REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
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Consent
August 21, 2007

Honorable Mayor and
Members of the City Council

Title: Township 9 (P06-047) (M07-051)

Location/Council District: North of Richards Boulevard between 5th and 7th Streets; APN: 001-0020-003, -019, -034, -036, -041, -044, -045, -046, 001-0200-012, -013, and -034, Council District 1

Recommendation: 1) Review a **Resolution** certifying the Environmental Impact Report and Mitigation Monitoring Plan; 2) review an **Ordinance** approving a Development Agreement; 3) review a **Resolution** amending the Richards Boulevard Area Plan (RBAP) Facility Element; 4) review an **Ordinance** amending the Richards Boulevard Special Planning District (SPD); 5) review an **Ordinance** approving a rezoning of the districts established by the Zoning Ordinance (Sacramento City Code, Title 17); 6) review a **Resolution** approving the Township 9 Planned Unit Development (PUD) Guidelines and Schematic Plan; 7) review a **Resolution** approving the Tentative Map; 8) review a **Resolution** relating to Light Rail (DNA) financing in the Richards Boulevard Area Plan (RBAP) Facility Element; and 9) pass for publication the ordinance titles as required by Sacramento City Charter 32c, to be adopted August 28, 2007.

Contact: Michael York, Associate Planner, (916) 808-8239; Jeanne Corcoran, Senior Planner, (916) 808-5317

Presenters: Not applicable

Department: Development Services

Division: Planning

Organization No: 4875

Description/Analysis

Issue: The applicant is requesting entitlements to develop the 65 acre existing industrial site by approval of a subdivision map, rezoning and establishment of the Township 9 Planned Unit Development (PUD). The PUD allows for a high density mixed-use development of approximately 2,350 residential units, 840,000 square feet of office, and 146,000 square feet of retail uses. Related amendments to the Richards Boulevard Area Plan Facility Element and Special

Planning District are also needed, and the entitlements would be vested under the terms of the proposed Development Agreement. There were no outstanding issues at the time of this report.

Policy Considerations: The proposed project is consistent with the following land use designations and applicable policies of the General Plan: 1) to support a balanced system of residential and retail facilities throughout the City; 2) develop high density residential in conjunction with retail uses in areas that are identified for redevelopment and diversification of uses; and 3) encourage high density mixed uses near light rail stations.

The project supports policies of the Central City Community Plan and the Richards Boulevard Area Plan (RBAP) by creating a diverse development that provides a variety of housing opportunities, a mix of uses, supports public transit, and reconnects the City to the American River.

The project supports the American River Parkway Plan by providing more access to the river while balancing preservation of the natural environment.

Smart Growth Principles: City Council adopted a set of Smart Growth Principles in December 2001 to promote growth or sustain existing development that is economically sound, environmentally friendly, and supportive of community livability. The subject proposal complies with the applicable guiding principles:

- Promote developments that foster accessibility and connectivity between areas and safely and efficiently accommodate a mixture of cars, transit, bicyclists and pedestrians.
- Create housing opportunities that promote a diversity of household types and housing choices for residents of all ages and income levels.
- Use the existing assets of infrastructure and public facilities to increase infill and reuse, while maintaining important qualities of community character.

Strategic Plan Implementation: The project conforms with the City of Sacramento Strategic Plan, specifically by advancing the goals to achieve sustainability, enhance livability, and increase opportunities for all Sacramento residents to live in safe and affordable housing.

Committee/Commission Action: On July 26, 2007, by a unanimous vote of eight ayes and one absent, the Planning Commission recommended approval and forwarded to City Council the Environmental Impact Report (EIR), Mitigation Monitoring Plan (MMP), Amendments to the Richards Boulevard Area Plan (RBAP) Facility Element, Zoning Ordinance Text Amendments to the Richards Boulevard Special Planning District (SPD), and rezone. The Planning Commission continued the PUD Guidelines and Tentative Map, pending a Development Guidelines document incorporating revisions and comments recommended by the Design Commission and Planning Commission. On

August 9, 2007, also by a unanimous vote, the Planning Commission recommended approval of the PUD Guidelines and Tentative Map.

Environmental Considerations: In accordance with California Environmental Quality Act (CEQA) Guidelines, Section 15081, an Environmental Impact Report (EIR) was prepared for this project.
An Initial Study was prepared to determine potential significant adverse project impacts for purpose of scoping the EIR. Based on the findings of the Initial Study, the Draft EIR focused on potential impacts to aesthetics, light and glare, air quality, biological resources, cultural resources, geology and soils, hazardous materials and public safety, hydrology and water quality, noise and vibration, public services, public utilities, and transportation and circulation. The project would result in significant and unavoidable impacts on air quality, historic resources, noise and vibration during construction, and traffic. The Draft EIR was circulated for a forty-five (45) day public review period from Friday, March 2, 2007 to Monday, April 16, 2007. A Final EIR was prepared, which responds to comments received on the Draft EIR. It is recommended that the City Council certify the EIR, adopted the Mitigation Monitoring Plan, and make the Findings of Fact, and made a Statement of Overriding Considerations as set out in the EIR resolution.

Rationale for Recommendation: The project is consistent with the objectives and policies of General Plan, Central City Community Plan, and the Richards Boulevard Area Plan which encourage the transition of land uses from industrial uses to high density mixed uses, create housing opportunities, promotes a diversity of household types and housing choices; use existing infrastructure and public facilities; maintain important qualities of community character, and support the public investment in transit.

Financial Considerations: The project has no fiscal considerations.

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

Respectfully Submitted by: _____
David Kwong
Planning Manager

Approved by: _____
William A. Thomas
Director of Development Services

Recommendation Approved:

Ray Kerridge
City Manager

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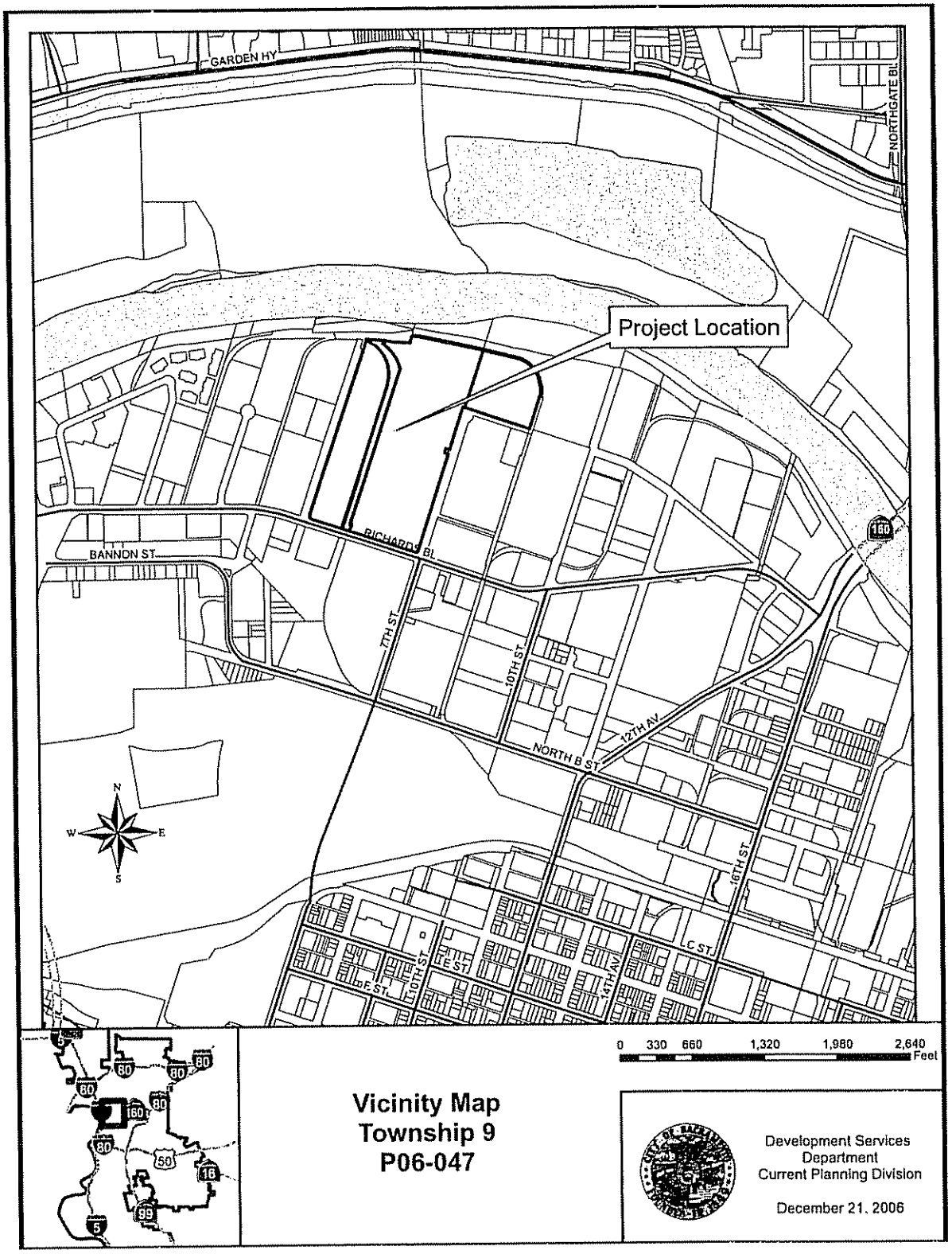
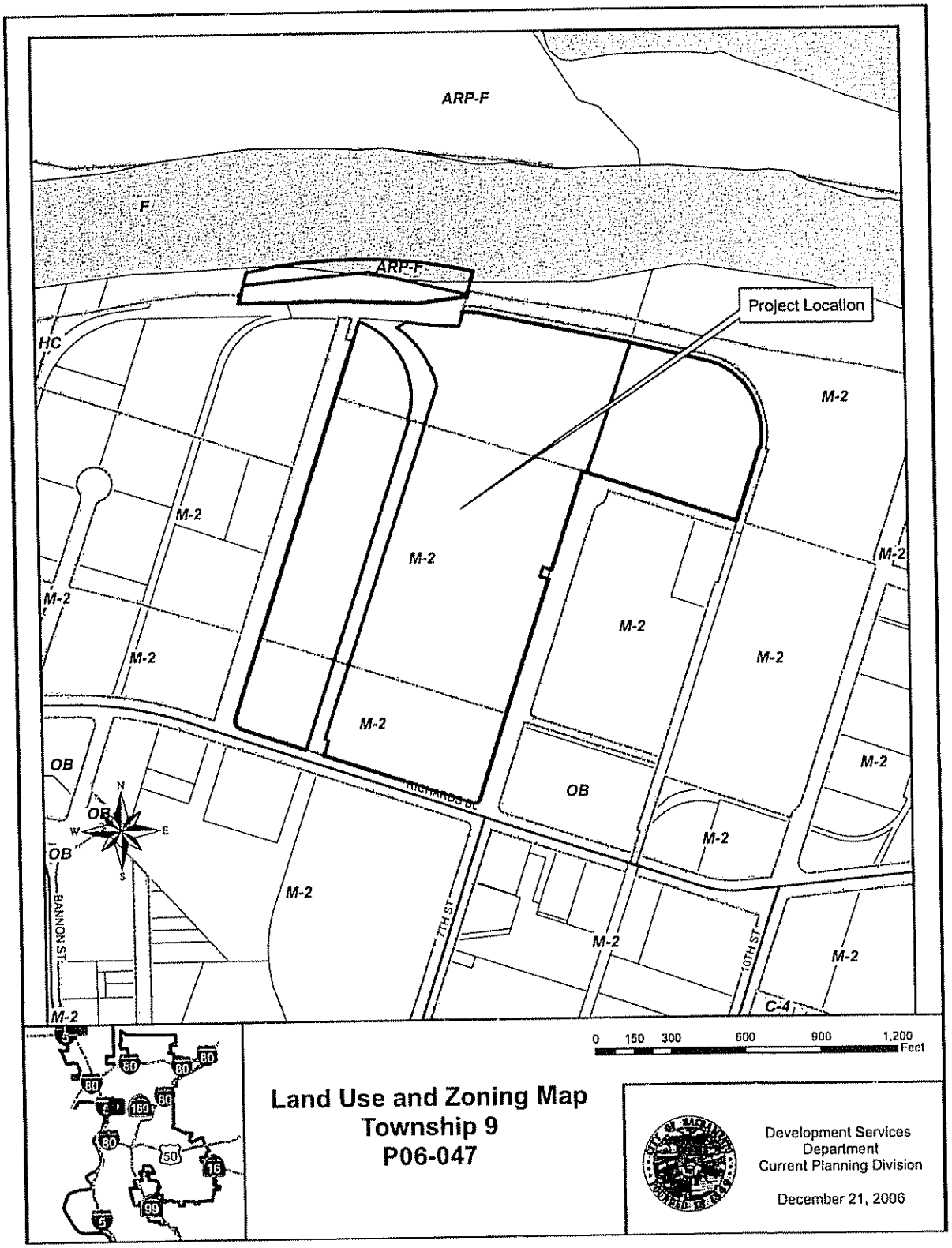
Attachment 1 – Vicinity Map



Attachment 2 – Land Use & Zoning Map



On May 2, 2007, the project was reviewed by the City Preservation Commission with regards to the cultural resources and demolition of the existing structures on site. The Preservation Commission determined that the demolition of the historic resources on the site would be a loss. They determined that the mitigation measures were adequate to address the loss of the resources.

On May 17, 2007, the project was reviewed by the Disability Advisory Commission (DAC) with regards to handicap accessibility throughout the site, specifically the roundabout plazas. The DAC thanked the City for hiring a mobility specialist and in general approved of the recommendations provided by W-trans and the City's efforts in working with the developer to provide a design that is accessible. The DAC thanked the developer for allowing the DAC to comment on the project guidelines. They recognized that although roundabouts in general present some challenges to people with disabilities they are in support of the concepts as recommended by W-trans for Township 9 and provided the following comments.

DAC comments below:

*Any plants around the edge of the roundabouts should not obscure the drivers' vision of a person in a wheel chair approaching the cross walk.

*The sidewalks connecting the crosswalks should be direct.

*A further review of the tactile warning strips should be provided once the improvement plans of the roundabouts are developed.

*The improvement plans for the roundabouts should return to the DAC for review and comment and/or approval prior to construction.

*Pavement treatment to the cross walks should have guide strips and the ability to channel people who are blind to the proper crossing locations.

*References to 'traffic plazas' should be removed from the guidelines.

On June 20, 2007, and July 18, 2007, the Design Commission reviewed and commented (Attachment 13) on the Planned Unit Development Guidelines. Their comments were incorporated into the PUD Guidelines where appropriate.

On June 28, 2007 the Planning Commission had the opportunity to review and comment on the entire project. On July 26, 2007 the Planning Commission heard and considered public testimony on the project. The Planning Commission voted to recommend approval and forwarded to City Council the Environmental Impact Report (EIR), Mitigation Monitoring Plan (MMP), Development Agreement, Richards Boulevard Area Plan Amendments for North 7th St

and Vine Street, and Zoning Ordinance Text Amendments. The Planning Commission continued the recommendation of the PUD Guidelines and the Tentative Map to August 9, 2007, pending the incorporation of the recommendations of the Planning Commission and the Design Commission into a final document that could be evaluated in its entirety before making a recommendation on the document. On August 1, 2007, Design and Planning staff, Planning Commissioner Wasserman, and the applicant reviewed the PUD Guidelines and are satisfied that the applicant has included the recommendations into the document where appropriate and has provided sufficient explanation on items that would not be included in PUD Guidelines. The Planning Commission is anticipated to recommend approval of the PUD Guidelines, Schematic Plan, and Tentative Map and forward to City Council on August 9, 2007. The Planning Commission also submitted a letter to the Council to highlight the basis of their recommendation.

On August 2, 2007 the applicant presented the Township 9 project to the City's Parks and Recreation Commission. The commissioners' comments were generally very positive and supportive of the project. They saw the project as having a positive impact on the Parkway and were satisfied with the diverse types of open space. They did state they wished there were more park space on the site, but they did not spend much time discussing this. The project nearly meets the City's goal of 2.5 acres/1000 residents on the project site. The balance of the parks requirement will be in-lieu fees and/or land acquisition off site. The commissioners also advised that accommodations for dogs, e.g. a dog park, would be desirable to provide dog owners a location to take their dog other than the Parkway. They saw off-leash dogs in the Parkway as a potential problem. Programming for the park space will be considered in future design considerations.

The following is a summary of the requested approvals:

Development Agreement

It is proposed that the City enter into a development agreement with the property owner of Township 9 in order to vest their entitlements for 20 years in consideration for the obligations in the agreement that the City could not otherwise impose as conditions of project approval, or which the City believes would be of a benefit to the community. The special conditions include the following:

- Imposition of updated development fees based on an update of the Financing Plan for the Richards Boulevard Area Plan and Railyards Specific Plan, a portion of which will help fund improvements to the Richards Boulevard and I-5 interchange.

- Payment for one-half of the cost to install a signal at Richards Boulevard and North 8th Street intersection and one-half of the cost for improving North 8th Street within the right-of-way to be dedicated by the Continental Plaza property owner.

- Imposition of a freeway congestion mitigation fee that requires a contribution to the Downtown-Natomas-Airport (DNA) transit system in the amount of $495,000, which will be off-set by the value of the light rail station land dedication with City reimbursement from Richards Boulevard development fees for value of land dedication that exceeds the congestion mitigation fee obligation based on the future update of the Facility Element.

- Acceptance of open space and park land that would otherwise not qualify for Quimby credit due to the unique urban and pedestrian-friendly design, acceptance of off-site land dedication for park development rather than payment of in-lieu fees, and requirement to develop the North 7th Street median parkway.

- Limitation on entitlement to City's infill sewer fee credits until property owner utilizes all of its available Sacramento Regional County Sanitation District (SRCSD) credits (credits exist from prior use of the property).

- City agreement to waive the requirement for the Landowner to obtain a special permit (Commission level) based on the square footage size of building. A Planning Director Plan Review will be required unless the use requires a special permit; in that case the special permit will be subject to Planning Commission approval.

Richards Boulevard Area Plan (RBAP) Facility Element

The RBAP Facility amendments involve two streets specifically, North 7th Street and Vine Street also know as Street "A" on the Tentative Map. The Township 9 application proposes to amend both Vine Street and North 7th Street to a more pedestrian scale (neighborhood streets), consisting of two lanes of traffic (one in each direction). North 7th Street is being amended from a 120 foot right-of-way that was to be developed with two lanes of traffic in each direction, a 16' median, eight foot sidewalks, six foot planters, eight foot parking lanes, and six foot bicycle lanes. North 7th Street will have a 40 foot wide urban park for the portion commencing at "Signature Street" northward and ending at "Riverfront Drive". The 120' right-of-way north of Signature Street to Riverfront Drive would also include eight foot sidewalks, eight foot landscape planters, seven foot parking lanes, and five foot bicycle lanes on both sides of North 7th Street. The portion of North 7th Street right-of-way from Richards Boulevard to Signature Street is a 129' right-of-way to be developed as four lanes (one turn lane) of southbound traffic, and three lanes (one turn lane) of northbound traffic. The right-of-way includes eight foot sidewalks, eight foot landscape planters, and four foot bicycle lanes on both sides of North 7th Street. The design of this portion of North 7th Street is based on the traffic analysis and taking into account the permitted office development on the adjacent parcel (Continental Plaza PUD) and the ability to keep traffic moving through this intersection.

Vine Street will be amended from a 90 foot cross section to a 70 foot cross section. Vine Street would include two lanes one in each direction, eight foot sidewalks, eight foot landscape planters, and seven foot parking lanes.

Richards Boulevard Special Planning District (SPD)

The Richards Blvd SPD includes a requirement for design review under each zoning classification because the Richard Blvd area is within an established Design Review District. However, the Design Review chapter of the Zoning Code exempts projects within a PUD from being subject to formal design review (Design Director or Design Commission hearings). The design requirements set out in the PUD control over the Richards Blvd Design Guidelines and all projects in the PUD are subject to a Planning Director's Plan Review to insure consistency with the PUD Guidelines. The SPD amendment simply references the PUD and Design Review chapters of the Zoning Code regarding the design review exemption for PUD projects for internal code consistency. Additionally, two new land uses have been added, subject to the issuance of a special permit in the RMX zone. These two uses are hotels and a performing arts center.

Rezone

The proposed entitlements include rezoning of the project site to zoning designations more consistent with the proposed development. The majority of the site is currently zoned industrial. With the adoption of the Richards Boulevard Area Plan, property approximately 300' north of Richards Boulevard was given a Central City Community Plan designation of Industrial/Residential in order to preserve the existing industrial development on the site and to acknowledge the long term vision of the plan to have this site redevelop to a predominately residential use. The rezones to Residential Mixed Use Planned Unit Development Special Planning District (RMX-PUD-SPD) and Office Building Planned Unit Development Special Planning District (OB-PUD-SPD) are consistent with the Central City Community Plan designations and will allow for the Township 9 PUD to be consistent with the zoning designations.

Planned Unit Development (PUD) Guidelines

The Township 9 PUD Guidelines (Attachment 9, Exhibit A) outline the standards and architectural design to be used to guide development within the PUD. Also attached to the guidelines is a schematic plan which reflects building footprints, open space areas, and vehicle circulation. The development guidelines are intended to be consistent with the policies in the Richards Boulevard Area Plan. In summary, the attached guidelines identify procedures for approval, permitted uses, intensity, open space requirements, building standards and design guidelines.

The Planning Commission continued the recommendation of the PUD Guidelines and the Tentative Map to August 9, 2007, pending the incorporation of the recommendations of the Planning Commission and the Design Commission into a final document that could be evaluated in its entirety before making a recommendation on the document. On August 1, 2007, staff and Planning Commissioner Wasserman reviewed the PUD Guidelines and are satisfied that the applicant has included the recommendations into the document where appropriate and has provided sufficient explanation on items that would not be included in PUD Guidelines.

Attachment 4 – EIR & MMP Resolution

RESOLUTION NO. 2007-

Adopted by the Sacramento City Council

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PLAN FOR THE TOWNSHIP 9 PROJECT (P06-047)

BACKGROUND

A. On July 26, 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions, the Township 9 Project.

B. On August 28, 2007, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Chapter 17.200, and received and considered evidence concerning the Township 9 Project.

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

Section 1. The City Council finds that the Environmental Impact Report for the Township 9 Project (herein EIR) which consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

Section 2. The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

Section 3. The City Council certifies that the EIR has been presented to it, that the City Council has reviewed the EIR and has considered the information contained in the EIR prior to acting on the proposed Project, and that the EIR reflects the City Council's independent judgment and analysis.

Section 4. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit

A.
Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Plan to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Plan as set forth in Exhibit B of this Record of Decision.

Section 6. The City Council directs that, upon approval of the Project, the City's Environmental Planning Services shall file a Notice of Determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at Historic City Hall, 915 I Street, 1st Floor, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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Exhibit B – Mitigation Monitoring Plan

Exhibit A – CEQA Findings of Fact and Statement of Overriding Considerations

Description of the Project

The Township 9 project is a proposed mixed-use development in the Richards Boulevard Area Plan (RBAP) that is within the Central City Community Plan area in the City of Sacramento. The proposed project that was analyzed in the environmental impact report (EIR) includes two development scenarios. Scenario A proposed the development of approximately 2,981 dwelling units and approximately 146,194 gross square feet of neighborhood-serving commercial development, primarily retail and restaurant uses. Scenario B proposed the development of approximately 839,628 gross square feet of office use (instead of residential) on proposed lots fronting Richards Boulevard (lots 13, 14, and 17). Under Scenario B, the number of dwelling units would be reduced to approximately 2,350. The approximately 146,194 gross square feet of neighborhood-serving commercial uses would remain unchanged under Scenario B. The project under either scenario would include structures with a mixture of residential/commercial/office uses, a network of public streets, aboveground and subgrade parking facilities, public and private open space areas, and a river trail. The project would also include space for a transit station and tracks for future construction of an extension of the existing light rail system by the Sacramento Regional Transit District. (FEIR, p. 1-1.)

The project originally included an overlook and an outdoor performance venue. In response to concerns raised by the County of Sacramento Departments of Planning and Regional Parks, and subsequent to publication of the Draft EIR, the project applicant removed the overlook and outdoor performance venue elements from the project. In addition, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7th Street and Street G. As a result, the discussion of these elements and the impacts attributed to the overlook and performance venue identified in the Draft EIR are no longer applicable, and the discussion of the tower has been revised in the FEIR to reflect the new location and associated impacts. (FEIR, p. 1-1.)

The applicant is requesting that the City Council adopt Scenario B as the approved Project. For purposes of these findings and statement of overriding considerations, references to "the Project" mean the project identified and analyzed as "Scenario B" in the EIR.

Project approval requires the City Council to approve the project entitlements and the applicant will need to secure permits or affirm compliance with other agencies to allow for development of the project. Below are summarized the discretionary actions sought by the project applicant for the Township 9 project that are being approved under separate resolutions and ordinances:

- Development Agreement
- Designation of a Planned Unit Development (PUD) and adoption of Development Guidelines and Schematic Plan
- Rezone
- Tentative Map
- Lot Line Adjustment

- Demolition Permit
- Water Supply Assessment

In addition, amendment of the Facility Element of the Richards Boulevard Area Plan to redesignate North 7th Street from four lanes to two lanes north of Signature Boulevard, and amendment of the Richards Boulevard Special Planning District overlay zone to reflect the provisions in the PUD and Design Review chapters of the Zoning Code that provide for variations in density, setbacks and building heights and the exemption from Design Review for PUD's are being requested.

Project Location

The approximately 65-acre Township 9 site is generally bounded by Richards Boulevard to the south, the American River to the north, North 5th Street to the west, and North 7th Street to the east. There are 13 parcels on the project site that will be reconfigured with approval of the tentative map. The applicant is also seeking a lot line adjustment between the proposed project site and the approximately 20- to 40-foot-wide parcel to the east. Surrounding land uses consist of the American River to the north, industrial uses to the south, and industrial and office uses to the east and west. Regional access to the project site is provided by Interstate 5 (I-5) and State Route 160 (SR 160). Local access is provided by Richards Boulevard and North 7th Street. Existing transit facilities in the project vicinity include the Sacramento Amtrak Station at 4th and I Streets, approximately 1.8 miles from the project site; the Sacramento Regional Transit (RT) Blue Line light rail route along 12th Street, with the La Valentina light rail station approximately 1.2 miles from the project site on 12th Street between D and E Streets; and RT bus service on Richards Boulevard, North B Street, 7th Street, and 12th Street. (DEIR, p. 2-1.)

Project Elements

The Township 9 project applicant has been selected to submit an application for participation in the "Leadership in Energy and Environmental Design (LEED) for Neighborhood Development Pilot Program." The LEED Green Building Rating System™ is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. The LEED rating system is the most comprehensive program available to help design teams implement sustainable development practices. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. (RTC 11-16; FEIR, pp. 4-63 to 4-65.)

Residential Uses. Proposed residential uses include apartments, condominiums, townhomes, and live/work units. Buildings would range from 2 to 15 stories with a maximum height of 180 feet. Approximately 2,350 residential units would be developed. (DEIR, p. 2-6.)

Office Uses (Scenario B). Approximately 839,628 square feet of office uses would be developed on lots 13, 14, and 17. The tallest structure under this scenario would be a 15-story, 235-foot-tall office building (with ground-floor retail) on lot 13. (DEIR, p. 2-6.)

Retail and Restaurant Uses. Retail uses would be located in the ground floor of residential buildings and would include a mix of restaurant uses such as coffee and sandwich shops, fast-food establishments, and bars. Other neighborhood-serving uses such as hair salons, dry cleaning, small grocery stores, flower shops, and office-type services would also be provided. Retail/restaurant uses proposed total approximately 146,194 square feet. (DEIR, p. 2-6.)

Parking Facilities. Parking facilities would include parking structures and may also include subgrade parking. The project would include approximately 5,389 parking spaces. The project would achieve City Code requirements for parking. It is anticipated that the project would make use of joint parking arrangements where parking required for one parcel could be provided on an adjacent or adjoining parcel within the project site. On an interim basis, parking requirements for individual parcels could be met through the use of temporary surface parking that would be provided on-site on adjacent lots within the project site as well as off-site on adjacent parcels located outside of the project boundaries. (DEIR, p. 2-11.)

Parks and Open Space. The project would include approximately 27 acres of public open spaces and approximately 3,920 square feet of private open spaces. Public open spaces would include urban parks and plazas, parkways, and natural open space along the American River. Private open spaces would consist of central courtyards that would serve as common open space for residential buildings. Although these courtyards would probably not be open to the public, they would serve residents as relief from the higher density nature of the project. (DEIR, p. 2-11.)

Landscaping. Proposed on-site landscaping would include trees, shrubs, groundcover and/or turf and irrigation within street planter areas, medians, paseos and parks. Landscaped areas may include water features such as fountains. (DEIR, p. 2-13.)

Two Rivers Trail and Levee Improvements. The existing American River levee would be adapted to accommodate the Two Rivers Trail, a bicycle trail that runs between I-5 and SR 160. The existing trail and proposed park facilities would provide public access to the river. The Township 9 project proposes no change to the grade of the trail, which currently runs along the top of the levee. The levee improvements would be accomplished through grading operations that would place earthen fill against the existing levee that gently slopes away from the levee toward Richards Boulevard. The goal of this improvement is to minimize the visual and physical barrier of the levee and make the waterfront accessible to the public. The final alignment and design elements would be planned with City input. (DEIR, p. 2-14.)

Transit Space. The project would include an allowance for a light rail transit station and tracks to be constructed by Sacramento Regional Transit District. A 60-foot-wide easement over the south edge of lots 13, 14, and 17 would be offered for dedication under an agreement between the applicant and Regional Transit. The air rights above the transit station and tracks area would be reserved by the landowner to allow for the possibility of structures being constructed above these improvements. The planning, approval, environmental clearance, and construction of the light rail station and tracks are not part of the project. (DEIR, p. 2-14.)

Findings Required Under CEQA

1. Procedural Findings

The City Council of the City of Sacramento finds as follows:

Based on the Initial Study conducted for Township 9, SCH # 2006072077, (herein after the "Project"), the City of Sacramento's Environmental Planning Services Division determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an Environmental Impact Report (EIR) on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 et seq. ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 et seq.), and the City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation (NOP) of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency on July 17, 2006 and was circulated for public comments from July 17 through August 15, 2006. The NOP was distributed to responsible agencies, interested parties, and landowners within 1,000 feet of the project site. The purpose of the NOP was to provide notification that an EIR for the project was being prepared and to solicit guidance on the scope and content of the document. A public scoping meeting was held on August 1, 2006. Responsible agencies and members of the public were invited to attend and provide input on the scope of the EIR.

b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on March 2, 2007 to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

c. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on March 2, 2007 and ended on April 17, 2007.

d. A Notice of Availability (NOA) of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on March 1, 2007. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, New City Hall, 915 I Street, Third Floor, Sacramento, California 95814. The letter also indicated that the official 45-day public review period for the Draft EIR would end on April 17, 2007.

e. A public notice was placed in the Daily Recorder on March 2, 2007, which stated that the Draft EIR was available for public review and comment.

f. A public notice was posted in the office of the Sacramento County Clerk on March 2, 2007.

g. Following closure of the public comment period, all comments received on the Draft

EIR during the comment period, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR to produce the Final EIR.

2. Record of Proceedings

The record of proceedings for the City's decision on the Project consists of the following documents, at a minimum:

a. Comments received from the scoping meeting held on August 1, 2006 in Sacramento, California, regarding the preparation of the EIR;

b. The NOP dated July 17, 2006, and all other public notices issued by the City in conjunction with the Project;

c. The Draft Environmental Impact Report for the Township 9 Project ("DEIR");

d. Notice of Review, providing notice that the DEIR had been completed and was available for public review and comment;

e. All comments submitted by agencies or members of the public during the 45-day comment period on the Draft EIR;

f. All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the Draft EIR;

g. The Final Environmental Impact Report for the Township 9 Project ("FEIR"), including all documents referred to or relied upon therein;

h. All timely comments received on the Draft EIR and responses to those comments;

i. Any comments received on the on the FEIR if a written response to the comment was provided prior to the August 21, 2007 City Council Public Hearing;

j DEIR and FEIR Technical appendices;

k. The aesthetics analysis for other projects in the downtown Sacramento area that were recently approved, or are pending approval, by the City, including:

- The Metropolitan, located at 10th and J Streets
- The Cathedral Square, located at 11th and J Streets
- The EPIC Tower, located at 12th and I Streets
- The Towers at Capitol Mall, located at Capitol Mall and 4th Street
- 500 Capitol Mall

l. The Staff Report from the City Council workshop on May 1, 2007, regarding the City's Mixed Income Ordinance;

m. The transcript from the City's Preservation Committee meeting on May 2, 2007;

n. The transcript from the City's Design Commission meetings on June 20, 2007 and July 18, 2007;

o. The transcript from the City's Planning Commission meeting on July 26, 2007;

p. Notice of the July 26, 2007 Planning Commission Public Hearing and the August 21, 2007 City Council Public Hearing stating that the EIR is to be considered at those hearings;

q. The Mitigation Monitoring Plan for the Project;

r. All findings and resolutions adopted by the City in connection with the Township 9 Project, and all documents cited or referred to therein;

s. All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Township 9 Project;

t. All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the Township 9 Project, up through the close of the public hearing on August 21, 2007;

u. Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Township 9 Project;

v. Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;

w. The relevant files of the City of Sacramento Planning Department for the siting of the Project;

x. The relevant files and the materials submitted by the applicant;

y. Matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations;

z. Any documents expressly cited in these findings, in addition to those cited above; and

aa. The City of Sacramento General Plan, City of Sacramento, January, 1988 and all updates.

bb. Environmental Impact Report City of Sacramento General Plan Update, City of Sacramento, March, 1987 and all updates.

cc. Findings of Fact and Statement of Overriding Considerations for the Adoption of the

Sacramento General Plan Update, City of Sacramento, 1988 and all updates.

dd. Zoning Ordinance of the City of Sacramento.

ee. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004

ff. Central City Community Plan.

gg. PUD Schematic Plan and Design Guidelines.

hh. Letters from various experts opining on the Project, including but not limited to:

- Letter dated June 21, 2007, to Steve Goodwin from Sean Smith, Nolte Associates, Inc.
- Letter dated July 16, 2007, to Steve Goodwin from Chris Austin, Managing Principal, Development Planning & Financing Group, Inc.
- Letter dated June 21, 2007, to Steve Goodwin from Steven Chamberlain, Colliers International.
- Structural Evaluation prepared for Capitol Station 65 LLC by Schubert Structural Engineering, dated June 25, 2007
- Letter dated September 12, 2006 to Ray Tretheway from Mike McKeever, the Executive Director of the Sacramento Area Council of Governments regarding compliance of the Project with the SACOPG Preferred Blueprint Scenario.

ii. Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

3. Findings

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environment impacts that would otherwise occur. Mitigation measures or alternatives are not required, however, where such changes are infeasible or where the responsibility for the project lies with some other agency. (CEQA Guidelines, § 15091, sub. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, sub. (b); see also Pub. Resources Code, § 21081, sub. (b).)

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily

address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 521; see also Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730-731; and Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I") (1988) 47 Cal.3d 376, 400-403.)

In these Findings, the City first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable does the City address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Public Resources Code, Section 21081, sub. (b); see also, CEQA Guidelines, Sections 15093, 15043, sub.(b).) In the Statement of Overriding Considerations found at the end of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

A number of impacts were less than significant without mitigation. Consistent with CEQA's requirements, these Findings do not address impacts that were less than significant without mitigation, with one exception: aesthetic impacts. Although the EIR determined that potential aesthetic impacts were less than significant without mitigation, the City received several comments regarding this determination. For this reason, the Findings will address impact 6.1-1.

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

In support of its approval of the Project, the City Council makes the following findings for each of the significant environmental effects and alternatives of the Project identified in the EIR pursuant to Section 21080 of CEQA and section 15091 of the CEQA Guidelines:

A. Significant or Potentially Significant Impacts Mitigated to a Less Than Significant Level.

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less than significant level and are set out below. Pursuant to section 21081(a)(1) of CEQA and section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

1. AESTHETICS, LIGHT, AND GLARE

IMPACT 6.1-2 The proposed project would create new sources of light and glare that could adversely affect on-site and adjacent uses. Therefore, this impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.1-17)

The project would include an approximately 150-foot-tall tower structure that would be oriented towards downtown to the south. The tower structure would include a light feature consisting of a controlled neon or laser light source that would operate from dusk until dawn. The light feature would be installed to include cut-off shields that screen the light from shining to the north or onto the riverfront area of the proposed development. In addition, since publication of the Draft EIR, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7th Street and Street G. As a result, light and glare impacts in the Parkway attributed to the tower feature as identified in the Draft EIR are no longer applicable and the impact is considered less than significant. (RTC 5-8, 5-16, FEIR, pp. 4-22 to 4-24, 4-27.)

The proposed project would result in the construction of residential, retail, and office buildings ranging from 3 to 12-stories in height that could include some exterior glass windows on the façade. Because details of the type of glass material to be used are unknown, exterior materials used to construct proposed buildings could include materials that could result in a substantial amount of glare if the surfaces are highly reflective. These highly reflective materials could result in excessive glare that could adversely affect adjacent uses. This would be a potentially significant impact. (DEIR, p. 6.1-17)

Mitigation Measures: Implementation of the following mitigation measures would reduce this impact to a less than significant level.

6.1-2 a) The project contractor shall include a configuration of exterior light fixtures that emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses and minimize impacts to night sky views.

b) The project contractor shall not use highly reflective mirrored glass walls as a primary building material for façades to reduce glare on adjacent uses. Instead, Low E glass shall be used in order to reduce the reflective qualities of the building, while maintaining

energy efficiency.

(DEIR, p. 6.1-18.)

Finding: Implementation of Mitigation Measure 6.1-2 would include a requirement for directing exterior lighting downward and use of lower reflective exterior glass to minimize reflective surfaces and reduce the potential for new sources of glare. As a result, the project's impact to light and glare would be reduced to less than significant. (DEIR, p. 6.1-19)

IMPACT 6.1-4 The proposed project, in combination with cumulative development surrounding the project site, would create new sources of light and glare. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR p. 6.1-19)

Because the details of the type of glass material to be used for proposed project buildings are unknown, the project's contribution to this cumulative effect would be considerable and therefore the cumulative impact is potentially significant. (DEIR, p. 6.1-19)

Mitigation Measures:

6.1-4 Implement Mitigation Measure 6.1-2(a) and (b).

Finding: Implementation of Mitigation Measure 6.1-2 would include a requirement for directing exterior lighting downward and use of lower reflective exterior glass to minimize reflective surfaces and reduce the potential for new sources of glare. As a result, the project's contribution to new sources of light and glare would be substantially reduced and its contribution to cumulative light and glare sources would not be considerable. This potentially cumulative impact would be reduced to less than significant. (DEIR, p. 6.1-19)

2. AIR QUALITY

IMPACT 6.2-1 Construction of the proposed project would generate emissions of ozone precursors. Therefore, this impact is considered significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.2-16)

Mitigation Measures:

6.2-1 a) The project applicant and/or contractor shall provide a plan, for approval by the lead agency and the SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, would achieve a project wide fleet-average 20% NO_X reduction and 45% particulate reduction compared to the most recent CARB fleet average at time of construction. The SMAQMD shall make the final decision on the emission control technologies to be used by the project construction equipment; however, acceptable options

for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or o their options as they become available;

b) The project applicant and/or contractor shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used an aggregate of 40 or more hours during any phase of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project applicant and/or contractor shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.

c) The project applicant and/or contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly by contractor personnel certified to perform opacity readings, and a monthly summary of the visual survey results shall be submitted to the SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.

d) Limit vehicle idling time to five minutes or less.

e) The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO_X that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the current SMAQMD Fee of $14,300/ton of NO_X emissions generated. This fee shall be paid prior to issuance of building permits. Detailed construction information for the proposed project is not yet available. However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related construction NO_X emissions over the significance threshold would be $165,612. Fees may be paid on a per-acre basis, in which case the average fee would be approximately $2,548/acre. In order to monitor potential changes in projected construction equipment and/or construction phasing, the applicant shall fund a monitor who shall review a list of construction equipment and construction phasing information provided by the contractor. The review shall occur on a monthly basis over the total construction period and a report of the findings shall be submitted monthly to the City and SMAQMD. If the construction and equipment varies from what is projected, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be

recalculated. The applicant shall be responsible for recalculating the fee and paying any revised fee determined appropriate in coordination with the SMAQMD.

(RTC 7-7; FEIR, pp. 2-2 to 2-4, 4-34 to 4-36.)

Finding: Implementation of Mitigation Measures 6.2-1(a) through (d) (which are the SMAQMD standard mitigation measures for projects with significant construction-phase NO_X emissions) would result in a minimum 20% reduction of NO_X construction emissions according to the SMAQMD Guide. While the proposed project's impact would be substantially reduced through implementation of Mitigation Measures 6.2-1(a) through (d), the impact during construction would remain significant. However, the mitigation fee collected under Mitigation Measure 6.2-1(e) would enable the SMAQMD to use the mitigation fee money in its Carl Myer and CECAT programs to reduce emissions from other NO_X sources off-site to offset the project construction NO_X emissions that exceed the SMAQMD's threshold. Therefore, compliance with these measures would reduce the impact to a less than significant level. (DEIR, pp. 6.2-16, 19, 20; (RTC 7-11; FEIR, pp. 2-5, 4-37.))

IMPACT 6.2-2 Construction of the proposed project would generate emissions of particulate matter. This impact is considered significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.2-20)

Particulate emissions during construction would come from demolition of the existing buildings, excavation, grading, other earth-moving activities, construction equipment exhaust, and from vehicle exhaust produced by workers driving to and from the project site. Mass emission levels of particulate matter could reach a maximum of 177.93 pounds per day during the initial demolition and site grading phases (the majority of emissions being fugitive dust). This would be considered a significant impact. (DEIR, p. 6.2-20)

Mitigation Measures: Implementation of the following mitigation measures would reduce fugitive dust emissions. Compliance with all measures specified below would reduce construction particulate impact to a less than significant level.

6.2-2 The project applicant shall require in all construction contracts that the following measures are implemented during all phases of construction and demolition activities:

a) Demolition contractors shall ensure that all exterior surfaces of buildings are wetted during building demolition activities. The material from any building demolition shall be completely wetted during any period when the material is being disturbed, such as during the removal from the construction site.

b) All piles of demolished material shall be wetted and covered until removed from the

site.

c) Maintain two feet of freeboard space on haul trucks.

d) All operations shall expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry brushes is expressly prohibited.

e) Wheel washers for exiting trucks shall be installed or the wheels of all trucks and equipment leaving the site shall be washed off.

f) Water all exposed soil with sufficient frequency as to maintain soil moistness.

g) During clearing, grading, earth-moving, or excavation operations, fugitive dust emissions shall be controlled by watering exposed surfaces two times per day, watering haul roads three times per day or paving of construction roads, or dust-preventive measures. All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant.

h) Onsite vehicle speeds on unpaved roads shall be limited to 15 mph.

i) Excavation and grading activities shall be suspended when winds exceed 20 mph.

