



**Sacramento  
Housing &  
Redevelopment  
Agency**

**REPORT TO COUNCIL,  
REDEVELOPMENT AGENCY, AND  
HOUSING AUTHORITY**

**City of Sacramento**  
915 I Street, Sacramento, CA 95814-2671  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**CONSENT**  
**January 23, 2007**

**Honorable Mayor and Members of the City Council  
Chair and Members of the Redevelopment Agency and Housing Authority**

**Title: Approval of Environmental Procedures**

**Location/Council District: Citywide**

**Recommendation:** 1) Adopt a City **Resolution** approving the Sacramento Housing and Redevelopment Agency (SHRA) Environmental Procedures for compliance with California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA); 2) adopt a Redevelopment Agency **Resolution** approving the SHRA Environmental Procedures for compliance with GEQA and NEPA; and 3) adopt a Housing Authority **Resolution** approving the SHRA Environmental Procedures for compliance with CEQA and NEPA.

**Contact:** Dana Phillips, General Counsel, 440-1330

**Presenters:** NA

**Department:** Sacramento Housing and Redevelopment Agency

**Description/Analysis**

**Issue:** SHRA's Environmental Procedures have not been updated since 1994. Staff is recommending adopting revised Environmental Procedures for consistency with the applicable California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) regulations.

**Policy Considerations:** The actions in the report comply with previously approved Agency policies and requirements relating to environmental review.



**Environmental Considerations:** Adoption of local environmental procedures is required under Section 21082 of the Public Resources Code and Section 15022 of the CEQA Guidelines. SHRA has been delegated the authority to act as lead agency for evaluation of projects funded by the U.S. Department of Housing and Urban Development (HUD) pursuant to HUD's NEPA regulations. The proposed Environmental Procedures incorporate by reference the provisions of CEQA and NEPA regulations, rather than restating the regulations in effect at the time of adoption, to insure that SHRA's procedures remain consistent with the applicable regulations.

The Environmental Procedures delegate authority to the Executive Director or her designee, the SHRA Environmental Coordinator, to file Notices of Exemption, prepare Initial Studies, and determine whether to prepare a Negative Declaration or a Draft Environmental Impact Report, as provided under Section 15025 of the CEQA Guidelines. In addition, the Environmental Procedures set out standard mitigation measures that are applicable to all SHRA development projects in order to insure protection of the environment and to minimize the need for adoption of Mitigated Negative Declarations and Mitigation Monitoring Plans.

**Committee/Commission Action:** *Sacramento Housing and Redevelopment Commission Action:* At its meeting on January 3, 2007, the Sacramento Housing and Redevelopment Commission adopted a motion recommending approval of the attached resolutions. The votes were as follows:

AYES: Burns, Burruss, Coriano, Fowler, Gore, Hoag, Piatkowski, Shah, Simon, Stivers

NOES: None

ABSENT: None

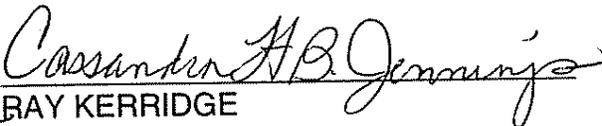
**Rationale for Recommendation:** This report recommends adoption of Environmental Procedures to improve documentation of SHRA's practices for evaluation of the environmental impacts of SHRA projects. SHRA's Environmental Procedures have not been updated since 1994. The CEQA Guidelines have been amended since then, with the last update adopted by the Office of Planning and Research in 2005. The U.S. Department of Housing and Urban Development NEPA regulations were last updated in 2003. SHRA has been in compliance with the applicable CEQA and NEPA regulations notwithstanding that it has not previously updated its Environmental Procedures. Adoption of the Environmental Procedures does not represent a substantive change in SHRA's practices for preparing and processing environmental reports.

**Financial Considerations:** There are no financial impacts associated with adoption of Environmental Procedures.

**M/WBE Considerations:** The items discussed in this report have no M/WBE impact; therefore, M/WBE considerations do not apply.

Respectfully Submitted by:   
ANNE M. MOORE  
Executive Director

Recommendation Approved:

  
RAY KERRIDGE  
City Manager

**Table of Contents**

Report	pg. 1
<b>Attachments</b>	
1 Council Resolution	pg. 4
Exhibit A	pg. 5
2 Redevelopment Agency Resolution	pg. 21
Exhibit A	pg. 22
3 Housing Authority Resolution	pg. 38
Exhibit A	pg. 39

# RESOLUTION NO. 2007 - \_\_\_\_

Adopted by the Sacramento City Council

ON DATE OF

## APPROVAL OF THE SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY ENVIRONMENTAL PROCEDURES FOR COMPLIANCE WITH CEQA AND NEPA

### BACKGROUND

- A. Adoption of local environmental procedures is required under Section 21082 of the Public Resources Code and Section 15022 of the California Environmental Quality Act (CEQA) Guidelines. The Sacramento Housing and Redevelopment Agency's (SHRA) Environmental Procedures have not been updated since 1994.
- B. SHRA has been delegated the authority to act as lead agency for evaluation of projects funded by the U.S. Department of Housing and Urban Development (HUD) pursuant to HUD's National Environmental Policy Act (NEPA) regulations.
- C. The proposed Environmental Procedures incorporate by reference the provisions of the CEQA and NEPA regulations to insure that SHRA procedures for evaluation of the environmental impacts of SHRA projects remain consistent with the applicable regulations.
- D. The proposed Environmental Procedures provide for delegation of responsibility to determine whether SHRA projects are exempt from environmental review, preparing Initial Studies, and determining whether to prepare a Negative Declaration or a Draft Environmental Impact Report as provided under Section 15025 of the CEQA Guidelines.
- E. The proposed Environmental Procedures include standard mitigation measures applicable to all SHRA development projects to insure protection of the environment and to minimize the need for adoption of Mitigated Negative Declarations and Mitigation Monitoring Plans.

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

Section 1. The Sacramento Housing and Redevelopment Agency Environmental Procedures for Compliance with CEQA and NEPA dated January 2007 (Exhibit A), are hereby approved and shall apply to all SHRA projects subject to approval of the City of Sacramento.

# ENVIRONMENTAL PROCEDURES

*for Compliance with CEQA and NEPA*

SACRAMENTO HOUSING AND  
REDEVELOPMENT AGENCY

JANUARY 2007

*Sacramento Housing and Redevelopment Agency  
Legal Department  
630 I Street  
Sacramento, CA 95814*

## **CHAPTER I**

### **PROCESS AND PROCEDURES**

**Sec. 1-1**     Purpose. These Environmental Procedures shall govern the environmental review of all discretionary actions of the Agency under the California Environmental Quality Act (“CEQA”), which is found at Public Resources Code, Division 13, commencing at Chapter 1 and Section 21000; and under the National Environmental Policy Act (“NEPA”) which is found at 42 United States Code Section 4321 *et seq.*

These Environmental Procedures apply to all discretionary actions of the Sacramento Housing and Redevelopment Agency, when acting for itself and on behalf of its constituent entities: the City of Sacramento, the County of Sacramento, the Redevelopment Agency of the City of Sacramento, the Redevelopment Agency of the County of Sacramento, the Housing Authority of the City of Sacramento, and the Housing Authority of the County of Sacramento (collectively “Agency”).

**Sec. 1-2**     Incorporation of CEQA and NEPA Regulations.

The intent of these Environmental Procedures is to supplement the requirements and procedures contained in the “CEQA Guidelines”, which are found at Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, commencing at Section 15000. The CEQA Guidelines are incorporated herein by this reference as if set forth in full, and as it may be subsequently amended.

The intent of these Environmental Procedures is also to supplement the requirements and procedures contained in the “NEPA Regulations”, which for projects that are financed by or subject to the approval of the U.S. Department of Housing and Urban Development (“HUD”) are found at Title 24, Code of Federal Regulations (“CFR”), Parts 50, 58, 574, 582, 583 and 970. In addition, the Council on Environmental Quality (“CEQ”) has issued regulations that establish basic procedural requirements for projects subject to NEPA, and apply to all discretionary projects subject to federal approval or funding. The CEQ regulations are found at Title 40 CFR Part 1500-1508. The NEPA regulations issued by HUD and CEQ are incorporated herein by this reference as if set forth in full, and as they may be subsequently amended, and are collectively referred to herein as the “NEPA Regulations.”

To the extent that there is any conflict between these Environmental Procedures and the CEQA Guidelines and the NEPA Regulations, the provisions of the CEQA Guidelines and the NEPA Regulations shall control.

**Sec. 1-3**      Discretionary Actions – Projects, Activities and Programs. The discretionary actions of the Agency that are subject to environmental review under CEQA are referred to as “projects” (see CEQA Guidelines Section 15378). The discretionary actions of the Agency that are subject to environmental review under NEPA are referred to as “activities” and “programs” or “undertakings” (see 40 CFR Part 1508 and 24 CFR Section 58.2). Collectively these terms are referred to herein as “project(s).”

**Sec. 1-4**      Environmental Coordinator Authority. The Agency Executive Director or his or her designee shall act as the Environmental Coordinator. The Environmental Coordinator is responsible for carrying out the following functions in implementing and administering these Environmental Procedures. The Environmental Coordinator may delegate some or all of the duties as set out herein to other Agency staff on an as needed basis.

The Environmental Coordinator is hereby authorized to make determinations whether a project is exempt from environmental review under CEQA and/or NEPA, and to file, publish and disseminate the applicable exemption notices. For projects that are not exempt under CEQA, the environmental determination is subject to the approval of the applicable governing body of the Agency.

For projects that are not exempt or categorically excluded under NEPA, the Environmental Coordinator is authorized to publish and disseminate the applicable Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds to solicit comments prior to project approval. Agency staff shall not submit to HUD the Request for Release of Funds until after the applicable Agency governing board has considered the comments and approved the project.

**Sec. 1-5**      Department Responsibility. Each Agency Department that initiates a project shall submit sufficient information to allow the Environmental Coordinator to determine whether the project qualifies for a CEQA and/or NEPA exemption from the requirement to prepare an analysis of the environmental impacts of the project, or whether such analysis is required before the project may be approved and implemented.

If the Environmental Coordinator determines that the project may qualify as exempt under the CEQA Guidelines and exempt or categorically excluded under the NEPA Regulations but an Initial Study (CEQA) or an Environmental Review Determination or Record (NEPA) is needed to verify such determination, the Environmental Coordinator shall prepare, or oversee the preparation of, the required environmental document(s).

