



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

CONSENT
January 9, 2007

Honorable Mayor and
Members of the City Council

Title: Development Proposal: Fulton Avenue Development (P06-012)

Location/Council District: Northeast of Business 80 & Fulton Avenue, 3701
Fulton Avenue, APN: 254-0011-027 (Council District 2)

Recommendation: 1) Review a **Resolution** certifying the Environmental Impact Report and adopting a Mitigation Monitoring Plan; 2) Review a **Resolution** approving the General Plan Amendment; 3) Review a **Resolution** approving the establishment of the Fulton Avenue Planned Unit Development (PUD) including PUD Guidelines and PUD Schematic Plan; 4) Review an **Ordinance** amending the Comprehensive Zoning Ordinance (Title 17 of the Sacramento City Code); and 5) Pass for Publication the **Ordinance** title as required by Sacramento City Charter 32c to be adopted January 16, 2007.

Contact: Jamie Cutlip, Assistant Planner, (916) 808-8684; Gregory Bitter, Principal Planner, (916) 808-7816

Presenter: Jim Rinehart, Economic Development Department

Department: Development Services

Division: Current Planning

Organization No: 4881

Description/Analysis

Issue: The City of Sacramento had leased the subject site to the Sacramento Trapshooting Club, which has occupied the site since approximately 1915. The lease expired on September 30, 2004. Due to a near century of use as a trapshooting club, the subject site has sustained significant environmental contamination.

The City Council directed staff, in 1999, to find the "best" and "highest"

use for the subject site (Resolution No. 99-322). The City's Economic Development Department is now requesting to establish the Fulton Avenue Planned Unit Development (PUD) and to allow automobile related uses on 20± gross acres. The entire subject site is currently designated as Parks, Recreation, and Parks in the General Plan and as Single Family (R-1) zone in the Zoning Ordinance.

The proposed project will 1) redesignate the 20± gross acres to Heavy Commercial / Warehouse in the General Plan; 2) establish the Fulton Avenue Planned Unit Development with corresponding PUD Guidelines and Schematic Plan; 3) redesignate the subject site in the Zoning Ordinance from the Single Family (R-1) zone to the Heavy Commercial Planned Unit Development (C-4-PUD) zone; and 4) create a Tentative Map for two parcels (A and B) with Subdivision Modifications for nonstandard streets.

Parcel A and B, reflected on the proposed PUD Schematic Plan (page 14 of this report), are about 11.5± and 6.5± acres respectively. A maximum buildable area of 180,000 square feet will be permitted on Parcel A. Parcel B will hold contaminated soil and will be subject to a deed restriction enforced by Sacramento County, limiting future land use to allow only commercial/industrial land uses and prohibiting sensitive land uses (e.g. schools, hospitals and residential). Parking will meet the City of Sacramento parking requirements for automobile related uses.

Development of the site will require a Planning Director Plan Review at a later date, provided that any plans submitted are consistent with the Fulton Avenue PUD Schematic Plan and PUD Guidelines. At this time, no development plans are being reviewed with the requested entitlements.

Policy Considerations: The project is consistent with the General Plan policies to 1) promote Sacramento as the civic, cultural, and economic hub of the region and 2) provide a broad range of jobs and business opportunities that are accessible to all residents and provide opportunities for advancement.

The project site is not within the boundaries of a Community Plan and is not subject to Community Plan policies. The City Council adopted a set of Smart Growth Principles in December 2001 to encourage development patterns that are sustainable and balanced in terms of economic objectives, social goals and use of environmental/natural resources. The following Smart Growth principle applies to the proposed project:

- Concentrate new development and target infrastructure investments within the urban core of the region to allow for efficient use of existing facilities, infill and reuses areas.

Committee/Commission Action: On December 14, 2006, by a vote of five ayes and three noes, the Planning Commission approved the related Tentative Map with Subdivision Modifications to subdivide one parcel into two parcels, and

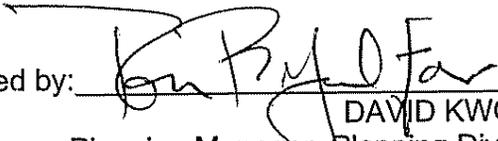
recommended approval of the General Plan Amendment, Rezone and establishment of the Fulton Avenue Planned Unit Development with corresponding Schematic Plan and PUD Guidelines. With the motion to approve, the Planning Commission wanted to inform the City Council of the belief that the PUD Guidelines need to be amended to provide more control over environmental and site aesthetic issues.

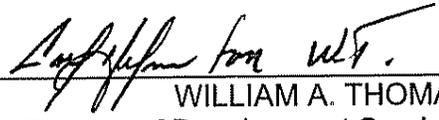
Environmental Considerations: In accordance with CEQA Guidelines, Section 15081, Environmental Planning Services (EPS) determined that an EIR should be prepared for the proposed project. The Draft EIR identified significant impacts for Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Noise, and Traffic and Circulation. Mitigation measures were identified to reduce many project impacts to a less than significant impact. However, significant and unavoidable impacts remain for Air Quality, Noise, and Traffic and Circulation. A Mitigation Monitoring Plan (MMP) that lists all of the mitigation measures and required implementing actions was prepared and is attached (Exhibit 1A). Comment letters received on the Draft EIR (DEIR) and responses to comments are included in the Final EIR (FEIR). The FEIR responds to all comments received on the DEIR and revises text and/or analysis where needed. As indicated in the FEIR, none of the comments received on the DEIR resulted in the identification of new impacts or increased severity of impacts analyzed. A description of the public review process, a list of the comments received, as well as a discussion regarding notable changes to the DEIR text as a result of the comments, are included as Attachment 2 of this Staff Report.

Rationale for Recommendation: Staff recommends certification of the Environmental Impact Report, adoption of the Mitigation Monitoring Plan, and approval of a General Plan Amendment, Rezone, and establishment of the Fulton Avenue Planned Unit Development with corresponding Schematic Plan and PUD Guidelines. This recommendation is based upon the project's consistency with the proposed zoning and General Plan designations, as well as General Plan policies, proposed Fulton Avenue PUD guidelines, Smart Growth Principles, and General Plan Update Vision and Guiding Principles.

Financial Considerations: The proposed redevelopment of the Fulton Avenue Development Project is expected to return a multi-fold financial investment to the city. It is anticipated to result in a more than 50-fold increase in the lease return to the city from the former Sacramento Trap Shoot Club rents; it is expected to yield upwards of \$600,000 per year in sales tax returns, from year one, with attendant increases as subsequent year auto sale increases occur; and the development is expected to employ in the neighborhood of 300 full time persons, beyond the many construction jobs necessary to prepare the site and erect the buildings.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully submitted by: 
DAVID KWONG
Planning Manager, Planning Division

Approved by: 
WILLIAM A. THOMAS
Director of Development Services

Recommendation Approved:


RAY KERRIDGE
City Manager

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**Fulton Avenue Planned Unit Development (PUD)
Project Background**

1. From approximately 1915 to September 2004, the Sacramento Trapshoot Club leased the subject site from the City of Sacramento.
2. In 1999, City Council authorized the City Manager to execute a two-year lease with the Sacramento Trapshoot Club and directed City staff to find the “best and highest use” for the subject site (Resolution No. 99-322).
3. In 2004, the City contracted with *BASELINE Environmental Consultants* to prepare a Site Assessment and Preliminary Response Plan for the proposed project site. The site was found to contain high levels of toxicity and indicate potential health and environmental risks.
4. A Final Draft Response Plan was completed in 2005, which evaluated several different remedies to protect human health and the environment.
5. On January 20, 2006, an application was received for the project known as Fulton Avenue Planned Unit Development (PUD) (P06-012) with requests to establish the Fulton Avenue (PUD) and allow the development of automobile related uses on the 20± gross acre project site.
6. An Early Notice of Proposed Development was mailed to nearby property owners within a 500 foot radius of the project site on February 10, 2006.
7. An Environmental Impact Report (EIR) was prepared in accordance with the guidelines of the California Environmental Quality Act (CEQA) with a 45-day public review period beginning on October 6, 2006 and ending on November 20, 2006.
8. On December 14, 2006, the Planning Commission approved by five ayes and three noes, the Environmental Impact Report, Mitigation Monitoring Plan and Tentative Parcel Map with subdivision modifications. With the motion to approve, the Planning Commission forwarded the recommendation that City Council should amend the PUD Guidelines to provide more control over environmental and site aesthetic issues.
9. A public hearing for the project has been noticed by publication and mail for _____(date) pursuant to Sacramento City Code sections 17.180.040, 17.180.050, 17.204.020(B), and 17.208.020(C).

Summary of Comments for the Draft Environmental Impact Report (EIR)

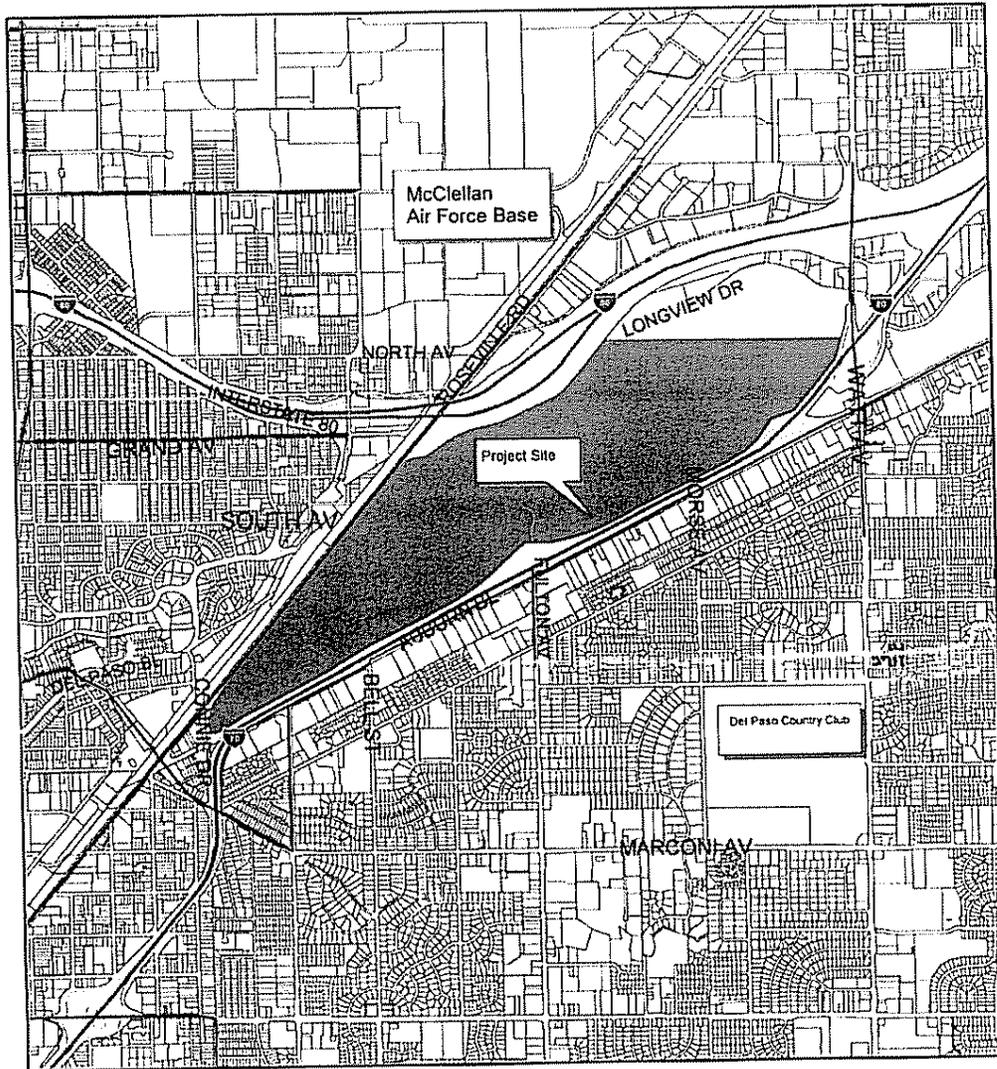
The Draft EIR was prepared and released for a forty-five (45) day public review period, established by the State Clearinghouse, beginning on October 6, 2006, and ending on November 20, 2006. A public notice was placed in the Daily Recorder on October 6, 2006, which stated that the Fulton Avenue Development Draft EIR was available for public review and comment. A public notice was posted with the Sacramento County Clerks Office on October 6, 2006. A Notice of Availability (NOA) dated October 6, 2006 was distributed to all interested groups, organizations, and individuals on October 5, 2006, for the Draft EIR. 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, Environmental Planning Services, 2101 Arena Blvd., Suite 200, Sacramento, CA 95834. The NOA also indicated that the official forty-five day public review period for the Draft EIR would end on November 20, 2006.