Finding: Mitigation Measure 6.2-2 requires the applicant to implement emissions controls to reduce particulate matter emissions during construction. With the imposition of these mitigation measures fugitive dust emissions would be reduced to a less-than-significant level. As further described under Mitigation Measure 6.2-2 on page 6.2-21 of the Draft EIR, the SMAQMD, in the Guide to Air Quality Assessment in the Sacramento County, estimates that with implementation of the mitigation measures that particulate emissions would be reduced by up to 75%. Furthermore, the accuracy of dispersion modeling at this relatively early stage of project planning would be limited by the uncertainty about equipment use and phasing. (DEIR, p. 6.2-21; RTC 7-12; FEIR, pp. 4-37 to 4-38.) This impact is less than significant with mitigation.

IMPACT 6.2-6 Construction of the proposed project would increase cumulative levels of ozone precursors. This impact is considered significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.2-26)

Construction activities that occur simultaneously with proposed project construction in the SVAB would contribute emissions of ozone precursors. While those emissions would be temporary, combined they could exceed the SMAQMD thresholds. Significant levels of ozone precursors could be generated during project construction which would exceed SMAQMD thresholds. Therefore, the project's contribution to this cumulative impact would be considerable and this would be a significant cumulative impact. (DEIR, p. 6.2-26)

Mitigation Measures: Implementation of the following mitigation measures would reduce the project's contribution to less than cumulatively considerable and this cumulative impact would be less than significant.

6.2-6 Implement Mitigation Measures 6.2-1(a) through (e).

Finding: Implementation of Mitigation Measures 6.2-1(a) through (d) (which are the SMAQMD standard mitigation measures for projects with significant construction-phase NO_X emissions) would result in a minimum 20% reduction of project NO_X construction emissions. The implementation of the mitigation fee collected under Mitigation Measure 6.2-1(e) would enable the SMAQMD to use the mitigation fee money in its Carl Myer and CECAT programs to reduce emissions from other NO_X sources off-site to offset the project construction NO_X emissions that exceed the SMAQMD's threshold; this would substantially reduce project emissions. Further, implementation of the SMAQMD standard mitigation measures would be required for all other projects in the Sacramento area with significant construction-phase NO_X emissions. Therefore, compliance with these measures would reduce the project's contribution to cumulative construction-phase NO_X emissions to a less than considerable level. (DEIR, pp. 6.2-26, 27; RTC 7-11, FEIR, pp. 2-5, 4-37.)

IMPACT 6.2-8 Construction of the proposed project would increase cumulative levels of particulate matter in the vicinity of the project site. This impact is considered significant, and is reduced to less than significant with mitigation (DEIR, p. 6.2-28)

Significant levels of particulate matter could be generated during project demolition, excavation, grading and other construction activities. These PM_{10} emissions when combined with other construction projects in the vicinity of the site that occur at the same time could result in a significant cumulative increase. Because the project's particulate matter emissions would exceed established thresholds its contribution would be considerable and this is a significant cumulative impact. (DEIR, p. 6.2-28)

Mitigation Measures: Implementation of the following mitigation measures would reduce fugitive dust emissions. Compliance with all measures specified below would reduce the project's contribution to construction particulate matter emissions to less than cumulatively considerable and this cumulative impact would be less than significant.

6.2-8 Implement Mitigation Measures 6.2-2(a) through (i).

Finding: Implementation of Mitigation Measures 6.2-2(a) through (i) would reduce the project's contribution of fugitive dust emissions to less than considerable. The SMAQMD estimates that with implementation of these mitigation measures, particulate emissions from exposed earth surfaces (the largest source of particulate emissions during construction) would be reduced by 75%. (DEIR,

p. 6.2-28) This impact is less than significant with mitigation.

3. BIOLOGICAL RESOURCES

IMPACT 6.3-1 Proposed demolition and construction activities could result in the disturbance of nesting habitat for Swainson's hawks. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.3-17)

Trees existing in the riparian area of the American River could support nesting habitat for Swainson's hawks. While nesting activities were not observed during the June 22, 2006 survey of the proposed development site, the riparian area could support nesting Swainson's hawks in the future. Suitable nest trees for Swainson's hawk are present along the river. Construction activities associated with the proposed project, including the operation of the temporary recycling facility, could disturb nesting pairs of Swainson's hawk possibly resulting in nest abandonment, forced fledging and/or mortality. (DEIR, p. 6.3-17)

Mitigation Measures: Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

6.3-1 a) Prior to any demolition/construction activities that occur between February 15 and September 15 the applicant shall have a qualified biologist conduct surveys for nesting Swainson's hawk in the riparian area along the American River and within a half mile of demolition/construction activities. If no active Swainson's hawk nests are identified on or within half mile of construction activities, a letter report summarizing the survey results shall be sent to the City of Sacramento and no further mitigation is required.

b) If active nests are found, measures consistent with the CDFG Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California shall be implemented as follows:

1. Nest trees shall not be removed unless there is no feasible way of avoiding their removal.
2. If there is no feasible alternative to removing a nest tree, a Management Authorization (including conditions to offset the loss of the nest tree) shall be obtained from CDFG with the tree removal period (generally between October 1 and February 1) to be specified in the Management Authorization.
3. No intensive disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within 1,320 feet (¼ mile) (buffer zone as defined in the CDFG

Staff Report) of an active nest between February 15 and September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained from CDFG for the project. The 1,320 foot buffer zone could be adjusted in consultation with CDFG.

4. If demolition/construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest to determine if abandonment occurs. If the nest is abandoned and the nestlings are still alive, the project proponent shall retain the services of a qualified biologist to reintroduce the nestling(s) (recovery and hacking). Prior to implementing, any hacking plan shall be reviewed and approved by the Environmental Services Division and Wildlife Management Division of the CDFG.

(DEIR, p. 6.3-19.)

Finding: Implementation of Mitigation Measure 6.3-1(a) would require surveys for nesting Swainson's hawks to confirm the presence of active nests during the appropriate nesting season. If construction activities can not be avoided during the nesting season, then implementation of Mitigation Measures 6.3-1(b) ensures that active nests are protected by instituting appropriate buffer zones and avoiding or minimizing loss or take of this species. Implementation of Mitigation Measures 6.3-1(a) and (b) would reduce the potential disturbance of nesting Swainson's hawk to a less-than-significant level. (DEIR, p. 6.3-19)

IMPACT 6.3-2 Proposed demolition and construction activities could result in the disturbance of nesting habitat for protected avian species, including raptors. This impact is considered to be potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.3-19)

Demolition and construction activities, including the operation of the temporary recycling facility, could result in the disturbance to protected nesting avian species potentially leading to nest abandonment and mortality. This would be considered a potentially significant impact. (DEIR, p. 6.3-20)

Mitigation Measures: Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

6.3-2 a) Between March 1 and August 1, the applicant shall have a qualified biologist conduct nest surveys 30 days prior any demolition/construction activities that are within 500 feet of potential nest trees. A pre-construction survey shall be submitted to CDFG and the City of Sacramento that includes, at a minimum: (1) a description of the methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted; and (2) a map showing the location(s) of any bird nests observed on the project site. If no active nests of MBTA, CDFG or USFWS covered species are identified then no further mitigation is required.

b) Should active nests of protected bird species be identified in the survey conducted in

accordance with Mitigation Measure 6.3-2(a), the applicant, in consultation with the City of Sacramento and CDFG, shall delay construction in the vicinity of active nest sites during the breeding (March 1 through August 1) while the nest is occupied with adults and/or young. A qualified biologist shall monitor any occupied nest to determine when the nest is no longer used. If the construction cannot be delayed, avoidance shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone will be determined in consultation with the CDFG, but will be a minimum of 100 feet. The buffer zone shall be delineated by highly visible temporary construction fencing.

c) No intensive disturbance (e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest between March 1 and August 1.

d) If demolition/construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest site to determine if construction activities are disturbing the adult or young birds. If abandonment occurs the biologist shall consult with CDFG or USFWS for the appropriate salvage measures. This could include taking any nestlings to a local wildlife rehabilitation center.

(DEIR, p. 6.3-20)

Finding: Implementation of Mitigation Measure 6.3-2(a) would require surveys for protected bird species to confirm the presence of active nests during the appropriate nesting season. If construction activities cannot be avoided during the nesting season, then implementation of Mitigation Measure 6.3-2(b) through (d) ensures that active nests are protected by instituting appropriate buffer zones and avoiding or minimizing loss or take of this species. Implementation of Mitigation Measures 6.3-2(a) and (d) would reduce the potential disturbance of nesting avian species to a less-than-significant level. (DEIR, p. 6.3-21)

IMPACT 6.3-4 Development of the proposed project could result in the loss of habitat or potential disturbance of valley elderberry longhorn beetle (VELB). This impact is considered significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.3-21)

Development within the project site could result in the disturbance (from construction or operation) or removal of elderberry shrubs. Elderberry shrubs are the host plant for the VELB, a species federally listed as threatened. In September 2006, the USFWS recommended to delist the VELB based on the findings from the VELB 5-Year Review: Summary and Evaluation prepared by the Sacramento Fish and Wildlife Office. If the VELB is delisted prior to the initiation of construction activities, then the applicant would have to proceed consistent with any requirements that accompany the VELB delisting notice. (DEIR, p. 6.3-22)

Mitigation Measures: Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.

6.3-4 a) Prior to any demolition/construction activities, the project applicant shall retain a qualified biologist to conduct a survey to identify and document all potential VELB habitats. Survey and evaluation methods shall be performed consistent with the USFWS's 1999 VELB survey and mitigation guidelines. The survey shall include a stem count of stems greater than or equal to one inch in diameter and an assessment of historic or current VELB use.

b) The proposed project shall be designed to avoid ground disturbance within 100 feet of the dripline of elderberry shrubs identified in the survey (conducted consistent with Mitigation Measure 6.3-4(a)) as having stems greater than or equal to one inch in diameter. The 100 foot buffer could be adjusted in consultation with the USFWS. If avoidance is achieved, a letter report confirming avoidance shall be sent to the City of Sacramento and no further mitigation is required.

c) If disturbance within 100 feet of the dripline of the elderberry shrub with stems greater than or equal to one inch in diameter is unavoidable, then the project applicant shall retain the services of a qualified biologist to develop a formal VELB mitigation plan in accordance with the most current USFWS mitigation guidelines for unavoidable take of VELB habitat pursuant to either Section 7 or Section 10(a) of the Federal Endangered Species Act. Prior to implementation by the applicant the mitigation plan shall be reviewed and approved by the USFWS.

d) If the VELB is delisted by the USFWS prior to the initiation of any ground disturbing, demolition, or construction activities, the project applicant shall proceed consistent with any requirements that accompany the VELB delisting notice.

Finding: Implementation of Mitigation Measure 6.3-4(a) would require that a site-specific protocol survey be conducted to confirm the presence of VELB habitat. If habitat is identified, then implementation of Mitigation Measures 6.3-4(b) and (c) would ensure the project is designed to avoid disturbance or if disturbance within the buffer is unavoidable, the transplantation and replacement of VELB habitat as specified by the USFWS's VELB Mitigation Guidelines. In the event VELB is delisted prior to demolition/construction activities, then Mitigation Measure 6.3-4(d) would require the applicant to comply with any applicable requirements contained in the VELB delisting notice. These mitigation measures would reduce impacts to VELB to less-than-significant levels. (DEIR, pp. 6.3-22, 23)

IMPACT 6.3-5 Development of the proposed project would include removal of trees that could be protected by the City of Sacramento Tree Preservation Ordinance. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.3-23)

All trees and shrubs on the project site would be removed to accommodate the proposed development. There is one valley oak tree on the site boundaries that would qualify as a heritage tree pursuant to the City of Sacramento Tree Preservation Ordinance that could be removed. There are also trees located along North 7th Street that would be removed and if they are located in the public street right-of-way would quality as City street trees. Impacts to heritage trees or City street trees would be considered a potentially significant impact. (DEIR, p. 6.3-23)

Mitigation Measures: Implementation of the following mitigation measures would reduce this impact to a less than significant level.

6.3-5 a) Prior to approval of final project design, the project applicant shall retain a certified arborist to survey trees on the proposed project site, including potential laydown/construction areas, to identify and evaluate trees that shall be removed. If the arborist's survey does not identify any protected trees that would be removed or damaged as a result of the proposed project, a letter report confirming that project design would avoid loss of protected trees shall be sent to the City of Sacramento and no further mitigation is required.

b) If protected trees (or their canopy) are identified that can not be avoided by project design, measures shall be taken to avoid impacts on protected trees, as detailed in the City's tree ordinance. Protected trees that are lost as a result of the project shall be replaced according to the provisions of the ordinance (Section 12.64.040), which generally requires a 1-inch-diameter replacement for each inch lost. Tree replacement shall occur after project construction and shall be monitored by a qualified arborist.

c) All native oaks greater than 6 inches in diameter at 48 inches above grade that are approved for removal or are critically damaged during construction shall be replaced by a greater number of the same species. At a minimum, one tree shall be planted for each inch in the diameter of the removed tree at 48 inches above grade. The exact size and number of replacement trees shall be determined by the City of Sacramento Tree Service Division. A qualified arborist shall monitor trees during construction and the following spring and monitor the growth and survival of the newly planted trees. All revegetation plans shall require monitoring the newly transplanted trees for at least 5 years and the replacement of all transplanted trees that die or are in severe decline during that period. (RTC 5-4; FEIR, pp. 2-6 to 2-7, 4-19 to 4-20.)

Findings: Implementation of Mitigation Measure 6.3-5(a) through (c) requires the applicant to comply with the requirements of the City of Sacramento Tree Ordinance which requires

identification of protected trees and either avoidance or replacement of protected trees for which their removal can not be avoided through project design. (DEIR, p. 6.3-24; RTC 5-4; FEIR, pp. 2-6 to 2-7, 4-19 to 4-20.) This impact is less than significant with mitigation.

IMPACT 6.3-6 This impact has been intentionally deleted due to the fact that it addressed the potential impact of the overlook feature. Subsequent to publication of the Draft EIR, the project applicant removed the overlook from the project. As a result, impacts attributed to these features identified in the Draft EIR are no longer applicable. (DEIR, p. 6.3-24; RTC 5-15; FEIR, p. 4-27)

IMPACT 6.3-7 Construction of the proposed project could adversely affect special status bats. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.3-25)

The nearest known bat roosting sites are located approximately 1.5 miles southwest of the project site. Special-status bat species with the potential to occur within the project site include the pallid bat and Pacific western big-eared bat; both are CDFG species of special concern. These species use hollow trees, caves, and rock crevices for roosting, but also use man-made structures such as mines, old buildings, warehouses and bridges if suitable structure and seclusion are available. Potential habitat for these species is present within the riparian area, warehouses and old buildings within the project area. Because specific identification was not possible at the six know bat roosting sites, it is assumed that one of the species discussed above is roosting near the project site or in crevices in the warehouses and buildings. The disturbance of roosting sites for these species would be considered a potentially significant impact. (DEIR, p. 6.3-25)

Mitigation Measures: Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.

6.3-7 a) Prior to demolition activities, the project proponent shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites within the project site. If no roosting sites or bats are found within the project site, a letter report confirming absence shall be sent to the City of Sacramento and no further mitigation is required.

b) If bats are found roosting at the site outside of nursery season (May 1st through October 1st), then they shall be evicted as described under (c) below. If bats are found roosting during the nursery season, then they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (c). Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost

cannot occur during the nursery season. A 250-foot (or as determined in consultation with CDFG) buffer zone shall be established around the roosting site within which no construction shall occur.

c) Eviction of bats shall be conducted using bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with CDFG, that allow the bats to exit the roosting site but prevent re-entry to the site. This would include but not be limited to the installation of one way exclusion devices. The devices shall remain in place for seven days and then the exclusion points and any other potential entrances shall be sealed. This work shall be completed by a BCI recommended exclusion professional.

Finding: Implementation of Mitigation Measure 6.3-7 would reduce this impact to a less-than-significant impact by identifying potential roosting sites, bat species and providing bat exclusion techniques that will allow for the passive relocation of the bats before construction begins. (DEIR, p. 6.3-26)

IMPACT 6.3-8	Proposed lighting along River Front Drive and the Two Rivers Trail would create new sources of light that could adversely affect wildlife use of adjacent riparian habitat. This is considered a potentially significant impact, and is reduced to less than significant with mitigation. (DEIR, p. 6.3-26)

The Draft EIR recognizes the potential for wildlife to become disoriented due to new artificial light sources. Notably, however, existing security lighting on the proposed project site does not appear to be affecting wildlife usage of the riparian habitat. (RTC 5-8; FEIR, pp. 4-22 to 4-24.)

Mitigation Measures: Implementation of the following mitigation measure would reduce this impact to a less than significant level. (DEIR, p. 6.3-27)
Implement Mitigation Measure 6.1-2(a).
Finding: The proposed lighting would include shields, and would be directed and controlled in order to prevent spillage onto the riparian area so as to not affect the wildlife use of the adjacent riparian habitat. Mitigation Measure 6.1-2(a) requires the proposed project contractor to include a configuration of exterior light fixtures that emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses and minimize impacts to night sky views to reduce this impact to a less-than-significant level by minimizing spill over to the adjacent riparian area. In addition, since publication of the Draft EIR, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7th Street and Street G. As a result, light and glare impacts in the Parkway attributed to the tower feature as identified in the Draft EIR are no longer applicable. (RTC 5-8, 5-16; FEIR, pp. 4-22 to 4-24, 4-27.)

As discussed under Impact 6.1-2 on pages 6.1-17 and 6.1-18 of the Draft EIR, reflective surfaces

used in proposed project construction could increase the amount of glare which could adversely affect adjacent uses. This would include wildlife using the adjacent riparian habitat. Mitigation Measure 6.1-2(b) prohibits the project contractor from using highly reflective mirrored glass walls as a primary building material for facades to reduce the potential for glare on adjacent uses, including the adjacent riparian habitat. (RTC 5-8; FEIR, pp. 4-22 to 4-24.)

This impact is reduced to less than significant with mitigation.

IMPACT 6.3-9 Implementation of the project in combination with potential development in the region would contribute to cumulative impacts associated with significant effects to special-status wildlife and habitat loss. This impact is considered significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.3-27)

The project could result in significant impacts to special status species, heritage trees and riparian vegetation along the American River. Project impacts in addition to other development activities in the region would result in a significant cumulative impact on biological resources. Even though the quality of the habitat on the project site is low given the developed nature of the site and surrounding lands, project development does contribute to cumulative loss of special status species and habitat. Therefore, the project's contribution would be considerable and this is a significant cumulative impact. (DEIR, p. 6.3-27)

Mitigation Measures: Implementation of the following mitigation measures would substantially limit the project's contribution and this cumulative impact would be a less than significant.

6.3-9 Implement Mitigation Measures 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.

Finding: Implementation of Mitigation Measures 6.3-1, 6.3-2, and 6.3-4 through 6.3-7 would substantially limit the project's contribution to cumulative impacts to special-status wildlife and habitat loss. Mitigation Measures 6.3-1 and 6.2-3 include processes and measures that would reduce the project's contribution to loss or take of nesting Swainson's hawk and other protected bird species attributed to nest disturbance to a less than considerable level through avoidance of active nests and/or buffers within which intensive disturbances could not occur. (DEIR, p. 6.3-28) In addition, since publication of the Draft EIR, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7th Street and Street G. As a result, light and glare impacts in the Parkway attributed to the tower feature as identified in the Draft EIR are no longer applicable. (RTC 5-8, 5-16; FEIR, p. 4-22 to 4-24, 4-27.)

Implementation of Mitigation Measure 6.3-4(a) would require that a site-specific protocol survey be conducted to confirm the presence of VELB habitat on the project site. If habitat is identified, then implementation of Mitigation Measures 6.3-4(b) and (c) would ensure the project is designed to avoid disturbance or if disturbance within the buffer is unavoidable, the transplantation and replacement of VELB habitat as specified by the USFWS's VELB Mitigation Guidelines. This would reduce the project's contribution to the cumulative loss of VELB habitat to a less than considerable

level. In the event VELB is delisted prior to demolition/construction activities, then Mitigation Measure 6.3-4(d) would require the applicant to comply with any applicable requirements contained in the VELB delisting notice. (DEIR, p. 6.3-28)

Mitigation Measure 6.3-5 requires the applicant to comply with the requirements of the City of Sacramento Tree Ordinance which requires identification of protected trees and either avoidance or replacement of protected trees for which their removal can not be avoided through project design. This would reduce the project's contribution to the cumulative removal of trees protected under the City's ordinance to a less than considerable level. (DEIR, p. 6.3-28)

Mitigation Measure 6.3-7 would ensure that potential roosting sites of special bat species on the project site are protected through implementation of bat exclusion techniques that will allow for the passive relocation of the bats before construction begins. This would reduce the project's contribution to the cumulative loss or take of special-status bat species attributed to nest disturbance to a less than considerable level. (DEIR, p. 6.3-28)

This impact is less than significant with mitigation.

4. CULTURAL RESOURCES

IMPACT 6.4-2 The proposed project could cause a substantial change in the significance of an as yet undiscovered archaeological resource as defined in CEQA Guidelines Section 15064.5. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.4-32)

The cultural resources records search prepared for the proposed project revealed no recorded prehistoric or historic-period archaeological sites on the project site. Three prehistoric archaeological sites have been recorded within a ¼-mile radius of the project site and 12 records of archaeological studies have been conducted within a ¼ mile of the project site. The records search results conclude that, given the environmental setting of the project site (developed, urbanized), there is a low potential for locating additional prehistoric or ethnohistoric-period resources within the project site or within a ¼-mile radius. However, there is a possibility that subsurface historical resources or unique archaeological resources exist on the project site that could be uncovered during grading, excavation, and other earth-moving activities during construction. If encountered during construction such resources could be damaged or destroyed.

Mitigation Measures:

6.4-2: a) Prior to the initiation of ground-disturbing project activities, the project applicant shall hire a Project Archaeologist who meets the Secretary of the Interior's Standards for Archaeology. All project-related activities conducted by the Project Archaeologist shall be funded by the project applicant.

b) The Project Archaeologist shall review the following documents on file with the City Preservation Director:

- North Central Information Center, Records Search Results for Capitol Station 65 Project, Richards Boulevard Area Plan, EIP Project # D51214.01, NCIC File No.: SAC-06-139, August 9, 2006.
- Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006.
- Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006.

c) Prior to the initiation of ground-disturbing project activities, the Project Archaeologist shall conduct a pedestrian survey of all unpaved portions of the project site.

d) If the Project Archaeologist determines that the background research and pedestrian survey show evidence of potentially significant cultural resources within the project site where excavation or ground disturbance is planned, the Project Archaeologist shall conduct on-site monitoring of ground-disturbing construction activities (e.g., grading, excavation, and trenching) in the areas determined to be sensitive for significant cultural resources.

e) The Project Archaeologist shall provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing construction throughout the project site.

f) In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted immediately, and the City Preservation Director shall be notified within 24 hours. The City Preservation Director shall consult with the Project Archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation.

g) If a Native American archaeological, ethnographic, or spiritual resource is discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the Native American Heritage Commission (NAHC) as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior's

professional qualifications for Archaeology and/or Architectural History.

h) If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 100 feet of the remains shall be halted immediately, and the Sacramento County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City Preservation Director shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City Preservation Director, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.

(RTC 11-52; FEIR, pp. 2-15 to 2-18, 4-80 to 4-83.)

Finding: Mitigation measure 6.4-2 requires the project applicant to retain a Project Archaeologist to conduct background research, conduct a pedestrian survey of unpaved portions of the project site, conduct on-site construction monitoring in areas determined to be sensitive for significant cultural resources, and to provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing construction activities. Therefore, implementation of the following mitigation measure would reduce this impact to a less-than-significant level. (RTC 11-52; FEIR, pp. 2-15 to 2-18, 4-80 to 4-83.)

IMPACT 6.4-4 The proposed project, in combination with other development in the City of Sacramento, could cause a substantial change in the significance of a change in the significance of an as yet undiscovered archaeological resource as defined in CEQA Guidelines Section 15064.5. This impact is considered potentially significant, and is reduced to less than significant after mitigation. (DEIR, p. 6.4-35)

Because all significant archaeological resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. The loss of any one archaeological site affects all others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. The boundaries of an archaeologically important site extend beyond the site boundaries. As a result, a meaningful approach to preserving and managing cultural resources must focus on the likely distribution of cultural resources, rather than on project or parcel boundaries. The cultural system is represented

archaeologically by the total inventory of all sites and other cultural remains in the region. Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of the past environmental conditions and cultures by recording data about sites discovered and preserving artifacts found.

Mitigation Measures: Implementation of the following mitigation measure would reduce the project's contribution to this cumulative impact to a less than considerable level and this cumulative impact would be less than significant.

6.4-4 Implement Mitigation Measure 6.4-2.

Finding: Mitigation Measure 6.4-2 requires the project applicant to retain a Project Archaeologist to conduct background research, conduct a pedestrian survey of unpaved portions of the project site, conduct on-site construction monitoring in areas determined to be sensitive for significant cultural resources, and to provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing construction activities. Implementation of this measure would reduce the project's contribution to the cumulative loss of previously unknown archeological resources to less than considerable. (DEIR, p. 6.4-35; FEIR, pp. 4-80 to 4-83.) This impact is less than significant with mitigation.

5. GEOLOGY AND SOILS

IMPACT 6.5-1 Construction of the proposed project would include earth disturbing activities that could increase the rate or amount of soil erosion. This impact is considered potentially significant, and is reduced to less than significant after mitigation. (DEIR, p. 6.5-9)

Proposed development on the project site would require some site grading and addition of buttress fill material on the landward side of the levee to create a gentle slope up to its top. The alteration of topographic features could lead to increased erosion by creating unstable rock or soil surfaces, by changing the permeability or runoff characteristics of the soil, or by modifying or creating new pathways for drainage. Upon completion of the project, structures, roadways, and landscaping or revegetated areas would eventually cover any soils exposed during construction; thus, no long term new erodible soils would be created as a result of the proposed project. (DEIR, p. 6.5-9)

Mitigation Measures: Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.

6.5-1 Prior to the commencement of any grading activities, the applicant shall retain an erosion control professional, landscape architect, or civil engineer specializing in sediment

control to prepare an Erosion and Sediment Transport Control Plan consistent with Chapter 15.88.250 of the City of Sacramento Municipal Code. The Erosion and Sediment Control Plan shall include a statement of purpose, proposed best management practices, and the required information from the Manual of Standards, Chapter 2, Section 3. The Plan shall be submitted with the final grading plan. The Erosion and Sediment Transport Control Plan shall be implemented by the applicant, and enforced by the City of Sacramento Department of Public Works, prior to pre-construction activities and shall continue through the completion of all final improvements and permanent structures.

Finding: The mitigation measure would reduce the potential risk for soil erosion by ensuring that City requirements for the preparation of an Erosion and Sediment Transport Control Plan are met. This plan would be prepared by a professional specializing in erosion control, who would recommend the most effective measures to prevent erosion at the project site. These erosion control practices would begin prior to the first groundbreaking activities at the site and continue through construction until the completion of site landscaping, ensuring that exposed soils are protected throughout site development. (DEIR, p. 6.5-9) This impact is less than significant with mitigation.

IMPACT 6.5-3 The proposed project is located on a site containing unstable soil which if developed could expose structures to geologic hazards associated with settlement. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.5-10)

Signs of building distress due to settlement were observed during the site visit conducted as part of the geotechnical investigation, including doors out of plumb, wavering rooflines, and warped asphalt pavements. The geotechnical investigation indicated that the upper 40 to 60 feet of soils on-site were variable in densities and would not be suitable for supporting mid-rise (three to five stories) or high-rise (six stories and higher) structures without experiencing differential settlements. Variable soil densities could result in sloughing or caving during excavation activities. (DEIR, p. 6.5-11.) The investigation also encountered a six-inch layer of peach pit refuse along the western portion of the project site. The report noted there may be heavy organic refuse located around the site, due to the project site's previous use as a peach cannery, although the subsurface investigation did not encounter high concentrations of such refuse. These organic deposits could contribute to variable soil densities and instability, which could result in settlement if located beneath buildings or pavement. (DEIR, p. 6.5-11)

Mitigation Measures: Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.

6.5-3 a) Prior to issuance of the building permit, the project applicant shall ensure that all designs for mid- and high-rise structures within the proposed project minimize differential settlement impacts enabling the soils underlying the project site to support such structures. The most appropriate methods to mitigate the effects of differential settlement within the proposed project shall be determined by the project applicant in consultation with a qualified geotechnical engineer based on recommendations set forth in the Preliminary Geotechnical Engineering Report, Capitol Station 65 (July 13, 2006) prepared by Wallace-Kuhl & Associates, Inc..

Recommendations identified in the Preliminary Geotechnical Engineering Report to mitigate the effects of differential settlement on high-rise structures (six stories or higher) include the use of a deep foundation system, such as driven piles or auger-cast piles, that extends into dense sands and gravels underlying the project site, and overexcavation and recompaction of the upper three to five feet of soil within the building footprints to support interior floor slabs and in areas of pavement and flatwork.

b) During excavation activities, the project contractor shall comply with the recommendations set forth in the Preliminary Geotechnical Engineering Report, Capitol Station 65 (July 13, 2006) prepared by Wallace-Kuhl & Associates, Inc. regarding trenching activities. Implementation of the recommendations shall be monitored by the City of Sacramento.

c) Although the presence of high concentrations of organic refuse has not been confirmed throughout the site, any such material, such as the peach pit refuse discovered in the western portion of the project site, shall be removed prior to the commencement of site preparation activities. The project applicant shall retain a geotechnical engineer to ensure that the proper removal of organic refuse be completed to ensure structural safety.

Finding: The geotechnical report offered a range of options to mitigate the damaging effects of differential settlement on mid-rise and high-rise structures to be constructed on the project site. Options suggested for the construction of mid-rise structures (three to five stories) included: overexcavation and recompaction and the use of a deep foundation system, and shallow soil modification systems such as overexcavation and recompaction using a Geogrid reinforcement system or the use of a Geopier soil reinforcement system (rammed aggregate piers). Both the overexcavation and recompaction using a deep foundation system and the overexcavation and recompaction using a Geogrid reinforcement system options would be capable of achieving bearing capacities of 3,000 pounds per square feet (psf), while the use of a Geopier soil reinforcement system could provide for a bearing capacity between 5,000 and 6,000 psf. These mitigation measures would require the applicant to ensure that all structures within the proposed project are designed to withstand settlement impacts resulting from unstable soil conditions onsite. Proper building and foundation design would minimize potential settlement resulting variable soil densities beneath the site. In the event that organic material is discovered beneath the project site, it shall be removed to the satisfaction of a geotechnical engineer to ensure that the site is safe for the development of structures. (DEIR, p. 6.5-12) This impact is less than significant with mitigation.

IMPACT 6.5-4 The proposed project could result in geologic hazards associated with subsidence or settlement of land attributed to dewatering activities. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.5-12).

The project site is located near the confluence of the American and Sacramento rivers. As river levels rise and fall, groundwater elevations do the same, making dewatering activities for most projects in the downtown Sacramento area necessary. Due to the fluctuations in groundwater levels in the project area, the geotechnical analysis assumes a groundwater level of +15 feet msl for the structural design of floor slabs and below-grade walls. Site elevation is approximately +25 feet msl, making groundwater levels approximately 10 feet below the ground surface in the project area. Lots 13, 14, and 17, adjacent to Richards Boulevard at the southern end of the project site are expected to require a total of 14 feet of excavation for structures and subgrade parking areas, meaning that the excavations are likely to encounter groundwater and require dewatering. (DEIR, pp. 6.5-12, 13)

Mitigation Measures: Implementation of the following mitigation measures would reduce this impact to a less-than-significant level. (DEIR, p. 6.5-13)

6.5-4 a) Prior to approval of the final grading plan, the project applicant shall retain a qualified dewatering contractor to design, install, and operate a project-specific construction dewatering system. Excavation work shall be scheduled during the dry season (summer to early winter) when river levels are low and excavation is less likely to encounter groundwater, making dewatering activities as minimal as possible. A groundwater depth of at least three feet below the lowest anticipated excavation depth shall be maintained to provide a stable surface for construction equipment. When necessary, alternative methods such as sheet piles or soil cement columns may be used to allow localized dewatering and help prevent dewatering effects on adjacent sites. Implementation of the plan during dewatering activities shall be monitored by the City of Sacramento Department of Engineering and/or Department of Public Works, as appropriate.

b) Prior to approval of the final grading plan, the City shall ensure that all walls, foundations, and floor slabs constructed below an assumed groundwater level of +15 feet msl are sealed, waterproofed, and designed to withstand hydrostatic uplift and lateral stresses exerted by groundwater. This measure shall be implemented to the satisfaction of the Department of Engineering and/or Department of Public Works as appropriate.

Finding: The mitigation measures would ensure that recommendations by the geotechnical

engineer regarding dewatering and below grade slab and wall design minimize potential settlement and hydrostatic uplift impacts caused by shallow groundwater at the project site. The recommendations set forth by the geotechnical engineer for construction dewatering would prevent settlement to nearby structures onsite. Because permanent dewatering is not permitted by the City, waterproof design of slab-on-grade floors and basement walls would prevent damage to structures due to hydrostatic uplift and lateral stresses, ensuring that structures onsite do not create geologic hazards to occupants of the proposed project. (DEIR, p. 6.5-13) This impact is less than significant with mitigation.

6. HAZARDOUS MATERIALS AND PUBLIC SAFETY

IMPACT 6.6-2 The proposed project could interfere with an emergency evacuation plan as a result of temporary lane closures, roadway narrowing, or detours during construction. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.6-8)

During construction of the proposed project, it may be necessary to restrict travel on certain roadways within the project area to facilitate construction activities such as demolition, material hauling, construction, staging, and modifications to existing infrastructure. Such restrictions could include lane closures, lane narrowing, and detours, which would be temporary but could continue for extended periods of time. Lane restrictions, closures, and/or detours could cause an increase in traffic volumes on adjacent roadways. In the event of an emergency, emergency response access or response times could be adversely affected. (DEIR, p. 6.6-8)

Mitigation Measures: The following mitigation measure would reduce potential interference with emergency response and evacuation routes in the project area to a less-than-significant level. (DEIR, p. 6.6-8)

6.6-2 Prior to the commencement of demolition/construction, the project applicant shall retain a transportation planner to prepare a Traffic Management Plan (TMP) for construction activities, in accordance with Sections 12.20.020 and 12.20.030 of the Sacramento Municipal Code. Elements of the TMP shall include:

- The name and business address of the applicant;
- A diagram showing the location of the proposed work area;
- A diagram showing the locations of areas where public right-of-way may be closed or obstructed;
- A diagram showing the placement of traffic control devices;
- The proposed phasing of traffic control;

- Times when traffic control would be in effect;
- Times when demolition/construction activities would prohibit access to private property from a public right-of-way;
- A statement that the applicant shall comply with the City's noise ordinance during the performance of all work; and
- A statement that the applicant understands that the plan may be modified by the director at any time in order to eliminate or avoid traffic conditions that are hazardous to the safety of the public.

The project applicant shall submit the TMP to the City for review and approval. The City shall approve, approve with modifications to the plan, or disapprove the plan. In the event that the demolition/construction work to be performed under the TMP is not performed and completed within the times specified within the application for the proposed plan, the plan shall be considered expired and void. A new plan shall be required prior to the commencement or continuation of work. (DEIR, pp. 6.6-8, 9)

Finding: The TMP would clearly define the location, timing, and types of interferences that could potentially block public right-of-way and emergency access. The TMP also allows the City to modify, suspend, or stop the plan if a potential public safety hazard would result. This would ensure that potential impacts to emergency access and evacuation routes would be properly mitigated. (DEIR, p. 6.6-9) This impact is less than significant with mitigation.

IMPACT 6.6-3 Construction and/or occupancy of the proposed project could expose people to previously unidentified sources of potential health hazards, such as soil or groundwater contamination, from past uses on- or off-site. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6-6-9)

Although the project site has successfully undergone remediation for known soil contamination, and the most recent Phase I ESA did not find evidence of soil or groundwater contamination, there is still a possibility that previously unidentified contamination could exist on the site. A subsequent Phase II ESA identified gasoline constituents and odors at one location within the project site. As discussed previously, this site underwent remediation and the site was closed in 1997. Although the Phase II ESA found evidence of the contamination, the levels of constituents observed were not considered to be a major concern. (DEIR, pp. 6.6-9, 10)

Mitigation Measures: Implementation of the following mitigation measures would reduce impacts related to exposure to hazardous materials associated with previously unidentified soil or groundwater contamination to a less-than-significant level.

6.6-3 a) In the event that previously unidentified soil or groundwater contamination, USTs, or other features or materials that could present a threat to human health or

the environment are discovered during excavation and grading or construction activities, all construction within the project site shall cease immediately, and the applicant shall retain a qualified professional to evaluate the type and extent of the hazardous materials contamination and make appropriate recommendations, including, if necessary, the preparation of a site remediation plan. Pursuant to Section 25401.05 (a)(1) of the California Health and Safety Code, the plan shall include: a proposal in compliance with application law, regulations, and standards for conducting a site investigation and remedial action, a schedule for the completion of the site investigation and remedial action, and a proposal for any other remedial actions proposed to respond to the release or threatened release of hazardous materials at the property. Work within the project site shall not proceed until all identified hazards are managed to the satisfaction of the City and the SCEMD.

b) In the event site investigation and/or remediation is required, the applicant shall ensure preparation of a site-specific health and safety plan that meets the intent of OSHA hazardous materials worker requirements (CCR Title 8). The plan shall be prepared by a qualified professional prior to the commencement of site-disturbing activities associated with the investigation and/or remediation. The plan shall provide for the identification, evaluation, control of safety and health hazards, and emergency response to hazardous waste operations. Pursuant to the requirements of state and federal law, the site-specific health and safety plan may require, but would not be limited to: the use of personal protective equipment, onsite controls (e.g., continuous air quality monitoring) during construction, and other precautions as determined to be necessary by the plan preparer.

c) In the event contaminated groundwater is identified, any discharges to the sewer, if determined to the appropriate method of disposal, shall be in accordance with the City Department of Utilities Engineering Services Policy No. 0001, adopted as Resolution No. 92-439 by the Sacramento City Council.

(DEIR, pp. 6.6-10, 11)

Finding: These mitigation measures would ensure that in the event that previously unknown contamination is discovered on-site during construction activities, appropriate plans for the clean-up and removal of the contaminated materials are drafted by qualified professionals. The plans would be implemented and monitored by appropriate agencies (i.e., SCEMD, the City Department of Utilities) to ensure that all contamination is properly treated, managed, and/or removed before work may continue. This would ensure that people, namely those involved in site preparation and construction activities would not be at risk due to exposure to hazardous materials located on-site. (DEIR, p. 6.6.-11) This impact is less than significant with mitigation.

IMPACT 6.6-4 The proposed project could expose people to potential health hazards by demolishing buildings on the project site that could contain lead-based paint. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.6-11)

Construction of the proposed project would involve the demolition of buildings currently located on the site. The buildings were tested for ACM but not lead-based paint. According to the applicant, all ACM has been removed. However, lead-based paint could be present. If lead-based paint is present, fugitive dust containing lead or paint fragments could be released into the environment during demolition activities, which could present a health hazard to construction workers or result in soil contamination if not properly managed. (DEIR, p. 6.6-11)

Mitigation Measures: Implementation of the following mitigation measure would reduce this impact to less than significant.

6.6-4 Prior to demolition of any structures located on the project site, the project applicant shall retain a state-certified risk assessor to conduct a risk assessment or paint inspection of all structures on-site constructed prior to 1978 for the presence of lead-based paint. If lead-based paint is determined to exist on site, the risk assessor shall prepare a site-specific lead hazard control plan. Paint removal methods may include, but are not limited to: use of a heat gun, tools equipped with HEPA exhaust capability, wet scraping, and chemical removers. The plan shall also provide specific instructions for providing protective clothing and gear for abatement personnel.

The project applicant shall then retain a state-certified lead-based paint removal contractor independent of the risk assessor to conduct the appropriate abatement measures as required by the plan. Wastes from abatement and demolition activities shall be managed and disposed of at a landfill(s) licensed to accept lead-based waste. Once all abatement measures have been implemented, a state-certified risk assessor shall conduct a clearance examination and provide written documentation to the City that lead-based paint testing and abatement, if necessary, has been completed in accordance with all federal, state, and local laws and regulations, including: lead-based paint exposure guidelines provided in "Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing" by the U.S. Department of Housing and Urban Development (HUD), Construction Safety Order 1532.1 from Title 8 of the California Code of Regulations (CCR), and the California Department of Health Services.

Finding: Mitigation Measure 6.6-4 would require that an investigation of all buildings to be demolished or be performed to detect the presence of lead based paint. In the event that lead based paint is discovered, the mitigation would prevent the exposure of individuals and the environment to the hazard by ensuring that all regulations pertaining to the removal and disposal of lead based paint are carried out prior to demolition. This would prevent the release of lead based paint into the surrounding environment, and therefore, exposure to this hazard would be less than significant. (DEIR, p. 6.6-12)

IMPACT 6.6-5 The proposed project, in combination with other development in the City, could expose people to existing contaminated soil, groundwater and/or hazardous building materials during demolition and site preparation activities. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.6-12)

For all projects in the City of Sacramento that would develop or redevelop an existing site where hazardous building materials such as lead-based paint could be present, the potential exists for release of hazardous materials during demolition/renovation of those sites. Previously unidentified soil or groundwater contamination or buried items containing hazardous substances (e.g., USTs) could also be encountered during excavation and other site preparation activities. Exposure to hazardous materials would be the most likely to affect construction personnel through direct contact. (DEIR, p. 6.6-12.) For individuals not involved in demolition/construction activities, the greatest potential source of exposure to contaminants would be airborne emissions, primarily through construction-generated dust from demolition or grading. The range that contaminated airborne emissions could travel would be limited to the project site and immediate area. To create a cumulative impact, these activities would have to occur on several sites located adjacent to one another at the exact same time. (DEIR, p. 6.6-12)

Mitigation Measures: Implementation of the following mitigation measure would reduce the project's contribution to cumulative release of hazardous materials a less than considerable level and this would be a less-than-significant cumulative impact.
Implement Mitigation Measures 6.6-3 and 6.6-4.

Finding: Mitigation Measures 6.6-3 and 6.6-4 would provide for assessment and removal procedures to be followed in the event that any previously undiscovered hazardous materials, including soil and/or groundwater contamination and lead-based paint, are encountered on the project site. By implementing these mitigation measures at the project site, individual releases of hazardous materials at the project site from demolition and site preparation activities would not combine with similar releases at nearby sites, making any contribution to a cumulative impact less than considerable. (DEIR, p. 6.6-13)

IMPACT 6.6-6 The proposed project, in combination with other development within the City, could interfere with an emergency evacuation plan as a result of temporary lane closures, roadway narrowing, or detours during demolition and construction activities. This impact is considered significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.6-13)

Demolition and construction activities and developments within the City of Sacramento that alter, close, or in other ways affect traffic in the area could interfere with emergency and evacuation

routes, potentially affecting emergency response times. If traffic restrictions resulting from the proposed project occurred simultaneously with similar traffic restrictions resulting from other projects occurring within the City, specifically within the immediate area, emergency response access, response times, and evacuation routes could be adversely affected throughout the area. If not properly managed, this could result in a significant cumulative impact . (DEIR, p. 6.6-13)

Mitigation Measures:

The following mitigation measure would reduce the project's contribution to cumulative impacts resulting from potential interference with emergency response and evacuation routes in the project area to a less than considerable level and this would be a less-than-significant cumulative impact.

6.6-6 Implement Mitigation Measure 6.6-2.