The project shall not be submitted for approval until the Environmental Coordinator has informed the Department that all required environmental review has been completed. The required information includes, without limitation, the following project details as applicable:

- Staff Lead
- Project Name
- Location
- Proposed Scope of work
- Agency assistance, including funding source and amount
- Prior environmental review of the project by other agencies

If the project involves multi-year program funding, is a phased project, or a continuing project, Staff Lead should indicate any prior funding year(s) and project name(s), and the scope of work should address what work has been completed and what work is proposed to be approved or funded. Staff Lead must submit the "Environmental - New Project Information" form to the Environmental Coordinator for each new project, new phase of a project, and for continuing programs or projects that require subsequent Agency approvals or additional funding.

**Sec. 1-6** Work Performed by Consultant. Any consultant retained to perform work to prepare an environmental document shall work under the direction of the Environmental Coordinator.

**Sec. 1-7** Public Hearings. Whenever the CEQA Guidelines or NEPA Regulations require the Agency to hold a public hearing to receive comments on the environmental document for the project, those hearings will be held by the Sacramento Housing and Redevelopment Commission ("SHRC") unless the applicable regulations require the body that has the final project approval authority to hold the public hearing on the environmental document.

At the Agency's discretion, a public hearing on the environmental document for the project may be held by the SHRC even if such a hearing is not required. For projects initiated by designated and authorized City staff for redevelopment projects within the Central City of the City of Sacramento, which are not subject to review by the SHRC, the public hearing, if required, will be held by the body that has the final project approval.

**Sec. 1-8** Notices. Notice of the completion, release and availability of an environmental document for public review, the applicable review period, and the date, time and place of any public hearing to receive comments shall be prepared, published and disseminated by the Environmental Coordinator as required under the CEQA Guidelines and NEPA Regulations. If the project approval is subject to a public hearing, notice of the availability and public hearing for the environmental document may be combined with the project public hearing notice.

The failure of any person or entity to receive notice shall not constitute grounds to invalidate the environmental determination or project approval.

- Sec. 1-9** Comments. All written comments submitted during the public review period or received at the public hearing, shall either be forwarded directly, or the comments summarized and submitted, to the Agency approval body for its consideration as part of its review and approval of the project. Oral comments may also be either transcribed or summarized and submitted to the approval body for their consideration. When required under CEQA and/or NEPA, written responses to comments received shall also be prepared and transmitted to the approval body for their consideration.
- Sec. 1-10** Notice of Exemption. If the Environmental Coordinator has made a determination that the project is exempt from environmental review under CEQA, the Environmental Coordinator will issue a written determination and may file a Notice of Exemption with the County Recorder as prescribed in the CEQA Guidelines. Filing of the Notice of Exemption will occur either after the project is approved by the applicable governing body of the Agency, or after approval by the Agency Executive Director if such approval authority has been so delegated. If the project is also exempt or categorically excluded from environmental review under NEPA, the Environmental Coordinator will issue the applicable Environmental Review Determination/Record as prescribed in the NEPA Regulations.
- Sec. 1-11** Notice of Determination. For projects that require preparation and approval of a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report under CEQA, the Environmental Coordinator will file a Notice of Determination with the County Recorder and, if applicable, with the State Office of Planning and Research after approval of the project.
- Sec. 1-12** FONSI/Request for Release of Funds. For projects that may also require preparation of an Environmental Assessment under NEPA, the Environmental Coordinator will publish a Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds to solicit comments prior to project approval. The Request for Release of Funds may be filed with HUD after project approval and expiration of the prescribed review periods as set out in the NEPA Regulations.
- Sec. 1-13** Record of Decision. For projects that require preparation of an Environmental Impact Statement under NEPA, the Environmental Coordinator will coordinate with HUD to issue and publish a Record of Decision.
- Sec. 1-14** Lead and Responsible Agency. The Environmental Coordinator will work with other public agencies that may be the lead agency or the responsible agency under CEQA to coordinate the scope of the environmental analysis for projects that are subject to approval by both the Agency and other local

agencies. The Environmental Coordinator shall decide whether a project is of statewide, regional, or area-wide significance under CEQA.

**Sec. 1-15** Administrative Draft Documents. Prior to issuance or any environmental document for public review, administrative review shall occur at the staff level. Agency staff, as well as staff from other agencies that may act as responsible agencies, shall review the document for approach, substance, accuracy, objectivity, errors and omissions, and conformity to CEQA Guidelines and NEPA Regulations, and to ensure that the draft document ultimately circulated for public and agency review reflects the independent judgment of the Agency as required by CEQA.

Administrative draft documents will only be retained by the Environmental Coordinator for a limited time as necessary to accomplish the review as described above. Administrative draft documents are not a part of the record of proceedings under CEQA or NEPA, and are not considered a “public document” available for inspection under CEQA, NEPA, the Public Records Act, or the Freedom of Information Act.

**Sec. 1-16** Document Costs. In addition to the notices and public review copy of the environmental document that may be required to be made available for inspection under the CEQA Guidelines and NEPA Regulations, a public review copy shall be on file with the Agency Clerk and available for inspection during regular Agency business hours. If a copy of the document is requested by a member of the public, the Agency may charge a fee to cover the costs of duplication based on the actual printing cost or the Agency’s established copying charge, whichever is less.

## CHAPTER II

### EXEMPTIONS

- Sec. 2-1** Determination. In determining whether a project is exempt under CEQA and exempt or categorically excluded under NEPA, the Environmental Coordinator shall review the project information and the CEQA Guidelines and NEPA Regulations to determine whether the project fits within the definition of a statutory or regulatory exemption category, or is not considered a project subject to environmental review under CEQA or NEPA, as applicable. The term "project" includes Agency programs and activities.
- Sec. 2-2** Not a Project. Under the CEQA and NEPA statutes as well as the CEQA Guidelines and NEPA Regulations, certain types of discretionary actions do not fall under the definition of a project (CEQA) or are exempt or categorically excluded from environmental review (NEPA). Typically, these discretionary actions have no potential to result in either a direct or indirect change to the physical or human environment. The types of projects for which no environmental review is required under CEQA and NEPA can generally be categorized as follows:
- A. Administrative - Routine maintenance and repair activities, purchase of supplies, equipment and services, inspections of buildings, personnel matters and labor agreements, and adoption of policies and procedures that set out how the Agency intends to implement its programs and administer its funding.
  - B. Budget/Financing - Government funding mechanisms such as budget adoption and amendments, operation costs, tenant rental subsidies, loans for homebuyers to purchase existing dwellings, and other fiscal activities which do not involve a commitment for development of any specific projects.
  - C. Organizational and Services - Agreements between agencies to provide public services, creation of new government organizations and advisory bodies, supportive services, and technical assistance and training.
  - D. Information Collection/Planning and Feasibility Studies - Planning for possible future action, such as data gathering, development of plans and strategies, inspection and testing, and predevelopment costs.
- Sec 2-3** Regulatory Exemptions. Under the CEQA and NEPA statutes as well as the CEQA Guidelines and NEPA Regulations, certain types of projects have been determined by the applicable state and federal agencies to be exempt or categorically excluded from environmental review. Although these projects

have the potential to result in either a direct or indirect change to the physical or human environment, environmental review of the project is not required because it has been determined that such class or category of projects would have a less than significant impact on the environment. The types of projects that are exempt or categorically excluded from environmental review are set out in the CEQA Guidelines and NEPA Regulations, and listed below.

A. CEQA Exemptions

The CEQA Guidelines allow a local agency, in the course of establishing its own environmental procedures, to list specific agency activities which would also fall under the Categorical Exemption classes of projects (see CEQA Guidelines Section 15300.4). Pursuant to the CEQA Guidelines, the Agency projects listed below, whether undertaken by the Agency or if the Agency has some discretionary approval authority such as providing financial assistance and related activities for private development projects, are exempt from environmental review **if the project scope meets the letter and intent of the applicable exemption Class as set out in the CEQA Guidelines:**

Classes 1, 2, 3, 10 and 11 – Existing Facilities, Replacement or Reconstruction, New Construction or Conversion of Small Structures, and Accessory Structures. Guidelines Sections 15301, 15302, 15303, 15310 and 15311

- (1) Loan and grant programs to private property owners, including rehabilitation and façade grant programs.
- (2) Acquisition and transfers of property for development.
- (3) Improvements to property owned by the Agency or another public agency.

Class 4 - Minor Alterations to Land. Guidelines Section 15304

- (4) Improvements to property owned by a public agency, such as parks and streets.

Class 15 - Minor Divisions of Land. Guidelines Section 15315

- (5) Division of property into not more than four parcels in urbanized areas zoned for residential, commercial, or industrial when the division is consistent with the general plan, community plan and zoning, and the parcels can be served by all required utilities.

Class 6, 8 and 30 - Information Collection, Regulatory Enforcement, and Hazardous Waste/Substance Remediation. Guidelines Sections 15306, 15308 and 15330

- (6) Research of prior use of property and soil and groundwater testing activities to determine presence of hazardous waste/substance contamination, preparation of remedial action plans, remediation of such contamination, and enforcement of the property owner's obligation to undertake such studies and remediate contamination under the Polanco Act (Health and Safety Code section 33459 *et seq.*)

Class 10 and 32 - Bonds, Loans and Grant Funding for Acquisition, Rehabilitation and Construction Projects. Guidelines Sections 15310 and 15332

- (7) Funding for the acquisition and/or rehabilitation of existing residential, commercial and industrial properties, with no or minimal expansion of use (see also Classes 1 and 3).
- (8) Funding for new construction of residential, commercial, industrial or mixed-use projects that are contingent upon approval of the necessary entitlements by the applicable local agency and qualify as infill projects: (i) the site is not more than five acres in size and substantially surrounded by urban uses, (ii) the site has to value as habitat for endangered, rare or threatened species, (iii) the project is consistent with the general plan, community plan and zoning, and can be served by all required utilities, and (iv) the project would not result in any significant effects on traffic, noise, air quality, historic resources, or water quality, which may be confirmed in reliance on prior environmental studies or by preparation of an Initial Study.
- (9) Financial assistance for new construction of residential housing for persons and families of low or moderate income, as defined in §50093 of the Health and Safety Code, when the project will be subject to environmental review when discretionary approvals are granted by another agency. (Based on similar Department of Housing and Community Development exemption per Public Resources Code Section 21080.10.)

Class 26 - Acquisition or Financing for Housing Assistance and Relocation Plans. Guidelines Section 15326

- (10) Acquiring an interest in existing residential property for the Agency to own and operate affordable housing, or providing funding to implement an adopted Housing Assistance Plan,

Relocation Plan, or similar plan or program. The housing units may either be in existence or all required discretionary approvals for construction of the housing has been issued before the Agency makes a final or binding decision to acquire the property or provide funding.