Comment letters on the Draft EIR were received from California Department of Transportation (Caltrans), California Department of Water Resources (DWR), State Office of Planning and Research (OPR), County Sanitation District 1 (CSD-1), the Sacramento Metropolitan Air Quality Management District (SMAQMD), Sacramento Regional County Sanitation District (SRCSD), Sacramento Trapshoot Club, and Donna Arteaga (Interested Citizen). The comment letters and responses to comments are included in the Final EIR (FEIR). The FEIR responds to all comments received on the Draft EIR and revises text and/or analysis where needed.

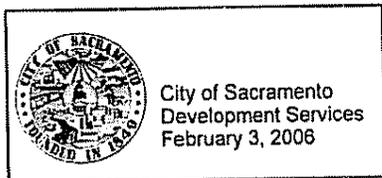
It should be noted that the comment received by the SMAQMD identified an issue with the URBEMIS modeling, which required a re-run of the air quality model. The updated model indicated that an increase in the mitigation fee was required. In addition, the SMAQMD advised that the standard construction mitigation for off-road vehicles should be applied. Consequently, the FEIR includes revised and new mitigation measures for the air quality impacts associate with the remediation, which had been previously identified by the DEIR.

Because this impact had already been identified as significant, and because the changes in the mitigation still brought the impact to a less-than-significant level, the comment did not change the conclusion in the DEIR.

Attachment 3 - Vicinity Map



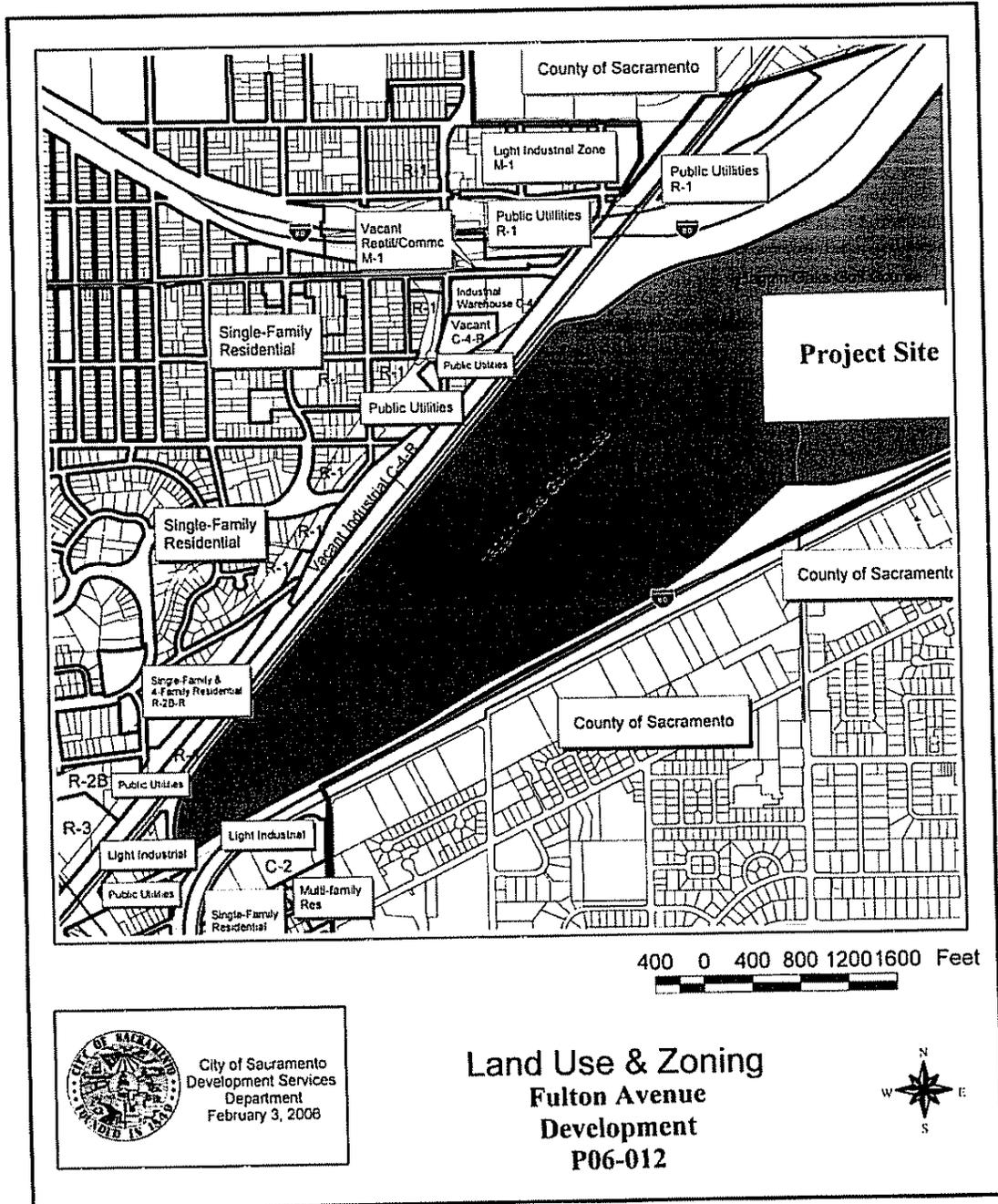
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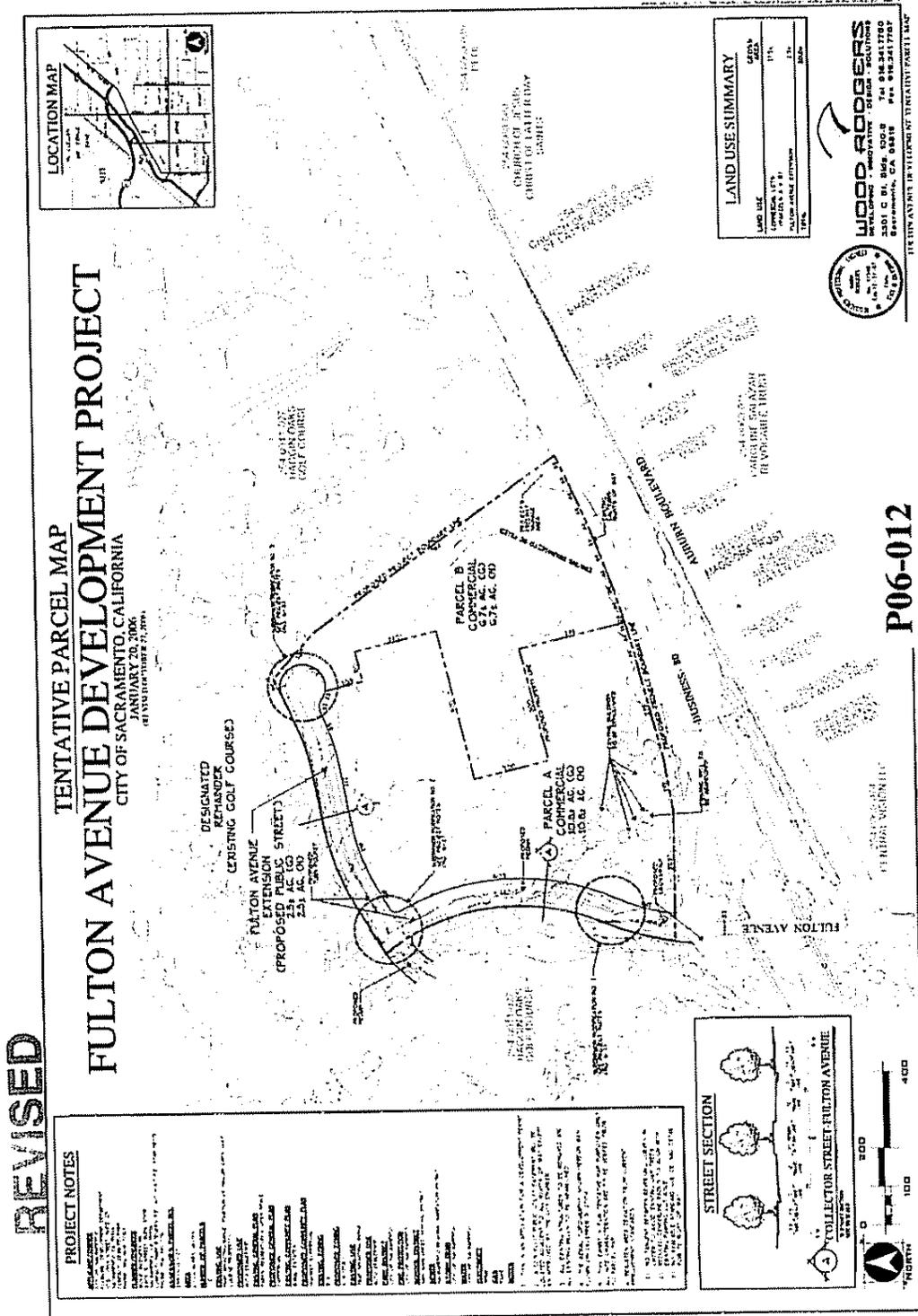
Vicinity Map
Fulton Avenue
Development
P06-012



Attachment 4 - Land Use and Zoning Map



Attachment 5 - Tentative Plan



Attachment 6 – Resolution Approving the EIR & Mitigation Monitoring Plan

RESOLUTION NO. 2006
Adopted by the Sacramento City Council

**CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND
ADOPTING THE MITIGATION MONITORING PLAN FOR THE FULTON
AVENUE PLANNED UNIT DEVELOPMENT, LOCATED IN NORTH
SACRAMENTO AT THE NORTHEAST CORNER OF FULTON AVENUE
AND BUSINESS 80 IN SACRAMENTO, CALIFORNIA.
(P06-012) (APN: 254-0011-027)**

BACKGROUND

A.

Based on the initial study conducted for the Fulton Avenue Development project (P06-012) ("Project"), the City of Sacramento's Environmental Planning Services 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 ("CEQA"), (Public Resources Code §21000 *et seq.* the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

1. A Notice of Preparation (NOP) of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency, as well as the US Army Corps of Engineers and the US Fish and Wildlife Service, on December 29, 2005, and was circulated for public comment from December 29, 2005, to January 30, 2006.
2. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on October 6, 2006, 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.
3. An official forty-five (45) day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on October 6, 2006, and ended on November 20, 2006.
4. A Notice of Availability (NOA) of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in

writing on October 5, 2006. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento North Permit Center, 2101 Arena Blvd., Suite 200, Sacramento, CA 95834. The NOA also indicated that the official forty-five (45) day public review period for the Draft EIR would end on November 20, 2006.

5. A public notice was placed in the Daily Recorder on October 6, 2006, which stated that the Draft EIR was available for public review and comment.
6. A public notice was posted in the office of the Sacramento City Clerk and the Sacramento County Clerk on October 6, 2006.
7. 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.

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

1. The Draft and Final EIR and all documents relied upon or incorporated by reference.
2. The City of Sacramento General Plan, City of Sacramento, January, 1988 and all updates.
3. Environmental Impact Report City of Sacramento General Plan Update, City of Sacramento, March, 1987 and all updates.
4. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.
5. Zoning Ordinance of the City of Sacramento
6. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004
7. The Mitigation Monitoring Plan for the Project.
8. 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.

C. The City Council has final approval authority over the following Project entitlements:

1. The General Plan Amendment;
2. Establishment of the Fulton Avenue Planned Unit Development (PUD) including PUD Guidelines and PUD Schematic Plan;
3. The ordinance amending the Comprehensive Zoning Ordinance (Title 17 of the Sacramento City Code)
- D. 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.

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

Section 1. With respect to the entitlements over which the City Council has final approval authority and pursuant to CEQA Guidelines section 15090, the City Council certifies that:

- A. The Final EIR constitutes an adequate, accurate, objective and complete final Environmental Impact Report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the City of Sacramento environmental guidelines;
- B. The Final EIR has been presented to the City Council, and the Council has reviewed and considered the information contained in the Final EIR prior to taking action on the Project;
- C. The Final EIR reflects the City Council's independent judgment and analysis.

Section 2. The City Council makes the following findings for each of the significant environmental effects and alternatives of the Project identified in the Final 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 of the finding for each identified impact is set forth below.

- i. EIR Air Quality Impact 3.1-R – Remediation could generate emissions that would exceed City and SMAQMD thresholds.

Potentially Significant Impact:

Construction activities associated with the remediation component of the proposed project would exceed the City and SMAQMD threshold of 85 lbs/day for NOx.