Finding: Implementation of this mitigation measure would require the project applicant to prepare a Traffic Management Plan (TMP), which would mitigate traffic impacts that could obstruct emergency and/or evacuation routes in the project area. This would reduce the proposed project's contribution to the cumulative impact to a less than considerable level. Other projects in the area would be required to implement TMPs as well, which could help to reduce cumulative impacts on traffic obstructions during demolition and construction activities throughout the City. (DEIR, p. 6.6-13) This impact is less than significant with mitigation.

7. HYDROLOGY AND WATER QUALITY

IMPACT 6.7-2 Site runoff containing urban pollutants and sediment caused by dewatering activities and erosion within the project site could be discharged to the Sacramento River, which could affect surface water quality. This impact is considered potentially significant and is reduced to less than significant with mitigation. (DEIR, p. 6.7-12)

Construction and occupancy of the proposed project would result in an increase in site runoff, which could contain both sediment from erosion and contaminants from urban pollutants present at the project site. The presence of increased sediment and contaminants in construction site runoff (including dewatering) and stormwater runoff associated with project operation that could be discharged to the American and Sacramento Rivers could degrade surface water quality, making this a potentially significant impact. (DEIR, p. 6.7-12)

Mitigation Measures: Implementation of the following mitigation measures, including standard water quality BMPs used within the City, would reduce impacts related to impacts to surface water quality to a less-than-significant level.

6.7-2 Prior to the issuance of a grading permit, the project applicant shall:

a) Provide proof that a NOI for coverage under the State NPDES General Permit for Discharges of Storm Water Runoff associate with Construction Activity has been submitted to the State Water Resources Control Board.

b) Prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the State Water Resources Control Board that includes the following items:

- A vicinity map showing the construction site, nearby roadways, topography, and geographic features surrounding the site;
- A site map showing the proposed project in detail, including the existing and planned paved areas, buildings, topography, drainage patterns across the project site, and the proposed stormwater discharge locations;
- A detailed, site-specific listing of the potential sources of stormwater pollution;
- A description of the type and location of erosion and sediment control BMPs to be implemented at the project site;
- The name and phone number of the person responsible for implementing the SWPPP; and
- Certification by the landowner or an authorized representative of the landowner.

c) Obtain, if necessary, a dewatering permit or MOU from the City.

d) Prepare an Erosion and Sediment Control Plan (ESC plan) in compliance with the Section 15.88.250 of the City's Municipal Code, Grading Ordinance, and Stormwater Management and Discharge Ordinance, with guidance from the Administrative and Technical Procedures Manual for Grading and Erosion and Sediment Control. The ESC plan shall include erosion control BMPs, sediment control BMPs, and good housekeeping practices to be implemented during construction.

e) Prepare a post construction erosion and sediment control plan (PC) plan to control surface runoff and erosion after construction of the proposed project has been completed. The plan shall contain a statement of the purposed of the proposed BMPs and all the information required and contained in the Administrative and Technical Procedures Manual for Grading and Erosion and Sediment Control.

f) Incorporate specific source control measures for: 1) commercial/industrial material storage, 2) commercial/industrial outdoor materials handling, 3) commercial/industrial vehicle and equipment fueling, 4) commercial/industrial vehicle and equipment maintenance, repair, and washing, 5) commercial/ industrial/multi-family residential waste handling, 6) multi-family residential vehicle wash areas, and 7) permanent "no dumping-drains to river" storm drain markings. Since this project is not served by a regional water quality control facility and is greater than one acre, the project shall be required to incorporate regional and/or on-site stormwater quality control measures such as water quality basins, vegetated swales, stormwater planters, and/or sand

filters. The project applicant shall be required to provide a mechanism to fund the maintenance of the treatment control measures including entering into a maintenance agreement. (DEIR, pp. 6.7-12, 13, 14)

Finding: Compliance with the above mitigation measures would reduce stormwater pollutant discharges to Sump Pump 111, the American River, and ultimately the Sacramento River. The design of the stormwater drainage system and treatment controls would ensure that operational impacts on water quality resulting from erosion and urban pollutants in stormwater runoff from the proposed project would be less than significant. (DEIR, p. 6.7-14)

IMPACT 6.7-3 Implementation of the proposed project could adversely affect groundwater quality, the rate and direction of groundwater flow, or interfere with groundwater recharge. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.7-14)

Although groundwater recharge would not likely be adversely affected either during construction or operation of the proposed project, construction dewatering could deplete groundwater supplies in the project area, potentially causing changes in the rate and direction of groundwater flow and degraded groundwater quality if not properly controlled. For this reason, this is considered a potentially significant impact. (DEIR, p. 6.7-14)

Mitigation Measures: Implementation of the following mitigation measures would reduce impacts related to impacts to groundwater supplies, flow, and quality to a less-than-significant level.

6.7-3 Prior to the issuance of grading permits, the project applicant shall implement the Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters, as established by the CVRWQCB, which shall be enforced by the City. The permit states that construction dewatering activities may occur provided that discharges do not contain significant quantities of pollutants and are either four months or less in duration or the average dry weather discharge does not exceed 0.25 mgd. (DEIR, pp. 6.7-14, 15)

Finding: Implementation of this mitigation measure would place a limit on the amount of groundwater pumped during dewatering activities, ensuring that groundwater supplies are not adversely affected. Without substantial groundwater depletion, changes to flow and movement of degraded groundwater to areas where groundwater has been depleted would be unlikely. Moreover, enforcement by the City would ensure that dewatering is consistent with the restrictions, standards, and requirements of the CVRWQCB. (DEIR, p. 6.7-15) This impact is less than significant with mitigation.

IMPACT 6.7-5 The proposed project, in combination with other development within the region, would result in the discharge of stormwater runoff containing urban pollutants and sediment to local waterways, which could affect surface water quality in the lower Sacramento River watershed. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.7-15)

As development occurs, there will be an increase in the amount of ground disturbing activities and an increase in impervious surfaces, which could contribute to increased sedimentation and pollutants in runoff, potentially affecting water quality throughout the watershed. The proposed project would result in discharges of site and/or stormwater runoff during both construction and operation of the proposed project; therefore, the proposed project's contribution to the cumulative impact would be considerable, and; therefore, this would be a potentially significant cumulative impact. (DEIR, pp. 6.7-15, 16)

Mitigation Measures: Implementation of the following mitigation measures would reduce the proposed project's contribution to the cumulative surface water quality impact in the Sacramento River watershed to a less than considerable and this would be a less-than-significant cumulative impact. (DEIR, p. 6.7-16)

6.7-5 Implement Mitigation Measures 6.7-2 (a) through (f) and 6.7-3.

Finding: By implementing the above mitigation measures, including preparing a NOI to prove coverage under the General Permit for Discharges of Storm Water Runoff associated within Construction Activity, General Order for Dewatering, City dewatering permit or MOU, SWPPP, ESC plan, PC plan, and incorporating source and treatment control measures, site and stormwater discharges from the project site would not contain substantial amounts of sediment or urban pollutants, reducing the project's contribution to the cumulative impacts to surface water quality in the Sacramento River watershed to a less than considerable level. (DEIR, p. 6.7-16) This impact is less than significant with mitigation.

IMPACT 6.7-6 Dewatering activities and construction of the proposed project, in combination with other development within the Sacramento River watershed, could affect groundwater by depleting supplies, changing rate and/or direction of flow, and facilitate contaminants entering groundwater, affecting groundwater quality. This impact is considered potentially significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.7-16)

Dewatering occurring at several sites in close proximity to one another simultaneously could adversely affect groundwater supplies and quality in the area if not properly controlled. With the increase in impervious surfaces at project sites throughout the region, groundwater recharge could also be adversely affected in the area, which, in combination with dewatering activities in the region, could affect groundwater supplies. The impact to groundwater supplies from lack of recharge potential could then cause localized shifts in groundwater flow patterns that could cause nearby areas of degraded groundwater quality to shift. (DEIR, p. 6.7-16)

Although groundwater recharge would not be adversely affected by cumulative development within the area, the potential exists for simultaneous construction dewatering activities to substantially deplete groundwater supplies, which could then cause changes in groundwater flow and the shifting of areas of degraded groundwater quality. This would be a potentially significant cumulative impact. (DEIR, pp. 6.7-16, 17)

Mitigation Measures: Implementation of the following mitigation measure would reduce the proposed project's contribution to the cumulative impact to groundwater supplies, flow, movement, and quality to a less than considerable and this would be a less-than-significant cumulative impact. (DEIR, p. 6.7-17)

6.7-6 Implement Mitigation Measure 6.7- 3.

Finding: By implementing this mitigation measure, which would require a General Permit for limiting pollutants and the duration or quantity of groundwater discharges, the proposed project would substantially reduce its contribution to any potential cumulative impact to groundwater supplies, flow, movement, or quality in the area to less than considerable. (DEIR, P. 6.7-17) This impact is less than significant with mitigation.

8. NOISE

IMPACT 6.8-3 Operation of the proposed project would permanently expose sensitive receptors to increased traffic future light rail noise levels. This impact is considered significant and is reduced to less than significant with mitigation (DEIR, p. 6.8-16)

The City of Sacramento General Plan's exterior noise standard for common outdoor areas at multi-family residential uses generated by traffic and rail is 60 dB L_{dn}. Proposed new residential use outdoor common areas would be subject to vehicle noise levels as high as 76.0 dBA L_{dn} along Richards Boulevard. In addition, these proposed new residential uses located within 50 feet of the light rail line along Richards Boulevard could also be subject to noise levels in excess of the City's maximum acceptable exterior noise standard of 60 dB L_{dn}. (DEIR, p. 6.8-18) In addit ion to the outdoor noise standard, the General Plan includes a 45 dB L_{dn} interior standard for multi-family uses. Exterior-to-interior reduction in newer residential units is 25 dB or higher. Since outdoor

common areas could be subject to vehicle noise as high as 76.0 dBA L_{dn} and instantaneous future light rail noise of up to 73dBA L_{max} along Richards Boulevard, interior noise levels in the residential units along Richards Boulevard could exceed the 45 dB interior standard.

Noise levels at Receptor 1 suggest that the General Plan standard would not be exceeded at outdoor common areas near the site's peripheral roads. However, the project traffic analysis did not include modeling of interior project roads. Consequently, the effect of local traffic on outdoor common areas cannot be properly evaluated and the possibility of an exceedance cannot be ruled out. (DEIR, p. 6.8-18)

Mitigation Measures: Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.

6.8-3 a) Prior to the issuance of building permits, the applicant shall have a certified acoustical professional prepare a site-specific acoustical analysis for residential uses that details how the outdoor common areas would achieve an exterior noise level of less than 60 dB L_{dn} and an interior noise level of less than 45 dB L_{dn} consistent with City of Sacramento General Plan noise standards. Noise reduction measures to ensure acceptable interior noise levels could include, but might not be limited to: use of dual-pane, sound-rated windows; mechanical air systems; and exterior wall insulation. Noise reduction design features to ensure acceptable exterior noise levels could include, but might not be limited to: orienting buildings between Richards Boulevard and exterior common areas. The results of the analysis shall be submitted to the City for review and approval and appropriate recommended noise reduction measures/design features shall be incorporated into project design, as feasible.

b) Prior to issuance of occupancy permits, at least one 24 hour noise measurement per residential unit fronting Richards Boulevard shall be completed to ensure that interior noise levels attain legal requirements. The results of each measurement shall be reported to both the applicant and the City.

Finding: Implementation of Mitigation Measures 6.8-3(a) and (b) would require that a site-specific noise analysis be conducted for residential to identify noise levels. If those levels exceed City of Sacramento Noise standards then the project would be required to implement noise reduction measures and design features including: use of dual-pane, sound-rated windows; mechanical air systems; and exterior wall insulation; and orientation of building to shield outdoor common areas. (DEIR, p. 6.8-19) This impact is considered less than significant with mitigation.

IMPACT 6.8-4 Operation of the proposed project would permanently expose sensitive receptors on the project site to increased noise produced by on-site stationary sources. This impact is considered to be significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.8-19)

In addition to increases in vehicle noise, operation of the proposed project would introduce new stationary sources such as heating, ventilation and air conditioning (HVAC) equipment, garbage pickup activity, and truck activity at residential and commercial building loading docks. (DEIR, p. 6.8-19)

Mitigation Measures: Implementation of the following mitigation measures would reduce this impact to a less-than-significant level. (DEIR, p. 6.8-20)

6.8-4 a) Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment to the Planning Director demonstrating that the equipment design (types, location, enclosure, specifications) will control noise from the equipment to at least 10 dBA below existing ambient at nearby residential and other noise-sensitive land uses.

b) Garbage storage containers and building loading docks shall be placed to allow adequate separation to shield adjacent residential or other noise-sensitive uses.

c) Noise generating stationary equipment associated with proposed commercial and/or office uses, including portable generators, compressors, and compactors shall be enclosed or acoustically shielded to reduce noise-related impacts to noise-sensitive residential uses.

Finding: Implementation of Mitigation Measures 6.8-4(a) through (c) would substantially reduce predicted noise levels at noise sensitive receptors by requiring that commercial and/or office uses install noise attenuation devices and/or placement of stationary noise emitting equipment to ensure that operational stationary noise levels would meet or exceed the legal requirement of the Sacramento Municipal Code. In addition, the riverfront pavilion has been deleted from the Project, as described in an April 24, 2007 letter from the applicant to the City of Sacramento (see Appendix A to FEIR). As a result, impacts attributed to these features identified in the Draft EIR are no longer applicable, and the mitigation for such impacts has been deleted. (DEIR, p. 6.8-20; FEIR, p. 2-19) This impact is less than significant with mitigation.

IMPACT 6.8-5 Traffic generated by the proposed project, in conjunction with traffic from planned future development in the surrounding parts of Sacramento and future light rail activity, would permanently expose sensitive receptors to increased noise levels. This impact is considered significant and is reduced to less than significant with mitigation. (DEIR, p. 6.8-21)

Proposed project residential uses, particularly along Richards Boulevard, would be exposed to increased cumulative noise levels. Because the project's contribution to cumulative vehicle noise would be considerable and would contribute to an already excessive noise environment, this would be considered a cumulatively significant impact. (DEIR, p. 6.8-21)

Mitigation Measures: Implementation of the following mitigation measure substantially reduces the project's exposure to cumulative noise levels and the cumulative impact would be less than significant.

6.8-5 Implement Mitigation Measure 6.8-3.

Finding: Implementation of Mitigation Measures 6.8-3 would require that a site-specific noise analysis be conducted for residential to identify noise levels. If those levels exceed City of Sacramento Noise standards then the project would be required to implement noise reduction measures and design features including: use of dual-pane, sound-rated windows; mechanical air systems; and exterior wall insulation; and orientation of building to shield outdoor common areas. This would substantially reduce the project's exposure to cumulative noise. (DEIR, p. 6.8-21) This impact is less than significant with mitigation.

9. PUBLIC SERVICES

IMPACT 6.9-13 The proposed project could result in the need to construct new, or expanded existing neighborhood serving parks. This impact is considered significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.9-39)

The proposed project would require a minimum of 15.10 acres of neighborhood serving park. Neighborhood parks are generally 5 to 10 acres in size and are intended to be used primarily by residents within a half-mile radius. In addition to landscaping, improvements could include a tot lot, adventure area, and unlighted sport fields or courts. Implementation of the proposed project would include approximately 27 acres of public open space with passive open space areas for recreation. However, the City has indicated that much of the 27 acres of public open space would not qualify as parkland under City Code 16.64 (Quimby Act), which permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The City collects Quimby Act in-lieu fees through the City's Park Development Impact Fee fund (Chapter 18.44, Sacramento City Code) used to finance the construction of parkland. The Development Agreement would be used to allow for more flexibility in the type of dedication required by the Quimby Act. However, the project does not provide the required 15.10 acres of parkland to meet the city's standards. (DEIR, p. 6.9-39)

Mitigation Measures:

6.9-13 The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate neighborhood park facilities are provided in the City.
Significance After Mitigation: Compliance with the City's Park Development Impact Fund would require that the applicant or developer pay adequate fees to enable the city to finance future neighborhood park construction. Therefore, the impact would be reduced to a less-than-significant level. (DEIR, p. 6.9-40)

IMPACT 6.9-14 The proposed project could result in the need to construct new, or expanded existing community serving parks. This impact is considered significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.9-40)

The project would not meet the City's park standard for community serving parks, which could result in the need to construct new park facilities. (DEIR, p. 6.9-41)

Mitigation Measures: Compliance with the City's Park Development Impact Fund would require that the applicant or developer pay adequate fees to enable the city to finance future community park construction. Therefore, the impact would be reduced to a less-than-significant level. (DEIR, p. 6.9-41)

6.9-14 The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate community park facilities are provided in the City.

Finding: This impact is less than significant with mitigation.

IMPACT 6.9-15 The proposed project could result in the need to construct new, or expanded existing Citywide/regionally serving parks. This impact is considered significant, and is reduced to less than significant with mitigation. (DEIR, p. 6.9-41)

Implementation of the proposed project would include approximately 27 acres of public open space which would not meet the City's requirement of 8 acres of Citywide/regional serving park per 1,000 residents. (DEIR, pp. 6.9-41, 42)

Mitigation Measures: Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

6.9-15 The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate citywide or regional park facilities are provided in the City.

Finding: Compliance with the City's Park Development Impact Fund would require that the applicant or developer pay adequate fees to enable the city to finance future citywide/regional park construction. (DEIR, p. 6.9-42) This impact is less than significant with mitigation.

IMPACT 6.9-16 The proposed project, in combination with other future development in the Central City, could result in the need to construct new, or expanded existing neighborhood serving parks. This impact is considered significant and is reduced to less than significant with mitigation. (DEIR, p. 6.9-42)

Because the project, under either Scenario, does not include the required amount of acreage for neighborhood parkland which could necessitate the need to construct new park facilities, the project's contribution to the cumulative effect is considerable. (DEIR, pp. 6.9-42, 43)

Mitigation Measures: Implementation of the following mitigation measure would reduce this cumulative impact to a less-than-significant level.

6.9-16 Implement Mitigation Measure 6.9-13.

Finding: Implementation of Mitigation Measure 6.9-13 would ensure funds are provided to off-set the project's requirement to provide neighborhood parkland. Compliance with this mitigation would reduce the project's contribution to a less than considerable level. (DEIR, p. 6.9-43)

IMPACT 6.9-17 The proposed project, in combination with other future development in the Central City, could result in the need to construct new, or expanded existing community serving parks. This impact is considered significant and is reduced to less than significant with mitigation. (DEIR, p. 6.9-43)

Because the project, under either Scenario, does not include the required amount of acreage of community parkland which could necessitate the need to construct new park facilities, the project's contribution to the cumulative effect is considered significant. (DEIR, p. 6.9-43)
Mitigation Measures: Implementation of the following mitigation measure would reduce this cumulative impact to a less-than-significant level.

6.9-17 Implement Mitigation Measure 6.9-14.
Finding: Implementation of Mitigation Measure 6.9-14 would ensure funds are provided to off-set the project's requirement to provide community parkland. Compliance with this mitigation would reduce the project's contribution to a less than considerable level. (DEIR, p. 6.9-43)

IMPACT 6.9-18 The proposed project, in combination with other future development in the Central City, could result in the need to construct new, or expanded existing Citywide/regionally serving parks. This impact is considered significant and is reduced to less than significant with mitigation. (DEIR, p. 6.9-44)

Because the project does not include the required amount of acreage of citywide or regional parkland which could necessitate the need to construct new park facilities, the project's contribution to the cumulative effect is considered significant. (DEIR, p. 6.9-44)

Mitigation Measures: Implementation of the following mitigation measure would reduce this cumulative impact to a less-than-significant level.

6.9-18 Implement Mitigation Measure 6.9-15.

Finding: Implementation of Mitigation Measure 6.9-15 would ensure funds are provided to offset the project's requirement to provide citywide or regional parkland. Compliance with this mitigation would reduce the project's contribution to a less-than-considerable level. (DEIR, p. 6.9-44)

10. TRANSPORTATION

IMPACT 6.11-6 The proposed project would increase demand on the public transit system. This is considered a potentially-significant impact. (DEIR, p. 6.11-55)

The project would increase demand for transit service. The project is estimated to generate 125 a.m. peak hour trips and 145 p.m. peak hour trips. As RT buses would provide the only directly transit link to the project site under the baseline conditions, the demand would focus on the three RT bus routes, which offer connecting services to light rail and Amtrak trains. With11 buses operating during each peak hour, the project would add 13 riders per bus during the p.m. peak hour, the period with the highest transit demand. While RT may be able to accommodate the increased ridership, the project may result in potentially significant impact. (DEIR, p. 6.11-55)

Mitigation Measures: Compliance with Mitigation Measure 6.11-6 would help to reduce the project's impact to a less-than-significant level.

6.11-6 The City shall coordinate with RT to modify its bus routes and/or frequencies to better serve the needs of the proposed project. In particular, RT may increase the frequency of Route 33, which is a neighborhood shuttle service that operates between the Richards Boulevard district and the downtown area.

Finding: With implementation of this mitigation measure, the project would ensure that public transportation demands would be adequately met when public transportation services are provided to the project site by RT. This impact is less than significant with mitigation.

IMPACT 6.11-7 The proposed project may interfere with the implementation of proposed bikeways. This is considered a potentially-significant impact. (DEIR, p. 6.11-55)

The implementation of following proposed bikeways, identified in the City of Sacramento Bikeway Master Plan, may be interfered by the proposed project: Proposed on-street bikeway along 5th Street north of Richards Boulevard; along the proposed Signature Street; along Vine Street within the project site.

In the Township 9 Design Guidelines, bike lanes are identified along Richards Boulevard and North 7th Street in the immediate vicinity of the project site. Along 7th Street, the bikeways are shown as 5-feet wide. No bicycle facility is shown on-site or along North 5th Street. The lack of bikeways on-site may impede connectivity and interfere with the proposed bikeways. (DEIR, pp. 6.11-55, 56)

Mitigation Measures: Compliance with Mitigation Measure 6.11-7 would reduce the project's impact to a less-than-significant level.

6.11-7 The project applicant shall include on-site bikeway facilities to achieve the intent of the Bikeway Master Plan subject to review and approval of Development Service, Development Engineering Division. All bikeways shall meet the City's design standards and ensure that all roadway designs would not result in unsafe conditions for bicyclists. (DEIR, p. 6.11-56)

Significance After Mitigation: With the implementation of this mitigation measure, adequate bicycle facilities would be provided at the project site in accordance with City standards. This impact is less than significant with mitigation.

IMPACT 6.11-8 The proposed project would increase the number of pedestrians on the roadway system and some proposed project design elements could result in unsafe conditions for pedestrians. This is considered a potentially-significant impact. (DEIR, p. 6.11-56)

The Township 9 Design Guidelines illustrate a pedestrian way (interpretive walkway) in the median of 7th Street along the eastern border of the project site. The walkway would pass through the center of the gateway roundabouts at Signature Street and at New Street "A". Standard practice is to design roundabouts in a manner that provides for pedestrian and bicycle flow along the perimeter of roundabouts on a separate pathway. (DEIR, p. 6.11-56)

Mitigation Measures: Compliance with Mitigation Measure 6.11-8 and Mitigation Measure 6.11-1(i)

(Install traffic signal at 7th Street and Signature Street) would reduce the project's impact to a less-than-significant level.

6.11-8 Pedestrian walkways shall be designed in compliance with the City's design standards and shall comply with the guidelines contained in Roundabouts: An Informational Guide (FHWA 2000) and/or be designed to the satisfaction of the city traffic engineer. Walkways shall be designed around the outside of the roundabouts rather than through the center unless otherwise accepted by the city traffic engineer after the applicant has technically demonstrated the safety and disability accessibility. Additionally, by installing a traffic signal at 7th Street and Signature Street to replace the proposed roundabout at this intersection, all new pedestrian cross walks will be designed to City of Sacramento Street Standards.

Significance After Mitigation: With implementation of this mitigation measure, adequate pedestrian facilities would be provided at the project site in accordance with City standards and ADA compliant. This impact is less than significant with mitigation.

IMPACT 6.11-9 The proposed project does not comply with City design guidelines or normal traffic engineering practices with regard to the design of the secondary roundabouts. This is considered a potentially-significant impact. (DEIR, p. 6.11-56)

The Township 9 Design Guidelines illustrate gateway roundabouts at 7th Street & Signature Street and at 7th Street & New Street "A." Secondary roundabouts are shown at the intersections of New Street "C" & Signature Street and New Street "C" & New Street "B." The conceptual layouts of these intersections do not satisfy the standards of modern roundabouts. (DEIR, p. 6.11-56)

Significant departures from standard roundabout design concepts include the introduction of design elements that would attract pedestrians to the center of the intersection, crosswalks across the traffic circle, and the lack of splitter islands that would provide positive direction of vehicles along a one-way counter-clockwise travel pattern through the intersection. (DEIR, p. 6.11-57)

Mitigation Measures: Compliance with Mitigation Measure 6.11-9a and Mitigation Measure 6.11-9b would reduce the project's impact to a less-than-significant level.

6.11-9 a) The gateway roundabout on 7th Street at New Street "A" shall be designed in

compliance with the guidelines contained in Roundabouts: An Informational Guide (FHWA 2000) or the applicant shall provide sufficient technical data to the city traffic engineer in order to demonstrate the safety and disability accessibility. This intersection will carry a significant volume of automobile traffic (from an estimated low of 995 vehicles during the a.m. peak hour under Baseline with Scenario A conditions to an estimated high of 1450 vehicles during the p.m. peak hour under Long Term Year 2030 with Scenario B conditions) and shall be designed according to standard design practice for high-volume roadways and/or to the satisfaction of the City Traffic Engineer.

b) The intersections on New Street "C" where roundabouts are identified in the Township 9 Design Guidelines shall be designed in compliance with City's requirements for traffic circles or to the satisfaction of the city traffic engineer. The automobile traffic volumes at these intersections are expected to be low and should be well-served by traffic circles.

Significance After Mitigation: With implementation of this mitigation measure, the proposed project shall comply with City design guidelines and normal traffic engineering practices with regard to the design of the secondary roundabouts This impact is less than significant with mitigation.

IMPACT 6.11-11 This impact has been intentionally deleted due to the fact that it addressed the potential impact of the riverfront pavilion. Subsequent to publication of the Draft EIR, the project applicant removed the pavilion from the project. As a result, impacts attributed to this feature identified in the Draft EIR are no longer applicable. (DEIR, p. 6.3-24; RTC 5-15; FEIR, p. 4-27.)

IMPACT 6.11-17 The proposed project would increase demand on the public transit system. This is considered a potentially-significant impact. (DEIR, p. 6.11-75)

The proposed project would increase demand for transit service. The project is estimated to generate 125 a.m. peak hour trips and 145 p.m. peak hour trips. As RT buses would provide the only directly transit link to the project site under the baseline conditions, the demand would focus on the three RT bus routes, which offer connecting services to light rail and Amtrak trains. With11 buses operating during each peak hour, the project would add 13 riders per bus during the p.m. peak hour, the period with the highest transit demand. While RT may be able to accommodate the increased ridership, the project may result in potentially significant impact. (DEIR, p. 6.11-75)

Mitigation Measures:

Mitigation Measures (2013)

Compliance with Mitigation Measure 6.11-5 would help to reduce the project's impact to a less-than-significant level.

6.11-17 The City shall coordinate with RT to modify its bus routes and/or frequencies to better serve the needs of the proposed project and to help fund any necessary improvements. In particular, RT may increase the frequency of Route 33, which is a neighborhood shuttle service that operates between the Richards Boulevard district and the downtown area. (DEIR, p. 6.11-75)

Finding: With implementation of this mitigation measure, the project would ensure that public transportation demands would be adequately met when public transportation services are provided to the project site by RT. This impact is less than significant with mitigation.

IMPACT 6.11-23 The proposed project would increase demand on the public transit system. This is considered a potentially-significant impact. (DEIR, p. 6.11-93)

The proposed project would increase demand for transit service. The project is estimated to generate 125 a.m. peak hour trips and 145 p.m. peak hour trips. As RT buses would provide the only directly transit link to the project site under the baseline conditions, the demand would focus on the three RT bus routes, which offer connecting services to light rail and Amtrak trains. With11 buses operating during each peak hour, the project would add 13 riders per bus during the p.m. peak hour the period with the highest transit demand. While RT may be able to accommodate the increased ridership, the project may result in a potentially significant impact. (DEIR, p. 6.11-93)

Mitigation Measures:

Mitigation Measures (2030)

Compliance with Mitigation Measure 6.11-5 would help to reduce the project's impact to a less-than-significant level.

The City shall work with RT to modify its bus routes and/or frequencies to better serve the needs of the proposed project and to help fund any necessary improvements. In particular, RT should increase the frequency of Route 33, which is a neighborhood shuttle service that operates between the Richards Boulevard district and the downtown area.
(DEIR, p. 6.11-93)

Finding: With implementation of this mitigation measure, the project would ensure that public transportation demands would be adequately met when public transportation services are provided to the project site by RT. This impact is less than significant with mitigation.

IMPACT 6.11-24 The project construction would increase traffic volumes in the project area and involve the use of large construction equipment and vehicles that could result in traffic hazards. This is considered a potentially significant impact. (DEIR, p. 6.11-93)

Construction activities associated with the proposed project could result in temporary (though significant) disruptions in traffic conditions along project area roadways. Disruptions could include, but are not limited to, inconveniences associated with temporary roadway closures, temporary traffic congestion from slow moving construction vehicles and equipment and blocked access for emergency vehicles. Construction traffic would include construction worker commute trips, delivery of construction equipment, haul truck trips, delivery trips and other associated trips. The project applicant has not provided any details regarding the exact extent of construction equipment or workers or how the site would be accessed and staged during construction. This would be a potentially significant impact. (DEIR, p. 6.11-93)

Mitigation Measures: Compliance with Mitigation Measure 6.11-24 would reduce the project's impact to a less-than-significant level.

6.11-24 Prior to the issuance of grading permits for the Township 9 project, the project applicant shall prepare a Construction Management Plan that will address construction traffic and ensure acceptable and safe operating conditions on project area roadways. This Plan shall be reviewed and approved by the City and any other affected agency and will contain the following (at a minimum):

- Identification of the anticipated mix of construction equipment and vehicles and their proposed staging location.
- Number of truck trips and the daily schedule of truck trips entering and leaving the site. Truck trips shall be scheduled outside the AM and PM peak hours of traffic.
- Identification of measures to maintain safe vehicular, pedestrian and bicycle movements in the project area.
- Maintenance of access for emergency vehicles in the project area.
- Provision of manual traffic control (if required).
- Clear demarcation of construction areas along project roadways.
- Provision of this plan 14 days prior to the commencement of construction.

(DEIR, p. 6.11-94)

Finding: Implementation of the construction management plan would ensure the safe and efficient operation of the local roadway system and would reduce the project's construction related transportation impact to a less than significant level. This impact is less than significant with mitigation.

B. Significant or Potentially Significant Impacts for which Mitigation is Infeasible and/or outside the City's Responsibility and/or Jurisdiction.

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

1. TRANSPORTATION AND CIRCULATION

IMPACT 6.11-1 The proposed project would add traffic to study intersections and cause the level of service to deteriorate. This is considered a significant and unavoidable impact. (DEIR, p. 6.11-38)

A number of intersections would operate at substandard levels with the Project. (DEIR, p. 6.11-42)

Mitigation Measures:

Mitigation Measures (Baseline Plus Project)

At the I-5 southbound ramps / Richards Boulevard intersection, the City shall install, or cause to be installed, one southbound left-turn lane to provide two left-turn lanes and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

The project applicant's fair share contribution shall be determined based on the RichardsBoulevard Area Plan and Facility Element in place as building permits are issued for each building. (DEIR, p. 6.11-42)

With implementation of this mitigation measure, the level of service would be reduced to LOS E (77.9 seconds delay) in the a.m. peak hour and LOS D (49.5 seconds delay) in the

p.m. peak hour; thus reducing the impact to a less-than-significant level in the a.m. peak hour but the impact in the p.m. peak hour would remain significant and unavoidable. To fully mitigate the impact would require widening of the freeway ramp to provide an additional lane to the west. However, the freeway ramp is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. In addition, to implement this mitigation measure would require acquisition of additional right of way for a new lane to the west. Finally, this improvement is not included in any of Caltrans' funding mechanisms. Because this mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is not an established funding mechanism available for contribution, this mitigation measure is considered infeasible and the impact is considered significant and unavoidable. These results are shown in Table 6.11-13 of the DEIR. (DEIR, pp. 6.11-42, 43)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8.)

b) At the I-5 northbound ramps / Richards Boulevard intersection, the City shall install, or cause to be installed, one westbound right-turn lane to provide two right-turn lanes and two through lanes; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building. (DEIR, p. 6.11-43)

With implementation of this mitigation measure, the level of service would be reduced to LOS F (104.1 seconds delay) in the a.m. peak hour and LOS D (43.2 seconds delay) in the p.m. peak hour, thus the impact is less than significant in the p.m. peak hour but remains significant and unavoidable in the a.m. peak hour. To fully mitigate the impact would require widening of the freeway ramp to provide an additional lane to the east. The freeway ramp is not under the jurisdiction of the City but is subject to Caltrans jurisdiction. To implement this mitigation measure, acquisition of an additional lane of right of way would be required and is not currently available. Because this mitigation is beyond the control of the project applicant,

outside the jurisdiction of the City, and there is no established funding mechanism available for contribution, this mitigation measure is considered infeasible and the impact is considered, significant and unavoidable. These results are shown in Table 6.11-13 of the DEIR. (DEIR, 6.11-43)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, p. 4-3 to 4-7, 4-8.)

c) At the Bercut Drive / Richards Boulevard intersection, the City shall install, or cause to be installed, one eastbound through lane to provide one left-turn lane, two through lanes and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building. (DEIR, pp. 6.11-43, 45)

With implementation of this mitigation measure, the level of service would be reduced to LOS A (8.1 seconds delay) in the a.m. peak hour and LOS C (20.4 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level. These results are shown in Table 6.11-13 of the DEIR. (DEIR, p. 6.11-45)

d) At the N. 5th Street / Richards Boulevard intersection, prior to 1/3rd of the vehicle trip generation (Trip Generation, Table 6.11-10 of the DEIR) or 1/3rd of the development is constructed, the applicant shall dedicate right-of-way and construct an eastbound left-turn lane to provide two left-turn lanes, one through lane and one combination through-right lane; and optimize signal timing. The applicant shall also dedicate sufficient right-of-way and construct an expanded intersection at this location to the City of Sacramento

Street Standards. (DEIR, p. 6.11-45)

With implementation of this mitigation measure, the level of service would be reduced to LOS C (21 seconds delay) in the a.m. peak hour and LOS F (84.9 seconds delay) in the p.m. peak hour; thus the impact would remain significant and unavoidable. To fully mitigate the impact would require further widening of Richards Boulevard, which would create secondary impacts to adjacent properties through the acquisition of additional right of way for a new vehicle travel lane (typically 12 feet); this right of way is currently unavailable. These results are shown in Table 6.11-13 of the DEIR. (DEIR, p. 6.11-45)

e) At the N. 7th Street / Richards Boulevard intersection, mitigating the project impact would require the applicant to install one southbound through lane to provide one left-turn lane, two through lanes, and one right-turn lane and install one northbound left-turn lane and one through lane to provide two left-turn lanes, two through lanes and one right-turn lane. With these improvements, the intersection would operate at LOS D (43 seconds delay) in the a.m. peak hour and LOS E (76.4 seconds delay) in the p.m. peak hour. (DEIR, p. 6.11-45)

However, a review of the intersection reveals that there is insufficient right-of-way for the northbound improvements. Implementation of these northbound lanes would require the acquisition of right of way from the adjacent properties which are not controlled by the applicant. (DEIR, p. 6.11-46)

Therefore, the applicant shall dedicate sufficient right-of-way for a future expanded intersection to the City of Sacramento Street Standards and shall construct modifications to 7th Street for the southbound approach at Richards Boulevard as required to accommodate the mitigation described above. These modifications to the southbound approach would include providing two additional southbound lanes to provide one left-turn lane one through lane and two right-turn lanes. With these improvements, the intersection would operate at LOS F (167 seconds delay) in the a.m. peak hour and LOS F (186 seconds delay) in the p.m. peak hour. These results are shown in Table 6.11-13 of the DEIR. The project impact would remain significant and unavoidable. (DEIR, p. 6.11-46)

f) At the Dos Rios Street / Richards Boulevard intersection, the City shall increase the cycle length to 75 seconds and optimize the signal timing in the p.m. peak hour. The applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard. (DEIR, p. 6.11-46)

With implementation of this mitigation measure, the level of service would be reduced LOS C (20.4 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level during both a.m. and p.m. peak hours. These results are shown in Table 6.11-13 of the DEIR. (DEIR, p. 6.11-46)

g) At the 12th / 16th Streets / Richards Boulevard intersection, mitigating the project impact would require widening of the roadways which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it requires the acquisition of right-of-way from adjacent properties to provide additional vehicle travel lanes (typically 12 feet per lane) for increase vehicle capacity as well as the possible relocation of light rail along N. 12th Street. These improvements would create secondary impacts to adjacent properties and are beyond the capability of the project. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-46)

h) At the 7th Street / North B Street intersection, the City shall install, or cause to be installed, a traffic signal, add a northbound left-turn lane to provide one left-turn lane and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits. (DEIR, pp. 6.11-46, 47)

The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building. (DEIR, p. 6.11-47)

With implementation of this mitigation measure, the level of service would be reduced to LOS B (19.1 seconds delay) in the a.m. peak hour and LOS C (31.2 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level. These results are shown in Table 6.11-13 of the DEIR. (DEIR, p. 6.11-47)

i) At the 12th Street / North B Street intersection, mitigating the project impact would require widening of the roadways to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, the right of way is unavailable and would require acquisition from adjacent properties as well as possible relocation of light rail along N. 12th Street. These improvements would create secondary impacts to adjacent properties and are beyond the capability of the project. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-47)

j) At the 7th Street / F Street intersection, the City install or cause to install a traffic signal, add a southbound left-turn lane to provide one left-turn lane and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility

Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building. (DEIR, p. 6.11-47)

With implementation of this mitigation measure, the level of service would be reduced to LOS A (6 seconds delay) in the a.m. peak hour and LOS B (15.1 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level. These results are shown in Table 6.11-13 of the DEIR (DEIR, pp. 6.11-47, 48)

k) At the 7th Street / G Street intersection, the City shall install, or cause to be installed, a southbound through lane to provide two through lanes; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits.

The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building. (DEIR, p. 6.11-48)

With implementation of this mitigation measure, the level of service would be reduced to LOS A (9.7 seconds delay) in the a.m. peak hour and LOS B (12.8 seconds delay) in the p.m. peak hour, thus reducing the impact to a less-than-significant level. These results are shown in Table 6.11-13 of the DEIR. (DEIR, p. 6.11-48)

l) At the 7th / Signature Street intersection, the applicant shall add one lane each from the north, east and west approaches to provide one northbound left-turn lane, one through lane and one right-turn lane; one southbound combination left-through-right lane; one eastbound right-turn lane and one combination left-through-right lane; and one westbound left-turn lane and one combination left-through-right lane. The applicant shall be required to dedicate right-of-way and construct the traffic signal at this intersection subject to future reimbursement if found appropriate in the updated finance plan.

With implementation of this mitigation measure, the level of service would be reduced to LOS C

(20.4 seconds delay) in the a.m. peak hour and LOS D (46.7 seconds delay) in the p.m. peak hour, thus the impact would remain significant and unavoidable. These results are shown in Table 6.11-13 of the DEIR. To fully mitigate the project impact would require further widening of 7th Street north of Signature Street, which would be inconsistent with the goals and objectives of the project to create a pedestrian-friendly street that features a linear park and interpretive walkway down the median of 7th Street, with landscaping and amenities to encourage street life. (DEIR, pp. 6.11-48, 49)

Finding: Impacts to the following intersections are less than significant with mitigation: Bercut Drive/Richards Boulevard intersection; Dos Rios Street/Richards Boulevard intersection; 7th Street/North B Street intersection; 7th Street/F Street intersection; 7th Street/G Street intersection.

Impacts to the following intersections remain significant and unavoidable with mitigation: I-5 southbound ramps/Richards Boulevard ramps; I-5 northbound ramps/Richards Boulevard intersection; North 5th Street/Richards Boulevard intersection; North 7th Street/Richards Boulevard Intersection; 12th/16th Streets/Richards Boulevard intersection; 12 th Street/North B Street intersection; 7th/Signature Street intersection.

These impacts remain significant and unavoidable despite changes or alterations have been required in, or incorporated into, the project. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. Finally, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final EIR.

IMPACT 6.11-3 The proposed project would add traffic to the study freeway mainline segments and cause the level of service to degrade below LOS E and are considered significant impacts. (DEIR, p. 6.11-50)

Freeway mainline operating conditions for baseline conditions are summarized in Table 6.11-15 of the DEIR. The project would add traffic to the following freeway segments that would operate at LOS F without the project and are considered significant impacts:

Northbound 1-5 north of J Street off-ramp (AM and PM peak hours)
Northbound I-5 north of Richards Boulevard on-ramp (PM peak hour)
Southbound I-5 north of Richards Boulevard off-ramp (AM peak hour)
Southbound I-5 north of Richards Boulevard on-ramp (AM peak hour)
(DEIR, p. 6.11-50)

Mitigation Measures:

Mitigation Measures (Baseline Plus Project)

6.11-3 The Traffic Study found that the impacted freeway mainline segments currently operate at LOS "F" in the Baseline Condition during the PM Peak Hour without the Project, and would continue to operate at LOS "F" in both the "Near Term Cumulative Condition (2013)" and "Long Term Cumulative Condition (2030)" both without and with the Project. Freeway mainline improvements are within the exclusive jurisdiction of Caltrans which can and should propose and adopt appropriate improvement plans that would reduce freeway mainline impacts pursuant to Public Resources Code Section 21081 and CEQA Guideline Section 15091. (DEIR, p. 6.11-50)

The City consulted with Caltrans prior to the preparation of this Draft EIR concerning possible mitigation measures to address impacts to the identified freeway mainline segments. The discussion focused on (1) identifying any Caltrans approved or adopted capital improvement projects that would improve access to and from Sacramento's downtown and improve the existing LOS F on the freeway mainline segments to LOS "E" or better in the Near Term (2013) and Long Term (2030), and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing impacts to the highways from the Project and various other pending developments in the area.

Caltrans indicated that they have developed general cost estimates for the following projects. Though these projects are designed to address regional transportation needs that extend far beyond the downtown area, Caltrans believes they would serve to mitigate impacts from pending downtown developments and are viable:

I-5 American River Bridge widening - two structures. Add one standard lane and re-establish standard shoulders to each structure: $134 million.
I-5 HOV lanes - Garden Highway to I-80 HOV lanes with direct connectors: $300 million.
I-5 HOV lanes - U.S. 50 Interchange to Elk Grov e Blvd: $200 million.

(DEIR, p. 6.11-52)

No preliminary improvement plans have been prepared for these proposed freeway improvements, and it is unclear what the cost estimates are based on or include.

These proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan which is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. (DEIR, p. 6.11-52)

Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the Project's impacts on the identified freeway mainline segments. The proposed freeway improvement projects are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore, the City cannot determine either the cost of the proposed freeway improvement projects or the Project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under CEQA (see CEQA Guidelines 15126.4), state planning and zoning laws (see Government Code Section 66000 et seq.) and constitutional principles that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion. (DEIR, p. 6.11-52)

Consequently, the City has been unable to identify any feasible mitigation measures that could reduce or avoid the impact of the Project on the freeway mainline segments to a less than significant level. The California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, §21061.1). Therefore, the impacts of the proposed project on the three I-5 freeway segments would remain significant and unavoidable. (DEIR, p. 6.11-53)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7, 3-9; FEIR, pp. 2-28 to 2-30, 4-3 to 4-7, 4-8, 4-9 to 4-11.)

Finding: These impacts remain significant and unavoidable despite changes or alterations have been required in, or incorporated into, the project; specifically, the Project's fair share contribution to the DNA project which will relieve congestion on the I-5 freeway mainline and I-5/Richards Boulevard interchange. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. Finally, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final

EIR.

IMPACT 6.11-4 The proposed project would add traffic to the study freeway interchanges and cause the level of service to degrade below those of the freeway mainline. These are considered significant impacts . (DEIR, p. 6.11-53)

The project would add traffic to freeway ramps and weaving areas and cause the interchange levels of service to be worse than freeway mainline levels of service at the following locations:

Northbound I-5 Richards Boulevard on-ramp (PM peak hour)

Southbound I-5 Richards Boulevard off-ramp (AM peak hour)

Mitigation Measures:

Mitigation Measures (Baseline Plus Project)

6.11-4 No feasible mitigation measures were identified that would reduce the impact of the project on I-5 freeway ramps. Widening the freeway may reduce the impact but would require acquisition of right-of-way which is not under the control of the applicant. The freeway interchanges are not under the jurisdiction of the City but are subject to Caltrans' jurisdiction. Finally, no improvement is included in any of Caltrans' funding mechanisms. Because mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is not an established funding mechanism available for contribution, this mitigation measure is considered infeasible and the impact is considered significant and unavoidable. Therefore, the impacts of the proposed project on freeway ramps would remain significant and unavoidable. (DEIR, p. 6.11-53)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8.)

Finding: These impacts remain significant and unavoidable despite changes or alterations have been required in, or incorporated into, the project; specifically, the Project's fair share

contribution to the DNA project which will relieve congestion on the I-5 freeway mainline and I-5/Richards Boulevard interchange. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

IMPACT 6.11-5 The proposed project would add traffic to the study freeway off-ramps where queues would exceed available storage capacity with or without the proposed project at the following locations and are considered significant impacts. (DEIR, p. 6.11-53)

Impacts to the following off-ramps are considered significant:

Northbound I-5 Richards Boulevard off-ramp (AM peak hour)
Southbound I-5 Richards Boulevard off-ramp (AM and PM hours)
(DEIR, p. 6.11-53)

Mitigation Measures:

Mitigation Measures (Baseline)

6.11-5 No feasible mitigation measures were identified that would reduce the impact of the freeway ramp queues. The freeway ramp is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. In addition, to implement this mitigation measure would require acquisition of additional right of way for a new lane (typically 12 feet per lane). Finally, this improvement is not included in any of Caltrans' funding mechanisms. Because mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is not an established funding mechanism available for contribution, mitigation is considered infeasible and the impact is considered significant and unavoidable. The impacts of the project on freeway ramp queues would remain significant and unavoidable. (DEIR, p. 6.11-50)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance

of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8.)

Finding: These impacts remain significant and unavoidable despite changes or alterations have been required in, or incorporated into, the project; specifically, the Project's fair share contribution to the DNA project which will relieve congestion on the I-5 freeway mainline and I-5/Richards Boulevard interchange. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

IMPACT 6.11-12 The proposed project would add traffic to study intersections and cause the level of service to deteriorate. This is considered a significant impact. (DEIR, p. 611-59)

The proposed would increase traffic volumes at several study area intersections and would cause significant impacts under near term plus project conditions.

7th Street and Signature Street Intersection

As described under Baseline Condition Impact 6.11-1(l), the proposed roundabout at the 7th Street and Signature Street intersection is deemed infeasible and it is recommended to be replaced by a traffic signal prior to the occupancy of lots 1, 2, 3, 4, 8, 9, 10, and 11. Additionally, the construction of a new north-south street North 8th Street) mid-block between North 7th Street and North 10th Street along the old Southern Pacific railroad right-of-way, as an access to the future development of Continental Plaza Phase III and IV, would reduce the amount of traffic on 7th Street. If North 8th Street is to be constructed with signalized access to Richards Boulevard, the level of service would be reduced to LOS C (20.4 seconds delay) in the a.m. peak hour and LOS C (33 seconds delay) in the p.m. peak hour. The City anticipates that North 8th Street may be constructed at a future date, however the actual construction remains uncertain due to the fact that available right-of-way does not exist and Continental Plaza's current PUD does not include this access but rather assumes access via North 7th Street. The EIR did not assume construction of North 8th Street for purposes of analysis; the impact therefore remains significant. (DEIR, p. 6.11-65)

Mitigation Measures:

Mitigation Measures (2013 Plus Project)

At the I-5 southbound ramps / Richards Boulevard intersection, mitigating the project impact would require widening of the freeway ramp to add an additional lane (typically 12 feet) to the west and acquisition of right-of-way, which is beyond the capability of the project. However, the applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-65)
The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8.)

b) At the I-5 northbound ramps / Richards Boulevard intersection, optimizing signal timing would lessen the project impact; however, to fully mitigate the project impact would require widening of the freeway on-ramp and acquisition of right-of-way, which is beyond the capability of the project. Therefore, the project impact would remain significant and unavoidable. The applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard. (DEIR, p. 6.11-65)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project 's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8.)

c) At the Bercut Drive / Richards Boulevard intersection mitigating the project impact would require further widening of Richards Boulevard which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additional lanes (typically 12 feet per lane) would increase the capacity of the intersection but would require the acquisition of right-of-way from adjacent properties. This is beyond the capability of the project because the property is not controlled by the applicant

and the right of way is not available; hence the impact would remain significant and unavoidable. (DEIR, p. 6.11-66)

d) At the N. 5th Street / Richards Boulevard intersection, optimize signal timing would lessen the project impact but the impact would remain significant and unavoidable. To fully mitigate the impact would require widening of Richards Boulevard which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. The applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard and dedicate sufficient right-of-way for a future expanded intersection to City of Sacramento Standards.

e) At the N. 7th Street / Richards Boulevard intersection, mitigation of the impact would require adding one northbound left-turn and one through lanes to provide two left-turn lanes, two through lanes and one right-turn lane; add one southbound through lane to provide one left-turn lane, two through lane and one right-turn lane; add one eastbound left-turn and one through lanes to provide two left-turn lanes, two through lanes and one right-turn lane; add one westbound left-turn lane to provide two left-turn lanes, one through lane, and one combination through-right lane; and optimize signal timing. The applicant shall dedicate right-of-way along his property for the intersection modifications described above and dedicate sufficient right-of-way for an expanded intersection to the City of Sacramento Standards. The applicant shall pay a fair share contribution to fund acquisition of right-of-way by the City from other properties as required for the construction of the improvements described above, and in the event right-of-way is not made available, provide funding for future modifications to the intersection.

With implementation of this mitigation measure, the level of service would be reduced to LOS F (106.9 seconds delay) in the a.m. peak hour and LOS F (87.4 seconds delay) in the p.m. peak hour, thus the impact would be less than significant during the p.m. peak hour but would remain significant and unavoidable during the a.m. peak hour. To fully mitigate the impact would require widening of Richards Boulevard and 7th Street which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity, which is not controlled by the applicant of this project. (DEIR, pp. 6.11-66, 67)

f) At the 12th / 16th Streets / Richards Boulevard intersection, mitigating the project impact would entail widening of 12th Street, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity and/or relocation of light rail. These improvements are beyond the control of the project applicant; therefore, the impact would

remain significant and unavoidable.

g) At the 7th Street / North B Street intersection, mitigating the project impact would require widening of the roadways, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant; hence the impact would remain significant and unavoidable. (DEIR, p. 6.11-67)

h) At the 12th Street / North B Street intersection, mitigating the project impact would require widening of 12th Street which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity and/or relocation of light rail. These improvements are beyond the capability of the project and beyond the control of the project applicant; hence the impact would remain significant and unavoidable. (DEIR, p. 6.11-67)

i) At the 7th Street / Big Four Boulevard intersection, mitigating the project impact would entail widening of 7th Street, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant; hence the impact would remain significant and unavoidable. (DEIR, p. 6.11-67)

j) At the 7th Street / F Street intersection, mitigating project impact would entail widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-67)

k) At the 6th Street / G Street intersection, mitigating project impact would require widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-68)

l) At the 7th Street / G Street intersection, mitigating project impact would require widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way (typically 12 feet per lane). Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-68)

m) At the 6th Street / H Street intersection, mitigating project impact would entail widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-68)

n) At the 7th Street / H Street intersection, mitigating project impact would require widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-68)

o) At the 6th Street / I Street intersection, mitigating project impact would require widening the roadways beyond the typical road width found in downtown and necessitate acquisition of right-of-way (typically 12 feet per lane) to allow more vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-68)

p) At the 6th Street / J Street intersection, mitigating project impact would require widening the roadway beyond the road width found in downtown and necessitate acquisition of right-of-way (typically 12 feet per lane) to allow more vehicle capacity. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-68)

q) At the 7th / Signature Street intersection, with implementation of Mitigation Measure 6.11-1(l), the level of service would be reduced to LOS B (16.6 seconds delay) in the a.m. peak hour and LOS D (39.3 seconds delay) in the p.m. peak hour thus remaining significant and unavoidable. (DEIR, pp. 6.11-68, 69)

Finding: Impacts to the following intersections remain significant and unavoidable with mitigation: I-5 southbound ramps/Richards Boulevard ramps; I-5 northbound ramps/Richards Boulevard intersection; Bercut Drive/Richards Boulevard intersection; North 5th Street/Richards Boulevard intersection; North 7th Street/Richards Boulevard

Intersection; 12th/16th Streets/Richards Boulevard intersection; 7th Street/North B Street intersection; 12th Street/North B Street intersection; 7th/Big Four Boulevard Intersection; 7th Street/F Street intersection; 6th Street/G Street intersection; 7th Street/G Street intersection; 6th Street/H Street intersection; 7th Street/H Street intersection; 6th Street/I Street intersection; 6th Street/J Street intersection; 7th Street/Signature Street.

These impacts remain significant and unavoidable despite changes or alterations that have been required in, or incorporated into, the project. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. Finally, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final EIR.

IMPACT 6.11-14 The proposed project would add traffic to the study freeway mainline segments and cause the level of service to degrade below LOS E under near term conditions. These are considered significant impacts. (DEIR, p. 6.11-70)

The proposed project u would add traffic to the following freeway segments that would operate at LOS F without the project and are considered significant impacts. Northbound I-5 North of Richards Boulevard on-ramp (PM peak hour); Southbound I-5 North of Richards Boulevard off-ramp (AM peak hour); Northbound SR 160 at the American Bridge (PM peak hour).

Mitigation Measures:

Mitigation Measures (2013 Plus Project)

6.11-14 The Traffic Study found that the impacted freeway mainline segments currently operate at LOS "F" in the Baseline Condition during the PM Peak Hour without the Project, and would continue to operate at LOS "F" in both the "Near Term Cumulative Condition (2013)" and "Long Term Cumulative Condition (2030)" both without and with the Project. Freeway mainline improvements are within the exclusive jurisdiction of Caltrans which can and should propose and adopt appropriate improvement plans that would reduce freeway mainline impacts pursuant to Public Resources Code Section 21081 and CEQA Guideline Section 15091. (DEIR, p. 6.11-70)

The City consulted with Caltrans prior to the preparation of this Draft EIR concerning possible mitigation measures to address impacts to the identified freeway mainline

segments. The discussion focused on (1) identifying any Caltrans approved or adopted capital improvement projects that would improve access to and from Sacramento's downtown and improve the existing LOS F on the freeway mainline segments to LOS "E" or better in the Near Term (2013) and Long Term (2030), and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing impacts to the highways from the Project and various other pending developments in the area.

Caltrans indicated that they have developed general cost estimates for the following projects. Though these projects are designed to address regional transportation needs that extend far beyond the downtown area, Caltrans believes they would serve to mitigate impacts from pending downtown developments and are viable:

I-5 American River Bridge widening - two structures. Add one standard lane and re-establish standard shoulders to each structure: $134 million.
I-5 HOV lanes - Garden Highway to I-80 HOV lanes with direct connectors: $300 million.
I-5 HOV lanes - U.S. 50 Interchange to Elk Grove Blvd: $200 million.

No preliminary improvement plans have been prepared for these proposed freeway improvements, and it is unclear what the cost estimates are based on or include. (DEIR, p. 6.11-72)

These proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan which is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction.

Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the Project's impacts on the identified freeway mainline segments. The proposed freeway improvement projects are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore, the City cannot determine either the cost of the proposed freeway improvement projects or the Project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under CEQA (see CEQA Guidelines 15126.4), state planning and zoning laws (see Government Code Section 66000 et seq.) and constitutional principles that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion. (DEIR, pp. 6.11-72, 73)

Consequently, the City has been unable to identify any feasible mitigation measures that could reduce or avoid the impact of the Project on the freeway mainline segments to a less than significant level. The California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, §21061.1). Therefore, the impacts of the proposed Project on the freeway segments would remain significant and unavoidable. (DEIR, p. 6.11-73)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8)

Finding: These impacts remain significant and unavoidable despite changes or alterations that have been required in, or incorporated into, the project. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. Finally, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final EIR.

IMPACT 6.11-15 The proposed project would add traffic to the study freeway interchanges and cause the level of service to degrade below those of the freeway mainline. These are considered significant impacts. (DEIR, p. 6.11-73)

The project would add traffic to freeway ramps and weaving areas and cause the interchange levels of service to be worse than freeway mainline levels of service at the following locations: Northbound I-5 Richards Boulevard on-ramp (PM peak hour under both scenarios); Southbound I-5 Richards Boulevard off-ramp (AM peak hour under Scenario A). (DEIR, p. 6.11-73)

Mitigation Measures:

<u>Mitigation Measures (2013)</u>

6.11-15 No feasible mitigation measures were identified that would reduce the impact of the project on I-5 freeway ramps. The freeway ramp is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. Finally, improvements to this interchange are not included in any of Caltrans' funding mechanisms. Because mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is no established funding mechanism available for contribution, mitigation is considered infeasible and the impact is considered significant and unavoidable. (DEIR, p. 6.11-73)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8)

Finding: These impacts remain significant and unavoidable despite changes or alterations that have been required in, or incorporated into, the project. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

IMPACT 6.11-16 The proposed project would add traffic to the study freeway off-ramps where queues would exceed available storage capacity with or without the proposed project under both Scenario A and Scenario B at the following locations and are considered significant impacts. (DEIR, p. 6.11-75)

Mitigation Measures:

<u>Mitigation Measures (2013 Plus Project)</u>

6.11-16 No feasible mitigation measures were identified that would reduce the impact of the freeway ramp queues. The freeway off-ramps are not under the jurisdiction of the City but are subject to Caltrans' jurisdiction. Finally, ramp improvements are not included in any of Caltrans' funding mechanisms. Because freeway mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is no established funding mechanism available for

contribution, mitigation is considered infeasible and the impact is considered significant and unavoidable. (DEIR, p. 6.11-75)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8)

Significance After Mitigation: These impacts remain significant and unavoidable despite changes or alterations that have been required in, or incorporated into, the project. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

IMPACT 6.11-18 The proposed project would add traffic to study intersections and cause the level of service to deteriorate. This is considered a significant impact. (DEIR, p. 6.11-76)

The proposed project would increase traffic volumes at study area intersections and would cause significant impacts under long term plus project conditions at several following intersections (DEIR, pp. 6.11-76, 82)

<u>7th Street / Signature Street</u>

The proposed roundabout at the 7th Street and Signature Street intersection is deemed infeasible and it is recommended to be replaced by a traffic signal. Additionally, the construction of a new north-south street (North 8th Street) mid-block between North 7th Street and North 10th Street along the old Southern Pacific railroad right-of-way, as an access to the future development of Continental Plaza Phase III and IV, would reduce the amount of traffic on 7th Street. If North 8th Street were constructed with signalized access to Richards Boulevard and Bannon Street, the level of service would be reduced to LOS C (31.2 seconds delay) in the a.m. peak hour and LOS C (29.5 seconds delay) in the p.m. peak hour. These results are shown in Appendix N of the DEIR. The City anticipates that North 8th Street may be constructed at a future date, however the actual con struction remains uncertain due to the fact that available right-of-way does not exist and Continental Plaza's current PUD does not include this access but rather assumes access via North 7th Street. The EIR does not assume

construction of North 8th Street for purposes of analysis; the impact therefore remains significant. (DEIR, p. 6.11-82)

Mitigation Measures:

Mitigation Measures (2030)

At the I-5 northbound ramps / Richards Boulevard intersection, optimizing signal timing would lessen the project impact; therefore the applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard. To fully mitigate the project impact would require widening of the freeway on-ramp and acquisition of right-of-way, which is under Caltrans jurisdiction and beyond the capability of the project. Therefore, the project impact would remain significant and unavoidable under both Scenario A and Scenario B. (DEIR, p. 6.11-82)
The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8.)

b) At the Bercut Drive / Richards Boulevard intersection, the City shall install, or cause to be installed, one westbound through lane to provide one left-turn lane, four through lanes and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits. (DEIR, p. 6.11-82)

The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building. (DEIR, p. 6.11-43.)

With implementation of this mitigation measure, the level of service would be reduced to LOS B (12.5 seconds delay) in the a.m. peak hour and LOS C (24.8 seconds delay) in the p.m. peak hour thus reducing impact to less than significant. These results are shown in Table 6.11-24 of the DEIR. (DEIR, p. 6.11-83)

c) At the N. 5th Street / Richards Boulevard intersection, the applicant shall dedicate right-

of-way and construct an additional one westbound through lane to provide one left-turn lane, four through lanes and one combination through-right lane; and optimize signal timing. The applicant shall also dedicate sufficient right-of-way and construct an expanded intersection to the City of Sacramento Standards.

With implementation of this mitigation measure, the level of service would be reduced to LOS C (24.1seconds delay) in the a.m. peak hour and LOS C (21.3 seconds delay) in the p.m. peak hour thus reducing impact to less than significant. These results are shown in Table 6.11-26 of the DEIR. (DEIR, p. 6.11-83)

d) At the N. 7th Street / Richards Boulevard intersection, the applicant shall dedicate right-of-way for and construct one westbound through lane to provide one left-turn lane, four through lanes and one right-turn lane; and optimize signal timing.

With implementation of this mitigation measure, the level of service would be reduced to LOS D (48.5 seconds delay) in the a.m. peak hour and LOS D (45.4 seconds delay) in the p.m. peak hour thus the impact remains significant and unavoidable during both peak hours. These results are shown in Table 6.11-26 of the DEIR. (DEIR, p. 6.11-83)

e) At the N. 5th Street / Bannon Street intersection, during the p.m. peak hour, the City shall optimize signal timing in order to improve vehicle progression. Implementation of this measure would mitigate the project impact to a less-than-significant level. The applicant shall pay a fair share toward the City of Sacramento traffic operations center for the re-timing and monitoring of the signal to improve vehicle progression along Richards Boulevard. (DEIR, p. 6.11-84)

f) At the 7th Street / North B Street intersection, mitigating the project impact would entail widening of the roadways, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way (typically 12 feet per lane) and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant; hence the impact would remain significant and unavoidable. (DEIR, p. 6.11-84)

g) At the 6th Street / Big Four Boulevard intersection, mitigating the project impact would entail widening the roadways, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane). These improvements are beyond the capability of the project and not controlled by the project applicant; hence the impact would remain significant and unavoidable. (DEIR, p. 6.11-84)

h) At the 7th Street / Big Four Boulevard intersection, mitigating the project impact would require widening 7th Street which would be inconsistent with the City of Sacramento

goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant; hence the impact would remain significant and unavoidable. (DEIR, p. 6.11-84)

i) At the 7th Street / F Street intersection, mitigating project impact would entail widening the roadways beyond the road width found in downtown which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets, walkable communities and the Smart Growth polices. Additionally, it will require acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane). These improvements are beyond the capability of the project and not controlled by the project applicant; hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-84)

j) At the 6th Street / G Street intersection, under both Scenario A and Scenario B, mitigating project impact would entail widening the roadways beyond the road width found in downtown and necessitate acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) which is beyond the capability of the project and not controlled by the project applicant. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, pp. 6.11-84, 85)

k) At the 7th Street / G Street intersection, mitigating project impact would require widening the roadways beyond the road width found in downtown and necessitate acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) which is not controlled by the project applicant. Further, a wide roadway is in opposition of the City 's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-85)

l) At the 6th Street / H Street intersection, mitigating project impact would require widening the roadways beyond the road width found in downtown and necessitate acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) which is beyond the control of the project applicant. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-85)

m) At the 6th Street / I Street intersection, mitigating project impact would require widening the roadways beyond the road width found in downtown and necessitate acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection

(typically 12 feet per lane). Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-85)

n) At the 6th Street / J Street intersection, mitigating project impact would require widening the roadways beyond the road width found in downtown and necessitate acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) which is beyond the control of the project applicant. Further, a wide roadway is in opposition of the City's goal of providing a pedestrian-friendly and walkable community. Hence, the impact would remain significant and unavoidable. (DEIR, p. 6.11-85)

o) At the Richards Boulevard / 12th Street intersection, mitigating the project impact would require widening of 12th Street, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant; hence the impact would remain significant and unavoidable. (DEIR, pp. 6.11-85, 86)

p) At the 12th Street / Bannon Street intersection, mitigating the project impact would require widening of 12th and Bannon Streets, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane) and/or relocation of light rail. These improvements are beyond the capability of the project and not controlled by the project applicant; hence the impact would remain significant and unavoidable. (DEIR, pp. 6.11-85, 86)

q) At the 7th / Signature Street intersection, the applicant shall implement Mitigation Measure 6.11-1(l) and add one westbound left-turn lane to provide two left-turn lanes and one through-right lane. With implementation of this mitigation measure, the level of service would be reduced to LOS C (33.9 seconds delay) in the a.m. peak hour and LOS F (177.7 seconds delay) in the p.m. peak hour, thus the impact would be reduced to less than significant during the a.m. peak hour but the impact during the p.m. peak hour would remain significant and unavoidable. These results are shown in Table 6.11-26 of the DEIR. To fully mitigate the project impact would require further widening of 7th Street north of Signature Street for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane), which would be inconsistent with the goals and objectives of the project to create a pedestrian-friendly street that features a linear park and interpretive walkway down the median of 7th Street, with landscaping and amenities to encourage street life. (DEIR, p. 6.11-86)

Significance After Mitigation: Impacts to the following intersections are reduced to less than significant with mitigation: Bercut Drive/Richards Boulevard intersection; North 5th Street/Richards Boulevard intersection; North 5th Street/Bannon street intersection.

Impacts to the following intersections remain significant and unavoidable with mitigation: I-5 northbound ramps/Richards Boulevard intersection; North 7th Street/Richards Boulevard intersection; 7th Street/North B Street intersection; 6th Street/Big Four Boulevard intersection; 7th Street/Big Four Boulevard intersection; 7th Street/F Street intersection; 6th Street/G Street intersection;7th Street/G Street intersection;6th Street/H Street intersection; 6th Street/I Street intersection; 6th Street/J Street intersection; Richards Boulevard/12 th Street intersection; 12th Street/Bannon Street intersection; 7th Street/Signature Street intersection.

These impacts remain significant and unavoidable despite changes or alterations that have been required in, or incorporated into, the project. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. Finally, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final EIR.

IMPACT 6.11-20 The proposed project would add traffic to the study freeway mainline segments and cause the level of service to degrade below LOS E under near term conditions. These are considered significant impacts. (DEIR, p. 6.11-88)

The proposed project would add traffic to the following freeway segments that would operate in the LOS F range with or without project added traffic: Northbound I-5 North of Richards Boulevard on-ramp (PM peak hour) Southbound I-5 North of Richards Boulevard off-ramp (AM and PM peak hours) Northbound SR 160 at the American Bridge (PM peak hour) (DEIR, p. 6.11-88)

Mitigation Measures:

Mitigation Measures (2030)

6.11-20 The Traffic Study found that the impacted freeway mainline segments currently operate at LOS "F" in the Baseline Condition during the PM Peak Hour without the Project, and would continue to operate at LOS "F" in both the "Near Term Cumulative Condition (2013)" and "Long Term Cumulative Condition (2030)" both without and with the Project. Freeway mainline improvements are within the exclusive jurisdiction of Caltrans which can and should propose and adopt appropriate improvement plans that would reduce freeway mainline impacts pursuant to Public Resources Code Section 21081 and CEQA Guideline Section 15091. (DEIR, p. 6.11-88)

> The City consulted with Caltrans prior to the preparation of this Draft EIR concerning possible mitigation measures to address impacts to the identified freeway mainline segments. The discussion focused on (1) identifying any Caltrans approved or adopted capital improvement projects that would improve access to and from Sacramento's downtown and improve the existing LOS F on the freeway mainline segments to LOS "E" or better in the Near Term (2013) and Long Term (2030), and (2) proportional share mitigation impact funding contributions to those projects as a means of addressing impacts to the highways from the Project and various other pending developments in the area. (DEIR, p. 6.11-88)

Caltrans indicated that they have developed general cost estimates for the following projects. Though these projects are designed to address regional transportation needs that extend far beyond the downtown area, Caltrans believes they would serve to mitigate impacts from pending downtown developments and are viable:

I-5 American River Bridge widening - two structures. Add one standard lane and re-establish standard shoulders to each structure: $134 million.
I-5 HOV lanes - Garden Highway to I-80 HOV lanes with direct connectors: $300 million.
I-5 HOV lanes - U.S. 50 Interchange to Elk Grove Blvd: $200 million.

> No preliminary improvement plans have been prepared for these proposed freeway improvements, and it is unclear what the cost estimates are based on or include. (DEIR, p. 6.11-90)
>
> These proposed freeway improvement projects are included in Sacramento Area Council of Governments (SACOG) existing Metropolitan Transportation Plan (MTP) for preliminary engineering and environmental only. The MTP is a long-range plan which is based on growth and travel demand projections coupled with financial projections. The MTP lists hundreds of locally and regionally important projects. It is updated every three years, at which time projects can be added or deleted. SACOG uses the plan to help prioritize projects and guide regional transportation project funding decisions. The projects included in the MTP have not gone through the environmental review process and are not guaranteed for funding or construction. (DEIR, p. 6.11-90)
>
> Given the status of the improvement projects identified by Caltrans and the information available at this time, the City has concluded that there is currently insufficient information and certainty on which to base a feasible and viable mitigation measure to address the Project's impacts on the identified freeway mainline segments. The proposed freeway improvement projects are not currently approved and funded. There is no fee or other funding mechanism currently in place for future funding. Furthermore, the City cannot determine either the cost of the proposed freeway improvement projects or the Project's fair share proportional contribution to the improvement projects with sufficient certainty to enable the City to develop a fee-based mitigation measure that would satisfy the legal requirements for fee-based mitigation under both CEQA (see CEQA Guidelines 15126.4) state planning and zoning laws (see Government Code Section 66000 et seq.) and constitutional principles that call for a nexus and rough proportionality between a project's impacts and the fee-based mitigation measure. Finally, the prospects of the proposed freeway improvements ever being constructed

remains uncertain due to funding priorities and on-going policy developments that may favor other approaches to addressing freeway congestion.

Consequently, the City has been unable to identify any feasible mitigation measures that could reduce or avoid the impact of the Project on I-5 freeway or SR 160 mainline segments to a less than significant level. The California Environmental Quality Act (Pub. Resources Code, §21000 et seq.) defines "feasible" for these purposes as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Resources Code, §21061.1). Therefore, the impacts of the proposed Project on the three I-5 freeway segments would remain significant and unavoidable. (DEIR, p. 6.11-91)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8)

Significance After Mitigation: These impacts remain significant and unavoidable despite changes or alterations that have been required in, or incorporated into, the project. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. Finally, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final EIR.

IMPACT 6.11-21 The proposed project would add traffic to the study freeway interchanges and cause the level of service to degrade below those of the freeway mainline. These are considered significant impacts. (DEIR, p. 6.11-91)

The project would add traffic to freeway ramps and weaving areas and cause the interchange levels of service to be worse than freeway mainline levels of service at the following locations: Northbound I-5 P Street to J Street weave (AM peak hour)Northbound I-5 Richards Boulevard on-ramp (PM peak hour) Southbound I-5 Richards Boulevard off-ramp (AM peak hour)

Mitigation Measures:

<u>Mitigation Measures (2030)</u>

6.11-21 No feasible mitigation measures were identified that would reduce the impact of the project on I-5 freeway ramp and weaving areas. The freeway is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. Improvements to this interchange are not included in any of Caltrans' funding mechanisms. Because mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is no established funding mechanism available for contribution, mitigation is considered infeasible and the impact is considered significant and unavoidable. (DEIR, p. 6.11-91)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8)

Significance After Mitigation: These impacts remain significant and unavoidable despite changes or alterations that have been required in, or incorporated into, the project. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. Finally, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final EIR.

IMPACT 6.11-22 The proposed project would add traffic to the study freeway off-ramps where queues would exceed available storage capacity with or without the proposed project at the following locations and are considered significant impacts. (DEIR, p. 6.11-91)

The project would cause significant impacts to: Northbound I-5 Richards Boulevard off-ramp (AM and PM peak hour) and Southbound I-5 Richards Boulevard off-ramp (AM and PM hours)

Mitigation Measures:

<u>Mitigation Measures (2030)</u>

6.11-22 No feasible mitigation measures were identified that would reduce the impact of the freeway ramp queues. The freeway ramps are not under the jurisdiction of the City but subject to Caltrans' jurisdiction. Improvements to these ramps are not included in any of Caltrans' funding mechanisms. Because mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is no established funding mechanism available for contribution, mitigation is considered infeasible and the impact

is considered significant and unavoidable. (DEIR, p. 6.11-93)

The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits. (RTC 3-4, 3-7; FEIR, pp. 4-3 to 4-7, 4-8)

Significance After Mitigation: These impacts remain significant and unavoidable despite changes or alterations that have been required in, or incorporated into, the project. Moreover, some of those changes or alterations required to mitigate or avoid the project's significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. Finally, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final EIR.

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

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

D. Significant and Unavoidable Impacts.

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact, in addition to the impacts listed above under Section C (Impacts 6.11-1, 6.11-3 to 6.11-5, 6.11-12, 6.11-14 to 6.11-16, 6.11-18, and 6.11-20 to 6.11-22). Notwithstanding disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Section K, the statement of overriding considerations.

1. AIR QUALITY

IMPACT 6.2-3 Operation of the proposed project would contribute to emissions of ozone precursors. Therefore, this impact is considered significant, and remains significant and unavoidable after mitigation. (DEIR, p. 6.2-22; RTC 7-14; FEIR, p. 4-38)

Once the project is built and occupied, activities associated with various uses in the proposed project would generate ozone precursors ROG and NO_X. These precursors are of chief concern due to their role in the formation of smog, acid rain, and particulate matter. The majority of precursor emissions would be generated by vehicle trips associated with people visiting and working at the proposed project and by the use of consumer products (e.g., cleaning products, aerosol sprays, automotive products) by project residents and employees. Lesser sources of precursors would include energy use (fuel combustion for heating and cooling of buildings) and the application of architectural coatings (paints). As identified in the DEIR, emissions of ROG and NO_X would be well above the SMAQMD threshold of significance for operational emissions (65 lbs/day for both ROG and NO_X) (DEIR, p. 6.2-22)

Mitigation Measures:

6.2-3 The project applicant shall implement the emission reduction strategies contained in the endorsed Air Quality Mitigation Plan. Documentation confirming implementation of Air Quality Mitigation Plan shall be provided to the SMAQMD and City prior to issuance of occupancy permits.

Finding: Implementation of the emission reduction strategies contained in the endorsed AQMP would exceed the 15% emission reduction/mitigation guideline established by the SMAQMD. Ozone precursor emissions would be reduced by 20.24% to 304.06 lbs/day of ROG and 311.08 lbs/day of NO_X. Because the project is designed as a high-density, mixed-use, transit-oriented redevelopment project, the 15% guideline is achieved through project design; however, the reduction in emissions would not be reduced to below the SMAQMD threshold of 65 lbs/day. None of the AQMP emission reduction strategies would require monitoring beyond completion of the proposed project. (DEIR, p. 6.2-24; RTC 7-15, 11-13; FEIR, pp. 2-5, 4-38 to 4-39, 4-61 to 4-62) This impact is significant and unavoidable with mitigation.

IMPACT 6.2-7 Operation of the proposed project would increase cumulative levels of ozone precursors. This impact is considered significant, and remains significant and unavoidable after mitigation. (DEIR p. 6.2-27)

Since the proposed project would require a rezone to a more intense use than is currently planned for, ozone precursor emissions would be above those assumed in the AQAP and the project' s contribution would be considerable. Therefore, cumulative long-term operational ozone precursor

emissions would be considered a significant impact. (DEIR, p. 6.2-27)

Mitigation Measures:

6.2-7 Implement Mitigation Measure 6.2-3.

Finding: Implementation of the emission reduction strategies contained in the endorsed AQMP required to be implemented under Mitigation Measure 6.2-3 would exceed the 15% emission reduction/mitigation guideline established by the SMAQMD. Ozone precursor emissions would be reduced by 20.24% to 304.06lbs/day of ROG and 311.08 lbs/day of NO_X. Because the project is designed as a high-density, mixed-use, transit-oriented redevelopment project, the 15% guideline is achieved through project design; however, the reduction in emissions would not be reduced to below the SMAQMD threshold of 85 lbs/day; therefore, the project's contribution would remain considerable, and is therefore considered significant and unavoidable. (DEIR, p. 6.2-27)

IMPACT 6.2-9 Operational activities associated with the proposed project would contribute to cumulative levels of particulate matter in the vicinity of the project site. This impact is considered significant and unavoidable.

Particulate matter emission is an inherent byproduct of any combustion process (although combustion is not the sole source). Operation of the proposed project, in combination with other projects, would contribute to cumulative levels of particulate matter. The only operational measure available would be a significant reduction in motor vehicle trips. The close proximity of the future light rail stop would encourage the use of alternative modes of transportation. Nevertheless, since the Sacramento Region does not currently attain the PM_{10} ambient standards, and since the project is likely to make a cumulatively considerable contribution to PM_{10} levels in the project site vicinity by virtue of its relatively large size (compared with other projects on the transportation study's cumulative list), cumulative operational particulate emissions would be significant and unavoidable. (DEIR, p. 6.2-28)

Mitigation Measures: None.

Finding: No mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

2. CULTURAL RESOURCES

IMPACT 6.4-1 The proposed project could cause a substantial change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5. This impact is considered significant, and remains significant and unavoidable after mitigation. (DEIR, p. 6.4-23)

The former Bercut-Richards cannery complex has been evaluated in accordance with Section 15064.5(a) (2)-(3) of the CEQA Guidelines using the criteria outlined in Section 5024.1 of the California Public Resources Code, and it appears to meet the criteria for listing in the NRHP and CRHR. It also appears to be eligible as a Priority Structure/city landmark under the City of Sacramento Municipal Code. Thus, this property appears to be a historical resource for the purposes of CEQA. (DEIR, p. 6.4-26)

Mitigation Measures:

6.4-1 a) Documentation / Recordation

Prior to any structural demolition and removal activities, the project applicant shall retain a professional who meets the Secretary of the of the Interior's Standards for Architectural History to prepare written and photograph documentation of the Bercut-Richards cannery complex.

The documentation for the property shall be prepared based on the National Park Services' (NPS) Historic American Building Survey (HABS) / Historic American Engineering Record (HAER) Historical Report Guidelines. The proposed documentation standards shall meet the intent of NPS – Advisory Council on Historic Preservation (ACHP) revised policy for developing alternate forms of documentation for properties meeting a criterion of less than nationally significant. The documentation prepared for former Bercut-Richards Packing Company property shall not be reviewed by NPS or transmitted to the Library of Congress and therefore, will not be a full-definition, HABS/HAER dataset. This type of documentation is based on a combination of both HABS/HAER standards (Levels II and III) and NPS new policy for NR-NHL photographic documentation as outlined in the National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion (March 2005).

The written historical data for this documentation shall follow HABS / HAER Level II standards and shall be derived from the reports titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. Both reports are on file with the City Preservation Director. Additional information may come from oral histories that, as determined feasible by the City Preservation Director, could be conducted as part of this Mitigation Measure (see Oral History Project below).

The written data shall be accompanied by a sketch plan of the property. Efforts should also be made to locate original construction drawings or plans of the property during the period of significance. If located, these drawings should be photographed, reproduced, and included in the dataset.

Either HABS / HAER standard large format or digital photography shall be used. If digital photography is used, the ink and paper combinations for printing photographs must be in compliance with NR-NHL photo expansion policy and have a permanency rating of approximately 115 years. Photographs shall be labeled with text reading "Bercut-Richards Packing Company, 424 North 7th Street, Sacramento," and photograph number on the back of the photograph in pencil (2B or softer lead). Digital photographs will be taken as uncompressed .TIF file format. The size of each image will be 1600x1200 pixels at 300 ppi (pixels per inch) or larger, color format, and printed in black and white. The file name for each electronic image shall correspond with the index of photographs and photograph label.

Photograph views for the dataset shall include: a) contextual views; b) views of each side of each building and interior views, where possible; c) oblique views of buildings; and d) detail views of character-defining features, including features on the interiors of some buildings. The size of this property would require up to five contextual views, 20 exterior and interior building views, 10 oblique views, and 15 detail views. All views shall be referenced on a photographic key. This photograph key shall be on a map of the property and shall show the photograph number with an arrow indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the dataset.

All written and photograph documentation of the Bercut-Richards cannery complex shall be approved by the City Preservation Director prior to any demolition and removal activities. (DEIR, pp. 6.4-26, 27)

b) Oral History Project

Prior to any structural demolition and removal activities, the project applicant shall retain a professional who meets the Secretary of the of the Interior's Standards for History to determine if an appropriate number of individuals who worked at the Bercut-Richards Packing Company during the period of significance (1928 to 1953) are available and willing to participate in an oral history project. Written findings of the search for individuals shall be submitted to the City's Preservation Director and History and Science Manager, who shall determine if an oral history project is feasible and would be required by the City to further reduce the impact of the proposed project on historical resources. Five individuals is a recommended minimum, but the City may determine that fewer individuals would be adequate.

If an oral history project is conducted, a Draft Research Design for the project shall be

submitted to the City's Preservation Director and History and Science Manager for review and approval of the Final Research Design. The Research Design shall identify anticipated informants, research goals, and protocols. The oral history research shall be conducted in conformance with the Principles and Standards of the Oral History Association revised September 2000. The oral history project could be conducted by a historical consultant or be offered as a project to students at the graduate Capitol Campus Public History program at California State University, Sacramento. If the project is given to public history students, it shall be supervised by a faculty member with experience conducting oral history projects.

The oral history project shall consist of interviews conducted in the Sacramento region with persons knowledgeable about the Bercut-Richards Packing Company and its operations in the buildings on this site during the property's period of significance (1928 to 1953). The aim of these interviews shall be to record information about company operations as they were carried out in these buildings. In general, the goal will be to synthesize information gathered from individuals who worked at the cannery, including personal insights and recollections of the company, its management, innovations, and the day-to-day operation of the plant. The preparer of the oral history project shall conduct the following tasks.

(DEIR, pp. 6.4-27, 28)

Planning / Preparation for Interviews

Review the available historical research and reports, including the reports titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006.

Prepare a list of questions prior to the interviews.

Conduct a tour of the former cannery with the interviewees prior to demolition of buildings, if possible.

Prepare and have signed release forms for each interviewee, giving permission for any tapes or photographs made during the project to be used for by researchers and the public for educational purposes.

Interviews

The oral interviews shall be no longer than 1-2 hours in length and could be conducted in a group setting, if feasible or practical.

Each interview (with permission of the interviewee) shall be recorded with a digital voice recorder and use Digital Speech Standard (DSS) Player Software to create a topic index for the interviews linked to a time counter so that the topic index would be searchable on the CD ROM (or DVD) containing the recording of the interview. Use of this software would eliminate the need for

full written transcript of the interviews.

(DEIR, pp. 6.4-28, 29)

Post-Interviews

Archive quality CDs shall be prepared containing a recording of the interview, topic index, biographical data sheet, and a read.me file explaining the contents of the CD and how to use the DSS Player Software.

Short biographical data sheets with a photograph of each interviewee shall be prepared for each interviewee and put in a file on the CD.

Interviewers shall synthesize relevant information from the oral histories into a thematic narrative presenting understandings and insights. This narrative shall be included on the CDs.

Typed transcripts of interviews would not be required.

CDs shall be disseminated to appropriate repositories identified in the Documentation Dissemination portion of this Mitigation Measure.

If required, the oral history project shall be monitored and enforced by the City Preservation Director to the extent determined by the City Preservation Director. All costs associated with the oral history project shall be borne by the project applicant. (DEIR, p. 6.4-29)

c) Documentation Dissemination

The HABS/HAER–like documentation of the Bercut-Richards cannery complex shall be disseminated on archival quality paper to appropriate repositories and interested parties. The distribution of the documentation shall include the California Historical Resources Information System Northeast Information Center at California State University Sacramento; the California State Library in Sacramento; the Sacramento Archives and Museum Collection Center (SAMCC); the Sacramento County Historical Society; the Sacramento Public Library's Sacramento Room; the Sacramento Discovery Museum; and other local repositories determined by the City Preservation Director.

If the oral history project is conducted, CDs prepared during the oral history project shall be on archive-quality discs, such as archival gold CD-Rs, and disseminated to the same repositories as the HABS/HAER–like documentation. (DEIR, p. 6.4-29)

d) Interpretation of the Property

Under the direction and enforcement of the City Preservation Director, measures shall be implemented to interpret the property's historic significance for the public and for residents that will inhabit the property. All costs associated with interpretation of the

property shall be borne by the project applicant. Interpretive and/or educational exhibits shall include but are not necessarily limited to the following items:

Permanent Interpretive Displays/Signage/Plaques

The applicant shall install a minimum of three interpretive displays on the project that will provide information to visitors and residents regarding the history of the Bercut-Richards Packing Company, the Sacramento canning industry, and the former Bercut-Richards cannery. These displays shall be integrated into the design of the public areas of the new housing and retail and shall be installed in highly visible public areas such as the property's parks, the North 7th Street portion of the project, or in public areas on the interiors of buildings. The displays shall include historical data taken from the HABS/HAER–like documentation or other cited archival source and shall also include photographs. Displayed photographs shall include information about the subject, the date of the photograph, and photo credit / photo collection credit. At least one display shall include physical remnants of architectural elements that will be salvaged from the Bercut-Richards Packing Company buildings (see De-Construction, Salvage, and Reuse below) One of the displays shall be the traveling exhibit (described below) which shall be permanently installed in a highly visible location in a publicly accessible lobby following completion of its tour.

The applicant shall install at least one sign or plaque near the corner of Richards Boulevard and North 7th Street to indicate that the Bercut-Richards Packing Company plant once stood on the property. Additional signage / plaques may be installed to provide interpretive information about any historical photographs or architectural salvage used or installed on the property. (DEIR, p. 6.4-30)

Interpretive displays and the signage/plaques installed on the property shall follow the Township 9 Design Guidelines and be sufficiently durable to withstand typical Sacramento weather conditions for at least twenty five years. Displays and signage/plaques shall be lighted, installed at pedestrian-friendly locations, and be of adequate size to attract the interested pedestrian. Maintenance of displays and signage/plaques shall be included in the management of the common area maintenance program on the property.