Class 27 - Leasing New Facilities. Guidelines Section 15327

- (11) Leasing newly constructed or unoccupied privately owned facility when the proposed use is: (I) in conformance with the general plan, community plan and zoning, (ii) substantially the same use as that originally planned for the building, (iii) the facility has adequate employee and visitor parking, and (iv) the use will not result in a traffic increase along the frontage road of greater than 10% of the peak hour traffic flow.

Class 31 - Historical Resource Restoration/Rehabilitation. Guidelines Section 15331

- (12) Maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

B. NEPA Exemptions

NEPA compliance is applicable for any Agency project that involves federal funding or requires formal federal agency approval (typically from HUD). NEPA Regulations also set out projects that are categorically excluded from environmental review if a project which does not trigger any of the factors listed in 24 CFR Section 58.5, as summarized below. Typically projects that are categorically excluded only involve minor (if any) expansion or change to size or use of existing buildings and facilities, or the development is relatively small in size and the following factors are met:

The proposed use is:

- consistent with applicable planning and zoning requirements
- conforms to an adopted air quality plan
- not the conversion of farmland

The site has no unusual characteristics such as:

- habitat for threatened or endangered species
- cultural or historic resources
- hazardous wastes or adjacent to contaminated property

The site is not:

- within the 100 year floodplain or flood insurance is obtained
- within an airport clear zone and compatible with the airport compatibility land use plan project
- exposed to excessive noise
- adjacent to developments with explosive or flammable operations.

NEPA Regulations provide that the following categories of projects, or combination of projects, are Categorically Excluded from environmental review if the foregoing factors are met:

#### Existing Buildings and Facilities

- (1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities improvements (other than buildings such as parks and streets), if facilities will be retained in place for same use and no more than 20% increase in size or capacity. 24 CFR 58.35(a)(1)
- (2) Removal of barriers for elderly and disabled persons (such as sidewalk improvements, building ramps and accessible bathrooms.) 24 CFR 58.35(a)(2)
- (3) Rehabilitation of buildings and improvements if:
  - (a) Single family residential project where the density will not increase by more than four (4) units, land use is not changed, and footprint of building is not increased.
  - (b) Multi-family residential project where the unit density will not increase by more than 20%, land use is not changed, and estimated cost of rehabilitation is less than 75% of the total cost of replacement after rehabilitation (i.e., 25% less than new construction).
  - (c) Non-residential building if size and/or capacity will not increase by more than 20% and facilities will be retained in place for same use. 24 CFR 58.35(a)(3)

#### New Construction

- (4) New residential construction if not more than four (4) dwelling units on one site (in one or more buildings), or units are on scattered sites

that are more than 2,000 feet apart and not more than four (4) dwelling units on any one site. 24 CFR 58.35(a)(4)

#### Acquisition Financing

- (5) Acquisition (including leasing), disposition of, or equity loans for existing structures or vacant land provided that the structure or land will be retained for same use. 24 CFR 35(a)(5)

**Sec. 2-4** Statutory Exemptions. The following types of Agency projects are exempt from environmental review by CEQA statute.

#### Ministerial Projects.

- (1) Approval or funding of development projects that are consistent with adopted Agency funding program guidelines and only require issuance of a demolition permit and/or a building permit by a local agency before construction can commence.
- (2) Approval of individual utility service connections and disconnections.

#### Emergency Projects.

- (3) Repairs necessary to protect, repair or maintain facilities and services to protect public health, safety, or welfare.

#### Redevelopment Plan Projects

- (4) If the environmental impact report (EIR) for a redevelopment plan was a project level EIR, further environmental review of all Agency activities or undertakings pursuant to or in furtherance of the redevelopment plan is not required unless the conditions triggering a subsequent or supplemental EIR apply to the proposed project generally involving substantial changes or new information of substantial importance (see Public Resources Code Section 21090 and CEQA Guidelines Section 15162).

## **CHAPTER III**

### **STANDARD MITIGATION MEASURES**

**Sec. 3-1**     Incorporation into Project Description. In order for some projects to qualify as exempt from environmental review, as described in Chapter II, the scope of the project may need to include certain features or components to insure that there is no possibility that the project would have the potential to create a significant impact on the environment. Some of these features or components are always included in project designs or contained in the construction specifications as “project standards”. In addition, there are many laws and regulations designed to protect the environment and to avoid adverse impacts that apply to Agency projects, and compliance with such laws and regulations (“project compliance”) insures the avoidance of the potential for significant adverse impacts.

The Agency either includes such project standards and project compliance in its design, construction, and approval of Agency projects through its procedures and transactional documents, or relies on the project oversight role of other agencies which have the lead enforcement authority. Verification of compliance occurs either as part of the Agency’s project inspections or in reliance on other agencies’ inspections based on jurisdictional authority.

These Agency procedures and practices avoid the need for formal adoption of mitigation measures and mitigation monitoring plans for projects that would otherwise be exempt from environmental review. The purpose of this Chapter of the Environmental Procedures is to document these project standards and project compliance measures, which are referred to herein as “standard mitigation measures.”

**Sec. 3-2**     Standard Mitigation Measures. Provided below by subject areas are the Agency’s standard mitigation measures:

#### Aesthetics

1. Lighting - Exterior lighting for new commercial developments located immediately adjacent to existing residential neighborhoods shall be designed to ensure that all on-site lighting is directed within the proposed project site and does not illuminate adjacent properties.

#### Air Quality

1. Construction Equipment - Compliance with the regulations issued by the Sacramento Metropolitan Air Quality Management District (SMAQMD) regarding the type of diesel and gasoline-powered equipment that may be used for the demolition, site preparation, and construction phases of a project.

2. Building Demolition - All demolished material will be completely wetted during demolition and during any subsequent disturbance of the material. Piles of demolished material, when not being disturbed, are either completely wetted or completely covered.
3. Grading – For developments of more than two acres in size, compliance with the regulations issued by the Sacramento Metropolitan Air Quality Management District regarding controlling fugitive dust by watering, chemical stabilizers/suppressants, covering piles, and speed control at construction sites.
4. Traffic - Preparation and implementation of a Transportation Systems Management Plan as required by the applicable city or county ordinance.

#### Biological Resources

1. Species - If a project is located on vacant land that may support special status, threatened or endangered species, prior to development approval a qualified biologist shall be retained to conduct a survey to determine if wetlands, vegetative habitat or other species indications are present. No physical alteration of a development site shall occur within potentially biologically sensitive areas.

#### Cultural Resources

1. Artifacts - Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains, be encountered during construction activities, all work within 20 meters of the find shall be suspended and a qualified archaeologist shall be consulted to develop assess the finding and develop measures to mitigate the impact before construction continues.
2. Historic Buildings – Any building over 50 years old that is proposed for demolition or alteration shall first be evaluated to determine if it is eligible for listing in the Sacramento Official Register and the California Register of Historic Places.

#### Flood Hazards

1. 100 year Floodplain - For projects located within a FEMA designated Special Flood Hazard Area, the floodplain zone designation shall be documented and the project owner shall be required to obtain flood insurance in compliance with the National Flood Insurance Program.

### Hazardous Substances

1. Site Inspection - Preparation of a Phase I Environmental Site Assessment, conforming to the All Appropriate Inquiries process established by ASTM (E1527-05) to identify whether there is the possibility that any hazardous materials or wastes could be located on the property (conducted prior to acquisition). A Phase II Environmental Site Assessment shall be conducted if deemed necessary based on the Phase I results.
2. Building Inspection - Prior to any demolition activities, conduct an interior building survey to evaluate the presence of asbestos containing materials, lead based paint, PCB-containing electrical and hydraulic fluids, and/or CFCs, as well as any other potential environmental concerns which may be present within structures on the property.
3. Remediation - In the event that unknown soil and/or groundwater contamination is discovered during construction, work shall cease or be restricted to an unaffected area of the site as the situation warrants to ensure the safety of the workers and the public, and the Sacramento County Environmental Management Department (SCEMD) shall be immediately notified. The Agency or developer shall comply with the directives of the SCEMD to properly remediate such contamination.
4. Dewatering - Proper handling and disposal of dewatering water (including groundwater and contaminated rainwater) shall be accomplished in accordance with the applicable federal, state, and local requirements (e.g., including stormwater pollution prevention measures). If the groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city or county sewer systems, the contractor shall implement groundwater treatment systems that to treat the groundwater to standards established by the Central Valley Regional Water Quality Control Board, City of Sacramento, and the Sacramento Regional County Sanitation District, as applicable.
5. Grading - Prior to commencement of grading, a General Construction Activity Stormwater Permit and a National Pollutant Discharge Elimination System permit must be obtained from the State Water Resources Control Board and a Storm Water Pollution Prevention Plan must be prepared that includes construction best management practices to prevent stormwater discharges from the project site.

### Noise

1. Sensitive Receptors - All construction activities shall comply with the applicable city or county notice ordinance that restricts the hours and days of the week during which construction can occur adjacent to residential areas and other sensitive noise receptors.

2. Interior and Exterior Noise – For residential projects located along major arterials or near freeways, determine whether indoor and outdoor noise levels would comply with the city's or county's (as applicable) maximum acceptable interior and exterior noise levels. If such noise levels may be exceeded, an acoustical analysis shall be performed to identify noise reduction requirements necessary to comply with such standards.

#### Public Services

1. Fees - All development projects shall pay the applicable city or county fees to off-set the costs to provide public services such as police, fire, electrical and gas utilities, sewer, water, solid waste, schools, and parks (and including land dedications).

#### Trees

1. Heritage and Street Trees - The site plan for a project will plot existing heritage and street trees, identified by size, species types and location, which are proposed for removal, and identify utilities to be installed and their proposed location relative to existing trees. Existing heritage and street trees will be preserved to the maximum extent feasible and protected during construction. Any street or heritage tree removal shall be subject to approval of the city or county arborist, and payment of any applicable fees and tree replacements.