Facts in Support of Finding:

Mitigation Measure MM 3.1-1R provided in the Fulton Avenue Development project DEIR requires fee payment to SMAQMD. SMAQMD developed a mitigation program that assists in providing cleaner emissions technology within the region. A fee could be paid into this program to offset the emissions over the significance threshold generated from the proposed remediation. Mitigation Measure 3.1-2R requires a plan to be approved by SMAQMD for fleetwide NOx reduction for off-road construction vehicles, as well as monitoring of emissions opacity. Through compliance with the mitigation fee and the standard construction mitigation, it is anticipated that the short-term impacts from NOx can be mitigated to a less-than-significant level.

- ii. EIR Air Quality Impact 3.1-2D – The operation of the proposed automobile related uses on the site would generate emissions of ozone precursors that exceed the City and SMAQMD thresholds.

Potentially Significant Impact:

Operation of the second 90,000 square foot automobile related facility is anticipated to occur as soon as 2010. In 2010, the operation of the proposed project would generate 70.42 lbs per day, which exceeds the City and SMAQMD threshold (65 lbs/day) for operational NOx emissions.

Facts in Support of Finding:

Mitigation Measure 3.1-1D requires the project developer to prepare an Air Quality Mitigation Plan, which must be endorsed by SMAQMD. As required by SMAQMD, the Air Quality Mitigation Plan would reduce the Project's operational emissions by at least 15 percent, which would result in a project daily emissions generation of 59.86 lbs/day, which is below the City and SMAQMD threshold for operational NOx emissions. Through implementation of a SMAQMD-approved Air Quality Mitigation Plan, the Project

operational impacts related to Air Quality would be reduced to a less-than-significant level.

- iii. EIR Air Quality Impact 3.1-5D – The operation of the proposed automobile related uses on the site would contribute to cumulative pollutant emissions.

Potentially Significant Impact:

According to the SMAQMD *Guide to Air Quality Assessment* (p. 7-4), for projects requiring a General Plan Amendment or Rezone, if the emissions estimates are greater for the proposed land use designation or zoning, than for existing General Plan land use designation and zoning, the project will have a significant cumulative air quality impact. Therefore, the proposed project's incremental contribution would be considered cumulatively significant.

Facts in Support of Finding:

SMAQMD's *Guide to Air Quality Assessment* states that mitigation measures provided in Appendix E of the *Guide* to reduce this cumulative impact below the significance level. Mitigation Measure MM 3.1-2D requires the project to implement the recommended mitigation from Appendix E of the *Guide*. Implementation of MM 3.1-2D would, therefore, reduce the impact to a less-than-significant level.

- iv. EIR Biological Resources Impact 3.2-1R – Remediation would result in the permanent removal of seasonal wetland swales and channels from the project site, which could result in impacts to special-status vernal pool invertebrates.

Significant Impact:

On-site wetlands have been identified on the Project site, which have the potential to provide habitat for special-status vernal pool invertebrates. The presence of these species is assumed. The remediation would result in the removal of this habitat.

Facts in Support of Finding:

Mitigation Measures MM 3.2-1R(a-c) require preparation of a mitigation plan for submittal to the US Fish and Wildlife Service (USFWS), which includes the purchase of credits for habitat disturbed. These measures also include avoidance measures for construction activities, if initiated prior to issuance of the USFWS Biological Opinion. These mitigation measures would reduce impacts to a less-than-significant level.

- v. EIR Biological Resources Impact 3.2-2R – Remediation could result in the discharge of fill into federally protected wetlands or other waters of the US.

Potentially Significant Impact:

On-site wetlands have been identified on the Project site, which would likely be considered jurisdictional by the US Army Corps of Engineers (Corps). Therefore, the fill of these wetlands by the remediation component of the proposed project would result in a potentially significant impact.

Facts in Support of Finding:

Mitigation Measure MM 3.2-2R requires that, prior to ground disturbance, the City shall complete the process with the Corps for the discharge of fill into potential waters of the U.S. Section 7 consultation with the US Fish and Wildlife Service is required as part of the Corps' process. Implementation of Mitigation Measure MM 3.2-1R(a-c) would ensure that impacts to federally threatened or endangered vernal pool invertebrate species would be less-than-significant. Completion of the U.S. Army Corps of Engineers process, including Section 7 consultation, would ensure a less-than-significant impact.

- vi. EIR Biological Resources Impact 3.2-3R – Remediation could impact nesting and/or foraging Swainson's hawk and other special-status raptors.

Potentially Significant Impact:

The remediation could result in removal of potential nest trees and/or disturbance to potential nesting special-status birds as a result of demolition and grading activities. In addition, the remediation would result in the grading of 12 acres of Swainson's hawk foraging habitat.

Facts in Support of Finding:

Mitigation Measure 3.2-4R(a-d) requires preconstruction surveys for nesting Swainson's hawks, as well as construction timing restraints, buffer areas, and monitoring if nesting Swainson's hawks are identified during the surveys. In addition, Mitigation Measure 3.2-5R requires purchase of compensatory Swainson's hawks foraging habitat credits, consistent with California Department of Fish and Game (DFG) recommendations. Implementation of these mitigation measures would reduce impacts to a less-than-significant level.

- vii. EIR Biological Resources Impact 3.2-4R – Remediation would result in impacts to trees protected under the City’s Heritage Tree Ordinance.

Potentially Significant Impact:

The Arborist Report prepared by Sierra Nevada Arborist identified 64 trees that would require removal, due to defects, compromised health, or implementation of the remediation. Of the 64 trees that require removal, 11 trees meet the Heritage Tree criteria. In addition, the City Arborist notes that several trees exist in a location which could be within Caltrans right-of-way. The DEIR concludes that removal of several heritage trees identified by the Arborist Report by the remediation activities, as well as potential adverse effects on trees within Caltrans right-of-way, would be considered a potentially significant impact.

Facts in Support of Finding:

Mitigation Measures 3.2-6R through 3.2-11R, which were prepared by the City Arborist, require several methods for reduction in impacts to Heritage trees and trees within the Caltrans right-of-way. These measures include: approval of a landscape plan that indicates planting of 47 trees on the site (or, if on-site planting is infeasible, at an approved location); monitoring by a certified arborist; approval of a tree preservation plan; coordination with Urban Forest Services on the grading plan; irrigation specifications; and root pruning specifications. Implementation of these mitigation measures is anticipated to reduce impacts to a less-than-significant level.

- viii. EIR Biological Resources Impact 3.2-1D – Development could impact nesting Swainson’s hawks and other special-status species.

Potentially Significant Impact:

Construction activities associated with the proposed development could result in removal of potential nest trees and/or disturbance to potential nesting special-status birds as a result of demolition and grading activities.

Facts in Support of Finding:

Mitigation Measure 3.2-1D requires implementation of Mitigation Measure 3.2-4R(a-d). Mitigation Measure 3.2-4R(a-d) requires preconstruction surveys for nesting Swainson’s hawks, as well as construction timing restraints, buffer areas, and monitoring if nesting Swainson’s hawks are identified during the surveys. Implementation of this mitigation measure would reduce impacts to a less-than-significant level.

- ix. EIR Cultural Resources Impact 3.3-2R – Remediation activities could impact known and/or unknown archeologic resources.

Potentially Significant Impact:

Although a records search, conducted with the North Central California Information Center, did not identify any previously recorded sites on or adjacent to the Project site, the potential exists that the remediation activities could impact undiscovered archeological or paleontological resources.

Facts in Support of Finding:

Mitigation Measures 3.3-1R(a,b) and 3.3-2R establish monitoring of remediation activities and performance standards defining the course of action if any resources are uncovered. Implementation of these mitigation measures would reduce impacts to a less-than-significant level.

- x. EIR Cultural Resources Impact 3.3-1D—Development could impact known and/or unknown archeologic resources.

Potentially Significant Impact:

A records search was conducted with the North Central California Information Center, which did not identify any previously recorded sites on or adjacent to the Project site. In addition, the development of the site would occur after the completion of the remediation activities and would not include any on-site grading, excavation, or soil moving at a greater depth than occurred with remediation. However, the potential exists that the installation of off-site utilities could impact undiscovered archeological or paleontological resources.

Facts in Support of Finding:

Mitigation Measure 3.3-1D requires the implementation of Mitigation Measures 3.3-1R(a,b) and 3.3-2R. These measures establish monitoring of construction activities and performance standards defining the course of action if any resources are uncovered.

- xi. Impact 3.4-1R – Remediation would result in activities that could expose people to contaminated soil.

Potentially Significant Impact:

The remediation of the contaminated soils on the Project site could result in activities that could expose people to hazardous materials, such as lead, arsenic, antimony, nickel, and polynuclear aromatic hydrocarbons. In addition, to contaminated soils, the remediation

activities could also expose workers and the public to fuels, solvents, and lubricants associated with the construction equipment used during the excavation of the contaminated soils and grading of the site to place the contaminated for capping. Remediation activities could also result in fugitive dust emissions or runoff of sediment from uncovered soils.

Facts in Support of Finding:

Mitigation Measure 3.4-1(a – f)R includes measures to protect employees and site visitors through the preparation of a site-specific health and safety plan. The plan is to include provisions for dust monitoring along the Project perimeter, in addition, the mitigation requires control of the airborne release of dust during remediation. The mitigation includes measures to minimize the potential for contaminants to be transported off site by equipment or vehicles. Finally, the mitigation requires measures to minimize the potential exposures due to releases from spills of hazardous materials or runoff of contaminated soils.

- xii. Impact 3.4-2R – Activities associated with remediation of the site could expose people to asbestos-containing materials, lead-based paint, PCBs, and other hazardous materials.

Potentially Significant Impact:

The buildings on the Project site were constructed before regulations banning asbestos, lead-based paint, and PCBs were enacted and, therefore, these materials may be present. The Project proposes demolition of the buildings. During demolition, the hazardous materials could be released into the environment and present a potential health hazard to workers and the public.

Facts in Support of Finding:

The mitigation would ensure that a pre-demolition survey is performed to determine the presence of the materials. If the materials are found, removal and disposal by a qualified abatement contractor is required.

- xiii. EIR Traffic and Circulation Impact 3.6-1D – Unacceptable levels of service at the intersection of Fulton Avenue and Business 80 westbound ramps (westbound approach) during the AM, PM and Saturday peak hours. Also, at this intersection the Manual on Uniform Traffic Control Devices (MUTCD) peak hour signal warrant is met during all of the study peak hours.

Significant Impact:

The Traffic Impact Study prepared for the project by Dowling Associates, Inc. indicates that traffic generated by the proposed Project would contribute to the currently deficient Level of Service (LOS) at the intersection of Fulton Avenue and Business 80 westbound ramps (westbound approach) during the AM, PM and Saturday peak hours.

Facts in Support of Finding:

Mitigation Measure 3.6-1D requires that the developer install all-way stop controls at the intersection of Fulton Avenue and Business 80 westbound ramps. Installation of an all-way stop would improve traffic operations from LOS F to LOS E or better and reduce the impact of the Project to a less-than-significant level.

- xiv. EIR Traffic and Circulation Impact 3.6-3D – Inadequate storage at Business 80 westbound off-ramp at Fulton Avenue.

Significant Impact:

The Traffic Impact Study prepared for the Project by Dowling Associates, Inc. indicates that Project-generated traffic would contribute to inadequate storage at Business 80 westbound off-ramp at Fulton Avenue.

Facts in Support of Finding:

Mitigation Measure 3.6-3D requires implementation of Mitigation Measure 3.6-1D. Mitigation Measure 3.6-1D requires that the developer install all-way stop controls at the intersection of Fulton Avenue and Business 80 westbound ramps. Installation of an all-way stop would improve traffic operations from LOS F to LOS E or better and reduce the impact of the Project to a less-than-significant level.

- xv. EIR Traffic and Circulation Impact 3.6-4D – Unacceptable levels of service at the intersection of Fulton Avenue and Business 80 westbound ramps (westbound approach) during the AM, PM and Saturday Peak hours. Also, at this intersection the MUTCD peak hour signal warrant is met during all of the study peak hours.

Significant Impact:

The Traffic Impact Study prepared for the Project by Dowling Associates, Inc. indicates that traffic generated by the proposed Project would contribute to the cumulative LOS deficiency at the intersection of Fulton Avenue and Business 80 westbound ramps (westbound approach) during the AM, PM and Saturday peak hours.

Facts in Support of Finding:

Mitigation Measure 3.6-4D requires that the developer coordinate with Caltrans to install a traffic signal at the intersection of Fulton Avenue and the Business 80 westbound ramps. Installing a traffic signal would improve the intersection operation from LOS F to LOS D or better. Therefore, implementation of the mitigation measure would reduce the impact to a less-than-significant level.

- xvi. EIR Traffic and Circulation Impact 3.6-6R – Remediation could result in short-term impacts on traffic due to the removal of clay pigeon debris.

Potentially Significant Impact:

Short-term traffic impacts could occur during the remediation of the site, due to heavy construction traffic.