(DEIR, p. 6.4-31)

Exhibits and Written Documentation for Publication on a Web Site

The applicant shall publish exhibits and written documentation on a Web site regarding the history of the Sacramento canning industry and the Bercut-Richards Cannery complex. This information shall be derived from the HABS/HAER–like documentation, and the reports titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. The publication shall include text

and photographs. The text shall be written for popular consumption, but also be properly cited following historical documentation standards.

Publication of these materials shall be either on an independent Web site maintained by the project applicant (or its successor property management company) or be donated for posting on a local history website, such as www.sacramentohistory.org (owned by SAMCC). The materials shall be available on the Web site for at least two years following demolition of the former Bercut-Richards cannery complex.

(DEIR, p. 6.4-31)

Traveling Exhibit

The applicant shall have a traveling exhibit prepared that will be loaned to local museums (such as the Sacramento Discovery Museum) and, if possible, at public libraries and/or public buildings in the Sacramento region. The exhibit will be prepared under the direction of and approved by the City's History and Science Manager. The small exhibit shall include panels or boards that provide information and photographs regarding Sacramento's canning industry history, the Bercut-Richards Packing Company, and the Bercut-Richards cannery complex. The exhibit shall include three or more 2x2 foot boards that can be either wall mounted or displayed on easels. The exhibit shall be supplemented in museum settings with small artifacts or architectural features salvaged from the former cannery site. Following installation of the exhibit in local museums and other locations, the exhibit shall be permanently displayed in a highly visible location in a publicly accessible lobby on the property and will fulfill a portion of the on-site interpretation mitigations discussed above. (DEIR, p. 6.4-31)

e) De-Construction, Salvage, and Reuse

The project applicant shall preserve and rehabilitate the scale house (Building 11) according to the Secretary of the Interior's Rehabilitation Standard and the State Historic Building Code. The rehabilitation of the building shall be submitted as a Preservation application once it is determined where the building would be located and what its use might be. The applicant shall consult with the City of Sacramento' s Preservation Director regarding the potential de-construction, salvage, and/or reuse of other architectural features from the existing Bercut-Richards Packing cannery complex that would serve as important artifacts and physical reminders of the cannery's material existence and importance. Examples of the property's character-defining features that could be potentially salvaged are illustrated in Appendix B of the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC. To the extent that is reasonable and feasible as determined by the City, the project applicant shall use some architectural features in the property's new design. Such features shall be displayed in highly visible public areas of the development, such as in building lobbies or on the exterior of buildings in the parks or along the proposed North 7th Street portion of the project. Salvaged and reused features shall be accompanied by interpretive information on signage/plaques to indicate their origins as part of the

Bercut Richards cannery complex. Potentially salvageable features are identified in Section 6.3., Impacts Analysis and Suggested Mitigation of the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC and on file with the City Preservation Director and SAMCC.

The applicant shall also offer architectural features and materials to museums and other local repositories for curation and display. SAMCC and the Sacramento Discovery Museum, for example, would be repositories that may be interested in the salvaged materials, as they have archival storage facilities for artifacts and some ability to display them. Other interested parties may be those interested in the history of industrial buildings or materials such as masonry and bricks (such as Dan Mosier, who maintains a collection of historic bricks and provides the public information about the companies that manufactured them on his website, http://calbricks.netfirms.com/). (DEIR, p. 6.4-31, 32)

f) Design Guidelines

The Design Guidelines for the proposed project take into account that the project is removing a historically significant cannery and industrial site. The Design Guidelines encourage the use of design features of the historic buildings of the cannery in the new buildings to be constructed on the property. Character-defining features are identified the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC and on file with the City Preservation Director and SAMCC. (DEIR, p. 6.4-32)

Finding: Mitigation measure 6.4-1 would reduce the impact by requiring documentation of the cannery complex, dissemination of the resource documentation, inclusion of historical interpretative displays and information in the project, and incorporation of cannery features into the project design. These measures would reduce the impact by relaying information to interested members of the public, as well as Township 9 residents and visitors, regarding the historical significance of the Bercut-Richards cannery and the history of the canning industry in Sacramento. However, the impact would remain significant and unavoidable because the proposed demolition of the cannery complex would materially impair the historical resource's physical characteristics that convey its historical significance and that justify the property's inclusion in the CRHR. (DEIR, p. 6.4-26).

IMPACT 6.4-3 The proposed project, in combination with other development in the City of Sacramento, could cause a substantial change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5. This impact is considered significant, and remains significant and unavoidable after mitigation. (DEIR, p. 6.4-34)

Because all historical resources are unique and non-renewable members of finite classes, all

adverse effects or negative impacts erode a dwindling resource base. Federal, state, and local laws protect historical resources in most instances. Even so, it is not always feasible to protect historical resources, particularly when preservation in place would frustrate implementation of projects. For this reason, the cumulative effects of development in the City of Sacramento are considered significant. The proposed Township 9 project includes demolition of all existing buildings on the 65-acre project site, and therefore the project would cause a substantial adverse change in the significance of an historical resource, the former Bercut-Richards cannery complex. Because the proposed project would adversely affect an historical resource that is a unique and non-renewable member of a finite class of resources, the project's incremental contribution to these cumulative effects would be cumulatively considerable; therefore, this would be a significant cumulative impact. (DEIR, p. 6.4-34)

Mitigation Measure:

6.4-3 Implement Mitigation Measure 6.4-1.

Finding: Implementation of Mitigation Measure 6.4-1 reduces the project's contribution to the cumulative loss of historic resources in the City of Sacramento by requiring documentation of the resource, dissemination of the resource documentation, inclusion of historical interpretative displays and information in the project, and incorporation of resource features into the project design. These measures would relay information to interested members of the public, as well as Township 9 residents and visitors, regarding the historical significance of the Bercut-Richards cannery and the history of the canning industry in Sacramento. However, because the Bercut-Richards cannery complex would be demolished to accommodate project construction which would materially impair the historical resource's physical characteristics that convey its historical significance and that justify the property's inclusion in the CRHR, the project's contribution would remain considerable and the cumulative impact would remain significant and unavoidable. (DEIR, p. 6.4-34)

3. NOISE AND VIBRATION

IMPACT 6.8-1	Construction of the proposed project would temporarily expose existing sensitive receptors to increased noise levels. This impact is considered significant, and remains significant and unavoidable with mitigation. (DEIR, p. 6.8-12)

During construction of the proposed project, noise would be produced by the operation of heavy-duty equipment and various other demolition and construction activities, including activities associated with operation of a proposed temporary recycling facility, which would recycle the structural materials of the existing buildings to be demolished on the project site. Pile driving could be used in conjunction with drilling for founding the buildings. A possible program for founding

buildings could employ drilling to a certain depth, followed by pile driving.

Mitigation Measures: Implementation of the following mitigation measures would reduce exposure of occupants on and off the site to the maximum extent feasible; however, due to pile driving and other construction activities, this short-term impact would remain significant and unavoidable.

6.8-1 The contractor shall ensure that the following measures are implemented during all phases of project construction:

a) Whenever construction during later project stages occurs near residential and other noise-sensitive uses built on site during earlier project stages, temporary barriers shall be constructed around the construction sites to shield the ground floor and lower stories of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90. The barrier shall not contain any gaps at its base or face, except for site access and surveying openings. The barrier height shall be designed to break the line-of-sight and provide at least a 5 dBA insertion loss between the noise producing equipment and the upper-most story of the adjacent noise-sensitive uses. If for practical reasons, which are subject to the review and approval of the City, a barrier can not be built to provide noise relief to the upper stories of nearby noise-sensitive uses, then it must be built to the tallest feasible height.

b) Construction activities shall comply with the City of Sacramento Noise Ordinance, which limits such activity to the hours of 7 a.m. to 6 p.m. Monday through Saturday, the hours of 9 a.m. to 6 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines.

c) Construction equipment staging areas shall be located away from residential uses; pre-drill pile holes and use quieter "sonic" pile-drivers, where feasible; and restrict high noise activities, such as pile driving, the use of jackhammers, drills, and other generators of sporadic high noise peaks, to the hours of 7 a.m. to 6 p.m. Monday through Friday, or other such hours satisfactory to the City.

(DEIR, pp. 6.8-14, 15)

Finding: Implementation of Mitigation Measures 6.8-1 (a) through (c) would ensure maximal reduction of noise impacts to receptors near the construction sites by shielding construction activities and staging construction equipment away from residential uses, limiting construction hours to daytime hours, and use of exhaust and intake silencers on construction equipment. These measures would reduce exposure of occupants on and off the site to the maximum extent feasible; however, due to pile driving and other construction activities, this short-term impact would remain significant and unavoidable. (DEIR, p. 6.8-15)

IMPACT 6.8-2 Ground-borne vibration from construction activity could cause structural damage to nearby buildings. This impact is considered significant, and remains significant and unavoidable with mitigation. (DEIR, p. 6.8-15)

In addition to noise, construction activity also produces vibration. Construction-related vibration is normally associated with impact equipment such as jackhammers and pile drivers, and the operation of heavy-duty construction equipment such as trucks and bulldozers. Vibration can damage buildings constructed of reinforced concrete, steel or timber if the strength of the vibration exceeds a peak particle velocity (PPV) of 0.5 inches per second, though historic buildings or archeological sites would be at risk if the vibration peak particle velocities were greater than 0.25 inches per second. Ground-borne vibration that can cause structural damage is typically limited to impact equipment, especially pile-drivers. (DEIR, p. 6.8-15)

Mitigation Measures: Implementation of the following mitigation measures would reduce construction related vibration impacts; however, the impact would remain significant and unavoidable.

6.8-2 For pile driving within 100 feet of an existing building, the project applicant shall drill pilot holes for piles, to the extent feasible, prior to commencement of impact pile driving. Prior to issuance of a building permit, the project applicant shall submit to the City for approval the anticipated depth to which piles will be drilled and the estimated start date and end date of impact pile driving.

Finding: Mitigation Measure 6.8-2 includes measures that reduce the amount of impact pile-driving to reduce vibration impacts within 100 feet of buildings; however, due to the close proximity of residential structures to potential pile driving activities over an extended period of time this impact would remain significant and unavoidable. (DEIR, p. 6.8-16)

4. TRANSPORTATION

IMPACT 6.11-2 The proposed project would add traffic to the study roadway segments that result in substandard levels of service. This is considered a significant impact. (DEIR, p. 6.11-49)

As shown in Table 6.11-14 of the DEIR, the proposed project would result in additional traffic to all the study roadway segments and would degrade the operations to substandard levels on the several segments.

Mitigation Measures:

<u>Mitigation Measures (Baseline Plus Project)</u>

6.11-2 a) Widening of 7th Street to provide two travel lanes per direction between Richards Boulevard and Signature Street lessen the impact but not to a less than significant level. (DEIR, p. 6.11-49)

After implementation of this mitigation measure, the level of service would be reduced to LOS D (v/c of 0.88). These results are shown in Appendix N. To fully mitigate the project impact, it would be required to further widening of 7th Street for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane), which would be inconsistent with the goals and objectives of the project to create a pedestrian-friendly street that features a linear park and interpretive walkway down the median of 7th Street, with landscaping and amenities to encourage street life.

b, c) No feasible mitigation measures were identified that would reduce the impact of the proposed project on the Richards Boulevard roadway segments. Mitigation would require increasing the number of travel lanes for additional vehicle travel lanes to increase the capacity of the intersection (typically 12 feet per lane), which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it would require the acquisition of right-of-way for the additional lanes from properties not owned by the project. The impacts of proposed project on roadway segments would remain significant and unavoidable. (DEIR, p. 6.11-50)

Finding: Impacts to the following roadway segments are significant and unavoidable withmitigation: 7th Street between Richards Boulevard and Signature Street; Richards Boulevard.

These impacts remain significant and unavoidable despite changes or alterations have been required in, or incorporated into, the project. Moreover, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final EIR.

IMPACT 6.11-13 The proposed project would add traffic to the study roadway segments. This is considered a significant impact. (DEIR, p. 6.11-69)

The project would result in additional traffic to all the study roadway segments and would degrade the operations to substandard levels on the following segments and are considered significant impacts: North 7th Street north of Richards Boulevard would operate in the LOS F range; Richards Boulevard east of Bercut Drive would also operate in the LOS F range; Richards Boulevard east of Dos Rios Street would operate at LOS F. (DEIR, p. 6.11-69)

The construction of a new north-south street (North 8th Street), mid-block between North 7th

Street and North 10th Street along the old Southern Pacific railroad right-of-way as an access to the future development of Continental Plaza Phase III and IV, would reduce the amount of traffic on 7th Street. If North 8th Street were constructed with signalized access to Richards Boulevard, the project would produce LOS A (v/c of 0.55). These results are shown in Appendix N of the DEIR. The City anticipates that North 8th Street may be constructed at a future date; however, the actual construction remains uncertain due to the fact that available right-of-way does not exist and Continental Plaza's current PUD does not include this access but rather assumes access via North 7th Street. This EIR does not assume construction of North 8th Street for purposes of analysis; the impact therefore remains significant. (DEIR, p. 6.11-69)

Mitigation Measures:

Mitigation Measures (2013 Plus Project)

6.11-13 a) Implementation of Mitigation Measure 6.11-2(a) would reduce the project impact but the impact would remain significant and unavoidable. Further widening 7th Street in order to fully mitigate the impact is infeasible because it would create an unfriendly pedestrian environment which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. After implementation of this mitigation measure, the project would produce LOS D (v/c of 0.88). These results are shown in Appendix N of the DEIR. (DEIR, p. 6.11-70)

b, c) No feasible mitigation measures were identified that would reduce the impact of the proposed project on the Richards Boulevard roadway segments. Mitigation would require increasing the number of travel lanes, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it would require acquisition of right-of-way to add vehicle lanes (typically 12 feet per lane) to increase vehicle capacity from properties not owned by the applicant. Therefore, the impacts of proposed project on roadway segments would remain significant and unavoidable. (DEIR, p. 6.11-70)

Finding: The following impacts remain significant and unavoidable with mitigation: 7th Street between Richards and Signature; Richards Boulevard.

These impacts remain significant and unavoidable despite changes or alterations have been required in, or incorporated into, the project. Moreover, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final EIR.

IMPACT 6.11-19 The proposed project would add traffic to the study roadway segments that results in substandard levels of service. This is considered a significant impact. (DEIR, p. 6.11-86)

The proposed project would result in additional traffic to all the study roadway segments and would degrade the operations to substandard levels on several segments and are considered significant impacts. (DEIR, p. 6.11-86)

The construction of a new north-south street (North 8th Street), mid-block between North 7th Street and North 10th Street along the old Southern Pacific railroad right-of-way as an access to the future development of Continental Plaza Phase III and IV, would reduce the amount of traffic on 7th Street. If North 8th Street were constructed with signalized access to Richards Boulevard and Bannon Street, the project would produce LOS A (v/c of 0.54). These results are shown in Appendix N of the DEIR. The City anticipates that North 8th Street may be constructed at a future date; however, the actual construction remains uncertain due to the fact that available right-of-way does not exist and Continental Plaza's current PUD does not include this access but rather assumes access via North 7th Street. This EIR does not assume construction of North 8th Street for purposes of analysis; the impact therefore remains significant. (DEIR, p. 6.11-87)

Mitigation Measures:

Mitigation Measures (2030)

6.11-19 a) Widening of 5th Street to provide two travel lanes per direction between Richards Blvd and Signature Street would reduce the project impact to a less-than-significant level. (DEIR, p. 6.11-87; FEIR, pp. 2-31 to 2-32)

b) Widening of 7th Street to provide two travel lanes per direction between Richards Boulevard and Signature Street would improve the roadway operations but the impacts of the 7th Street roadway segment would remain significant and unavoidable. As described in Mitigation Measure 6.11-12(a), further widening of 7th Street would necessitate acquisition of right-of-way and would create an unfriendly pedestrian environment. After implementation of this mitigation measure, the project would produce LOS D (v/c of 0.87). These results are shown in Appendix N of the DEIR.

c) No feasible mitigation measure was identified that would reduce the impact of the proposed project on the Richards Boulevard roadway segments. Mitigation would require increasing the number of travel lanes to increase the capacity of the intersection (typically 12 feet per lane), which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices.

Additionally, it will require acquisition of right-of-way and/or relocation of light rail.

These improvements are beyond the capability of the project and not controlled by the project applicant. Therefore, the impacts of proposed project on roadway segments would remain significant and unavoidable. (DEIR, pp. 6.11-87, 88)

d, e) No feasible mitigation measure was identified that would reduce the impact of the proposed project on the Bannon Street roadway segments. Mitigation would require increasing the number of travel lanes, which would be inconsistent with the City of Sacramento goals and objectives to create pedestrian-friendly streets and the Smart Growth polices. Additionally, it will require acquisition of right-of-way. These improvements are beyond the capability of the project and not controlled by the project applicant. Therefore, the impacts of proposed project on roadway segments would remain significant and unavoidable. (DEIR, p. 6.11-88)

Finding: The impacts to 5th Street roadway segments are reduced to less than significant with mitigation.

The following impacts to roadway segments remain significant and unavoidable after mitigation: 7th Street between Richards Boulevard and Signature Street; Richards Boulevard (Scenarios A and B); Bannon Street.

These impacts remain significant and unavoidable despite changes or alterations have been required in, or incorporated into, the project. Moreover, specific economic, legal, social, technological, or other considerations make infeasible some of the mitigation measures identified in the Final EIR.

E. Impacts That Are Less Than Significant Without Mitigation

As discussed above, these Findings do not include a discussion of impacts that are less than significant without mitigation, with the exception of impact 6.1-1, below.

IMPACT 6.1-1 Development of the proposed project could have a demonstrable negative aesthetic effect. This impact is considered less than significant without mitigation. (DEIR, p. 6.1-13)

The proposed project would replace existing buildings with new residential and commercial buildings ranging from a maximum height of 50 to 235 feet (Lot 13). The proposed project would also include a new circulation system and landscaping and public uses. The maximum height of the buildings would be approximately 150 to 205 feet taller than the tallest existing buildings. The

proposed project would cover approximately 56.8 acres of the project site with developed uses, compared to 51.5 acres of developed uses under existing conditions. The size and scale of the proposed development, if constructed to its maximum height and density, would be a noticeable change when compared to the existing site visual character. Although the proposed development would be taller and denser than current site development, it would support the overall goals and policies set forth in the RBAP. Specifically, the project supports Land Use Policy 7.2, which calls to "create an attractive pattern of streets and blocks which is more in scale with the downtown, that accommodate a mixture of uses and activities, and that can add to the diversity and interest of the Richards Boulevard area." (DEIR, p. 6.1-13)

Although implementation of the proposed project would result in some alteration of the visual character of the proposed project site, many people may consider the proposed project a positive addition to the City riverfront that assists in the creation of a high-quality urban character and complements existing development in Sacramento. However, in the matter of visual resources, people may differ, and some number of individuals viewing the proposed project may consider redevelopment of the proposed project site with larger scale buildings and higher densities a substantial degradation of the visual character of the proposed project site, regardless of the appearance of the buildings. Because people may differ as to the aesthetic value of the proposed project site and whether development of additional urban uses in the area would constitute a substantial degradation of the existing visual character or quality of the site and its surroundings, the Draft EIR used a more objective means of assessing visual impacts. (RTC 9-5, FEIR, pp. 4-47 to 4-48)

CEQA case law recognizes the highly subjective nature of an assessment of aesthetic values. According to Bowman v. City of Berkeley (2004) 122 Cal.App.4th 572 (Bowman II), the aesthetic merits of a building's appearance, and its compatibility with neighboring structures, are not the sort of issues that lend themselves to detailed environmental analysis—at least in a highly urbanized setting. Thus, the court reasoned that CEQA does not mandate an EIR to study what are essentially issues of individual and potentially diverse tastes. The court reasoned that these aesthetic impacts are highly subjective and, instead, such issues should be resolved through design review. Because "'[v]irtually every city in this state has enacted zoning ordinances for the purpose of improving the appearance of the urban environment' and architectural or design review ordinances, adopted 'solely to protect aesthetics,' are increasingly common," aesthetic issues regarding the visual quality of a proposed project "are ordinarily the province of local design review, not CEQA" (Id. at page 593). (RTC 9-5, FEIR, pp. 4-47 to 4-48.)

The Draft EIR's analysis of aesthetic impacts included visual simulations prepared to demonstrate the potential visual change of the site with implementation of the proposed project. Two viewpoint locations were chosen along the north side of the American River to show the change in views from these publicly accessible areas. The site plan and visual simulations for the proposed project were used to evaluate the potential effects of project development on the visual character of the project site and the nearby area. The analysis focused on the manner in which development could change the visual elements or features that exist on the proposed project site. The impacts of the proposed project are analyzed in relation to existing conditions, which are light industrial, office, and municipal uses. The impact was determined to be less than significant. Moreover, subsequent to the close of the comment period on the Draft EIR, an exhibit was produced to show line-of-sight views from the

American River onto the proposed project. Specifically, the exhibit demonstrates that cars on the proposed Riverfront Drive would not be visible from the River. (RTC 9-5, FEIR, pp. 4-47 to 4-48)

As is reflected in the proposed Design Guidelines, the project was designed not to exceed the height of the existing tree canopy in order to further shield the project from the Parkway. The proposed Design Guidelines would define the character of the proposed project, and would be subject to review by the City, including review by the Design Commission, Planning Commission, and City Council. These reviewing bodies would use the criteria listed in the City's adopted planning documents, including the American River Parkway Plan, the City Zoning Code and the Richards Boulevard Area Plan, in analyzing the proposed project design. The Draft EIR assumes that substantial compliance with these adopted plan policies, as deemed appropriate by the reviewing bodies, would ensure that the proposed project will be substantially consistent with existing development and the direction of future development within the City. (DEIR, p. 6.1-13; RTC 9-5, FEIR, pp. 4-47 to 4-48)

One of the City's goals is to develop the downtown area, including the Project area, as the urban core of the City. Therefore, the aesthetic impacts of urban development in the downtown area are typically considered by the City to be less than significant, as development in the downtown urban area is consistent with the existing or planned uses. This is evidenced by the aesthetic impact analysis of several other projects in the downtown area that have been recently approved by the City. These include The Metropolitan, a 420-foot-tall, 39-story mixed use residential tower located on 10th and J Streets; the EPIC Tower, 50-story tower, 638 feet at its tallest point, located on 12th and I Streets; The Towers at Capitol Mall, two 600-foot, 53-story towers located at Capitol Mall and 4th Street; 500 Capitol Mall, a 25-story, 396-foot tall high rise building. (RTC 9-5, FEIR, pp. 4-47 to 4-48)

Moreover, the proposed project would be generally consistent with applicable General Plan and American River Parkway Plan policies. The proposed PUD and Design Guidelines ensure that the project would integrate the multiple objectives for the American River Parkway, including urban development, recreational uses and open space preservation. This balance is ensured through the context-sensitive placement of Riverfront Drive (meandering) and the adjacent buildings to ensure minimal visual impact to recreational and preservation uses along the American River Parkway. The Draft EIR therefore concluded that the proposed project would not have a demonstrable negative aesthetic effect on adjacent existing uses or views from the American River Parkway, and would not substantially degrade the visual character or quality of the site. Aesthetic impacts would therefore be less than significant. (DEIR, pp. 6.1-13 to 6.1-14; RTC 5-14, 9-5, FEIR, pp. 4-26 to 4-27, 4-47 to 4-48)

Views from the American River

The Draft EIR recognizes that there would be an impact on views of the project site from the American River and Discovery Park due to the fact that the views of the site with the project would be different than views of the site under existing conditions. This impact would, however, be less than significant. While the project would redevelop a predominantly developed site, the scale and density of development would be greater than the existing development. However, the project would not represent a substantial change in the visual character of the views to and/or from the site

because the tallest buildings, which would be closest to the river, would appear similar in height as the existing mature trees. (see Figures 6.1-7 and 6.1-8 on pages 6.1-15 and 6.1-16 of the Draft EIR). Subsequent to the close of the comment period on the Draft EIR, an exhibit was produced to show line-of-sight views from the American River onto the proposed project. Specifically, the exhibit demonstrates that cars on the proposed Riverfront Drive would not be visible from the River. In addition, the project includes park and open space elements between the Parkway and urban development, further reducing visual impacts of development on the Parkway. Riverfront Park is planned as a linear park located between the open space and riparian preserve of the Parkway and Riverfront Drive. The park varies in width due to the meandering alignment of the roadway. Riverfront Park will be landscaped mostly with large native trees and lawn. The project has been designed not to exceed the height of the tree canopy. (DEIR, pp. 6.1-13, 6,1-14; RTC 5-8, FEIR, pp. 4-22 to 4-24)

Further, the proposed project site is located in an already developed area of the City and is consistent with the policies of the Parkway Plan and the Parkway Plan Update that relate to impacts on the Parkway from adjacent uses. Finally, the proposed project must comply with the standards set forth in the proposed Design Guidelines which would be subject to review by the City Design Commission, Planning Commission and the City Council. Therefore, visual impacts attributed to project development would be less than significant because there would not be a demonstrable negative aesthetic effect on adjacent existing uses or on views from the American River Parkway, and would not substantially degrade the visual character or quality of the site. (RTC 5-8, FEIR, pp. 4-22 to 4-24)

Consistency with American River Parkway Plan

The project is not within the Parkway, but is located adjacent to the Parkway, and is consistent with the policies of the American River Parkway Plan Update related to minimizing visual impacts from land uses adjacent to the Parkway. The project is also consistent with those elements of the Update that contemplate creation of a vital urban area in the downtown core. Specifically, Policy 7.25 of the Plan Update states:

[b]etween the confluence of the Sacramento and American rivers and the Capital City Freeway (Business-80) the Parkway context is the Sacramento downtown urban core for the Sacramento metropolitan region. Protection of the Parkway's aesthetic values in this reach should be accomplished within the context of creating a vital urban area. Development immediately adjacent to the Parkway shall respect the intent of the Parkway goals by reducing visual impacts through context sensitive site planning and building design. (Emphasis added.)

The proposed PUD and Design Guidelines ensure that the project would integrate the multiple objectives for the American River Parkway, including urban development, recreational uses and open space preservation. This balance is ensured through the context-sensitive placement of Riverfront Drive (meandering) and the adjacent buildings to ensure minimal visual impact to recreational and preservation uses along the American River Parkway. To balance the urban development and visual setting, the Design Guidelines would require that the project be developed using natural colored building materials and low reflectivity glass, building facades along Riverfront drive will have numerous breaks and variations, landscaping shall be installed along Riverfront Drive, and lighting will be shielded to the extent possible. Moreover, the project was designed not

to exceed the height of the existing tree canopy. By incorporating the Design Guidelines, the proposed project would be consistent with Policy 7.25 of the Plan Update. (RTC, 5-3; FEIR, pp. 4-13 to 4-19)

As further noted by the Plan Update, the County of Sacramento, the City, and the City of Rancho Cordova are seeking to implement the principles of the Sacramento Area Council of Governments (SACOG) Regional Blueprint. The Blueprint calls for capturing a greater amount of regional employment, retail, and housing within or contiguous to the existing urban footprint to reduce urban sprawl and protect open space and agricultural land within the greater Sacramento region. The Plan Update therefore acknowledges that higher density urban development, particularly in the City of Sacramento between the confluence of the two rivers and the Capital City Freeway (Business-80) on both sides of the river, will be necessary to achieve this larger objective. This area of the City of Sacramento, where the project site is located, provides a more urban context that is distinctly different than other areas of the Parkway. (RTC, 5-3; FEIR, pp. 4-13 to 4-19)

Since views of downtown high-rise buildings and urban infrastructure already exist in this Parkway adjacent to the project, the aesthetic values are different. Views of the river and the Parkway, juxtaposed against high-rises in the distance, remind the visitor of the Parkway's context—a nature preserve in the urban core. Views from the Parkway toward adjacent land uses in this area are expected to include some visible urban structures. The Plan Update acknowledges that there is a unique opportunity for "functional and visual synergy between the Parkway, the river, and adjacent urban areas, to create public places with vitality and a sense of place." The proposed project fulfills this opportunity. (RTC, 5-3; FEIR, pp. 4-13 to 4-19)

Another Policy addressing visual impacts on the Parkway from adjacent uses suggests that levees, landscaping, or other man-made or natural buffers be used to separate, buffer or screen the Parkway visually from adjoining land uses (Policy 7.23). Again, the project is consistent with this Policy. The proposed Riverfront Drive, residential units, and retail space along the American River levee would be adjacent to, but not within, the Parkway. Further, buildings would be set back from the toe of the levee at least 30 feet and landscaping and walkways would serve as a buffer between the Parkway and adjoining land uses. Riverfront Park is planned as a linear park located between the open space and riparian preserve and Riverfront Drive. The park varies in width due to the meandering alignment of the roadway. Riverfront Park will be landscaped mostly with large native trees and lawn. The existing Two Rivers Trail would generally be located at the northern edge of the park and connect to a network of walkways within the park with access to parking along Riverfront Drive. The south edge of the park is defined by Riverfront Drive and urban development that faces on the drive and activates the park. (RTC, 5-3; FEIR, pp. 4-13 to 4-19)

Policy 7.24 also addresses visual impacts from adjacent uses and states:

In order to minimize adverse visual impacts on the aesthetic resources of the Parkway, local jurisdictions shall regulate adjacent development visible from the Parkway. These local regulations shall take into account the extent to which the development is visible from the Parkway. Regulations may include tools to address design, color, texture and scale, such as:

- Setbacks or buffers between the Parkway and the development.
- Structures to be stepped away from the Parkway or limits on building scale.

- Screening of structures visible from the Parkway with landscaping, preferably native vegetation or other naturally occurring features.
- Use of colors and materials including non-reflective surfaces, amount of glass, and requiring medium to dark earth tone colors that blend with the colors of surrounding vegetation, particularly in sensitive bluff or river's edge locations.
- Guidelines to discourage intrusive lighting and commercial advertising.

Again, the project is consistent with this Policy as it incorporates proposed Design Guidelines that require the buildings in the Riverfront area adjacent to the Parkway to include stepped facades and utilize neutral color schemes that are sympathetic to the adjacent natural setting. Further, the project applicant has relocated the tower element from the originally proposed location near the Parkway to the roundabout located at the intersection of North 7th Street and Street G. This is described in an April 24, 2007 letter from the applicant to the City of Sacramento. As a result, light and glare impacts in the Parkway attributed to the tower feature identified in the Draft EIR are no longer applicable and the project is consistent with Policies aimed at discouraging intrusive lighting on the Parkway. (RTC, 5-3, 5-16; FEIR, pp. 4-13 to 4-19, 4-27)

Specific direction is also provided in the Parkway Update to encourage a positive relationship with adjacent land uses while still protecting the Parkway from visual impacts from outside of the Parkway. The Update recognizes the value of public access and connectivity to the Parkway from surrounding neighborhoods and districts and concludes that the optimum uses would provide vibrant pedestrian oriented districts and neighborhoods, set back from the Parkway with pedestrian and bicycle access. In accordance with the Update, the proposed project includes five foot wide bike lanes along 7th Street and 5th Streets, which would connect Richards Boulevard with the riverfront. The bike lanes would connect with the existing Two Rivers Trail, which runs parallel to the proposed Riverfront Drive, allowing easy river access for pedestrians and bicycles, as well as access to the regional multi-use trail system within the American River Parkway. Riverfront Park is planned as a linear park located between the open space and riparian preserve and Riverfront Drive. The Two Rivers Trail will generally be located at the northern edge of the park and connect to a network of walkways within the park with access to parking along Riverfront Drive. The south edge of the park is defined by Riverfront Drive and urban development that faces on the drive and activates the park. In addition, 7th Street is planned as a promenade through the proposed project, with pedestrian and bicycle access ending at the proposed Riverfront Drive. (RTC, 5-3; FEIR, pp. 4-13 to 4-19)

See also Appendix B to the FEIR for a discussion of the proposed project's consistency with each of the policies of the Plan Update as well as with the policies of the 1985 American River Parkway Plan. (RTC, 5-3; FEIR, pp. 4-13 to 4-19)

Conclusion Regarding Significance

The proposed project would redevelop a currently predominantly developed site. While the scale and density of site development would be greater than current conditions, it would not substantially change the visual character or the views to and from the site. Proposed project development would comply with standards set forth in the proposed Design Guidelines, which would define the character of the project, and would be subject to review by the City, which includes review by the

Design Commission, Planning Commission, and the City Council. The reviewing bodies would use the criteria listed in the City's adopted planning documents in analyzing the proposed project design. In addition, the proposed project would be generally consistent with General Plan and American River Parkway Plan policies. Therefore, the proposed project would not have a demonstrable negative aesthetic effect on adjacent existing uses, views from the American River Parkway, and would not substantially degrade the visual character or quality of the site. This would be a less than significant impact. (DEIR, p. 6.1-14)

F. Findings Related to the Relationship Between Local Short-term Uses of the Environment and Maintenance and Enhancement of Long-term Productivity.

Based on the EIR and the entire record before the City Council, the City Council makes the following findings with respect to the project's balancing of local short term uses of the environment and the maintenance of long term productivity:

The overarching goal of the proposed Township 9 project is the orderly and systematic development of an integrated, transit oriented, mixed-use community that is generally consistent with the goals and policies of the City's General Plan, the Central City Community Plan (CCCP), the RBAP, and the American River Parkway Plan, and is compatible with site characteristics. In support of this overarching goal, the project applicants have developed the following objectives for the proposed project:

- Create a transit-oriented, pedestrian-friendly, mixed-use, live-work development that is a logical extension of the downtown area north to the American River;
- Incorporate a riverfront park and river trail into the project to enhance both the project's and City's goals of increasing public use and enhancing the appearance of the riverfront;
- Integrate employment opportunities with residential neighborhoods of varying unit densities throughout the project area;
- Create a residential development near the major employment centers of downtown Sacramento;
- Provide for construction of a transit line and Richards Boulevard Light Rail Station along the planned Downtown-Natomas-Airport (DNA) light rail transit line with densities that would support the feasibility of a light rail line;
- Design a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station;
- Develop the project site in a manner consistent with and supportive of Sacramento Area Council of Government's (SACOG's) Blueprint plan;
- Provide neighborhood and community retail near residential development to shorten or reduce the number of vehicle trips;
- Incorporate urban parks, plazas and open space into the project design in a manner that provides community connectivity;
- Make efficient and economically viable use of an infill development opportunity
-

The City has developed the following objectives for the proposed project:

- Stimulate planned development along the waterfront, in turn creating a more inviting and safer waterfront environment for its residents;
- Increase office and retail job opportunities in the City and the residential component that accompanies such jobs;
- Provide and encourage public access to the American River waterfront; and
- Enhance the City's supply of housing that provides a range of housing opportunities available to residents from a wide range of economic levels.

(DEIR, pp. 2-4, 2-6.)

G. Project Alternatives.

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

CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." (Pub. Resources Code, § 21061.1.) The CEQA Guidelines add another factor: "legal" considerations. (CEQA Guidelines, § 15364; see also Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 565 (Goleta II).) Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6, subd. (f)(1).) The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417.)

Where a significant impact can be substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the Project. (Pub. Resources Code, § 21002; Laurel Hills Homeowners Association, supra, 83 Cal.App.3d at p. 521; see also Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 691, 730-731; and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403.) In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency. (CEQA Guidelines, §

15091, subds. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated that, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interest, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Goleta II, supra, 52 Cal.3d at p. 576.)

The preceding discussion regarding Project impacts reveals that nearly every significant effect identified in the EIR has been at least substantially lessened, if not fully avoided, by the adoption of feasible mitigation measures. There remain a few impacts, however, that were identified as significant and unavoidable and which cannot be substantially lessened. Specifically, the Project had the significant unavoidable impacts on air quality, historical resources, construction noise, and traffic. (DEIR, pp. 8-1 to 8-2.)

Thus, as a legal matter, the City, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to those significant and unavoidable impacts. If any alternatives are in fact superior with respect to those impacts, the City is then required to determine whether the alternatives are feasible. If the City determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the DEIR, the City may approve the Project as mitigated, after adopting a statement of overriding considerations.

CEQA does not require that all possible alternatives be evaluated, only that "a range of feasible alternatives" be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, § 15126.6, subd. (a).) "The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives i s subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. 'Crystal ball' inquiry is not required." (Residents Ad Hoc Stadium Committee v. Board of Trustees (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines, § 15126.6, subd. (f)(3).) Indeed, as stated by the court in Village of Laguna Beach, Inc. v. Board of Supervisors (1982) 134 Cal.App.3d 1022, 1028, although there may be "literally thousands of "reasonable alternatives' to the proposed project . . . 'the statutory requirements for consideration of alternatives must be judged against a rule of reason.'" (Ibid., quoting Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco (1980) 106 Cal.App.3d 893, 910.) "'Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.'" (Id, at p. 1029.) The requirement has been fulfilled here; the DEIR examined the Project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the Project. As the following discussion demonstrates, however, only the Project as proposed is feasible in light of Project objectives and other considerations.

The City Council has considered the Project alternatives presented and analyzed in the final EIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. The City Council finds, based on specific economic, legal, social, technological, or other considerations, that these alternatives are infeasible. Each alternative and the facts supporting the finding of infeasibility of each alternative are set forth below.

1. Alternatives Considered and Dismissed from Further Consideration

Consistent with CEQA, primary consideration was given to alternatives that would reduce significant impacts while still meeting most of the project objectives. Those alternatives that would have impacts identical to or more severe than the proposed project, or that would not meet most of the project objectives, were rejected from further consideration. The alternatives included in this chapter were derived after the establishment of significance thresholds for those issue areas with significant and unavoidable impacts, which are operational air emissions, construction and operational noise, historical resources, and traffic. Alternatives that would exceed the significance thresholds for the aforementioned issue areas would not substantially lessen any significant environmental impacts identified in Chapter 6 of the EIR and were rejected from further analysis. The following alternatives were considered but rejected from further analysis because they were determined to be infeasible. (DEIR, p. 7-4)

A. Historical Resources Alternative – Total Preservation

This alternative would include total preservation of the Bercut-Richards cannery complex, which qualifies as an historical resource under CEQA. Under this alternative the 12 buildings that contribute to the property's historical significance (Buildings 1 to 12) would be retained and rehabilitated for contemporary use. The buildings would have a mix of residential and commercial uses. This alternative would also entail new construction on other portions of the property and in non-contributing portions of the historically significant buildings. This new construction would be designed and built in a manner that would not diminish the historic integrity of the property. This alternative would not cause substantial adverse change in the significance of the historical resource and thus would not be considered a significant effect on the environment because the significance of the historical resource would not be materially impaired. Preservation of these buildings would likely be infeasible due in part to the fact that most of the buildings are in poor condition and would require extensive rehabilitation. (DEIR, p. 7-4) None of the 12 buildings meet the minimum requirements for structures to resist seismic shaking and many buildings have vertical load supporting problems. According to a structural engineer that evaluated the project site, all 12 of the buildings would require major structural upgrades. The cost would be large – as a ratio of upgrade cost to present replacement cost, the average upgrade per building would be approximately 80% of the structural system replacement cost. (Structural Evaluation prepared for Capitol Station 65 LLC by Schubert Structural Engineering, June 25, 2007.)

In addition, this alternative would not meet most of the project objectives, including those related to development of a transit oriented, pedestrian friendly, mixed-use development that is generally

consistent with SACOG's Blueprint development plan and those related to the provision of a variety of housing types and densities along the DNA line. This alternative would preserve all 12 buildings that contribute to the property's historical significance, including Buildings 1 and 2. Preservation of these buildings would likely be infeasible due in part to the fact that most of the buildings are in poor condition and would require extensive rehabilitation as discussed above, and in part to the fact that full preservation would preclude development at the height and density proposed by the applicant. Moreover, Buildings 1 and 2 are located within the Sacramento Regional Transit District (RT) right-of-way for a future street and for the planned DNA line and would thus preclude construction of the line as presently envisioned by the City. Due primarily to this alternative's incompatibility with the proposed light rail, this alternative would not achieve most of the project objectives, including creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA light rail transit line. (RTC 11-20; FEIR, pp. 4-67 to 4-72)

B. Historical Resources Alternative – Preservation of Building 1

This alternative would include preservation of Building 1 of the Bercut-Richards cannery complex, which qualifies as an historical resource under CEQA. Under this alternative, Building 1 would be retained and rehabilitated for contemporary use. The building would serve a mix of residential and commercial uses. While the cannery complex as a whole is a considered an historical resource under CEQA and none of the buildings in the complex appear to be individually eligible for listing on a local, state, or national register, Building 1 was recommended for review by the City of Sacramento Historic Preservation Director based on information provided by JRP Historical Consulting. Building 1 was selected because it historically represented the public facade of the Bercut-Richards cannery complex and is one of the more representative buildings within the cannery resource. A preserved and rehabilitated Building 1 would potentially be used as a focal point for historical interpretation on the property. Development under this alternative would also include new construction on other portions of the property. New construction adjacent to Building 1 would be designed and built in a manner that would be as compatible as possible with the building's historic character. (DEIR, p.7-5.)

While this alternative includes demolition of most of the existing buildings on the former cannery property, it only modestly reduces the impact on the historical resource in comparison to complete demolition of all buildings at the former Bercut-Richards cannery. Environmental impacts under this alternative would be similar to those attributed to the proposed project because the level of development and earth disturbance would be essentially the same. Therefore, this alternative would not eliminate any significant impacts or significant and unavoidable impacts identified for the project. Specifically, this alternative would cause substantial adverse change in the significance of the historical resource — the Bercut-Richards cannery complex. This change would be considered a significant-and-unavoidable effect on the environment because the significance of the historical resource would be materially impaired as a result of development under this project alternative. The historical resource would be materially impaired through the demolition of most of the historical resource's physical characteristics (other than Building 1) that convey its historical significance and that justify its inclusion in the California Register of Historical Resources (CRHR). In addition, due primarily to this alternative's incompatibility with the proposed light rail, this alternative would not achieve

most of the project objectives, including creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA light rail transit line. (DEIR, p. 7-5; RTC 11-20; FEIR, pp. 4-67 to 4-72) Moreover, the structural upgrade cost could be as much as 60% of the structural system replacement cost. (Structural Evaluation prepared for Capitol Station 65 LLC by Schubert Structural Engineering, June 25, 2007.)

C. Historical Resources Alternative – Preservation and Relocation of Building 1

This alternative would include preservation of Building 1, but would require that Building 1 be moved north into the footprint of the proposed new buildings at the southeast corner of the proposed project site facing North 7th Street. By moving Building 1 from its present location, this alternative would preserve Building 1 without interfering with the right of way for the future light rail. Under this alternative, like under the Preservation of Building 1 Alternative discussed above, Building 1 would be retained and rehabilitated for contemporary use. The building would serve a mix of residential and commercial uses. It would potentially be used as a focal point for historical interpretation on the property. Development under this alternative would also include new construction on other portions of the property. New construction adjacent to Building 1 would be designed and built in a manner that would be as compatible as possible with the building's historic character. While this alternative includes demolition of most of the existing buildings on the former cannery property, it modestly reduces the impact on the historical resource in comparison to complete demolition of all buildings at the former Bercut-Richards cannery. Preservation and relocation of Building 1 would retain a portion of the physical characteristics of the resource that convey its historical significance. (DEIR, p. 7-6.)