# RESOLUTION NO. 2007 - \_\_\_\_

Adopted by the Redevelopment Agency of the City of Sacramento

ON DATE OF

## APPROVAL OF THE SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY ENVIRONMENTAL PROCEDURES FOR COMPLIANCE WITH CEQA AND NEPA

### BACKGROUND

- A. Adoption of local environmental procedures is required under Section 21082 of the Public Resources Code and Section 15022 of the California Environmental Quality Act (CEQA) Guidelines. The Sacramento Housing and Redevelopment Agency's (SHRA) Environmental Procedures have not been updated since 1994.
- B. SHRA has been delegated the authority to act as lead agency for evaluation of projects funded by the U.S. Department of Housing and Urban Development (HUD) pursuant to HUD's National Environmental Policy Act (NEPA) regulations.
- C. The proposed Environmental Procedures incorporate by reference the provisions of the CEQA and NEPA regulations to insure that SHRA procedures for evaluation of the environmental impacts of SHRA projects remain consistent with the applicable regulations.
- D. The proposed Environmental Procedures provide for delegation of responsibility to determine whether SHRA projects are exempt from environmental review, preparing Initial Studies, and determining whether to prepare a Negative Declaration or a Draft Environmental Impact Report as provided under Section 15025 of the CEQA Guidelines.
- E. The proposed Environmental Procedures include standard mitigation measures applicable to all SHRA development projects to insure protection of the environment and to minimize the need for adoption of Mitigated Negative Declarations and Mitigation Monitoring Plans.

### BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:

Section 1. The Sacramento Housing and Redevelopment Agency Environmental Procedures for Compliance with CEQA and NEPA dated January 2007 (Exhibit A) are hereby approved and shall apply to all SHRA projects subject to approval of the Redevelopment Agency of the City of Sacramento.

# ENVIRONMENTAL PROCEDURES

*for Compliance with CEQA and NEPA*

SACRAMENTO HOUSING AND  
REDEVELOPMENT AGENCY

JANUARY 2007

*Sacramento Housing and Redevelopment Agency  
Legal Department  
630 I Street  
Sacramento, CA 95814*

## **CHAPTER I**

### **PROCESS AND PROCEDURES**

**Sec. 1-1**      Purpose. These Environmental Procedures shall govern the environmental review of all discretionary actions of the Agency under the California Environmental Quality Act ("CEQA"), which is found at Public Resources Code, Division 13, commencing at Chapter 1 and Section 21000; and under the National Environmental Policy Act ("NEPA") which is found at 42 United States Code Section 4321 *et seq.*

These Environmental Procedures apply to all discretionary actions of the Sacramento Housing and Redevelopment Agency, when acting for itself and on behalf of its constituent entities: the City of Sacramento, the County of Sacramento, the Redevelopment Agency of the City of Sacramento, the Redevelopment Agency of the County of Sacramento, the Housing Authority of the City of Sacramento, and the Housing Authority of the County of Sacramento (collectively "Agency").

**Sec. 1-2**      Incorporation of CEQA and NEPA Regulations.

The intent of these Environmental Procedures is to supplement the requirements and procedures contained in the "CEQA Guidelines", which are found at Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, commencing at Section 15000. The CEQA Guidelines are incorporated herein by this reference as if set forth in full, and as it may be subsequently amended.

The intent of these Environmental Procedures is also to supplement the requirements and procedures contained in the "NEPA Regulations", which for projects that are financed by or subject to the approval of the U.S. Department of Housing and Urban Development ("HUD") are found at Title 24, Code of Federal Regulations ("CFR"), Parts 50, 58, 574, 582, 583 and 970. In addition, the Council on Environmental Quality ("CEQ") has issued regulations that establish basic procedural requirements for projects subject to NEPA, and apply to all discretionary projects subject to federal approval or funding. The CEQ regulations are found at Title 40 CFR Part 1500-1508. The NEPA regulations issued by HUD and CEQ are incorporated herein by this reference as if set forth in full, and as they may be subsequently amended, and are collectively referred to herein as the "NEPA Regulations."

To the extent that there is any conflict between these Environmental Procedures and the CEQA Guidelines and the NEPA Regulations, the provisions of the CEQA Guidelines and the NEPA Regulations shall control.

**Sec. 1-3**      Discretionary Actions – Projects, Activities and Programs. The discretionary actions of the Agency that are subject to environmental review under CEQA are referred to as “projects” (see CEQA Guidelines Section 15378). The discretionary actions of the Agency that are subject to environmental review under NEPA are referred to as “activities” and “programs” or “undertakings” (see 40 CFR Part 1508 and 24 CFR Section 58.2). Collectively these terms are referred to herein as “project(s).”

**Sec. 1-4**      Environmental Coordinator Authority. The Agency Executive Director or his or her designee shall act as the Environmental Coordinator. The Environmental Coordinator is responsible for carrying out the following functions in implementing and administering these Environmental Procedures. The Environmental Coordinator may delegate some or all of the duties as set out herein to other Agency staff on an as needed basis.

The Environmental Coordinator is hereby authorized to make determinations whether a project is exempt from environmental review under CEQA and/or NEPA, and to file, publish and disseminate the applicable exemption notices. For projects that are not exempt under CEQA, the environmental determination is subject to the approval of the applicable governing body of the Agency.

For projects that are not exempt or categorically excluded under NEPA, the Environmental Coordinator is authorized to publish and disseminate the applicable Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds to solicit comments prior to project approval. Agency staff shall not submit to HUD the Request for Release of Funds until after the applicable Agency governing board has considered the comments and approved the project.

**Sec. 1-5**      Department Responsibility. Each Agency Department that initiates a project shall submit sufficient information to allow the Environmental Coordinator to determine whether the project qualifies for a CEQA and/or NEPA exemption from the requirement to prepare an analysis of the environmental impacts of the project, or whether such analysis is required before the project may be approved and implemented.

If the Environmental Coordinator determines that the project may qualify as exempt under the CEQA Guidelines and exempt or categorically excluded under the NEPA Regulations but an Initial Study (CEQA) or an Environmental Review Determination or Record (NEPA) is needed to verify such determination, the Environmental Coordinator shall prepare, or oversee the preparation of, the required environmental document(s).

The project shall not be submitted for approval until the Environmental Coordinator has informed the Department that all required environmental review has been completed. The required information includes, without limitation, the following project details as applicable:

- Staff Lead
- Project Name
- Location
- Proposed Scope of work
- Agency assistance, including funding source and amount
- Prior environmental review of the project by other agencies

If the project involves multi-year program funding, is a phased project, or a continuing project, Staff Lead should indicate any prior funding year(s) and project name(s), and the scope of work should address what work has been completed and what work is proposed to be approved or funded. Staff Lead must submit the "Environmental - New Project Information" form to the Environmental Coordinator for each new project, new phase of a project, and for continuing programs or projects that require subsequent Agency approvals or additional funding.

**Sec. 1-6** Work Performed by Consultant. Any consultant retained to perform work to prepare an environmental document shall work under the direction of the Environmental Coordinator.

**Sec. 1-7** Public Hearings. Whenever the CEQA Guidelines or NEPA Regulations require the Agency to hold a public hearing to receive comments on the environmental document for the project, those hearings will be held by the Sacramento Housing and Redevelopment Commission ("SHRC") unless the applicable regulations require the body that has the final project approval authority to hold the public hearing on the environmental document.

At the Agency's discretion, a public hearing on the environmental document for the project may be held by the SHRC even if such a hearing is not required. For projects initiated by designated and authorized City staff for redevelopment projects within the Central City of the City of Sacramento, which are not subject to review by the SHRC, the public hearing, if required, will be held by the body that has the final project approval.

**Sec. 1-8** Notices. Notice of the completion, release and availability of an environmental document for public review, the applicable review period, and the date, time and place of any public hearing to receive comments shall be prepared, published and disseminated by the Environmental Coordinator as required under the CEQA Guidelines and NEPA Regulations. If the project approval is subject to a public hearing, notice of the availability and public hearing for the environmental document may be combined with the project public hearing notice.

The failure of any person or entity to receive notice shall not constitute grounds to invalidate the environmental determination or project approval.

- Sec. 1-9** Comments. All written comments submitted during the public review period or received at the public hearing, shall either be forwarded directly, or the comments summarized and submitted, to the Agency approval body for its consideration as part of its review and approval of the project. Oral comments may also be either transcribed or summarized and submitted to the approval body for their consideration. When required under CEQA and/or NEPA, written responses to comments received shall also be prepared and transmitted to the approval body for their consideration.
- Sec. 1-10** Notice of Exemption. If the Environmental Coordinator has made a determination that the project is exempt from environmental review under CEQA, the Environmental Coordinator will issue a written determination and may file a Notice of Exemption with the County Recorder as prescribed in the CEQA Guidelines. Filing of the Notice of Exemption will occur either after the project is approved by the applicable governing body of the Agency, or after approval by the Agency Executive Director if such approval authority has been so delegated. If the project is also exempt or categorically excluded from environmental review under NEPA, the Environmental Coordinator will issue the applicable Environmental Review Determination/Record as prescribed in the NEPA Regulations.
- Sec. 1-11** Notice of Determination. For projects that require preparation and approval of a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report under CEQA, the Environmental Coordinator will file a Notice of Determination with the County Recorder and, if applicable, with the State Office of Planning and Research after approval of the project.
- Sec. 1-12** FONSI/Request for Release of Funds. For projects that may also require preparation of an Environmental Assessment under NEPA, the Environmental Coordinator will publish a Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds to solicit comments prior to project approval. The Request for Release of Funds may be filed with HUD after project approval and expiration of the prescribed review periods as set out in the NEPA Regulations.
- Sec. 1-13** Record of Decision. For projects that require preparation of an Environmental Impact Statement under NEPA, the Environmental Coordinator will coordinate with HUD to issue and publish a Record of Decision.
- Sec. 1-14** Lead and Responsible Agency. The Environmental Coordinator will work with other public agencies that may be the lead agency or the responsible agency under CEQA to coordinate the scope of the environmental analysis for projects that are subject to approval by both the Agency and other local

agencies. The Environmental Coordinator shall decide whether a project is of statewide, regional, or area-wide significance under CEQA.

**Sec. 1-15** Administrative Draft Documents. Prior to issuance or any environmental document for public review, administrative review shall occur at the staff level. Agency staff, as well as staff from other agencies that may act as responsible agencies, shall review the document for approach, substance, accuracy, objectivity, errors and omissions, and conformity to CEQA Guidelines and NEPA Regulations, and to ensure that the draft document ultimately circulated for public and agency review reflects the independent judgment of the Agency as required by CEQA.

Administrative draft documents will only be retained by the Environmental Coordinator for a limited time as necessary to accomplish the review as described above. Administrative draft documents are not a part of the record of proceedings under CEQA or NEPA, and are not considered a "public document" available for inspection under CEQA, NEPA, the Public Records Act, or the Freedom of Information Act.

**Sec. 1-16** Document Costs. In addition to the notices and public review copy of the environmental document that may be required to be made available for inspection under the CEQA Guidelines and NEPA Regulations, a public review copy shall be on file with the Agency Clerk and available for inspection during regular Agency business hours. If a copy of the document is requested by a member of the public, the Agency may charge a fee to cover the costs of duplication based on the actual printing cost or the Agency's established copying charge, whichever is less.