Facts in Support of Finding:

Mitigation Measure 3.6-6R requires that a Traffic Management Plan is prepared and approved by Caltrans prior to removal of the clay pigeon debris. Caltrans would also be responsible for monitoring the construction activities. Implementation of Mitigation Measure 3.6-6R would reduce impacts to a less-than-significant level.

B. Mitigation Outside the City's Responsibility and/or Jurisdiction.

Mitigation measures to mitigate, avoid, or substantially lessen the following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are within the responsibility and jurisdiction of other public agencies and not the City. Pursuant to section 21081(a)(2) of CEQA and section 15091(a)(2) of the Guidelines, the City Council, based on the evidence in the record before it, specifically finds that implementation of these mitigation measures can and should be undertaken by the other public agencies. The City Council will request, but cannot compel, each of those public agencies to implement the identified mitigation measures described. Each impact and mitigation measure and the facts supporting the determination that mitigation is within the responsibility and jurisdiction of other public agencies and not the City, are set forth below. Notwithstanding the disclosure of these impacts, the City Council elects to approve the Project due to the overriding considerations set forth below in Section "e", the Statement of Overriding Considerations.

- i. Traffic and Circulation Impact 3.6-2D – The results indicate that the following merge/diverge influence areas would operate at unacceptable levels (LOS 'F').
- Business 80 EB off-ramp to Fulton Avenue during PM peak hour.
 - Business 80 EB on-ramp from Fulton Avenue during PM peak hour.

- Business 80 WB off-ramp to Fulton Avenue during AM peak hour.
- Business 80 WB on-ramp from Fulton Avenue during AM peak hour.

Business 80 mainline would be operating at capacity and resulting in LOS 'F' at the above listed study merge/diverge area.

Significant and Unavoidable Impact:

The Traffic Impact Study prepared for the Project by Dowling Associates, Inc. indicates that traffic generated by the proposed Project would adversely affect the following merge/diverge influence areas, which would operate at unacceptable levels (LOS 'F'):

Business 80 mainline would be operating at capacity and the Project would contribute to the deficient LOS (F) at the above listed study merge/diverge areas. The mitigation identified for reducing the impacts to the above-listed on- and off-ramps include widening the freeway near the Watt Avenue and Bell Street on/off ramps.

Facts in Support of Finding:

Mitigation measures that would reduce the impacts to a less-than-significant level are considered infeasible because the ramps to Business 80 are a part of Caltrans property and are not owned by the City. Caltrans is fully responsible for the design and construction of any improvements to its facilities. Because the City would not be able to authorize improvements to Caltrans facilities, the impact is considered infeasible.

Traffic and Circulation Impact 3.6-5D – The Traffic Impact Study prepared for the Project by Dowling Associates, Inc. indicates that traffic generated by the proposed project would adversely affect the following merge/diverge influence areas, which would operate at unacceptable levels (LOS 'F') in the cumulative (Year 2025) scenario:

- Eastbound off to Fulton Avenue during weekday PM peak hour.
- Eastbound on from Fulton Avenue during weekday PM and Saturday peak hour.
- Westbound off to Fulton Avenue during weekday AM peak hour.
- Westbound on from Fulton Avenue during weekday AM peak hour.

Significant and Unavoidable Impact:

Business 80 mainline would be operating at capacity and the Project would contribute to the deficient LOS (F) at the above listed study merge/diverge area.

Facts in Support of Finding:

The mitigation identified for reducing the impacts to the above-listed on- and off-ramps includes widening the freeway near the Watt Avenue and Bell Street on/off ramps. Mitigation measures that would reduce the impacts to a less-than-significant level are considered infeasible because the ramps to Business 80 are a part of Caltrans property and are not owned by the City. Caltrans is fully responsible for the design and construction of any improvements to its facilities. Because the City would not be able to authorize improvements to Caltrans facilities, the impact is considered infeasible.

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 "e", the Statement of Overriding Considerations.

- i. Air Quality Impact 3.1-2R – Remediation would include short term construction activities that could contribute to cumulative pollutant emissions.
- ii. Air Quality Impact 3.1-4D – Development would include short term construction activities that could contribute to cumulative pollutant emissions.
- iii. Noise Impact 3.5-1D – The installation of trenchless tunneling could exceed the City and County Noise Control Ordinance standards.

D. 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.

Alternative: No Project

This alternative would result in no construction and operational impacts, because only the remediation of the site would take place.

Facts in Support of Finding of Infeasibility:

This Alternative would not meet any of the Project objectives, with the exception of remediation of a contaminated site within the City.

Alternative: Hotel/Conference Center

This alternative would result in reduced traffic impacts due to substantially fewer total daily and peak hour trips, which results in lower air emissions and a reduced air quality impact. The Hotel/Conference Center alternative would likely result in similar construction-related impacts and slightly fewer operational impacts in comparison to the proposed project.

Facts in Support of Finding of Infeasibility:

The alternative would not meet the objectives to develop a 20-acre portion of the Project site with two automobile related uses and reduce automobile sales tax leakage, thereby enhancing sales tax revenues for the City.

Alternative: Warehouse

Construction impacts, such as air emissions and noise, would be slightly higher with this alternative, due to the larger building size.

This alternative would result in fewer A.M., P.M., and Saturday peak hour trips, which would result in fewer traffic impacts and the resulting reduction in air quality impacts.

Facts in Support of Finding of Infeasibility:

Similar to the Hotel/Conference Center, this alternative would not meet the objectives to develop a 20-acre portion of the Project site with two automobile related uses and reduce automobile sales tax leakage, thereby enhancing sales tax revenues for the City.

E. Statement of Overriding Considerations.

Pursuant to 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 "a" through "d". The City Council further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City Council

makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

Statement of Overriding Considerations:

As set forth in the preceding sections, the City's approval of the Fulton Avenue Development (FAD) Project will result in significant adverse environmental impacts that cannot be avoided even with the adoption of all feasible mitigation measures. Despite the occurrence of these impacts, however, the City chooses to approve the Project, as mitigated, because, in its view, the economic, social, and other benefits that the Project will produce will render the significant effects acceptable.

The following statement identifies why, in the City's judgment, the benefits of the Project as approved outweigh its unavoidable significant effects. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and into the documents found in the Record of Proceedings, as defined above.

The City finds that each impact previously identified and briefly explained above is acceptable because mitigation measures have been required to reduce these impacts to the extent feasible, and on balancing the benefits to be realized by approval of the Project against the remaining environmental risks, the following economic, social, and other considerations outweigh the impacts and support approval of the Project:

First, the Project would remediate a City-owned contaminated site to a level appropriate for commercial or industrial development.

Pursuant to the requirements of the Sacramento County Environmental Management Department (SCEMD), remediation of the contaminated soils on the Project site must occur due to the closure of the Sacramento Trapshoot Club (DEIR, p. 2-1). As part of the remediation, the contaminated soils would be moved to one of the newly created parcels associated with the Fulton Avenue Development (FAD) and capped with two-feet of clean fill and 8-inches of aggregate base and an asphalt cap.

Second, the Project would expand economic development in the City.

The adoption and implementation of the Fulton Avenue Development project would provide for the development of an automobile dealership on the northern portion of the site and provide an area for another automobile dealership or another automobile use on the southern portion of the site (DEIR, p. 2-6). By providing two commercial opportunities in City, the Project would bring economic development to the City through the increase in local sales tax from the purchase of goods and services.

The increase in local sales tax for the City would also increase the funds available for the Del Paso Regional Park. The first claim on monies generated by the lease would go toward the annual debt service, with the remainder available for use by Del Paso Regional Park.

Third, the Project provides an economically feasible use of City-owned property.

The cost associated with remediation for uses which might have less impacts such as a park is estimated to be about \$8,180,365 compared to the proposed remediation estimated cost of \$3,164,027.

Fourth, the Project would improve public access a City golf course.

The FAD project would construct an extension of Fulton Avenue in order to serve the two automobile uses and improve public access to the Haggin Oaks Golf Course. The road would be constructed as a City street, thereby improving access to the Golf Course. The extension would include sidewalks, landscaping, and bike lanes (DEIR, p. 2-7). The streetscape within the Project area would be enhanced through the landscaping.

The installation of sidewalks and bike lanes would improve the safety of pedestrians and bike riders in the area because such facilities are not currently available.

The Project would also include the installation of all-way stop sign controls at the intersection of Fulton Avenue and Business 80 westbound ramps, thereby increasing the safety of the patrons of the golf course.

Fifth, the Project would upgrade utilities at the Golf Course.

The FAD project would provide public water for the golf course clubhouse in addition to the Project (DEIR, p. 2-7). The clubhouse is currently served by a well.

An existing lift station on the Haggin Oaks Golf Course would be upgraded as part of the FAD project. The existing pumps in the station are old and perform inefficiently (DEIR, p. 2-8). The replacement would ensure that the golf course and other users of the lift station are provided with reliable sewerage service.

The FAD project would restore or replace the existing outfall that currently drains the Project site. The culvert is a partially collapsed 30-inch culvert with a 24-inch culvert placed inside as a temporary fix (DEIR, p. 2.8). The Project would also install a water quality/detention basin designed to reduce runoff into Arcade Creek.

6. Upon approval of the Project, the City's Environmental Planning Services shall file a Notice of Determination with the County Clerk of Sacramento

County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

7. Pursuant to Guidelines section 15091(e), the administrative record of these proceedings is located, and may be obtained from, the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Boulevard, Suite 200, Sacramento, CA 95834. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services.

Section 3. 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 Plan.

Section 4. Upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

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Exhibit A: Mitigation Monitoring Plan

FULTON AVENUE REMEDIATION MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action	Implementing Party	Monitoring Party
		Remediation – 3.1 Air Quality		
3.1-1R: Remediation could generate emissions that would exceed City and SMSMAQMD thresholds.	MM 3.1-1R: Prior to ground disturbance the City shall make payment to the SMSMAQMD the off-site air quality mitigation fee of \$12,850.	Pay mitigation fee to SMSMAQMD.	City of Sacramento	City of Sacramento Department of Development Services SMSMAQMD
3.1-2R: Remediation would include short term construction activities that could contribute to cumulative pollutant emissions	MM3.1-2R(a): The project shall provide a plan, for approval by the Development Services Department and SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction (acceptable options for reducing emissions include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available); and the City shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater	Provide mitigation plan to SMSMAQMD for emissions reductions measures for off-road construction vehicles.	City of Sacramento	City of Sacramento Department of Development Services SMSMAQMD

	<p>than 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 projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.</p> <p>MM3.1-2R(b): The City 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 the 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</p>	<p>Monitor construction exhaust for opacity and report noncompliance to SMSMAQMD.</p>	<p>City of Sacramento</p>	<p>During remediation activities</p>	<p>City of Sacramento Department of Development Services SMSMAQMD</p>
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	<p>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 supersede other SMAQMD or state rules or regulations.</p>				
<p>3.2-1R: Remediation would result in the permanent removal of seasonal wetland swales and channel from the project site, which could result in impacts to special-status vernal pool invertebrates.</p>	<p>MM 3.2-1R(a): The wetlands identified as potential habitat for federal-listed branchiopods (vernal pool fairy shrimp and vernal pool tadpole shrimp) are presumed occupied by these branchiopods, unless written documentation is provided from the U.S. Fish and Wildlife Service that the negative results of protocol surveys have been accepted. Therefore, prior to ground disturbance, the following measures shall be included on all grading plans.</p> <ul style="list-style-type: none"> No grading shall occur within 50 feet of wetlands occupied by or assumed to be occupied by federal listed branchiopods until the U.S. Fish and Wildlife Service has issued a Biological Opinion to authorize the take of the listed species. It is the Contractor's responsibility to comply with all applicable state and federal 	<p>Remediation – 3.2 Biological Resources Include measures on grading plans.</p>	<p>City of Sacramento</p>	<p>Prior to ground disturbance</p>	<p>City of Sacramento Department of Development Services USFWS</p>