Environmental impacts under this alternative would be similar to those attributed to the proposed project because the level of development and earth disturbance would be essentially the same. Therefore, this alternative would not eliminate any significant impacts or significant and unavoidable impacts identified for the project. This alternative would still materially impair a historical resource (i.e., the Bercut-Richards cannery complex) through the demolition of most of the historical resource's physical characteristics that convey its historical significance and that justify its inclusion in the CRHR. (DEIR, p. 7-6)

Moreover, the project objectives include creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA line. Objectives related to the project's density include designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, and making efficient and economically viable use of an infill development opportunity. Under this alternative, the applicant's ability to meet all of these project objectives is limited by reducing density near a planned light rail line. In addition, one of the City's objectives for the project that supports a higher density development is to enhance the City's supply of housing that provides a range of housing opportunities available to residents from a wide range of economic levels. Under this alternative, the range of housing opportunities would be reduced. (RTC 11-20; FEIR, pp. 4-67 to 4-72)

D. Preservation of Half the Cannery

A comment on the DEIR stated that the EIR should have analyzed an alternative that preserved not just building 3, but half of the cannery site. Although the City considered at the outset whether to analyze such an alternative, most of the cannery structures are in poor repair and would require extensive rehabilitation and, in many cases, rehabilitation would not be possible. (RTC 11-20; FEIR, pp. 4-67 to 4-72) None of the 12 buildings meet the minimum requirements for structures to resist seismic shaking and many buildings have vertical load supporting problems. According to a structural engineer that evaluated the project site, all 12 of the buildings would require major structural upgrades. The cost would be large – as a ratio of upgrade cost to present replacement cost, the average upgrade per building would be approximately 80% of the structural system replacement cost. (Structural Evaluation prepared for Capitol Station 65 LLC by Schubert Structural Engineering, June 25, 2007.)

Moreover, the cannery complex as a whole is a considered an historical resource under CEQA, and none of the buildings in the complex appear to be individually eligible for listing on a local, state, or national register. Preserving one building or several buildings would not reduce the impact to less than significant. The City was mindful of CEQA's requirement to analyze a range of alternatives that could feasibly attain most of the basic objectives of a project. (CEQA Guidelines section 15126.6.) Had the EIR analyzed a "half preservation" alternative, such alternative would not meet any of the project objectives and therefore would not lend itself to meaningful analysis under CEQA. In fact, the Draft EIR does consider an alternative that would include total preservation of all 12 buildings that contribute to the significance of the Bercut-Richards cannery complex. However, this "total preservation" alternative was dismissed from further consideration because preservation of these buildings would be infeasible due to the fact that most of the buildings are in poor condition and would require extensive rehabilitation, and would fail to meet the project objectives. (RTC 11-20; FEIR, pp. 4-67 to 4-72)

The effect of maintaining half the cannery buildings on site, to be integrated into the future development would be similar to reducing density, and would have negative economic impacts similar to the Reduced Density Alternative: increased per unit development costs, decreased retail demand and retail marketability, and costly resident assessments. Preserving half the cannery would reduce the feasibility of the project. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., page 5.) Assuming the buildings on parcels 6, 8, 13, 14 and 15 are maintained, the base land value for the Project would be reduced because this alternative would eliminate many of the development benefits of the Project. The affected parcels are assumed to be entirely occupied by the buildings, and the buildings would have to be provided to a builder/developer at no cost in order to make the rehabilitation feasible. This scenario on its surface appears to be infeasible. (Letter dated June 21, 2007, to Steve Goodwin from Steven Chamberlain, Colliers International.)

E. Transfer of Density/Height

A comment to the DEIR proposed an alternate project design that places the higher density 8-15 story buildings along Richards Boulevard and the low-density, lower story live-work and townhouse buildings adjacent to the riverfront. The comment suggested "a reverse of the proposed layout" in

order to achieve consistency with the Parkway policies. The project as proposed is consistent with the Parkway policies. See Response to Comment 5-3, and Appendix B for a specific discussion of the project's consistency with the Parkway Plan and Plan Update policies for adjacent land uses and zoning. (RTC 5-17; FEIR, pp. 4-27 to 4-28)

The EIR properly analyzes a reasonable range of alternatives to the project, as is required by CEQA. Project alternatives must be able to feasibly attain most of the basic objectives of a project while avoiding or substantially lessening one or more of the significant effects of the project. Project alternatives are not required to address impacts that are less than significant. The potential visual impacts of the proposed project are considered less than significant; therefore, the EIR need not identify a project alternative that reduces the already less than significant visual impact. In addition, the City consulted with the project applicant who determined that development of the alternative would be infeasible. (CEQA Guidelines, 15126.6, subd. (a), ("An EIR is not required to consider alternatives which are infeasible.").) (RTC 5-17; FEIR, pp. 4-27 to 4-28)

Reversing the proposed project layout would also be inconsistent with polices of the Richards Boulevard Area Plan. The RBAP calls for new land uses and configurations of development to enhance the American and Sacramento Rivers by being active and publicly oriented with restaurants, lodging and multi-family residential uses, so as to attract people throughout the day and night hours and improve accessibility to the river corridor. (RBAP, p. 25.) The alternative suggested by commenter would reduce the level of activity along the Riverfront Park and the viability of mixed-use development along Riverfront Drive, both considered desirable to the vitality of the urban waterfront concept. This alternative would also increase density at the southern end of the project site to a level that creates a lop-sided development that will function more like two PUDs rather than one. (RTC 5-17; FEIR, pp. 4-27 to 4-28)

The effect of transferring development densities and heights from the area along the river to a more central location within the Project would be similar to reducing density, and would have negative economic impacts similar to the Reduced Height/Reduced Density Alternative: increased per unit development costs, decreased retail demand and retail marketability, and costly resident assessments. Moreover, a reduction in value would result from reduced heights along the river as view premiums are lost. Transferring the density in such a way as proposed by the comment would reduce the feasibility of the project. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., page 5.) The premiums associated with the riverfront parcels would be reduced. (Letter dated June 21, 2007, to Steve Goodwin from Steven Chamberlain, Colliers International.)

In light of these considerations, as well as the fact that impacts to visual character are already less than significant with the proposed project, the City determined that no further consideration of this suggested alternative was necessary (CEQA Guidelines, § 15126.6, subd. (a) ("An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation"). (RTC 5-17; FEIR, pp. 4-27 to 4-28)

2. Alternatives Considered in the EIR

Although any number of alternatives could be designed that could result in the reduction or elimination of project impacts, a total of four representative alternatives, each intended to reduce or eliminate one or more of the significant impacts identified for the proposed project, are evaluated in this Draft EIR. The alternatives are described below. (DEIR, p. 7-6)

A. No Project/No Development Alternative

This alternative assumes that the proposed project would not be built and there would be no new development of the site. This alternative assumes the existing buildings and uses on the site would remain, and the site would not be redeveloped. (DEIR, p. 7-6)

Comparative Environmental Effects

Because the existing buildings would remain, there would be no change in the visual character of the area. There would be no impacts to biological resources as a result of construction and operation associated with redevelopment of the site. No buildings on-site would be demolished and therefore there would be no impacts to historical resources or archaeological resources. Project impacts related to air quality, noise and vibration, geology and soils, hydrology, and hazardous materials would no longer occur under this alternative because no new construction would occur. There would be no operational air and noise impacts because there would be no new development or traffic. Project impacts related to public services and utilities would be substantially reduced due to the less intensive uses that currently exist on the project site. There would be no transportation-related impacts under the No Project Alternative because there would no new trips. Therefore, there would be no significant and unavoidable traffic impacts identified under this alternative. (DEIR, p. 7-8)

Mitigation That Would No Longer Be Required

None of the mitigation measures identified in the EIR would be required under the No Project/ No Development Alternative. (DEIR, p. 7-8)

Significant and Unavoidable Impact That Would No Longer Occur

None of the significant and unavoidable impacts identified in the EIR would occur under the No Project/No Development Alternative.

Feasibility of the Alternative

The No Project/No Development Alternative would not achieve any of the project objectives, including creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA line. Additional objectives related to the project's location on the DNA line, including designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, and making efficient and economically viable use of an infill development opportunity would not be achieved under the No Project/No Development Alternative. In addition, the No Project/No Development Alternative would not meet the City objectives to

stimulate planned development along the waterfront, increase office and retail job opportunities, and provide and encourage public access to the American River waterfront. (DEIR, p. 7-8)

B. No Project/Existing Zoning Alternative

The No Project/Existing Zoning Alternative assumes that the proposed project site would be developed consistent with currently allowable land uses, zoning, and development intensities. (DEIR, p. 7-9.)

The City of Sacramento General Plan land use designation for the propose d project site is Special Planning District (SPD). SPD's establish special processing procedures, flexible development standards, and incentives to regulate properties under multiple ownerships. The Richards Boulevard SPD is intended to implement the development standards and design guidelines in the Richards Boulevard Area Plan (RBAP).

Under the No Project/Existing Zoning Alternative, the site is designated as an SPD, which allows for a flexible mixed-use development, similar to the proposed project. Under the current zoning the project site could be developed with industrial, office (with a Special Permit), and multi-family residential (with a Special Permit). The density range for multi-family residential is between 25 dwelling units (due)/acre and 65 du/acre. The maximum building height is 75 feet. Although the Richards Boulevard SPD encourages opportunities for office, commercial, and residential development, it is not reasonable, for the purposes of this alternative, to assume development of these types of uses. Because residential and office uses require a special permit, which is a discretionary action, there is no guarantee that these uses could be developed. Therefore, for the purposes of this alternative, future development of only industrial uses is assumed. Assuming a floor area ratio (FAR) of 0.7, a total of approximately two million square gross square feet of industrial uses could be developed on the site. No parks or open space would be provided. (DEIR, p. 7-9-10).

Comparative Environmental Effects

Under this alternative, it is assumed that impacts associated with the change in visual character would be very similar to those associated with the proposed project. However, under this alternative, industrial uses at a lower allowable height would be developed, which would presumably not require the same level of design review as the proposed project, providing it complied with chapter 17.120 of the City's Zoning Ordinance, which pertains to the Richards Boulevard SPD. Under this alternative it is assumed the aesthetic impact, although less than significant under the project, would be lessened due to the reduction in building height. It is assumed that the development of new and expanded urban uses would change the existing visual character of the site and its surroundings. Identical to the proposed project, new sources of light and glare would be introduced and implementation of Mitigation Measure 6.1-2 would be required to mitigate any impacts. (DEIR, p. 7-10.)

Impacts associated with construction activities, which include impacts to air quality and noise associated with construction equipment could be the same or slightly less than the proposed project because it is assumed the site would be developed with a variety of buildings, roads, utilities, and other infrastructure resulting in a contribution of air pollutants and construction-related noise. If the

new on-site uses under this alternative were limited to industrial only, the potential for construction and operational noise impacts to disturb new or existing on-site sensitive receptors (residential uses) would be effectively eliminated. Under this alternative it is feasible that fewer buildings could be constructed compared to what is proposed under the project which could also translate into fewer cars and employees accessing the local roadways as well as fewer truck trips compared to the project and shorter construction schedules and/or reduce the need for construction equipment. Overall, industrial uses generate fewer vehicle trips compared to office or residential uses. Therefore, it is assumed under this alternative that fewer vehicle trips would occur. Mitigation Measure 6.8-1(a) through (c) included as part of the proposed project that recommended restrictions on daytime only construction activity to reduce noise impacts would not be necessary under this alternative and this significant and unavoidable noise impact would not occur. Mitigation Measure 6.8-2 recommending further technical studies to determine the need for noise attenuation measures for on-site residential uses, and the need for project design changes to reduce noise disturbance from truck deliveries, garbage pickups, etc. would not be necessary. It is assumed that all of the air quality mitigation measures would be required if the project site were developed consistent with the existing zoning. (DEIR, p. 7-10.)

Impacts associated with the loss of undeveloped land, which includes impacts to biological resources and cultural resources, would be very similar those associated with the proposed project because it is assumed under the No Project/Existing Zoning Alternative that a majority of the project site would be disturbed. Therefore, under this alternative there could be a disturbance to nesting habitat and bats associated with project construction, loss of VELB habitat, and tree removal. It is assumed Mitigation Measures 6.3-1(a) and (b), 6.3-2(a) through (d), 6.3-4(a) through (d), 6.3-5(a) through (c), and 6.3-7(a) through (c) would still be required if the site were to be developed under the existing zoning. There would be no impact under the No Project/Existing Zoning Alternative associated with the disturbance or loss of riparian vegetation on the water side of the levee because the waterfront pavilion uses would not be developed under this alternative. Therefore, Mitigation Measures 6.3-6(a) through (e) would not be required under this alternative. Identical to the proposed project, new sources of light and glare would be introduced to the riparian area and implementation of Mitigation Measure 6.1-2 would be required to limit the potential for light spill over impacts. (DEIR, p. 7-10.)

This analysis assumes that all historic buildings on the project site would be removed to accommodate development under the No Project/Existing Zoning Alternative. Therefore, Mitigation Measures 6.4-1(a) through (f) would be required to mitigate the loss of any historic structures. However, because the loss of these structures is considered a significant and unavoidable impact this would not change under the No Project/Existing Zoning Alternative. Mitigation Measure 6.4-2(a) and (b), that address the identification of any unknown archaeological resource would also be required under this alternative. (DEIR, p. 7-11.)

Impacts associated with the hazards of constructing buildings on unstable soils or in areas where erosion is a concern would still occur under this alternative, the same as the project. During construction there would be grading activities that could cause erosion to occur. Therefore, Mitigation Measure 6.5-1 would still be required to ensure all impacts associated with erosion are reduced to a less-than-significant level. The geotechnical investigation conducted for the project indicated that the upper 40 to 60 feet of soils on-site were variable in densities and would not be

suitable for supporting mid-rise (three to five stories) or high-rise (six stories and higher) structures without experiencing differential settlements. Because under this alternative, buildings up to 75-feet in height could be developed, this would also be an issue. In addition, there could be buildings constructed below-grade which, as indicated in the geotechnical report, could result in the need to dewater due to the high ground water table in this area. Therefore, Mitigation Measures 6.5-3(a) through (c) and 6.5-4(a) and (b) would be required. (DEIR, p. 7-11.)

Hazards associated with exposing people to detours associated with construction, and the potential exposure of people to previously unidentified hazards in the soil or groundwater, and exposure of construction workers to hazards associated with building demolition would all occur under the Existing Zoning Alternative, the same as the project. Mitigation Measures 6.6-2, 6.6-3(a) through (c), and 6.6-4 would still be required under this alternative. However, depending upon the types of uses developed there could be an increase in the use, storage, or disposal of hazardous materials compared to the project. The same is true for hydrology and water quality. Under the Existing Zoning Alternative the same impacts would occur as under the proposed project requiring the same mitigation because essentially the entire site would be developed, the same as the proposed project. (DEIR, p. 7-11.)

Under the No Project/Existing Zoning Alternative, the demand for public services would decrease compared to the project because there would be no residential or office component. However, depending upon the types of uses that could be developed there could be a requirement for more stringent fire requirements. Mitigation required for the proposed project to ensure provision of public services would also be required under this alternative. (DEIR, p. 7-11.)

Industrial uses that would be developed under this alternative would not generate school-age children and a demand for new school facilities; therefore, the less-than-significant impacts related to the generation of new students under the proposed project would not occur under the No Project/Existing Zoning Alternative. In addition, industrial uses would not generate demand for parks and library services, as this alternative would not generate new residential population. (DEIR, p. 7-12.)

Because this alternative would not develop any of the uses proposed by the proposed project, the demand for public utilities could be substantially different from that of the project. Demand for water, wastewater, and solid waste would be expected to be approximately 759,473 gpd of water, 805,600 gpd of wastewater, and 2,327 tons per year of solid waste. Assuming that 2 million square feet of light industrial uses would be developed under this alternative, demand for water could be expected to be approximately 123,000 gpd, while generation of wastewater and solid waster could be anticipated to be approximately 92,250 gpd and 1,825 tons per year, respectively. It should, however, be noted that demand for water as well as wastewater and solid waste generation for industrial uses can vary substantially depending on the specific types of industrial uses at a particular site. For example, a manufacturing facility would have substantially higher demands for water, wastewater, and solid waste than an industrial warehouse. Therefore, the rates applied to this analysis should be considered to be a general estimate of public utilities at the project site. Subsequent analyses would need to be conducted to more accurately estimate demand for the provision of public utilities if this alternative were to be selected in place of the proposed project. (DEIR, p. 7-12.)

Under the No Project/Existing Zoning Alternative it is anticipated that the traffic impacts would be less than what was identified under the project. The number of average daily trips generated by industrial uses would be less than what is anticipated to occur under the proposed project. However, this alternative would not eliminate any of the significant and unavoidable impacts identified under the proposed project. Therefore, all of the mitigation measures identified for the project related to transportation and circulation would still be required under this alternative, and, although the severity of the impacts would be reduced, it would not reduce any impacts to a less-than-significant level. (DEIR, p. 7-12)

Mitigation That Would No Longer Be Required

The No Project/Existing Zoning Alternative involves disturbance to the site, the same as the project, along with the development of new buildings; therefore, the impacts are generally the same as those associated with the proposed project and would require the same mitigation as the project. However, there would be no impact under the Existing Zoning Alternative associated with the disturbance or loss of riparian vegetation on the water side of the levee because it is assumed there would be no development on this side of the levee. Therefore, Mitigation Measures 6.3-6(a) through (e) would not be required under this alternative. Mitigation Measure 6.8-1(a) through (c), which restricts construction activities to daytime hours to reduce noise impacts, would not be necessary under this alternative. Mitigation Measure 6.8-2 recommending further site-specific technical studies to determine the need for noise attenuation measures for on-site residential uses would not be necessary under this alternative. Mitigation Measures 6.9-13 through 6.9-15 would not be required because this alternative would not generate a need for new park facilities because there would be no increase in population. (DEIR, p. 7-12)

Significant and Unavoidable Impact That Would No Longer Occur

All of the significant and unavoidable project-specific and cumulative impacts would occur under the No Project/Existing Zoning Alternative. However, construction and transportation-related noise impacts would be less in magnitude. (DEIR, p. 7-13)

Feasibility of the Alternative

The No Project/Existing Zoning Alternative meets the general intent of some of the project objectives by developing more employment generating uses in this area of the city. In addition, this alternative meets the intent of two of the polices to "[m]ake efficient and economically viable use of an infill development opportunity" and "[e]nsure adequate, timely, and cost-effective public services for the project". However, a majority of the project objectives set forth by the project applicant and the city that encourages development of a mixed-use community with residential, commercial, and office uses would not be achieved under this alternative. (DEIR, p. 7-13) The objectives related to the project's location on the DNA line, including designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, and making efficient and economically viable use of an infill development opportunity would either not be achieved under the No Project/No Development

Alternative, or would be achieved to a lesser degree due to the reduced density and heights under the No Project/Existing Zoning Alternative.

C. Reduced Density/Reduced Height Alternative

Under the Reduced Density/Reduced Height Alternative, the development footprint would be the same as that of the proposed project, but the maximum height of the proposed buildings would be reduced. This reduction in the maximum height of the proposed buildings, from 15 stories to 1 to 7 stories, would reduce the number of residential units per acre. This alternative would be reduced to approximately 1,800 units, and the office space would be reduced to approximately 515,000 square feet. The proposed neighborhood-serving retail and restaurant uses would remain the same, at 146,194 square feet combined. (DEIR, p. 7-13.)

Comparative Environmental Effects

Under this alternative it is assumed that impacts associated with the overall change in visual character would be similar to the analysis of the proposed project because the site would be developed. However, under this alternative, the maximum height of the proposed buildings would be reduced from 15 stories to 1 to 7 stories with a maximum allowable height of 75-feet so the visual effects would be less in magnitude compared to the project. It is assumed that development of an urban environment in this area would significantly change the existing visual environment and new sources of light and glare would be introduced; therefore, Mitigation Measure 6.1-2 would still be required under this alternative. (DEIR, p. 7-13.)

Compared with the proposed project, the opportunities for construction noise and vibration impacts could be reduced because of the smaller size of the residential component of this alternative. It is possible that fewer buildings would be constructed compared to the proposed project. This could shorten construction schedules and/or reduce the need for construction equipment, consequently lowering construction-related air pollutant emissions and reducing the off-site mitigation fee for NO_X emissions. Operational air pollutant emissions for this alternative would be less than the proposed project's, but the ozone precursor emissions (ROG and NO_X) would still exceed SMAQMD significance thresholds. Under this alternative because the SMAQMD thresholds would be exceeded, it is anticipated that operational air pollutant emissions, specifically ozone precursors, would be cumulatively significant and unavoidable, the same as the proposed project. (DEIR, p. 7-14.)

Impacts associated with the loss of undeveloped land, which includes impacts to biological resources and cultural resources would be very similar to the proposed project because it is assumed under the Reduced Density/Reduced Height Alternative that the development footprint would be essentially the same as that of the proposed project. Therefore, under this alternative there could be a disturbance to nesting habitat and bats associated with project construction, loss of VELB habitat, and tree removal. It is assumed Mitigation Measures 6.3-1(a) and (b), 6.3-2(a) through (d), 6.3-4(a) through (d), 6.3-5(a) through (c), and 6.3-7(a) through (c) would also still be

required under this alternative. The impact associated with the disturbance or loss of riparian vegetation on the water side of the levee would remain under this alternative because this alternative would include the construction of the overlook. Therefore, Mitigation Measures 6.3-6(a) through (e) would also be required under this alternative. Identical to the proposed project, new sources of light and glare would be introduced to the riparian area and implementation of Mitigation Measure 6.1-2 would be required to limit the potential for light spill over impacts. (DEIR, p. 7-14.)

The historic buildings on the project site that would be removed to accommodate development under proposed project would also be removed under the Reduced Density/ Reduced Height Alternative. Therefore, Mitigation Measures 6.4-1(a) through (f) would be required to mitigate the loss of any historic structures. However, because the loss of these structures is considered a significant and unavoidable impact this would not change under the Reduced Density/ Reduced Height Alternative. Mitigation Measure 6.4-2(a) and (b), that address the identification of any unknown archaeological resource would also be required under this alternative. (DEIR, p. 7-15.)

Proposed project impacts associated with the hazards of constructing buildings on unstable soils or in areas where erosion is a concern would still occur under this alternative. During construction there would be grading activities that could cause erosion to occur. Therefore, Mitigation Measure 6.5-1 would still be required to ensure all impacts associated with erosion are reduced to a less-than-significant level. The geotechnical investigation conducted for the proposed project indicated that the upper 40 to 60 feet of soils on-site were variable in densities and would not be suitable for supporting mid-rise (three to five stories) or high-rise (six stories and higher) structures without experiencing differential settlements. Because there could be buildings up to seven stories in height under this alternative, this would also be an issue. In addition, there could be buildings constructed below-grade which, as indicated in the geotechnical report, could result in the need to de-water due to the high groundwater table in this area. Therefore, Mitigation Measures 6.5-3(a) through (c) and 6.5-4(a) and (b) would be required. (DEIR, p. 7-15.)

As is the case with the proposed project, hazards associated with exposing people to detours associated with construction, and the potential exposure of people to previously unidentified hazards in the soil or groundwater, and exposure of construction workers to hazards associated with building demolition would all occur under the Reduced Density/Reduced Height Alternative. Mitigation Measures 6.6-2, 6.6-3(a) through (c), and 6.6-4 would still be required under this alternative. Under the Reduced Density/ Reduced Height Alternative, the same impacts related to Hydrology and Water Quality would occur as under the proposed project and would require the same mitigation. (DEIR, p. 7-15.)

Under the Reduced Density/Reduced Height Alternative, the demand for public services would decrease compared to the project because there would be a reduced number of residential and office uses. This alternative would generate new student populations and demand for park and library facilities, but on a lesser order of magnitude than the proposed project. Mitigation identified to ensure the provision of public services for the proposed project would be required under this alternative. (DEIR, p. 7-15.)

Under this alternative, demand for public utilities such as water, wastewater, and solid waste services would be reduced. Proposed project demands for water, wastewater, and solid waste

would be expected to be 759,473 gpd of water, 805,600 gpd of wastewater, and 2,327 tons per year of solid waste. Under this alternative, water demand would be reduced to approximately 660,045 gpd. Wastewater generation would also be reduced to approximately 678,435 gpd. Also, due to reduced density of all uses, this alternative would result in a substantial reduction in solid waste generation. The project would be expected to generate approximately 1,735 tons per year. With reductions in the water demand, wastewater generation, and solid waste generation at the project site, this alternative could result in the need for the construction of reduced infrastructure both on and off-site, potentially resulting in fewer and less severe physical impacts to the environment. (DEIR, p. 7-15.)

Because there would be fewer residents and employees under this alternative, there would be fewer vehicle trips. However, it is anticipated that the transportation impacts identified for the proposed project would be similar under this alternative, but they would be less in magnitude. (DEIR, p. 7-16.)

Mitigation That Would No Longer Be Required

All mitigation measures identified for project-specific and cumulative impacts would be required for the Reduced Density/ Reduced Height Alternative. (DEIR, p. 7-16)

Significant and Unavoidable Impact That Would No Longer Occur

All of the significant and unavoidable project-specific and cumulative impacts would occur under the Reduced Density/Reduced Height Alternative. However, transportation related impacts, operational air quality impacts, and construction and operational noise impacts would be lesser in magnitude. (DEIR, p. 7-16)

Feasibility of the Alternative

While development of this alternative would reduce proposed project impacts related to air quality, noise and vibration, public services, public utilities, and traffic, the alternative would not reduce impacts to a less-than-significant level or achieve all of the project's objectives. The project objectives include creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA line. In order to provide this transit line, the City would need federal funding. Federal funding for light rail projects is extremely competitive and is usually not available unless the transit service would immediately serve at least a minimal service population. Thus, the project needs to include densities that would support the line and make funding feasible. Additional objectives related to the project's density include designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, and making efficient and economically viable use of an infill development opportunity. Under the Reduced Density/Reduced Height Alternative the applicant's ability to meet all of these project objectives is limited by limiting the height of all proposed buildings, thus reducing density throughout the project site. In addition, one of the City's objectives for the project that supports a higher density development is to enhance the City's supply of housing that provides a range of housing opportunities available to residents

from a wide range of economic levels. Under the Reduced Density/Reduced Height Alternative the City's ability to meet this objective would be limited. The Reduced Density/Reduced Height Alternative would be consistent with project objectives related to integrating residential neighborhoods with employment opportunities and neighborhood retail, although to a lesser degree than the proposed project, as this alternative involves development of a mixed-use development of residential and commercial uses, along with office uses under Scenario B. (DEIR, p. 7-16; RTC 11-73; FEIR, pp. 4-88 to 4-89)

Under this alternative, the overall land value is expected to be reduced due to the reduction in the number of units a developer could build on any given parcel, and premiums would be expected to be reduced due to the reduction in heights. (Letter dated June 21, 2007, to Steve Goodwin from Steven Chamberlain, Colliers International.)

Assuming the same basic infrastructure network as the Project, the cost estimate for the Project and the Reduced Density Alternative is the same --- approximately $27,877,659. This estimate includes costs for the sanitary sewer, water and storm drainage systems along with roadway and landscaping improvements. The cost estimates do not include on-site improvements for future developers of the individual lots. Despite the reduced number of units under the Reduced Density Alternative, there is virtually no reduction in the infrastructure cost because the reduction of density is a reduction to the vertical scale of the project and not the horizontal scale which drives infrastructure needs. The proposed water system is sized based on minimum required fire flows which will not change with a reduction to the number of units. A reduction of units will also not change the size of the storm drainage system since it will not reduce the impervious surface area. Based on the layout of the sewer system, minimum pipe sizes are already being used on-site and cannot be reduced further. Thus, a reduction in density as contemplated for the Reduced Height/Reduced Density alternative is expected to result in per unit cost increases of approximately $4,025 per unit, since the same costs would be spread over fewer units. (Letter dated June 21, 2007, to Steve Goodwin from Sean Smith, Nolte Associates, Inc.)

Moreover, the alternative would impose conditions that would (1) result in higher per unit development cost as economies are lost and reduce property valuation due to loss of density and upper floor view premiums; (2) result in decreased retail demand and retail marketability; and (3) result in higher homeowner maintenance obligations as landscape, street maintenance, and other obligations would be unchanged although spread over fewer units. Furthermore, these conditions negatively impact project retail demand which is reduced through a decreased consumer base, i.e., fewer residents and reduced per resident consumer purchasing power, i.e. discretionary income. The combination of these factors would reduce project revenue and limit the applicant's ability to obtain financing, which could render the project economically infeasible. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., page 1.) Each of these conditions will be discussed in more detail below.

While the alternative offers the same locational advantages of the Project, the height restriction and density reduction impacts project feasibility. With 2,084 units, the alternative results in a reduction in density of approximately 30 percent which would translate to a 28.5% reduction in revenue and a 43% increase in per unit development costs. The net result is a projected loss of 30.5%. To the extent height restrictions are imposed, few view opportunities would exist. Views would be afforded

from two levels in as many as three buildings along the river and perhaps three buildings along Richards Boulevard. This would be a significant reduction of views from as many as eight levels in twelve buildings throughout the Project. The loss of revenue from this reduction in view premiums is a major contributor to the projected net loss identified above. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., page 4.)

With residential development comes new demand for retail services. At 2,981 units and a projected population of 7,661, the Project's residents generate an estimated $111 million in retail sales or approximately $1.2 million in annual sales and use tax. In the context of a high quality, higher density neighborhood, destination retail (not relying exclusively on neighborhood customers) also becomes more viable; Project rents would be expected to be comparable to those of Midtown, Sacramento. However, the 30% reduction in residential of the Alternative reduces economic viability of retail uses at the site since there would be fewer customers and less discretionary income. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., page 5.)

A reduction in density would lead to more costly resident assessments. It is common in master-planned communities, particularly those that include condominium units or private governance and maintenance mechanisms to assess unit owners to pay for common area maintenance, provision of services such as private security, and enforcement of private deed restrictions. It is the provision of these types of amenities that make communities more attractive to residents as reflected in the higher property values within such communities. As with Project capital costs, the fewer the number of units across which to spread operating costs, the less efficient and more costly it is to provide such services and amenities. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., page 5.)

D. Historical Resources Alternative – Preservation of Building 3

Under the Preservation of Building 3 Alternative, Building 3 of the Bercut-Richards cannery complex would be retained and rehabilitated for contemporary use. The building would include retail uses only; however, it could potentially be used as a focal point for historical interpretation on the property. While the cannery complex as a whole is a considered an historical resource under CEQA and none of the buildings in the complex appear to be individually eligible for listing on a local, state, or national register, Building 3 was selected for this alternative because it is one of the more historically representative buildings within the cannery resource. Rehabilitation of this building would follow the Secretary of the Interior' s Standards for Rehabilitation and the guidelines for rehabilitating historic buildings. Development under this alternative would also include new construction on other portions of the property. New construction adjacent to Building 3 would be designed and built in a manner that would be as compatible as possible with the building' s historic character. (DEIR, p. 7-17.)

Under this alternative, Lot 15 of the proposed project would no longer be used for residential purposes. Thus, the number of dwelling units would be reduced by 73 units. In addition, because Lot 15 would consist of Building 3 and house only retail uses, the amount of square footage dedicated to retail uses would increase. This alternative would not change the amount

of office space available. Waterfront pavilion and park uses would be the same as the proposed project under this alternative. Under this alternative, there would be a slight reduction in the amount of open space to provide community connectivity, because Signature Boulevard would no longer be a through street with a large landscaped roundabout. (DEIR, p. 7-17)

Comparative Environmental Effects

Under this alternative it is assumed that impacts associated with the change in visual character would be similar to the analysis of the proposed project. It is assumed that development of an urban environment in this area would significantly change the existing visual environment and new sources of light and glare would be introduced; therefore, Mitigation Measure 6.1-2 would still be required under this alternative. Impacts associated with construction activities, which include impacts to air quality and noise associated with construction equipment could be the same or slightly less than the proposed project, because it is assumed the site would be developed with essentially the same uses as the proposed project with the exception of preserving one of the historic buildings. Therefore, this alternative, the same as the project, would result in a contribution of air pollutants and construction-related noise. All air quality and noise mitigation measures identified for the proposed project would be required for this alternative. (DEIR, p. 7-17.)

Impacts associated with the loss of undeveloped land, which includes impacts to biological resources and cultural resources would be very similar to the proposed project because it is assumed under the Preservation of Building 3 Alternative that the development footprint would be the same as that of the proposed project. Therefore, under this alternative there could be a disturbance to nesting habitat and bats associated with project construction, loss of VELB habitat, and tree removal. It is assumed Mitigation Measures 6.3-1(a) and (b), 6.3-2 (a) through (d), 6.3-4(a) through (d), 6.3-5(a) through (c), and 6.3-7(a) through (c) would also still be required under this alternative. The impact associated with the disturbance or loss of riparian vegetation on the water side of the levee would remain under this alternative because this alternative would include the construction of the overlook. Therefore, Mitigation Measures 6.3-6(a) through (e) would be required under this alternative. Identical to the proposed project, new sources of light and glare would be introduced to the riparian area and implementation of Mitigation Measure 6.1-2 would be required to limit the potential for light spill over impacts. (DEIR, p. 7-17.)

Mitigation would be required to decrease the impact of this alternative on historical resources. The impact to historic resources would be reduced, compared to the proposed project, because building 3 of the Bercut-Richards cannery property would be retained. As a result of rehabilitation of Building 3, the mitigation measure that addresses historical interpretation and salvage/reuse could be reduced, or possibly eliminated. Interpretative displays and materials could be consolidated in public areas in and around Building 3 and could be reduced in number. Salvage of warehouse roof trusses, brick/hollow clay tile, and steel casement windows would not be required because examples of those features would be visible on Building 3. All measures in Mitigation Measures 6.4-1 related to recordation/documentation, design guidelines, and site interpretation would be required under this alternative to reduce the impact on historical resources. Mitigation Measure 6.4-2(a) and (b), that address the identification of any unknown archaeological resource would also be required under this alternative. (DEIR, p. 7-18.)

While this alternative includes demolition of most of the existing buildings on the former cannery property, it modestly reduces the impact on the historical resource in comparison to complete demolition of all buildings at the former Bercut-Richards cannery. Preservation and rehabilitation of Building 3 would retain a portion of the physical characteristics of the resource that convey its historical significance. This alternative would also support historical interpretation activities that could mitigat e the significant impact on cultural resources. (DEIR, p. 7-18.)

The Preservation of Building 3 Alternative would still, however, cause substantial adverse change in the significance of the historical resource. This change would be considered a significant effect on the environment because the significance of the historical resource would be materially impaired as a result of construction under this alternative. The historical resource would be materially impaired through the demolition of most of the historical resource's physical characteristics, other than Building 3, that convey its historical significance and that justify its inclusion in the CRHR. Although mitigation strategies would reduce the impact, impacts that result from the demolition proposed under this alternative cannot be reduced to a less-than-significant level. (DEIR, p. 7-18.)

Proposed project impacts associated with the hazards of constructing buildings on unstable soils or in areas where erosion is a concern would still occur under this alternative. During construction there would be grading activities that could cause erosion to occur. Therefore, Mitigation Measure 6.5-1 would still be required to ensure all impacts associated with erosion are reduced to a less-than-significant level. The geotechnical investigation conducted for the proposed project indicated that the upper 40 to 60 feet of soils on-site were variable in densities and would not be suitable for supporting mid-rise (three to five stories) or high-rise (six stories and higher) structures without experiencing differential settlements. Because there would be buildings up to 15 stories in height under this alternative, this would still be an issue. In addition, below-grade construction could still occur under this alternative, which, as indicated in the geotechnical report, could result in the need to de-water due to the high ground water table in this area. Therefore, Mitigation Measures 6.5-3(a) through (c) and 6.5-4(a) and (b) would be required under this alternative. (DEIR, p. 7-18.)

As is the case with the proposed project, hazards associated with exposing people to detours associated with construction, and the potential exposure of people to previously unidentified hazards in the soil or groundwater, and exposure of construction workers to hazards associated with building demolition would all occur under the Historical Resources Alternative. Mitigation Measures 6.6-2, 6.6-3(a) through (c), and 6.6-4 would still be required under this alternative. Under this alternative, the same or very similar impacts related to Hydrology and Water Quality would occur as under the proposed project and would require the same mitigation. (DEIR, p. 7-19.)

Under the Preservation of Building 3 Alternative, the demand for public services such as police, fire, schools, parks, and library facilities would decrease compared to the project because there would be a reduced number of residential uses. However, mitigation identified to ensure the provision of public services for the proposed project would still be required under this alternative. (DEIR, p. 7-19.)

Demand for public utilities under this alternative would be similar to that of the proposed project, especially for wastewater and solid waste. The amount of retail space under this alternative would increase since more would be developed on Lot 15 in lieu of 73 residences. Water demand under

this alternative would be approximately 904,732 gpd, compared to the project demand of 759,473 gpd. The generation of wastewater for this alternative would be expected to be similar to that of the project, with 786,992 gpd generated for the alternative compared to 805,600 gpd generated under the proposed project. Likewise, solid waste generation in this alternative would also be similar to that of the project, with approximately 2,306 tons per year generated. Comparatively, solid waste generation for the proposed project would be approximately 2,327 tons per year. Wastewater and solid waste generation of this alternative would be less than that of the proposed project. However, water demand under this alternative would have a greater magnitude on impacts to utilities than would the proposed project. (DEIR, p. 7-19.)

Because the uses under this alternative would be similar to the proposed project, there would be negligible differences in trip generation and the transportation impacts identified for the proposed project would be similar under this alternative. (DEIR, p. 7-19.)

Mitigation That Would No Longer Be Required

Mitigation would still be required to decrease the impact of this alternative on historical resources. However, as a result of the rehabilitation of Building 3, interpretative displays and materials required under Mitigation Measure 6.4-1 could be consolidated in public areas in and around Building 3 and could be reduced in number. Salvage of warehouse roof trusses, brick/hollow clay tile, and steel casement windows required under Mitigation Measure 6.4-1 would not be required because examples of those features would be visible on Building 3. All other requirements under Mitigation Measure 6.4-1 related to recordation/documentation, design guidelines, and site interpretation would be required under th is alternative to reduce the impact on historical resources. All other mitigations required under the proposed project would be required under the Historical Resources Alternative. (DEIR, p. 7-19)

Significant and Unavoidable Impact That Would No Longer Occur

Although the Preservation of Building 3 Alternative would reduce the impact to historical resources, historical resources would still be materially impaired as a result of construction under this alternative, resulting in significant and unavoidable project-specific and cumulative impacts. All of the significant and unavoidable project-specific and cumulative impacts identified under the proposed project would occur under the Historical Resources Alternative at approximately the same order of magnitude. (DEIR, p. 7-20)

Feasibility of the Alternative

This alternative would meet most of the project objectives because it would create a mixed-use community with access to light rail and other modes of transportation, employment opportunities, and access to open space. However, under this alternative there would be a slight reduction in the amount of open space to provide community connectivity, because Signature Boulevard would no longer be a through street with a large landscaped roundabout. (DEIR, p. 7-20)

The assumption under this scenario is that the building 3 is preserved and adaptively reused as part of the project. The overall land values would be similar to those of the project, with values of

the affected parcels (parcels 8, 14, 15) discounted to reflect the effects of preserving this building. Parcel 14 would become a more difficult to develop parcel due to reduced accessibility and size. Parcel 8 would be reduced in size and would face challenges in integrating with the rehabilitated building. Parcel 14 is assumed to be entirely occupied by the fruit salad building which would be expected to be very difficult to develop into a use of the quality of the rest of the development in the Project. The assumption is that this building would have to be provided to a builder/developer at no cost in order to make the project feasible. (Letter dated June 21, 2007, to Steve Goodwin from Steven Chamberlain, Colliers International.)

The effect of maintaining Building 3 to be adaptively reused in the Project would result in a reduction in value for two reasons. First, maintaining the building would result in a different street pattern. Rather than a direct connection between North 5th Street and North 7th Street, Signature Street would need to be rerouted around the building. The reconfiguration of this street would not affect residential uses but it would greatly impact retail uses. Accessibility of retail along this street would be reduced, and consequently the value of this retail space would be reduced. It is also questionable whether Building 3 (or the "fruit salad building") would be viable as a retail use. According to the Cordano Company, the building itself is not accessible or visible relative to traffic patterns, the cost of rehabilitation likely would exceed the finished value of the building, and the rehabilitated space would not be very efficient or functional. Consequently, the parcel upon which this building sits has negative land value (cost exceeds value). In the context of the entire Project, this parcel would be treated as a project cost, similar to the cost of dedicating land, thus reducing the overall value of the Project. (Letter dated July 16, 2007, to Steve Goodwin from Chris Austin Managing Principal, Development Planning & Financing Group, Inc., pages 5-6; see also Building Structural Evaluation, prepared for Capitol Station 65 LLC by Schubert Structural Engineering, June 25, 2007 (evaluation of Building 3).)

3. Environmentally Superior Alternative

The environmentally superior alternative would be the No Project/No Development Alternative because it would eliminate and/or reduce the significant impacts identified for the proposed project. However the No Project/No Development Alternative does not achieve any of the project's objectives. CEQA Guidelines Section 15126.6(e)(2) states that when the No Project/No Development Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. (DEIR, p. 7-20.)

The No Project/Existing Zoning Alternative would reduce impacts related to aesthetics, construction and operation air quality and noise and vibration, biological resources on the water side of the levee, and public utilities. However, it would result in equal impacts associated with ground disturbance and ground cover such as cultural resources, geology, and hydrology and water quality. It is possible that hazardous materials impacts would be greater when compared to the proposed project depending on the type of industrial uses developed. The No Project/Existing Zoning Alternative meets the general intent of some of the project objectives by developing more employment generating uses in this area of the city. This alternative also meets the intent of two of the polices to "[m]ake efficient and economically viable use of an infill development opportunity" and "[e]nsure adequate, timely, and cost-effective public services for the project". However, a majority of the project objectives set forth by the project applicant and the city that encourages development

of a mixed-use community with residential, commercial, and office uses would not be achieved under the No Project/Existing Zoning Alternative. (DEIR, p. 7-20.)

The Reduced Density/ Reduced Height Alternative would reduce proposed project impacts related to aesthetics, construction and operational air quality and noise and vibration, hazardous materials, public services, public utilities, and transportation and circulation because less units and square footage would be developed when compared to the proposed project. Impacts associated with ground disturbance and cover would be identical to the proposed project because the same footprint would be developed. The Reduced Density/ Reduced Height Alternative would achieve some but not all of the project's objectives. This alternative would not would not fully facilitate creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned DNA line. In order to provide this transit line, the City would need federal funding. Federal funding for light rail projects is extremely competitive and is usually not available unless the transit service would immediately serve at least a minimal service population. Additional objectives related to the project's density include designing a project that promotes using various modes of transportation by locating high-density residential development within a quarter-mile of the proposed light rail station, developing the project site in a manner consistent with and supportive of SACOG's Blueprint plan, and making efficient and economically viable use of an infill development opportunity. Under the Reduced Density/Reduced Height Alternative the applicant's ability to meet all of these project objectives is limited by limiting the height of all proposed buildings, thus reducing density throughout the project site. In addition, one of the City's objectives for the project that supports a higher density development is to enhance the City's supply of housing that provides a range of housing opportunities available to residents from a wide range of economic levels. Under the Reduced Density/Reduced Height Alternative the City's ability to meet this objective would be limited. The Reduced Density/Reduced Height Alternative would be consistent with project objectives related to integrating residential neighborhoods with employment opportunities and neighborhood retail, although to a lesser degree than the proposed project, as this alternative involves development of a mixed-use development of residential and commercial uses, along with office uses under Scenario B. (DEIR, pp. 7-20 to 7-21.)