## CHAPTER II

### EXEMPTIONS

- Sec. 2-1** Determination. In determining whether a project is exempt under CEQA and exempt or categorically excluded under NEPA, the Environmental Coordinator shall review the project information and the CEQA Guidelines and NEPA Regulations to determine whether the project fits within the definition of a statutory or regulatory exemption category, or is not considered a project subject to environmental review under CEQA or NEPA, as applicable. The term “project” includes Agency programs and activities.
- Sec. 2-2** Not a Project. Under the CEQA and NEPA statutes as well as the CEQA Guidelines and NEPA Regulations, certain types of discretionary actions do not fall under the definition of a project (CEQA) or are exempt or categorically excluded from environmental review (NEPA). Typically, these discretionary actions have no potential to result in either a direct or indirect change to the physical or human environment. The types of projects for which no environmental review is required under CEQA and NEPA can generally be categorized as follows:
- A. Administrative - Routine maintenance and repair activities, purchase of supplies, equipment and services, inspections of buildings, personnel matters and labor agreements, and adoption of policies and procedures that set out how the Agency intends to implement its programs and administer its funding.
  - B. Budget/Financing - Government funding mechanisms such as budget adoption and amendments, operation costs, tenant rental subsidies, loans for homebuyers to purchase existing dwellings, and other fiscal activities which do not involve a commitment for development of any specific projects.
  - C. Organizational and Services - Agreements between agencies to provide public services, creation of new government organizations and advisory bodies, supportive services, and technical assistance and training.
  - D. Information Collection/Planning and Feasibility Studies - Planning for possible future action, such as data gathering, development of plans and strategies, inspection and testing, and predevelopment costs.
- Sec 2-3** Regulatory Exemptions. Under the CEQA and NEPA statutes as well as the CEQA Guidelines and NEPA Regulations, certain types of projects have been determined by the applicable state and federal agencies to be exempt or categorically excluded from environmental review. Although these projects

have the potential to result in either a direct or indirect change to the physical or human environment, environmental review of the project is not required because it has been determined that such class or category of projects would have a less than significant impact on the environment. The types of projects that are exempt or categorically excluded from environmental review are set out in the CEQA Guidelines and NEPA Regulations, and listed below.

A. CEQA Exemptions

The CEQA Guidelines allow a local agency, in the course of establishing its own environmental procedures, to list specific agency activities which would also fall under the Categorical Exemption classes of projects (see CEQA Guidelines Section 15300.4). Pursuant to the CEQA Guidelines, the Agency projects listed below, whether undertaken by the Agency or if the Agency has some discretionary approval authority such as providing financial assistance and related activities for private development projects, are exempt from environmental review **if the project scope meets the letter and intent of the applicable exemption Class as set out in the CEQA Guidelines:**

Classes 1, 2, 3, 10 and 11 – Existing Facilities, Replacement or Reconstruction, New Construction or Conversion of Small Structures, and Accessory Structures. Guidelines Sections 15301, 15302, 15303, 15310 and 15311

- (1) Loan and grant programs to private property owners, including rehabilitation and façade grant programs.
- (2) Acquisition and transfers of property for development.
- (3) Improvements to property owned by the Agency or another public agency.

Class 4 - Minor Alterations to Land. Guidelines Section 15304

- (4) Improvements to property owned by a public agency, such as parks and streets.

Class 15 - Minor Divisions of Land. Guidelines Section 15315

- (5) Division of property into not more than four parcels in urbanized areas zoned for residential, commercial, or industrial when the division is consistent with the general plan, community plan and zoning, and the parcels can be served by all required utilities.

Class 6, 8 and 30 - Information Collection, Regulatory Enforcement, and Hazardous Waste/Substance Remediation. Guidelines Sections 15306, 15308 and 15330

- (6) Research of prior use of property and soil and groundwater testing activities to determine presence of hazardous waste/substance contamination, preparation of remedial action plans, remediation of such contamination, and enforcement of the property owner's obligation to undertake such studies and remediate contamination under the Polanco Act (Health and Safety Code section 33459 *et seq.*)

Class 10 and 32 - Bonds, Loans and Grant Funding for Acquisition, Rehabilitation and Construction Projects. Guidelines Sections 15310 and 15332

- (7) Funding for the acquisition and/or rehabilitation of existing residential, commercial and industrial properties, with no or minimal expansion of use (see also Classes 1 and 3).
- (8) Funding for new construction of residential, commercial, industrial or mixed-use projects that are contingent upon approval of the necessary entitlements by the applicable local agency and qualify as infill projects: (i) the site is not more than five acres in size and substantially surrounded by urban uses, (ii) the site has to value as habitat for endangered, rare or threatened species, (iii) the project is consistent with the general plan, community plan and zoning, and can be served by all required utilities, and (iv) the project would not result in any significant effects on traffic, noise, air quality, historic resources, or water quality, which may be confirmed in reliance on prior environmental studies or by preparation of an Initial Study.
- (9) Financial assistance for new construction of residential housing for persons and families of low or moderate income, as defined in §50093 of the Health and Safety Code, when the project will be subject to environmental review when discretionary approvals are granted by another agency. (Based on similar Department of Housing and Community Development exemption per Public Resources Code Section 21080.10.)

Class 26 - Acquisition or Financing for Housing Assistance and Relocation Plans. Guidelines Section 15326

- (10) Acquiring an interest in existing residential property for the Agency to own and operate affordable housing, or providing funding to implement an adopted Housing Assistance Plan,

Relocation Plan, or similar plan or program. The housing units may either be in existence or all required discretionary approvals for construction of the housing has been issued before the Agency makes a final or binding decision to acquire the property or provide funding.

Class 27 - Leasing New Facilities. Guidelines Section 15327

- (11) Leasing newly constructed or unoccupied privately owned facility when the proposed use is: (I) in conformance with the general plan, community plan and zoning, (ii) substantially the same use as that originally planned for the building, (iii) the facility has adequate employee and visitor parking, and (iv) the use will not result in a traffic increase along the frontage road of greater than 10% of the peak hour traffic flow.

Class 31 - Historical Resource Restoration/Rehabilitation. Guidelines Section 15331

- (12) Maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

**B. NEPA Exemptions**

NEPA compliance is applicable for any Agency project that involves federal funding or requires formal federal agency approval (typically from HUD). NEPA Regulations also set out projects that are categorically excluded from environmental review if a project which does not trigger any of the factors listed in 24 CFR Section 58.5, as summarized below. Typically projects that are categorically excluded only involve minor (if any) expansion or change to size or use of existing buildings and facilities, or the development is relatively small in size and the following factors are met:

The proposed use is:

- consistent with applicable planning and zoning requirements
- conforms to an adopted air quality plan
- not the conversion of farmland

The site has no unusual characteristics such as:

- habitat for threatened or endangered species
- cultural or historic resources
- hazardous wastes or adjacent to contaminated property

The site is not:

- within the 100 year floodplain or flood insurance is obtained
- within an airport clear zone and compatible with the airport compatibility land use plan project
- exposed to excessive noise
- adjacent to developments with explosive or flammable operations.

NEPA Regulations provide that the following categories of projects, or combination of projects, are Categorically Excluded from environmental review if the foregoing factors are met:

#### Existing Buildings and Facilities

- (1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities improvements (other than buildings such as parks and streets), if facilities will be retained in place for same use and no more than 20% increase in size or capacity. 24 CFR 58.35(a)(1)
- (2) Removal of barriers for elderly and disabled persons (such as sidewalk improvements, building ramps and accessible bathrooms.) 24 CFR 58.35(a)(2)
- (3) Rehabilitation of buildings and improvements if:
  - (a) Single family residential project where the density will not increase by more than four (4) units, land use is not changed, and footprint of building is not increased.
  - (b) Multi-family residential project where the unit density will not increase by more than 20%, land use is not changed, and estimated cost of rehabilitation is less than 75% of the total cost of replacement after rehabilitation (i.e., 25% less than new construction).
  - (c) Non-residential building if size and/or capacity will not increase by more than 20% and facilities will be retained in place for same use. 24 CFR 58.35(a)(3)

#### New Construction

- (4) New residential construction if not more than four (4) dwelling units on one site (in one or more buildings), or units are on scattered sites

that are more than 2,000 feet apart and not more than four (4) dwelling units on any one site. 24 CFR 58.35(a)(4)

#### Acquisition Financing

- (5) Acquisition (including leasing), disposition of, or equity loans for existing structures or vacant land provided that the structure or land will be retained for same use. 24 CFR 35(a)(5)

**Sec. 2-4** Statutory Exemptions. The following types of Agency projects are exempt from environmental review by CEQA statute.

#### Ministerial Projects.

- (1) Approval or funding of development projects that are consistent with adopted Agency funding program guidelines and only require issuance of a demolition permit and/or a building permit by a local agency before construction can commence.
- (2) Approval of individual utility service connections and disconnections.

#### Emergency Projects.

- (3) Repairs necessary to protect, repair or maintain facilities and services to protect public health, safety, or welfare.

#### Redevelopment Plan Projects

- (4) If the environmental impact report (EIR) for a redevelopment plan was a project level EIR, further environmental review of all Agency activities or undertakings pursuant to or in furtherance of the redevelopment plan is not required unless the conditions triggering a subsequent or supplemental EIR apply to the proposed project generally involving substantial changes or new information of substantial importance (see Public Resources Code Section 21090 and CEQA Guidelines Section 15162).

## **CHAPTER III**

### **STANDARD MITIGATION MEASURES**

**Sec. 3-1** Incorporation into Project Description. In order for some projects to qualify as exempt from environmental review, as described in Chapter II, the scope of the project may need to include certain features or components to insure that there is no possibility that the project would have the potential to create a significant impact on the environment. Some of these features or components are always included in project designs or contained in the construction specifications as “project standards”. In addition, there are many laws and regulations designed to protect the environment and to avoid adverse impacts that apply to Agency projects, and compliance with such laws and regulations (“project compliance”) insures the avoidance of the potential for significant adverse impacts.

The Agency either includes such project standards and project compliance in its design, construction, and approval of Agency projects through its procedures and transactional documents, or relies on the project oversight role of other agencies which have the lead enforcement authority. Verification of compliance occurs either as part of the Agency’s project inspections or in reliance on other agencies’ inspections based on jurisdictional authority.

These Agency procedures and practices avoid the need for formal adoption of mitigation measures and mitigation monitoring plans for projects that would otherwise be exempt from environmental review. The purpose of this Chapter of the Environmental Procedures is to document these project standards and project compliance measures, which are referred to herein as “standard mitigation measures.”