	<p>laws and regulations including the Federal Endangered Species Act and Clean Water Act.</p> <ul style="list-style-type: none"> • Temporary fencing shall be installed around the 50-foot buffer surrounding wetlands occupied by or assumed to be occupied by federally listed branchiopods to exclude construction equipment until the U.S. Fish and Wildlife Service has either accepted negative results of protocol surveys or has issued a Biological Opinion to authorize the take of the listed species. <p>MM 3.2-1R(b): The City shall provide compensatory mitigation as required by the U.S. Fish and Wildlife Service for federally listed branchiopods.</p> <p>MM 3.2-1R(c): During Section 7 consultation process with the U.S. Fish and Wildlife Service, the City is required to prepare a mitigation plan for submittal to U.S. Fish and Wildlife Service. The mitigation plan will be required to include the following components for direct and indirect impacts.</p> <ul style="list-style-type: none"> • Avoidance Component. Demonstrate how the project has been designed to minimize impacts to federal-listed vernal pool crustaceans and their habitat (e.g. biological monitoring and special-status species training for construction personnel). 	<p>Provide compensatory mitigation for listed branchiopods.</p> <p>Submittal of mitigation plan to USFWS for listed branchiopods, and implementation of the plan.</p>	<p>City of Sacramento</p> <p>City of Sacramento</p>	<p>Prior to ground disturbance</p> <p>During Section 7 consultation with USFWS and prior to ground disturbance.</p>	<p>City of Sacramento Department of Development Services USFWS</p> <p>City of Sacramento Department of Development Services USFWS</p>
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<p>3.2-2R: Remediation could result in the discharge of fill into Federally protected wetlands or other waters of the U.S.</p>	<ul style="list-style-type: none"> • Preservation Component. For every acre of habitat directly affected, at least two (2) vernal pool credits will be dedicated within a U.S. Fish and Wildlife Service-approved ecosystem preservation bank (2:1 ratio). • Conservation Component. For every acre of habitat directly affected, at least one (1) vernal pool creation credit will be dedicated within a U.S. Fish and Wildlife Service -- Approved habitat mitigation bank. In the event that preservation or conservation credits are not available for purchase at the time of mitigation implementation, the deposit of funds into a Species Fund in lieu fee program, the amount of money to be deposited determined by the U.S. Fish and Wildlife Service, shall be acceptable to satisfy both the preservation and conservation components of the mitigation plan. <p>Prior to ground disturbance, the City shall implement the mitigation set forth above for federally listed branchiopods as required by the U.S. Fish and Wildlife Service.</p> <p>MM 3.2-2R: Prior to ground disturbance, the City shall complete the process with the U.S. Army Corps of Engineers for the discharge of fill into potential waters of the U.S.</p> <p>MM 3.2-3R: implement MM</p>	<p>Complete process with Corps for fill of potential waters of the US.</p>	<p>City of Sacramento</p>	<p>Prior to ground disturbance.</p>	<p>City of Sacramento Department of Development Services USACE</p>
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(see MM 3.2-1R(a-c))

<p>3.2-3R: Remediation could impact nesting and/or foraging Swainson's hawk and other special-status raptors.</p>	<p>3.2-1R(a-c) MM 3.2-4R(a): Prior to ground disturbance, a pre-construction survey shall be completed by a qualified biologist, within 30 days prior to construction, to determine whether any Swainson's hawk nest trees will be removed on sited, or active Swainson's hawk best sites occur within 1/2 mile of the development site. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology or updated methodologies, as approved by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), using experienced Swainson's hawk surveyors.</p>	<p>Complete pre-construction survey for Swainson's hawk within 30 days prior to construction.</p>	<p>City of Sacramento</p>	<p>Prior to ground disturbance</p>	<p>c)) City of Sacramento Department of Development Services CDFG</p>
<p>3.2-4R(b): If breeding Swainson's hawks (i.e. exhibiting nest building or nesting behavior) are identified no new disturbances (e.g. heavy equipment operation associated with construction) shall occur within 1/2 mile of an active nest between March 1 and September 15, or until a qualified biologist, with concurrence by CDFG, has determined that young have fledged or that the nest is no longer occupied. If the active nest site is located within 1/4 mile of existing urban development, the no new disturbance zone can be limited</p>	<p>MM 3.2-4R(b): If breeding Swainson's hawks (i.e. exhibiting nest building or nesting behavior) are identified no new disturbances (e.g. heavy equipment operation associated with construction) shall occur within 1/2 mile of an active nest between March 1 and September 15, or until a qualified biologist, with concurrence by CDFG, has determined that young have fledged or that the nest is no longer occupied. If the active nest site is located within 1/4 mile of existing urban development, the no new disturbance zone can be limited</p>	<p>If breeding Swainson's hawks are identified, no new disturbances within 1/2 mile (1/4 mile if within urban development) of nest between March 1 and September 1, or until a biologist and DFG have determined young have fledged.</p>	<p>City of Sacramento</p>	<p>Prior to ground disturbance</p>	<p>City of Sacramento Department of Development Services CDFG</p>

<p>3.2-4R: Remediation would result in impacts to trees protected under</p>	<p>to the ¼ mile versus the ½ mile. MM 3.2-4R(c): If construction or other project related activities which may cause nest abandonment or forced fledging are proposed within the ¼ mile buffer zone, intensive monitoring (funded by the project sponsor) by a Department of Fish and Game approved raptor biologist will be required. Exact implementation of this measure will be based on specific site conditions. MM 3.2-4R(d): Trees on the site that need to be removed to accommodate construction shall be felled between September 15 and January 31, outside of the general nesting season for raptors and other birds. Alternately, a pre-construction survey for nesting birds shall be conducted prior to tree removal between February 1 and September 15. Temporal restrictions shall be determined by a qualified biologist. MM 3.2-5R: Prior to ground disturbance, the City shall be required to purchase compensatory Swainson's hawk foraging habitat credits for each developed acre. at the required ratio, from an approved mitigation bank, or develop other arrangements acceptable to and approved by the CDFG. MM 3.2-6R: Prior to initiation of remediation activities, the City shall submit a landscape plan</p>	<p>Intensive monitoring by DFG approved biologist for construction activities within buffer zone. Tree removal shall occur between September 15 and January 31. For tree removal outside these dates, a preconstruction survey for nesting birds shall be conducted. Purchase Swainson's hawk foraging habitat credits. Submittal of a landscape plan</p>	<p>City of Sacramento City of Sacramento City of Sacramento</p>	<p>During construction activities Prior to tree removal. Prior to ground disturbance Prior to ground disturbance</p>	<p>City of Sacramento Department of Development Services CDFG City of Sacramento Department of Development Services CDFG USFWS City of Sacramento Department of Development Services CDFG City of Sacramento, Urban Forest</p>
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<p>the City's Heritage Tree Ordinance.</p>	<p>for the review and approval of the Urban Forest Services Division indicating the planting of 47 48-inch box trees. Species selection shall be approved by the City Arborist prior to planting.</p> <p>OR</p> <p>If the project site cannot accommodate the planting of these trees, the City shall purchase the trees and plant at a specified location approved by the City Arborist. Species selection shall be approved by the City Arborist prior to planting.</p> <p>MM 3.2-7R: During grading and construction activities, the City (or designee) shall provide an ISA certified arborist to periodically monitor the project site to ensure that the required tree preservation techniques are being implemented, and also to coordinate with planning and construction staff. All heritage size trees identified for removal shall be posted not less than 30 days prior to removal.</p> <p>MM 3.2-8R: Prior to construction, the City (or designee) shall submit a tree preservation plan for the review and approval of the Urban Forest Services Division. The tree preservation plan shall be based on the recommendations within the Arborist Report prepared by Sierra Nevada</p>	<p>indicating 47 48-inch box trees from approved species selection, or, if not feasible, purchase and planting of the trees at an approved location.</p> <p>Monitoring of construction to ensure implementation of preservation techniques. Posting of heritage size trees for removal.</p> <p>Submittal of tree preservation plan to Urban Forest Services</p>	<p>City of Sacramento</p> <p>City of Sacramento</p>	<p>Prior to and during grading and construction activities</p> <p>Prior to ground disturbance</p>	<p>Services Division</p> <p>City of Sacramento, Urban Forest Services Division</p> <p>City of Sacramento, Urban Forest Services Division</p>
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	<p>Arborists (August 2006). The tree preservation plan shall also include the following measure identified by the City Arborist.</p> <p>The City, or designee, shall construct and maintain protective fencing around tree root zones for trees 40, 77, 85, 86, 90, 94, and 95, as well as any tree within Caltrans right-of-way. Using a six (6) foot high cyclone fences, the project arborist shall ensure that drip zone areas are protected. The drip zone of each preserved tree shall remain empty during the project. No tools, vehicles and building material shall be stored within the protective fencing. No dumping or solutions, chemicals and construction slurries shall occur in the drip zone of each tree.</p> <p>MM 3.2-9R: Prior to issuance of a grading permit, the Urban Forest Services Division shall review the grading plan to ensure that grade changes greater than 12-inches above or below original grade would not occur within the drip lime of trees 40, 77, 85, 86, 90, 94, and 95, or any tree with Caltrans right-if-way. If grade changes greater than 12-inches are indicated on the grading plan, the City Arborist shall provide additional requirements for specialized aeration and/or drainage systems to aid in tree survival/</p> <p>MM3.2-10R: Trees 40, 77, 85.</p>	<p>Grading plan to be reviewed by Urban Forest Services for grade changes.</p>	<p>City of Sacramento</p>	<p>Prior to issuance of grading permit or grading of the site.</p>	<p>City of Sacramento, Urban Forest Services Division</p>
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	<p>86, 90, 94, and 95 shall be appropriately irrigated (twice per week) during the period of April 1st to October 30th. If irrigation is not currently accessible, irrigation shall be installed or otherwise provided.</p> <p>MM 3.2-11R: All root pruning shall be performed by an International Society of Arboriculture (ISA) certified arborist. Exposed roots greater than 2-inches in diameter shall be inspected and pruned prior to backfill/installation of hardscape. Once exposed, the project arborist shall determine if tree removal is required due to excessive root pruning, and shall immediately notify the City Arborist with the determination.</p>	<p>Provision of appropriate irrigation to identified trees.</p> <p>Root pruning to be performed by a certified Arborist with inspections of exposed roots and notification of City Arborist if removal is required.</p>	<p>City of Sacramento</p> <p>City of Sacramento</p>	<p>City Arborist to verify irrigation schedule prior to grading activities.</p> <p>During construction activities</p>	<p>City of Sacramento, Urban Forest Services Division</p> <p>City of Sacramento, Urban Forest Services Division</p>
<p>3.3-2R: Remediation activities could impact known and/or unknown archeological resources.</p>	<p>MM 3.3-1R(a): In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars, are discovered during construction related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist,</p>	<p>Remediation – 3.3 Cultural Resources</p> <p>Halt work within 50 meters of the location of the discovery of any cultural resources; coordinate with the City.</p>	<p>City of Sacramento</p>	<p>During Construction</p>	<p>City of Sacramento; Development Services Department</p>

	<p>representatives of the City and the qualified archaeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p> <p>MM 3.3-1R(b): If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives. If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archaeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p> <p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment</p>	<p>Consultation with appropriate Native American representatives, if a Native American site is discovered; identification and treatment of artifacts to be conducted by qualified archeologists.</p>	<p>City of Sacramento</p>	<p>During Construction</p>	<p>City of Sacramento; Development Services Department</p>
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<p>is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36CFR 61 requirements.</p> <p>MM 3.3-2R: If a human bone of unknown origin is found during construction, all work shall stop within 50 meters of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the land until the identified appropriate actions have taken place.</p>	<p>Halt work within 50 meters of the location of the discovery of any human remains; contact the County Coroner. Work with descendant to develop re-interment plan.</p>	<p>City of Sacramento</p>	<p>During Construction</p>	<p>City of Sacramento; Development Services Department</p>	
<p>3.4-1R: Remediation would result in activities that could expose people to contaminated soil.</p>	<p>MM 3.4-1R(a): Dust control measures shall be implemented during remediation activities, which may include one or more of the following:</p> <ul style="list-style-type: none"> a) Use of water spraying over soil when performing dust-creating activities. b) Limiting the number of soil disturbing activities being performed at one time such that no visible dust is observed. c) Minimizing drop heights or stockpiles while loading or 	<p>Remediation – 3.4 Hazards and Hazardous Materials City of Sacramento</p>			<p>City of Sacramento; Development Services Department</p>

	<p>unloading soil. d) Covering soil stockpiles when not being added or removed. e) Limiting vehicle speeds in the remediation area to five miles per hour. f) Sweeping paved roadways on-site and off-site near exit routes daily, or more frequently, if necessary. g) Stopping soil disturbing activities when wind speed exceeds 25 miles per hour.</p> <p>MM 3.4-1R(b) The following measures shall be used to minimize the potential for contaminants to be transported outside the site on equipment or vehicles:</p> <p>a) All vehicles must be scraped or brushed to remove soil prior to leaving the remediation area. b) Use of a stabilized construction entrance (Gravel site exits) to assist in the removal of soil from tires. c) If soil cannot be removed effectively by brushing or scraping, high-pressure washing may be employed to remove soil from equipment. Water used in washing operations shall be contained and managed in accordance with applicable federal, state, and local waste regulations.</p> <p>MM 3.4-1R(c) The following mitigation measures shall be used to minimize potential exposures due to releases from</p>	<p>Implement specified measures to minimize transportation of contaminants off of the site.</p>	<p>City of Sacramento</p>	<p>During remediation activities</p>	<p>City of Sacramento; Development Services Department</p>
	<p>MM 3.4-1R(c) The following mitigation measures shall be used to minimize potential exposures due to releases from</p>	<p>Implement specified measures to minimize potential exposures due to releases from spills</p>	<p>City of Sacramento</p>	<p>During remediation activities</p>	<p>City of Sacramento; Development Services Department</p>