The Preservation of Building 3 Alternative would reduce project impacts related to aesthetics, construction air quality and noise and vibration, and public services. In addition, impacts attributed to loss of historic structures would be reduced because Building 3 would be preserved. However, this alternative would not reduce the cultural resources impact to less than significant; therefore, preservation of any of the buildings alone (such as preserving Building 3) would serve as partial mitigation by providing a structural interpretation and explanation of an historical resource. Similar, if not superior, structural interpretation would be accomplished as part of the proposed project, which would preserve, replicate, and showcase the historical resources throughout the redeveloped property, particularly at the transit station. This approach would incorporate preservation, reuse, and replication to provide the public with more prominent, visual locations to view historical resources than would preserving Building 3. (DEIR, p. 7-21.)

Impacts associated with ground disturbance and cover would be identical to the proposed project because the same footprint would be developed. Transportation and circulation impacts would be identical because the difference in trip generation would be negligible. As a result, impacts associated with operational air quality and noise attributed to vehicle trips would be identical to the

proposed project. Because the amount of retail space would be increased there would be a slight increase in demand for utilities under Scenario A, including wastewater and solid waste disposal. This alternative would meet most of the project objectives; however, it would only slightly reduce the project's incorporation of open space to provide community connectivity as Signature Boulevard would no longer be a through street with a large landscaped roundabout. (DEIR, p. 7-21.)

H. Significant Irreversible Environmental Effects

Implementation of the proposed project would result in the long-term commitment of resources to urban development. The most notable significant irreversible impacts are alteration of the visual character of the site, increased generation of pollutants, and the short-term commitment of non-renewable and/or slowly renewable natural and energy resources, such as water resources during construction activities. Operations associated with future uses would also consume natural gas and electrical energy. These unavoidable consequences of urban growth are described in the appropriate sections of the EIR. (DEIR, p. 8-3.)

Resources that would be permanently and continually consumed by project implementation include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in the unnecessary, inefficient, or wasteful use of resources. For a detailed discussion of these effects, see DEIR, pages 8-3 to 8-4.

I. Growth Inducement

As required by Section 15126.2(d) of the CEQA Guidelines, an EIR must discuss ways in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Also, the EIR must discuss the characteristics of the project that could encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through the establishment of policies or other precedents that directly or indirectly encourage additional growth. Although growth inducement itself is not considered an environmental effect, it could potentially lead to environmental effects. The discussion of growth inducement is included in the Draft EIR, at pages 8-4 to 8-7.

J. Consistency With Regional Plans

This section evaluates the proposed project for compatibility with existing and planned adjacent land uses and for consistency with adopted plans, policies, and zoning designations. Physical environmental impacts resulting from the proposed project are discussed in the applicable technical sections of the EIR and of these findings . This section differs from impact discussions in that only compatibility and consistency issues are discussed, as opposed to environmental impacts and mitigation measures.

A comprehensive discussion analyzing consistency with adopted plans, goals, policies, and zoning for residential, retail/restaurant, parking, and parks and open space uses proposed under the project, is included in the EIR and the Staff Report. The analysis focuses on the project's overall consistency with adopted goals and policies; however, it does not address each goal or policy individually. Appendix C to the DEIR includes a more detailed overview of the project's consistency with specific adopted and draft goals and policies.

City of Sacramento General Plan

The project site is designated as SPD in the General Plan. The proposed project would not change the land use designation and would not require any General Plan Amendments in order to be approved by the City. The project would be considered consistent with all applicable General Plan land use goals and policies pertaining to the provision of residential, retail, parking, parks, and open space facilities. (DEIR, p. 4-13.)

Central City Community Plan

The proposed project would meet the Primary Goal of the CCCP by continuing the revitalization of the Central City as a viable living, working, shopping, and cultural environment. The CCCP also sets forth goals to provide for organized development of the Central City whereby the many interrelated land use components of the area support and reinforce each other and the vitality of the community. The proposed project would add residential and retail uses, creating a dynamic by which the uses strengthen each other and provide for a full range of day and night activities, meeting the CCCP's Urban Development goal. The Project would develop office space near the Central Business District and within the Richards Boulevard area, meeting the applicable Office Goals in the CCCP. The CCCP Environmental Goal seeks to preserve notable landmarks. The project includes demolition of buildings that are eligible for listing on the Register, but the Preservation Commission has approved the plan to integrate features of the historic building into the project design, among other measures to denote the historical significance of the prior use of this site. The proposed project would meet all of the applicable land use goals set forth in the CCCP. (DEIR, p. 4-14, 4-17.)

City of Sacramento Zoning Ordinance

The proposed project would rezone the site from American River Parkway - Flood Zone - Special Planning District (ARP-F-SPD); Heavy Industrial Zone - American River Parkway Corridor - Special Planning District - North Richards Boulevard (M-2-PC-SPD (N)); and Heavy Industrial Zone - Special Planning District - Central Richards Boulevard (M-2-SPD (C)) to Residential Mixed Use – Planning District (RMX-PUD), Office Planned Unit Development (OB-PUD) and Agriculture-Open Space – Planning District (A-OS-PUD). The zoning designations for parcels currently designated as ARP-F-SPD would remain zoned that way. (DEIR, p. 4-14.)

As currently proposed, the project's building heights would not be consistent with the height

restrictions under current zoning. However, the creation of a Planned Unit Development (PUD) zoning overlay would be required to provide flexibility in project design and would establish guidelines for allowable building heights. The PUD guidelines, if approved by the City, would rectify any conflicts with the City Zoning Ordinance, and no amendments would be necessary. (DEIR, p. 4-15.)

Richards Boulevard Area Plan

The RBAP is a policy document, and are guiding principles rather than zoning regulations. (RTC 11-5; FEIR, p. 4-54) The RBAP sets forth several Land Use Objectives and Policies designed to guide development in the Richards Boulevard area. Appendix B in the FEIR includes an analysis of the project' s consistency with each of the applicable RBAP objectives and policies.

As currently proposed, the project's building heights, densities, and setbacks would not be consistent with the RBAP. However, the creation of a Planned Unit Development (PUD) zoning overlay would be required to provide flexibility in project design and would establish guidelines for allowable building heights, densities, and setbacks. The PUD guidelines, if approved by the City, would rectify any conflicts with the RBAP, and no amendments to the RBAP would be necessary. (DEIR, p. 4-16.) Section 17.180.040 of the City Zoning Code provides that a PUD designation acts as an overlay zone, similar to a special planning district. An overlay zone is a zoning district that encompasses one or more underlying zones and imposes additional or alternate requirements to those of the underlying zone. (Section 17.136.010.) Because the requirements of existing zoning may be modified by Overlay Zones, the PUD Design Guidelines and Schematic Map, once adopted by resolution of the City Council, would supplant the zoning density and height restrictions in the Richards Boulevard Area Plan, the Richards Boulevard SPD and the underlying zoning classification provisions of the City Zoning Code. (Section 17.180.050, subdivision (A)(2).) The Schematic Plan and Development Guidelines will provide the overall standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of the Zoning Code. Therefore, even if the project were inconsistent with one or more policies and/or objectives of the Richards Boulevard Area Plan, the City may choose to approve the project without amending the Plan because the PUD guidelines essentially supplant the goals and policies of the Plan. (RTC 5-3, 11-4, 11-6; FEIR, pp. 4-13 to 4-19, 4-53 to 4-54, 4-54 to 4-55)

American River Parkway Plan

Following the close of the public comment period and in response to comments submitted in opposition to the overlook feature, the project applicant has removed the overlook feature from the project. Therefore, no elements of the project extend into the Parkway. (RTC 5-2; FEIR, p. 4-13) To the extent the Parkway Plan policies apply to uses adjacent to the Parkway, the project is consistent with the Parkway Plan. (RTC 5-3; FEIR, pp. 4-13 to 4-19)

Appendix B of the FEIR includes a discussion of the proposed project's consistency with each of the policies of the Plan Update as well as with the policies of the 1985 American River Parkway Plan. (RTC 5-3; FEIR, pp. 4-13 to 4-19)

Sacramento Area Council of Governments Blueprint

The proposed project would be in line with the smart growth principles identified in the Blueprint: provide a variety of transportation choices; offer housing choices and opportunities; take advantage of compact development; use existing assets; mixed land uses; preserve open space, farmland, natural beauty, through natural resources conservation; and encourage distinctive, attractive communities with quality design. The proposed project would construct multi-family residential and office and retail uses, providing compact development in an underutilized urban area. The project's location adjacent to a planned light rail line and station allows for additional transportation choices. Future site residents can take advantage of the existing roadway network in the area and proximity to existing regional connectors. Because the proposed project would meet the objectives set forth in the Blueprint Preferred Scenario, the project would be consistent with the Blueprint. (DEIR, p. 4-16.)

K. Statement of Overriding Considerations:

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

The Project Will Help Fund Phase 1 of the Planned DNA Line.

The Project objectives for Township 9 include creating a transit-oriented development and providing for construction of a transit line and Richards Boulevard Light Rail Station along the planned Downtown-Natomas-Airport (DNA) light rail line. The Project will provide right of way to allow for construction of the transit line and the Richards Boulevard Light Rail Station along the planned first phase of the DNA light rail transit alignment and the Project includes densities of residential and office development that would support the feasibility of this light rail line.

The Sacramento Regional Transit District (RT) has identified the DNA light rail line on its 20-year project map, the DNA line is included in SACOG's Metropolitan Transportation Plan, and RT is in the process of preparing a project-level EIR for the first phase of the DNA project that will evaluate the impacts of implementation of this portion of the DNA light rail line project. RT is also pursuing a

variety of funding sources to fund the construction of the DNA light rail line. As part of the required mitigation for Project impacts, the Project applicant will provide a fair share contribution to help fund the local share of the first phase of the DNA Project costs. The amount will be based on the Project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project, with credit for the value of the station land dedication. The Development Agreement between the Project applicant and the City will detail the terms of the payment of the net fair share contribution, if any, which will be owed on a proportional basis at the time of issuance of proposed Project building permits.

By helping to secure funding for the DNA line, the Project will help the City realize its goal of completing the first phase of the DNA line which, in turn, will promote the use of transit by residents and employees within the downtown and Richards Boulevard areas, as well as allow transit riders using RT's light rail system to connect from other areas within the City and County of Sacramento to the Richards Boulevard area. Residents along the future DNA light rail corridor will benefit from a reduction in traffic congestion and increased transportation connectivity and mobility, and employees working in the downtown, South Natomas and North Natomas communities will be provided with an alternative transportation mode, thereby reducing freeway congestion and air pollution.

By providing a contribution towards construction of the first phase of the DNA line, the Project will allow Project and City residents to utilize light rail to easily access the Sacramento International Airport, the Sacramento Amtrak Depot, and/or the downtown area with a travel option other than a single occupancy vehicle, with a resulting travel time savings by reducing and avoiding traffic congestion.

The Project Provides High Density Residential and Office Development Within ¼ Mile of a Proposed Light Rail Station.

The Project site is located along the proposed Downtown-Natomas-Airport (DNA) light rail extension. As part of the Project, the applicant will dedicate a right-of-way for the light rail alignment and station within the Township 9 Project boundaries, along Richards Boulevard. This will provide the Richards Boulevard Light Rail Station access at the Project site to serve its 2,350 residential units, as well as City residents, employees and visitors at large. The projected 1,220 average daily transit trips generated by the Project will help support operation of the DNA line. The typical walk distance to a light rail station is between ¼ and ½ mile. Therefore, existing and future developments within the Richards Boulevard Area Plan will also benefit from the Project's contributions to construction of the first phase of the DNA project and the Richards Boulevard Light Rail Station. Without the Project's right of way contribution to the DNA line and its high density residential development, the first phase of the DNA project may not otherwise be financially feasible.

The Design Guidelines provide for development of a transit area to incorporate the future Light Rail Station fronting Richards Boulevard, the arterial connecting the Project to highways east and west of the site. The transit area will also have frontage on Signature Street, the "main street" of Township 9, located parallel to Richards Boulevard and one block north. The transit area will be the front door to Township 9 and will have the highest activity, highest densities and tallest

buildings.

By providing easy access to a light rail station, the Project promotes reduced vehicle miles traveled per household resulting in shortened commute times, reduced traffic congestion, lessened dependence on automobiles and reduced pollution from vehicle emissions.

The Project Will Dedicate Land for Purposes of Constructing a Light Rail Station.

RT has identified the DNA light rail line on its 20-year project map, the DNA line is included in SACOG's Metropolitan Transportation Plan, and RT is in the process of preparing a project-level EIR for the first phase of the DNA project that will evaluate the impacts of implementation of this portion of the DNA light rail line project. Construction of the DNA would occur in 3 segments (minimum operable segments [MOS]): MOS 1 would start at 7th Street and would pass through the proposed light rail station at Township 9 and end at Richards Boulevard; MOS 2 would continue from Richards Boulevard to the Natomas Town Center; and MOS 3 would continue from the Natomas Town Center to the Sacramento International Airport. RT estimates that MOS 1 would be fully operable by 2014 with the remainder of DNA line operable by 2027.

The Project applicant will dedicate the right-of-way for the light rail alignment and station within the Township 9 Project boundaries for the MOS 1 segment of the DNA line. The Development Agreement between the Project applicant and the City will detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, will be owed on a proportional basis at the time of issuance of proposed Project building permits.

Through donation of land and payment of net fair share contribution by the Project applicant, the Project will allow the City to bring its DNA light rail line to fruition and provide the Project site with an easily accessible light rail station.

The Project is Consistent with and Supportive of Sacramento Area Council of Government's (SACOG's) Blueprint Plan.

The Sacramento Area Council of Governments' (SACOG) Blueprint Preferred Scenario designates that the Project site should be developed as Attached Residential, High Density Mixed Use Center or Corridor, and Retail. The proposed Project would be consistent with the smart growth principles identified in the Blueprint by providing high density housing and a variety of housing types at varying price ranges; focusing on compact development to maximize use of existing land; offering a range of mixed land uses (residential, retail and office); preserving open space and the natural beauty and natural resource conservation of the American River Parkway; and encouraging a distinctive, attractive community with high quality design.

The proposed Project would construct multi-family residential, office and retail uses, providing compact development in an underutilized urban area that currently supports industrial warehousing development. The Blueprint Preferred Scenario calls for capturing a greater amount of regional employment, retail, and housing within or contiguous to the existing urban footprint to reduce urban sprawl and protect open space and agricultural land within the greater Sacramento region.

The Project's location adjacent to a planned light rail line and station allows for alternative transportation choices. Future site residents and employees can also take advantage of the existing roadway network in the area and proximity to existing regional connectors. Because the proposed Project would meet the smart growth objectives set forth in the Blueprint Preferred Scenario, the Project would be consistent with the Blueprint. (DEIR, p. 4-16.) (See September 12, 2006 SACOG letter from Mike McKeever.)

The Project is a Logical Extension of the City's Downtown Urban Area.

One of the City's goals is to develop the downtown area, including the Project area, as the urban core of the City. The Blueprint calls for capturing a greater amount of regional employment, retail, and housing within or contiguous to the existing urban footprint to reduce urban sprawl and protect open space and agricultural land within the greater Sacramento region. The Project meets this objective by providing higher density urban development with residential, office and retail uses in close proximity to the downtown urban center. The DNA line extension also provides a physical connection between the Project area and the downtown center, allowing easy access for Project residents to downtown employment and nightlife. The Project's location and the proposed DNA light rail line extension and station adjacent to the Project site also promote the City's Central City Community Plan Urban Development goal of revitalizing the Central City as a viable living, working, shopping and cultural environment.

The Project will also facilitate implementation of the Richards Boulevard Facilities Element, which calls for improvements to the Richards Boulevard and I-5 freeway interchange, as well as expansion of 7th Street, a parallel facility that connects the Richards Boulevard area to the downtown and surrounding areas.

Overall, the Project adds residential, office and retail uses within close proximity to the urban core of the City, and creates a dynamic by which the uses strengthen each other and provide a full range of day and night activities.

The Project Will Provide Revenue to the City.

The Project will provide revenue to the City from sales taxes generated by the commercial portions of the Project, as well as increased property tax revenues to fund public services and facilities. The creation of temporary construction jobs and permanent office and retail jobs will also financially benefit the City, as will the increase in sales taxes from the purchase of goods by Project residents within the community. The Project will also generate revenues to the City through payment of building fees and development impact fees.

Permanent Jobs

Development of the Project would increase economic and employment activity in the Central Business District of Sacramento. The Project would include 839,628 square feet of rentable office area and 146,194 square feet of rentable retail and/or restaurant area, which would directly

increase employment opportunities. (DEIR, p. 2-8.)

Construction Jobs

The Project is also expected to create a number of secondary jobs, as implementation of the Project would require construction jobs for the development of the buildings and associated site improvements. Such jobs will provide income and work experience for City residents and other workers and their families.

The revenue generated as a result of the Project will benefit the City and other governmental agencies, and their residents and constituencies by providing needed revenue for provision of required services and amenities.

The Project Will Provide Diverse Housing Opportunities in Close Proximity to an Employment Base.

The Project proposes development of approximately 2,350 residential units of various housing types, including apartments, condominiums, townhomes, and live/work units. These diverse housing types make the Project ideal for any type of household including couples, small families, single working professionals, seniors and other family groups. The proposed housing will be near the 839,628 square feet of office space and 146,194 square feet of retail/restaurant space proposed as part of the Project. The office space and retail/restaurant space will provide residents with employment opportunities close to their homes at a jobs/housing balance of 1.35:1. Thus, there would be more than one job available per housing unit on the Project site. (DEIR, p. 5-9.)

In addition, the proposed Project site is located in close proximity to the downtown urban core, which serves as a major employment center in the Sacramento region. The Project's location adjacent to the Central Business District (CBD) and the proposed DNA light rail line extension and station adjacent to the Project site will provide a direct connection to the CBD and will allow the Project's 6,040 residents to live a short distance from their work sites (DEIR p. 5-7 and 5-8).

The Project's location within the Central City will also accommodate future growth by creating housing opportunities closer to jobs, thereby reducing vehicle trips that would otherwise use the mainline freeway system. The DNA line extension will also allow ease of access for Project residents to downtown employment and nightlife, creating a convenient connection between where Central City residents live and work.

The Project Will Provide Neighborhood and Community Retail Near Residential Development to Shorten or Reduce the Number of Vehicle Trips.

The Project proposes 146,194 square feet of retail/restaurant space to serve the 6,040 projected residents of the 2,350 dwelling units, as well as existing and future residents within the Richards Boulevard area. The retail and restaurant uses will allow residents to avoid having to drive to access common neighborhood-serving retail uses, such as coffee/sandwich shops, bars, hair salons, dry cleaning, small grocery stores, flower shops and office-type services. (DEIR, p. 2-11.) SACOG reviewed the Project plans and determined that the Project would generate approximately 15-25% fewer vehicle miles traveled per household than the Blueprint Preferred Scenario when both were compared against a base case land use pattern. (See September 12, 2006 SACOG

letter and the letter from the Sacramento Metropolitan Air Quality Management District dated April 17, 2007 which is attached to FEIR as Appendix C.)

The close proximity of the future light rail stop would encourage the use of alternative modes of transportation by Project residents and employees. Project residents utilizing alternative modes of transportation, such as light rail, will reduce the number of vehicle miles traveled per household even further. In turn, the Project will result in shortened commute times, reduced traffic congestion, lessened dependence on automobiles and reduced pollution from vehicle emissions. Not driving a vehicle one day a week prevents 55 pounds of pollution each year from being emitted into the air. Overall, residents will save on fuel, vehicle maintenance and parking costs by utilizing the easily accessible light rail line.

The Project Will Activate the Riverfront and Provide Open Spaces.

The Project's development of Riverfront Drive, Riverfront Park and land uses adjacent to the American River levee would further the objectives of the RBAP by enhancing public access to the American River Parkway. The Project would improve the levee trail, create a landscaped street along the levee, and create usable green spaces and parks near the northern terminus of North 7th Street. The Project includes five foot wide bike paths along 7th Street and 5th Street, which would connect Richards Boulevard with the riverfront. The bike paths would connect with the existing Two Rivers Trail, which runs parallel to the proposed Riverfront Drive, allowing easy river access for pedestrians and bicycles, as well as access to the regional multi-use trail system within the American River Parkway.

The Project would include public and private open spaces. Public open spaces would include urban parks and plazas, parkways, and natural open space along the American River. Private open spaces would consist of central courtyards that would serve as common open space for residential buildings. Although these courtyards would probably not be open to the public, they would serve residents as relief from the higher density nature of the Project.

Riverfront Park is planned as a linear park located between the American River open space and riparian preserve and Riverfront Drive. The park varies in width due to the meandering alignment of the roadway. Riverfront Park will be landscaped mostly with large native trees and lawn. The existing Two Rivers Trail would generally be located at the northern edge of the park and connect to a network of walkways within the park with access to parking along Riverfront Drive. The south edge of the park is defined by Riverfront Drive and urban development that faces on the drive and activates the park. In addition, 7th Street is planned as a promenade through the proposed Project, with pedestrian and bicycle access ending at the proposed Riverfront Drive.

The Project also meets the City's Central City Community Plan's Environmental Goal to "[p]rotect and enhance the unique visual features such as entrances to the Central City, attractive arterials, notable landmarks, and access to views of the rivers." By enhancing visual features such as arterials and the City's rivers, the Project will enhance the frontage along Richards Boulevard by replacing older structures, a warehouse, and dead landscaping with vibrant mixed-use buildings and improved landscaping. Development along the American River levee would provide for enhanced landscaping along the river, improved trails, and a river overlook. Residential and office

uses at the Project site would have views of the river, as well.

By enhancing the land area next to the American River Parkway with landscaped open space and parks, the Project facilitates the public's access to the riverfront and furthers the City's goal of activating public use of the riverfront.

The Project Incorporates the Historic Character of the Cannery Site into the Project Design.

The Project includes plans for potential de-construction, salvage, and/or reuse of architectural features from the existing Bercut-Richards Packing cannery complex that would serve as important artifacts and physical reminders of the cannery's material existence and importance. For example, the scale house (Building 11) will be preserved and relocated to one of the Project's parks. Other examples of the property's character-defining features that could be potentially salvaged, reused and/or displayed:

- Elements of the main office building façade – metal frame main entry with Moderne light fixtures, marble surround, and terrazzo floor, orange/red bricks, glass block windows, metal casement windows, corbelled side door entries with metal doors
- Portions of the can conveyor and its enclosure
- Warehouse roof trusses
- Portions of brick and/or hollow clay tile walls, including sections with decorative terra cotta tile detailing at the parapet
- Sliding metal doors
- Examples of steel frame windows with original glazing
- Light fixtures
- Railroad track
- Examples of siding – metal and wood

The larger features that might be salvaged and reused or displayed are the entry to the main office building, portions of the can conveyor, and the warehouse trusses. The steel frame entry way of the main office building (Building 1), with its Modern style light fixtures and door handles, could be cut out of the building saved and reinstalled in a new building. If feasible, the entry's marble surround and terrazzo floor would also be salvaged.

To the extent that it is reasonable and feasible as determined by the City, the Project applicant will incorporate architectural features in the property's new design. Such features will be displayed in highly visible public areas of the development, such as in building lobbies or on the exterior of buildings in the parks or along the proposed North 7th Street portion of the Project. Salvaged and reused features will be accompanied by interpretive information on signage/plaques to indicate their origins as part of the Bercut-Richards cannery complex.

To facilitate this goal, a minimum of three interpretive displays will be installed on the Project property that will provide information to visitors and residents regarding the history of the Bercut-Richards Packing Company, the Sacramento canning industry, and the former Bercut-Richards cannery. These displays will be integrated into the design of the public areas of the new housing and retail and will be installed in highly visible public areas such as the property's parks, the North

7th Street promenade, or in public areas on the interiors of buildings. The displays will include historical data taken from the HABS/HAER–like documentation or other cited archival source and will also include photographs. Displayed photographs will include information about the subject, the date of the photograph, and photo credit / photo collection credit. At least one display will include physical remnants of architectural elements that will be salvaged from the Bercut-Richards Packing Company buildings. One of the displays will be the traveling exhibit which will be permanently installed in a highly visible location in a publicly accessible lobby following completion of its tour. A traveling exhibit of the history of the Sacramento canning industry and the Bercut-Richards Cannery complex to be loaned to local museums and, if possible, at public libraries and/or public buildings in the Sacramento region.

A sign or plaque will be installed near the corner of Richards Boulevard and North 7th Street to indicate that the Bercut-Richards Packing Company plant once stood on this property. Additional signage / plaques will be installed to provide interpretive information about any historical photographs or architectural salvage used or installed on the property.

In addition, the PUD Design Guidelines for the new housing, office and retail proposed for the Project will take into account that the Project is removing a historically significant cannery and industrial site. These guidelines will encourage the use of design features of the historic buildings of the cannery in the new buildings to be constructed on the property, which will coincide with guidelines aim to promote visual interest and diversity in the building articulation throughout the Project. Elements of the historic character of the Bercut-Richards cannery can inform the materials, building forms, and style of the buildings for the Project. While exact replication of historic features that would create a false sense of historicism is discouraged, the design guidelines will present concepts and types of architectural treatment that can be used to evoke the property's history.

The age and condition of the cannery make it currently unsafe for visitors to tour and experience its history. By displaying pertinent features of the Bercut-Richards Packing cannery complex and incorporating the character of the cannery into the design concept for the Project, the City is able to preserve the history of the cannery and convey the property's historic significance to future residents and visitors to the Project site.

The Project Realizes an Infill Development Opportunity within a Redevelopment Area.

The Project site is located in the Richards Boulevard Redevelopment Project Area and will locate 2,350 residential dwelling units, 146,194 square feet of restaurant/retail space and 839,628 square feet of office space in an infill opportunity area close to the downtown urban core. With its mixed uses and redevelopment purpose, the Project fulfills the objectives of the Richards Boulevard Area Plan to provide for the development of a diverse mixture of uses within the Richards Boulevard area. The Project will complement Sacramento's downtown district, provide a variety of housing opportunities, and facilitate the enhancement and revitalization of the Richards Boulevard area.

As an infill project, the Project promotes the Blueprint's smart growth principles by avoiding the recent practice of building large-lot, low-density housing and instead implementing a higher-density, mixed-use development and reinvesting in an existing developed area. Following smart growth principles, the Project shortens future commute times, reduces traffic congestion, lessens

dependence on automobiles and provides for housing choices that more closely align with the needs of an aging population.

The Project will Provide All Necessary On-site Infrastructure and Contribute Fair Share Funding to Upgrade the City's Infrastructure System.

Development of the Project would entail construction of a network of public streets to provide vehicle and bicycle access throughout the Project site and provide sidewalks along all public streets, paseos and parkways to encourage pedestrian activity. Installation of the water distribution system would occur in phases, corresponding to the construction phasing of the Project. Wastewater from the Project site would be conveyed to the existing pipelines in North 5th Street and North 7th Street, eventually flowing to the 33-inch main in Richards Boulevard. The storm drainage system would be a gravity-fed system of pipelines connecting to the existing system at multiple locations on North 5th Street, North 7th Street, and Richards Boulevard. The pipe system internal to the Project would consist of 12-inch to 24-inch pipes with drop inlets to collect drainage from roadways. Additional drop inlets would also be constructed in North 5th and North 7th Streets to accompany the new street intersections. Installation of the drainage system would occur in phases, corresponding to the construction phasing of the Project. The Project applicant anticipates that the following service providers would serve the proposed Project: Electric – Sacramento Municipal Utility District (SMUD); Natural Gas – Pacific Gas and Electric (PG&E); Telephone – AT&T; Cable Television – Comcast Cable. Infrastructure presently exists for these utilities on and in the vicinity of the Project site. Development of the Project would necessitate the construction of an on-site distribution system to convey these services to uses on the Project site. It is anticipated that upgrading/upsizing of existing utilities would occur on streets immediately adjacent to the Project site (i.e., Richards Boulevard, North 5th Street, and North 7th Street) in order to serve the Project.

Installation of necessary on-site infrastructure would be constructed by the Project applicant and/or the applicant would contribute its fair share of the funding for this infrastructure, resulting in the necessary revenue for the City to fund such improvements. In addition, the Project applicant will have to pay building and development impact fees that will help fund the costs for off-site infrastructure needed to serve the Project as specified in the Richards Boulevard Area Plan Facility Element.

The Project will Utilize Energy Conservation Measures in Design of Project Buildings.

Proposed office buildings would include lighting conservation elements and other energy saving measures. Lighting conservation measures would include occupancy sensors to automatically turn off lights when not in use, lighting reflectors, electronic ballasts, and energy-efficient lamps. Conservation efforts are expected to include improved HVAC systems with microprocessor-controlled energy-management systems.

In addition, the Township 9 Project applicant has been selected to submit an application for participation in the "Leadership in Energy and Environmental Design (LEED) for Neighborhood Development Pilot Program." The LEED Green Building Rating System™ is the nationally accepted benchmark for the design, construction, and operation of high performance green

buildings. The LEED rating system is the most comprehensive program available to help design teams implement sustainable development practices. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. Although LEED places primary emphasis on architecture and design, many of its categories substantially overlap or influence CEQA issue areas. Appendix F, Energy Conservation, of the CEQA Guidelines requires that project planners assess energy usage and take steps to reduce inefficient uses of energy-an issue that can be directly addressed by LEED energy and atmosphere credits, which require reductions in energy use and promote renewable sources of energy.

Energy conservation at the Project site will result in reduced energy consumption and water savings which will benefit the community as a whole.

The Project Provides Urban Parks, Plazas and Open Spaces To Provide Community Connectivity.

The parks and open space planned for the Project promote the City's goal of providing public open spaces and community access to the riverfront. Open spaces within the Project would include urban parks and plazas, parkways, and natural open space areas along the American River. In addition, the Project also includes a paseo along 7th Street and park area at the terminus of North 7th Street as it approaches the waterfront. The PUD Design Guidelines specify that the Project will provide a variety of open space and park amenities that offer a variety of passive and active urban experiences.

Riverfront Park is planned as a linear park located between the open space and riparian preserve of the American River Parkway and Riverfront Drive. The park varies in width due to the meandering alignment of the roadway. Riverfront Park will be landscaped mostly with large native trees and lawn. The existing Two Rivers Trail would generally be located at the northern edge of the park and connect to a network of walkways within the park with access to parking along Riverfront Drive. The southern edge of the park is defined by Riverfront Drive and urban development that faces on the drive and activates the park.

The Project's development of Riverfront Drive and uses along the American River levee would enhance public access of the American River Parkway. The Project includes five foot wide bike paths along 7th Street and 5th Street, which would connect Richards Boulevard with the riverfront. The bike paths would connect with the existing Two Rivers Trail, which runs parallel to the proposed Riverfront Drive, allowing easy river access for pedestrians and bicycles, as well as access to the regional multi-use trail system within the American River Parkway.

The Project's park spaces will be designed and implemented to facilitate open space locations and linkages that create a vibrant, enjoyable community.

The Project is Consistent with and Promotes the City's Adopted Planning and Land Use Goals.

The City is currently updating the General Plan and the City Council has adopted a vision for the future of the City, as well as several guiding principles to help guide the update and achieve this

vision. The Project meets the City's guiding principles and existing General Plan, Central City Community Plan and the Richards Boulevard Area Plan goals, policies and objectives, which include the following:

General Plan Update Vision

Promote the reuse and revitalization of existing developed areas, with special emphasis on commercial and industrial district.

Promote economic vitality and diversification of the local economy.

General Plan Goals and Policies

. . . provide continued support of private and public efforts that promote the Central City's role as the region's commercial office, employment, and cultural center. . .. (Sec. 1-33)

Promote the re-use and revitalization of existing developed areas, with special emphasis on commercial and industrial districts. (Sec. 4-1)

Encourage mixed use developments to generate greater pedestrian activity. (Sec 5-22)

Central City Community Plan Goals and Policies

Provide for the intensification of commercial and office uses within walking distance of the intermodal transportation terminal and planned light rail extensions. (p. 57)

Richards Boulevard Area Plan Policies

Direct the development of new office uses to the southern portion of the Richards Boulevard planning area, where such development would be served by planned regional transit facilities. (p.30)

Configure land uses and development intensity in a way that reinforces transit ridership and supports public investment in transit facilities, particularly the planned Intermodal Terminal and the extension of light rail service through the area. (p.32)

Strengthen the character and livability of the Richards Boulevard area by developing a strong system of public open space, and by preserving historic architectural resources. (p. 34)

Configure new development and land uses to enhance public access and recreational uses of the American and Sacramento River Parkways. (p. 34)

Locate housing where it can benefit from natural or planned amenities, cultural and recreational resources. (p. 41)

Provide a diversity of housing types and tenure (p. 43)

Create attractive neighborhood environments which will reinforce the sense of community and enhance the well being of residents. (p. 44)

Provide parks and community facilities in locations that are accessible to pedestrians and that will give structure and identity to residential neighborhoods. (p. 44)

Create pedestrian-oriented streets which promote an attractive and safe environment. (p. 44)

Encourage neighborhood-serving retail uses within residential neighborhoods. (p. 44)

Exhibit B

Mitigation Monitoring Plan
for the Township 9 Project

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.1 Aesthetics					
6.1-2 (A & B) (a) The project contractor shall include a configuration of exterior light fixtures that emphasize close spacing and lower intensity light that is directed downward in order to minimize glare on adjacent uses and minimize impacts to night sky views.	Verify that exterior lighting has been configured to minimize glare and night sky views.	Project Applicant.[1]	Prior to issuing building permits.	Development Services/Public Works.	
(b) The project contractor shall not use highly reflective mirrored glass walls as a primary building material for façades to reduce glare on adjacent uses. Instead, Low E glass shall be used in order to reduce the reflective qualities of the building, while maintaining energy efficiency.	Verify that Low E glass is used on building façades.	Project Applicant.	Prior to issuing building permits.	Development Services/Public Works.	
6.1-4 (A & B) Implement Mitigation Measure 6.1-2 (a) and (b).	See MM 6.1-2 (a) and (b).	See MM 6.1-2 (a) and (b).	See MM 6.1-2 (a) and (b).	See MM 6.1-2 (a) and (b).	
6.2 Air Quality					
6.2-1 (A & B) The following measures shall be incorporated into construction bid documents as recommended by the SMAQMD: (a) The project shall provide a plan, for approval by the lead agency and the SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, would achieve a project wide fleet-average 20% NOx reduction and 45% particulate reduction compared to the most recent CARB fleet average at time of construction. The SMAQMD shall make the final decision on the emission control technologies to be used by the project	Verify that construction bid documents include required measures to minimize ozone precursor emissions.	Project Applicant.	Prior to issuance of grading permits or building permits.	Development Services.	

1 In the event Project Applicant sells, assigns or transfers its interests in the Property or in any portion of the Property pursuant to the terms and conditions of the Development Agreement between Project Applicant and City, the purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of Project Applicant, as such duties and obligations pertain to the portion of the Property sold, assigned or transferred.

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
construction equipment; however, acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.					
(b) The project applicant and/or contractor shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used an aggregate of 40 or more hours during any phase of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project applicant and/or contractor shall provide SMAQMD with the anticipated construction timeline, including start date and name and phone number of the project manager and on-site foreman.	Verify that an off-road construction equipment inventory is submitted to the SMAQMD.	Project Applicant and/or contractor.	Prior to construction activities. Monthly reports ongoing during construction.	Development Services.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(c) The project applicant and/or contractor shall ensure that emissions from all off- road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly by contractor personnel certified to perform opacity readings, and a monthly summary of the visual survey results shall be submitted to the SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.	Verify that visual surveys of all in-operation equipment are completed weekly by certified personnel and that a monthly summary report is submitted to the SMAQMD.	Project Applicant and/or contractor.	Weekly surveys and monthly reports ongoing during construction.	Development Services.	
(d) Limit vehicle idling time to five minutes or less.	Verify that all construction equipment does not idle for longer than 5 minutes.	Project Applicant and/or contractor.	Daily, ongoing during construction.	Development Services.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(e) The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO_x that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the current SMAQMD Fee of $14,300/ton of NO_x emissions generated. This fee shall be paid prior to issuance of building permits. Detailed construction information for the proposed project is not yet available. However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related construction NO_x emissions over the significance threshold would be $165,612 under either Scenario A or Scenario B. Fees may be paid on a per/acre basis, in which case the average fee would be approximately $2,548/acre for both Scenarios A and B. In order to monitor potential changes in projected construction equipment and/or construction phasing, the applicant shall fund a monitor who shall review a list of construction equipment and construction phasing information provided by the contractor. The review shall occur on a monthly basis over the total construction period and a report of the findings shall be submitted monthly to the City and SMAQMD. If the construction and equipment varies from what is projected, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated. The applicant shall be responsible for recalculating the fee and paying any revised fee determined appropriate in coordination with the SMAQMD.	Verify SMAQMD's construction mitigation fund fees have been paid.	Project Applicant.	Prior to issuance of grading permit/building permit.	Development Services.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.2-3 (A & B) The project applicant shall implement the emission reduction strategies contained in the endorsed Air Quality Mitigation Plan. Documentation confirming implementation of Air Quality Mitigation Plan shall be provided to the SMAQMD and City prior to issuance of occupancy permits.	Verify that emission reduction strategies contained in the endorsed Air Quality Mitigation Plan are implemented.	Project Applicant.	Prior to issuing occupancy permits.	Development Services/Public Works.	
6.2-6 (A & B) Implement Mitigation Measures 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	See MM 6.2-1(a) through (e).	
6.2-7 (A & B) Implement Mitigation Measure 6.2-3.	See MM 6.2-3.	See MM 6.2-3.	See MM 6.2-3.	See MM 6.2-3.	
6.2-8 (A & B) Implement Mitigation Measures 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	See MM 6.2-2 (a) through (i).	
6.3 Biological Resources					
6.3-1 (A & B) (a) Prior to any demolition/construction activities that occur between February 15 and September 15 the applicant shall have a qualified biologist conduct surveys for nesting Swainson's hawk in the riparian area along the American River and within a half mile2 of demolition/ construction activities. If no active Swainson's hawk nests are identified on or within half mile of construction activities, a letter report summarizing the survey results shall be sent to the City of Sacramento and no further mitigation is required.	Verify that a qualified biologist conducts pre-construction surveys for the presence of Swainson's hawk and that the survey results are submitted to the City of Sacramento.	Project Applicant.	Prior to issuing demolition or grading permits every calendar year that construction activities occur.	Development Services/Public Works.	
(b) If active nests are found, measures consistent with the CDFG Staff Report Regarding Mitigation for	Verify implementation of	Project Applicant.	Prior to issuing	Development Services/Public	

2 Swainson's Hawk Technical Advisory Committee. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. May 31, 2000.

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California[3] shall be implemented as follows: 1. Nest trees shall not be removed unless there is no feasible way of avoiding their removal. 2. If there is no feasible alternative to removing a nest tree, a Management Authorization (including conditions to offset the loss of the nest tree) shall be obtained from CDFG with the tree removal period (generally between October 1 and February 1) to be specified in the Management Authorization. 3. No intensive disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within 1,320 feet (¼ mile) (buffer zone as defined in the CDFG Staff Report) of an active nest between February 15 and September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained from CDFG for the project. The 1,320 foot buffer zone could be adjusted in consultation with CDFG.	appropriate measures consistent with the CDFG Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California.		demolition or grading permits.	Works/CDFG.	

3 California Department of Fish and Game, *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo Swainsonii) in the Central Valley of California*, 1994.

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
4. If demolition/construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest to determine if abandonment occurs. If the nest is abandoned and the nestlings are still alive, the project proponent shall retain the services of a qualified biologist to reintroduce the nestling(s) (recovery and hacking). Prior to implementing, any hacking plan shall be reviewed and approved by the Environmental Services Division and Wildlife Management Division of the CDFG.					
6.3-2 (A & B) (a) Between March 1 and August 1, the applicant shall have a qualified biologist conduct nest surveys 30 days prior any demolition/construction activities that are within 500 feet of potential nest trees. A pre-construction survey shall be submitted to CDFG and the City of Sacramento that includes, at a minimum: (1) a description of the methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted; and (2) a map showing the location(s) of any bird nests observed on the project site. If no active nests of MBTA, CDFG or USFWS covered species are identified then no further mitigation is required.	Verify that a qualified biologist conducts pre-construction nest surveys and that the survey results are submitted to CDFG and the City of Sacramento.	Project Applicant.	Prior to issuing demolition, grading, or building permits every calendar year that such activities occur.	Development Services/Public Works/CDFG.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(b) Should active nests of protected bird species be identified in the survey conducted in accordance with Mitigation Measure 6.3-2(a), the applicant, in consultation with the City of Sacramento and CDFG, shall delay construction in the vicinity of active nest sites during the breeding (March 1 through August 1) while the nest is occupied with adults and/or young. A qualified biologist shall monitor any occupied nest to determine when the nest is no longer used. If the construction cannot be delayed, avoidance shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone will be determined in consultation with the CDFG, but will be a minimum of 100 feet. The buffer zone shall be delineated by highly visible temporary construction fencing.	Verify that If active nests of protected bird species are identified that construction activities are delayed or non-disturbance buffer zone enforced.	Project Applicant.	Ongoing during construction.	Development Services/Public Works/CDFG.	
(c) No intensive disturbance (e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest between March 1 and August 1.	Verify that no use of heavy equipment occurs within established buffer zones.	Project Applicant.	Ongoing during construction.	Development Services.	
(d) If demolition/construction activities are unavoidable within the buffer zone, the project applicant shall retain a qualified biologist to monitor the nest site to determine if construction activities are disturbing the adult or young birds. If abandonment occurs the biologist shall consult with CDFG or USFWS for the appropriate salvage measures. This could include taking any nestlings to a local wildlife rehabilitation center.	Verify that a qualified biologist is on-site during the intense site disturbing activities to monitor any active nest sites in the buffer zone.	Project Applicant.	Ongoing during construction.	Development Services/CDFG/USFWS	
6.3-4 (A & B) (a) Prior to any demolition/construction activities,	Verify that a qualified biologist	Project Applicant.	Prior to issuing	Development Services/Public	

TOWNSHIP 9 PROJECT

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
the project applicant shall retain a qualified biologist to conduct a survey to identify and document all potential VELB habitat. Survey and evaluation methods shall be performed consistent with the USFWS's 1999 VELB survey and mitigation guidelines.4 The survey shall include a stem count of stems greater than or equal to one inch in diameter and an assessment of historic or current VELB use.	conducts pre-construction VELB surveys consistent with the USFWS's 1999 VELB survey and mitigation guidelines.		demolition or grading permits.	Works/USFWS.	
(b) The proposed project shall be designed to avoid ground disturbance within 100 feet of the dripline of elderberry shrubs identified in the survey (conducted consistent with Mitigation Measure 6.3-4(a)) as having stems greater than or equal to one inch in diameter. The 100 foot buffer could be adjusted in consultation with the USFWS. If avoidance is achieved, a letter report confirming avoidance shall be sent to the City of Sacramento and no further mitigation is required.	Verify that project design avoids disturbance within 100 feet of elderberry shrub dripline and that avoidance is documented in a report submitted to the City of Sacramento.	Project Applicant.	Prior to issuing demolition or grading permits.	Development Services/Public Works/USFWS.	
(c) If disturbance within 100 feet of the dripline of the elderberry shrub with stems greater than or equal to one inch in diameter is unavoidable, then the project applicant shall retain the services of a qualified biologist to develop a formal VELB mitigation plan in accordance with the most current USFWS mitigation guidelines for unavoidable take of VELB habitat pursuant to either Section 7 or Section 10(a) of the Federal Endangered Species Act. Prior to implementation by the applicant the mitigation plan shall be reviewed and approved by the USFWS.	Verify that a qualified biologist develops a formal VELB mitigation plan and that appropriate mitigation guidelines are implemented.	Project Applicant.	Prior to issuing demolition or grading permits.	Development Services/Public Works/USFWS.	
(d) If the VELB is delisted by the USFWS prior to the initiation of any ground disturbing, demolition,	Verify the implementation of	Project Applicant.	Prior to issuing	Development Services/Public	

4 United States Fish and Wildlife Service, *Conservation Guidelines for the Valley Elderberry Longhorn Beetle*, 1999.

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or construction activities, the project applicant shall proceed consistent with any requirements that accompany the VELB delisting notice.	any requirements consistent with the VELB delisting notice.		demolition or grading permits.	Works/USFWS.	
6.3-5 (A & B) (a) Prior to approval of final project design, the project applicant shall retain a certified arborist to survey trees on the proposed project site, including potential laydown/construction areas, to identify and evaluate trees that shall be removed. If the arborist's survey does not identify any protected trees that would be removed or damaged as a result of the proposed project, a letter report confirming that project design would avoid loss of protected trees shall be sent to the City of Sacramento and no further mitigation is required.	Verify that a certified arborist t conducts a tree survey to identify and evaluated tress that are being removed and document avoidance of protected tress in a letter submitted to the City of Sacramento.	Project Applicant.	Prior to approval of final project design.	Development Services/Public Works.	
(b) If protected trees (or their canopy) are identified that can not be avoided by project design, measures shall be taken to avoid impacts on protected trees, as detailed in the City's tree ordinance. Protected trees that are lost as a result of the project shall be replaced according to the provisions of the ordinance (Section 12.64.040), which generally requires a 1-inch-diameter replacement for each inch lost. Tree replacement shall occur after project construction and shall be monitored by a qualified arborist.	Verify that protected trees removed are replaced consistent with the City's tree ordinance.	Project Applicant.	Prior to issuing building permits, ongoing during construction, and after construction.	Development Services/Tree Services Division.	
(c) All native oaks greater than 6 inches in diameter at 48 inches above grade that are approved for removal or are critically damaged during construction shall be replaced by a greater number of the same species. At a minimum, one tree shall be planted for each inch in the diameter of the removed tree at 48 inches above grade. The	See MM 6.3-5(b). Verify that a qualified arborist monitors growth and survival of replacement tress.	Project Applicant.	On-going during construction and each spring for 5 years following	Development Services/Tree Services Division.	