**Sec. 3-2** Standard Mitigation Measures. Provided below by subject areas are the Agency’s standard mitigation measures:

#### Aesthetics

1. Lighting - Exterior lighting for new commercial developments located immediately adjacent to existing residential neighborhoods shall be designed to ensure that all on-site lighting is directed within the proposed project site and does not illuminate adjacent properties.

#### Air Quality

1. Construction Equipment - Compliance with the regulations issued by the Sacramento Metropolitan Air Quality Management District (SMAQMD) regarding the type of diesel and gasoline-powered equipment that may be used for the demolition, site preparation, and construction phases of a project.

2. Building Demolition - All demolished material will be completely wetted during demolition and during any subsequent disturbance of the material. Piles of demolished material, when not being disturbed, are either completely wetted or completely covered.

3. Grading - For developments of more than two acres in size, compliance with the regulations issued by the Sacramento Metropolitan Air Quality Management District regarding controlling fugitive dust by watering, chemical stabilizers/suppressants, covering piles, and speed control at construction sites.

4. Traffic - Preparation and implementation of a Transportation Systems Management Plan as required by the applicable city or county ordinance.

#### Biological Resources

1. Species - If a project is located on vacant land that may support special status, threatened or endangered species, prior to development approval a qualified biologist shall be retained to conduct a survey to determine if wetlands, vegetative habitat or other species indications are present. No physical alteration of a development site shall occur within potentially biologically sensitive areas.

#### Cultural Resources

1. Artifacts - Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains, be encountered during construction activities, all work within 20 meters of the find shall be suspended and a qualified archaeologist shall be consulted to develop assess the finding and develop measures to mitigate the impact before construction continues.

2. Historic Buildings - Any building over 50 years old that is proposed for demolition or alteration shall first be evaluated to determine if it is eligible for listing in the Sacramento Official Register and the California Register of Historic Places.

#### Flood Hazards

1. 100 year Floodplain - For projects located within a FEMA designated Special Flood Hazard Area, the floodplain zone designation shall be documented and the project owner shall be required to obtain flood insurance in compliance with the National Flood Insurance Program.

### Hazardous Substances

1. Site Inspection - Preparation of a Phase I Environmental Site Assessment, conforming to the All Appropriate Inquiries process established by ASTM (E1527-05) to identify whether there is the possibility that any hazardous materials or wastes could be located on the property (conducted prior to acquisition). A Phase II Environmental Site Assessment shall be conducted if deemed necessary based on the Phase I results.
2. Building Inspection - Prior to any demolition activities, conduct an interior building survey to evaluate the presence of asbestos containing materials, lead based paint, PCB-containing electrical and hydraulic fluids, and/or CFCs, as well as any other potential environmental concerns which may be present within structures on the property.
3. Remediation - In the event that unknown soil and/or groundwater contamination is discovered during construction, work shall cease or be restricted to an unaffected area of the site as the situation warrants to ensure the safety of the workers and the public, and the Sacramento County Environmental Management Department (SCEMD) shall be immediately notified. The Agency or developer shall comply with the directives of the SCEMD to properly remediate such contamination.
4. Dewatering - Proper handling and disposal of dewatering water (including groundwater and contaminated rainwater) shall be accomplished in accordance with the applicable federal, state, and local requirements (e.g., including stormwater pollution prevention measures). If the groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city or county sewer systems, the contractor shall implement groundwater treatment systems that to treat the groundwater to standards established by the Central Valley Regional Water Quality Control Board, City of Sacramento, and the Sacramento Regional County Sanitation District, as applicable.
5. Grading - Prior to commencement of grading, a General Construction Activity Stormwater Permit and a National Pollutant Discharge Elimination System permit must be obtained from the State Water Resources Control Board and a Storm Water Pollution Prevention Plan must be prepared that includes construction best management practices to prevent stormwater discharges from the project site.

### Noise

1. Sensitive Receptors - All construction activities shall comply with the applicable city or county notice ordinance that restricts the hours and days of the week during which construction can occur adjacent to residential areas and other sensitive noise receptors.

2. Interior and Exterior Noise – For residential projects located along major arterials or near freeways, determine whether indoor and outdoor noise levels would comply with the city's or county's (as applicable) maximum acceptable interior and exterior noise levels. If such noise levels may be exceeded, an acoustical analysis shall be performed to identify noise reduction requirements necessary to comply with such standards.

#### Public Services

1. Fees - All development projects shall pay the applicable city or county fees to off-set the costs to provide public services such as police, fire, electrical and gas utilities, sewer, water, solid waste, schools, and parks (and including land dedications).

#### Trees

1. Heritage and Street Trees - The site plan for a project will plot existing heritage and street trees, identified by size, species types and location, which are proposed for removal, and identify utilities to be installed and their proposed location relative to existing trees. Existing heritage and street trees will be preserved to the maximum extent feasible and protected during construction. Any street or heritage tree removal shall be subject to approval of the city or county arborist, and payment of any applicable fees and tree replacements.

## **RESOLUTION NO. 2007 - \_\_\_\_**

**Adopted by the Housing Authority of the City of Sacramento**

ON DATE OF

### **APPROVAL OF THE SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY ENVIRONMENTAL PROCEDURES FOR COMPLIANCE WITH CEQA AND NEPA**

#### **BACKGROUND**

- A. Adoption of local environmental procedures is required under Section 21082 of the Public Resources Code and Section 15022 of the California Environmental Quality Act (CEQA) Guidelines. The Sacramento Housing and Redevelopment Agency's (SHRA) Environmental Procedures have not been updated since 1994.
- B. SHRA has been delegated the authority to act as lead agency for evaluation of projects funded by the U.S. Department of Housing and Urban Development (HUD) pursuant to HUD's National Environmental Policy Act (NEPA) regulations.
- C. The proposed Environmental Procedures incorporate by reference the provisions of the CEQA and NEPA regulations to insure that SHRA procedures for evaluation of the environmental impacts of SHRA projects remain consistent with the applicable regulations.
- D. The proposed Environmental Procedures provide for delegation of responsibility to determine whether SHRA projects are exempt from environmental review, preparing Initial Studies, and determining whether to prepare a Negative Declaration or a Draft Environmental Impact Report as provided under Section 15025 of the CEQA Guidelines.
- E. The proposed Environmental Procedures include standard mitigation measures applicable to all SHRA development projects to insure protection of the environment and to minimize the need for adoption of Mitigated Negative Declarations and Mitigation Monitoring Plans.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:**

Section 1. The Sacramento Housing and Redevelopment Agency Environmental Procedures for Compliance with CEQA and NEPA dated January 2007 (Exhibit A) are hereby approved and shall apply to all SHRA projects subject to approval of the Housing Authority of the City of Sacramento.

# ENVIRONMENTAL PROCEDURES

*for Compliance with CEQA and NEPA*

SACRAMENTO HOUSING AND  
REDEVELOPMENT AGENCY

JANUARY 2007

*Sacramento Housing and Redevelopment Agency  
Legal Department  
630 I Street  
Sacramento, CA 95814*

## **CHAPTER I**

### **PROCESS AND PROCEDURES**

**Sec. 1-1**     Purpose. These Environmental Procedures shall govern the environmental review of all discretionary actions of the Agency under the California Environmental Quality Act (“CEQA”), which is found at Public Resources Code, Division 13, commencing at Chapter 1 and Section 21000; and under the National Environmental Policy Act (“NEPA”) which is found at 42 United States Code Section 4321 *et seq.*

These Environmental Procedures apply to all discretionary actions of the Sacramento Housing and Redevelopment Agency, when acting for itself and on behalf of its constituent entities: the City of Sacramento, the County of Sacramento, the Redevelopment Agency of the City of Sacramento, the Redevelopment Agency of the County of Sacramento, the Housing Authority of the City of Sacramento, and the Housing Authority of the County of Sacramento (collectively “Agency”).

**Sec. 1-2**     Incorporation of CEQA and NEPA Regulations.

The intent of these Environmental Procedures is to supplement the requirements and procedures contained in the “CEQA Guidelines”, which are found at Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, commencing at Section 15000. The CEQA Guidelines are incorporated herein by this reference as if set forth in full, and as it may be subsequently amended.

The intent of these Environmental Procedures is also to supplement the requirements and procedures contained in the “NEPA Regulations”, which for projects that are financed by or subject to the approval of the U.S. Department of Housing and Urban Development (“HUD”) are found at Title 24, Code of Federal Regulations (“CFR”), Parts 50, 58, 574, 582, 583 and 970. In addition, the Council on Environmental Quality (“CEQ”) has issued regulations that establish basic procedural requirements for projects subject to NEPA, and apply to all discretionary projects subject to federal approval or funding. The CEQ regulations are found at Title 40 CFR Part 1500-1508. The NEPA regulations issued by HUD and CEQ are incorporated herein by this reference as if set forth in full, and as they may be subsequently amended, and are collectively referred to herein as the “NEPA Regulations.”

To the extent that there is any conflict between these Environmental Procedures and the CEQA Guidelines and the NEPA Regulations, the provisions of the CEQA Guidelines and the NEPA Regulations shall control.

**Sec. 1-3**      Discretionary Actions – Projects, Activities and Programs. The discretionary actions of the Agency that are subject to environmental review under CEQA are referred to as “projects” (see CEQA Guidelines Section 15378). The discretionary actions of the Agency that are subject to environmental review under NEPA are referred to as “activities” and “programs” or “undertakings” (see 40 CFR Part 1508 and 24 CFR Section 58.2). Collectively these terms are referred to herein as “project(s).”

**Sec. 1-4**      Environmental Coordinator Authority. The Agency Executive Director or his or her designee shall act as the Environmental Coordinator. The Environmental Coordinator is responsible for carrying out the following functions in implementing and administering these Environmental Procedures. The Environmental Coordinator may delegate some or all of the duties as set out herein to other Agency staff on an as needed basis.

The Environmental Coordinator is hereby authorized to make determinations whether a project is exempt from environmental review under CEQA and/or NEPA, and to file, publish and disseminate the applicable exemption notices. For projects that are not exempt under CEQA, the environmental determination is subject to the approval of the applicable governing body of the Agency.

For projects that are not exempt or categorically excluded under NEPA, the Environmental Coordinator is authorized to publish and disseminate the applicable Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds to solicit comments prior to project approval. Agency staff shall not submit to HUD the Request for Release of Funds until after the applicable Agency governing board has considered the comments and approved the project.

