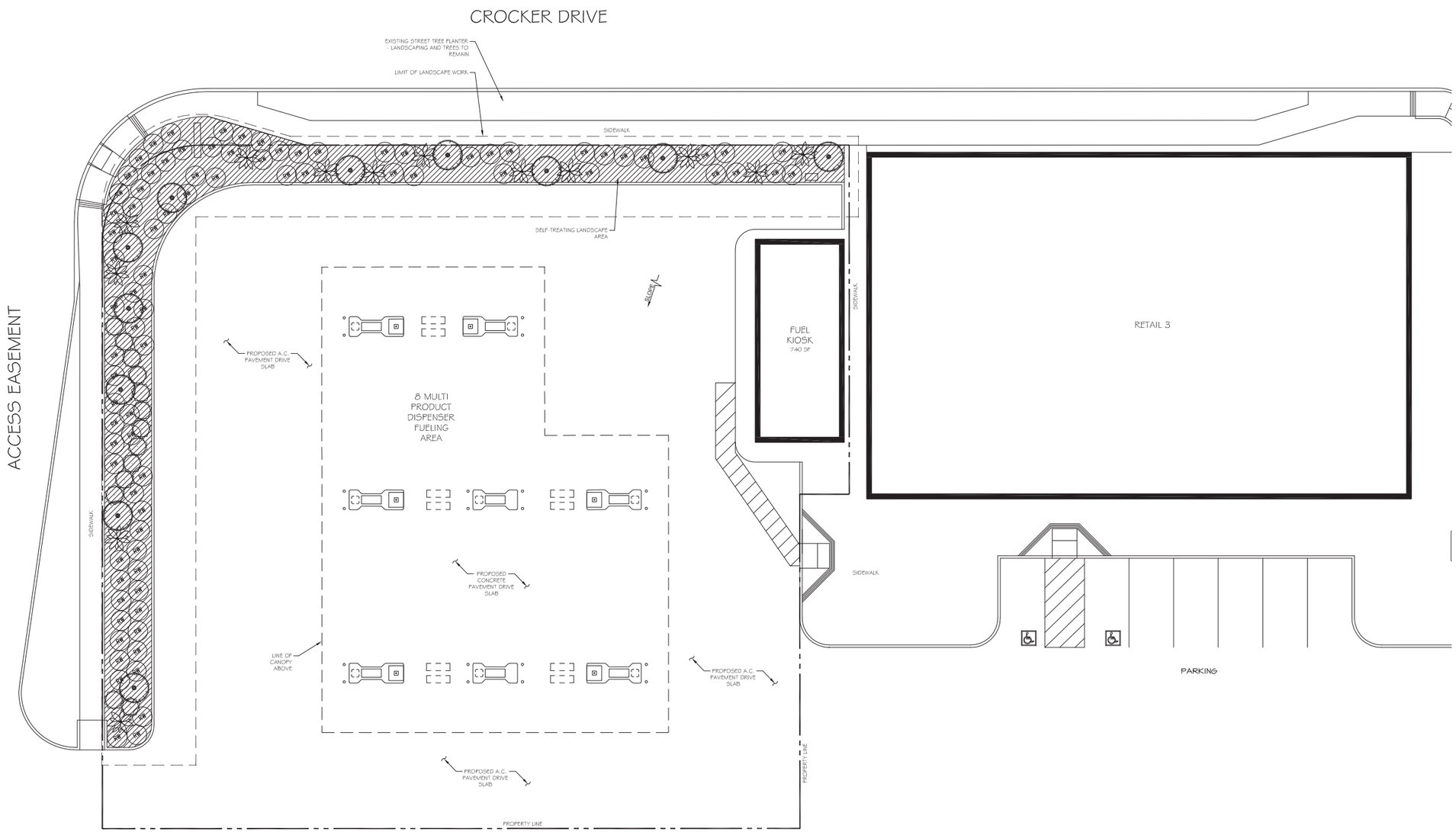
SHEET NO.
A3.1

7/08/14 10:15 PM

LOT SHADING:
FUEL CANOPY IS CONSTRUCTED OF WHITE REFLECTIVE MATERIAL PROVIDING 5,730 SQUARE FEET OF LOT SHADING.

IMPERVIOUS AREA: 17,521 SQUARE FEET
LANDSCAPE AREA: 2,488 SQUARE FEET

SHADED AREA: 5,730 SQUARE FEET (FUEL CANOPY)




## PLANT LEGEND

| SYMBOL | PLANT NAME | QUANT. | SIZE |
|---|---|---|---|
| | BUXUS 'GREEN VELVET', GREEN SERIES (JAPANESE BOXWOOD) | 22 | 5 GAL. |
| | ROSA, LANDSCAPE (WHITE FLOWER CARPET ROSE) | 140 | 2 GAL. |
| | PHORMIUM T. ATROPURPUREUM COMPACTUM' (MONROVIA RED NEW ZEALAND FLAX) | 15 | 5 GAL. |
| | CUPRESSUS SEMPERVIRENS (ITALIAN CYPRESS) | 12 | 24" BOX |

## GROUND COVERS

"STRINGY REDWOOD BARK" MULCH, 3" DEEP LAYER WITH PER-EMERGENT HERBICIDE

1 LANDSCAPE PLAN
1" = 10'-0"
RE:

( GRAPHIC SCALE )
10 0 5 10 20
( IN FEET )

STAMP

REVISIONS

SUBMITAL DATES

| | |
|---|---|
| OWNER: | - |
| BUILDING DEPT: | - |
| O.T.B.: | 6 JUNE 2014 |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San Luis Obispo, CA 93401
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PROJECT NO.
11-10-3013

DRAWN BY:
JRB

CHECKED BY:
JRB

CURTIS PARK VILLAGE FUEL CENTER

CURTIS PARK VILLAGE DRIVE SACRAMENTO, CA

SHEET TITLE
LANDSCAPE PLAN

SHEET NO.
L1.1

7/09/14 09:52 AM