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exact size and number of replacement trees shall be determined by the City of Sacramento Tree Service Division. A qualified arborist shall monitor trees during construction and the following spring and monitor the growth and survival of the newly planted trees. All revegetation plans shall require monitoring the newly transplanted trees for at least 5 years and the replacement of all transplanted trees that die or are in severe decline during that period.			planting.		
6.3-7 (A & B) (a) Prior to demolition activities, the project proponent shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites within the project site. If no roosting sites or bats are found within the project site, a letter report confirming absence shall be sent to the City of Sacramento and no further mitigation is required.	Verify that a qualified biologist conducts a bat survey and that a letter report confirming absence is submitted to the City of Sacramento.	Project Applicant.	Prior to issuing demolition permits.	Development Services/Public Works.	
(b) If bats are found roosting at the site outside of nursery season (May 1st through October 1st), then they shall be evicted as described under (c) below. If bats are found roosting during the nursery season, then they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (c). Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. A 250-foot (or as determined in consultation with CDFG) buffer zone shall be	Verify that proper procedures are followed as outlined in the mitigation measure to ensure if any bats are identified on-site they are removed according to the BCI methods.	Project Applicant.	Prior to issuing demolition permits.	Development Services/Public Works/CDFG.	

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established around the roosting site within which no construction shall occur.					
(c) Eviction of bats shall be conducted using bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with CDFG, that allow the bats to exit the roosting site but prevent re-entry to the site. This would include but not be limited to the installation of one way exclusion devices. The devices shall remain in place for seven days and then the exclusion points and any other potential entrances shall be sealed. This work shall be completed by a BCI recommended exclusion professional.	Ensure that bats are removed according to the BCI methods.	Project Applicant.	Prior to issuing demolition permits.	Development Services/Public Works/CDFG.	
6.3-8 (A & B) Implement Mitigation Measure 6.1-2 (a).	See MM 6.1-2 (a).	See MM 6.1-2 (a).	See MM 6.1-2 (a).	See MM 6.1-2 (a).	
6.3-9 (A & B) Implement Mitigation Measures 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	See MMs 6.3-1, 6.3-2 and 6.3-4 through 6.3-7.	

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6.4 Cultural Resources					
6.4-1 (A & B) (a) Documentation / Recordation Prior to any demolition and removal activities, the project applicant shall retain a professional who meets the Secretary of the of the Interior's Standards for Architectural History to prepare written and photograph documentation of the Bercut-Richards cannery complex. The documentation for the property shall be prepared based on the National Park Services' (NPS) Historic American Building Survey (HABS) / Historic American Engineering Record (HAER) Historical Report Guidelines. The proposed documentation standards shall meet the intent of NPS – Advisory Council on Historic Preservation (ACHP) revised policy for developing alternate forms of documentation for properties meeting a criterion of less than nationally significant. The documentation prepared for former Bercut-Richards Packing Company property shall not be reviewed by NPS or transmitted to the Library of Congress and therefore, will not be a full-definition, HABS/HAER dataset. This type of documentation is based on a combination of both HABS/HAER standards (Levels II and III) and NPS new policy for NR-NHL photographic documentation as outlined in the National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion (March 2005).	Verify that the Bercut-Richards cannery complex is documented based on the NPS HABS/HAER methods of documentation and photography, as outlined in the mitigation measure and the report had been reviewed and approved by the City's Preservation Director.	Project Applicant.	Prior to the issuance of demolition permits.	Development Services/City's Preservation Director.	

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The written historical data for this documentation shall follow HABS / HAER Level II standards and shall be derived from the reports titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. Both reports are on file with the City Preservation Director. Additional information may come from oral histories that, as determined feasible by the City Preservation Director, could be conducted as part of this Mitigation Measure (see Oral History Project below). Additional information may come from oral histories that, as determined feasible by the City Preservation Director, could be conducted as part of this Mitigation Measure (see Oral History Project below). The written data shall be accompanied by a sketch plan of the property. Efforts should also be made to locate original construction drawings or plans of the property during the period of significance. If located, these drawings should be photographed, reproduced, and included in the dataset.					

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Either HABS / HAER standard large format or digital photography shall be used. If digital photography is used, the ink and paper combinations for printing photographs must be in compliance with NR-NHL photo expansion policy and have a permanency rating of approximately 115 years. Photographs shall be labeled with text reading "Bercut-Richards Packing Company, 424 North 7th Street, Sacramento," and photograph number on the back of the photograph in pencil (2B or softer lead). Digital photographs will be taken as uncompressed .TIF file format. The size of each image will be 1600x1200 pixels at 300 ppi (pixels per inch) or larger, color format, and printed in black and white. The file name for each electronic image shall correspond with the index of photographs and photograph label.					

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Photograph views for the dataset shall include: a) contextual views; b) views of each side of each building and interior views, where possible; c) oblique views of buildings; and d) detail views of character-defining features, including features on the interiors of some buildings. The size of this property would require up to five contextual views, 20 exterior and interior building views, 10 oblique views, and 15 detail views. All views shall be referenced on a photographic key. This photograph key shall be on a map of the property and shall show the photograph number with an arrow indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the dataset. All written and photograph documentation of the Bercut-Richards cannery complex shall be approved by the City Preservation Director prior to any demolition and removal activities.					
(b) <u>Oral History Project</u> Prior to any structural demolition and removal activities, the project applicant shall retain a professional who meets the Secretary of the of the Interior's Standards for History to determine if an appropriate number of individuals who worked at the Bercut-Richards Packing Company during the period of significance (1928 to 1953) are available and willing to participate in an oral history project. Written findings of the search for individuals shall be submitted to the City's Preservation Director and History and Science Manager, who shall determine if an oral history project is feasible and would be required by the City to further reduce the impact of the proposed project on historical resources. Five individuals is a recommended	Verify that the project applicant has retained a professional to conduct an oral history project of the cannery.	Project Applicant.	Prior to the issuance of demolition permits.	Development Services/City's Preservation Director.	

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minimum, but the City may determine that fewer individuals would be adequate.					
If an oral history project is conducted, a Draft Research Design for the project shall be submitted to the City History and Science Manager for review and approval of the Final Research Design. The Research Design shall identify anticipated informants, research goals, and protocols. The oral history research shall be conducted in conformance with the Principles and Standards of the Oral History Association revised September 2000. The oral history project could be conducted by a historical consultant or be offered as a project to students at the graduate Capitol Campus Public History program at California State University, Sacramento. If the project is given to public history students, it shall be supervised by a faculty member with experience conducting oral history projects. The oral history project shall consist of interviews conducted in the Sacramento region with persons knowledgeable about the Bercut-Richards Packing Company and its operations in the buildings on this site during the property's period of significance (1928 to 1953). The aim of these interviews shall be to record information about company operations as they were carried out in these buildings. In general, the goal will be to synthesize information gathered from individuals who worked at the cannery, including personal insights and recollections of the company, its management, innovations, and the day-to-day operation of the plant. The preparer of the oral history project shall conduct the following tasks. Planning / Preparation for Interviews					

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• Review the available historical research and reports, including the reports titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. • Prepare a list of questions prior to the interviews. • Conduct a tour of the former cannery with the interviewees prior to demolition of buildings, if possible. • Prepare and have signed release forms for each interviewee, giving permission for any tapes or photographs made during the project to be used for by researchers and the public for educational purposes.					
Interviews • The oral interviews shall be no longer than 1-2 hours in length and could be conducted in a group setting, if feasible or practical. • Each interview (with permission of the interviewee) shall be recorded with a digital voice recorder and use Digital Speech Standard (DSS) Player Software to create a topic index for the interviews linked to a time counter so that the topic index would be searchable on the CD ROM (or DVD) containing the recording of the interview. Use of this software would eliminate the need for full written transcript of the interviews. • Post-Interviews • Archive quality CDs shall be prepared containing a recording of the interview, topic					

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index, biographical data sheet, and a read.me file explaining the contents of the CD and how to use the DSS Player Software. • Short biographical data sheets with a photograph of each interviewee shall be prepared for each interviewee and put in a file on the CD. • Interviewers shall synthesize relevant information from the oral histories into a thematic narrative presenting understandings and insights. This narrative shall be included on the CDs. • Typed transcripts of interviews would not be required. • CDs shall be disseminated to appropriate repositories identified in the Documentation Dissemination portion of this Mitigation Measure. • If required, the oral history project shall be monitored and enforced by the City Preservation Director to the extent determined by the City Preservation Director. All costs associated with the oral history project shall be borne by the project applicant.					

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(c) Documentation Dissemination The HABS/HAER–like documentation of the Bercut-Richards cannery complex shall be disseminated on archival quality paper to appropriate repositories and interested parties. The distribution of the documentation shall include the California Historical Resources Information System Northeast Information Center at California State University Sacramento; the California State Library in Sacramento; the Sacramento Archives and Museum Collection Center (SAMCC); the Sacramento County Historical Society; the Sacramento Public Library's Sacramento Room; the Sacramento Discovery Museum; and other local repositories determined by the City Preservation Director. If the oral history project is conducted, CDs prepared during the oral history project shall be on archive-quality discs, such as archival gold CD-Rs, and disseminated to the same repositories as the HABS/HAER–like documentation.	Disseminate documentation of cannery to appropriate repositories and interested parties.	Project Applicant.	Prior to the issuance of demolition permits.	Development Services/City's Preservation Director.	
(d) Interpretation of the Property Under the direction and enforcement of the City Preservation Director, measures shall be implemented to interpret the property's historic significance for the public and for residents that will inhabit the property. All costs associated with interpretation of the property shall be borne by the project applicant. Interpretive and/or educational exhibits shall include but are not necessarily limited to the following items:	Interpret the property's historic significance for the public and for residents that will inhabit the property.	Project Applicant.	Ongoing during project development.	Development Services/City's Preservation Director.	

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Permanent Interpretive Displays/Signage/Plaques The applicant shall install a minimum of three interpretive displays on the project that will provide information to visitors and residents regarding the history of the Bercut-Richards Packing Company, the Sacramento canning industry, and the former Bercut-Richards cannery. These displays shall be integrated into the design of the public areas of the new housing and retail and shall be installed in highly visible public areas such as the property's parks, the North 7th Street portion of the project, or in public areas on the interiors of buildings. The displays shall include historical data taken from the HABS/HAER–like documentation or other cited archival source and shall also include photographs. Displayed photographs shall include information about the subject, the date of the photograph, and photo credit / photo collection credit. At least one display shall include physical remnants of architectural elements that will be salvaged from the Bercut-Richards Packing Company buildings (see De-Construction, Salvage, and Reuse below) One of the displays shall be the traveling exhibit (described below) which shall be permanently installed in a highly visible location in a publicly accessible lobby following completion of its tour. The applicant shall install at least one sign or plaque near the corner of Richards Boulevard and North 7th Street to indicate that the Bercut-Richards Packing Company plant once stood on the property. Additional signage / plaques may be installed to provide interpretive information about any historical photographs or architectural salvage used or installed on the property.					

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Interpretive displays and the signage/plaques installed on the property shall follow the Township 9 Design Guidelines and be sufficiently durable to withstand typical Sacramento weather conditions for at least twenty-five years. Displays and signage/plaques shall be lighted, installed at pedestrian-friendly locations, and be of adequate size to attract the interested pedestrian. Maintenance of displays and signage/plaques shall be included in the management of the common area maintenance program on the property.					

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Exhibits And Written Documentation for Publication on a Web Site The applicant shall publish exhibits and written documentation on a Web site regarding the history of the Sacramento canning industry and the Bercut-Richards Cannery complex. This information shall be derived from the HABS/HAER–like documentation, and the reports titled Historical Resource Inventory and Evaluation Report, Bercut- Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006 and Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. The publication shall include text and photographs. The text shall be written for popular consumption, but also be properly cited following historical documentation standards. Publication of these materials shall be either on an independent Web site maintained by the project applicant (or its successor property management company) or be donated for posting on a local history website, such as www.sacramentohistory.org (owned by SAMCC). The materials shall be available on the Web site for at least two years following demolition of the former Bercut-Richards cannery complex. Traveling Exhibit The applicant shall have a traveling exhibit prepared that will be loaned to local museums (such as the Sacramento Discovery Museum) and, if possible, at public libraries and/or public buildings in the Sacramento region. The exhibit will be prepared under the direction of and approved by					

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the City's History and Science Manager. The small exhibit shall include panels or boards that provide information and photographs regarding Sacramento's canning industry history, the Bercut-Richards Packing Company, and the Bercut-Richards cannery complex. The exhibit shall include three or more 2x2 foot boards that can be either wall mounted or displayed on easels. The exhibit shall be supplemented in museum settings with small former cannery site. Following installation of the exhibit in local museums and other locations, the exhibit shall be permanently displayed in a highly visible location in a publicly accessible lobby on the property and will fulfill a portion of the on-site interpretation mitigations discussed above.					

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(e) <u>De-Construction, Salvage, and Reuse</u> The project applicant shall preserve and rehabilitate the scale house (Building 11) according to the Secretary of the Interior's Rehabilitation Standard and the State Historic Building Code. The rehabilitation of the building shall be submitted as a Preservation application once it is determined where the building would be located and what its use might be. The applicant shall consult with the City of Sacramento's Preservation Director regarding the potential de-construction, salvage, and/or reuse of other architectural features from the existing Bercut-Richards Packing cannery complex that would serve as important artifacts and physical reminders of the cannery's material existence and importance. Examples of the property's character-defining features that could be potentially salvaged are illustrated in Appendix B of the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC. To the extent that is reasonable and feasible as determined by the City, the project applicant shall use some architectural features in the property's new design. Such features shall be displayed in highly visible public areas of the development, such as in building lobbies or on the exterior of buildings in the parks or along the proposed North 7th Street portion of the project. Salvaged and reused features shall be accompanied by interpretive information on signage/plaques to indicate their origins as part of the Bercut Richards cannery complex. Potentially salvageable features are identified in Section 6.3., Impacts Analysis and Suggested Mitigation of the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC and on file with the City	Verify that Building 11 has been preserved and relocated, per the mitigation, consult with the City of Sacramento's Preservation Director regarding the potential de-construction, salvage, and/or reuse of other architectural features from the existing Bercut-Richards Packing cannery complex.	Project Applicant.	Prior to issuance of building permit and during construction.	Development Services/City's Preservation Director.	

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The applicant shall also offer architectural features and materials to museums and other local repositories for curation and display. SAMCC and the Sacramento Discovery Museum, for example, would be repositories that may be interested in the salvaged materials, as they have archival storage facilities for artifacts and some ability to display them. Other interested parties may be those interested in the history of industrial buildings or materials such as masonry and bricks (such as Dan Mosier, who maintains a collection of historic bricks and provides the public information about the companies that manufactured them on his website, http://calbricks.netfirms.com/).					
(f) Design Guidelines The final Design Guidelines for the proposed project shall take into account that the project is removing a historically significant cannery and industrial site. The final Design Guidelines shall encourage the use of design features of the historic buildings of the cannery in the new buildings to be constructed on the property. The City Preservation Director shall be given the opportunity to help review and refine the Design Guidelines to ensure that the architecture of the new buildings help convey the history and significance of the property. Character-defining features that could be included in the Design Guidelines are identified the report titled Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC and on file with the City Preservation Director and SAMCC.	Verify that the Design Guidelines have been reviewed by the City's Preservation Director.	Project Applicant.	Prior to the issuance of grading or construction permits.	Development Services/City's Preservation Director.	

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6.4-2 (A & B) (a) Prior to the initiation of ground-disturbing project activities, the project applicant shall hire a Project Archaeologist who meets the Secretary of the Interior's Standards for Archaeology. All project-related activities conducted by the Project Archaeologist shall be funded by the project applicant. (b) The Project Archaeologist shall review the following documents on file with the City Preservation Director: • North Central Information Center, Records Search Results for Capitol Station 65 Project, Richards Boulevard Area Plan, EIP Project # D51214.01, NCIC File No.: SAC-06-139, August 9, 2006. • Historical Resource Inventory and Evaluation Report, Bercut-Richards Packing Company Property, 427 North 7th Street, Sacramento, California 95814, prepared by JRP Historical Consulting LLC in 2006. • Historical Research Study of the Historic Bercut-Richards Packing Company Site and Surrounding Sacramento Area, prepared by Lisa C. Prince in 2006. (c) Prior to the initiation of ground-disturbing project activities, the Project Archaeologist shall conduct a pedestrian survey of all unpaved portions of the project site.	Hire a Project Archaeologist to conduct background research, conduct a pedestrian survey, conduct on-site construction monitoring, and to provide training in cultural resource identification and discovery procedures for construction personnel.	Project Applicant.	Prior to issuance of grading permit and during ground disturbance activities.	Development Services/City's Preservation Director.	

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(d) If the Project Archaeologist determines that the background research and pedestrian survey show evidence of potentially significant cultural resources within the project site where excavation or ground disturbance is planned, the Project Archaeologist shall conduct on-site monitoring of ground-disturbing construction activities (e.g., grading excavation, and trenching) in the areas determined to be sensitive for significant cultural resources. (e) The archaeologist shall provide training in cultural resource identification and discovery procedures for construction personnel that will be involved in ground-disturbing demolition or construction throughout the project site.					
(f) In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted immediately, and the City Preservation Director shall be notified within 24 hours. The City Preservation Director shall consult with The Project Archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City Preservation Director and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. (g) If a Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and					

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Native American representatives who are approved by the Native American Heritage Commission (NAHC) as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior's professional qualifications for Archaeology and/or Architectural History.					
(h) If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 100 feet of the remains shall be halted immediately, and the Sacramento County coroner and Preservation Director shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City Preservation Director shall be responsible for approval of recommended mitigation as it deems appropriate,	If human remains are discovered, halt construction within 100 feet of discovery, notify Sacramento County coroner and Preservation Director immediately.	Project Applicant.	Ongoing during construction.	Development Services/City's Preservation Director.	

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taking account of the provisions of state law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City Preservation Director, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.					
.4-3 (A & B) Implement Mitigation Measure 6.4-1.	See MM 6.4-1.	See MM 6.4-1.	See MM 6.4-1.	See MM 6.4-1.	
6.4-4 (A & B) Implement Mitigation Measure 6.4-2.	See MM 6.4-2.	See MM 6.4-2.	See MM 6.4-2.	See MM 6.4-2.	
6.5 Geology and Soils					
6.5-1 (A & B) Prior to the commencement of any grading activities, the applicant shall retain an erosion control professional, landscape architect, or civil engineer specializing in sediment control to prepare an ESC plan consistent with Chapter 15.88.250 of the City of Sacramento Municipal Code. The ESC plan shall include a statement of purpose, proposed best management practices, and the required information from the Manual of Standards, Chapter 2, Section 3. The Plan shall be submitted with the final grading plan. The ESC plan shall be implemented by the applicant, and enforced by the City of Sacramento Department of Public Works, prior to pre-construction activities and shall continue through the completion of all final improvements and permanent structures.	Verify an ESC plan was prepared consistent with City requirements.	Project Applicant.	Submitted with the final grading plan and ongoing during construction.	Development Services/ Public Works.	
6.5-3 (A & B) (a) Prior to issuance of the building permit, the project applicant shall ensure that all designs for mid- and high-rise structures within the proposed project minimize differential settlement impacts enabling the soils underlying the project site to support such structures. The most appropriate methods to mitigate the effects of differential	Verify that building designs have addressed any and all soils issues.	Project Applicant.	Prior to issuance of any building permits.	Development Services/ Public Works.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
settlement within the proposed project shall be determined by the project applicant in consultation with a qualified geotechnical engineer based on recommendations set forth in the Preliminary Geotechnical Engineering Report, Capitol Station 65 (July 13, 2006) prepared by Wallace-Kuhl & Associates, Inc.					
Recommendations identified in the Preliminary Geotechnical Engineering Report to mitigate the effects of differential settlement on high-rise structures (six stories or higher) include the use of a deep foundation system, such as driven piles or auger-cast piles, that extends into dense sands and gravels underlying the project site, and overexcavation and recompaction of the upper three to five feet of soil within the building footprints to support interior floor slabs and in areas of pavement and flatwork.					
(b) During excavation activities, the project contractor shall comply with the recommendations set forth in the Preliminary Geotechnical Engineering Report, Capitol Station 65 (July 13, 2006) prepared by Wallace-Kuhl & Associates, Inc. regarding trenching activities. Implementation of the recommendations shall be monitored by the City of Sacramento.	Verify compliance with the recommendations set forth in the Geotechnical Report prepared for the project.	Project Applicant and/or contractor.	During excavation activities.	Development Services/ Public Works.	
(c) Although the presence of high concentrations of organic refuse has not been confirmed throughout the site, any such material, such as the peach pit refuse discovered in the western portion of the project site, shall be removed prior to the commencement of site preparation activities. The project applicant shall retain a geotechnical engineer to ensure that the proper removal of organic refuse be completed to ensure structural safety.	Verify proper removal of any organic refuse.	Project Applicant.	Prior to earth disturbing activities or issuance of grading n permits.	Development Services/ Public Works.	

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.5-4 (A & B) (a) Prior to approval of the final grading plan, the project applicant shall retain a qualified dewatering contractor to design, install, and operate a project-specific construction dewatering system. Excavation work shall be scheduled during the dry season (summer to early winter) when river levels are low and excavation is less likely to encounter groundwater, making dewatering activities as minimal as possible. A groundwater depth of at least three feet below the lowest anticipated excavation depth shall be maintained to provide a stable surface for construction equipment. When necessary, alternative methods such as sheet piles or soil cement columns may be used to allow localized dewatering and help prevent dewatering effects on adjacent sites. Implementation of the plan during dewatering activities shall be monitored by the City of Sacramento Department of Engineering and/or Department of Public Works, as appropriate.	Verify a project-specific dewatering system has been prepared and reviewed by the city.	Project Applicant.	Prior to approval of final grading plan.	City of Sacramento Department of Engineering and/or Department of Public Works.	
(b) Prior to approval of the final grading plan, the City shall ensure that all walls, foundations, and floor slabs constructed below an assumed groundwater level of +15 feet msl are sealed, waterproofed, and designed to withstand hydrostatic uplift and lateral stresses exerted by groundwater. This measure shall be implemented to the satisfaction of the Department of Engineering and/or Department of Public Works as appropriate.	Verify that all walls, foundations and floor slabs have been designed to withstand hydrostatic pressure.	Project Applicant.	Prior to approval of final grading plan.	Department of Engineering and/or Department of Public Works as appropriate.	
6.6 Hazardous Materials and Public Safety					
6.6-2 (A & B) Prior to the commencement of demolition/construction, the project applicant shall retain a transportation planner to prepare a Traffic Management Plan (TMP)	Verify a TMP has been prepared that addresses construction	Project Applicant.	Prior to issuance of demolition, grading or	Development Services.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
for construction activities, in accordance with Sections 12.20.020 and 12.20.030 of the Sacramento Municipal Code. Elements of the TMP shall include: • The name and business address of the applicant; • A diagram showing the location of the proposed work area; • A diagram showing the locations of areas where public right-of-way may be closed or obstructed; • A diagram showing the placement of traffic control devices; • The proposed phasing of traffic control; • Times when traffic control would be in effect; • Times when demolition/construction activities would prohibit access to private property from a public right-of-way; • A statement that the applicant shall comply with the City's noise ordinance during the performance of all work; and • A statement that the applicant understands that the plan may be modified by the director at any time in order to eliminate or avoid traffic conditions that are hazardous to the safety of the public. The project applicant shall submit the TMP to the City for review and approval. The City shall approve, approve with modifications to the plan, or disapprove the plan. In the event that the demolition/construction work to be performed under the TMP is not performed and completed within the times specified within the	traffic and has been reviewed and approved by the city.		building permits.		

TOWNSHIP 9 PROJECT

MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
application for the proposed plan, the plan shall be considered expired and void. A new plan shall be required prior to the commencement or continuation of work.					
6.6-3 (A & B) (a) In the event that previously unidentified soil or groundwater contamination, USTs, or other features or materials that could present a threat to human health or the environment are discovered during excavation and grading or construction activities, all construction within the project site shall cease immediately, and the applicant shall retain a qualified professional to evaluate the type and extent of the hazardous materials contamination and make appropriate recommendations, including, if necessary, the preparation of a site remediation plan. Pursuant to Section 25401.05 (a)(1) of the California Health and Safety Code, the plan shall include: a proposal in compliance with application law, regulations, and standards for conducting a site investigation and remedial action, a schedule for the completion of the site investigation and remedial action, and a proposal for any other remedial actions proposed to respond to the release or threatened release of hazardous materials at the property. Work within the project site shall not proceed until all identified hazards are managed to the satisfaction of the City and the SCEMD.	Verify that in the event an UST is discovered that work stop and the applicant retains a qualified professional to evaluate the hazards and, if necessary, prepare a site remediation plan.	Project Applicant.	During all earth disturbing activities.	Development Services and SCEMD.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(b) In the event site investigation and/or remediation is required, the applicant shall ensure preparation of a site-specific health and safety plan that meets the intent of OSHA hazardous materials worker requirements California Code of Regulations (CCR) Title 8). The plan shall be prepared by a qualified professional prior to the commencement of site-disturbing activities associated with the investigation and/or remediation. The plan shall provide for the identification, evaluation, control of safety and health hazards, and emergency response to hazardous waste operations. Pursuant to the requirements of state and federal law, the site-specific health and safety plan may require, but would not be limited to: the use of personal protective equipment, onsite controls (e.g., continuous air quality monitoring) during construction, and other precautions as determined to be necessary by the plan preparer.	Verify preparation of a site remediation plan if any hazards are identified on-site.	Project Applicant.	Prior to issuance of grading permits.	Development Services.	
(c) In the event contaminated groundwater is identified, any discharges to the sewer, if determined to the appropriate method of disposal, shall be in accordance with the City Department of Utilities Engineering Services Policy No. 0001, adopted as Resolution No. 92-439 by the Sacramento City Council.	Verify proper procedures are followed for disposal of contaminated groundwater.	Project Applicant.	Ongoing during construction.	Department of Utilities.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.6-4 (A & B) Prior to demolition of any structures located on the project site, the project applicant shall retain a state-certified risk assessor to conduct a risk assessment or paint inspection of all structures on-site constructed prior to 1978 for the presence of lead-based paint. If lead-based paint is determined to exist on site, the risk assessor shall prepare a site-specific lead hazard control plan. Paint removal methods may include, but are not limited to: use of a heat gun, tools equipped with HEPA exhaust capability, wet scraping, and chemical removers. The plan shall also provide specific instructions for providing protective clothing and gear for abatement personnel. The project applicant shall then retain a state-certified lead-based paint removal contractor independent of the risk assessor to conduct the appropriate abatement measures as required by the plan. Wastes from abatement and demolition activities shall be managed and disposed of at a landfill(s) licensed to accept lead-based waste. Once all abatement measures have been implemented, a state-certified risk assessor shall conduct a clearance examination and provide written documentation to the City that lead-based paint testing and abatement, if necessary, has been completed in accordance with all federal, state, and local laws and regulations, including: lead-based paint exposure guidelines provided in "Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing" by the U.S. Department of Housing and Urban Development (HUD), Construction Safety Order 1532.1 from Title 8 of the CCR, and the California Department of Health Services.	Verify that a risk assessment has been performed to determine the presence of any lead-based paint. If any lead-based paint is identified verify that the proper procedures have been followed to remove and dispose.	Project Applicant.	Prior to issuance of demolition permits and ongoing during demolition activities.	Development Services.	
6.6-5 (A & B) Implement Mitigation Measures 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	See MM 6.6-3 and 6.6-4.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.6-6 (A & B) Implement Mitigation Measure 6.6-2.	See MM 6.6-2.	See MM 6.6-2.	See MM 6.6-2.	See MM 6.6-2.	
6.7 Hydrology and Water Quality					
6.7-2 (A & B) Prior to the issuance of a grading permit, the project applicant shall: (a) Provide proof that a NOI for coverage under the State NPDES General Permit for Discharges of Storm Water Runoff associate with Construction Activity has been submitted to the State Water Resources Control Board. (b) Prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the State Water Resources Control Board that includes the following items: • A vicinity map showing the construction site, nearby roadways, topography, and geographic features surrounding the site; • A site map showing the proposed project in detail, including the existing and planned paved areas, buildings, topography, drainage patterns across the project site, and the proposed stormwater discharge locations; • A detailed, site-specific listing of the potential sources of stormwater pollution; • A description of the type and location of erosion and sediment control BMPs to be implemented at the project site; • The name and phone number of the person responsible for implementing the SWPPP; and • Certification by the landowner or an authorized	Verify that the applicant has submitted a NOI to the SWRCB and that a SWPPP has been prepared to the satisfaction of the SWRCB.	Project Applicant.	Prior to issuance of a grading permit.	Development Services.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
representative of the landowner.					
(c) Obtain, if necessary, a dewatering permit or MOU from the City.	If necessary, verify a dewatering permit or MOU has been obtained from the city.	Project Applicant.	Prior to issuance of a grading permit.	Development Services.	
(d) Prepare an Erosion and Sediment Control Plan (ESC plan) in compliance with the Section 15.88.250 of the City's Municipal Code, Grading Ordinance, and Stormwater Management and Discharge Ordinance, with guidance from the Administrative and Technical Procedures Manual for Grading and Erosion and Sediment Control. The ESC plan shall include erosion control BMPs, sediment control BMPs, and good housekeeping practices to be implemented during construction.	Verify a ESC plan has been prepared to the satisfaction of the city.	Project Applicant.	Prior to issuance of a grading permit.	Development Services/ Public Works.	
(e) Prepare a post construction erosion and sediment control plan (PC) plan to control surface runoff and erosion after construction of the proposed project has been completed. The plan shall contain a statement of the purposed of the proposed BMPs and all the information required and contained in the Administrative and Technical Procedures Manual for Grading and Erosion and Sediment Control.	Verify a post ESC plan has been prepared to the satisfaction of the city.	Project Applicant.	Prior to issuance of a grading permit.	Development Services/ Public Works.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(f) Incorporate specific source control measures for: 1) commercial/industrial material storage, 2) commercial/industrial outdoor materials handling, 3) commercial/industrial vehicle and equipment fueling, 4) commercial/ industrial vehicle and equipment maintenance, repair, and washing, 5) commercial/industrial/multi-family residential waste handling, 6) multi-family residential vehicle wash areas, and 7) permanent "no dumping-drains to river" storm drain markings. Since this project is not served by a regional water quality control facility and is greater than one acre, the project shall be required to incorporate regional and/or on-site stormwater quality control measures such as water quality basins, vegetated swales, stormwater planters, and/or sand filters. The project applicant shall be required to provide a mechanism to fund the maintenance of the treatment control measures including entering into a maintenance agreement.	Verify a post ESC plan has been prepared to the satisfaction of the city.	Project Applicant	Prior to issuance of a grading permit.	Development Services/ Public Works.	
6.7-3 (A & B) Prior to the issuance of grading permits, the project applicant shall implement the Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters, as established by the CVRWQCB, which shall be enforced by the City. The permit states that construction dewatering activities may occur provided that discharges do not contain significant quantities of pollutants and are either four months or less in duration or the average dry weather discharge does not exceed 0.25 mgd.	Verify the WDR will be implemented during construction.	Project Applicant.	Prior to issuance of a grading permit and ongoing during construction.	Development Services/ Public Works.	
6.7-5 (A & B) Implement Mitigation Measures 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	See MM 6.7-2 (a) through (f) and 6.7-3.	
6.7-6 (A & B) Implement Mitigation Measure 6.7-3.	See MM 6.7-3.	See MM 6.7-3.	See MM 6.7-3.	See MM 6.7-3.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.8 Noise and Vibration					
6.8-1 (A & B) The contractor shall ensure that the following measures are implemented during all phases of project construction: (a) Whenever construction during later project stages occurs near residential and other noise-sensitive uses built on site during earlier project stages, temporary barriers shall be constructed around the construction sites to shield the ground floor and lower stories of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90. The barrier shall not contain any gaps at its base or face, except for site access and surveying openings. The barrier height shall be designed to break the line-of-sight and provide at least a 5 dBA insertion loss between the noise producing equipment and the upper-most story of the adjacent noise-sensitive uses. If for practical reasons, which are subject to the review and approval of the City, a barrier can not be built to provide noise relief to the upper stories of nearby noise-sensitive uses, then it must be built to the tallest feasible height.	Verify noise reduction and attenuation measures are implemented as set forth in MM 6.8-1.	Project Applicant and/or contractor.	Prior to issuance of a building permit; implement measures during ground disturbing and construction activities.	City of Sacramento Building Division.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(b) Construction activities shall comply with the City of Sacramento Noise Ordinance, which limits such activity to the hours of 7 a.m. to 6 p.m. Monday through Saturday, the hours of 9 a.m. to 6 p.m. on Sunday, prohibits nighttime construction, and requires the use of exhaust and intake silencers for construction equipment engines. (c) Construction equipment staging areas shall be located away from residential uses; pre-drill pile holes and use quieter "sonic" pile-drivers, where feasible; and restrict high noise activities, such as pile driving, the use of jackhammers, drills, and other generators of sporadic high noise peaks, to the hours of 7 a.m. to 6 p.m. Monday through Friday, or other such hours satisfactory to the City.					
6.8-2 (A & B) For pile driving within 100 feet of an existing building, the project applicant shall drill pilot holes for piles, to the extent feasible, prior to commencement of impact pile driving. Prior to issuance of a building permit, the project applicant shall submit to the City for approval the anticipated depth to which piles will be drilled and the estimated start date and end date of impact pile driving.	Verify that the applicant has submitted documentation showing the depth of the piles and estimated start and end dates.	Project Applicant.	Prior to issuance of building permits and ongoing during pile driving.	Development Services.	
6.8-3 (A & B) (a) Prior to the issuance of building permits, the applicant shall have a certified acoustical professional prepare a site-specific acoustical analysis for residential uses that details how the outdoor common areas would achieve an exterior noise level of less than 60 dB L_{dn} and an interior noise level of less than 45 dB L_{dn} consistent with City of Sacramento General Plan noise standards. Noise reduction measures to ensure acceptable interior noise levels could include, but	Verify preparation of a site-specific acoustical analysis has been prepared that addresses MM 6.8-3(a) and has been submitted to the city for review and approval.	Project Applicant.	Prior to issuance of building permits.	Development Services.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
might not be limited to: use of dual-pane, sound-rated windows; mechanical air systems; and exterior wall insulation. Noise reduction design features to ensure acceptable exterior noise levels could include, but might not be limited to: orienting buildings between Richards Boulevard and exterior common areas. The results of the analysis shall be submitted to the City for review and approval and appropriate recommended noise reduction measures/design features shall be incorporated into project design, as feasible.					
(b) Prior to issuance of occupancy permits, at least one 24 hour noise measurement per residential unit fronting Richards Boulevard shall be completed to ensure that interior noise levels attain legal requirements. The results of each measurement shall be reported to both the applicant and the City.	Verify that the applicant has completed a 24-hr noise measurement for units fronting Richards Boulevard with the results reported to the city.	Project Applicant.	Prior to issuance of occupancy permits.	Development Services.	
6.8-4 (A & B) (a) Prior to the issuance of building permits, the applicant shall submit engineering and acoustical specification for project mechanical HVAC equipment to the Planning Director demonstrating that the equipment design (types, location, enclosure, specifications) will control noise from the equipment to at least 10 dBA below existing ambient at nearby residential and other noise-sensitive land uses.	Verify engineering and acoustical specifications for HVAC equipment has been provided to the city's Planning Director.	Project Applicant.	Prior to issuance of building permits.	Development Services.	
(b) Garbage storage containers and building loading docks shall be placed to allow adequate separation to shield adjacent residential or other noise-sensitive uses.	Verify that the project design does not place garbage	Project Applicant.	Prior to issuance of building permits.	City of Sacramento Building Division.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
(c) Noise generating stationary equipment associated with proposed commercial and/or office uses, including portable generators, compressors, and compactors shall be enclosed or acoustically shielded to reduce noise-related impacts to noise-sensitive residential uses.	containers or loading docks in areas that would disturb residences. Verify all stationary equipment is adequately shielded.	Project Applicant.	Prior to issuance of building permits.	Development Services.	
6.8-5 (A & B) Implement Mitigation Measure 6.8-3.	See MM 6.8-3.	See MM 6.8-3.	See MM 6.8-3.	See MM 6.8-3.	
6.9 Public Services					
6.9-13 (A & B) The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate neighborhood park facilities are provided in the City.	Verify fees have been paid.	Project Applicant.	Prior to occupancy.	Development Services/ Parks Department.	
6.9-14 (A & B) The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate community park facilities are provided in the City.	Verify fees have been paid.	Project Applicant.	Prior to occupancy.	Development Services/ Parks Department.	
6.9-15 (A & B) The project applicant or developer shall comply with the City's Park Development Impact Fund and pay required fees to ensure adequate citywide or regional park facilities are provided in the City.	Verify fees have been paid.	Project Applicant.	Prior to occupancy.	Development Services/Parks Department.	
6.9-16 (A & B) Implement Mitigation Measure 6.9-13.	See MM 6.9-13.	See MM 6.9-13.	See MM 6.9-13.	See MM 6.9-13.	
6.9-17 (A & B) Implement Mitigation Measure 6.9-14.	See MM 6.9-14.	See MM 6.9-14.	See MM 6.9-14.	See MM 6.9-14.	
6.9-18 (A & B) Implement Mitigation Measure 6.9-15.	See MM 6.9-15.	See MM 6.9-15.	See MM 6.9-15.	See MM 6.9-15.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
6.11 Transportation and Circulation					
6.11-1 (A & B) (a) At the I-5 southbound ramps / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, one southbound left-turn lane to provide two left-turn lanes and one combination through-right lane; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits. The project applicant's fair share contribution shall be determined based on the Richards Boulevard Area Plan and Facility Element in place as building permits are issued for each building.	The applicant shall pay their fair share contribution for the planned I-5/ Richard Blvd Interchange and provide a fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to issuance of building permits.	Development Services/ Department of Transportation.	

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MITIGATION MONITORING PLAN

Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
With implementation of this mitigation measure, the level of service under Scenario A would be reduced to LOS E (56.4 seconds delay) in the a.m. peak hour and LOS D (37.8 seconds delay) in the p.m. peak hour; thus reducing the impact to a less-than-significant level; the level of service under Scenario B would be reduced to LOS E (77.9 seconds delay) in the a.m. peak hour and LOS D (49.5 seconds delay) in the p.m. peak hour; thus reducing the impact to a less-than-significant level in the a.m. peak hour but the impact in the p.m. peak hour would remain significant and unavoidable. To fully mitigate the impact would require widening of the freeway ramp to provide an additional lane to the west. However, the freeway ramp is not under the jurisdiction of the City but is subject to Caltrans' jurisdiction. In addition, to implement this mitigation measure would require acquisition of additional right of way for a new lane to the west. Finally, this improvement is not included in any of Caltrans' funding mechanisms. Because this mitigation is beyond the control of the project applicant, outside the jurisdiction of the City, and there is not an established funding mechanism available for contribution, this mitigation measure is considered infeasible and the impact is considered significant and unavoidable. These results are shown in Table 6.11-13.					

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Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party	Verification of Compliance
The City of Sacramento shall require the project applicant to provide a fair share contribution to help fund the local share of the DNA project costs. The amount shall be based on the project's projected retail and office transit trips in relation to the DNA project's projected total transit trips for the first phase of the DNA project. The applicant shall also dedicate the right-of-way for the light rail alignment and station within the Township 9 project boundaries. The applicant shall receive credit for the fair market value of the dedicated station land against its fair share DNA contribution. The Development Agreement shall detail the terms of donating the land once the DNA project construction is ready to proceed, and the payment of the net fair share contribution, if any, shall be owed on a proportional basis at the time of issuance of proposed project building permits.					
(b) At the I-5 northbound ramps / Richards Boulevard intersection, under both Scenario A and Scenario B, the City shall install, or cause to be installed, one westbound right-turn lane to provide two right-turn lanes and two through lanes; and optimize signal timing. The City has included the cost of this improvement in its approved Richards Boulevard Area Plan and Facility Element and the project applicant shall provide "fair-share" funding for this improvement through payment of traffic impact fees. The applicant's fair share contribution shall be calculated pro rata, on a per unit and/or square foot basis, based upon the land uses identified in development applications submitted to the City. The fair share contribution shall be paid to the City prior to the issuance of building permits. The project applicant's fair share contribution shall be determined based on the	The applicant shall pay their fair share contribution for the planned I-5/ Richard Blvd interchange and provide a fair share contribution to help fund the local share of the DNA project costs.	Project Applicant.	Prior to issuance of building permits.	Development Services / Department of Transportation.	