**Sec. 1-5**      Department Responsibility. Each Agency Department that initiates a project shall submit sufficient information to allow the Environmental Coordinator to determine whether the project qualifies for a CEQA and/or NEPA exemption from the requirement to prepare an analysis of the environmental impacts of the project, or whether such analysis is required before the project may be approved and implemented.

If the Environmental Coordinator determines that the project may qualify as exempt under the CEQA Guidelines and exempt or categorically excluded under the NEPA Regulations but an Initial Study (CEQA) or an Environmental Review Determination or Record (NEPA) is needed to verify such determination, the Environmental Coordinator shall prepare, or oversee the preparation of, the required environmental document(s).

The project shall not be submitted for approval until the Environmental Coordinator has informed the Department that all required environmental review has been completed. The required information includes, without limitation, the following project details as applicable:

- Staff Lead
- Project Name
- Location
- Proposed Scope of work
- Agency assistance, including funding source and amount
- Prior environmental review of the project by other agencies

If the project involves multi-year program funding, is a phased project, or a continuing project, Staff Lead should indicate any prior funding year(s) and project name(s), and the scope of work should address what work has been completed and what work is proposed to be approved or funded. Staff Lead must submit the "Environmental - New Project Information" form to the Environmental Coordinator for each new project, new phase of a project, and for continuing programs or projects that require subsequent Agency approvals or additional funding.

**Sec. 1-6** Work Performed by Consultant. Any consultant retained to perform work to prepare an environmental document shall work under the direction of the Environmental Coordinator.

**Sec. 1-7** Public Hearings. Whenever the CEQA Guidelines or NEPA Regulations require the Agency to hold a public hearing to receive comments on the environmental document for the project, those hearings will be held by the Sacramento Housing and Redevelopment Commission ("SHRC") unless the applicable regulations require the body that has the final project approval authority to hold the public hearing on the environmental document.

At the Agency's discretion, a public hearing on the environmental document for the project may be held by the SHRC even if such a hearing is not required. For projects initiated by designated and authorized City staff for redevelopment projects within the Central City of the City of Sacramento, which are not subject to review by the SHRC, the public hearing, if required, will be held by the body that has the final project approval.

**Sec. 1-8** Notices. Notice of the completion, release and availability of an environmental document for public review, the applicable review period, and the date, time and place of any public hearing to receive comments shall be prepared, published and disseminated by the Environmental Coordinator as required under the CEQA Guidelines and NEPA Regulations. If the project approval is subject to a public hearing, notice of the availability and public hearing for the environmental document may be combined with the project public hearing notice.

The failure of any person or entity to receive notice shall not constitute grounds to invalidate the environmental determination or project approval.

- Sec. 1-9** Comments. All written comments submitted during the public review period or received at the public hearing, shall either be forwarded directly, or the comments summarized and submitted, to the Agency approval body for its consideration as part of its review and approval of the project. Oral comments may also be either transcribed or summarized and submitted to the approval body for their consideration. When required under CEQA and/or NEPA, written responses to comments received shall also be prepared and transmitted to the approval body for their consideration.
- Sec. 1-10** Notice of Exemption. If the Environmental Coordinator has made a determination that the project is exempt from environmental review under CEQA, the Environmental Coordinator will issue a written determination and may file a Notice of Exemption with the County Recorder as prescribed in the CEQA Guidelines. Filing of the Notice of Exemption will occur either after the project is approved by the applicable governing body of the Agency, or after approval by the Agency Executive Director if such approval authority has been so delegated. If the project is also exempt or categorically excluded from environmental review under NEPA, the Environmental Coordinator will issue the applicable Environmental Review Determination/Record as prescribed in the NEPA Regulations.
- Sec. 1-11** Notice of Determination. For projects that require preparation and approval of a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report under CEQA, the Environmental Coordinator will file a Notice of Determination with the County Recorder and, if applicable, with the State Office of Planning and Research after approval of the project.
- Sec. 1-12** FONSI/Request for Release of Funds. For projects that may also require preparation of an Environmental Assessment under NEPA, the Environmental Coordinator will publish a Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds to solicit comments prior to project approval. The Request for Release of Funds may be filed with HUD after project approval and expiration of the prescribed review periods as set out in the NEPA Regulations.
- Sec. 1-13** Record of Decision. For projects that require preparation of an Environmental Impact Statement under NEPA, the Environmental Coordinator will coordinate with HUD to issue and publish a Record of Decision.
- Sec. 1-14** Lead and Responsible Agency. The Environmental Coordinator will work with other public agencies that may be the lead agency or the responsible agency under CEQA to coordinate the scope of the environmental analysis for projects that are subject to approval by both the Agency and other local

agencies. The Environmental Coordinator shall decide whether a project is of statewide, regional, or area-wide significance under CEQA.

**Sec. 1-15** Administrative Draft Documents. Prior to issuance or any environmental document for public review, administrative review shall occur at the staff level. Agency staff, as well as staff from other agencies that may act as responsible agencies, shall review the document for approach, substance, accuracy, objectivity, errors and omissions, and conformity to CEQA Guidelines and NEPA Regulations, and to ensure that the draft document ultimately circulated for public and agency review reflects the independent judgment of the Agency as required by CEQA.

Administrative draft documents will only be retained by the Environmental Coordinator for a limited time as necessary to accomplish the review as described above. Administrative draft documents are not a part of the record of proceedings under CEQA or NEPA, and are not considered a "public document" available for inspection under CEQA, NEPA, the Public Records Act, or the Freedom of Information Act.

**Sec. 1-16** Document Costs. In addition to the notices and public review copy of the environmental document that may be required to be made available for inspection under the CEQA Guidelines and NEPA Regulations, a public review copy shall be on file with the Agency Clerk and available for inspection during regular Agency business hours. If a copy of the document is requested by a member of the public, the Agency may charge a fee to cover the costs of duplication based on the actual printing cost or the Agency's established copying charge, whichever is less.

## **CHAPTER II**

### **EXEMPTIONS**

- Sec. 2-1**     Determination. In determining whether a project is exempt under CEQA and exempt or categorically excluded under NEPA, the Environmental Coordinator shall review the project information and the CEQA Guidelines and NEPA Regulations to determine whether the project fits within the definition of a statutory or regulatory exemption category, or is not considered a project subject to environmental review under CEQA or NEPA, as applicable. The term “project” includes Agency programs and activities.
- Sec. 2-2**     Not a Project. Under the CEQA and NEPA statutes as well as the CEQA Guidelines and NEPA Regulations, certain types of discretionary actions do not fall under the definition of a project (CEQA) or are exempt or categorically excluded from environmental review (NEPA). Typically, these discretionary actions have no potential to result in either a direct or indirect change to the physical or human environment. The types of projects for which no environmental review is required under CEQA and NEPA can generally be categorized as follows:
- A.     Administrative - Routine maintenance and repair activities, purchase of supplies, equipment and services, inspections of buildings, personnel matters and labor agreements, and adoption of policies and procedures that set out how the Agency intends to implement its programs and administer its funding.
  - B.     Budget/Financing - Government funding mechanisms such as budget adoption and amendments, operation costs, tenant rental subsidies, loans for homebuyers to purchase existing dwellings, and other fiscal activities which do not involve a commitment for development of any specific projects.
  - C.     Organizational and Services - Agreements between agencies to provide public services, creation of new government organizations and advisory bodies, supportive services, and technical assistance and training.
  - D.     Information Collection/Planning and Feasibility Studies - Planning for possible future action, such as data gathering, development of plans and strategies, inspection and testing, and predevelopment costs.
- Sec 2-3**     Regulatory Exemptions. Under the CEQA and NEPA statutes as well as the CEQA Guidelines and NEPA Regulations, certain types of projects have been determined by the applicable state and federal agencies to be exempt or categorically excluded from environmental review. Although these projects

have the potential to result in either a direct or indirect change to the physical or human environment, environmental review of the project is not required because it has been determined that such class or category of projects would have a less than significant impact on the environment. The types of projects that are exempt or categorically excluded from environmental review are set out in the CEQA Guidelines and NEPA Regulations, and listed below.

A. CEQA Exemptions

The CEQA Guidelines allow a local agency, in the course of establishing its own environmental procedures, to list specific agency activities which would also fall under the Categorical Exemption classes of projects (see CEQA Guidelines Section 15300.4). Pursuant to the CEQA Guidelines, the Agency projects listed below, whether undertaken by the Agency or if the Agency has some discretionary approval authority such as providing financial assistance and related activities for private development projects, are exempt from environmental review **if the project scope meets the letter and intent of the applicable exemption Class as set out in the CEQA Guidelines:**

Classes 1, 2, 3, 10 and 11 – Existing Facilities, Replacement or Reconstruction, New Construction or Conversion of Small Structures, and Accessory Structures. Guidelines Sections 15301, 15302, 15303, 15310 and 15311

- (1) Loan and grant programs to private property owners, including rehabilitation and façade grant programs.
- (2) Acquisition and transfers of property for development.
- (3) Improvements to property owned by the Agency or another public agency.

Class 4 - Minor Alterations to Land. Guidelines Section 15304

- (4) Improvements to property owned by a public agency, such as parks and streets.

Class 15 - Minor Divisions of Land. Guidelines Section 15315

- (5) Division of property into not more than four parcels in urbanized areas zoned for residential, commercial, or industrial when the division is consistent with the general plan, community plan and zoning, and the parcels can be served by all required utilities.

Class 6, 8 and 30 - Information Collection, Regulatory Enforcement, and Hazardous Waste/Substance Remediation. Guidelines Sections 15306, 15308 and 15330

- (6) Research of prior use of property and soil and groundwater testing activities to determine presence of hazardous waste/substance contamination, preparation of remedial action plans, remediation of such contamination, and enforcement of the property owner's obligation to undertake such studies and remediate contamination under the Polanco Act (Health and Safety Code section 33459 *et seq.*)

Class 10 and 32 - Bonds, Loans and Grant Funding for Acquisition, Rehabilitation and Construction Projects. Guidelines Sections 15310 and 15332

- (7) Funding for the acquisition and/or rehabilitation of existing residential, commercial and industrial properties, with no or minimal expansion of use (see also Classes 1 and 3).
- (8) Funding for new construction of residential, commercial, industrial or mixed-use projects that are contingent upon approval of the necessary entitlements by the applicable local agency and qualify as infill projects: (i) the site is not more than five acres in size and substantially surrounded by urban uses, (ii) the site has to value as habitat for endangered, rare or threatened species, (iii) the project is consistent with the general plan, community plan and zoning, and can be served by all required utilities, and (iv) the project would not result in any significant effects on traffic, noise, air quality, historic resources, or water quality, which may be confirmed in reliance on prior environmental studies or by preparation of an Initial Study.
- (9) Financial assistance for new construction of residential housing for persons and families of low or moderate income, as defined in §50093 of the Health and Safety Code, when the project will be subject to environmental review when discretionary approvals are granted by another agency. (Based on similar Department of Housing and Community Development exemption per Public Resources Code Section 21080.10.)