<p>spills or runoff:</p> <p>a) A vehicle staging area will be set up in the southwest corner of the proposed project area, which will be used for parking heavy equipment and storage of hazardous materials (fuels, lubricants, etc) that may be used during the remediation.</p> <p>b) Materials will be stored in appropriate containers.</p> <p>c) Hazardous materials releases, such as spills of oil, petroleum fuels, and hydraulic fluids, or releases of contaminated soil/sediment will be managed through use of Best Management Practices to manage storm water and other discharges, as required by City of Sacramento Municipal Code (Chapter 13.16). The contractor shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP), which must contain procedures for responding to hazardous materials releases, such as use of absorbent material and proper management of the resultant waste.</p> <p>d) The staging area will have secondary containment as appropriate for materials being used, and equipment/supplies needed to handle spills and disposal of contaminated materials.</p> <p>MM 3.4-1R(d): The remediation contractor is required to prepare a site-specific health and safety plan that discusses basic</p>	<p>or runoff.</p> <p>Health and safety plan is to include provisions for dust monitoring along the site perimeter, and is to define action</p>	<p>City of Sacramento</p>	<p>Prior to ground disturbance.</p>	<p>City of Sacramento; Development Services Department</p>
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	<p>procedural and minimum equipment requirements for worker protection in accordance with Federal OSHA 29 CFR 1910 and 1926. All employees and site visitors will be subject to the provisions of the Health and Safety Plan. The Plan shall also include provisions for dust monitoring along the site perimeter and define applicable action levels that would trigger additional dust control measures if the action levels are exceeded.</p> <p>MM 3.4-1R(e): After recordation of the parcel map and prior to occupancy of the buildings, a Deed Restriction shall be recorded for Parcel B that includes at a minimum the following provisions:</p> <ul style="list-style-type: none"> a) The Deed Restriction must run with the land and be imposed in perpetuity and shall restrict land uses on the site (no single family residential or other sensitive land uses). b) Identify the continuing presence of hazardous materials and describe the use limitations on the property. c) Every year the landowner or lessee shall conduct an inspection of the integrity of the cap. d) The inspection shall consist of visual inspections along longitudinal (north to south) traverses every 100 feet. e) Observations shall be made as to cap cracking. 	<p>levels that would trigger additional measures.</p> <p>Deed restriction placed on Parcel B, including specified provisions.</p>	<p>City of Sacramento</p>	<p>After recordation of parcel map and prior to occupancy of buildings.</p>	<p>City of Sacramento; Development Services Department</p>
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<p>3.4-2R: Activities associated with remediation of the site could expose people to asbestos containing materials, lead-based paint, PCBs, and other hazardous materials.</p>	<p>erosional damage, settlement, sloughing, seepage, or other damage to the cap. f) Any deterioration of the cap shall be noted and repairs must be implemented. g) The inspection shall be documented and submitted to the County annually in January. MM 3.4-2R: Prior to building demolition, an Asbestos Building Materials Survey will be conducted by an AHERA Accredited Asbestos Consultant or Site Surveillance Technician certified by the State of California. A Lead-Based Paint Survey will be conducted by a certified lead inspector accredited by the State of California Department of Health Services (DHS). If such materials are found, and prior to demolition that could disturb the materials, the City will retain a qualified abatement contractor to properly remove and dispose of these materials, in accordance with applicable regulations.</p>	<p>Conduct an Asbestos Building Materials Survey and a Lead-Based Paint Survey by certified technicians. If such materials are found, retain a qualified abatement contractor.</p>	<p>City of Sacramento</p>	<p>Prior to building demolition.</p>	<p>City of Sacramento; Development Services Department</p>
<p>Remediation – 5.13 Traffic and Circulation</p>					
<p>3.6-6R: Remediation could result in short-term impacts on traffic due to the removal of the clay pigeon debris.</p>	<p>MM 3.6-6R: A Traffic Management Plan (TMP) shall be prepared prior to removal of the clay pigeon debris. The TMP shall be reviewed and approved by the California Department of Transportation (Caltrans) and the City's Department of Transportation (DOT). During construction, the State shall monitor compliance with the TMP on I-80 (Business)</p>	<p>Prepare a Traffic Management Plan (TMP) including the specified items.</p>	<p>City of Sacramento</p>	<p>Prior to removal of clay pigeon debris.</p>	<p>City of Sacramento; Development Services Department; Caltrans</p>

	<p>and the City shall monitor compliance on Fulton Road.</p> <p>The TMP shall include, but is not limited to, the following items:</p> <ul style="list-style-type: none"> a) Identification of areas requiring encroachment with the public right-of-way. b) Identification of any necessary signing. c) Identification of routes and hours for the movement of construction vehicles that would minimize the impacts on circulation of vehicular traffic in the project study area to avoid hindrance of the general flow of traffic in the vicinity of the project (i.e. avoiding peak hour conditions). d) Use of the project site for placement or staging of construction equipment, vehicle, and materials to avoid additional trips to the project site. <p>Designation of an on-site complaint and enforcement to respond to complaints and on-site posting of contact information (name and phone number) for the enforcement manager.</p>				
<p>3.1-2D: The operation of the proposed automotive-related uses on the site would generate emissions of ozone precursors that exceed City and SMSMAQMD</p>	<p>MM 3.1-1D: Prior to issuance of Certificate of Occupancy, the developer shall prepare and receive written endorsement from the SMSMAQMD of an operational Air Quality Mitigation Plan detailing the measures that shall be</p>	<p>Prepare, and receive endorsement from SMSMAQMD on, an operational Air Quality Mitigation Plan.</p>	<p>Developer</p>	<p>Prior to issuance of Certificates of Occupancy</p>	<p>City of Sacramento; Development Services Department; SMSMAQMD</p>

<p>thresholds.</p> <p>3.1-4D: Development would include short term construction activities that could contribute to cumulative pollutant emissions.</p>	<p>employed to reduce the proposed project's operational emissions by at least 15 percent. The project developer shall obtain the endorsement from the SMSMAQMD and provide it to the City's Environmental Planning Services Department.</p> <p>MM 3.1-2D: The developer shall provide a plan, for approval by the City and SMSMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction (acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available); and</p> <p>The developer shall submit to the City and SMSMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine</p>	<p>Provide a plan demonstrating fleet-wide reduction of NOx and an inventory of all off-road construction equipment (greater or equal to 50 horsepower). Emissions from construction vehicles not to exceed specified opacity.</p>	<p>Developer</p>	<p>Prior to grading activities and during construction</p>	<p>City of Sacramento; Development Services Department; SMSMAQMD</p>
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	<p>production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMSMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman; and</p> <p>The developer 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 the City and SMSMAQMD 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</p>				
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<p>3.1-5D: The operation of the proposed automotive-related uses on the site would contribute to cumulative pollutant emissions.</p>	<p>summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMSMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation measure shall supersede other SMSMAQMD or state rules or regulations.</p> <p>MM 3.1-3D: Implement MM 3.1-1D.</p>	<p>See MM 3.1-1D</p>	<p>Developer</p>	<p>See MM 3.1-1D</p>	<p>See MM 3.1-1D</p>
<p>Development – 3.2 Biological Resources</p>					
<p>3.2-1D: Development could impact nesting Swainson's hawk and other special-status raptors.</p> <p>3.2-2D: Development would result in impacts to trees protected under the City's Heritage Tree Ordinance.</p>	<p>MM 3.2-1D: Implement MM 3.2-4R(a – d)</p> <p>MM 3.2-2D: Implement MM 3.2-6R through 3.2-11R</p>	<p>See MM 3.2-4R(a-d)</p> <p>See MM 3.2-6R through 3.2-11R</p>	<p>Developer</p> <p>Developer</p>	<p>See MM 3.2-4R(a-d)</p> <p>See MM 3.2-6R through 3.2-11R</p>	<p>See MM 3.2-4R(a-d)</p> <p>See MM 3.2-6R through 3.2-11R</p>
<p>Development – 3.3 Cultural Resources</p>					
<p>3.3-1D: Development could impact known and/or unknown archeologic resources.</p>	<p>MM 3.3-1D: Implement MM 3.3-1R(a, b) and MM 3.3-2</p>	<p>See MM 3.3-1R(a, b) and MM 3.3-2</p>	<p>Developer</p>	<p>See MM 3.3-1R(a, b) and MM 3.3-2</p>	<p>See MM 3.3-1R(a, b) and MM 3.3-2</p>
<p>Development – 3.5 Noise</p>					
<p>3.5-1D: The installation of trenchless tunneling could exceed the City and County Noise Control Ordinance standards</p>	<p>MM 3.5-1D(a): If trenchless tunneling is required to occur during the nighttime hours, use of construction equipment and material deliveries during the nighttime hours shall be minimized to the maximum</p>	<p>If trenchless tunneling is required during nighttime hours, minimize nighttime construction hours and shield fixed and stationary equipment</p>	<p>Developer</p>	<p>During nighttime trenchless tunneling activities</p>	<p>City of Sacramento; Development Services Department</p>

	<p>extent feasible. Fixed and stationary equipment (e.g., compressors, cranes, generators) to be operated during the nighttime hours shall be shielded from direct line-of-site to nearby night-sensitive noise receptors (Clarion Hotel) located south of the project site by placement within enclosures or below surface grade, by use of temporary sound barriers/curtains, or by placement behind intervening structures or material storage piles, sufficient to interrupt line-of-sight to the Clarion Hotel.</p> <p>MM 3.5-1D(b): Construction equipment shall be equipped with mufflers, in accordance with manufacturers' specifications.</p>	<p>from night-sensitive noise receptors.</p> <p>Equip construction equipment with mufflers</p>	<p>Developer</p>	<p>During nighttime trenchless tunneling activities</p>	<p>City of Sacramento; Development Services Department</p>
<p>3.6-1D Unacceptable levels of service at the intersection of Fulton Avenue and Business 80 westbound ramps (westbound approach) during the AM, PM, and Saturday peak hours. Also, at this intersection the MUTCD peak hour signal warrant is met during all of the study peak hours.</p> <p>3.6-2D The results indicate that the following merge/diverge influence areas would operate at unacceptable levels (LOS 'F').</p>	<p>MM 3.6-1D All-way stop sign controls shall be installed at the intersection of Fulton Avenue and Business 80 westbound ramps. Installing all-way stop signs will improve traffic operations from LOS 'F' to LOS 'E' or better and reduce the impact of the project to less-than-significant.</p> <p>MM 3.6-2D No feasible mitigation measure has been identified that would reduce the impact of the project on the freeway. Widening the freeway near the Watt Avenue and Bell Street on/off ramps would</p>	<p>Install all-way stop signs at the intersection of Fulton Avenue and Business 80 westbound ramps.</p> <p>N/A</p>	<p>City</p> <p>N/A</p>	<p>Prior to issuance of Certificates of Occupancy</p> <p>N/A</p>	<p>City of Sacramento; Development Services Department Caltrans</p> <p>N/A</p>

<ul style="list-style-type: none"> • Business 80 EB off-ramp to Fulton Avenue during PM peak hour. • Business 80 EB on-ramp to Fulton Avenue during PM peak hour. • Business 80 WB off-ramp to Fulton Avenue during AM peak hour. • Business 80 WB on-ramp to Fulton Avenue during AM peak hour. <p>Business 80 mainline would be operating at capacity and resulting in LOS 'F' at the above listed study merge/diverge area.</p> <p>3.6-3D Inadequate storage at Business 80 westbound off-ramp at Fulton Avenue.</p> <p>3.6-4D Cumulative, unacceptable levels of service at the intersection of Fulton Avenue and Business 80 westbound ramps (westbound approach) during the AM, PM, and Saturday peak hours. Also, at this intersection the MUTCD peak hour signal warrant is met during all of the study peak hours.</p> <p>3.6-5D Cumulative</p>	<p>reduce the impact, but is not considered feasible; therefore, the project impact would remain significant-and-unavoidable.</p> <p>MM 3.6-3D Implementation of MM 3.6-1D.</p> <p>MM 3.6-4D A traffic signal shall be installed, in coordination with Caltrans, at the intersection of Fulton Avenue and the Business 80 westbound ramps. Installing a traffic signal will improve the intersection operation from LOS 'F' to LOS 'D' or better.</p> <p>MM 3.6-5D No feasible</p>	<p>See MM 3.6-1.</p> <p>Coordinate with Caltrans to install a traffic signal at the intersection of Fulton Avenue and the Business 80 westbound ramps.</p>	<p>See MM 3.6-1.</p> <p>City</p>	<p>See MM 3.6-1.</p> <p>Prior to issuance of Certificates of Occupancy</p>	<p>See MM 3.6-1.</p> <p>City of Sacramento; Development Services Department Caltrans</p>
					N/A
					N/A
					N/A

