RESOLUTION NO. 2007-641

Adopted by the Sacramento City Council

August 28, 2007

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.

Table of Contents:

Exhibit A – CEQA Findings of Fact and Statement of Overriding Considerations
Exhibit B – Mitigation Monitoring Plan

Adopted by the City of Sacramento City Council on August 28, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.

Heather Fargo

Mayor Heather Fargo

Attest:

Dawn Bullwinkel

for Shirley Concolino, City Clerk

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 off-set 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.

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

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) <u>Documentation / Recordation</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 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:

Mitigation Measures (Baseline Plus Project)

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