Class 26 - Acquisition or Financing for Housing Assistance and Relocation Plans. Guidelines Section 15326

- (10) Acquiring an interest in existing residential property for the Agency to own and operate affordable housing, or providing funding to implement an adopted Housing Assistance Plan,

Relocation Plan, or similar plan or program. The housing units may either be in existence or all required discretionary approvals for construction of the housing has been issued before the Agency makes a final or binding decision to acquire the property or provide funding.

Class 27 - Leasing New Facilities. Guidelines Section 15327

- (11) Leasing newly constructed or unoccupied privately owned facility when the proposed use is: (I) in conformance with the general plan, community plan and zoning, (ii) substantially the same use as that originally planned for the building, (iii) the facility has adequate employee and visitor parking, and (iv) the use will not result in a traffic increase along the frontage road of greater than 10% of the peak hour traffic flow.

Class 31 - Historical Resource Restoration/Rehabilitation. Guidelines Section 15331

- (12) Maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

B. NEPA Exemptions

NEPA compliance is applicable for any Agency project that involves federal funding or requires formal federal agency approval (typically from HUD). NEPA Regulations also set out projects that are categorically excluded from environmental review if a project which does not trigger any of the factors listed in 24 CFR Section 58.5, as summarized below. Typically projects that are categorically excluded only involve minor (if any) expansion or change to size or use of existing buildings and facilities, or the development is relatively small in size and the following factors are met:

The proposed use is:

- consistent with applicable planning and zoning requirements
- conforms to an adopted air quality plan
- not the conversion of farmland

The site has no unusual characteristics such as:

- habitat for threatened or endangered species
- cultural or historic resources
- hazardous wastes or adjacent to contaminated property

The site is not:

- within the 100 year floodplain or flood insurance is obtained
- within an airport clear zone and compatible with the airport compatibility land use plan project
- exposed to excessive noise
- adjacent to developments with explosive or flammable operations.

NEPA Regulations provide that the following categories of projects, or combination of projects, are Categorically Excluded from environmental review if the foregoing factors are met:

#### Existing Buildings and Facilities

- (1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities improvements (other than buildings such as parks and streets), if facilities will be retained in place for same use and no more than 20% increase in size or capacity. 24 CFR 58.35(a)(1)
- (2) Removal of barriers for elderly and disabled persons (such as sidewalk improvements, building ramps and accessible bathrooms.) 24 CFR 58.35(a)(2)
- (3) Rehabilitation of buildings and improvements if:
  - (a) Single family residential project where the density will not increase by more than four (4) units, land use is not changed, and footprint of building is not increased.
  - (b) Multi-family residential project where the unit density will not increase by more than 20%, land use is not changed, and estimated cost of rehabilitation is less than 75% of the total cost of replacement after rehabilitation (i.e., 25% less than new construction).
  - (c) Non-residential building if size and/or capacity will not increase by more than 20% and facilities will be retained in place for same use. 24 CFR 58.35(a)(3)

#### New Construction

- (4) New residential construction if not more than four (4) dwelling units on one site (in one or more buildings), or units are on scattered sites

that are more than 2,000 feet apart and not more than four (4) dwelling units on any one site. 24 CFR 58.35(a)(4)

Acquisition Financing

- (5) Acquisition (including leasing), disposition of, or equity loans for existing structures or vacant land provided that the structure or land will be retained for same use. 24 CFR 35(a)(5)

**Sec. 2-4** Statutory Exemptions. The following types of Agency projects are exempt from environmental review by CEQA statute.

Ministerial Projects.

- (1) Approval or funding of development projects that are consistent with adopted Agency funding program guidelines and only require issuance of a demolition permit and/or a building permit by a local agency before construction can commence.
- (2) Approval of individual utility service connections and disconnections.

Emergency Projects.

- (3) Repairs necessary to protect, repair or maintain facilities and services to protect public health, safety, or welfare.

Redevelopment Plan Projects

- (4) If the environmental impact report (EIR) for a redevelopment plan was a project level EIR, further environmental review of all Agency activities or undertakings pursuant to or in furtherance of the redevelopment plan is not required unless the conditions triggering a subsequent or supplemental EIR apply to the proposed project generally involving substantial changes or new information of substantial importance (see Public Resources Code Section 21090 and CEQA Guidelines Section 15162).

## **CHAPTER III**

### **STANDARD MITIGATION MEASURES**

**Sec. 3-1** Incorporation into Project Description. In order for some projects to qualify as exempt from environmental review, as described in Chapter II, the scope of the project may need to include certain features or components to insure that there is no possibility that the project would have the potential to create a significant impact on the environment. Some of these features or components are always included in project designs or contained in the construction specifications as “project standards”. In addition, there are many laws and regulations designed to protect the environment and to avoid adverse impacts that apply to Agency projects, and compliance with such laws and regulations (“project compliance”) insures the avoidance of the potential for significant adverse impacts.

The Agency either includes such project standards and project compliance in its design, construction, and approval of Agency projects through its procedures and transactional documents, or relies on the project oversight role of other agencies which have the lead enforcement authority. Verification of compliance occurs either as part of the Agency’s project inspections or in reliance on other agencies’ inspections based on jurisdictional authority.

These Agency procedures and practices avoid the need for formal adoption of mitigation measures and mitigation monitoring plans for projects that would otherwise be exempt from environmental review. The purpose of this Chapter of the Environmental Procedures is to document these project standards and project compliance measures, which are referred to herein as “standard mitigation measures.”

**Sec. 3-2** Standard Mitigation Measures. Provided below by subject areas are the Agency’s standard mitigation measures:

#### Aesthetics

1. Lighting - Exterior lighting for new commercial developments located immediately adjacent to existing residential neighborhoods shall be designed to ensure that all on-site lighting is directed within the proposed project site and does not illuminate adjacent properties.

#### Air Quality

1. Construction Equipment - Compliance with the regulations issued by the Sacramento Metropolitan Air Quality Management District (SMAQMD) regarding the type of diesel and gasoline-powered equipment that may be used for the demolition, site preparation, and construction phases of a project.

2. Building Demolition - All demolished material will be completely wetted during demolition and during any subsequent disturbance of the material. Piles of demolished material, when not being disturbed, are either completely wetted or completely covered.
3. Grading - For developments of more than two acres in size, compliance with the regulations issued by the Sacramento Metropolitan Air Quality Management District regarding controlling fugitive dust by watering, chemical stabilizers/suppressants, covering piles, and speed control at construction sites.
4. Traffic - Preparation and implementation of a Transportation Systems Management Plan as required by the applicable city or county ordinance.

#### Biological Resources

1. Species - If a project is located on vacant land that may support special status, threatened or endangered species, prior to development approval a qualified biologist shall be retained to conduct a survey to determine if wetlands, vegetative habitat or other species indications are present. No physical alteration of a development site shall occur within potentially biologically sensitive areas.

#### Cultural Resources

1. Artifacts - Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains, be encountered during construction activities, all work within 20 meters of the find shall be suspended and a qualified archaeologist shall be consulted to develop assess the finding and develop measures to mitigate the impact before construction continues.
2. Historic Buildings - Any building over 50 years old that is proposed for demolition or alteration shall first be evaluated to determine if it is eligible for listing in the Sacramento Official Register and the California Register of Historic Places.

#### Flood Hazards

1. 100 year Floodplain - For projects located within a FEMA designated Special Flood Hazard Area, the floodplain zone designation shall be documented and the project owner shall be required to obtain flood insurance in compliance with the National Flood Insurance Program.

### Hazardous Substances

1. Site Inspection - Preparation of a Phase I Environmental Site Assessment, conforming to the All Appropriate Inquiries process established by ASTM (E1527-05) to identify whether there is the possibility that any hazardous materials or wastes could be located on the property (conducted prior to acquisition). A Phase II Environmental Site Assessment shall be conducted if deemed necessary based on the Phase I results.
2. Building Inspection - Prior to any demolition activities, conduct an interior building survey to evaluate the presence of asbestos containing materials, lead based paint, PCB-containing electrical and hydraulic fluids, and/or CFCs, as well as any other potential environmental concerns which may be present within structures on the property.
3. Remediation - In the event that unknown soil and/or groundwater contamination is discovered during construction, work shall cease or be restricted to an unaffected area of the site as the situation warrants to ensure the safety of the workers and the public, and the Sacramento County Environmental Management Department (SCEMD) shall be immediately notified. The Agency or developer shall comply with the directives of the SCEMD to properly remediate such contamination.
4. Dewatering - Proper handling and disposal of dewatering water (including groundwater and contaminated rainwater) shall be accomplished in accordance with the applicable federal, state, and local requirements (e.g., including stormwater pollution prevention measures). If the groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city or county sewer systems, the contractor shall implement groundwater treatment systems that to treat the groundwater to standards established by the Central Valley Regional Water Quality Control Board, City of Sacramento, and the Sacramento Regional County Sanitation District, as applicable.
5. Grading - Prior to commencement of grading, a General Construction Activity Stormwater Permit and a National Pollutant Discharge Elimination System permit must be obtained from the State Water Resources Control Board and a Storm Water Pollution Prevention Plan must be prepared that includes construction best management practices to prevent stormwater discharges from the project site.

### Noise

1. Sensitive Receptors - All construction activities shall comply with the applicable city or county notice ordinance that restricts the hours and days of the week during which construction can occur adjacent to residential areas and other sensitive noise receptors.

2. Interior and Exterior Noise – For residential projects located along major arterials or near freeways, determine whether indoor and outdoor noise levels would comply with the city's or county's (as applicable) maximum acceptable interior and exterior noise levels. If such noise levels may be exceeded, an acoustical analysis shall be performed to identify noise reduction requirements necessary to comply with such standards.

#### Public Services

1. Fees - All development projects shall pay the applicable city or county fees to off-set the costs to provide public services such as police, fire, electrical and gas utilities, sewer, water, solid waste, schools, and parks (and including land dedications).

#### Trees

1. Heritage and Street Trees - The site plan for a project will plot existing heritage and street trees, identified by size, species types and location, which are proposed for removal, and identify utilities to be installed and their proposed location relative to existing trees. Existing heritage and street trees will be preserved to the maximum extent feasible and protected during construction. Any street or heritage tree removal shall be subject to approval of the city or county arborist, and payment of any applicable fees and tree replacements.