<p>results indicate that the following merge/diverge influence areas would operate at unacceptable levels (LOS 'F').</p> <ul style="list-style-type: none"> • Eastbound off to Fulton Avenue during weekday PM peak hour. • Eastbound on from Fulton Avenue during weekday PM and Saturday peak hour. • Westbound off to Fulton Avenue during weekday AM peak hour. • Westbound on from Fulton Avenue during weekday AM peak hour. <p>Business 80 mainline would be operating at capacity and resulting in LOS 'F' at the above listed study merge/diverge area.</p>	<p>mitigation measures have been identified that would reduce the cumulative impact of the project on the freeway. Widening the freeway near the Watt Avenue and Bell Street on/off ramps would reduce the impact, but this is not considered feasible; therefore, the cumulative project impact would remain significant and unavoidable.</p>				
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Attachment 7: Resolution Approving the General Plan Amendment

RESOLUTION NO. 2006

Adopted by the Sacramento City Council

AMENDING THE GENERAL PLAN TO REDESIGNATE 20± GROSS ACRES FROM PARKS, RECREATION AND OPEN SPACE TO HEAVY COMMERCIAL/WAREHOUSE IN THE PROPOSED FULTON AVENUE PLANNED UNIT DEVELOPMENT, LOCATED IN NORTH SACRAMENTO AT THE NORTHEAST CORNER OF FULTON AVENUE AND BUSINESS 80 IN SACRAMENTO, CALIFORNIA. (P06-012) (APN: 254-0011-027)

BACKGROUND

- A. The Planning Commission conducted a public hearing on December 14, 2006, and the City Council conducted a public hearing on January 16, 2007 concerning the above mentioned plan amendment and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:
1. The proposed land use amendment is compatible with the surrounding land use;
 2. The subject site is suitable for heavy commercial/warehouse uses; and
 3. The proposal is consistent with the policies and goals of the General Plan.

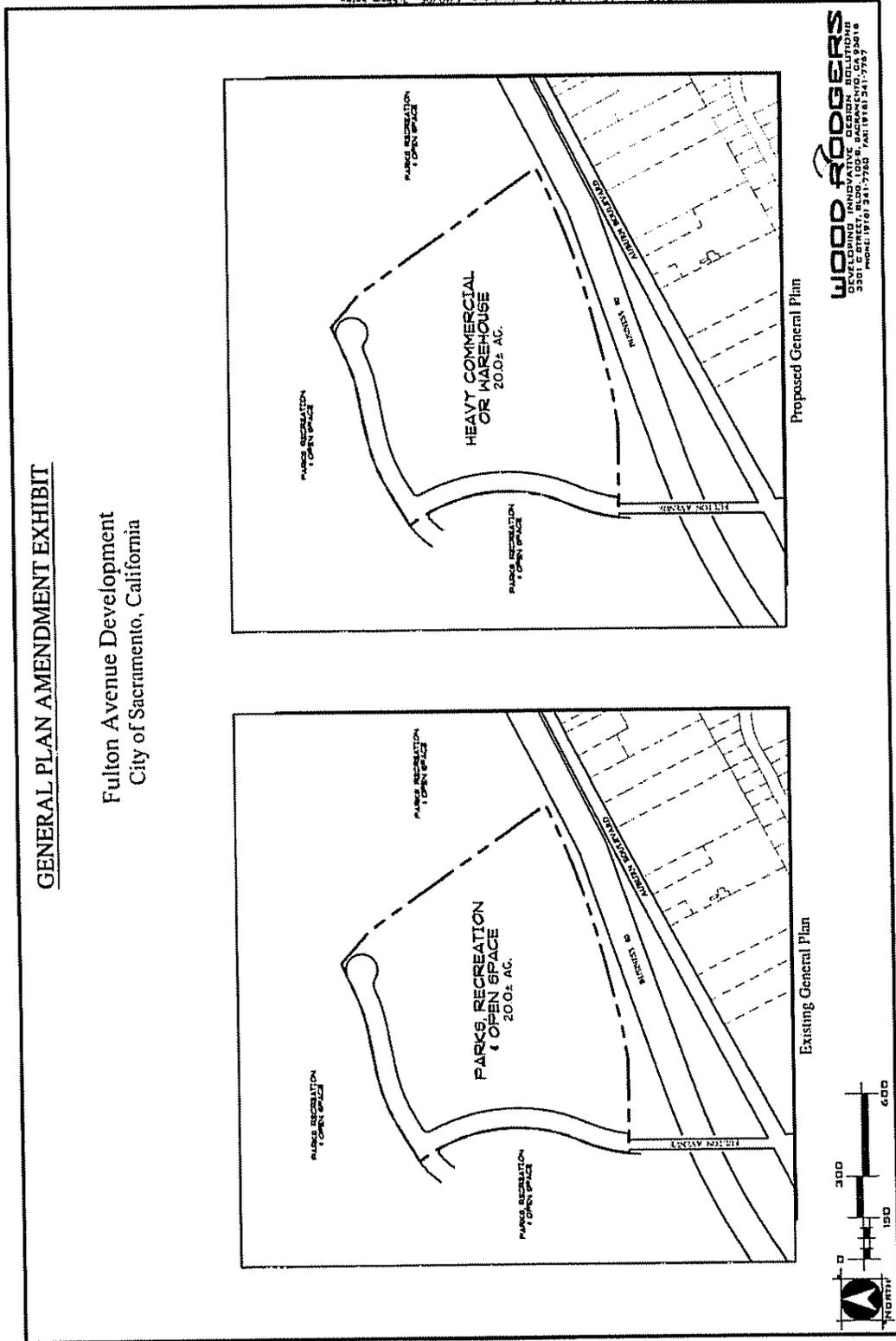
BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1 The City Council adopts the General Plan Amendment for the property, (as shown on the attached Exhibit A) which is hereby redesignated on the General Plan land use map from 20± gross acres Parks, Recreation and Open Space to 20± gross acres Heavy Commercial/Warehouse.

Table of Contents:

Exhibit A: General Plan Amendment Exhibit – 1 Page

Exhibit A: General Plan Amendment Exhibit



Attachment 8: Resolution Approving the Establishment of PUD

RESOLUTION NO. 2006

Adopted by the Sacramento City Council

ESTABLISHING THE FULTON AVENUE PLANNED UNIT DEVELOPMENT (PUD) INCLUDING A SCHEMATIC PLAN AND GUIDELINES, LOCATED IN NORTH SACRAMENTO AT THE NORTHEAST CORNER OF FULTON AVENUE AND BUSINESS 80 IN SACRAMENTO, CALIFORNIA. (P06-012) (APN: 254-0011-027)

BACKGROUND

- A. The Planning Commission conducted a public hearing on December 14, 2006, and the City Council conducted a public hearing on January 16, 2007 concerning the above plan amendment and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:
1. The PUD conforms to the General Plan and is not subject to a Community Plan;
 2. The PUD meets the purposes and criteria stated in the City Zoning Ordinance in that the PUD assures that new development is healthy and of long-lasting benefit to the community and the City; and
 3. The PUD will not be injurious to the public welfare, nor to other property in the vicinity of the development and will be in harmony with the general purposes and intent of the Zoning Ordinance in that the PUD ensures that development will be well-designed, proposed uses will not create a negative impact on adjacent uses.

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

- Section 1 The City Council of the City of Sacramento, in accordance with the City Code, Chapter 17, hereby approves the Fulton Avenue Planned Unit Development with the Schematic Plan and Guidelines (as shown on the attached Exhibit A & B).

Table of Contents:

- Exhibit A: Schematic Plan Exhibit -1 Page
Exhibit B: Development Guidelines – 11 Pages

Exhibit B: PUD Development Guidelines

FULTON AVENUE DEVELOPMENT PROJECT
DEVELOPMENT GUIDELINES

Fulton Avenue Development
Dated: November 28, 2006

FULTON AVENUE DEVELOPMENT PROJECT - DEVELOPMENT GUIDELINES

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IV.	Site Planning	3
V.	Landscaping	5
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VII.	Lighting	7
VIII.	Signage	8

I. OVERALL PURPOSE AND APPROVAL REQUIREMENTS

The Fulton Avenue Development Project is a Planned Unit Development (PUD). These guidelines, as approved and accepted by the City of Sacramento City Council, are intended to implement the goals and policies of the Sacramento City General Plan and serve as a supplement to the existing City of Sacramento Zoning Code. In addition, the Fulton Avenue Development Project's Development Guidelines will establish the necessary criteria to promote quality design for the project.

To the extent the provisions of these PUD Guidelines conflict with development standards or regulations in the City of Sacramento Zoning Code, these PUD Guidelines shall prevail.

Upon request of the applicant, the Planning Director may amend or modify these PUD Guidelines or the related PUD Schematic Development Plan without compliance with the procedural provisions of the Zoning Ordinance or any other notice of public hearing if the Planning Director determines that the requested amendment or modification is consistent with the general intent of these PUD Guidelines. Except as noted above, any amendments hereto can only become effective upon approval by the Planning Commission of the City of Sacramento.

When consistent with these PUD Guidelines, development within the Fulton Avenue Development Project PUD shall be subject to approval pursuant to the Planning Director Plan Review provisions of Chapter 17.220 of the City of Sacramento Zoning Code.

II. PROJECT DESCRIPTION

The Fulton Avenue Development Project is a 17.5± net / 20± gross acre project located north of the Business 80 / Fulton Avenue Interchange in the City of Sacramento. The project site is bounded by Business 80 on the south and Fulton Avenue on the west. To the north and east the project site is bounded by the Haggin Oaks Golf Course owned and operated by the City of Sacramento. The Fulton Avenue Development Project will provide automobile related highway commercial uses for both the North Sacramento community and for travelers of Business 80. It is anticipated that the PUD will be developed with up to two (2) automobile dealerships and automobile-related uses.

III. PERMITTED AND PROHIBITED USES

The zoning for the project site is Heavy Commercial / Warehouse (C-4) zone. However, not all uses allowed by the City Zoning Ordinance in a C-4 zone will be appropriate within this PUD. Only the following uses will be allowed within this PUD:

- automobile sales (new and used)
- automobile service, automobile repair
- automobile storage
- automobile rental
- automobile body repair shop
- automobile parts sales
- copy shop
- florist
- food/grocery/deli
- furniture store
- printing & blueprinting
- restaurant
- recreational vehicle sales and repairs
- retail stores
- boat sales
- sign shop
- tire shop
- towing and storage yard

Notwithstanding the C-4 zoning of the project site the following uses are nonetheless prohibited within this PUD:

- bar
- nightclub
- beer and wine sales for off-premises consumption
- boat dock/marina
- bus terminal
- bus maintenance and storage
- church
- cleaning plant
- child care center
- community center
- dance school
- diet center
- drive-in theater
- dry cleaning plant
- equipment rental yard
- equipment sales yard
- flea market
- furniture refinishing
- gun/rifle range
- kennel
- laboratory
- laundromat
- medical clinic
- medical offices
- mini storage
- mortuary
- food storage and distribution facility
- non-residential care facility
- penal institution
- pest control company
- recycling facilities
- residential hotel-SRO
- social club
- temporary buildings
- tutoring center
- vet clinic/hospital

Multiple automobile dealerships shall be allowed on the same underlying legal parcels. Notwithstanding the provisions of the Sacramento City Zoning Code, the off-site parking of automobiles, including, but not limited to, the sales and storage of vehicles shall be permitted within this PUD without the need for any special permits. Therefore, this PUD shall permit any automobile dealerships developed on this site to locate their primary buildings on Parcel A and to use their respective portions of Parcel B for vehicle storage, display and sales pursuant to a Planning Director Plan Review approval.

IV. SITE PLANNING

The objective of good site planning is to establish a functional and effective organization of buildings, circulation, parking and service areas that enhance the identity and efficiency of the project and its relationship to surrounding development. The site is anticipated to be developed with at least one automobile dealership and a second automobile related use, most likely another automobile dealership. The site will be designed to facilitate efficient circulation of automobiles without compromising safety. All buildings shall be located within the building envelopes indicated on the Fulton Avenue Development Schematic Plan and all buildings, structures, paved areas and building materials, color schemes, and landscape elements shall be designed and constructed so as to create a desirable environment for the intended use and relate harmoniously to other buildings.

Site Design Requirements and Standards:

- All utilities are to be installed underground.
- All screen wall material shall be complimentary to any adjacent building walls.
- All trash/recycling collection shall be screened from off-site view.
- Enclosures shall be a minimum of six feet in height.
- Surface runoff and drainage shall be handled on site.
- Adequate off-street parking shall be provided consistent with the Sacramento City Zoning Code to accommodate the parking needs of the businesses located at the site.
- Required off-street parking shall be provided on the site served unless reciprocal parking and access easements are provided to the satisfaction of the City of Sacramento's Development Engineering Division.
- Curb type barriers shall be designated and located to prevent parked vehicles from extending beyond property lines of parking lots or into yard spaces where parking is prohibited and to protect public right-of-way and adjoining properties from damaging effects of surface drainage from parking lots.

- Minimum stall dimensions shall correspond to standards provided in the City Zoning Code. These stall dimension standards shall not apply to vehicle display, sales, service and storage areas associated with automobile dealership uses permitted within the PUD; provided, however, that all parking areas associated with automobile dealership uses shall be designed to prevent parking vehicles from extending beyond property lines as provided above.
- A Maximum of forty (40) percent of all required vehicle parking spaces may be compact spaces. Variations from this standard are permitted pursuant to Section 17.64.030 of the City of Sacramento Zoning Code. These compact parking space standards shall not apply to vehicle display, sales, service and storage areas associated with automobile dealership uses permitted within the PUD.
- Driveway cuts for the PUD shall be as shown on the PUD Schematic Plan.
- The loading and unloading of vehicles associated with any automobile dealership use shall be designed to occur completely within the automobile dealership parcel. No loading or unloading of vehicles shall be permitted on any public street within the PUD.
- No open-air storage of materials, supplies, equipment, mobile equipment, finished or semi-finished products or articles of any nature shall be allowed. Storage is to be inside structures. Open-air display, sales and storage of vehicles associated with automobile dealership uses shall be permitted within this PUD.
- Internal drive aisles for circulation within and among the automobile dealerships do not need to be improved to City's public street standards.

Site Setback and Height Standards:

- Setbacks shall be determined by the Planning Director at the time of submittal for Planning Director Plan Review.
- The maximum building height shall be 65 feet. If a mechanical penthouse is provided, an additional 10 feet shall be permitted.

Hazardous Materials:

- All buildings and structures containing hazardous materials shall be labeled at all doorways with easy to read signs that provide emergency response teams with information on the hazardous contents of the building or structure, and proper containment procedures. Labeling should be based on existing systems (such as the National Fire Protection Association 704 System) and approved by the City Fire Department.

On-Site Drainage:

- Each building shall be required to provide adequate drainage facilities in accordance with City of Sacramento standards.

Walkways:

- Walkway materials shall be compatible with the exterior wall materials of adjacent buildings and with walk and path systems standards of the PUD. Surfaces shall have a non-skid finish. Layout and design shall provide maximum comfort and safety to pedestrians.

V. LANDSCAPING

The objective of these landscape design standards is to create a pleasant and distinctive environment that reinforces the site plan in a manner that is consistent with the City of Sacramento's Response Plan for the Trapshooting Club (the "Response Plan") in order to prevent the spread of contaminated materials. The Response Plan requires that all of Parcel B be covered with an impermeable asphalt cap. These landscaping guidelines are intended to promote the establishment of compatible and continuous landscape design that will not violate the integrity of the asphalt cap on Parcel B, yet allow compatible landscaping within Parcel A that is suitable for an automobile dealership use. All landscaping shall be maintained in a neat and orderly fashion.

A. Parcel A Landscaping

Parcel A, which does not have an impervious asphalt cap, shall have landscaping with plants that are varied in size, including one (1) and five (5) gallon shrubs, and five (5) and fifteen (15) gallon trees. Examples of acceptable landscape design treatments and typical street corner landscape treatments shall be approved by the Planning Director and may be included and approved in conjunction with a project specific Planning director's Plan Review application. Tree plantings shall be grouped to provide visual interest while still ensuring the visibility of vehicle display and sales areas from adjacent public rights of way and internal drives.

- All landscaping shall be maintained so that ground cover plants and shrubs do not exceed a maximum height of thirty (30) inches. Tree limbs shall be trimmed so that they hang no lower than seven (7) feet above grade level. Location and number of trees on Parcel A shall be situated so that they do not diminish lighting levels.
- Natural ground covers with permanent automatic irrigation will be used to tie together the individual elements throughout the project.
- The minimum landscape coverage percentage for any project on Parcel A shall be fifteen percent (15%).

- Trees shall be planted and maintained throughout the customer and employee parking areas to insure that within fifteen (15) years after the establishment of those parking areas, at least fifty percent (50%) of those parking areas will be shaded at noon on August 21st. Consistent with Section 17.68.040 of the City of Sacramento Zoning Code, the foregoing requirement shall not apply to vehicle display, sales, service and storage areas associated with the dealership uses permitted within the PUD.

B. Parcel B Landscaping:

- No trees, shrubs or plants shall be used whose root systems would invade the impervious asphalt cap placed over Parcel B.
- Landscaping and plant selection shall be designed to maximize energy conservation, human comfort and promote biodiversity within the introduced landscape.
- Landscaping enhancements may include ornamental plantings, trellises, and specialty lighting.
- All landscaping must be installed in above-ground planters and pots with impervious bottoms on Parcel B.
- No holes or openings shall be cut in the asphalt cap to plant trees or other vegetation on Parcel B.
- Parcel B shall be exempt from the requirements of Section 17.68.040 of the City Zoning Code related to tree shading at vehicle parking areas.

VI. ARCHITECTURAL DESIGN

The objective of architectural design is to create a distinctive but compatible building image that denotes the nature of the building's purpose and activities. The design and architecture of the proposed buildings shall be complementary to existing buildings and structures in the surrounding area. Good architecture is enduring and timeless and cannot set a precedent for poor architectural design.

Building Design

- Appropriate facade and wall articulation materials include, but are not limited to, painted concrete, split-faced concrete block, cement plaster, brick, metal, concrete/plaster reveals, patterned masonry and tile.
- Building facades should have good articulation.
- All roof-mounted equipment shall be screened from view.

- Changes in parapet wall heights are encouraged to enhance building entrances and to articulate building walls.
- Colors, materials, and finishes shall be coordinated on the buildings. Building facade colors shall compliment project accent colors. Concrete and plaster surfaces shall be painted. Metal surfaces may be painted or galvanized.
- Building designs consistent with corporate standards to identify the type of use or activities being conducted at the building are encouraged; however, corporate standards shall not set a precedent for the design of nearby buildings.
- Any corporate brand or identification shall be subtly integrated into the overall design of the building.
- Insensitive dominant building elements are prohibited.
- Corporate standard prototype buildings are prohibited.
- Avoid the use of building elements that overwhelm or dominate a building.
- Temporary construction structures including, but not limited to trailers, mobile homes, and other structures are permitted during construction.

VII. LIGHTING

All lighting design must comply with the City Zoning Code. The intention of the lighting design for the Fulton Avenue Development is to create an inviting yet secure nighttime environment. The proposed lighting shall coordinate with building architecture and provide continuous lighting for all vehicular and pedestrian paths of travel at the site. In addition, all on-site lighting shall adhere to the following light standards:

- Lighting shall be designed in such a manner as to provide safety and comfort for occupants of the project site and the general public.
- Lighting shall be oriented away from the properties adjacent to the project site. Cutoff type fixtures should be used where glare could be a problem for adjacent properties or streets.
- Exterior lighting fixtures shall be similar and compatible throughout each parcel.

VIII. SIGNAGE

The intent of these sign guidelines is to allow for the use of detached off-site freeway signage serving the businesses located at the project site and to create a visually coordinated and balanced signage environment. The design of all sign graphics shall be carefully considered in relation to the site architecture and uses. The objective of signage is to provide identity and

information for tenants and users of the site, as well as their customers, while avoiding visual competition and clutter.

The project shall adhere to the following sign guidelines:

General Sign Guidelines:

- Signs shall be compatible with and complimentary to the scale and color of adjacent building facades.
- Temporary wall signs, leasing signs, and window signs will be allowed if consistent with the City Sign Ordinance relating to temporary signs.
- All sign fabrication work shall be of high quality. All logo images and typestyles shall be accurately reproduced.
- Wall signs shall be affixed without a visible means of attachment, unless the attachments are architecturally distinctive.
- Exposed junction boxes, transformers, lamps, tubing, conduit, raceways or neon crossovers of any type shall be covered and screened from public view.
- Paper, cardboard or Styrofoam signs, stickers or decals hung around or behind storefronts are prohibited.
- No electronic messaging or animation is permitted on signs.

Detached Signage:

- One freeway pole sign (on-site or off-site) is allowed in the PUD. Use of the freeway pole sign shall be shared by the two (2) automobile dealerships.
- Maximum area of each dealership's sign on the freeway pole sign is 200 square feet per sign face. The total of both sign faces of each sign shall not exceed a maximum of 400 total square feet, which shall be exclusive of any air space area separating the individual signs for each dealership. Each sign shall be internally illuminated.
- Maximum height of the freeway pole sign is seventy (70) feet.
- Maximum area of each on-site monument sign is forty-eight (48) square feet.
- Maximum height of each monument sign is six (6) feet.
- On-site monument signs shall be located near the major entry/exit to each automobile dealership.

- The freeway pole sign shall be located along the Business 80 frontage, near the southeast corner of Parcel B.

Attached Signage:

- One attached sign per road (public or private) and per freeway frontage on each dealership building is allowed, not to exceed a maximum of four (4) attached signs per building.
- A sign may consist of a company logo and/or a company name, secondary identification information, or directional signage.
- A maximum of two signs with company name and/or company logo and two signs with secondary identification information are permitted per Ancillary building. There shall be no limitation on the number or location of attached directional signs permitted per building, provided they meet the directional signage requirements contained within these Guidelines.
- Signs may be internally illuminated, externally illuminated, or non-illuminated.
- Lighting for signs shall not produce a glare on other properties in the vicinity and the source of light shall not be visible from adjacent property or a public street.
- Signs must be attached to and parallel to a building face. A sign may not project above the wall on which it is located.
- Signs may be located in the “upper signage area” and may be oriented toward the freeway. The “upper signage area” is defined as the area bounded by: (1) the building parapet line; (2) the top of the windows of the highest floor of the building; and (3) the vertical edges of the building face on which the sign is attached.
- A sign located in the upper signage area shall be no longer than thirty percent (30%) of the length of the linear building face on which the sign is affixed.
- Attached building signs (letters and logos) shall not exceed two hundred forty (240) square feet.
- Attached building signs may be constructed of individual letters, marble, granite, ceramic tile, or other comparable materials that convey a rich quality complimentary to the material of the building exterior.
- Individual solid metal letters shall be applied to the building with a non-distinguishable background. Letters shall be pegged-out from the building face at least one and one-half inches (1 ½”) and be reverse pan channel construction.

- Attached signs consistent with the above shall be subject to a ministerial permit procedure.

Directional & Identification Signage:

- Directional signs include those signs which provide direction or instruction and are located entirely on the business to which they pertain.
- Directional signs shall not exceed four (4) square feet in area.
- Directional signs shall not advertise a business but shall be used to identify rest rooms, public telephones, walkways, parking lot entrances and exits, and information of a similar nature.
- Secondary identification signage shall be used to identify customer service, parts, body shop and other automobile related service areas.

Attachment 9: Ordinance Approving the Rezone

ORDINANCE NO. 2006

Adopted by the Sacramento City Council

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE (TITLE 17 OF THE CITY CODE), BY RECONFIGURING THE ZONING OF 20± ACRES OF SINGLE FAMILY (R-1) TO HEAVY COMMERCIAL PLANNED UNIT DEVELOPMENT (C-4-PUD), LOCATED IN NORTH SACRAMENTO AT THE NORTHEAST CORNER OF FULTON AVENUE AND BUSINESS 80 IN SACRAMENTO, CALIFORNIA. (P06-012) (APN: 254-0011-027)

BACKGROUND

- A. The City Council reviewed this proposal on December 14, 2006 and voted to forward the rezone to City Council with a recommendation for approval (the Planning Commission vote was five ayes, three noes, and zero abstentions).

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

Section 1. The Properties generally described and referred to as APN: 254-0011-027 which is shown on the attached Exhibit 1. This exhibit describes the property and its current zoning and the zone for which it is to be placed pursuant to this amendment.

The zoning designation for the following properties which constitutes 20± gross acres of Single Family (R-1) is hereby reconfigured on the project site to Heavy Commercial / Warehouse Planned Unit Development (C-4-PUD) zone for:

APNs: 254-0011-027

Section 2. The City Clerk of the City of Sacramento is hereby directed to amend the official zoning maps which are a part of said Ordinance to conform to the provisions of this Ordinance.

Section 3. Rezoning of the property described in the attached Exhibit A by the adoption of this Ordinance shall be deemed to be in compliance with the procedures for the rezoning of property described in the Comprehensive Zoning Ordinance, Title 17 of the City Code, as amended, as said procedures have been affected by recent court decisions.

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